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'Dead' Voters and Multiple Voting

5/9/2007

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

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'Dead' Voters and Multiple Voting

5/9/2007

Type	Absentee/ person	Partisan Allegation	Other Source for Allegation	Investigation?	Other Official involvement?	Charged (Individuals)	Acquittal/ Dismissal	Convicted/ guilty pleas (individuals)	Other determination	Follow-up possible? (Open investigations and/or pending charges)	City/ County	State	Date	Type of Election	Alleged instance of fraud	Original Source	Resolution of Incident/ allegation	Source of Resolution: 1	Source of Resolution: 2
Multiple	Absentee			County					Ballots not counted	Yes	Palm Beach	Florida	5-Dec-02	2002 general	The County State Attorney will be investigating about a dozen people accused of voting twice. Each cast an absentee ballot and voted on Election Day. The Secretary of State says they may have forgotten they voted absentee. They all had to vote by provisional ballots so none of the second votes were counted. This is the first time the Secretary's office has found people who voted twice.	Sun-Sentinel			
Multiple	Absentee								Ballots discarded		Indian River	Florida	2-Nov-04	presidential	One voter returned two absentee ballots - the first one was counted and the second discarded. A woman voted by absentee and then during early voting. Her absentee ballot will be thrown out.	Press Journal (Vero Beach)			
Multiple	Absentee			Press						Yes	Palm Beach	Florida	6-Nov-04	presidential	The Palm Beach Post reports that three voters cast absentee ballots and then filled out provisional ballots on Election Day. Local officials have asked the Attorney General to investigate. The Post reached two of the voters and they said they cast provisional ballots because when they tried to check on their absentee ballots they were unable to confirm they had been received.	Florida Times Union			
Multiple	Both			State			12			Yes	Volusia	Florida	6-Nov-04	presidential	Volusia officials said Friday they have identified 12 cases of suspected election fraud stemming from Tuesday's presidential election. All involved people trying to vote twice, said County Judge Steven deLaroché, a member of the county canvassing board. In one case, which occurred during early voting, a person was caught trying to feed an absentee ballot into a tabulating machine after casting a traditional ballot, deLaroché said. That person was stopped by a poll worker. In the other 11 cases, people who had voted by absentee ballot or at an early-voting site tried to vote a second time on Election Day, he said. In those cases, election workers discovered the attempts when computers showed those voters had already cast ballots. All the cases will be forwarded to the State Attorney's Office for prosecution.	Orlando Sentinel			

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'Dead' Voters and Multiple Voting

5/9/2007

Type	Absentee/In person	Partisan Allegation	Other Source for Allegation?	Investigation?	Other Official Involvement?	Charged (Individuals)	Acquittal/Dismissal	Convicted/guilty pleas (Individuals)	Other determination	Follow-up possible? (Open Investigations and/or pending charges)	City / County	State	Date	Type of Election	Alleged instance of fraud	Original Source	Resolution of incident/allegation	Source of Resolution 1	Source of Resolution 2
Multiple	Absentee			Federal					Clerical Error		Duval	Florida	31-Jul-05	presidential	Officials said in January that a review of records found more than 50 cases in which the same person had cast an absentee and in person ballot. An FBI investigation found that every one of those instances was due to a clerical error, such as someone signing the voter rolls before they were told they had to vote elsewhere.	AP			
Multiple	In person			County					Ballot discarded		Fulton	Georgia	30-Sep-04	primary	A man who may be facing felony charges for voting twice says he voted during the early period and that when he went to his precinct on election day to make sure that vote had been recorded, he was told it was not. The poll worker told him he should vote again. Fulton County investigated and found no other advance voters had voted again on the day of the election. The registration chief acknowledged the county was late getting names of advance voters to the polls. The advance vote was tossed out after it was discovered.	Atlanta Journal Constitution			
Multiple						1			Yes		Marshall	Illinois	13-Nov-04 and 2004		A man has been charged for voting twice, in both Kane County and Marshall County	South Bend Tribune			
Dead				Press					Yes		Lake County	Indiana	16-May-04	county primary	A newspaper analysis shows that five votes cast were attributed to people who were dead well before the election.	AP			
Multiple	Absentee							1			Prairie Village	Kansas	8-Jan-05	2002 general	A woman who voted twice pled guilty – she had voted from her business address and cast an absentee ballot from a different location in the same election.	Kansas City Star			
Multiple	In person			County							Hancock	Louisiana	3-Nov-04	presidential	A woman called a radio talk show Tuesday and admitted casting fraudulent votes in Hancock County. The woman said she voted once using her own name, but after realizing she was not required to show identification, she waited several hours and returned to the polls and used a friend's name. The county clerks said the incident seems to be isolated and her office has not received evidence of other fraudulent votes elsewhere in the county.	The Sun Herald			
Multiple											Duluth	Minnesota	3-Nov-04	presidential	A voter claims someone forged his signature to vote under his name. He reported the incident to City Hall	Duluth News-Tribune			

012027

'Dead' Voters and Multiple Voting

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Multiple	In person					1				Yes	Minneapolis	Minnesota	23-Feb-05	presidential	A felony charge filed Tuesday in Hennepin County District Court accuses Darin Randall Johnson, 34, of registering to vote and casting ballots in three different places in the November election. The criminal complaint alleges he filled out same-day registration forms and voted once in Brooklyn Park and twice in Minneapolis.	Saint Paul Pioneer Press			
Multiple	In person							1			Kansas City	Missouri	28-Mar-05	various	Man pleads guilty to casting double votes in four elections by voting in both Kansas and Missouri	Kansas City Star			
Multiple				Press		2				Yes	Kansas City	Missouri	September 6, 2004	all	Kansas City Star reports that their investigation shows there may be more than 300 voters voting twice in different counties. The exact number is impossible to determine because many counties have shredded their poll books and state computer files are rife with data errors. In fact, the number may be lower because the state computer files contain many errors that show people voting who did not actually vote. The study only flagged people registered in two places under exactly the same name and date of birth.	Kansas City Star, Belleville News-Democrat	Two people are charged	Kansas City Star (January 8, 2005)	
Dead/Multiple		Yes								Yes		New Jersey	16-Sep-05	presidential	Republican Party claims 4,755 people who have died voted in the election and 4,397 people registered to vote in more than one county voted twice	New York Times			
Multiple	Absentee										Sandoval	New Mexico	9-Nov-02	state house	A comparison of names on absentee-ballot-request rosters and affidavits for the absentee-in-lieu-of-ballots made it appear that 5 people had voted twice absentee by mail and absentee-in-lieu-of at the polls.	Albuquerque Journal			
Multiple	In person			DA						Yes	Sandoval	New Mexico	24-Nov-04	presidential	Bureau of Elections employees found a woman who voted on a provisional ballot at one precinct also had voted at the regular precinct where she is registered. The signatures at both precincts appeared to be the same, so elections officials sent the case to the district attorney.	AP			
Multiple						1				Yes	New York	New York	23-Oct-02 and 2001	2000 and 2001	Former conservative party candidate for lieutenant governor is arraigned on an indictment for voting twice, from two different Manhattan addresses. He denies the charge	Newsday			

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5/9/2007

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

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'Dead' Voters and Multiple Voting

5/9/2007

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

012090

'Dead' Voters and Multiple Voting

6/9/2007

Type	Absentee/In person	Partisan Allegation	Other Source for Allegation?	Investigation?	Other Official involvement?	Charged (Individuals)	Acquittal/Dismissal	Convicted/guilty pleas (Individuals)	Other determination	Follow-up possible? (Open investigations and/or pending charges)	City / County	State	Date	Type of Election	Alleged instance of fraud	Original Source	Resolution of incident/allegation	Source of Resolution 1	Source of Resolution 2
Dead				Press						Yes		Tennessee	14-Dec-05	state senate	A second dead voter cast a ballot in the September special election held to fill the seat vacated by former state senator John Ford. Like a similar case documented earlier this week, this one involves an elderly voter who died weeks before the Sept. 15 election, an investigation by The Commercial Appeal found. Both of the suspect votes occurred in Precinct 27-1, in the heart of heavily Democratic North Memphis. By law, health officials report deaths once a month to the state Election Commission, which then purges the dead from voter registration rolls. In that window of time - a month or so before the election - there's a good chance dead voters will remain on the rolls on Election Day.	Commercial Appeal			
Multiple		Yes							Found to be mistakes		Houston	Texas	25-Nov-04	state legislature	State legislator who lost by 32 votes alleges 32 people voted twice and 101 residents from other districts cast ballots	Austin American Statesman	Most of the allegations seem to be cases of innocent mistakes that may have been technically illegal but not fraud	Houston Chronicle (January 16, 2005)	
Multiple	In person			County						Yes	San Juan	Texas	12-May-05	city	The county is investigating three voters suspected of voting early and on election day	The Monitor			
Both						6				Yes	King	Washington	22-Jun-05	gubernatorial	criminal charges filed against six voters for allegedly casting more than one ballot under a variety of circumstances: two for casting ballots in the names of recently deceased spouses; mother and daughter charged with casting a ballot in the name of recently deceased mother's dead husband; one for casting a ballot in the name of someone who had lived at the same address and died; one using someone else's name	Seattle Times	See Washington summary		
Multiple		Yes				1				Yes	King	Washington	13-Oct-05	gubernatorial	Republican officials release the names of 16 people they say voted twice. One person is found to be two people with the same name but different birthdates. Two names were referred to the prosecutors office, files were charged against one.	Seattle Times			
Multiple										Yes	King	Washington	14-Oct-05	gubernatorial and local primary	Woman on Republican list under investigation for double voting	Seattle Times			
Multiple	Absentee							1			Appleton	Wisconsin	12-Jan-05	nonpartisan election	student who voted by absentee ballot and in person at college sentenced to probation	Post Crescent			

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'Dead' Voters and Multiple Voting

5/9/2007

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

012092

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

012093

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

012094

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

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

012095

Absentee

5/9/2007

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

012096

Absentee

5/9/2007

Type	Partisan Allegation	Other Source for Allegation	Investigation?	Other Official Involvement?	Charge (Individuals)	Acquittal/Dismal	Convicted/guilty (Individuals)	Other determination?	Follow-up possible? (Open investigations and/or pending charges)	City/County	State	Date	Type of Election	Alleged Instance of fraud	Original Source	Resolution of Incident / allegation	Source of Resolution 1	Source of Resolution 2
Coercion			County					Special Prosecutor found no determination of fraud		Hialeah	Florida	21-Mar-04	city council	Miami-Dade public corruption detectives fanned across Hialeah on Friday, questioning employees of the city's public housing agency, as well as friends and relatives of politicians aligned with Mayor Raul Martinez. Sources close to the investigation say those interviewed were asked about their alleged handling of absentee ballots gathered from voters - many of them elderly - in the city's public housing units.	Miami Herald	A special state prosecutor said he found no evidence of election fraud after a yearlong investigation of absentee voting at the Hialeah Housing Authority during that city's 2003 elections	Miami Herald, May 11, 2005	
Mishandling			Grand Jury							Orlando	Florida	5-Mar-05	mayoral	A grand jury is investigating the possible mishandling of absentee ballots by a minority voting advocate who has worked for many campaigns	Orlando Sentinel	All charges are dropped. Democrats allege the whole case was politically motivated; Florida prosecutors dropped a case charging the mayor with paying a campaign worker to collect absentee ballots. Three others indicted on the same charge were also cleared.	April 21, 2005 Orlando Sentinel	April 21, 2005, The New York Times
Coercion		Yes								Cook	Illinois	15-Mar-02	state	ACORN alleges that a man went to a senior citizen home and voted the seniors' absentee ballots	Chicago Sun-Times			
Coercion				Court				Election thrown out		Calumet City	Illinois	3-Sep-03	mayoral	A county judge threw out and reversed an election because of absentee coercion of disabled voters	Chicago Tribune			
Other Voters			DA						Yes	Marion	Indiana	1-Nov-02	county	The county prosecutor is investigating absentee ballots in which signatures don't match, voter's names were misspelled, and correction fluid was used to change the address	Indianapolis Star			
			State Police						Yes	Madison	Indiana	29-Apr-03	primary	State police are investigating whether Democratic primary absentee ballots were delivered to nursing homes that traditionally vote Republican	Herald Bulletin			
Forgery-Voters Who Moved			County						Yes	Lake	Indiana	11-Jul-03	town	Allegations are made of absentee ballots from voters who moved and forged signatures by one person. Case will be heard by a county judge	Northwest Indiana News			
Ineligible			BOE						Yes	Porter	Indiana	31-Mar-04	town	Elections board investigates allegations that two ineligible voters voted by absentee ballots	Northwest Indiana News			

012097

Absentee

5/9/2007

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

012098

Absentee

5/9/2007

Type	Partisan Allegation	Other Source for Allegation	Investigation?	Other Official involvement?	Charge (Individual)	Acquittal/Dissal	Convicted/guilty pleas (Individual)	Other determination?	Follow-up possible? (Open investigations and/or pending charges)	City/County	State	Date	Type of Election	Alleged instance of fraud	Original Source	Resolution of Incident / Allegation	Source of Resolution 1	Source of Resolution 2
Multiple			Federal	Court					Yes	Detroit	Michigan	8-Nov-05	mayoral	A lawsuit alleges the City Clerk's assistants have allowed voters to fill out ballots in group settings, didn't sign their names on ballot envelopes and advertised their services in nursing homes. She also sent 130,000 unsolicited absentee ballot applications defying a court order.	Detroit Free Press	County Circuit Court judge ruled the Clerk violated the law; There is an election contest and a federal investigation involving irregularities with absentee ballots.	November 9, 2005 Detroit Free Press; November 24, 2005 Detroit Free Press	
Coercion	Yes								Yes	Houston	Mississippi	10-Nov-05	mayoral	Candidate files a complaint alleging 59 absentee ballots are questionable. He produced a letter from two elderly absentee voters saying they were given plates of food in exchange for allowing his opponent to fill out their ballots.	AP			
N/A	Yes										Missouri	19-Sep-04	gubernatorial	The state Democratic Party accused Republicans of coercion when they asked county clerks to send the names of people who had requested absentee ballots	AP			
			State/Federal						Yes	East St. Louis	Missouri	5-Jan-05	city	Investigations by the state attorney and the FBI into unspecified absentee ballot fraud	Post Dispatch			
			Federal						Yes	Tonopah	Nevada	23-Oct-02	local general and primary election	The FBI investigates questionable absentee ballot requests	Pahrump Valley Times			
Forgery-Other Voters									Yes	Las Vegas	Nevada	26-Apr-03	assembly	Man is indicted because he voted other people's ballots using absentee voter forms for people who lived outside the district.	AP			
Coercion	Yes									Atlantic City	New Jersey	31-Oct-01	Mayoral	Mayor Whelan's campaign has alleged that street operatives for the mayor's challenger, Councilman Lorenzo Langford, tricked voters into requesting absentee ballots and then went to their homes to bully them into filling the ballots out for Langford. The Whelan campaign has also alleged that Langford has stockpiled absentee ballots to fill out fraudulently. The Langford campaign yesterday denounced Whelan's actions as a means of suppressing voter rights and said it would file a federal civil-rights lawsuit this week.	Philadelphia Inquirer			

012099

Absentee

5/9/2007

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

012100

Absentee

5/9/2007

Type	Partisan Allegation	Other Source for Allegation	Investigation?	Other Official involvement?	Charge d (Individuals)	Acquittal/Dissmissal	Convicted/guilty pleas (Individuals)	Other determination?	Follow-up possible? (Open investigations and/or pending charges)	City/County	State	Date	Type of Election	Alleged Instance of fraud	Original Source	Resolution of incident / allegation	Source of Resolution 1	Source of Resolution 2
Multiple										Senate District 30	South Carolina	27-Sep-04	state senate primary	A person with connections to the Williams campaign nicknamed "The Voter Man" convinced elderly voters, some living in residential care facilities, to fill out absentee ballot registration forms. Some say they never received a ballot, even though records indicate a ballot was cast in their names. * At least one staff member at a Mullins care facility said non-communicative Alzheimer's patients were coaxed into casting absentee ballots. * Another person with ties to the Williams campaign turned in nearly 60 absentee ballots to election officials, many from elderly voters. While not technically illegal, the volume of absentee votes raised eyebrows within the Norwood campaign. As a result of suspected fraud the party ordered a new election and the cases are being criminally investigated.	The State			
			State Federal			1					South Dakota	20-Oct-02	state wide	several counties forward questionable absentee ballot requests	Angus Leader	October 25, 2002: Red Earth Villeda, a former Democratic contractor is investigated; October 27, 2002: State and federal agents target 25 South Dakota counties; October 31, 2002: no illegally cast ballots are found (see South Dakota summary)	Argus Leader	
Forgery-Unknown			DA						Yes	Shannon	South Dakota	30-Oct-04	presidential	The prosecutor in Fall River County says he will investigate possible multiple voting by absentee ballot. The multiple ballots were cast by fewer than 10 people	AP			

012101

Absentee

5/9/2007

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

012102

Absentee

5/9/2007

Type	Partisan Allegation	Other Source for Allegation	Investigation?	Other Official involvement?	Charge (Individual)	Acquittal/Dissal	Convicted/guilty pleas (Individual)	Other determination?	Follow-up possible? (Open investigations and/or pending charges)	City/County	State	Date	Type of Election	Alleged Instance of fraud	Original Source	Resolution of Incident / allegation	Source of Resolution 1	Source of Resolution 2
Forgery-Other Voters					17		5			Hearne	Texas	18-Oct-03	municipal	Man fined and sentenced to five years probation for voting in the names of three dozen other people by absentee ballot. He is the fifth person to plead guilty to similar charges brought by a grand jury in August. 17 were indicted.	Houston Chronicle			
Forgery-Unknown					30			Yes		Hearne	Texas	28-Dec-03	mayoral	30 people were indicted for forged absentee ballot applications and sending in multiple absentee ballots	Star Telegram			
Forgery-Unknown/Dead/Other Voters					5					El Paso	Texas	12-Feb-04	water board	Several mail in ballot requests appeared to be filled out by the same person and a few were in the names of dead people. A precinct chairwoman was charged with four counts of tampering with government records	Assoc Press	Five people have been charged with sending in absentee ballot applications in the names of other people	2/13/2004, El Paso Times	
Multiple										Hidalgo	Texas	3-Mar-04	miscellaneous, from congress to judge's race	Complaints were made to the Board of Elections against workers for several campaigns of irregularities concerning absentee ballots, including coercion of elderly voters, a complaint that someone requested an absentee ballot for a dead voter; four people said their ballots were already sealed when they received them, and a voter whos absentee ballot that was sent elsewhere	The Monitor			
Forgery-Dead			DA					Yes		Bexar	Texas	25-Mar-04	congressional	The names of 42 deceased people, most of whom lived on the South Side, appeared on applications for mail-in ballots that were submitted to election officials for the primaries. A computer at the Bexar County elections office flagged the applications and the district attorney's office is investigating. No ballots appear to have been sent to a dead person as a result of the applications, election officials have said. However, the applications were cited by Henry Cuellar - a Democratic candi-date for the District 28 congressional seat who lost by 145 votes - as one of several concerns that persuaded him to call for a recount this week. The list of applicants includes next-door neighbors, people who never voted when they were alive, and two who died in 1988.	San Antonio Express-News			

012103

Absentee

5/9/2007

Type:	Partisan Allegation:	Other Source for Allegation:	Investigation?	Other Official involvement?	Charge (Individuals):	Acquittal/Dismittal:	Convicted/guilty pleas (Individuals):	Other determination?	Follow-up possible? (Open investigations and/or pending charges):	City/County:	State:	Date:	Type of Election:	Alleged instance of fraud:	Original Source:	Resolution of incident / allegation:	Source of Resolution 1:	Source of Resolution 2:
														All but one bear the deceased's correct voter registration number. Each had the correct address and voting precinct, and all indicated the voter was older than 65, which is one of the reasons individuals may obtain a mail-in ballot. But whoever filled out many of the applications didn't alter his or her handwriting on the forms, all of which supposedly were done by the individual voters. Two batches of the falsified documents show clear similarities.				
Coercion										South San Antonio	Texas	23-May-04		Elderly voters complain of "vote brokering" whereby "coyotes" pressure them into voting by absentee ballot. Investigators have looked into this in the past, and there has only been one conviction of someone pressuring others to vote absentee.	San Antonio Express-News			
Forgery-Dead			DA						Yes	Robstown	Texas	27-May-04	school district	The District Attorney requested a recount of ballots because of many complaints of people filing mail-in ballots sent to homes of people who have died. One of the candidates says that in one instance a wife mailed in the ballot of her husband who just died, and another was a son's vote being mistaken for the father's because they had the same name.	Corpus Christi Caller-Times			

012104

Absentee

5/9/2007

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

012105

Absentee

5/9/2007

Type:	Partisan Allegation	Other Source for Allegation	Investigation?	Other Official involvement?	Charge (Individuals)	Acquittal/Dismisal	Convicted/guilty pleas (Individuals)	Other determination?	Follow-up possible? (Open investigations and/or pending charges)	City/County	State	Date	Type of Election	Alleged instance of fraud	Original Source	Resolution of Incident / allegation	Source of Resolution 1	Source of Resolution 2
Forgery-Voters/Coercion			DA						Yes	Milwaukee	Wisconsin	5-Mar-03	county board recall	A police handwriting expert labeled signatures on 60 absentee ballot envelopes suspicious and elections officials and the DA questioned 36 more. The 96 are among 162 that were distributed to 5th District voters by the African American Coalition for Empowerment. The group had residents agree to ask the city to send absentee ballots to their offices rather than directly to the voters. The group then went to the homes, witnessed the votes and returned the ballots.	Milwaukee Journal Sentinel			
Forgery-Other Voter							1			Milwaukee	Wisconsin	15-Jan-04	county recall	A voting rights activist was convicted of three felony counts stemming from his management of an absentee ballot campaign. Although evidence suggested forgery and other mischief, the case turned on one voter registration card. The voter had his signature forged by his girlfriend, and the activist had signed the form as a deputy registrar.	Milwaukee Journal Sentinel			
Forgery-Unknown							1			Milwaukee	Wisconsin	20-Feb-04	county recall	One person is convicted for forging absentee ballots	Milwaukee Journal Sentinel			

012106

Intimidation and Suppression

5/9/2007

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

012107

Intimidation and Suppression

5/9/2007

Type	Racial/Ethnic Allegation	Partisan Allegation	Other Source for Allegation	Investigation?	Other Official Involvement?	Charged (Individuals)	Acquittal/Dismissal	Convicted / guilty pleas (Individuals)	Follow-up recommended	State	Date	Type of Election	Alleged instance of fraud	Original Source	Resolution of incident / allegation	Source of Resolution
Polling Place Harassment	Yes	Yes							Yes	Arkansas	6-Nov-02		In Arkansas, where voters were allowed to cast their ballots up to two weeks early to lessen the pressure on election day, there were allegations of intimidation in the early voting. Democrats claimed that black voters were photographed as they arrived at polling booths and had their identities subjected to disproportionate scrutiny.	The Guardian		
Polling Place Harassment	Yes	Yes							Yes	Arkansas	30-Dec-02		Democrats accused Republican poll watchers of driving away voters in predominantly black precincts by taking photos of them and demanding identification during early voting	The American Prospect		
Polling Place Harassment	Yes	Yes								Arkansas	17-Nov-04	presidential	DNC Chair says black voters in Arkansas were harassed during early voting	Ethnic News Watch		
Polling Place Harassment		Yes							Yes	California	14-Nov-01	mayoral	The ousted mayor's attorney, in a legal challenge to the election, said he intends to show that Perrodin's supporters pulled guns on voters at precincts	AP		
Police		Yes								California	28-Jan-03	treasurer and city council recall	The anti-recall camp accuses police officers of harassment and of "staring down" residents.	Los Angeles Times		
Pollworkers	Yes		Third-party							California	5-Nov-03	local	Latino community organizer tells city council panel that Latinos have experienced poll workers who intimidate Latinos by illegally asking them to show identification.	Union-Tribune		
Pollworkers/ID	Yes		Third-party						Yes	California	2-Feb-04	mayoral	A group called the People of Color Caucus alleged that some Latinas wearing Gonzalez buttons were told they were not allowed to vote	Los Angeles Times		
Challenges		Yes							Yes	Colorado	26-Oct-04	presidential	Democrats fear what they believe to be a plan by Republicans to challenge new voters, especially students at the University of Colorado at Boulder who may seek to use student IDs as proof of identification at the polls. State GOP brass said they have no such plan.	Denver Post		
Police										Connecticut	11-Nov-02	congressional	U.S. Representative tells Republican registrars to request police supervision at the polls if they are concerned about fraud or disturbance	The Day Online		
Pollworkers	Yes			Federal Observers					Yes	Florida	23-May-02	2001 special election	Federal observers found pollworkers downright "hostile" to Hispanics, even insisting that voters must speak English to vote	St. Petersburg Times		
Challenges		Yes								Florida	1-Nov-02		Citing fears of voter intimidation and a repeat by GOP operatives to "barrage polling places," local Democrats - including former U.S. Attorney General Janet Reno and U.S. Rep. Carrie Meek - are suing to block Miami-Dade County from allowing a Republican political action committee to put poll watchers inside the county's precincts Tuesday.	Miami Herald		

012108

Intimidation and Suppression

5/9/2007

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

012109

Intimidation and Suppression

5/9/2007

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

012110

Intimidation and Suppression

5/9/2007

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

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

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

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

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

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

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

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

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

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

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

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

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Challenges				Federal	BOE				Yes	Ohio	5-Nov-04	presidential	The Board of Elections threw out 976 of the challenges filed by the Republican Party without prejudice after a volunteer who brought the challenges revealed she did not have any personal information about the eligibility of the challenged voters. A member of the Board told the volunteer she could be indicted for signing a sworn challenge without personal knowledge of eligibility. The Board has indicated they plan to call the Department of Justice to conduct a criminal investigation of the challenges.	Philadelphia Tribune		
State Suppression	Yes									Ohio	11-Dec-04	presidential	Because blue-collar and lower-income workers tend to vote Democratic, the long lines in Akron and other urban areas fueled suspicion of a deliberate tac-tic to hold down the turnout -- especially in largely African-American precincts -- for presidential challenger John Kerry.	Akron Beacon Journal		
Multiple	Yes									Ohio	23-Jun-05	presidential	Blacks and young voters in Ohio faced widespread voter suppression - mostly because of long lines and improper identification checks - during last year's presidential election, according to a new Democratic Party report. DNC Chairman Howard Dean said that while it's un-clear whether the suppression was intentional or whether it influenced the election results, the party's five-month, \$250,000 investigation showed that 28 per-cent of Ohio voters - and twice as many black voters - reported facing challenges on Election Day. "You have a particular ethnic group that has to wait three times as long as other voters, then clearly there is something going on that is aimed at particular precincts," Dean said blacks waited an average of 52 minutes to vote while white voters waited about 18 minutes. It also found that 37 percent of Ohio voters reported being asked for identification. Ohio law requires only new voters to produce identification, and new registrants accounted for 7 percent of all voters. Blacks and voters under 30 were asked for ID's at higher rates than other voters.	The Cincinnati Enquirer		
State Suppression	Yes	Yes								Ohio	23-Jun-05	presidential	Long lines were caused by the scarcity of voting machines in a number of precincts, particularly in minority areas, a report by the DNC on the election in Ohio says.	Washington Post		
Intimidation			Election Officials							Oregon	21-Oct-04	presidential	Officials are concerned about voter intimidation at ballot drop-off sites the evening of the Nov. 2 deadline. A Republican manual instructs GOP volunteers to take video cameras. Party officials say this is to make sure no ballots are collected after the 8 pm cutoff, but Democrats worry that it could frighten away some voters.	Christian Science Monitor		

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Intimidation and Suppression

5/9/2007

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

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

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

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Type:	Racial/Ethnic Allegation	Partisan Allegation	Other Source for Allegation	Investigation?	Other Official Involved?	Charged (individuals)	Acquittal/Dismissal	Convicted/guilty plea? (individuals)	Follow-up recommended?	State	Date	Type of Election	Alleged Instance of fraud	Original Source	Resolution of Incident / allegation	Source of Resolution:
Other	Yes			State						South Dakota	1-Jan-03	senate	Republican attorneys fanned out across the state on Election Day to gather affidavits to show vote buying. The State Attorney General (a Republican) says that of the 60 affidavits only three alleged criminal activity, and two of those proved to be false. One person is being investigated. Two of the affidavits were found to have been forged or perjurious. Each affidavit states that the person allegedly signing it claimed to have been picked up by a van driver, offered 10 to vote, taken to the polling place and home again and again offered the 10. Most of the allegations focused on the Rosebud Reservation	Indian Country Today (Lakota Times)		
Pollworkers/ID	Yes									South Dakota	30-Jun-04	special election	During the June 1 special election, several Native American voters were told they could not vote if they did not have ID and were not told about the affidavit option. Most of the complaints came from across the state, many from reservations and some from Rapid City, where there is a large American Indian population. A Republican poll watcher denied this was the case. He said Indian voting rights workers were intimidating poll workers.	Indian Country Today (Lakota Times)		
Pollworkers/ID	Yes									South Dakota	26-Aug-04	presidential	Some American Indians were not allowed to vote in the primary because they did not have photo ID and some said they were not told they could instead sign an affidavit.	Newsday		
Polling Place Harassment	Yes				Court					South Dakota	2-Nov-04	senatorial	On Election Day, a district court judge ruled Republican poll watchers in Charles Mix County had to stop following American Indian voters after they cast ballots. The GOP workers were also ordered to stop writing down those people's license plate numbers.	AP		
Challenges					State Election Director					Tennessee	5-Nov-02		A GOP memo to its poll watchers said, "There are problems" with the instructions [state election director]Thompson's office provided to local officials, and focuses on whether the would-be voters are legitimately qualified. "If the officers at the precinct are not screening voters for their qualifications to vote, including their citizenship, they should be challenged so that the election officials will carry out the law and make sure they are qualified to vote if they are first-time voters," the memo says Thompson said the U.S. Department of Justice, part of President Bush's administration, notified him of the GOP memo last week and expressed concerns about it. After conferring with the Justice Department and state Attorney General's office, Thompson sent a four-page memo to local election officials Friday that makes it clear that poll watchers are forbidden by law to question or challenge voters directly and that election officials are not to require would-be voters to provide proof of eligibility, as the GOP memo seeks.	Commercial Appeal		

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

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

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

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

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

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Type	Racial/Ethnic Allegation	Partisan Allegation	Other Source for Allegation	Investigation?	Other Official involvement?	Charged (Individuals)	Acquittal/Dismissal	Convicted/guilty plea (Individuals)	Follow-up recommended	State	Date	Type of Election	Alleged instance of fraud	Original Source	Resolution of Incident / allegation	Source of Resolution
Challenges		Yes								Wisconsin	31-Oct-04	presidential	Citing a new list of more than 37,000 questionable addresses, the state Republican Party demanded that city officials require identification from all of those voters. If the city doesn't, the party says it is prepared to have volunteers challenge each individual - including thousands who might be missing an apartment number on their registration - at the polls. Democrats say this is a last minute effort to suppress turnout by creating long delays at the polls. This is in addition to the 5,619 bad addresses the party claimed. The state GOP chair said they had just focussed on Milwaukee because its voter list is a mess and cause for great alarm.	Milwaukee Journal Sentinel		
Suppression									Yes	Wisconsin	2-Nov-04	presidential	The tires of 30 vans Republicans had rented to help get out the vote were slashed.	AP		

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Source of Resolution 2

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Source of Resolution 2:

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Source of Resolution 2

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Source of Resolution 2

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Source of
Resolution 2

Milwaukee
Journal
Sentinel,
November 1,
2004

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EAC Voting Fraud-Voter Intimidation Preliminary Research

Nexis Articles - Noncitizen Voting

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

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

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

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

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

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

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

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

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

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

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

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 Nexis Articles - Deceptive Practices

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

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

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

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

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

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 Nexis Articles - Vote Buying

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

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

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

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

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

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Voter Registration Fraud

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

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Voter Registration Fraud

5/9/2007

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

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Voter Registration Fraud

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

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

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Partisan Allegation	Other Source for Allegation	Investigation?	Other Official Involvement?	Charged (Individuals)	Acquitted/Dismissal	Convicted/guilty pleas (Individuals)	Other determination	Follow-up possible? (Open investigations and/or pending charges)	City / County	State	Date	Type of Election	Alleged Instance of fraud	Original Source	Source 1	Resolution of incident / allegation	Source of Resolution 1	Source of Resolution 2
				1				Yes	Minneapolis	Minnesota	17-Oct-04	presidential	A former ACORN official arrested for running a stop sign had 300 voter registration forms, some of them months old, in his trunk. State law requires they be submitted to the secretary of state within 10 days.	Atlanta Journal Constitution				
		Local		9				Yes	St. Louis	Missouri	7-Mar-01	city	St. Louis Prosecutor Jennifer Joyce convened a grand jury that is investigating 3,800 suspect voter registration cards, including several for dead aldermen. The cards were turned in Feb. 7, the deadline to register voters. Joyce said there have been no indictments.	St. Louis Post-Dispatch		Nine people are slated to be indicted today on charges of collecting or de-stroying 3,800 bogus voter registration cards that were submitted to the St. Louis Election Board on Feb. 7, 2001, the last day for registering to vote in the hotly contested mayoral primary in March. Nine people have been indicted for trying to register fraudulent voters and destroy the evidence. State registration forms now are numbered and a record is kept of which cards have gone to which groups for voter registration drives. The fake registrations are linked to four temporary workers who had been employed by ACORN.	11/7/2003, St. Louis Post Dispatch	11/11/2003, St. Louis Post Dispatch
		Federal		3				Yes	St. Louis	Missouri	17-Apr-01	primary	FBI subpoenas election board records on all people who registered to vote, cast ballots, was turned away at the polls, or whose voter registration was rejected from October 1 [2000] through March 6 [2001]; Senator Bond calls for further investigations because his office learned from state election officials that 24,000 registered voters in the city and 33,000 voters in the county were registered to vote somewhere else	St. Louis Post-Dispatch		Three workers are charged with turning in fraudulent voter registration applications a few weeks before the mayoral primary	St. Louis Post-Dispatch (March 5, 2002)	
						6			St. Louis	Missouri	17-Dec-04	mayoral	Six plead guilty to dozens of crimes involving falsifying voter registration forms ("6 plead guilty in vote fraud case")	St. Louis Post Dispatch		Prosecutor says all the cards were caught and no one voted illegally	St. Louis Post-Dispatch	
Yes		Federal						Yes	Nevada		17-Oct-04	presidential	Democrats said Voters Outreach of America, a Republican funded registration group run by Sprouls & Associates, destroyed Democratic voter registration forms. A former employee of the group told a Nevada TV station that registrations collected from Democrats had been destroyed instead of filed with the elections office. The head of the company denied the accusations	Atlanta Journal Constitution				

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

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Partisan Allegation	Other Source for Allegation?	Investigation?	Other Official Involvement?	Charged (Individuals)	Acquitted/Dismissal	Convicted/guilty pleas (Individuals)	Other determination	Follow-up possible? (Open investigations and/or pending charges)	City/County	State	Date	Type of Election	Alleged Instance of fraud	Original Source	Source 1	Resolution of incident / allegation	Source of Resolution 1	Source of Resolution 2
		State						Yes	Charlotte	North Carolina	24-Oct-04	presidential	Officials are investigating ACORN because an ACORN organizer found that one of its workers had faked about 70 registrations. The worker was fired and the information turned over to the state board. A similar problem with a consumer interest group in Wake County has also been turned over to state officials	Charlotte Observer				
							BOE and DMV find small # of questionable registrations			North Carolina	24-Oct-04		The Charlotte Observer found more than 60,000 people who appear to be registered in both Carolinas. Alamance County Sheriff says illegal immigrants are registering to vote using false documents at drivers license offices. North Carolina is investigating two groups that may have falsely registered new voters. Some are worried that noncitizens could vote because in North Carolina one can get a drivers license without a social security number. The Elections division and the DMV ran two checks of people who received drivers licenses without proof of citizenship and found only a handful who had registered to vote.	AP				
								Yes	Mecklenburg County	North Carolina	28-Sep-05		Mecklenburg County commissioner Bill James and Libertarian Lewis Guignard formally challenged the registration of more than 400 homeless voters Tuesday, saying they had improperly registered using commercial addresses. James and Guignard said the 464 voters challenged in their complaint incorrectly used the addresses of the Urban Ministries at 945 N. College St., the Charlotte Rescue Mission at 907 W. First St. or the Salvation Army at 534 Spratt St. to register, even though those are commercial addresses where the voters could not permanently live.	Charlotte Observer				
								Yes	Cincinnati	Ohio	20-Aug-03	city council	More than 70 people have claimed a Walnut Hills tailoring shop as their home address while registering to vote, leading the Hamilton County Board of Elections to subpoena the tailor, who is a candidate for Cincinnati City Council.	Cincinnati Enquirer				
				1				Yes	Franklin	Ohio	8-Sep-04	presidential	A part-time worker for ACORN was indicted for falsely filling out and signing a voter registration card	Columbus Dispatch				
		BOE/State		1				Yes		Ohio	15-Oct-04	presidential	In Hamilton County, the Board of Elections has subpoenaed 19 registered voters who elections officials don't believe exist. The Summit County Board of Elections in Akron has asked Ohio Attorney General Jim Petro to investigate 803 allegedly fraudulent voter-registration cards, many of which appeared to be in the same handwriting. In Lake County, east of Cleveland, several voter-registration cards seem to have forged signatures, elections officials say.	Cincinnati Enquirer	An Akron woman was charged with filling out false registration cards. She may be the only person to face criminal charges after a yearlong state and federal investigation. A task force of state, federal and local investigators was launched last year after hundreds of fake registrations were apparently filed throughout Ohio. The investigation resulted in no federal indictments. The two fake registration cards traced to the woman were turned in by Project Vote and not submitted to the Board because the organization thought they were suspicious.	11/8/2005	Akron Beacon Journal	

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

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

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

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

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

March 1, 2006

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

Fraud and Intimidation

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

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

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

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

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

Process

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

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

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

Recommendations

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

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

January 13, 2006

Questions

How are Prosecution Decisions Made?

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

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

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

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

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

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

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

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

What Kinds of Complaints Would Routinely Override Principles of Federalism?

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

Are There Too Few Prosecutions?

DOJ can't prosecute everything.

What Should Be Done to Improve the System?

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

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

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

Other Information

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

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

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

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

Cases:

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

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

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

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

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

Felon voters in Milwaukee.

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

Double voters in a variety of jurisdictions.

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

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

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Interview with Douglas Webber, Assistant Attorney General, Indiana

February 15, 2006

Background

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

Litigation

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

Incidents of fraud and intimidation

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

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

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

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

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

Process

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

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

Recommendations

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

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

Process:

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

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Data:

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

Most Common Problems

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

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

Suggested Reforms for Improvement:

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

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

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

March 22, 2006

Background

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

Recent trends

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

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

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

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

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Nature of Suppression/Intimidation of Native Voters

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

Structural problems

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

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

Photo ID Issues

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

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

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

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

Partisan Poll-Monitoring

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

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

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

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

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

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

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

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

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Vote Buying and Fraud

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

Remedies

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

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

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

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

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

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

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

February 16, 2006

ACVR Generally

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

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

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

Regarding the August 2005 Report

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

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

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Voting Problems

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

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

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

Suggestions

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

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

Background

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

Data Collection and Monitoring

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

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

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

Processes for Cases not Resolved at the Polling Site

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

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

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

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

Types of Fraud and Intimidation Occurring

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

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

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

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

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

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

Recommendations

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

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

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

Interview with Joe Sandler, Counsel to the DNC

February 24, 2006

Background

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

2004-Administrative Incompetence v. Fraud

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

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

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

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

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

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

Fraud and Intimidation Trends

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

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

Sandler's Recommendations

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

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

No voter ID

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

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

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All suggestions from the DNC Ohio Report:

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

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

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

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

Process

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

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

Incidences of Fraud and Intimidation

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

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

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

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

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

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

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

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

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

Recommendations

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

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

February 24, 2006

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

Authority and Process

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

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

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

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

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

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

Often, lawsuits bring voluntary compliance.

Voter Intimidation

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

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

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

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

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

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

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

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

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

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

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

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

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Recommendations

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

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

April 11, 2006

Background

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

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

2004 Election Incidents of Fraud

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

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

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

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

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

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

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

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

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

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

Incidents of Voter Intimidation

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

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

Reforms

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

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

Recommendations

Better trained poll workers

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

Conduct post-election audits

Interview with Lori Minnite, Barnard College

February 22, 2006

Background

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

Securing the Vote

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

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

Other Fraud Issues

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

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Recommendations

Assure there are accurate voter records and centralize voter databases

Reduce partisanship in electoral administration.

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

March 7, 2006

Background

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

Largest Election Problems Since 2000

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

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

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

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

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

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

Voter Fraud and Intimidation

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

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

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

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

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

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

Recommendations

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

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

Interview with Pat Rogers, private attorney

March 3, 2006

Background

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

2004 Litigation

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

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

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

Major issues in NM w/ regard to vote fraud

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

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

Registration Fraud in 2004 election

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

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

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

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

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

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

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

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

Other incidents

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

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

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

Intimidation/Suppression

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

In-person polling place fraud

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

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

Counting Procedures

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

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changing machine numbers, but paper numbers are vulnerable.

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

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

Recommendations

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

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

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

March 24, 2006

Background

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

Incidents of Fraud and Intimidation

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

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

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

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

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

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

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

Recommendations

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

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

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

Interview with Sarah Bell Johnson Interview

April 19, 2006

Procedures for Handling Fraud

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

Major Types of Fraud and Intimidation

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

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

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

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

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Challengers

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

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

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

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

Prosecutions

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

Vote-hauling Legislation

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

Paying Voter Registration Workers Legislation

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

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Deceptive practices

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

Effect of Kentucky's Database

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

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

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

Recommendations

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

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

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

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

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

Interview with Steve Ansolobhere and Chandler Davidson
February 17, 2006

Methodology suggestions

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

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

Incidents of Fraud and Intimidation

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

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

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

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

Recommendations

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

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

Interview with Tracy Campbell, author

March 3, 2006

Background

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

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

Vote-buying and absentee fraud

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

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

Regional patterns

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

Poll site closings as a means to suppress votes

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

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

Purge lists

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

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

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Deceptive practices

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

Language minorities

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

Current intimidation

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

Recommendations

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

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

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

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

February 14, 2006

Data Collection

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

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

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

He also recommended we review the following documents and reports:

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

Types of Fraud and Intimidation Occurring

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

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

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

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

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

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

Recommendations for Reform

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

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

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

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

Brennan Center findings on fraud

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

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

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

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

Countermeasures/statewide databases

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

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

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

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

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

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

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

Intimidation and Suppression

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

Challengers

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

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

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

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

Recommendations

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

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

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

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

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

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

Fraud in Indiana

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

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

Photo ID law

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

Statewide database as remedy

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

Absentee fraud

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

Intimidation and vote suppression

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

Challengers

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

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

Photo ID and Challengers

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

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

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

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

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

Other cases

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

Recommendations

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

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

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

Interview with Neil Bradley, February 21, 2004

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

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

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

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

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

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

Voter fraud and intimidation in Georgia

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

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

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

Prosecution of Fraud and Intimidation

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

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

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

Recommendations

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

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

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

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

Interview with Justice Evelyn Stratton, Supreme Court of Ohio

February 17, 2006

The 2004 Election

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

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

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

General Election Fraud Issues

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

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

Suggestions for Changes in Voting Procedures

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

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

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

Interview with Tony Sirvello, Executive Director, IACREOT

April 12, 2006

Biographical

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

Incidents of Election Fraud

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

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

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

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

Specific Absentee Ballot/Vote By Mail Issues

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

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

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

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

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

Incidents of Voter Intimidation

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

Recommendations

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

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

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

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

Questions

How are Prosecution Decisions Made?

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

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

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

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

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

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

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

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What Kinds of Complaints Would Routinely Override Principles of Federalism?

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

Are There Too Few Prosecutions?

DOJ can't prosecute everything.

What Should Be Done to Improve the System?

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

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

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

Other Information

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

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

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

Cases

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

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

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

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

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

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1. Felon voters in Milwaukee.

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

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3. Double voters in a variety of jurisdictions.

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

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

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February 24, 2006

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

Authority and Process

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

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

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

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

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

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

Often, lawsuits bring voluntary compliance.

Voter Intimidation

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

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

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

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

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

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

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

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

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

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

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

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

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

Recommendations

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

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

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

Prosecutions and Convictions-- Individuals

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

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

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

Cases and Investigations Closed for Lack of Evidence

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

*Based upon information available as of January 2006

EAC Voting Fraud-Voter Intimidation Preliminary Research
DOJ Cases

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

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EAC Voting Fraud-Voter Intimidation Preliminary Research
DOJ Cases

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

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EAC Voting Fraud-Voter Intimidation Preliminary Research
DOJ Cases

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

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EAC Voting Fraud-Voter Intimidation Preliminary Research
DOJ Cases

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

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EAC Voting Fraud-Voter Intimidation Preliminary Research
DOJ Cases

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

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EAC Voting Fraud-Voter Intimidation Preliminary Research
DOJ Cases

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

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EAC Voting Fraud-Voter Intimidation Preliminary Research
DOJ Cases

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

0122278

EAC Voting Fraud-Voter Intimidation Preliminary Research
DOJ Cases

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

012249

EAC Voting Fraud-Voter Intimidation Preliminary Research
DOJ Cases

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

0122200

EAC Voting Fraud-Voter Intimidation Preliminary Research
DOJ Cases

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

012251

EAC Voting Fraud-Voter Intimidation Preliminary Research
DOJ Cases

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

012252

EAC Voting Fraud-Voter Intimidation Preliminary Research
DOJ Cases

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

012253

EAC Voting Fraud-Voter Intimidation Preliminary Research
DOJ Cases

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

012254

EAC Voting Fraud-Voter Intimidation Preliminary Research
DOJ Cases

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

012255

EAC Voting Fraud-Voter Intimidation Preliminary Research
DOJ Cases

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

012256

EAC Voting Fraud-Voter Intimidation Preliminary Research
DOJ Cases

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

012257

EAC Voting Fraud-Voter Intimidation Preliminary Research
DOJ Cases

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

012258

EAC Voting Fraud-Voter Intimidation Preliminary Research
DOJ Cases

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

012259

EAC Voting Fraud-Voter Intimidation Preliminary Research
DOJ Cases

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

012260

EAC Voting Fraud-Voter Intimidation Preliminary Research
DOJ Cases

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

Voting Fraud and Voter Intimidation

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

By
Job Serebrov and Tova Wang

012262

**Deliberative Process
Privilege**

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Introduction

Charge Under HAVA

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

Scope of Project

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

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

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

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

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

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

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

Working Definition of Fraud and Intimidation

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

Election fraud is any intentional action, or intentional failure to act when there is a duty to do so, that corrupts the election process in a manner that can impact on election outcomes. This includes interfering in the process by which persons register to vote; the way in which ballots are obtained, marked, or tabulated; and the process by which election results are canvassed and certified.

Examples include the following:

- falsifying voter registration information pertinent to eligibility to cast a vote, (e.g. residence, criminal status, etc.);
- altering completed voter registration applications by entering false information;
- knowingly destroying completed voter registration applications (other than spoiled applications) before they can be submitted to the proper election authority;
- knowingly removing eligible voters from voter registration lists, in violation of HAVA, NVRA, or state election laws;
- intentional destruction by election officials of voter registration records or balloting records, in violation of records retention laws, to remove evidence of election fraud;
- vote buying;
- voting in the name of another;
- voting more than once;
- coercing a voter's choice on an absentee ballot;
- using a false name and/or signature on an absentee ballot;
- destroying or misappropriating an absentee ballot;
- felons, or in some states ex-felons, who vote when they know they are ineligible to do so;
- misleading an ex-felon about his or her right to vote;
- voting by non-citizens who know they are ineligible to do so;
- intimidating practices aimed at vote suppression or deterrence, including the abuse of challenge laws;
- deceiving voters with false information (e.g.; deliberately directing voters to the wrong polling place or providing false information on polling hours and dates);
- knowingly failing to accept voter registration applications, to provide ballots, or to accept and count voted ballots in accordance with the Uniformed and Overseas Citizens Absentee Voting Act;
- intentional miscounting of ballots by election officials;
- intentional misrepresentation of vote tallies by election officials;
- acting in any other manner with the intention of suppressing voter registration or voting, or interfering with vote counting and the certification of the vote.

Voting fraud does not include mistakes made in the course of voter registration, balloting, or tabulating ballots and certifying results. For purposes of the EAC study, it also does not include violations of campaign finance laws.

DRAFT

Summaries of Research Conducted

Interviews

Common Themes

- There is virtually universal agreement that absentee ballot fraud is the biggest problem, with vote buying and registration fraud coming in after that. The vote buying often comes in the form of payment for absentee ballots, although not always. Some absentee ballot fraud is part of an organized effort; some is by individuals, who sometimes are not even aware that what they are doing is illegal. Voter registration fraud seems to take the form of people signing up with false names. Registration fraud seems to be most common where people doing the registration were paid by the signature.
- There is widespread but not unanimous agreement that there is little polling place fraud, or at least much less than is claimed, including voter impersonation, “dead” voters, noncitizen voting and felon voters. Those few who believe it occurs often enough to be a concern say that it is impossible to show the extent to which it happens, but do point to instances in the press of such incidents. Most people believe that false registration forms have not resulted in polling place fraud, although it may create the perception that vote fraud is possible. Those who believe there is more polling place fraud than reported/investigated/prosecuted believe that registration fraud does lead to fraudulent votes. Jason Torchinsky from the American Center for Voting Rights is the only interviewee who believes that polling place fraud is widespread and among the most significant problems in the system.
- Abuse of challenger laws and abusive challengers seem to be the biggest intimidation/suppression concerns, and many of those interviewed assert that the new identification requirements are the modern version of voter intimidation and suppression. However there is evidence of some continued outright intimidation and suppression, especially in some Native American communities. A number of people also raise the problem of poll workers engaging in harassment of minority voters. Other activities commonly raised were the issue of polling places being moved at the last moment, unequal distribution of voting machines, videotaping of voters at the polls, and targeted misinformation campaigns.
- Several people indicate – including representatives from DOJ -- that for various reasons, the Department of Justice is bringing fewer voter intimidation and suppression cases now and is focusing on matters such as noncitizen voting, double voting and felon voting. While the civil rights section continues to focus on systemic patterns of malfeasance, the public integrity section is focusing now on individuals, on isolated instances of fraud.
- The problem of badly kept voter registration lists, with both ineligible voters remaining on the rolls and eligible voters being taken off, remains a common concern. A few people are also troubled by voters being on registration lists in two states. They said that there was no evidence that this had led to double voting, but it opens the door to the possibility. There is great hope that full

implementation of the new requirements of HAVA – done well, a major caveat – will reduce this problem dramatically.

Common Recommendations:

- Many of those interviewed recommend better poll worker training as the best way to improve the process; a few also recommended longer voting times or voting on days other than election day (such as weekends) but fewer polling places so only the best poll workers would be employed
- Many interviewed support stronger criminal laws and increased enforcement of existing laws with respect to both fraud and intimidation. Advocates from across the spectrum expressed frustration with the failure of the Department of Justice to pursue complaints.
 - With respect to the civil rights section, John Tanner indicated that fewer cases are being brought because fewer are warranted – it has become increasingly difficult to know when allegations of intimidation and suppression are credible since it depends on one's definition of intimidation, and because both parties are doing it. Moreover prior enforcement of the laws has now changed the entire landscape – race based problems are rare now. Although challenges based on race and unequal implementation of identification rules would be actionable, Mr. Tanner was unaware of such situations actually occurring and the section has not pursued any such cases.
 - Craig Donsanto of the public integrity section says that while the number of election fraud related complaints have not gone up since 2002, nor has the proportion of legitimate to illegitimate claims of fraud, the number of cases the department is investigating and the number of indictments the section is pursuing are both up dramatically. Since 2002, the department has brought more cases against alien voters, felon voters and double voters than ever before. Mr. Donsanto would like more resources so it can do more and would like to have laws that make it easier for the federal government to assume jurisdiction over voter fraud cases.
- A couple of interviewees recommend a new law that would make it easier to criminally prosecute people for intimidation even when there is not racial animus.
- Almost everyone hopes that administrators will maximize the potential of statewide voter registration databases to prevent fraud. Of particular note, Sarah Ball Johnson, Executive Director of Elections for Kentucky, emphasized that having had an effective statewide voter registration database for more than thirty years has helped that state avoid most of the fraud problems that have been alleged elsewhere, such as double voting and felon voting.
- Several advocate expanded monitoring of the polls, including some associated with the Department of Justice.
- Challenge laws, both with respect to pre-election day challenges and challenges at the polls, need to be revised by all states to ensure they are not used for purposes of wrongful disenfranchisement and harassment

- Several people advocate passage of Senator Barak Obama’s “deceptive practices” bill
- There is a split on whether it would be helpful to have nonpartisan election officials – some indicated they thought even if elections officials are elected nonpartisanly they will carry out their duties in biased ways nonetheless. However, most agree that elections officials pursuing partisan agendas is a problem that must be addressed in some fashion. Suggestions included moving election responsibilities out of the secretary of states’ office; increasing transparency in the process; and enacting conflict of interest rules.
- A few recommend returning to allowing use of absentee ballots “for cause” only if it were politically feasible.
- A few recommend enacting a national identification card, including Pat Rogers, an attorney in New Mexico, and Jason Torchinsky from ACVR, who advocates the scheme contemplated in the Carter-Baker Commission Report.
- A couple of interviewees indicated the need for clear standards for the distribution of voting machines

Nexis Research

Absentee Ballot Fraud

According to press reports, absentee ballots are abused in a variety of ways:

- Campaign workers, candidates and others coerce the voting choices of vulnerable populations, usually elderly voters
- Workers for groups and individuals have attempted to vote absentee in the names of the deceased
- Workers for groups, campaign workers and individuals have attempted to forge the names of other voters on absentee ballot requests and absentee ballots and thus vote multiple times

It is unclear how often actual convictions result from these activities (a handful of articles indicate convictions and guilty pleas), but this is an area in which there have been a substantial number of official investigations and actual charges filed, according to news reports where such information is available. A few of the allegations became part of civil court proceedings contesting the outcome of the election.

While absentee fraud allegations turn up throughout the country, a few states have had several such cases. Especially of note are Indiana, New Jersey, South Dakota, and most particularly, Texas. Interestingly, there were no articles regarding Oregon, where the entire system is vote by mail.

Voter Registration Fraud

According to press reports, the following types of allegations of voter registration fraud are most common:

- Registering in the name of dead people
- Fake names and other information on voter registration forms
- Illegitimate addresses used on voter registration forms
- Voters being tricked into registering for a particular party under false pretenses
- Destruction of voter registration forms depending on the party the voter registered with

There was only one self evident instance of a noncitizen registering to vote. Many of the instances reported on included official investigations and charges filed, but few actual convictions, at least from the news reporting. There have been multiple reports of registration fraud in California, Colorado, Florida, Missouri, New York, North Carolina, Ohio, South Dakota and Wisconsin.

Voter Intimidation and Suppression

This is the area which had the most articles in part because there were so many allegations of intimidation and suppression during the 2004 election. Most of these remained allegations and no criminal investigation or prosecution ensued. Some of the cases did end up in civil litigation.

This is not to say that these alleged activities were confined to 2004 – there were several allegations made during every year studied. Most notable were the high number of allegations of voter intimidation and harassment reported during the 2003 Philadelphia mayoral race.

A very high number of the articles were about the issue of challenges to voters' registration status and challengers at the polling places. There were many allegations that planned challenge activities were targeted at minority communities. Some of the challenges were concentrated in immigrant communities.

However, the tactics alleged varied greatly. The types of activities discussed also include the following:

- Photographing or videotaping voters coming out of polling places.
- Improper demands for identification
- Poll watchers harassing voters
- Poll workers being hostile to or aggressively challenging voters
- Disproportionate police presence
- Poll watchers wearing clothes with messages that seemed intended to intimidate
- Insufficient voting machines and unmanageably long lines

Although the incidents reported on occurred everywhere, not surprisingly, many came from “battleground” states. There were several such reports out of Florida, Ohio and Pennsylvania.

“Dead Voters and Multiple Voting”

There were a high number of articles about people voting in the names of the dead and voting more than once. Many of these articles were marked by allegations of big numbers of people committing these frauds, and relatively few of these allegations turning out to be accurate according to investigations by the newspapers themselves, elections officials and criminal investigators. Often the problem turned out to be a result of administrative error, poll workers mis-marking of voter lists, a flawed registration list and/or errors made in the attempt to match names of voters on the list with the names of the people who voted. In a good number of cases, there were allegations that charges of double voting by political leaders were an effort to scare people away from the voting process.

Nonetheless there were a few cases of people actually being charged and/or convicted for these kinds of activities. Most of the cases involved a person voting both by absentee ballot and in person. A few instances involved people voting both during early voting and on Election Day, which calls into question the proper marking and maintenance of the voting lists. In many instances, the person charged claimed not to have voted twice on purpose. A very small handful of cases involved a voter voting in more than one county and there was one substantiated case involving a person voting in more than one state. Other instances in which such efforts were alleged were disproved by officials.

In the case of voting in the name of a dead person, the problem lay in the voter registration list not being properly maintained, i.e. the person was still on the registration list as eligible to vote, and a person taking criminal advantage of that. In total, the San Francisco Chronicle found 5 such cases in March 2004; the AP cited a newspaper analysis of five such persons in an Indiana primary in May 2004; and a senate committee found two people to have voted in the names of the dead in 2005.

As usual, there were a disproportionate number of such articles coming out of Florida. Notably, there were three articles out of Oregon, which has one hundred percent vote-by-mail.

Vote Buying

There were a surprising number of articles about vote buying cases. A few of these instances involved long-time investigations in three particular jurisdictions as detailed in the vote buying summary. There were more official investigations, indictments and convictions/pleas in this area. All of these cases are concentrated in the Midwest and South.

Deceptive Practices

In 2004 there were numerous reports of intentional disinformation about voting eligibility and the voting process meant to confuse voters about their rights and when and where to vote. Misinformation came in the form of flyers, phone calls, letters, and even people going door to door. Many of the efforts were reportedly targeted at minority communities. A disproportionate number of them came from key battleground states, particularly Florida, Ohio, and Pennsylvania. From the news reports found, only one of these instances was officially investigated, the case in Oregon involving the destruction of voter registration forms. There were no reports of prosecutions or any other legal proceeding.

Non-citizen Voting

There were surprisingly few articles regarding noncitizen registration and voting – just seven all together, in seven different states across the country. They were also evenly split between allegations of noncitizens registering and noncitizens voting. In one case charges were filed against ten individuals. In one case a judge in a civil suit found there was illegal noncitizen voting. Three instances prompted official investigations. Two cases, from this nexis search, remained just allegations of noncitizen voting.

Felon Voting

Although there were only thirteen cases of felon voting, some of them involved large numbers of voters. Most notably, of course, are the cases that came to light in the Washington gubernatorial election contest (see Washington summary) and in Wisconsin (see Wisconsin summary). In several states, the main problem has been the large number of ineligible felons that remained on the voting list.

Election Official Fraud

In most of the cases in which fraud by elections officials is suspected or alleged, it is difficult to determine whether it is incompetence or a crime. There are several cases of ballots gone missing, ballots unaccounted for and ballots ending up in a worker's possession. In two cases workers were said to have changed peoples' votes. The one instance in which widespread ballot box stuffing by elections workers was alleged was in Washington State. The judge in the civil trial of that election contest did not find that elections workers had committed fraud. Four of the cases are from Texas.

Existing Research

There are many reports and books that describe anecdotes and draw broad conclusions from a large array of incidents. There is little research that is truly systematic or scientific. The most systematic look at fraud is the report written by Lori Minnite. The most systematic look at voter intimidation is the report by Laughlin McDonald. Books

written about this subject seem to all have a political bias and a pre-existing agenda that makes them somewhat less valuable.

Researchers agree that measuring something like the incidence of fraud and intimidation in a scientifically legitimate way is extremely difficult from a methodological perspective and would require resources beyond the means of most social and political scientists. As a result, there is much more written on this topic by advocacy groups than social scientists. It is hoped that this gap will be filled in the “second phase” of this EAC project.

Moreover, reports and books make allegations but, perhaps by their nature, have little follow up. As a result, it is difficult to know when something has remained in the stage of being an allegation and gone no further, or progressed to the point of being investigated or prosecuted or in any other way proven to be valid by an independent, neutral entity. This is true, for example, with respect to allegations of voter intimidation by civil rights organizations, and, with respect to fraud, John Fund’s frequently cited book. Again, this is something that it is hoped will be addressed in the “second phase” of this EAC project by doing follow up research on allegations made in reports, books and newspaper articles.

Other items of note:

- There is as much evidence, and as much concern, about structural forms of disenfranchisement as about intentional abuse of the system. These include felon disenfranchisement, poor maintenance of databases and identification requirements.
- There is tremendous disagreement about the extent to which polling place fraud, e.g. double voting, intentional felon voting, noncitizen voting, is a serious problem. On balance, more researchers find it to be less of a problem than is commonly described in the political debate, but some reports say it is a major problem, albeit hard to identify.
- There is substantial concern across the board about absentee balloting and the opportunity it presents for fraud.
- Federal law governing election fraud and intimidation is varied and complex and yet may nonetheless be insufficient or subject to too many limitations to be as effective as it might be.
- Deceptive practices, e.g. targeted flyers and phone calls providing misinformation, were a major problem in 2004.
- Voter intimidation continues to be focused on minority communities, although the American Center for Voting Rights uniquely alleges it is focused on Republicans.

Cases

After reviewing over 40,000 cases, the majority of which came from appeals courts, I have found comparatively very few which are applicable to this study. Of those that are applicable, no apparent thematic pattern emerges. However, it seems that the greatest areas of fraud and intimidation have shifted from past patterns of stealing votes to present problems with voter registration, voter identification, the proper delivery and counting of absentee and overseas ballots, provisional voting, vote buying, and challenges to felon eligibility. But because so few cases provided a picture of these current problems, I suggest that case research for the second phase of this project concentrate on state trial-level decisions.

Methodology

The following is a summary of interviews conducted with a number of political scientists and experts in the field as to how one might undertake a comprehensive examination of voter fraud and intimidation. A list of the individuals interviewed and their ideas are available, and all of the individuals welcome any further questions or explanations of their recommended procedures.

- In analyzing instances of alleged fraud and intimidation, we should look to criminology as a model. In criminology, experts use two sources: the Uniform Crime Reports, which are all reports made to the police, and the Victimization Survey, which asks the general public whether a particular incident has happened to them. After surveying what the most common allegations are, we should conduct a survey of the general public that ask whether they have committed certain acts or been subjected to any incidents of fraud or intimidation. This would require using a very large sample, and we would need to employ the services of an expert in survey data collection. (Stephen Ansolobhere, MIT)
- Several political scientists with expertise in these types of studies recommended a methodology that includes interviews, focus groups, and a limited survey. In determining who to interview and where the focus groups should be drawn from, they recommend the following procedure:
 - Pick a number of places that have historically had many reports of fraud and/or intimidation; from that pool pick 10 that are geographically and demographically diverse, and have had a diversity of problems
 - Pick a number of places that have not had many reports of fraud and/or intimidation; from that pool pick 10 places that match the geographic and demographic make-up of the previous ten above (and, if possible, have comparable elections practices)

- Assess the resulting overall reports and impressions resulting from these interviews and focus groups, and examine comparisons and differences among the states and what may give rise to them.

In conducting a survey of elections officials, district attorneys, district election officers, they recommend that:

- The survey sample be large in order to be able to get the necessary subsets
- The survey must include a random set of counties where there have and have not been a large number of allegations

(Allan Lichtman, American University; Thad Hall, University of Utah; Bernard Grofman, UC – Irvine)

- Another political scientist recommended employing a methodology that relies on qualitative data drawn from in-depth interviews with key critics and experts on all sides of the debate on fraud; quantitative data collected through a survey of state and local elections and law enforcement officials; and case studies. Case studies should focus on the five or ten states, regions or cities where there has been a history of election fraud to examine past and present problems. The survey should be mailed to each state's attorney general and secretary of state, each county district attorney's office and each county board of elections in the 50 states. (Lorraine Minnite, Barnard College)
- The research should be a two-step process. Using LexisNexis and other research tools, a search should be conducted of news media accounts over the past decade. Second, interviews with a systematic sample of election officials nationwide and in selected states should be conducted. (Chandler Davidson, Rice University)
- One expert in the field posits that we can never come up with a number that accurately represents either the incidence of fraud or the incidence of voter intimidation. Therefore, the better approach is to do an assessment of what is most likely to happen, what election violations are most likely to be committed – in other words, a risk analysis. This would include an analysis of what it would actually take to commit various acts, e.g. the cost/benefit of each kind of violation. From there we could rank the likely prevalence of each type of activity and examine what measures are or could be effective in combating them. (Wendy Weiser, Brennan Center of New York University)
- Replicate a study in the United States done abroad by Susan Hyde of the University of California- San Diego examining the impact of impartial poll site observers on the incidence of election fraud. Doing this retrospectively would require the following steps:
 - Find out where there were federal observers
 - Get precinct level voting information for those places

- Analyze whether there was any difference in election outcomes in those places with and without observers, and whether any of these results seem anomalous.

Despite the tremendous differences in the political landscapes of the countries examined by Hyde in previous studies and the U.S., Hyde believes this study could be effectively replicated in this country by sending observers to a random sample of precincts. Rather than compare the incumbent's vote share, such factors such as voter complaints, voter turnout, number of provisional ballots used, composition of the electorate, as well as any anomalous voting results could be compared between sites with and without monitors.

For example, if intimidation is occurring, and if reputable monitors make intimidation less likely or voters more confident, then turnout should be higher on average in monitored precincts than in unmonitored precincts. If polling station officials are intentionally refusing to issue provisional ballots, and the polling station officials are more likely to adhere to regulations while being monitored, the average number of provisional ballots should be higher in monitored precincts than in unmonitored precincts. If monitors cause polling station officials to adhere more closely to regulations, then there should be fewer complaints (in general) about monitored than unmonitored precincts (this could also be reversed if monitors made voters more likely to complain).

Again, random assignment controls for all of the other factors that otherwise influence these variables.

One of the downsides of this approach is it does not get at some forms of fraud, e.g. absentee ballot fraud; those would have to be analyzed separately.

- Another political scientist recommends conducting an analysis of vote fraud claims and purging of registration rolls by list matching. Allegations of illegal voting often are based on matching of names and birth dates. Alleged instances of double voting are based on matching the names and birth dates of persons found on voting records. Allegations of ineligible felon (depending on state law), deceased, and of non-citizen voting are based on matching lists of names, birth dates, and sometimes addresses of such people against a voting records. Anyone with basic relational database skills can perform such matching in a matter of minutes.

However, there are a number of pitfalls for the unwary that can lead to grossly over-estimating the number of fraudulent votes, such as missing or ignored middle names and suffixes or matching on missing birth dates. Furthermore, there is a surprising statistical fact that a group of about three hundred people with the same first and last name are almost assured to share the exact same birth date, including year. In a large state, it is not uncommon for hundreds of Robert Smiths (and other common names) to have voted. Thus, allegations of vote fraud

or purging of voter registration rolls by list matching almost assuredly will find a large proportion of false positives: people who voted legally or are registered to vote legally.

Statistics can be rigorously applied to determine how many names would be expected to be matched by chance. A simulation approach is best applied here: randomly assign a birth date to an arbitrary number of people and observe how many match within the list or across lists. The simulation is repeated many times to average out the variation due to chance. The results can then be matched back to actual voting records and purge lists, for example, in the hotly contested states of Ohio or Florida, or in states with Election Day registration where there are concerns that easy access to voting permits double voting. This analysis will rigorously identify the magnitude alleged voter fraud, and may very well find instances of alleged fraud that exceed what might have otherwise happened by chance.

This same political scientist also recommends another way to examine the problem: look at statistics on provisional voting: the number cast might provide indications of intimidation (people being challenged at the polls) and the number of those not counted would be indications of "vote fraud." One could look at those jurisdictions in the Election Day Survey with a disproportionate number of provisional ballots cast and cross reference it with demographics and number of provisional ballots discarded. (Michael McDonald, George Mason University)

- Spencer Overton, in a forthcoming law review article entitled *Voter Identification*, suggests a methodology that employs three approaches—investigations of voter fraud, random surveys of voters who purported to vote, and an examination of death rolls provide a better understanding of the frequency of fraud. He says all three approaches have strengths and weaknesses, and thus the best studies would employ all three to assess the extent of voter fraud. An excerpt follows:

1. Investigations and Prosecutions of Voter Fraud

Policymakers should develop databases that record all investigations, allegations, charges, trials, convictions, acquittals, and plea bargains regarding voter fraud. Existing studies are incomplete but provide some insight. For example, a statewide survey of each of Ohio's 88 county boards of elections found only four instances of ineligible persons attempting to vote out of a total of 9,078,728 votes cast in the state's 2002 and 2004 general elections. This is a fraud rate of 0.00000045 percent. The Carter-Baker Commission's Report noted that since October 2002, federal officials had charged 89 individuals with casting multiple votes, providing false information about their felon status, buying votes, submitting false voter registration information, and voting improperly as a non-citizen. Examined in the context of the 196,139,871 ballots cast between October 2002 and

August 2005, this represents a fraud rate of 0.0000005 percent (note also that not all of the activities charged would have been prevented by a photo identification requirement).

A more comprehensive study should distinguish voter fraud that could be prevented by a photo identification requirement from other types of fraud — such as absentee voting and stuffing ballot boxes — and obtain statistics on the factors that led law enforcement to prosecute fraud. The study would demand significant resources because it would require that researchers interview and pour over the records of local district attorneys and election boards.

Hard data on investigations, allegations, charges, pleas, and prosecutions is important because it quantifies the amount of fraud officials detect. Even if prosecutors vigorously pursue voter fraud, however, the number of fraud cases charged probably does not capture the total amount of voter fraud. Information on official investigations, charges, and prosecutions should be supplemented by surveys of voters and a comparison of voting rolls to death rolls.

2. Random Surveys of Voters

Random surveys could give insight about the percentage of votes cast fraudulently. For example, political scientists could contact a statistically representative sampling of 1,000 people who purportedly voted at the polls in the last election, ask them if they actually voted, and confirm the percentage who are valid voters. Researchers should conduct the survey soon after an election to locate as many legitimate voters as possible with fresh memories.

Because many respondents would perceive voting as a social good, some who did not vote might claim that they did, which may underestimate the extent of fraud. A surveyor might mitigate this skew through the framing of the question (“I’ve got a record that you voted. Is that true?”).

Further, some voters will not be located by researchers and others will refuse to talk to researchers. Photo identification proponents might construe these non-respondents as improper registrations that were used to commit voter fraud.

Instead of surveying all voters to determine the amount of fraud, researchers might reduce the margin of error by focusing on a random sampling of voters who signed affidavits in the three states that request photo identification but also allow voters to establish their identity through affidavit—Florida, Louisiana, and South Dakota. In

South Dakota, for example, only two percent of voters signed affidavits to establish their identity. If the survey indicates that 95 percent of those who signed affidavits are legitimate voters (and the other 5 percent were shown to be either fraudulent or were non-responsive), this suggests that voter fraud accounts for, at the maximum, 0.1 percent of ballots cast.

The affidavit study, however, is limited to three states, and it is unclear whether this sample is representative of other states (the difficulty may be magnified in Louisiana in the aftermath of Hurricane Katrina's displacement of hundreds of thousands of voters). Further, the affidavit study reveals information about the amount of fraud in a photo identification state with an affidavit exception—more voter fraud may exist in a state that does not request photo identification.

3. *Examining Death Rolls*

A comparison of death rolls to voting rolls might also provide an estimate of fraud.

Imagine that one million people live in state A, which has no documentary identification requirement. Death records show that 20,000 people passed away in state A in 2003. A cross-referencing of this list to the voter rolls shows that 10,000 of those who died were registered voters, and these names remained on the voter rolls during the November 2004 election. Researchers would look at what percentage of the 10,000 dead-but-registered people who "voted" in the November 2004 election. A researcher should distinguish the votes cast in the name of the dead at the polls from those cast absentee (which a photo identification requirement would not prevent). This number would be extrapolated to the electorate as a whole.

This methodology also has its strengths and weaknesses. If fraudulent voters target the dead, the study might overestimate the fraud that exists among living voters (although a low incidence of fraud among deceased voters might suggest that fraud among all voters is low). The appearance of fraud also might be inflated by false positives produced by a computer match of different people with the same name. Photo identification advocates would likely assert that the rate of voter fraud could be higher among fictitious names registered, and that the death record survey would not capture that type of fraud because fictitious names registered would not show up in the death records. Nevertheless, this study, combined with the other two, would provide important insight into the magnitude of fraud likely to exist in the absence of a photo identification requirement.

Recommendations for Further EAC Activity
on Voting Fraud and Voter Intimidation

Consultants' Recommendations

Recommendation 1: Conduct More Interviews

Time and resource constraints prevented the consultants from interviewing the full range of participants in the process. As a result, we recommend that any future activity in this area include conducting further interviews.

In particular, we recommend that more election officials from all levels of government, parts of the country, and parties be interviewed. These individuals have the most direct inside information on how the system works -- and at times does not work. They are often the first people voters go to when something goes wrong and are often responsible for fixing it. They are the ones who must carry out the measures that are designed to both prevent fraud and voter intimidation and suppression. They will most likely know what, therefore, is and is not working.

It would also be especially beneficial to talk to people in law enforcement, specifically federal District Election Officers ("DEOs") and local district attorneys, as well as civil and criminal defense attorneys.

The Public Integrity Section of the Criminal Division of the Department of Justice has all of the 93 U.S. Attorneys appoint Assistant U.S. Attorneys to serve as DEOs for two years. DEOs are required to

- screen and conduct preliminary investigations of complaints, in conjunction with the FBI and PIN, to determine whether they constitute potential election crimes and should become matters for investigation;
- oversee the investigation and prosecution of election fraud and other election crimes in their districts;
- coordinate their district's (investigative and prosecutorial) efforts with DOJ headquarters prosecutors;
- coordinate election matters with state and local election and law enforcement officials and make them aware of their availability to assist with election-related matters;
- issue press releases to the public announcing the names and telephone numbers of DOJ and FBI officials to contact on election day with complaints about voting or election irregularities and answer telephones on election day to receive these complaints; and
- supervise a team of Assistant U.S. Attorneys and FBI special agents who are appointed to handle election-related allegations while the polls are open on election day.

Given the great responsibilities of the DEOs, and the breadth of issues they must deal with, they undoubtedly are great resources for information and insight as to what types of fraud and intimidation/suppression are occurring in their districts.

In many situations, however, it is the local district attorneys who will investigate election fraud and suppression tactics, especially in local elections. They will be able to provide information on what has gone on in their jurisdictions, as well as which matters get pursued and why.

Finally, those who defend people accused of election related crimes would also be useful to speak to. They may have a different perspective on how well the system is working to detect, prevent, and prosecute election fraud.

Recommendation 2: Follow Up on Nexis Research

The Nexis search conducted for this phase of the research was based on a list of search terms agreed upon by both consultants. Thousands of articles were reviewed and hundreds analyzed. Many of the articles contain allegations of fraud or intimidation. Similarly, many of the articles contain information about investigations into such activities or even charges brought. However, without being able to go beyond the agreed search terms, it could not be determined whether there was any later determination regarding the allegations, investigation or charges brought. This leaves a gaping hole: it is impossible to know if the article is just reporting on “talk” or what turns out to be a serious affront to the system.

As a result, we recommend that follow up Nexis research be conducted to determine what, if any, resolutions or further activity there was in each case. This would provide a much more accurate picture of what types of activities are actually taking place.

Recommendation 3: Follow Up on Allegations Found in Literature Review

Similarly, many allegations are made in the reports and books that we analyzed and summarized. Those allegations are often not substantiated in any way and are inherently time limited by the date of the writing. Despite this, such reports and books are frequently cited by various interested parties as evidence of fraud or intimidation.

Therefore, we recommend follow up to the literature review: for those reports and books that make or cite specific instances of fraud or intimidation, a research effort should be made to follow up on those references to see if and how they were resolved.

Recommendation 4: Review Complaints File With MyVote1 Project Voter Hotline

During the 2004 election and the statewide elections of 2005, the University of Pennsylvania led a consortium of groups and researchers in conducting the MyVote1 Project. This project involved using a 1-800 voter hotline where voters could call for poll location, be transferred to a local hotline, or leave a recorded message with a complaint.

In 2004, this resulted in over 200,000 calls received and over 56,000 recorded complaints.ⁱⁱ The researchers in charge of this project have done a great deal of work to parse and analyze the data collected through this process, including going through the audio messages and categorizing them by the nature of the complaint. These categories include registration, absentee ballot, poll access, ballot/screen, coercion/intimidation, identification, mechanical, provisional (ballot).

We recommend that further research include making full use of this data with the cooperation of the project leaders. While perhaps not a fully scientific survey given the self-selection of the callers, the information regarding 200,000 complaints should provide a good deal of insight into the problems voters experienced, especially those in the nature of intimidation or suppression.

Recommendation 5: Further Review of Complaints Filed With U.S. Department of Justice

Although according to a recent GAO report the Voting Section of the Civil Rights Division of the Department of Justice has a variety in ways it tracks complaints of voter intimidation,ⁱⁱⁱ the Section was extremely reluctant to provide the consultants with useful information. Further attempts should be made to obtain relevant data. This includes the telephone logs of complaints the Section keeps and information from the database – the Interactive Case Management (ICM) system – the Section maintains on complaints received and the corresponding action taken. We also recommend that further research include a review and analysis of the observer and monitor field reports from Election Day that must be filed with the Section.

Recommendation 6: Review Reports Filed By District Election Officers

Similarly, the consultants believe it would be useful for any further research to include a review of the reports that must be filed by every District Election Officer to the Public Integrity Section of the Criminal Division of the Department of Justice. As noted above, the DEOs play a central role in receiving reports of voter fraud and investigating and pursuing them. Their reports back to the Department would likely provide tremendous insight into what actually transpired during the last several elections. Where necessary, information could be redacted or made confidential.

Recommendation 7: Attend Ballot Access and Voting Integrity Symposium

The consultants also believe it would be useful for any further activity in this area to include attendance at the next Ballot Access and Voting Integrity Symposium. According to the Department,^{iv}

Prosecutors serving as District Election Officers in the 94 U.S. Attorneys' Offices are required to attend annual training conferences on fighting election fraud and voting rights abuses... These conferences are sponsored by the Voting Section of the Civil Rights Division and the Public Integrity

Section of the Criminal Division, and feature presentations by Civil Rights officials and senior prosecutors from the Public Integrity Section and the U.S. Attorneys' Offices. As a result of these conferences, there is a nationwide increase in Department expertise relating to the prosecution of election crimes and the enforcement of voting rights.

By attending the symposium researchers could learn more about the following:

- How District Election Officers are trained, e.g. what they are taught to focus their resources on, how they are instructed to respond to various types of complaints
- How information about previous election and voting issues is presented
- How the Voting Rights Act, the criminal laws governing election fraud and intimidation, the National Voter Registration Act, and the Help America Vote Act are described and explained to participants

Recommendation 8: Employ Academic or Individual to Conduct Statistical Research

Included in this report is a summary of various methodologies political scientists and others suggested to measure voter fraud and intimidation. While we note the skepticism of the Working Group in this regard, we nonetheless recommend that in order to further the mission of providing unbiased data, further activity in this area include an academic institution and/or individual that focuses on sound, statistical methods for political science research.

Recommendation 9: Explore Improvements to Federal Law

Finally, consultant Tova Wang recommends that future researchers review federal law to explore ways to make it easier to impose either civil or criminal penalties for acts of intimidation that do not necessarily involve racial animus and/or a physical or economic threat.

According to Craig Donsanto, long-time Director of the Election Crimes Branch, Public Integrity Section, Criminal Division of the U.S. Department of Justice:

As with other statutes addressing voter intimidation, in the absence of any jurisprudence to the contrary, it is the Criminal Division's position that section 1973gg-10(1) applies only to intimidation which is accomplished through the use of threats of physical or economic duress. Voter "intimidation" accomplished through less drastic means may present violations of the Voting Rights Act, 42 U.S.C. § 1973i(b), which are enforced by the Civil Rights Division through noncriminal remedies.^v

Mr. Donsanto reiterated these points to us on several occasions, including at the working group meeting.

As a result, researchers should examine if there is some way in which current law might be revised or new laws passed that would reach voter intimidation that does not threaten the voter physically or financially, but rather threatens the voter's right to vote as a tangible value in itself. Such an amendment or law would reach all forms of voter intimidation, no matter if it is motivated by race, party, ethnicity or any other criteria. The law would then *potentially* cover, for example, letters and postcards with language meant to deter voters from voting and both pre-election and Election Day challengers that are clearly mounting challenges solely on illegitimate bases.

In the alternative to finding a way to criminalize such behavior, researchers might examine ways to invigorate measures to deter and punish voter intimidation under the civil law. For example, there might be a private right of action created for voters or groups who have been subjected to intimidation tactics in the voting process. Such an action could be brought against individual offenders; any state or local actor where there is a pattern of repeated abuse in the jurisdiction that such officials did not take sufficient action against; and organizations that intentionally engage in intimidating practices. As a penalty upon finding liability, civil damages could be available plus perhaps attorney's fees.

Another, more modest measure would be, as has been suggested by Ana Henderson and Christopher Edley,^{vi} to bring parity to fines for violations under the Voting Rights Act. Currently the penalty for fraud is \$10,000 while the penalty for acts to deprive the right to vote is \$5,000.

Working Group Recommendations

Recommendation 1: Employ Observers To Collect Data in the 2006 and/or 2008 Elections

At the working group meeting, there was much discussion about using observers to collect data regarding fraud and intimidation at the polls in the upcoming elections. Mr. Ginsberg recommended using representatives of both parties for the task. Mr. Bauer and others objected to this, believing that using partisans as observers would be unworkable and would not be credible to the public.

There was even greater concern about the difficulties in getting access to poll sites for the purposes of observation. Most states strictly limit who can be in the polling place. In addition, there are already so many groups doing observation and monitoring at the polls, administrators might object. There was further concern that observers would introduce a variable into the process that would impact the outcome. The very fact that observers were present would influence behavior and skew the results.

Moreover, it was pointed out, many of the problems we see now with respect to fraud and intimidation does not take place at the polling place, e.g. absentee ballot fraud and deceptive practices. Poll site monitoring would not capture this activity. Moreover, with

increased use of early voting, poll site monitoring might have to go on for weeks to be effective, which would require tremendous resources.

Mr. Weinberg suggested using observers in the way they are utilized in international elections. Such observers come into a jurisdiction prior to the election, and use standardized forms at the polling sites to collect data.

Recommendation 2: Do a Study on Absentee Ballot Fraud

The working group agreed that since absentee ballot fraud is the main form of fraud occurring, and is a practice that is great expanding throughout the country, it would make sense to do a stand-alone study of absentee ballot fraud. Such a study would be facilitated by the fact that there already is a great deal of information on how, when, where and why such practices are carried out based on cases successfully prosecuted. Researchers could look at actual cases to see how absentee ballot fraud schemes are conducted in an effort to provide recommendations on more effective measures for preventing them.

Recommendation 3: Use Risk Analysis Methodology to Study Fraud¹

Working group members were supportive of one of the methodologies recommended for studying this issue, risk analysis. As Mr. Bauer put it, based on the assumption that people act rationally, do an examination of what types of fraud people are most likely to commit, given the relative costs and benefits. In that way, researchers can rank the types of fraud that are the easiest to commit at the least cost with the greatest effect, from most to least likely to occur. This might prove a more practical way of measuring the problems than trying to actually get a number of acts of fraud and/or intimidation occurring. Mr. Greenbaum added that one would want to examine what conditions surrounding an election would be most likely to lead to an increase in fraud. Mr. Rokita objected based on his belief that the passions of partisanship lead people to not act rationally in an election.

Recommendation 4: Conduct Research Using Database Comparisons

Picking up on a suggestion made by Spencer Overton and explained in the suggested methodology section, Mr. Hearne recommended studying the issue using statistical database matching. Researchers should compare the voter roll and the list of people who actually voted to see if there are “dead” and felon voters. Because of the inconsistent quality of the databases, however, a political scientist would need to work in an appropriate margin of error when using such a methodology.

Recommendation 5: Conduct a Study of Deceptive Practices

The working group discussed the increasing use of deceptive practices, such as flyers with false and/or intimidating information, to suppress voter participation. A number of

¹ See Appendix C, and section on methodology

groups, including the Department of Justice, the EAC, and organizations such as the Lawyers Committee for Civil Rights, keep phone logs regarding complaints of such practices, which may be available for review and analysis. This is also an area in which there is often tangible evidence, such as copies of the flyers and postcards themselves. All of this information should be reviewed and analyzed to see how such practices are being conducted and what can be done about them.

Recommendation 6: Study Use of HAVA Administrative Complaint Procedure As Vehicle for Measuring Fraud and Intimidation

The EAC should study the extent to which states are actually utilizing the administrative complaint procedure mandated by HAVA. In addition, the EAC should study whether data collected through the administrative complaint procedure can be used as another source of information for measuring fraud and intimidation.

Recommendation 7: Examine the Use of Special Election Courts

Given that many state and local judges are elected, it may be worth exploring whether special election courts that are running before, during and after election day would be an effective means of disposing with complaints and violations in an expeditious manner. Pennsylvania employs such a system, and the EAC should consider investigating how well it is working to deal with fraud and intimidation problems.

Key Working Group Observations and Concerns

Working Group Observations

1. ***The main problems today are structural barriers to voting and administrative error.*** Mr. Perez observed that, in accordance with the research, the biggest issues today are structural barriers to voting, not stealing votes. Election administrators share this view. Election fraud is negligible, and to the extent it occurs, it needs to be prosecuted with stronger criminal laws. The biggest problem is properly preparing people, which is the responsibility of election administrators.
2. ***Most fraud and intimidation is happening outside of the polling place.*** Mr. Greenbaum observed that with respect to both voter fraud and voter suppression, such as deceptive practices and tearing up voter registration forms, most of that is taking place outside of the polling place.
3. ***This issue cannot be addressed through one study or one methodology alone.*** Mr. Weinberg observed that since there is such a variety in types of fraud and intimidation, one solution will not fit all. It will be impossible to obtain data or resolve any of these problems through a single method.
4. ***The preliminary research conducted for this project is extremely valuable.*** Several of the working group members complimented the quality of the research done and although it is only preliminary, thought it would be useful and informative in the immediate future.
5. ***The Department of Justice is exploring expanding its reach over voter suppression activities.*** In the context of the conversation about defining voter intimidation, Mr. Donsanto pointed out that while voter intimidation was strictly defined by the criminal law, his section is beginning to explore the slightly different concept of vote suppression, and how to pursue it. He mentioned the phone-jamming case in New Hampshire as an initial success in this effort. He noted that he believes that vote suppression in the form of deceptive practices ought to be a crime and the section is exploring ways to go after it within the existing statutory construct. Mr. Bauer raised the example of a party sending people dressed in paramilitary outfits to yell at people as they go to the polls, telling them they have to show identification. Mr. Donsanto said that under the laws he has to work with today, such activity is not considered corrupt. He said that his lawyers are trying to “bend” the current laws to address aggravated cases of vote suppression, and the phone-jamming case is an example of that. Mr. Donsanto said that within the Department, the term vote “suppression” and translating it into a crime is a “work in progress.”

6. **Registration fraud does not translate into vote fraud.** Ms. Rogers, Mr. Donsanto and others stated that although phony voter registration applications turned in by people being paid by the form was a problem, it has not been found in their experience to lead to fraudulent voters at the polls. Ms. Rogers said such people were motivated by money, not defrauding the election.
7. **Handling of voter fraud and intimidation complaints varies widely across states and localities.** Ms. Rogers and others observed that every state has its own process for intake and review of complaints of fraud and intimidation, and that procedures often vary within states. The amount of authority secretaries of state have to address such problems also is different in every state. Mr. Weinberg stated he believed that most secretaries of state did not have authority to do anything about these matters. Participants discussed whether secretaries ought to be given greater authority so as to centralize the process, as HAVA has mandated in other areas.

Working Group Concerns

1. Mr. Rokita questioned whether the purpose of the present project ought to be on assessing the level of fraud and where it is, rather than on developing methods for making such measurements. He believed that methodology should be the focus, “rather than opinions of interviewees.” He was concerned that the EAC would be in a position of “adding to the universe of opinions.”
2. Mr. Rokita questioned whether the “opinions” accumulated in the research “is a fair sampling of what’s out there.” Ms. Wang responded that one of the purposes of the research was to explore whether there is a method available to actually quantify in some way how much fraud there is and where it is occurring in the electoral process. Mr. Rokita replied that “Maybe at the end of the day we stop spending taxpayer money or it’s going to be too much to spend to find that kind of data. Otherwise, we will stop it here and recognize there is a huge difference of opinion on that issue of fraud, when it occurs is obtainable, and that would possibly be a conclusion of the EAC.” Ms. Sims responded that she thought it would be possible to get better statistics on fraud and there might be a way of “identifying at this point certain parts in the election process that are more vulnerable, that we should be addressing.”
3. Mr. Rokita stated that, “We’re not sure that fraud at the polling place doesn’t exist. We can’t conclude that.”
4. Mr. Rokita expressed concern about working with a political scientist. He believes that the “EAC needs to be very careful in who they select, because all the time and effort and money that’s been spent up to date and would be spent in the future could be invalidated by a wrong selection in the eyes of some group.”

NEXIS Charts

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Case Charts

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Appendix 1
List of Individuals Interviewed

Wade Henderson, Executive Director, Leadership Conference for Civil Rights

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

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

Lori Minnite, Barnard College, Columbia University

Neil Bradley, ACLU Voting Rights Project

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

Pat Rogers, attorney, New Mexico

Rebecca Vigil-Giron, Secretary of State, New Mexico

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

Stephen Ansolobhere, Massachusetts Institute of Technology

Chandler Davidson, Rice University

Tracey Campbell, author, *Deliver the Vote*

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

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

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

Robin DeJarnette, Executive Director, American Center for Voting Rights

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

Joseph Sandler, Counsel to the Democratic National Committee

John Ravitz, Executive Director, New York City Board of Elections

John Tanner, Director, Voting Section, Civil Rights Division, U.S. Department of Justice

Kevin Kennedy, Executive Director of the State Board of Elections, Wisconsin
Evelyn Stratton, Justice, Supreme Court of Ohio

Tony Sirvello, Executive Director, International Association of
Clerks, Recorders, Election Officials and Treasurers

Harry Van Sickle, Commissioner of Elections, Pennsylvania

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

Sharon Priest, former Secretary of State, Arkansas

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Appendix 3
Excerpt from “Machinery of Democracy,” a Brennan Center Report

APPENDIX C

**BRENNAN CENTER TASK FORCE ON VOTING SYSTEM SECURITY,
LAWRENCE NORDEN, CHAIR**

Excerpted from pp. 8-19

METHODOLOGY

The Task Force concluded, and the peer review team at NIST agreed, that the best approach for comprehensively evaluating voting system threats was to: (1) identify and categorize the potential threats against voting systems, (2) prioritize these threats based upon an agreed upon metric (which would tell us how difficult each threat is to accomplish from the attacker's point of view), and (3) determine, utilizing the same metric employed to prioritize threats, how much more difficult each of the catalogued attacks would become after various sets of countermeasures are implemented.

This model allows us to identify the attacks we should be most concerned about (*i.e.*, the most practical and least difficult attacks). Furthermore, it allows us to quantify the potential effectiveness of various sets of countermeasures (*i.e.*, how difficult the least difficult attack is after the countermeasure has been implemented). Other potential models considered, but ultimately rejected by the Task Force, are detailed in Appendix B.

IDENTIFICATION OF THREATS

The first step in creating a threat model for voting systems was to identify as many potential attacks as possible. To that end, the Task Force, together with the participating election officials, spent several months identifying voting system vulnerabilities. Following this work, NIST held a Voting Systems Threat Analysis Workshop on October 7, 2005. Members of the public were invited to write up and post additional potential attacks. Taken together, this work produced over 120 potential attacks on the three voting systems. They are detailed in the catalogs annexed.²⁰ Many of the attacks are described in more detail at <http://vote.nist.gov/threats/papers.htm>.

The types of threats detailed in the catalogs can be broken down into nine categories: (1) the insertion of corrupt software into machines prior to Election Day; (2) wireless and other remote control attacks on voting machines on Election Day; (3) attacks on tally servers; (4) miscalibration of voting machines; (5) shut off of voting machine features intended to assist voters; (6) denial of service attacks; (7) actions by corrupt poll workers or others at the polling place to affect votes cast; (8) vote buying schemes; (9) attacks on ballots or VVPT. Often, the actual attacks

involve some combination of these categories. We provide a discussion of each type of attack in “Categories of Attacks,” *infra* at pp. 24–27.

PRIORITIZING THREATS: NUMBER OF INFORMED PARTICIPANTS AS METRIC

Without some form of prioritization, a compilation of the threats is of limited value. Only by prioritizing these various threats could we help election officials identify which attacks they should be most concerned about, and what steps could be taken to make such attacks as difficult as possible. As discussed below, we have determined the level of difficulty for each attack where the attacker is attempting to affect the outcome of a close statewide election.²¹

There is no perfect way to determine which attacks are the least difficult, because each attack requires a different mix of resources – well-placed insiders, money, programming skills, security expertise, *etc.* Different attackers would find certain resources easier to acquire than others. For example, election fraud committed by local election officials would always involve well-placed insiders and a thorough understanding of election procedures; at the same time, there is no reason to expect such officials to have highly skilled hackers or first-rate programmers working with them. By contrast, election fraud carried out by a foreign government would likely start with plenty of money and technically skilled attackers, but probably without many conveniently placed insiders or detailed knowledge of election procedures.

Ultimately, we decided to use the “number of informed participants” as the metric for determining attack difficulty. An attack which uses fewer participants is deemed the easier attack.

We have defined “informed participant” as someone whose participation is needed to make the attack work, and who knows enough about the attack to foil or expose it. This is to be distinguished from a participant who unknowingly assists the attack by performing a task that is integral to the attack’s successful execution without understanding that the task is part of an attack on voting systems.

The reason for using the security metric “number of informed participants” is relatively straightforward: the larger a conspiracy is, the more difficult it would be to keep it secret. Where an attacker can carry out an attack by herself, she need only trust herself. On the other hand, a conspiracy that requires thousands of people to take part (like a vote-buying scheme) also requires thousands of people to keep quiet. The larger the number of people involved, the greater the likelihood that one of them (or one who was approached, but declined to take part) would either inform the public or authorities about the attack, or commit some kind of error that causes the attack to fail or become known.

Moreover, recruiting a large number of people who are willing to undermine the integrity of a statewide election is also presumably difficult. It is not hard to imagine two or three people agreeing to work to change the outcome of an election. It seems far less likely that an attacker could identify and employ hundreds or thousands of similarly corrupt people without being discovered.

We can get an idea of how this metric works by looking at one of the threats listed in our catalogs: the vote-buying threat, where an attacker or attackers pay individuals to vote for a particular candidate. This is Attack Number 26 in the PCOS Attack Catalog²² (though this attack would not be substantially different against DREs or DREs w/ VVPT).²³ In order to work under our current types of voting systems, this attack requires (1) at least one person to purchase votes, (2) many people to agree to sell their votes, and (3) some way for the purchaser to confirm that the voters she pays actually voted for the candidate she supported. Ultimately, we determined that, while practical in smaller contests, a vote-buying attack would be an exceptionally difficult way to affect the outcome of a statewide election. This is because, even in a typically close statewide election, an attacker would need to involve thousands of voters to ensure that she could affect the outcome of a statewide race.²⁴

For a discussion of other metrics we considered, but ultimately rejected, see Appendix C.

DETERMINING NUMBER OF INFORMED PARTICIPANTS

DETERMINING THE STEPS AND VALUES FOR EACH ATTACK

The Task Force members broke down each of the catalogued attacks into its necessary steps. For instance, Attack 12 in the PCOS Attack Catalog is “Stuffing Ballot Box with Additional Marked Ballots.”²⁵ We determined that, at a minimum, there were three component parts to this attack: (1) stealing or creating the ballots and then marking them, (2) scanning marked ballots through the PCOS scanners, probably before the polls opened, and (3) modifying the poll books in each location to ensure that the total number of votes in the ballot boxes was not greater than the number of voters who signed in at the polling place.

Task Force members then assigned a value representing the minimum number of persons they believed would be necessary to accomplish each goal. For PCOS Attack 12, the following values were assigned:²⁶

Minimum number required to steal or create ballots: 5 persons total.²⁷

Minimum number required to scan marked ballots: 1 per polling place attacked.

Minimum number required to modify poll books: 1 per polling place attacked.²⁸

After these values were assigned, the Brennan Center interviewed several election officials to see whether they agreed with the steps and values assigned to each attack.²⁹ When necessary, the values and steps were modified. The new catalogs, including attack steps and values, were then reviewed by Task Force members. The purpose of this review was to ensure, among other things, that the steps and values were sound.

These steps and values tell us how difficult it would be to accomplish a *single attack in a single polling place*. They do not tell us how many people it would take to change the outcome of an election successfully – that depends, of course, on specific facts about the jurisdiction: how many votes are generally recorded in each polling

place, how many polling places are there in the jurisdiction, and how close is the race? For this reason, we determined that it was necessary to construct a hypothetical jurisdiction, to which we now turn.

NUMBER OF INFORMED PARTICIPANTS NEEDED TO CHANGE STATEWIDE ELECTION

We have decided to examine the difficulty of each attack in the context of changing the outcome of a reasonably close statewide election. While we are concerned by potential attacks on voting systems in any type of election, we are most troubled by attacks that have the potential to affect large numbers of votes. These are the attacks that could actually change the outcome of a statewide election with just a handful of attack participants.

We are less troubled by attacks on voting systems that can only affect a small number of votes (and might therefore be more useful in local elections). This is because there are many non-system attacks that can also affect a small number of votes (*i.e.*, sending out misleading information about polling places, physically intimidating voters, submitting multiple absentee ballots, *etc.*). Given the fact that these non-system attacks are likely to be less difficult in terms of number of participants, financial cost, risk of detection, and time commitment, we are uncertain that an attacker would target *voting machines* to alter a small number of votes.

In order to evaluate how difficult it would be for an attacker to change the outcome of a statewide election, we created a composite jurisdiction. The composite jurisdiction was created to be representative of a relatively close statewide election. We did not want to examine a statewide election where results were so skewed toward one candidate (for instance, the re-election of Senator Edward M. Kennedy in 2000, where he won 73% of the vote³⁰), that reversing the election results would be impossible without causing extreme public suspicion. Nor did we want to look at races where changing only a relative handful of votes (for instance, the Governor's race in Washington State in 2004, which was decided by a mere 129 votes³¹) could affect the outcome of an election; under this scenario, many of the potential attacks would involve few people, and therefore look equally difficult.

We have named our composite jurisdiction "the State of Pennasota." The State of Pennasota is a composite of ten states: Colorado, Florida, Iowa, Ohio, New Mexico, Pennsylvania, Michigan, Nevada, Wisconsin and Minnesota. These states were chosen because they were the ten "battleground" states that Zogby International consistently polled in the spring, summer, and fall 2004.³² These are statewide elections that an attacker would have expected, ahead of time, to be fairly close.

We have also created a composite election, which we label the "Governor's Race" in Pennasota. The results of this election are a composite of the actual results in the same ten states in the 2004 Presidential Election.

We have used these composites as the framework by which to evaluate the difficulty of the various catalogued attacks.³³ For instance, we know a ballot-box stuffing attack would require roughly five people to create and mark fake ballots, as

well as one person per polling place to stuff the boxes, and one person per polling place to modify the poll books. But, in order to determine how many informed participants would be needed to affect a statewide race, we need to know how many polling places would need to be attacked.

The composite jurisdiction and composite election provide us with information needed to answer these questions: *i.e.*, how many extra votes our attackers would need to add to their favored candidate's total for him to win, how many ballots our attackers can stuff into a particular polling place's ballot box without arousing suspicion (and related to this, how many votes are generally cast in the average polling place), how many polling places are there in the state, *etc.* We provide details about both the composite jurisdiction and election in the section entitled "Governor's Race, State of Pennasota, 2007," *infra* at pp 20–27.

LIMITS OF INFORMED PARTICIPANTS AS METRIC

Of the possible metrics we considered, we believe that measuring the number of people who know they are involved in an attack (and thus could provide evidence of the attack to the authorities and/or the media), is the best single measure of attack difficulty; as already discussed, we have concluded that the more people an attacker is forced to involve in his attack, the more likely it is that one of the participants would reveal the attack's existence and foil the attack, perhaps sending attackers to jail. However, we are aware of a number of places where the methodology could provide us with questionable results.

By deciding to concentrate on size of attack team, we mostly ignore the need for other resources when planning an attack. Thus, a software attack on DREs which makes use of steganography³⁴ to hide attack instruction files (*see* "DRE w/ VVPT Attack No.1a", discussed in greater detail, *infra* at pp. 62–65) is considered easier than an attack program delivered over a wireless network at the polling place (*see* discussion of wireless networks, *infra* at pp. 85–91). However, the former attack probably requires a much more technologically sophisticated attacker.

Another imperfection with this metric is that we do not have an easy way to represent how much choice the attacker has in finding members of his attack team. Thus, with PCOS voting, we conclude that the cost of subverting a routine audit of ballots is roughly equal to the cost of intercepting ballot boxes in transit and substituting altered ballots (*see* discussion of PCOS attacks, *infra* at pp. 77–83). However, subverting the audit team requires getting a specific set of trusted people to cooperate with the attacker. By contrast, the attacker may be able to decide which precincts to tamper with based on which people he has already recruited for his attack.

In an attempt to address this concern, we considered looking at the number of "insiders" necessary to take part in each attack. Under this theory, getting five people to take part in a conspiracy to attack a voting system might not be particularly difficult. But getting five well-placed county election officials to take part in the attack would be (and should be labeled) the more difficult of the two attacks. Because, for the most part, the low-cost attacks we have identified do not necessarily involve well placed insiders (but could, for instance, involve one of many people with access to commercial off the shelf software ("COTS") during development

or at the vendor), we do not believe that using this metric would have substantially changed our analysis.³⁵

Finally, these attack team sizes do not always capture the logistical complexity of an attack. For example, an attack on VVPT machines involving tampering with the voting machine software and also replacing the paper records in transit requires the attacker to determine what votes were falsely produced by the voting machine and print replacement records in time to substitute them. While this is clearly possible, it raises a lot of operational difficulties – a single failed substitution leaves the possibility that the attack would be detected during the audit of ballots.

We have tried to keep these imperfections in mind when analyzing and discussing our least difficult attacks.

We suspect that much of the disagreement between voting officials and computer security experts in the last several years stems from a difference of opinion in prioritizing the difficulty of attacks. Election officials, with extensive experience in the logistics of handling tons of paper ballots, have little faith in paper and understand the kind of breakdowns in procedures that lead to traditional attacks like ballot box stuffing; in contrast, sophisticated attacks on computer voting systems appear very difficult to many of them. Computer security experts understand sophisticated attacks on computer systems, and recognize the availability of tools and expertise that makes these attacks practical to launch, but have no clear idea how they would manage the logistics of attacking a paper-based system. Looking at attack team size is one way to bridge this difference in perspective.

EFFECTS OF IMPLEMENTING COUNTERMEASURE SETS

The final step of our threat analysis is to measure the effect of certain countermeasures against the catalogued attacks. How much more difficult would the attacks become once the countermeasures are put into effect? How many more informed participants (if any) would be needed to counter or defeat these countermeasures?

Our process for examining the effectiveness of a countermeasure mirrors the process for determining the difficulty of an attack: we first asked whether the countermeasure would allow us to detect an attack with near certainty. If we agreed that the countermeasure would expose the attack, we identified the steps that would be necessary to circumvent or defeat the countermeasure. For each step to defeat the countermeasure, we determined the number of additional informed participants (if any) that an attacker would need to add to his team. As with the process for determining attack difficulty, the Brennan Center interviewed numerous election officials to see whether they agreed with the steps and values assigned. When necessary, the values and steps for defeating the countermeasures were altered to reflect the input of election officials.

COUNTERMEASURES EXAMINED

BASIC SET OF COUNTERMEASURES

The first set of countermeasures we looked at is the “Basic Set” of countermeasures. This Basic Set was derived from security survey responses³⁶ we received

from county election officials around the country, as well as additional interviews with more than a dozen current and former election officials. Within the Basic Set of countermeasures are the following procedures:

Inspection

The jurisdiction is not knowingly using any uncertified software that is subject to inspection by the Independent Testing Authority (often referred to as the “ITA”).³⁷

Physical Security for Machines

- Ballot boxes (to the extent they exist) are examined (to ensure they are empty) and locked by poll workers immediately before the polls are opened.
- Before and after being brought to the polls for Election Day, voting systems for each county are locked in a single room, in a county warehouse.
- The warehouse has perimeter alarms, secure locks, video surveillance and regular visits by security guards.
- Access to the warehouse is controlled by sign-in, possibly with card keys or similar automatic logging of entry and exit for regular staff.
- Some form of “tamper evident” seals are placed on machines before and after each election.
- The machines are transported to polling locations five to fifteen days before Election Day.

Chain of Custody/Physical Security of Election Day Records

- At close of the polls, vote tallies for each machine are totaled and compared with number of persons that have signed the poll books.
- A copy of totals for each machine is posted at each polling place on Election Night and taken home by poll workers to check against what is posted publicly at election headquarters, on the web, in the papers, or elsewhere.³⁸
- All audit information (*i.e.*, Event Logs, VVPT records, paper ballots, machine printouts of totals) that is not electronically transmitted as part of the unofficial upload to the central election office, is delivered in official, sealed and hand-delivered information packets or boxes. All seals are numbered and tamper-evident.
- Transportation of information packets is completed by two election officials representing opposing parties who have been instructed to remain in joint custody of the information packets or boxes from the moment it leaves the precinct to the moment it arrives at the county election center.

- Each polling place sends its information packets or boxes to the county election center separately, rather than having one truck or person pick up this data from multiple polling locations.
- Once the sealed information packets or boxes have reached the county election center, they are logged. Numbers on the seals are checked to ensure that they have not been replaced. Any broken or replaced seals are logged. Intact seals are left intact.
- After the packets and/or boxes have been logged, they are provided with physical security precautions at least as great as those listed for voting machines, above. Specifically, for Pennasota, we have assumed the room in which the packets are stored have perimeter alarms, secure locks, video surveillance and regular visits by security guards and county police officers; and access to the room is controlled by sign-in, possibly with card keys or similar automatic logging of entry and exit for regular staff.

Testing³⁹

- An Independent Testing Authority has certified the model of voting machine used in the polling place.
- Acceptance Testing⁴⁰ is performed on machines at time, or soon after they are received by County.
- Pre-election Logic and Accuracy⁴¹ testing is performed by the relevant election official.
- Prior to opening the polls, every voting machine and vote tabulation system is checked to see that it is still configured for the correct election, including the correct precinct, ballot style, and other applicable details.

REGIMEN FOR AUTOMATIC ROUTINE AUDIT PLUS BASIC SET OF COUNTERMEASURES.

The second set of countermeasures is the Regimen for an Automatic Routine Audit Plus Basic Set of Countermeasures.

Some form of routine auditing of voter-verified paper records occurs in 12 states, to test the accuracy of electronic voting machines. They generally require between 1 and 10% of all precinct voting machines to be audited after each election. ⁴²

Jurisdictions can implement this set of countermeasures only if their voting systems produce some sort of voter-verified paper record of each vote. This could be in the form of a paper ballot, in the case of PCOS, or a voter-verified paper trail (“VVPT”), in the case of DREs.

We have assumed that jurisdictions take the following steps when conducting an Automatic Routine Audit (when referring to this set of assumptions “Regimen for an Automatic Routine Audit”):

The Audit

- Leaders of the major parties in each county are responsible for selecting a sufficient number of audit-team members to be used in that county.⁴³
- Using a highly transparent random selection mechanism (*see* point ii, below), the voter-verified paper records for between a small percentage of all voting machines in the State are selected for auditing.
- Using a transparent random selection method, auditors are assigned to the selected machines (two or three people, with representatives of each major political party, would comprise each audit team).
- The selection of voting machines, and the assignment of auditors to machines, occurs immediately before the audits take place. The audits take place as soon after polls close as possible – for example, at 9 a.m. the morning after polls close.
- Using a transparent random selection method, county police officers, security personnel and the video monitor assigned to guard the voter-verified records are chosen from a large pool of on-duty officers and employees on election night.
- The auditors are provided the machine tallies and are able to see that the county tally reflects the sums of the machine tallies before the start of the inspection of the paper.
- The audit would include a tally of spoiled ballots (in the case of VVPT, the number of cancellations recorded), overvotes, and undervotes.

Transparent Random Selection Process

In this report, we have assumed that random auditing procedures are in place for both the Regimen for an Automatic Routine Audit and Regimen for Parallel Testing. We have further assumed procedures to prevent a single, corrupt person from being able to fix the results. This implies a kind of transparent and public random procedure.

For the Regimen for an Automatic Routine Audit there are at least two places where transparent, random selection processes are important: in the selection of precincts to audit, and in the assignment of auditors to the precincts they will be auditing.

Good election security can employ Transparent Random Selection in other places with good effect:

- the selection of parallel testers from a pool of qualified individuals.
- the assignment of police and other security professionals from on-duty lists, to monitor key materials, for example, the VVPT records between the time that they arrive at election central and the time of the completion of the ARA.

If a selection process for auditing is to be trustworthy and trusted, ideally:

- The whole process will be publicly observable or videotaped;⁴⁴
- The random selection will be publicly verifiable, *i.e.*, anyone observing will be able to verify that the sample was chosen randomly (or at least that the number selected is not under the control of any small number of people); and
- The process will be simple and practical within the context of current election practice so as to avoid imposing unnecessary burdens on election officials.

There are a number of ways that election officials can ensure some kind of transparent randomness. One way would be to use a state lottery machine to select precincts or polling places for auditing. We have included two potential examples of transparent random selection processes in Appendix F. These apply to the Regimen for Parallel Testing as well.

REGIMEN FOR PARALLEL TESTING PLUS BASIC SET OF COUNTERMEASURES

The final set of countermeasures we have examined is “Parallel Testing” plus the Basic Set of countermeasures. Parallel Testing, also known as election-day testing, involves selecting voting machines at random and testing them as realistically as possible during the period that votes are being cast.

Parallel Testing

In developing our set of assumptions for Parallel Testing, we relied heavily upon interviews with Jocelyn Whitney, Project Manager for Parallel Testing in the State of California, and conclusions drawn from this Report.⁴⁵ In our analysis, we assume that the following procedures would be included in the Parallel Testing regimen (when referring to this regimen “Regimen for Parallel Testing”) that we evaluate:

- At least two of each DRE model (meaning both vendor and model) would be selected for Parallel Testing;
- At least two DREs from each of the three largest counties would be parallel tested;
- Counties to be parallel tested would be chosen by the Secretary of State in a transparent and random manner.
- Counties would be notified as late as possible that machines from one of their precincts would be selected for Parallel Testing;⁴⁶
- Precincts would be selected through a transparent random mechanism;
- A video camera would record testing;
- For each test, there would be one tester and one observer;

- Parallel Testing would occur at the polling place;
- The script for Parallel Testing would be generated in a way that mimics voter behavior and voting patterns for the polling place;
- At the end of the Parallel Testing, the tester and observer would reconcile vote totals in the script with vote totals reported on the machine.

Transparent Random Selection Process

We further assume that the same type of transparent random selection process that would be used for the Regimen for Automatic Routine Audit would also be employed for the Regimen for Parallel Testing to determine which machines would be subjected to testing on Election Day.

APPENDIX C

ALTERNATIVE SECURITY METRICS CONSIDERED

Dollars Spent

The decision to use the number of informed participants as the metric for attack level difficulty came after considering several other potential metrics. One of the first metrics we considered was the dollar cost of attacks. This metric makes sense when looking at attacks that seek financial gain – for instance, misappropriating corporate funds. It is not rational to spend \$100,000 on the misappropriation of corporate funds if the total value of those funds is \$90,000. Ultimately, we rejected this metric as the basis for our analysis because the dollar cost of the attacks we considered were dwarfed by both (1) current federal and state budgets, and (2) the amounts currently spent legally in state and federal political campaigns.

Time of Attack

The relative security of safes and other safety measures are often rated in terms of “time to defeat.” This was rejected as metric of difficulty because it did not seem relevant to voting systems. Attackers breaking into a house are concerned with the amount of time it might take to complete their robbery because the homeowners or police might show up. With regard to election fraud, many attackers may be willing to start months or years before an election if they believe they can control the outcome. As discussed *supra* at pp. 35–48, attackers may be confident that they can circumvent the independent testing authorities and other measures meant to identify attacks, so that the amount of time an attack takes becomes less relevant.

Appendix 4
Voting Fraud-Voter Intimidation Working Group

The Honorable Todd Rokita

Indiana Secretary of State
Member, EAC Standards Board and the Executive Board of the Standards Board

Kathy Rogers

Georgia Director of Elections, Office of the Secretary of State
Member, EAC Standards Board

J.R. Perez

Guadalupe County Elections Administrator, Texas

Barbara Arnwine

Executive Director, Lawyers Committee for Civil Rights Under Law
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Barry Weinberg

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EAC Invited Technical Advisor:

Craig Donsanto

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

ⁱ Department of Justice's Activities to Address Past Election-Related Voting Irregularities, General Accounting Office, October 14, 2004, GAO-04-1041R

ⁱⁱ The MyVote1 Project Final Report, Fels Institute of Government, University of Pennsylvania, November 1, 2005, Pg. 12

ⁱⁱⁱ Department of Justice's Activities to Address Past Election-Related Voting Irregularities, General Accounting Office, October 14, 2004, GAO-04-1041R, p. 4. This same report criticizes some of the procedures the Section used for these systems and urged the Department to improve upon them in time for the 2004 presidential election. No follow-up report has been done since that time to the best of our knowledge.

^{iv} "Department Of Justice To Hold Ballot Access and Voting Integrity Symposium," U.S. Department of Justice press release, August 2, 2005

^v Craig C. Donsanto, Prosecution of Electoral Fraud Under United States Federal Law," IFES Political Finance White Paper Series, 2006, p. 29

^{vi} Ana Henderson and Christopher Edley, Jr., Voting Rights Act Reauthorization: Research-Based Recommendations to Improve Voting Access, Chief Justice Earl Warren Institute on Race, Ethnicity and Diversity, University of California at Berkeley, School of Law, 2006, p. 29

DRAFT

Existing Research Analysis

There are many reports and books that describe anecdotes and draw broad conclusions from a large array of incidents. There is little research that is truly systematic or scientific. The most systematic look at fraud is the report written by Lori Minnite. The most systematic look at voter intimidation is the report by Laughlin McDonald. Books written about this subject seem to all have a political bias and a pre-existing agenda that makes them somewhat less valuable.

Researchers agree that measuring something like the incidence of fraud and intimidation in a scientifically legitimate way is extremely difficult from a methodological perspective and would require resources beyond the means of most social and political scientists. As a result, there is much more written on this topic by advocacy groups than social scientists. It is hoped that this gap will be filled in the "second phase" of this EAC project.

Moreover, reports and books make allegations but, perhaps by their nature, have little follow up. As a result, it is difficult to know when something has remained in the stage of being an allegation and gone no further, or progressed to the point of being investigated or prosecuted or in any other way proven to be valid by an independent, neutral entity. This is true, for example, with respect to allegations of voter intimidation by civil rights organizations, and, with respect to fraud, John Fund's frequently cited book. Again, this is something that it is hoped will be addressed in the "second phase" of this EAC project by doing follow up research on allegations made in reports, books and newspaper articles.

Other items of note:

- There is as much evidence, and as much concern, about structural forms of disenfranchisement as about intentional abuse of the system. These include felon disenfranchisement, poor maintenance of databases and identification requirements.
- There is tremendous disagreement about the extent to which polling place fraud, e.g. double voting, intentional felon voting, noncitizen voting, is a serious problem. On balance, more researchers find it to be less of a problem than is commonly described in the political debate, but some reports say it is a major problem, albeit hard to identify.
- There is substantial concern across the board about absentee balloting and the opportunity it presents for fraud.
- Federal law governing election fraud and intimidation is varied and complex and yet may nonetheless be insufficient or subject to too many limitations to be as effective as it might be.

- Deceptive practices, e.g. targeted flyers and phone calls providing misinformation, were a major problem in 2004.
- Voter intimidation continues to be focused on minority communities, although the American Center for Voting Rights uniquely alleges it is focused on Republicans.

Existing Literature Reviewed

Reports

The Long Shadow of Jim Crow, People for the American Way and the NAACP

The New Poll Tax, Laughlin McDonald

Wisconsin Audit Report, Voter Registration Elections Board

Preliminary Findings, Milwaukee Joint Task Force Investigating Possible Election Fraud

Building Confidence in U.S. Elections, National Commission on Federal Election Reform (Carter/Baker Report)

Response to the Report of the 2005 Commission on Federal Election Reform (Carter/Baker Report), The Brennan Center and Professor Spencer Overton

Republican Ballot Security Programs: Vote Protection or Minority Vote Suppression – or Both?, Chandler Davidson

A Crazy Quilt of Tiny Pieces: State and Local Administration of American Criminal Disenfranchisement Law, Alec Ewald

Vote Fraud, Intimidation and Suppression in the 2004 Presidential Election, American Center for Voting Rights

America's Modern Poll Tax, The Advancement Project

Analysis of the September 15, 2005 Voter Fraud Report Submitted to the New Jersey Attorney General, The Brennan Center and Professor Michael McDonald

Democracy at Risk: The November 2004 Election in Ohio, Democratic National Committee

Department of Justice Public Integrity Reports 2002, 2003, 2004

Prosecution of Election Fraud under United States Federal Law, Craig Donsanto

Election Protection 2004, Election Protection Coalition

The Federal Crime of Election Fraud, Craig Donsanto

Views of Selected Local Election Officials on Managing Voter Registration and Ensuring Eligible Citizens Can Vote, General Accounting Office

Securing the Vote: An Analysis of Election Fraud, Lori Minnite

Shattering the Myth: An Initial Snapshot of Voter Disenfranchisement in the 2004 Elections, People for the American Way, NAACP, Lawyers Committee for Civil Rights

Books

Stealing Elections, John Fund

Steal this Vote: Dirty Elections and the Rotten History of Democracy in American, Andrew Gumbel

Deliver the Vote: A History of Election Fraud, An American Political Tradition – 1742-2004, Tracey Campbell

A Funny Thing Happened on the Way to the White House, David E. Johnson and Jonny R. Johnson

Foiled Again, Mark Crispin Miller

Legal

Indiana Democratic Party vs. Rokita

Common Cause of Georgia vs. Billup

U.S. Department of Justice Section 5 Recommendation Memorandum (Georgia voter identification)

APPENDIX C

BRENNAN CENTER TASK FORCE ON VOTING SYSTEM SECURITY, LAWRENCE NORDEN, CHAIR

Excerpted from p.p. 8-19

METHODOLOGY

The Task Force concluded, and the peer review team at NIST agreed, that the best approach for comprehensively evaluating voting system threats was to: (1) identify and categorize the potential threats against voting systems, (2) prioritize these threats based upon an agreed upon metric (which would tell us how difficult each threat is to accomplish from the attacker's point of view), and (3) determine, utilizing the same metric employed to prioritize threats, how much more difficult each of the catalogued attacks would become after various sets of countermeasures are implemented.

This model allows us to identify the attacks we should be most concerned about (*i.e.*, the most practical and least difficult attacks). Furthermore, it allows us to quantify the potential effectiveness of various sets of countermeasures (*i.e.*, how difficult the least difficult attack is after the countermeasure has been implemented). Other potential models considered, but ultimately rejected by the Task Force, are detailed in Appendix B.

IDENTIFICATION OF THREATS

The first step in creating a threat model for voting systems was to identify as many potential attacks as possible. To that end, the Task Force, together with the participating election officials, spent several months identifying voting system vulnerabilities. Following this work, NIST held a Voting Systems Threat Analysis Workshop on October 7, 2005. Members of the public were invited to write up and post additional potential attacks. Taken together, this work produced over 120 potential attacks on the three voting systems. They are detailed in the catalogs annexed.²⁰ Many of the attacks are described in more detail at <http://vote.nist.gov/threats/papers.htm>.

The types of threats detailed in the catalogs can be broken down into nine categories: (1) the insertion of corrupt software into machines prior to Election Day; (2) wireless and other remote control attacks on voting machines on Election Day; (3) attacks on tally servers; (4) miscalibration of voting machines; (5) shut off of voting machine features intended to assist voters; (6) denial of service attacks; (7) actions by corrupt poll workers or others at the polling place to affect votes cast; (8) vote buying schemes; (9) attacks on ballots or VVPT. Often, the actual attacks involve some combination of these categories. We provide a discussion of each type of attack in "Categories of Attacks," *infra* at pp. 24-27.

PRIORITIZING THREATS: NUMBER OF INFORMED PARTICIPANTS AS METRIC

Without some form of prioritization, a compilation of the threats is of limited value. Only by prioritizing these various threats could we help election officials identify which attacks they should be most concerned about, and what steps could be taken to make such attacks as difficult as possible. As discussed below, we have determined the level of difficulty for each attack where the attacker is attempting to affect the outcome of a close statewide election.²¹

There is no perfect way to determine which attacks are the least difficult, because each attack requires a different mix of resources – well-placed insiders, money, programming skills, security expertise, *etc.* Different attackers would find certain resources easier to acquire than others. For example, election fraud committed by local election officials would always involve well-placed insiders and a thorough understanding of election procedures; at the same time, there is no reason to expect such officials to have highly skilled hackers or first-rate programmers working with them. By contrast, election fraud carried out by a foreign government would likely start with plenty of money and technically skilled attackers, but probably without many conveniently placed insiders or detailed knowledge of election procedures.

Ultimately, we decided to use the “number of informed participants” as the metric for determining attack difficulty. An attack which uses fewer participants is deemed the easier attack.

We have defined “informed participant” as someone whose participation is needed to make the attack work, and who knows enough about the attack to foil or expose it. This is to be distinguished from a participant who unknowingly assists the attack by performing a task that is integral to the attack’s successful execution without understanding that the task is part of an attack on voting systems.

The reason for using the security metric “number of informed participants” is relatively straightforward: the larger a conspiracy is, the more difficult it would be to keep it secret. Where an attacker can carry out an attack by herself, she need only trust herself. On the other hand, a conspiracy that requires thousands of people to take part (like a vote-buying scheme) also requires thousands of people to keep quiet. The larger the number of people involved, the greater the likelihood that one of them (or one who was approached, but declined to take part) would either inform the public or authorities about the attack, or commit some kind of error that causes the attack to fail or become known.

Moreover, recruiting a large number of people who are willing to undermine the integrity of a statewide election is also presumably difficult. It is not hard to imagine two or three people agreeing to work to change the outcome of an election. It seems far less likely that an attacker could identify and employ hundreds or thousands of similarly corrupt people without being discovered.

We can get an idea of how this metric works by looking at one of the threats listed in our catalogs: the vote-buying threat, where an attacker or attackers pay individuals to vote for a particular candidate. This is Attack Number 26 in the PCOS Attack Catalog²² (though this attack would not be substantially different against DREs or DREs w/ VVPT).²³ In order to work under our current types of voting

systems, this attack requires (1) at least one person to purchase votes, (2) many people to agree to sell their votes, and (3) some way for the purchaser to confirm that the voters she pays actually voted for the candidate she supported. Ultimately, we determined that, while practical in smaller contests, a vote-buying attack would be an exceptionally difficult way to affect the outcome of a statewide election. This is because, even in a typically close statewide election, an attacker would need to involve thousands of voters to ensure that she could affect the outcome of a statewide race.²⁴

For a discussion of other metrics we considered, but ultimately rejected, *see* Appendix C.

DETERMINING NUMBER OF INFORMED PARTICIPANTS

DETERMINING THE STEPS AND VALUES FOR EACH ATTACK

The Task Force members broke down each of the catalogued attacks into its necessary steps. For instance, Attack 12 in the PCOS Attack Catalog is “Stuffing Ballot Box with Additional Marked Ballots.”²⁵ We determined that, at a minimum, there were three component parts to this attack: (1) stealing or creating the ballots and then marking them, (2) scanning marked ballots through the PCOS scanners, probably before the polls opened, and (3) modifying the poll books in each location to ensure that the total number of votes in the ballot boxes was not greater than the number of voters who signed in at the polling place.

Task Force members then assigned a value representing the minimum number of persons they believed would be necessary to accomplish each goal. For PCOS Attack 12, the following values were assigned:²⁶

Minimum number required to steal or create ballots: 5 persons total.²⁷

Minimum number required to scan marked ballots: 1 per polling place attacked.

Minimum number required to modify poll books: 1 per polling place attacked.²⁸

After these values were assigned, the Brennan Center interviewed several election officials to see whether they agreed with the steps and values assigned to each attack.²⁹ When necessary, the values and steps were modified. The new catalogs, including attack steps and values, were then reviewed by Task Force members. The purpose of this review was to ensure, among other things, that the steps and values were sound.

These steps and values tell us how difficult it would be to accomplish a *single attack in a single polling place*. They do not tell us how many people it would take to change the outcome of an election successfully – that depends, of course, on specific facts about the jurisdiction: how many votes are generally recorded in each polling place, how many polling places are there in the jurisdiction, and how close is the race? For this reason, we determined that it was necessary to construct a hypothetical jurisdiction, to which we now turn.

NUMBER OF INFORMED PARTICIPANTS NEEDED TO CHANGE STATEWIDE ELECTION

We have decided to examine the difficulty of each attack in the context of changing the outcome of a reasonably close statewide election. While we are concerned by potential attacks on voting systems in any type of election, we are most troubled by attacks that have the potential to affect large numbers of votes. These are the attacks that could actually change the outcome of a statewide election with just a handful of attack participants.

We are less troubled by attacks on voting systems that can only affect a small number of votes (and might therefore be more useful in local elections). This is because there are many non-system attacks that can also affect a small number of votes (*i.e.*, sending out misleading information about polling places, physically intimidating voters, submitting multiple absentee ballots, *etc.*). Given the fact that these non-system attacks are likely to be less difficult in terms of number of participants, financial cost, risk of detection, and time commitment, we are uncertain that an attacker would target *voting machines* to alter a small number of votes.

In order to evaluate how difficult it would be for an attacker to change the outcome of a statewide election, we created a composite jurisdiction. The composite jurisdiction was created to be representative of a relatively close statewide election. We did not want to examine a statewide election where results were so skewed toward one candidate (for instance, the re-election of Senator Edward M. Kennedy in 2000, where he won 73% of the votes³⁰), that reversing the election results would be impossible without causing extreme public suspicion. Nor did we want to look at races where changing only a relative handful of votes (for instance, the Governor's race in Washington State in 2004, which was decided by a mere 129 votes³¹) could affect the outcome of an election; under this scenario, many of the potential attacks would involve few people, and therefore look equally difficult.

We have named our composite jurisdiction "the State of Pennasota." The State of Pennasota is a composite of ten states: Colorado, Florida, Iowa, Ohio, New Mexico, Pennsylvania, Michigan, Nevada, Wisconsin and Minnesota. These states were chosen because they were the ten "battleground" states that Zogby International consistently polled in the spring, summer, and fall 2004.³² These are statewide elections that an attacker would have expected, ahead of time, to be fairly close.

We have also created a composite election, which we label the "Governor's Race" in Pennasota. The results of this election are a composite of the actual results in the same ten states in the 2004 Presidential Election.

We have used these composites as the framework by which to evaluate the difficulty of the various catalogued attacks.³³ For instance, we know a ballot-box stuffing attack would require roughly five people to create and mark fake ballots, as well as one person per polling place to stuff the boxes, and one person per polling place to modify the poll books. But, in order to determine how many informed participants would be needed to affect a statewide race, we need to know how many polling places would need to be attacked.

The composite jurisdiction and composite election provide us with information needed to answer these questions: *i.e.*, how many extra votes our attackers would

need to add to their favored candidate's total for him to win, how many ballots our attackers can stuff into a particular polling place's ballot box without arousing suspicion (and related to this, how many votes are generally cast in the average polling place), how many polling places are there in the state, *etc.* We provide details about both the composite jurisdiction and election in the section entitled "Governor's Race, State of Pennasota, 2007," *infra* at pp 20–27.

LIMITS OF INFORMED PARTICIPANTS AS METRIC

Of the possible metrics we considered, we believe that measuring the number of people who know they are involved in an attack (and thus could provide evidence of the attack to the authorities and/or the media), is the best single measure of attack difficulty; as already discussed, we have concluded that the more people an attacker is forced to involve in his attack, the more likely it is that one of the participants would reveal the attack's existence and foil the attack, perhaps sending attackers to jail. However, we are aware of a number of places where the methodology could provide us with questionable results.

By deciding to concentrate on size of attack team, we mostly ignore the need for other resources when planning an attack. Thus, a software attack on DREs which makes use of steganography³⁴ to hide attack instruction files (*see* "DRE w/ VVPT Attack No. 1a", discussed in greater detail, *infra* at pp. 62–65) is considered easier than an attack program delivered over a wireless network at the polling place (*see* discussion of wireless networks, *infra* at pp. 85–91). However, the former attack probably requires a much more technologically sophisticated attacker.

Another imperfection with this metric is that we do not have an easy way to represent how much choice the attacker has in finding members of his attack team. Thus, with PCOS voting, we conclude that the cost of subverting a routine audit of ballots is roughly equal to the cost of intercepting ballot boxes in transit and substituting altered ballots (*see* discussion of PCOS attacks, *infra* at pp. 77–83). However, subverting the audit team requires getting a specific set of trusted people to cooperate with the attacker. By contrast, the attacker may be able to decide which precincts to tamper with based on which people he has already recruited for his attack.

In an attempt to address this concern, we considered looking at the number of "insiders" necessary to take part in each attack. Under this theory, getting five people to take part in a conspiracy to attack a voting system might not be particularly difficult. But getting five well-placed county election officials to take part in the attack would be (and should be labeled) the more difficult of the two attacks. Because, for the most part, the low-cost attacks we have identified do not necessarily involve well placed insiders (but could, for instance, involve one of many people with access to commercial off the shelf software ("COTS") during development or at the vendor), we do not believe that using this metric would have substantially changed our analysis.³⁵

Finally, these attack team sizes do not always capture the logistical complexity of an attack. For example, an attack on VVPT machines involving tampering with the voting machine software and also replacing the paper records in transit requires the attacker to determine what votes were falsely produced by the voting

machine and print replacement records in time to substitute them. While this is clearly possible, it raises a lot of operational difficulties – a single failed substitution leaves the possibility that the attack would be detected during the audit of ballots.

We have tried to keep these imperfections in mind when analyzing and discussing our least difficult attacks.

We suspect that much of the disagreement between voting officials and computer security experts in the last several years stems from a difference of opinion in prioritizing the difficulty of attacks. Election officials, with extensive experience in the logistics of handling tons of paper ballots, have little faith in paper and understand the kind of breakdowns in procedures that lead to traditional attacks like ballot box stuffing; in contrast, sophisticated attacks on computer voting systems appear very difficult to many of them. Computer security experts understand sophisticated attacks on computer systems, and recognize the availability of tools and expertise that makes these attacks practical to launch, but have no clear idea how they would manage the logistics of attacking a paper-based system. Looking at attack team size is one way to bridge this difference in perspective.

EFFECTS OF IMPLEMENTING COUNTERMEASURE SETS

The final step of our threat analysis is to measure the effect of certain countermeasures against the catalogued attacks. How much more difficult would the attacks become once the countermeasures are put into effect? How many more informed participants (if any) would be needed to counter or defeat these countermeasures? Our process for examining the effectiveness of a countermeasure mirrors the process for determining the difficulty of an attack: we first asked whether the countermeasure would allow us to detect an attack with near certainty. If we agreed that the countermeasure would expose the attack, we identified the steps that would be necessary to circumvent or defeat the countermeasure. For each step to defeat the countermeasure, we determined the number of additional informed participants (if any) that an attacker would need to add to his team. As with the process for determining attack difficulty, the Brennan Center interviewed numerous election officials to see whether they agreed with the steps and values assigned. When necessary, the values and steps for defeating the countermeasures were altered to reflect the input of election officials.

COUNTERMEASURES EXAMINED

BASIC SET OF COUNTERMEASURES

The first set of countermeasures we looked at is the “Basic Set” of countermeasures. This Basic Set was derived from security survey responses³⁶ we received from county election officials around the country, as well as additional interviews with more than a dozen current and former election officials. Within the Basic Set of countermeasures are the following procedures:

Inspection

The jurisdiction is not knowingly using any uncertified software that is subject

to inspection by the Independent Testing Authority (often referred to as the "ITA").³⁷

Physical Security for Machines

Ballot boxes (to the extent they exist) are examined (to ensure they are empty) and locked by poll workers immediately before the polls are opened.

Before and after being brought to the polls for Election Day, voting systems for each county are locked in a single room, in a county warehouse.

The warehouse has perimeter alarms, secure locks, video surveillance and regular visits by security guards.

Access to the warehouse is controlled by sign-in, possibly with card keys or similar automatic logging of entry and exit for regular staff.

Some form of "tamper evident" seals are placed on machines before and after each election.

The machines are transported to polling locations five to fifteen days before Election Day.

Chain of Custody/Physical Security of Election Day Records

At close of the polls, vote tallies for each machine are totaled and compared with number of persons that have signed the poll books.

A copy of totals for each machine is posted at each polling place on Election Night and taken home by poll workers to check against what is posted publicly at election headquarters, on the web, in the papers, or elsewhere.³⁸

All audit information (*i.e.*, Event Logs, VVPT records, paper ballots, machine printouts of totals) that is not electronically transmitted as part of the unofficial upload to the central election office, is delivered in official, sealed and hand-delivered information packets or boxes. All seals are numbered and tamper-evident.

Transportation of information packets is completed by two election officials representing opposing parties who have been instructed to remain in joint custody of the information packets or boxes from the moment it leaves the precinct to the moment it arrives at the county election center.

Each polling place sends its information packets or boxes to the county election center separately, rather than having one truck or person pick up this data from multiple polling locations.

Once the sealed information packets or boxes have reached the county election center, they are logged. Numbers on the seals are checked to ensure that they have not been replaced. Any broken or replaced seals are logged. Intact seals are left intact.

After the packets and/or boxes have been logged, they are provided with physical security precautions at least as great as those listed for voting machines, above. Specifically, for Pennasota, we have assumed the room in which the packets are stored have perimeter alarms, secure locks, video surveillance and regular visits by security guards and county police officers; and access to the room is controlled by sign-in, possibly with card keys or similar automatic logging of entry and exit for regular staff.

Testing³⁹

An Independent Testing Authority has certified the model of voting machine used in the polling place.

Acceptance Testing⁴⁰ is performed on machines at time, or soon after they are received by County.

Pre-election Logic and Accuracy⁴¹ testing is performed by the relevant election official.

Prior to opening the polls, every voting machine and vote tabulation system is checked to see that it is still configured for the correct election, including the correct precinct, ballot style, and other applicable details.

REGIMEN FOR AUTOMATIC ROUTINE AUDIT PLUS BASIC SET OF COUNTERMEASURES.

The second set of countermeasures is the Regimen for an Automatic Routine Audit Plus Basic Set of Countermeasures.

Some form of routine auditing of voter-verified paper records occurs in 12 states, to test the accuracy of electronic voting machines. They generally require between 1 and 10% of all precinct voting machines to be audited after each election. ⁴²

Jurisdictions can implement this set of countermeasures only if their voting systems produce some sort of voter-verified paper record of each vote. This could be in the form of a paper ballot, in the case of PCOS, or a voter-verified paper trail ("VVPT"), in the case of DREs.

We have assumed that jurisdictions take the following steps when conducting an Automatic Routine Audit (when referring to this set of assumptions "Regimen for an Automatic Routine Audit"):

The Audit

Leaders of the major parties in each county are responsible for selecting a sufficient number of audit-team members to be used in that county.⁴³

Using a highly transparent random selection mechanism (*see* point ii, below), the voter-verified paper records for between a small percentage of all voting machines in the State are selected for auditing.

Using a transparent random selection method, auditors are assigned to the selected machines (two or three people, with representatives of each major

political party, would comprise each audit team).

The selection of voting machines, and the assignment of auditors to machines, occurs immediately before the audits take place. The audits take place as soon after polls close as possible – for example, at 9 a.m. the morning after polls close.

Using a transparent random selection method, county police officers, security personnel and the video monitor assigned to guard the voter-verified records are chosen from a large pool of on-duty officers and employees on election night.

The auditors are provided the machine tallies and are able to see that the county tally reflects the sums of the machine tallies before the start of the inspection of the paper.

The audit would include a tally of spoiled ballots (in the case of VVPT, the number of cancellations recorded), overvotes, and undervotes.

Transparent Random Selection Process

In this report, we have assumed that random auditing procedures are in place for both the Regimen for an Automatic Routine Audit and Regimen for Parallel Testing. We have further assumed procedures to prevent a single, corrupt person from being able to fix the results. This implies a kind of transparent and public random procedure.

For the Regimen for an Automatic Routine Audit there are at least two places where transparent, random selection processes are important: in the selection of precincts to audit, and in the assignment of auditors to the precincts they will be auditing.

Good election security can employ Transparent Random Selection in other places with good effect:

- the selection of parallel testers from a pool of qualified individuals.

- the assignment of police and other security professionals from on-duty lists, to monitor key materials, for example, the VVPT records between the time that they arrive at election central and the time of the completion of the ARA.

If a selection process for auditing is to be trustworthy and trusted, ideally:

- The whole process will be publicly observable or videotaped;⁴⁴

- The random selection will be publicly verifiable, *i.e.*, anyone observing will be able to verify that the sample was chosen randomly (or at least that the number selected is not under the control of any small number of people); and

- The process will be simple and practical within the context of current election

practice so as to avoid imposing unnecessary burdens on election officials. There are a number of ways that election officials can ensure some kind of transparent randomness. One way would be to use a state lottery machine to select precincts or polling places for auditing. We have included two potential examples of transparent random selection processes in Appendix F. These apply to the Regimen for Parallel Testing as well.

REGIMEN FOR PARALLEL TESTING PLUS BASIC SET OF COUNTERMEASURES

The final set of countermeasures we have examined is “Parallel Testing” plus the Basic Set of countermeasures. Parallel Testing, also known as election-day testing, involves selecting voting machines at random and testing them as realistically as possible during the period that votes are being cast.

Parallel Testing

In developing our set of assumptions for Parallel Testing, we relied heavily upon interviews with Jocelyn Whitney, Project Manager for Parallel Testing in the State of California, and conclusions drawn from this Report.⁴⁵ In our analysis, we assume that the following procedures would be included in the Parallel Testing regimen (when referring to this regimen “Regimen for Parallel Testing”) that we evaluate:

At least two of each DRE model (meaning both vendor and model) would be selected for Parallel Testing;

At least two DREs from each of the three largest counties would be parallel tested;

Counties to be parallel tested would be chosen by the Secretary of State in a transparent and random manner.

Counties would be notified as late as possible that machines from one of their precincts would be selected for Parallel Testing;⁴⁶

Precincts would be selected through a transparent random mechanism;

A video camera would record testing;

For each test, there would be one tester and one observer;

Parallel Testing would occur at the polling place;

The script for Parallel Testing would be generated in a way that mimics voter behavior and voting patterns for the polling place;

At the end of the Parallel Testing, the tester and observer would reconcile vote totals in the script with vote totals reported on the machine.

Transparent Random Selection Process

We further assume that the same type of transparent random selection process that would be used for the Regimen for Automatic Routine Audit would also be employed for the Regimen for Parallel Testing to determine which machines would be subjected to testing on Election Day.

APPENDIX C

ALTERNATIVE SECURITY METRICS CONSIDERED

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The decision to use the number of informed participants as the metric for attack level difficulty came after considering several other potential metrics. One of the first metrics we considered was the dollar cost of attacks. This metric makes sense when looking at attacks that seek financial gain – for instance, misappropriating corporate funds. It is not rational to spend \$100,000 on the misappropriation of corporate funds if the total value of those funds is \$90,000. Ultimately, we rejected this metric as the basis for our analysis because the dollar cost of the attacks we considered were dwarfed by both (1) current federal and state budgets, and (2) the amounts currently spent legally in state and federal political campaigns.

Time of Attack

The relative security of safes and other safety measures are often rated in terms of “time to defeat.” This was rejected as metric of difficulty because it did not seem relevant to voting systems. Attackers breaking into a house are concerned with the amount of time it might take to complete their robbery because the homeowners or police might show up. With regard to election fraud, many attackers may be willing to start months or years before an election if they believe they can control the outcome. As discussed *supra* at pp. 35–48, attackers may be confident that they can circumvent the independent testing authorities and other measures meant to identify attacks, so that the amount of time an attack takes becomes less relevant.

RECOMMENDATIONS FOR FURTHER EAC ACTIVITY ON VOTER FRAUD AND INTIMIDATION

- Time and resource constraints prevented the consultants from interviewing the full range of participants in the process. As a result, we recommend that any future activity in this area include conducting further interviews.

In particular, we recommend that more election officials from all levels of government, parts of the country, and parties be interviewed. These individuals have the most direct inside information on how the system works -- and at times does not work. They are often the first people voters go to when something goes wrong and are often responsible for fixing it. They are the ones who must carry out the measures that are designed to both prevent fraud and voter intimidation and suppression. They will most likely know what, therefore, is and is not working.

It would also be especially beneficial to talk to people in law enforcement, specifically federal District Election Officers ("DEOs") and local district attorneys, as well as civil and criminal defense attorneys.

The Public Integrity Section of the Criminal Division of the Department of Justice has all of the 93 U.S. Attorneys appoint Assistant U.S. Attorneys to serve as DEOs for two years. DEOs are required to

- screen and conduct preliminary investigations of complaints, in conjunction with the FBI and PIN, to determine whether they constitute potential election crimes and should become matters for investigation;
- oversee the investigation and prosecution of election fraud and other election crimes in their districts;
- coordinate their district's (investigative and prosecutorial) efforts with DOJ headquarters prosecutors;
- coordinate election matters with state and local election and law enforcement officials and make them aware of their availability to assist with election-related matters;
- issue press releases to the public announcing the names and telephone numbers of DOJ and FBI officials to contact on election day with complaints about voting or election irregularities and answer telephones on election day to receive these complaints; and
- supervise a team of Assistant U.S. Attorneys and FBI special agents who are appointed to handle election-related allegations while the polls are open on election day.ⁱ

Given the great responsibilities of the DEOs, and the breadth of issues they must deal with, they undoubtedly are great resources for information and insight as to what types of fraud and intimidation/suppression are occurring in their districts.

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**Deliberative Process
Privilege**

In many situations, however, it is the local district attorneys who will investigate election fraud and suppression tactics, especially in local elections. They will be able to provide information on what has gone on in their jurisdictions, as well as which matters get pursued and why.

Finally, those who defend people accused of election related crimes would also be useful to speak to. They may have a different perspective on how well the system is working to detect, prevent, and prosecute election fraud.

- The Nexis search conducted for this phase of the research was based on a list of search terms agreed upon by both consultants. Thousands of articles were reviewed and hundreds analyzed. Many of the articles contain allegations of fraud or intimidation. Similarly, many of the articles contain information about investigations into such activities or even charges brought. However, without being able to go beyond the agreed search terms, it could not be determined whether there was any later determination regarding the allegations, investigation or charges brought. This leaves a gaping hole: it is impossible to know if the article is just reporting on “talk” or what turns out to be a serious affront to the system.

As a result, we recommend that follow up Nexis research be conducted to determine what, if any, resolutions or further activity there was in each case. This would provide a much more accurate picture of what types of activities are actually taking place.

- Similarly, many allegations are made in the reports and books that we analyzed and summarized. Those allegations are often not substantiated in any way and are inherently time limited by the date of the writing. Despite this, such reports and books are frequently cited by various interested parties as evidence of fraud or intimidation.

Therefore, we recommend follow up to the literature review: for those reports and books that make or cite specific instances of fraud or intimidation, a research effort should be made to follow up on those references to see if and how they were resolved.

- During the 2004 election and the statewide elections of 2005, the University of Pennsylvania led a consortium of groups and researchers in conducting the MyVote1 Project. This project involved using a 1-800 voter hotline where voters could call for poll location, be transferred to a local hotline, or leave a recorded message with a complaint. In 2004, this resulted in over 200,000 calls received and over 56,000 recorded complaints.ⁱⁱ The researchers in charge of this project have done a great deal of work to parse and analyze the data collected through this process, including going through the audio messages and categorizing them by the nature of the complaint. These categories include registration, absentee

ballot, poll access, ballot/screen, coercion/intimidation, identification, mechanical, provisional (ballot).

We recommend that further research include making full use of this data with the cooperation of the project leaders. While perhaps not a fully scientific survey given the self-selection of the callers, the information regarding 200,000 complaints should provide a good deal of insight into the problems voters experienced, especially those in the nature of intimidation or suppression.

- Although according to a recent GAO report the Voting Section of the Civil Rights Division of the Department of Justice has a variety in ways it tracks complaints of voter intimidation,ⁱⁱⁱ the Section was extremely reluctant to provide the consultants with useful information. Further attempts should be made to obtain relevant data. This includes the telephone logs of complaints the Section keeps and information from the database – the Interactive Case Management (ICM) system – the Section maintains on complaints received and the corresponding action taken. We also recommend that further research include a review and analysis of the observer and monitor field reports from Election Day that must be filed with the Section.
- Similarly, the consultants believe it would be useful for any further research to include a review of the reports that must be filed by every District Election Officer to the Public Integrity Section of the Criminal Division of the Department of Justice. As noted above, the DEOs play a central role in receiving reports of voter fraud and investigating and pursuing them. Their reports back to the Department would likely provide tremendous insight into what actually transpired during the last several elections. Where necessary, information could be redacted or made confidential.
- The consultants also believe it would be useful for any further activity in this area to include attendance at the next Ballot Access and Voting Integrity Symposium. According to the Department,^{iv}

Prosecutors serving as District Election Officers in the 94 U.S. Attorneys' Offices are required to attend annual training conferences on fighting election fraud and voting rights abuses... These conferences are sponsored by the Voting Section of the Civil Rights Division and the Public Integrity Section of the Criminal Division, and feature presentations by Civil Rights officials and senior prosecutors from the Public Integrity Section and the U.S. Attorneys' Offices. As a result of these conferences, there is a nationwide increase in Department expertise relating to the prosecution of election crimes and the enforcement of voting rights.

By attending the symposium researchers could learn more about the following:

- How District Election Officers are trained, e.g. what they are taught to focus their resources on, how they are instructed to respond to various types of complaints
 - How information about previous election and voting issues is presented
 - How the Voting Rights Act, the criminal laws governing election fraud and intimidation, the National Voter Registration Act, and the Help America Vote Act are described and explained to participants
- Included in this report is a summary of various methodologies political scientists and others suggested to measure voter fraud and intimidation. While we note the skepticism of the Working Group in this regard, we nonetheless recommend that in order to further the mission of providing unbiased data, further activity in this area include an academic institution and/or individual that focuses on sound, statistical methods for political science research.
 - Finally, consultant Tova Wang recommends that future researchers review federal law to explore ways to make it easier to impose either civil or criminal penalties for acts of intimidation that do not necessarily involve racial animus and/or a physical or economic threat .

According to Craig Donsanto, long-time director of the Public Integrity Section of the Criminal Division of the Department of Justice,

As with other statutes addressing voter intimidation, in the absence of any jurisprudence to the contrary, it is the Criminal Division's position that section 1973gg-10(1) applies only to intimidation which is accomplished through the use of threats of physical or economic duress. Voter "intimidation" accomplished through less drastic means may present violations of the Voting Rights Act, 42 U.S.C. § 1973i(b), which are enforced by the Civil Rights Division through noncriminal remedies.^v

Mr. Donsanto reiterated these points to us on several occasions, including at the working group meeting.

As a result, researchers should examine if there is some way in which current law might be revised or new laws passed that would reach voter intimidation that does not threaten the voter physically or financially, but rather threatens the voter's right to vote as a tangible value in itself. Such an amendment or law would reach all forms of voter intimidation, no matter if it is motivated by race, party, ethnicity or any other criteria. The law would then *potentially* cover, for example, letters and postcards with language meant to deter voters from voting and both pre-election and Election Day challengers that are clearly mounting challenges solely on illegitimate bases.

In the alternative to finding a way to criminalize such behavior, researchers might examine ways to invigorate measures to deter and punish voter intimidation under the civil law. For example, there might be a private right of action created for

voters or groups who have been subjected to intimidation tactics in the voting process. Such an action could be brought against individual offenders; any state or local actor where there is a pattern of repeated abuse in the jurisdiction that such officials did not take sufficient action against; and organizations that intentionally engage in intimidating practices. As a penalty upon finding liability, civil damages could be available plus perhaps attorney's fees.

Another, more modest measure would be, as has been suggested by Ana Henderson and Christopher Edley,^{vi} to bring parity to fines for violations under the Voting Rights Act. Currently the penalty for fraud is \$10,000 while the penalty for acts to deprive the right to vote is \$5,000.

ⁱ Department of Justice's Activities to Address Past Election-Related Voting Irregularities, General Accounting Office, October 14, 2004, GAO-04-1041R

ⁱⁱ The MyVote1 Project Final Report, Fels Institute of Government, University of Pennsylvania, November 1, 2005, Pg. 12

ⁱⁱⁱ Department of Justice's Activities to Address Past Election-Related Voting Irregularities, General Accounting Office, October 14, 2004, GAO-04-1041R, p. 4. This same report criticizes some of the procedures the Section used for these systems and urged the Department to improve upon them in time for the 2004 presidential election. No follow-up report has been done since that time to the best of our knowledge.

^{iv} "Department Of Justice To Hold Ballot Access and Voting Integrity Symposium," U.S. Department of Justice press release, August 2, 2005

^v Craig C. Donsanto, Prosecution of Electoral Fraud Under United States Federal Law," IFES Political Finance White Paper Series, 2006, p. 29

^{vi} Ana Henderson and Christopher Edley, Jr., Voting Rights Act Reauthorization: Research-Based Recommendations to Improve Voting Access, Chief Justice Earl Warren Institute on Race, Ethnicity and Diversity, University of California at Berkeley, School of Law, 2006, p. 29

Interviews

Common Themes

- There is virtually universal agreement that absentee ballot fraud is the biggest problem, with vote buying and registration fraud coming in after that. The vote buying often comes in the form of payment for absentee ballots, although not always. Some absentee ballot fraud is part of an organized effort; some is by individuals, who sometimes are not even aware that what they are doing is illegal. Voter registration fraud seems to take the form of people signing up with false names. Registration fraud seems to be most common where people doing the registration were paid by the signature.
- There is widespread but not unanimous agreement that there is little polling place fraud, or at least much less than is claimed, including voter impersonation, “dead” voters, noncitizen voting and felon voters. Those few who believe it occurs often enough to be a concern say that it is impossible to show the extent to which it happens, but do point to instances in the press of such incidents. Most people believe that false registration forms have not resulted in polling place fraud, although it may create the perception that vote fraud is possible. Those who believe there is more polling place fraud than reported/investigated/prosecuted believe that registration fraud does lead to fraudulent votes. Jason Torchinsky from the American Center for Voting Rights is the only interviewee who believes that polling place fraud is widespread and among the most significant problems in the system.
- Abuse of challenger laws and abusive challengers seem to be the biggest intimidation/suppression concerns, and many of those interviewed assert that the new identification requirements are the modern version of voter intimidation and suppression. However there is evidence of some continued outright intimidation and suppression, especially in some Native American communities. A number of people also raise the problem of poll workers engaging in harassment of minority voters. Other activities commonly raised were the issue of polling places being moved at the last moment, unequal distribution of voting machines, videotaping of voters at the polls, and targeted misinformation campaigns.
- Several people indicate – including representatives from DOJ -- that for various reasons, the Department of Justice is bringing fewer voter intimidation and suppression cases now and is focusing on matters such as noncitizen voting, double voting and felon voting. While the civil rights section continues to focus on systemic patterns of malfeasance, the public integrity section is focusing now on individuals, on isolated instances of fraud.
- The problem of badly kept voter registration lists, with both ineligible voters remaining on the rolls and eligible voters being taken off, remains a common concern. A few people are also troubled by voters being on registration lists in two states. They said that there was no evidence that this had led to double voting, but it opens the door to the possibility. There is great hope that full implementation of the new requirements of HAVA – done well, a major caveat – will reduce this problem dramatically.

Common Recommendations:

- Many of those interviewed recommend better poll worker training as the best way to improve the process; a few also recommended longer voting times or voting on days other than election day (such as weekends) but fewer polling places so only the best poll workers would be employed
- Many interviewed support stronger criminal laws and increased enforcement of existing laws with respect to both fraud and intimidation. Advocates from across the spectrum expressed frustration with the failure of the Department of Justice to pursue complaints.
 - With respect to the civil rights section, John Tanner indicated that fewer cases are being brought because fewer are warranted – it has become increasingly difficult to know when allegations of intimidation and suppression are credible since it depends on one’s definition of intimidation, and because both parties are doing it. Moreover prior enforcement of the laws has now changed the entire landscape – race based problems are rare now. Although challenges based on race and unequal implementation of identification rules would be actionable, Mr. Tanner was unaware of such situations actually occurring and the section has not pursued any such cases.
 - Craig Donsanto of the public integrity section says that while the number of election fraud related complaints have not gone up since 2002, nor has the proportion of legitimate to illegitimate claims of fraud, the number of cases the department is investigating and the number of indictments the section is pursuing are both up dramatically. Since 2002, the department has brought more cases against alien voters, felon voters and double voters than ever before. Mr. Donsanto would like more resources so it can do more and would like to have laws that make it easier for the federal government to assume jurisdiction over voter fraud cases.
- A couple of interviewees recommend a new law that would make it easier to criminally prosecute people for intimidation even when there is not racial animus.
- Almost everyone hopes that administrators will maximize the potential of statewide voter registration databases to prevent fraud. Of particular note, Sarah Ball Johnson, Executive Director of Elections for Kentucky, emphasized that having had an effective statewide voter registration database for more than thirty years has helped that state avoid most of the fraud problems that have been alleged elsewhere, such as double voting and felon voting.
- Several advocate expanded monitoring of the polls, including some associated with the Department of Justice.
- Challenge laws, both with respect to pre-election day challenges and challengers at the polls, need to be revised by all states to ensure they are not used for purposes of wrongful disenfranchisement and harassment
- Several people advocate passage of Senator Barack Obama’s “deceptive practices” bill

- There is a split on whether it would be helpful to have nonpartisan election officials – some indicated they thought even if elections officials are elected nonpartisanly they will carry out their duties in biased ways nonetheless. However, most agree that elections officials pursuing partisan agendas is a problem that must be addressed in some fashion. Suggestions included moving election responsibilities out of the secretary of states' office; increasing transparency in the process; and enacting conflict of interest rules.
- A few recommend returning to allowing use of absentee ballots “for cause” only if it were politically feasible.
- A few recommend enacting a national identification card, including Pat Rogers, an attorney in New Mexico, and Jason Torchinsky from ACVR, who advocates the scheme contemplated in the Carter-Baker Commission Report.
- A couple of interviewees indicated the need for clear standards for the distribution of voting machines

Defining Election Fraud

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

Election fraud is any intentional action, or intentional failure to act when there is a duty to do so, that corrupts the election process in a manner that can impact on election outcomes. This includes interfering in the process by which persons register to vote; the way in which ballots are obtained, marked, or tabulated; and the process by which election results are canvassed and certified.

Examples include the following:

- falsifying voter registration information pertinent to eligibility to cast a vote, (e.g. residence, criminal status, etc).;
- altering completed voter registration applications by entering false information;
- knowingly destroying completed voter registration applications (other than spoiled applications) before they can be submitted to the proper election authority;
- knowingly removing eligible voters from voter registration lists, in violation of HAVA, NVRA, or state election laws;
- intentional destruction by election officials of voter registration records or balloting records, in violation of records retention laws, to remove evidence of election fraud;
- vote buying;
- voting in the name of another;
- voting more than once;
- coercing a voter's choice on an absentee ballot;
- using a false name and/or signature on an absentee ballot;
- destroying or misappropriating an absentee ballot;
- felons, or in some states ex-felons, who vote when they know they are ineligible to do so;
- misleading an ex-felon about his or her right to vote;
- voting by non-citizens who know they are ineligible to do so;
- intimidating practices aimed at vote suppression or deterrence, including the abuse of challenge laws;
- deceiving voters with false information (e.g.; deliberately directing voters to the wrong polling place or providing false information on polling hours and dates);

- knowingly failing to accept voter registration applications, to provide ballots, or to accept and count voted ballots in accordance with the Uniformed and Overseas Citizens Absentee Voting Act;
- intentional miscounting of ballots by election officials;
- intentional misrepresentation of vote tallies by election officials;
- acting in any other manner with the intention of suppressing voter registration or voting, or interfering with vote counting and the certification of the vote.

Voting fraud does not include mistakes made in the course of voter registration, balloting, or tabulating ballots and certifying results. For purposes of the EAC study, it also does not include violations of campaign finance laws.

List of Experts Interviewed

Wade Henderson, Executive Director, Leadership Conference for Civil Rights

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

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

Lori Minnite, Barnard College, Columbia University

Neil Bradley, ACLU Voting Rights Project

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

Pat Rogers, attorney, New Mexico

Rebecca Vigil-Giron, Secretary of State, New Mexico

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

Stephen Ansolobhere, Massachusetts Institute of Technology

Chandler Davidson, Rice University

Tracey Campbell, author, *Deliver the Vote*

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

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

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

Robin DeJarnette, Executive Director, American Center for Voting Rights

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

Joseph Sandler, Counsel to the Democratic National Committee

John Ravitz, Executive Director, New York City Board of Elections

John Tanner, Director, Voting Section, Civil Rights Division, U.S. Department of Justice

Kevin Kennedy, Executive Director of the State Board of Elections, Wisconsin

Evelyn Stratton, Justice, Supreme Court of Ohio

Tony Sirvello, Executive Director, International Association of
Clerks, Recorders, Election Officials and Treasurers

Harry Van Sickle, Commissioner of Elections, Pennsylvania

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

Sharon Priest, former Secretary of State, Arkansas

Nexis Search Articles Analysis

Absentee Ballots

According to press reports, absentee ballots are abused in a variety of ways:

1. Campaign workers, candidates and others coerce the voting choices of vulnerable populations, usually elderly voters
2. Workers for groups and individuals have attempted to vote absentee in the names of the deceased
3. Workers for groups, campaign workers and individuals have attempted to forge the names of other voters on absentee ballot requests and absentee ballots and thus vote multiple times

It is unclear how often actual convictions result from these activities (a handful of articles indicate convictions and guilty pleas), but this is an area in which there have been a substantial number of official investigations and actual charges filed, according to news reports where such information is available. A few of the allegations became part of civil court proceedings contesting the outcome of the election.

While absentee fraud allegations turn up throughout the country, a few states have had several such cases. Especially of note are Indiana, New Jersey, South Dakota, and most particularly, Texas. Interestingly, there were no articles regarding Oregon, where the entire system is vote by mail.

Voter Registration Fraud

According to press reports, the following types of allegations of voter registration fraud are most common:

1. Registering in the name of dead people
2. Fake names and other information on voter registration forms
3. Illegitimate addresses used on voter registration forms
4. Voters being tricked into registering for a particular party under false pretenses
5. Destruction of voter registration forms depending on the party the voter registered with

There was only one self evident instance of a noncitizen registering to vote. Many of the instances reported on included official investigations and charges filed, but few actual convictions, at least from the news reporting. There have been multiple reports of registration fraud in California, Colorado, Florida, Missouri, New York, North Carolina, Ohio, South Dakota and Wisconsin.

Voter Intimidation and Suppression

This is the area which had the most articles in part because there were so many allegations of intimidation and suppression during the 2004 election. Most of these remained allegations and no criminal investigation or prosecution ensued. Some of the cases did end up in civil litigation.

This is not to say that these alleged activities were confined to 2004 – there were several allegations made during every year studied. Most notable were the high number of allegations of voter intimidation and harassment reported during the 2003 Philadelphia mayoral race.

A very high number of the articles were about the issue of challenges to voters' registration status and challengers at the polling places. There were many allegations that planned challenge activities were targeted at minority communities. Some of the challenges were concentrated in immigrant communities.

However, the tactics alleged varied greatly. The types of activities discussed also include the following:

- Photographing or videotaping voters coming out of polling places.
- Improper demands for identification
- Poll watchers harassing voters
- Poll workers being hostile to or aggressively challenging voters
- Disproportionate police presence
- Poll watchers wearing clothes with messages that seemed intended to intimidate
- Insufficient voting machines and unmanageably long lines

Although the incidents reported on occurred everywhere, not surprisingly, many came from “battleground” states. There were several such reports out of Florida, Ohio and Pennsylvania.

“Dead Voters and Multiple Voting”

There were a high number of articles about people voting in the names of the dead and voting more than once. Many of these articles were marked by allegations of big numbers of people committing these frauds, and relatively few of these allegations turning out to be accurate according to investigations by the newspapers themselves, elections officials and criminal investigators. Often the problem turned out to be a result of administrative error, poll workers mis-marking of voter lists, a flawed registration list and/or errors made in the attempt to match names of voters on the list with the names of the people who voted. In a good number of cases, there were allegations that charges of double voting by political leaders were an effort to scare people away from the voting process.

Nonetheless there were a few cases of people actually being charged and/or convicted for these kinds of activities. Most of the cases involved a person voting both by absentee ballot and in person. A few instances involved people voting both during early voting

and on Election Day, which calls into question the proper marking and maintenance of the voting lists. In many instances, the person charged claimed not to have voted twice on purpose. A very small handful of cases involved a voter voting in more than one county and there was one substantiated case involving a person voting in more than one state. Other instances in which such efforts were alleged were disproved by officials.

In the case of voting in the name of a dead person, the problem lay in the voter registration list not being properly maintained, i.e. the person was still on the registration list as eligible to vote, and a person taking criminal advantage of that. In total, the San Francisco Chronicle found 5 such cases in March 2004; the AP cited a newspaper analysis of five such persons in an Indiana primary in May 2004; and a senate committee found two people to have voted in the names of the dead in 2005.

As usual, there were a disproportionate number of such articles coming out of Florida. Notably, there were three articles out of Oregon, which has one hundred percent vote-by-mail.

Vote Buying

There were a surprising number of articles about vote buying cases. A few of these instances involved long-time investigations in three particular jurisdictions as detailed in the vote buying summary. There were more official investigations, indictments and convictions/pleas in this area. All of these cases are concentrated in the Midwest and South.

Deceptive Practices

In 2004 there were numerous reports of intentional disinformation about voting eligibility and the voting process meant to confuse voters about their rights and when and where to vote. Misinformation came in the form of flyers, phone calls, letters, and even people going door to door. Many of the efforts were reportedly targeted at minority communities. A disproportionate number of them came from key battleground states, particularly Florida, Ohio, and Pennsylvania. From the news reports found, only one of these instances was officially investigated, the case in Oregon involving the destruction of voter registration forms. There were no reports of prosecutions or any other legal proceeding.

Non-citizen Voting

There were surprisingly few articles regarding noncitizen registration and voting – just seven all together, in seven different states across the country. They were also evenly split between allegations of noncitizens registering and noncitizens voting. In one case charges were filed against ten individuals. In one case a judge in a civil suit found there was illegal noncitizen voting. Three instances prompted official investigations. Two cases, from this nexis search, remained just allegations of noncitizen voting.

Felon Voting

Although there were only thirteen cases of felon voting, some of them involved large numbers of voters. Most notably, of course, are the cases that came to light in the Washington gubernatorial election contest (see Washington summary) and in Wisconsin (see Wisconsin summary). In several states, the main problem has the large number of ineligible felons that remained on the voting list.

Election Official Fraud

In most of the cases in which fraud by elections officials is suspected or alleged, it is difficult to determine whether it is incompetence or a crime. There are several cases of ballots gone missing, ballots unaccounted for and ballots ending up in a worker's possession. In two cases workers were said to have changed peoples' votes. The one instance in which widespread ballot box stuffing by elections workers was alleged was in Washington State. The judge in the civil trial of that election contest did not find that elections workers had committed fraud. Four of the cases are from Texas.

Working Group Recommendations

1. **Use the 2006 and/or 2008 elections as a laboratory by employing observers.** At the working group meeting, there was much discussion about using observers to collect data regarding fraud and intimidation at the polls in the upcoming elections. Mr. Ginsberg recommended using representatives of both parties for the task. Mr. Bauer and others objected to this, believing that using partisans as observers would be unworkable and would not be credible to the public.

There was even greater concern about the difficulties in getting access to poll sites for the purposes of observation. Most states strictly limit who can be in the polling place. In addition, there are already so many groups doing observation and monitoring at the polls, administrators might object. There was further concern that observers would introduce a variable into the process that would impact the outcome. The very fact that observers were present would influence behavior and skew the results.

Moreover, it was pointed out, many of the problems we see now with respect to fraud and intimidation does not take place at the polling place, e.g. absentee ballot fraud and deceptive practices. Poll site monitoring would not capture this activity. Moreover, with increased use of early voting, poll site monitoring might have to go on for weeks to be effective, which would require tremendous resources.

Mr. Weinberg suggested using observers in the way they are utilized in international elections. Such observers come into a jurisdiction prior to the election, and use standardized forms at the polling sites to collect data.

2. **Do a study on absentee ballot fraud.** The working group agreed that since absentee ballot fraud is the main form of fraud occurring, and is a practice that is great expanding throughout the country, it would make sense to do a stand-alone study of absentee ballot fraud. Such a study would be facilitated by the fact that there already is a great deal of information on how, when, where and why such practices are carried out based on cases successfully prosecuted. Researchers could look at actual cases to see how absentee ballot fraud schemes are conducted in an effort to provide recommendations on more effective measures for preventing them.
3. **Use risk analysis methodology to study fraud.**¹ Working group members were supportive of one of the methodologies recommended for studying this issue, risk analysis. As Mr. Bauer put it, based on the assumption that people act rationally, do an examination of what types of fraud people are most likely to commit, given the relative costs and benefits. In that way, researchers can rank the types of fraud that are the easiest to commit at the least cost with the greatest effect, from

¹ See Appendix C, and section on methodology

most to least likely to occur. This might prove a more practical way of measuring the problems than trying to actually get a number of acts of fraud and/or intimidation occurring. Mr. Greenbaum added that one would want to examine what conditions surrounding an election would be most likely to lead to an increase in fraud. Mr. Rokita objected based on his belief that the passions of partisanship lead people to not act rationally in an election.

4. **Conduct research using a methodology of database comparison.** Picking up on a suggestion made by Spencer Overton and explained in the suggested methodology section, Mr. Hearne recommended studying the issue using statistical database matching. Researchers should compare the voter roll and the list of people who actually voted to see if there are “dead” and felon voters. Because of the inconsistent quality of the databases, however, a political scientist would need to work in an appropriate margin of error when using such a methodology.
5. **Conduct a study of deceptive practices.** The working group discussed the increasing use of deceptive practices, such as flyers with false and/or intimidating information, to suppress voter participation. A number of groups, including the Department of Justice, the EAC, and organizations such as the Lawyers Committee for Civil Rights, keep phone logs regarding complaints of such practices, which may be available for review and analysis. This is also an area in which there is often tangible evidence, such as copies of the flyers and postcards themselves. All of this information should be reviewed and analyzed to see how such practices are being conducted and what can be done about them.
6. **Study use of HAVA’s administrative complaint procedure to see if it can be used to measure some forms of fraud and intimidation.** The EAC should study the extent to which states are actually utilizing the administrative complaint procedure mandated by HAVA. In addition, the EAC should study whether data collected through the administrative complaint procedure can be used as another source of information for measuring fraud and intimidation.
7. **Examine the use of special election courts.** Given that many state and local judges are elected, it may be worth exploring whether special election courts that are running before, during and after election day would be an effective means of disposing with complaints and violations in an expeditious manner. Pennsylvania employs such a system, and the EAC should consider investigating how well it is working to deal with fraud and intimidation problems.

RECOMMENDATIONS FOR FURTHER EAC ACTIVITY ON VOTER FRAUD AND INTIMIDATION

Consultant Recommendations

- **Greatly expand the scope of individuals interviewed.** Time and resource constraints prevented the consultants from interviewing the full range of participants in the electoral process. As a result, we recommend that in the next phase of this project, further interviews be conducted. In particular, a greater sampling of state and local election officials from different parts of the country should be interviewed. These individuals have first hand information and experience in the operation of elections.

We also recommend that in the next phase interviews be conducted with people in law enforcement, specifically Federal District Election Officers (“DEOs”)¹ and local district attorneys and attorneys defending those accused of election crimes or civil violations. In many instances it is the local district attorney who will investigate election fraud and suppression complaints. Attorneys who defend people accused of election crimes will have a different perspective on how the system is working to detect, prevent, and prosecute election fraud.

- **Conduct Follow-Up Nexis Research.** The Nexis search conducted for this phase of the research was based on a list of search terms agreed upon by both consultants. Thousands of articles were reviewed and hundreds analyzed. Many of the articles contain allegations of fraud or intimidation. Similarly, many of the articles contain information about investigations into such activities or even charges brought. However, without being able to go beyond the search terms, we

¹ The Public Integrity Section of the Criminal Division of the Department of Justice has all of the 93 U.S. Attorneys appoint Assistant U.S. Attorneys to serve as DEOs for two years. DEOs are required to screen and conduct preliminary investigations of complaints, in conjunction with the FBI and PIN, to determine whether they constitute potential election crimes and should become matters for investigation; oversee the investigation and prosecution of election fraud and other election crimes in their districts; coordinate their district’s (investigative and prosecutorial) efforts with DOJ headquarters prosecutors; coordinate election matters with state and local election and law enforcement officials and make them aware of their availability to assist with election-related matters; issue press releases to the public announcing the names and telephone numbers of DOJ and FBI officials to contact on election day with complaints about voting or election irregularities and answer telephones on election day to receive these complaints; and supervise a team of Assistant U.S. Attorneys and FBI special agents who are appointed to handle election-related allegations while the polls are open on election day. *Department of Justice's Activities to Address Past Election-Related Voting Irregularities*: General Accounting Office, October 14, 2004, GAO-04-1041R

**Deliberative Process
Privilege**

could not determine whether there was any action taken regarding the allegations, investigation or charges brought. Consequently, it is impossible to know if the article is just reporting on “talk” or what turns out to be a serious affront to the system. We recommend that follow up Nexis research be conducted to establish what, if any, resolutions or further activity there was in each case.

We also believe that in the second phase of this project, there should be a sampling of local newspapers from around the country to analyze for articles on voter fraud and voter intimidation. This will lead to a better idea of problems that occur on city and county levels that are often not reported statewide.

- **Conduct follow-up research to the literature reviews.** Similarly, many allegations are made in the reports and books that we analyzed and summarized. Those allegations are often not substantiated in any way and are inherently time limited by the date of the writing. Despite this, various interested parties frequently cite such reports and books as evidence of fraud or intimidation. Therefore, we recommend as a follow up to the literature review, an analysis of the resolution, if any, of specific instances of fraud and intimidation cited in the books and reports reviewed in the first phase.
- **Review a sampling of state district court cases.** In the first phase, we read and analyzed over 44,000 cases. Unfortunately, few of these were found to be on point. We therefore recommend that in the second phase, research should be concentrated on a national sampling of state district court level electoral cases. Often the district courts settle important issues that are not subsequently appealed. We believe that there could be a storehouse of information regarding vote fraud and intimidation in these cases.
- **Survey state election fraud and intimidation laws.** We recommend that there be a sampling of state electoral laws (including criminal penalty provisions), in order to aid in the development of model legislation that would address voter fraud and intimidation.
- **Review which states collect data on fraud and intimidation.** Evidently a few states, such as Arkansas and Georgia, collect and maintain data on complaints of fraud and intimidation and the disposition of those allegations at the state level. Phase two should examine what other states have such information and seek to obtain it for review and analysis. Policies and protocols on gathering such information in these states should also be looked at as possible models for the states that do not employ this practice.
- **Analyze data collected by various organizations in the 2006 election.** Several organizations, such as Election Protection, 1-800-MYVOTE1, and the parties will be setting up hotlines and sending people into the field during the upcoming mid-term elections both to assist voters and compile complete records of complaints and incidents from the period of voter registration through Election Day. Some of

these organizations have already agreed to share their data with the phase two EAC project consultants. We recommend that such data be used to the greatest extent possible to assess the incidence and the nature of the fraud and intimidation that occurred.

- **Obtain and analyze data retained by the Department of Justice.** Although according to a recent GAO report the Voting Section of the Civil Rights Division of the Department of Justice tracks complaints of voter intimidation in a variety of ways,ⁱ the Section was extremely reluctant to provide the consultants with useful information. Further attempts should be made to obtain relevant data. This includes the telephone logs of complaints the Section keeps and information from the database – the Interactive Case Management (ICM) system – the Section maintains on complaints received and the corresponding action taken. We also recommend that further research include a review and analysis of the observer and monitor field reports from Election Day that must be filed with the Section.
- **Obtain and analyze a sampling of DEO Reports.** Similarly, the consultants believe it would be useful for any further research to include a review of the reports that must be filed by every DEO to the Public Integrity Section of the Criminal Division of the Department of Justice. As noted above, the DEOs play a central role in receiving reports of voter fraud and investigating and pursuing them. Their reports would likely provide tremendous insight into what actually transpired during the last several elections. Where necessary, information could be redacted or kept confidential.
- **Attend the Department of Justice’s Ballot Access and Voting Integrity Symposium.** The consultants also believe it would be useful for any further activity in this area to include attendance at the next Ballot Access and Voting Integrity Symposium.² According to the Department, DEOs are required to attend annual training conferences centered on combating election fraud and voting rights abuses. These conferences sponsored by the Voting Section of the Civil Rights Division and the Public Integrity Section of the Criminal Division, feature presentations by civil rights officials and senior prosecutors from the Public Integrity Section and the U.S. Attorneys’ Offices.ⁱⁱ
- **Consult with an academic/academic institution with unimpeachable political science statistical research credentials.** Included in this report is a summary of

² By attending the symposium researchers could learn more about the following:

How *DEOs* are trained, e.g. what they are taught to focus their resources on; How they are instructed to respond to various types of complaints; How information about previous elections and voting issues is presented; and, How the Voting Rights Act, the criminal laws governing election fraud and intimidation, the National Voter Registration Act, and the Help America Vote Act are described and explained to participants.

various methodologies political scientists and others suggested to measure voter fraud and intimidation. While we note the skepticism of the Working Group in this regard, we nonetheless recommend that in order to further the mission of providing unbiased data, further activity in this area include an academic institution and/or individual that focuses on sound, statistical methods for political science research.

- **Review and Assess Whether Current Federal Laws on Fraud and Intimidation are Adequate.** Finally, we recommend that phase two project researchers review federal laws to explore ways to make it easier to impose either civil or criminal penalties for acts of intimidation that do not necessarily involve racial animus and/or a physical or economic threats.

According to Craig Donsanto, long-time director of the Public Integrity Section of the Criminal Division of the Department of Justice,

As with other statutes addressing voter intimidation, in the absence of any jurisprudence to the contrary, it is the Criminal Division's position that section 1973gg-10(1) applies only to intimidation which is accomplished through the use of threats of physical or economic duress. Voter "intimidation" accomplished through less drastic means may present violations of the Voting Rights Act, 42 U.S.C. § 1973i(b), which are enforced by the Civil Rights Division through noncriminal remedies.ⁱⁱⁱ

Mr. Donsanto reiterated these points to us on several occasions, including at the working group meeting.

The second phase of this project should examine if current laws can be revised or new laws drafted that would address voter intimidation that does not threaten the voter physically or financially, but rather threatens the voter's right to vote as *something of tangible value in itself*. Such legislation would penalize all forms of voter intimidation, regardless of the motivation. The law would, *for example*, potentially cover letters and postcards with contain language meant to deter voters from voting and pre-Election and Election Day challenges that are clearly illegitimate.

In the alternative to finding a way to penalize such behavior, researchers might examine ways to deter and punish voter intimidation under civil law. For example, there might be a private right of action created for voters or groups who have been subjected to intimidation tactics in the voting process. Such an action could be brought against individual offenders; any state or local actor where there is an unchecked pattern of repeated abuse; and organizations that intentionally engage in intimidating practices. Civil damage penalties and attorney fees should be included. Another, more modest measure, as has been suggested by Ana Henderson

and Christopher Edley,^{iv} would be to bring fines for violations under the Voting Rights Act up to parity. Currently, the penalty for fraud is \$10,000 while the penalty for acts to deprive the right to vote is \$5,000.

ⁱ *Department of Justice's Activities to Address Past Election-Related Voting Irregularities*: General Accounting Office, October 14, 2004, GAO-04-1041R, p. 4. This same report criticizes some of the procedures the Section used for these systems and urged the Department to improve upon them in time for the 2004 presidential election. No follow-up report has been done since that time to the best of our knowledge.

ⁱⁱ *Department Of Justice To Hold Ballot Access and Voting Integrity Symposium*: U.S. Department of Justice press release, August 2, 2005.

ⁱⁱⁱ Craig C. Donsanto, *Prosecution of Electoral Fraud Under United States Federal Law*, IFES Political Finance White Paper Series, 2006, p. 29.

^{iv} Ana Henderson and Christopher Edley, Jr., *Voting Rights Act Reauthorization: Research-Based Recommendations to Improve Voting Access*, Chief Justice Earl Warren Institute on Race, Ethnicity and Diversity, University of California at Berkeley, School of Law, 2006, p. 29

Vote Fraud, Intimidation & Suppression In The 2004 Presidential Election

American Center for Voting Rights Report

According to its website," the American Center For Voting Rights Legislative Fund was founded in February 2005 on the belief that public confidence in our electoral system is the cornerstone of our democracy... ACVR Legislative Fund supports election reform that protects the right of all citizens to participate in the election process free of intimidation, discrimination or harassment and which will make it easy to vote but tough to cheat.

Using court records, police reports and news articles, ACVR Legislative Fund presented this Report documenting hundreds of reported incidents and allegations from around the country. ACVR Legislative Fund found that thousands of Americans were disenfranchised by illegal votes cast on Election Day 2004. For every illegal vote cast and counted on Election Day, a legitimate voter is disenfranchised. This report alleges a coordinated effort by members of some organizations to rig the election system through voter registration fraud, the first step in any vote fraud scheme that corrupts the election process by burying local officials in fraudulent and suspicious registration forms. ACVR Legislative Fund further found that, despite their heated rhetoric, paid Democrat operatives were far more involved in voter intimidation and suppression activities than were their Republican counterparts during the 2004 presidential election.

In addition to recommended changes and a zero-tolerance commitment by the political parties, ACVR Legislative Fund has identified five cities as "hot spots" which require additional immediate attention. These cities were identified based on the findings of this report and the cities' documented history of fraud and intimidation. These cities are: Philadelphia, PA, Milwaukee, WI, Seattle, WA, St. Louis/East St. Louis, MO/IL, and Cleveland, OH.

Without going into great detail in this review, this Report: refutes charges of voter intimidation and suppression made against Republican supporters, discusses similar charges against Democrats, details incidents vote fraud and illegal voting and finally discusses problems with vote fraud, voter registration fraud and election irregularities around the country. The majority of this Report is an attempt to redeem Republicans and vilify Democrats.

In terms of sheer numbers, the report most often alleges voter intimidation and voter registration fraud, and to a lesser degree absentee ballot fraud and vote buying.

The Report presented the following recommendations for future action:

* Both national political parties should formally adopt a zero-tolerance fraud and intimidation policy that commits the party to pursuing and fully prosecuting individuals and allied organizations who commit vote fraud or who seek to deter any eligible voter from participating in the election through fraud or intimidation. No amount of legislative

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reform can effectively deter those who commit acts of fraud if there is no punishment for the crime and these acts continue to be tolerated.

* States should adopt legislation requiring government-issued photo ID at the polls and for any voter seeking to vote by mail or by absentee ballot. Government-issued photo identification should be readily available to all citizens without cost and provisions made to assure availability of government-issued identification to disabled and low-income citizens.

* States should adopt legislation requiring that all polling places be fully accessible and accommodating to all voters regardless of race, disability or political persuasion and that polling locations are free of intimidation or harassment.

* States should create and maintain current and accurate statewide voter registration databases as mandated by the federal Help America Vote Act (“HAVA”) and establish procedures to assure that the statewide voter roll is current and accurate and that the names of eligible voters on the roll are consistent with the voter roll used by local election authorities in conducting the election.

* States should adopt legislation establishing a 30-day voter registration cutoff to assure that all voter rolls are accurate and that all registrants can cast a regular ballot on Election Day and the election officials have opportunity to establish a current and accurate voter roll without duplicate or fictional names and assure that all eligible voters (including all recently registered voters) are included on the voter roll at their proper precinct.

* States should adopt legislation requiring voter registration applications to be delivered to the elections office within one week of being completed so that they are processed in a timely manner and to assure the individuals registered by third party organizations are properly included on the voter roll.

* States should adopt legislation and penalties for groups violating voter registration laws, and provide the list of violations and penalties to all registration solicitors. Legislation should require those organizations obtaining a voter’s registration to deliver that registration to election officials in a timely manner and should impose appropriate penalties upon any individual or organization that obtains an eligible voter’s registration and fails to deliver it to election authorities.

* States should adopt legislation prohibiting “bounty” payment to voter registration solicitors based on the number of registration cards they collect.

America's Modern Poll Tax: How Structural Disenfranchisement Erodes Democracy

Advancement Project

The thesis of the Report, America's Modern Poll Tax, written after the 2000 election, is that structural disenfranchisement—the effect of breakdowns in the electoral system, is the new poll tax. Structural disenfranchisement includes “bureaucratic blunders, governmental indifference, and flagrant disregard for voting rights.” The blame for structural disenfranchisement is laid squarely at the feet of states and localities that “shirk their responsibilities or otherwise manipulate election systems,” resulting in voters “either turned away from the polls or their votes are thrown out.”

The interlocking practices and mechanics that comprise structural disenfranchisement are referred to a “ballot blockers” in the report. Most ballot blockers involve the structural elements of electoral administration: “ill-trained poll workers, failures to process registration cards on time or at all, inaccurate registration rolls, overbroad purges of voter rolls, unreasonably long lines, inaccurate ballot translations and a shortage of translators to assist voters who have limited English language skills.” The Report argues that a culture of indifference overlays these issues that both tolerates and excuses widespread disenfranchisement. This culture of indifference is exemplified by legislatures that do not properly fund election systems, officials that send antiquated equipment into poor and minority areas, poorly translated ballots and polling places that are not wheelchair accessible.

The data and conclusions in the Report are taken from eight sample case studies of states and cities across the country and a survey of state election directors that reinforces the findings of the case studies. Examples of state and city problems were: New York City—in six polling places Chinese translations inverted the Democrats with the Republicans; Georgia—the state computer crashed two weeks before the election, dropping thousands of voters from the rolls; Virginia—registration problems kept an untold number from voting; Chicago—in inner-city precincts with predominately minority populations, almost four out of every ten votes cast for President (in 2000) were discarded; St. Louis—thousands of qualified voters were placed on inactive lists due to an overbroad purge; Florida—a voting list purge of voters whose name and birth date closely resembled those of people convicted of felonies; and, Texas—significant Jim Crow like barriers to minority voting.

The survey of state election directors found: election directors lack the resources to effectively do their jobs and some lack the “ability or will to force local election officials to fix serious problems”; election officials are highly under funded and legislatures refuse to grant their requests for more money; due to a lack of funds, election officials must use old and inferior equipment and can't improve training or meet structural needs; election officials are generally unaware of racial disparities in voting; only three of the 50 state election administrators are non-white.

The Report “concludes that affected communities and democracy advocates should mobilize to force change.” A number of recommendations are made to protect the

electoral franchise including: Federal policies that set nationwide and uniform election policies; federal guarantee of access to provisional ballots; enforcement of voter disability laws; automatic restoration of voting rights to those convicted of a crime after they have completed their sentence; a centralized data base of voters administered by non-partisan individuals; federal standards limiting precinct discarded vote rates to .25 %; federal requirements that jurisdiction provide voter education, including how to protect their right to vote; and laws that strengthen the ability of individuals to bring actions to enforce voting rights and anti-discrimination laws.

A Funny Thing Happened on the Way to the White House by David E. Johnson & Jonny R. Johnson

A Funny Thing Happened adds almost nothing to the present study. It contains no footnotes and no references to primary source material, save what may be able to be gleaned from the bibliography. The Johnsons take a historical look at United States Presidential elections from Andrew Jackson to George Bush by providing interesting stories and other historical information. Unfortunately, there are only three pages out of the entire book that touches on vote fraud in the first Bush election.

The authors assert that the exit polls in Florida were probably correct. The problem was the pollsters had no way of knowing that thousands of votes would be invalidated. But the authors do not believe that fraud was the cause of the tabulation inaccuracy. The major cause was undervotes and overvotes which, if all counted, would have altered the result, compounded by the use of the butterfly ballot in some strategic counties. Additionally, Ralph Nader's votes were primarily a bleed off of needed Gore votes. The authors accused Katherine Harris, then Florida Secretary of State and co-chair of the Bush campaign in Florida for prematurely certifying the state vote. The authors also ridiculed United States Secretary of State James A. Baker III, for using the courts to block attempts to hand count votes. Finally, the authors indicated that a mob of Republican partisans descended on the vote counters in Dade County and effectively stopped the count.

Analysis of the September 15, 2005 Voter Fraud Report Submitted to the New Jersey Attorney General

By The Brennan Center for Justice at NYU School of Law and Dr. Michael McDonald of George Mason University

General

A September 15, 2005 Report submitted to the New Jersey Attorney General included lists of purportedly illegitimate votes in New Jersey in the 2004 general election, including lists of 10,969 individuals who purportedly voted twice and lists of 4,756 voters who were purportedly dead or incarcerated in November 2004. For the present Analysis of the Report, the lists of voters submitted to the New Jersey Attorney General, as well as a copy of the New Jersey county voter registration files were obtained, and an initial investigation of the report's claims was conducted. The analysis shows that the lists submitted are substantially flawed.

The Analysis is based on methodology only: its authors did not gain access to original documents related to registration or original pollbook records; only recently were copies of the counties' original registration data files acquired and compiled, which contain some notable gaps; and the lists submitted to the Attorney General contain significant errors and little documentation, which complicated the analysis. Nonetheless, the analysts say that information collected is sufficient for generally assessing the quality of evidence presented to support the September 15 report. Analysis of the suspect lists reveals that the evidence submitted does not show what it purports to show: cause for concern that there is serious risk of widespread fraud given the state of the New Jersey voter registration rolls.

These suspect lists were compiled by attempting to match the first name, last name, and birth date of persons on county voter registration files. Entries that supposedly "matched" other entries were apparently deemed to represent the same individual, voting twice. This methodology was similar to the method used in compiling the notoriously inaccurate Florida "purge lists" of suspected ineligible felons in 2000 and 2004. As Florida's experience shows, matching names and birth dates in the voter registration context can easily lead to false conclusions – as was almost certainly the case here.

This Analysis reveals several serious problems with the methodology used to compile the suspect lists that compromise the lists' practical value. For example, the data used in the Report from one county appears to be particularly suspect and anomalous, and may have substantially skewed the overall results. In addition, middle initials were ignored throughout all counties, so that "J ____ A. Smith" was presumed to be the same person as "J ____ G. Smith." Suffixes were also ignored, so that fathers and sons – like "B ____ Johnson" and "B ____ Johnson, Jr." – were said to be the same person.

Underlying many of the entries on these lists, and similar lists compiled in Florida and elsewhere, is a presumption that two records with the same name and date of birth must

represent the same person. As *explained* in this analysis, this presumption is not consistent with basic statistical principles. Even when votes appear to have been cast in two different cities under the same name and birth date, statistics show that voter fraud is not necessarily to blame. With 3.6 million persons who voted in the 2004 election in New Jersey, the chance that some have the same name and birth date is not far-fetched.

Analysis of the Claim of Double Voting by 4,497 Individuals

Attempts to match data on one list to data on another list will often yield “false positives:” two records that at first appear to be a match but do not actually represent the same person. The natural incidence of “false positives” for a matching exercise of this scale – especially when, as here, conducted with relatively little attention to detail – readily explains the ostensible number of double votes.

1,803 of these 4,397 records of ostensibly illegal votes seem to be the product of a glitch in the compilation of the registration files. These records reflect two registration entries by the same person from the same address, with a notation next to each that the individual has voted. For example, 55-year-old W_____ A. Connors, living at 253 B_____ Ave. in a New York commuter suburb, is listed on the data files with an (erroneous) first registration date in 1901 and a second registration date in 1993; Mr. Connors is thus represented twice on the data files submitted. Each of these entries also indicates that W_____ A. Connors at 253 B_____ Ave voted in 2004. There is no credible indication, however, that Mr. Connors actually voted twice; indeed, given the clearly erroneous registration date on the files, it is far more likely that data error is to blame for the doubly logged vote as well.

More plausibly, the bulk of these 1,803 records may be traced to irregularities in the data processing and compilation process for one single county: the Middlesex County registration file accounts for only 10% of registered voters in the state but 78% of these alleged double votes. The suspect lists themselves contain an acknowledgment that the problem in Middlesex is probably not fraud: 99% of these Middlesex voters are labeled on the lists submitted to the Attorney General with a notation that the record is “less likely” to indicate an illegal double vote.

Another 1,257 entries of the 4,397 records probably represent similar data errors – also largely driven by a likely glitch in the Middlesex County file, which is also vastly over represented in this category. These records show ever-so-slight variations in records listed with the same date of birth at the same address: for example, the same first and last names, but different middle initials or suffixes (e.g., J_____ T. Kearns, Sr., and J_____ T. Kearns, Jr., both born the same day and living at the same address; or J_____ E. Allen and J_____ P. Allen, born the same day and living at the same address).

Approximately 800 of the entries on the list likely represent different people, with different addresses and different middle initials or suffixes. For example, W_____ S. Smith, living in a northern New Jersey town, and W_____ C. Smith, living in another town two hours away, share the same date of birth but are not the same person. Nor are

T _____ Brown, living in a New York commuter suburb, and T _____ H. Brown, Jr., living in a small town over an hour west, despite the fact that they also share the same birth date. About three-quarters of the entries in this category reveal data that affirmatively conflict – for example, a middle initial (“W _____ S.”) in one case, and a different middle initial (“W _____ C.”) in another, listed at different addresses. There is absolutely no good reason to conclude that these individuals are in fact the same, when the available evidence indicates the contrary.

For approximately 200 of the entries in this category, however, less information is available. These entries show a middle initial (“J _____ W. Davis”) in one case, and no middle initial (“J _____ Davis”) in another – again, at different addresses. The lack of the middle initial is ambiguous: it could mean that one of the J _____ Davis in question has no middle name, or it could mean that the middle initial was simply omitted in a particular registration entry. Although these entries involve less conclusive affirmative evidence of a false match than the entries noted above, there is still no good reason to believe that “J _____ W. Davis” and “J _____ Davis,” at different addresses, represent the same person.

Of the individuals remaining, there are serious concerns with the accuracy of the dates of birth. Seven voters were apparently born in January 1, 1880 – which is most likely a system default for registrations lacking date-of-birth information. For 227 voters, only the month and year of birth are listed: this means only that two voters with the same name were born in the same month and year, an unsurprising coincidence in a state of several million people.

That leaves approximately 289 votes cast under the same name and birth date – like votes cast by “P _____ S. Rosen,” born in the middle of the baby boom – but from two different addresses. It may appear strange, but there may be two P _____ S. Rosens, born on the same date in 1948 – and such coincidences are surprisingly common. For any one person, the odds of someone else having the same name and birth date is small. But because there are so many voters in New Jersey, a sizable number will have the same name and birth date simply by chance. In a group of just 23 people, it is more likely than not that two will share the same birthday. For 40 people, the probability is 90%. Many, if not most, of the 289 alleged double votes of persons registered at different addresses most likely reflect two separate individuals sharing a first name, last name, middle initial, and birth date.

The September 15 Report makes much of the raw potential for foul play based on the unsurprising fact that there are voters who appear on the New Jersey registration rolls more than once. As noted above, many of the names identified reflect two different individuals and not simply duplicate entries. But there is no doubt that there are duplicate entries on New Jersey’s registration rolls. It is well known that voter registration rolls contain “deadwood” – registration entries for individuals no longer living at a given address or deceased. There is no evidence, however, that these extra registrations are used for widespread illegal voting. Moreover, the problem of deadwood will soon be largely resolved: both the National Voter Registration Act of 1993 and the Help America

Vote Act of 2002 require states to implement several systems and procedures as of January 1, 2006, that will clean the voter rolls of duplicate or invalid entries while protecting eligible voters from unintended disfranchisement.

Response to the Report of the 2005 Commission on Federal Election Reform

**By The Brennan Center for Justice at NYU School of Law and Spencer Overton,
Commissioner and Law Professor at George Washington University School of Law**

Introduction

On September 19, 2005, the Commission on Federal Election Reform, co-chaired by former President Jimmy Carter and former Secretary of State James Baker III, issued a report with recommendations for reforming the administration of U.S. elections. This Response addresses the main substantive flaws in the Report, refuting in detail its recommendations that “Real ID” cards be used for voter identification, that Social Security numbers be spread through interstate databases and on ID cards, and that states restore voting rights to people convicted of felony convictions only in certain cases and only after they have completed all the terms of their sentence.

Voter Identification Recommendation

According to the Response, the Report’s most troubling recommendation is that states require voters to present a Real ID card or a similar “template” ID as a condition of voting. This recommendation is more onerous than the photo ID proposal rejected by the Commission’s predecessor in 2001 and is more restrictive than any ID requirement adopted in any state to date. It would impose substantial – and for some, insurmountable – burdens on the right to vote. This ID requirement is purportedly intended to prevent “voter fraud,” and yet the Report itself concedes that “[t]here is no evidence of extensive fraud in U.S. elections or of multiple voting” before asserting, without any meaningful support, that “both occur.” Not only does the Report fail to justify the creation of stringent identification requirements, but it also does not explain why the goals of improved election integrity will not be met through the existing provisions in the Help America Vote Act of 2002 (HAVA). Additionally, the Report fails to consider alternative measures to advance its goals that are less restrictive to voters.

The Commission’s recommendation that eligible citizens be barred from voting unless they are able to present a souped-up “Real ID” card is a proposal guaranteed to disenfranchise a substantial number of eligible voters. Millions of Americans currently do not have driver’s licenses or government-issued photo ID cards. As the 2001 National Commission on Federal Election Reform recognized, research shows that between six and ten percent of voting-age Americans do not have driver’s licenses or state-issued non-driver’s photo ID. That translates into as many as 20 million eligible voters. Millions more may never get the new Real ID card, which requires substantially more cost and effort. The percentage of Americans without the documentary proof of citizenship necessary to obtain Real IDs is likely to remain high because, as discussed below, the requisite documents are both expensive and burdensome to obtain. The Report’s proposal to use Real ID as a condition of voting is so excessive that it would prevent eligible voters from proving their identity with even a valid U.S. passport or a U.S. military photo ID card. While Americans of all backgrounds would be excluded by the Report’s ID proposal, the burden would fall disproportionately on the elderly, the disabled, students, the poor, and people of color.

According to the Georgia chapter of the AARP, 36 percent of Georgians over age 75 do not have a driver's license. In Wisconsin, approximately 23 percent of persons aged 65 and older do not have driver's licenses or photo ID, and fewer than 3 percent of students have driver's licenses listing their current address. Across the country, more than 3 million Americans with disabilities do not have a driver's license or other form of state-issued photo ID. Moreover, given the frequency with which Americans move residences, it is likely that a far greater percentage of citizens lack driver's licenses or photo IDs bearing their current addresses. Since voting generally depends on the voter's address, and since many states will not accept IDs that do not bear an individual's current voting address, an additional 41.5 million Americans each year will have ID that they may not be able to use to vote.

As the Report recognizes, government-issued photo identification costs money. Thus, if required as a precondition for voting, photo identification would operate as a de facto poll tax that could disenfranchise low-income voters. To alleviate this burden, the Report appropriately recommends that the "Real ID" card itself be issued free of charge. This safeguard, however, does not address some of the most significant predicate costs in obtaining photo identification – costs incurred whether or not the card itself is free. First, each of the documents an individual is required to show in order to obtain a "Real ID" card or other government-issued photo ID card costs money or presumes a minimal level of economic resources. A certified copy of a birth certificate costs from \$10.00 to \$45.00, depending on the state; a passport costs \$85.00; and certified naturalization papers cost \$19.95. Unless the federal and all state governments waive the cost of each of these other forms of identification, the indirect costs of photo IDs will be even greater than their direct costs. In addition, since government-issued IDs may only be obtained at specified government offices, which may be far from voters' residences and workplaces, individuals seeking such IDs will have to incur transportation costs and the costs of taking time off from work to visit those offices during often-abbreviated business hours. These are not insignificant burdens.

Strong empirical evidence also shows that photo ID requirements disproportionately burden people of color. The ID recommendations reduce the benefits of voter registration at disability and other social service agencies provided by the National Voter Registration Act of 1993. Individuals who seek to register at those offices—which generally do not issue IDs – will also have to make an additional visit to the motor vehicle department in order to obtain the documentation necessary to vote. Census data demonstrate that African Americans and Latinos are more than three times more likely than whites to register to vote at a public assistance agency, and that whites are more likely than African Americans and Latinos to register when seeking a driver's license. Accordingly, the voter registration procedure far more likely to be used by minorities than by whites will no longer provide Americans with full eligibility to vote. Not only are minority voters less likely to possess the requisite ID, but they are also more likely than white voters to be asked to furnish ID at the polls. As the Task Force Report of the prior Commission found, identification requirements create the opportunity for selective enforcement – either innocuous or invidious – when poll workers request photo ID only from voters

unknown to them. This discretion has often led to special scrutiny of minority voters at the polls.

Faced with overwhelming evidence that Real IDs are both costly and difficult to obtain, the Report suggests that Real ID cards be made “easily available and issued free of charge.” While this is a laudable goal, the evidence suggests that it will not be attained. First, no State currently issues photo IDs free of charge to all voters. And even if the card itself were free, the Real ID would not be “free of charge” unless all documents required to obtain the Real ID were also “free of charge.” In addition, no State makes photo IDs “easily available” to all its citizens.

The Report premises its burdensome identification proposals on the need to ensure ballot integrity and on the existence of or potential for widespread fraud. However, the Report admits that there is simply “no evidence” that the type of fraud that could be solved by stricter voter identification – individual voters who misrepresent their identity at the polls – is a widespread problem. Indeed, the evidence that does exist shows that this sort of fraud occurs only at an extremely low rate. The Report’s photo ID proposal guards against only one type of fraud: individuals arriving at the polls to vote using false information, such as the name of another registered voter, or a recent but not current address. Since the costs of this form of fraud are extremely high (federal law provides for up to five years’ imprisonment), and the benefits to any individual voter are extremely low, it is highly unlikely that this will ever occur with any frequency. The limited types of fraud that could be prevented by a Real ID requirement are extremely rare and difficult. As the Report concedes, there is “no evidence of extensive fraud in U.S. elections” of the sort that can be cured by photo identification requirements. This admission – and not the hypothetical specter of fraud represented in the remainder of the Report – is amply borne out by independent research.

In the most comprehensive survey of alleged election fraud to date, Professor Loraine Minnite and David Callahan have shown that the incidence of individual voter fraud at the polls is negligible. A few prominent examples support their findings. In Ohio, a statewide survey found four instances of ineligible persons voting or attempting to vote in 2002 and 2004, out of 9,078,728 votes cast – a rate of 0.00004%. Earlier this year, Georgia Secretary of State Cathy Cox stated that she could not recall one documented case of voter fraud relating to the impersonation of a registered voter at the polls during her ten-year tenure as Secretary of State or Assistant Secretary of State. The Report attempts to support its burdensome identification requirements on four specific examples of purported fraud or potential fraud. **None of the Report’s cited examples of fraud stand up under closer scrutiny.** This response report goes through each instance of fraud raised by the Commission report and demonstrates that in each case the allegation in fact turned out later not to be true or the fraud cited was not of the type that would be addressed by a photo identification requirement.

The Report fails to provide a good reason to create greater hurdles for voters who vote at the polls than for those who vote absentee. Despite the fact that absentee ballots are more

susceptible to fraud than regular ballots, the Report exempts absentee voters from its proposed Real ID and proof of citizenship requirements.

To the extent that any limited fraud by individuals at the polls does trickle into the system, it can be addressed by far less restrictive alternatives. The first step is to recognize that only voters who appear on the registration list may vote a regular ballot. Proper cleaning of registration lists – and proper use of the lists at the poll–will therefore go a long way toward ensuring that every single ballot is cast by an eligible voter. Existing law has already accounted for this need – with proper safeguards for individual voters – and needs only adequate implementation. If inflated rolls create the specter of potential fraud, for example, the problem will be addressed by proper execution of the registration list related provisions of NVRA and HAVA, which are designed in part to remove ineligible voters from the rolls. In addition to the better registration lists that full implementation will provide, better record keeping and administration at the polls will reduce the limited potential for voting by ineligible persons. In the unlikely event that implementation of current law is not able to wipe out whatever potential for individual fraud remains, there are several effective and less burdensome alternatives to the Report's Real ID recommendation that received wholly insufficient consideration.

Recommendation on Database Information Sharing Across States

It is unquestionably beneficial to account for voters who move across state lines. Nonetheless, the Report fails to consider the serious efficacy, privacy, and security concerns raised by a nationally distributed database of the magnitude it contemplates. These problems are exacerbated by the Report's recommendation that an individual's Social Security number be used as the broadly disseminated unique voting identifier. The Report's recommendation creates substantial privacy and security hazards. The Report recommends –without any discussion–that the information used as an individual's unique fingerprint to track a voter across state lines include not merely the date of birth, but also the person's "place of birth." As with the Social Security number, this information is often used as a key to private information wholly unrelated to voting, and as such, disclosure presents a substantial security hazard. Moreover, this information seems particularly susceptible to use in harassing legitimate voters, particularly naturalized citizens.

Recommendation on Voting Rights of Ex-Felons

The Report recommends that states restore voting rights only to certain people with criminal convictions, and only after they have "fully served their sentence." This overly restrictive standard places the Commission out of step with the states, the American public, and the laws of other nations. This recommendation would set a standard more generous than the policies of the most regressive thirteen states in the nation but more restrictive than the remaining thirty-seven. The trend in the states is toward extension of the franchise. Since 1997, twelve states have reformed their laws or policies to allow more people with convictions to vote. These reforms are driven by some startling numbers. Approximately 4.7 million Americans have lost the right to vote because of a criminal conviction. This number includes 1.4 million African-American men, whose 13% rate of disenfranchisement is seven times the national average. More than 670,000

of the disenfranchised are women; more than 580,000 are veterans; and 1.7 million have completed their sentences.

The American people also support more generous re-enfranchisement than the Commission Report recommends. In a 2002 telephone survey of 1,000 Americans nationwide, researchers found that substantial majorities (64% and 62% respectively) supported allowing probationers and parolees to vote. Fully 80% favored restoring the franchise to people who had completed felony sentences. Even when questions were asked about certain unpopular offenses, majorities supported voting rights. Two-thirds of respondents supported allowing violent ex-felons to vote; 63% supported allowing ex-felons convicted of illegal stock-trading to vote; and 52% supported restoring the franchise to ex-felons who had been convicted of a sex crime. International norms are even more favorable to voting rights. Moreover, the Report's recommendation is unworkable. The general rule – that reenfranchisement should follow the completion of a criminal sentence – is itself difficult to administer.

Republican Ballot Security Programs: Vote Protection or Minority Vote Suppression – Or Both?

By Chandler Davidson

As the author describes it, this Report focuses on vote suppression through “ballot security programs”:

These are programs that, in the name of protecting against vote fraud, almost exclusively target heavily black, Latino, or Indian voting precincts and have the intent or effect of discouraging or preventing voters in those precincts from casting a ballot. In some cases, these programs have been found by courts to be illegal. Still, they continue to exist in spite of strong criticism by leaders of minority communities, their allies, and voting rights lawyers.

There are several noteworthy characteristics of these programs. They focus on minority precincts almost exclusively. There is often only the flimsiest evidence that vote fraud is likely to be perpetrated in such precincts. In addition to encouraging the presence of sometimes intimidating Republican poll watchers or challengers who may slow down voting lines and embarrass potential voters by asking them humiliating questions, these programs have sometimes posted people in official-looking uniforms with badges and side arms who question voters about their citizenship or their registration. In addition, warning signs may be posted near the polls, or radio ads may be targeted to minority listeners containing dire threats of prison terms for people who are not properly registered—messages that seem designed to put minority voters on the defensive. Sometimes false information about voting qualifications is sent to minority voters through the mail.”

He further states that a most common theme of the programs over the last 50 years is that of sending white challengers to minority precincts. He says that the tactic of doing mailings, collecting returned materials, and using that as a basis for creating challenger lists and challenging voters at the polls, started in the 1950s and continues to today. The problem with this practice is that reasons for a mailing to be returned include a wrong address, out of date or inaccurate addresses, poor mail delivery in minority areas, and matching mistakes. Davidson also sets out to demonstrate through documentary evidence that the practices have been and are approved of or winked at by high ups in the party.

Davidson goes on to provide numerous examples from the last 50 years to demonstrate his thesis, going through the historical development of Republican ballot security programs from the 1950s through to the present. The author cites and quotes internal Republican letters and memoranda, primary sources and original documents, media

reports, scholarly works, as well as the words of judges' rulings in some of the cases that ended up in litigation to prove his argument.

In addition to describing how the schemes really were brought to the fore in the 1964 election, he describes more recent incidents such as 1981 in New Jersey, 1982 Dallas, Louisiana 1986, Houston 1986, Hidalgo 1988 Orange County 1988, North Carolina 1990, South Carolina 1980-1990, and South Dakota 2002. (Summaries of these examples are available)

Davidson concludes with an outline of some of the features of vote suppression efforts put forth by Republicans under the guise of ballot security programs, as described in the Report, from the 1950s to the present day:

1. An organized, often widely publicized effort to field poll watchers in what Republicans call "heavily Democratic," but what are usually minority, precincts;
2. Stated concerns about vote fraud in these precincts, which are occasionally justified but often are not;
3. Misinformation and fear campaigns directed at these same precincts, spread by radio, posted signs in the neighborhoods, newspapers, fliers, and phone calls, which are often anonymously perpetrated;
4. Posting "official-looking" personnel at polling places, including but not limited to off-duty police—sometimes in uniform, sometimes armed;
5. Aggressive face-to-face challenging techniques at the polls that can confuse, humiliate, and intimidate—as well as slow the voting process—in these same minority precincts;
6. Challenging voters using inaccurate, unofficial lists of registrants derived from "do-not-forward" letters sent to low-income and minority neighborhoods;
7. Photographing, tape recording, or videotaping voters; and
8. Employing language and metaphors that trade on stereotypes of minority voters as venal and credulous.

The report ends with some observations on the state of research on the incidence of fraud, which the author finds lacking. He suggests that vote suppression of qualified minority voters by officials and partisan poll-watchers, challengers, and uniformed guards should also be considered as included in any definition of election fraud. Davidson also offers a few recommendations for reform, noting that Democrats should not protest all programs aimed at ballot integrity, but rather work with Republicans to find solutions to problems that confront both parties and the system as a whole.

A 'Crazy-Quilt' of Tiny Pieces: State and Local Administration of American Criminal Disenfranchisement Law

By Alec Ewald

“A Crazy-Quilt of Tiny Pieces” presents results from the first nationwide study to document the implementation of American felony disenfranchisement law. Data came from two main sources: a 33-state survey of state elections officials and telephone interviews with almost one hundred city, county, town, and parish officials drawn from 10 selected states. In the spring of 2004, a two-page survey consisting of questions regarding disqualification and restoration procedures was sent to the offices of the statewide elections director in each of the fifty states. Responses were collected through the summer and early fall of 2004. Thirty-three states responded. No state currently administers and enforces its criminal disqualification and restoration laws in an efficient, universally-understood and equitable way. Some do not appear to notify local elections officials of convictions, or do not do so in a clear and timely way; others risk “false positives” in disqualification, particularly with suspended sentences or offenses not subject to disenfranchisement; many ask local officials to handle disqualification and restoration with little or no guidance or supervision from the state; none have clear policies regarding new arrivals from other states with old convictions.

The report reaches seven major conclusions:

1. Broad variation and misunderstanding in interpretation and enforcement of voting laws:
 - More than one-third (37%) of local officials interviewed in ten states either described their state’s fundamental eligibility law incorrectly, or stated that they did not know a central aspect of that law.
 - Local registrars differ in their knowledge of basic eligibility law, often within the same state. Differences also emerge in how they are notified of criminal convictions, what process they use to suspend, cancel, or “purge” voters from the rolls, whether particular documents are required to restore a voter to eligibility, and whether they have information about the criminal background of new arrivals to the state.
2. Misdemeanants disenfranchised in at least five states:
 - The commonly-used term “felon disenfranchisement” is not entirely accurate, since at least five states – Colorado, Illinois, Michigan, South Carolina, and Maryland -- also formally bar some or all people convicted of misdemeanors from voting.
 - It is likely that misdemeanants in other states who do retain the formal right to vote could have difficulty exercising that right, given ignorance of their eligibility and the lack of clear rules and procedures for absentee voting by people in jail who have not been convicted of a felony.
 - Maryland excludes persons convicted of many misdemeanors, such as “Unlawful operation of vending machines,” “Misrepresentation of tobacco leaf weight,” and “Racing horse under false name.”
3. Significant ambiguities in voting laws:
 - Disenfranchisement in Tennessee is dependent on which of five different time periods a felony conviction occurred between 1973 and the present.
 - In Oregon, disenfranchisement is determined not by conviction or imprisonment for a felony, but for being placed under Department of Corrections supervision. Since 1997, some persons

convicted of a felony and sentenced to less than 12 months' custody have been sent to county jails and hence, are eligible to vote.

4. Disenfranchisement results in contradictory policies within states:

- The "crazy-quilt" pattern of disenfranchisement laws exists even within states. Alabama and Mississippi have both the most and least restrictive laws in the country, a result which is brought about by the fact that certain felonies result in the loss of voting rights for life, while others at least theoretically permit people in prison to vote.
- Most felonies in Alabama result in permanent disenfranchisement, but drug and DUI offenses have been determined to not involve the "moral turpitude" that triggers the loss of voting rights.
- In Mississippi, ten felonies result in disenfranchisement, but do not include such common offenses as burglary and drug crimes.

5. Confusing policies lead to the exclusion of legal voters and the inclusion of illegal voters:

- The complexity of state disenfranchisement policies results in frequent misidentification of voter eligibility, largely because officials differ in their knowledge and application of disqualification and restoration law and procedures.

6. Significant variation and uncertainty in how states respond to persons with a felony conviction from other states:

- No state has a systematic mechanism in place to address the immigration of persons with a felony conviction, and there is no consensus among indefinite-disenfranchisement states on whether the disqualification is properly confined to the state of conviction, or should be considered in the new state of residence.
- Interpretation and enforcement of this part of disenfranchisement law varies not only across state lines, but also from one county to another within states. Local officials have no way of knowing about convictions in other states, and many are unsure what they would do if a would-be voter acknowledged an old conviction. Because there is no prospect of a national voter roll, this situation will continue even after full HAVA implementation.

7. Disenfranchisement is a time-consuming, expensive practice:

- Enforcement requires elections officials to gather records from different agencies and bureaucracies, including state and federal courts, Departments of Corrections, Probation and Parole, the state Board of Elections, the state police, and other counties' elections offices.

Policy Implications

1. Policies disenfranchising people living in the community on probation or parole, or who have completed a sentence are particularly difficult to enforce:

- States which disenfranchise only persons who are currently incarcerated appear able to enforce their laws more consistently than those barring non-incarcerated citizens from voting.

2. Given large-scale misunderstanding of disenfranchisement law, many eligible persons incorrectly believe they cannot vote, or have been misinformed by election officials:

- More than one-third of election officials interviewed incorrectly described their state's law on voting eligibility.
- More than 85% of the officials who misidentified their state's law either did not know the eligibility standard or specified that the law was more restrictive than was actually the case.

3. Occasional violation of disenfranchisement law by non-incarcerated voters not surprising:

- Given the complexity of state laws and the number of state officials who lack an understanding of restoration and disqualification procedures, it should come as no surprise that many voters are ignorant of their voting status, a fact that is likely to have resulted in hundreds of persons with a felony conviction registering and voting illegally in recent years.

4. Taken together, these findings undermine the most prominent rationale for disenfranchisement: that the policy reflects a strong, clear consensus that persons with a felony conviction are unfit to vote and constitute a threat to the polity:

- First, when significant numbers of the people who administer elections do not know important aspects of disenfranchisement law, it is hard to conclude that the restriction is necessary to protect social order and the “purity” of the ballot box.
- Second, because they are all but invisible in the sentencing process, “collateral” sanctions like disenfranchisement simply cannot accomplish the denunciatory, expressive purposes their supporters claim. We now know that disenfranchisement is not entirely “visible” even to the people running American elections.
- Third, deep uncertainty regarding the voting rights of people with felony convictions who move from one state to another indicates that we do not even know what purpose disenfranchisement is supposed to serve – whether it is meant to be a punishment, or simply a non-penal regulation of the franchise.

Recommendations

1. Clarify Policies Regarding Out-of-State Convictions:

- State officials should clarify their policies and incorporate into training programs the means by which a felony conviction in another state affects an applicant’s voting eligibility. For example, sentence-only disenfranchisement states should clarify that newcomers with old felony convictions from indefinite disenfranchisement states are eligible to vote. And those states which bar some people from voting even after their sentences are completed must clarify whether new arrivals with old felony convictions from sentence-only disenfranchisement states are automatically eligible, and must explain what procedures, if any, should be followed for restoration.

2. Train Election Officials:

- Clarify disenfranchisement policies and procedures for all state and local election officials through development of materials and training programs in each state. At a minimum, this should include distribution of posters, brochures and FAQ sheets to local and state elections offices.

3. Train Criminal Justice Officials:

- Provide training on disqualification and restoration policies for all correctional and criminal justice officials, particularly probation and parole staff. Correctional and criminal justice officials should also be actively engaged in describing these policies to persons under criminal justice supervision.

4. Review Voting Restrictions on Non-Incarcerated People:

- Given the serious practical difficulty of enforcing laws disqualifying people who are not incarcerated from voting – problems which clearly include both excluding eligible people from voting and allowing those who should be ineligible to vote -- state policymakers should review such policies to determine if they serve a useful public purpose.

Deliver the Vote: A History of Election Fraud, An American Political Tradition---1742-2004

by Tracy Campbell.

In Deliver the Vote, Campbell traces the historical persistence of voter fraud from colonial times through the 2004 Bush-Kerry election. From the textual information, it quickly becomes obvious that voter fraud was not limited to certain types of people or to certain political parties. Major American political figures fail to emerge unscathed. For instance, before independence, George Washington plied potential voters with drink as payment for their vote. This type of early vote buying succeeded in electing Washington to the Virginia Assembly over a heavily favored candidate. Both the Democrat and Republican Parties also participated in vote fraud. Finally, there were several regions of the country know for fraudulent voting problems such as Chicago, St. Louis, Texas, and Kentucky, especially Louisville.

Germane to the voter fraud project, Campbell indicates that in the Bush-Gore election, both camps committed major errors. Campbell contends that the central problem in that election was the 175,000 invalidated votes. It is evident that Florida was procedurally unprepared to deal with the voluminous questions that arose in determining valid from invalid votes. Campbell glosses over the Bush-Kerry election but does note from one who opposed Kerry, that there was something amiss with the Ohio final vote tally. This book is well researched and provided numerous citations to source material.

Building Confidence in U.S. Election, National Commission on Federal Election Reform
("Carter/Baker Commission)

The impetus for the Carter-Baker Commission and its report was the sense of the members that not enough had been done to reform the system since the 2000 election and that Americans had lost confidence in elections. The report makes several observations about the current system and makes 87 recommendations. Several of those recommendations are meant to be implemented in conjunction with one another in order to be effective, so the report is really a push for a comprehensive overhaul of the system as it works today.

Among the observations made that are relevant to the EAC study of fraud and intimidation are the following:

- The November 2004 elections showed that irregularities and fraud still occur.
- Failure to provide voters with such basic information as their registration status and their polling site location raises a barrier to voting as significant as inconsistent procedures on provisional ballots or voter ID requirements.
- There is no evidence of extensive fraud in U.S. elections or of multiple voting, but both occur, and it could affect the outcome of a close election.
- The Commission is concerned that the different approaches to identification cards might prove to be a serious impediment to voting.
- Voter registration lists are often inflated by the inclusion of citizens who have moved out of state but remain on the lists. Moreover, under the National Voter Registration Act, names are often added to the list, but counties and municipalities often do not delete the names of those who moved. Inflated voter lists are also caused by phony registrations and efforts to register individuals who are ineligible. At the same time, inaccurate purges of voter lists have removed citizens who are eligible and are properly registered.
- Political party and nonpartisan voter registration drives generally contribute to the electoral process by generating interest in upcoming elections and expanding participation. However, they are occasionally abused. There were reports in 2004 that some party activists failed to deliver voter registration forms of citizens who expressed a preference for the opposing party.
- Vote by mail raises concerns about privacy, as citizens voting at home may come under pressure to vote for certain candidates, and it increases the risk of fraud.
- While election fraud is difficult to measure, it occurs. The U.S. Department of Justice has launched more than 180 investigations into election fraud since October 2002. These investigations have resulted in charges for multiple voting, providing false information on their felon status, and other offenses against 89 individuals and in convictions of 52 individuals. The convictions related to a variety of election fraud offenses, from vote buying to submitting false voter registration information and voting-related offenses by non-citizens. In addition to the federal investigations, state attorneys general and local prosecutors handle cases of election fraud. Other cases are never pursued because of the difficulty in

obtaining sufficient evidence for prosecution or because of the low priority given to election fraud cases.

- Absentee ballots remain the largest source of potential voter fraud
- Non-citizens have registered to vote in several recent elections
- The growth of "third-party" (unofficial) voter registration drives in recent elections has led to a rise in reports of voter registration fraud.
- Many states allow the representatives of candidates or political parties to challenge a person's eligibility to register or vote or to challenge an inaccurate name on a voter roll. This practice of challenges may contribute to ballot integrity, but it can have the effect of intimidating eligible voters, preventing them from casting their ballot, or otherwise disrupting the voting process.

Its pertinent recommendations for reform are as follows:

- Interoperable state voter databases are needed to facilitate updates in the registration of voters who move to another state and to eliminate duplicate registrations, which are a source of potential fraud.
- Voters should be informed of their right to cast a provisional ballot if their name does not appear on the voter roll, or if an election official asserts that the individual is not eligible to vote, but States should take additional and effective steps to inform voters as to the location of their precinct
- The Commission recommends that states use "REAL ID" cards for voting purposes.
- To verify the identity of voters who cast absentee ballots, the voter's signature on the absentee ballot can be matched with a digitized version of the signature that the election administrator maintains. While such signature matches are usually done, they should be done consistently in all cases, so that election officials can verify the identity of every new registrant who casts an absentee ballot.
- Each state needs to audit its voter registration files to determine the extent to which they are accurate (with correct and current information on individuals), complete (including all eligible voters), valid (excluding ineligible voters), and secure (with protections against unauthorized use). This can be done by matching voter files with records in other state agency databases in a regular and timely manner, contacting individuals when the matches are inconclusive, and conducting survey research to estimate the number of voters who believe they are registered but who are not in fact listed in the voter files.
- Each state should oversee political party and nonpartisan voter registration drives to ensure that they operate effectively, that registration forms are delivered promptly to election officials, that all completed registration forms are delivered to the election officials, and that none are "culled" and omitted according to the registrant's partisan affiliation. Measures should also be adopted to track and hold accountable those who are engaged in submitting fraudulent voter registrations. Such oversight might consist of training activists who conduct voter registration drives and tracking voter registration forms to make sure they are all accounted for. In addition, states should apply a criminal penalty to any activist who deliberately fails to deliver a completed voter registration form.

- Investigation and prosecution of election fraud should include those acts committed by individuals, including election officials, poll workers, volunteers, challengers or other nonvoters associated with the administration of elections, and not just fraud by voters.
- In July of even-numbered years, the U.S. Department of Justice should issue a public report on its investigations of election fraud. This report should specify the numbers of allegations made, matters investigated, cases prosecuted, and individuals convicted for various crimes. Each state's attorney general and each local prosecutor should issue a similar report.
- The U.S. Department of Justice's Office of Public Integrity should increase its staff to investigate and prosecute election-related fraud.
- In addition to the penalties set by the Voting Rights Act, it should be a federal felony for any individual, group of individuals, or organization to engage in any act of violence, property destruction (of more than \$500 value), or threatened act of violence that is intended to deny any individual his or her lawful right to vote or to participate in a federal election.
- To deter systemic efforts to deceive or intimidate voters, the Commission recommends federal legislation to prohibit any individual or group from deliberately providing the public with incorrect information about election procedures for the purpose of preventing voters from going to the polls.
- States should define clear procedures for challenges, which should mainly be raised and resolved before the deadline for voter registration. After that, challengers will need to defend their late actions. On Election Day, they should direct their concerns to poll workers, not to voters directly, and should in no way interfere with the smooth operation of the polling station.
- State and local jurisdictions should prohibit a person from handling absentee ballots other than the voter, an acknowledged family member, the U.S. Postal Service or other legitimate shipper, or election officials. The practice in some states of allowing candidates or party workers to pick up and deliver absentee ballots should be eliminated.
- All states should consider passing legislation that attempts to minimize the fraud that has resulted from "payment by the piece" to anyone in exchange for their efforts in voter registration, absentee ballot, or signature collection.
- Nonpartisan structures of election administration are very important, and election administrators should be neutral, professional, and impartial.
- No matter what institutions are responsible for conducting elections, conflict-of-interest standards should be introduced for all federal, state, and local election officials. Election officials should be prohibited by federal and/or state laws from serving on any political campaign committee, making any public comments in support of a candidate, taking a public position on any ballot measure, soliciting campaign funds, or otherwise campaigning for or against a candidate for public office. A decision by a secretary of state to serve as co-chair of his or her party's presidential election committee would clearly violate these standards.

Existing Research Analysis

There are many reports and books that describe anecdotes and draw broad conclusions from a large array of incidents. There is little research that is truly systematic or scientific. The most systematic look at fraud is the report written by Lori Minnite. The most systematic look at voter intimidation is the report by Laughlin McDonald. Books written about this subject seem to all have a political bias and a pre-existing agenda that makes them somewhat less valuable.

Researchers agree that measuring something like the incidence of fraud and intimidation in a scientifically legitimate way is extremely difficult from a methodological perspective and would require resources beyond the means of most social and political scientists. As a result, there is much more written on this topic by advocacy groups than social scientists. It is hoped that this gap will be filled in the "second phase" of this EAC project.

Moreover, reports and books make allegations but, perhaps by their nature, have little follow up. As a result, it is difficult to know when something has remained in the stage of being an allegation and gone no further, or progressed to the point of being investigated or prosecuted or in any other way proven to be valid by an independent, neutral entity. This is true, for example, with respect to allegations of voter intimidation by civil rights organizations, and, with respect to fraud, John Fund's frequently cited book. Again, this is something that it is hoped will be addressed in the "second phase" of this EAC project by doing follow up research on allegations made in reports, books and newspaper articles.

Other items of note:

- There is as much evidence, and as much concern, about structural forms of disenfranchisement as about intentional abuse of the system. These include felon disenfranchisement, poor maintenance of databases and identification requirements.
- There is tremendous disagreement about the extent to which polling place fraud, e.g. double voting, intentional felon voting, noncitizen voting, is a serious problem. On balance, more researchers find it to be less of a problem than is commonly described in the political debate, but some reports say it is a major problem, albeit hard to identify.
- There is substantial concern across the board about absentee balloting and the opportunity it presents for fraud.
- Federal law governing election fraud and intimidation is varied and complex and yet may nonetheless be insufficient or subject to too many limitations to be as effective as it might be.

- Deceptive practices, e.g. targeted flyers and phone calls providing misinformation, were a major problem in 2004.
- Voter intimidation continues to be focused on minority communities, although the American Center for Voting Rights uniquely alleges it is focused on Republicans.

DOJ Public Integrity Reports 2002, 2003, and 2004

General Background

The Public Integrity Reports are submitted to Congress pursuant to the Ethics in Government Act of 1978, which requires the Attorney General to report annually to Congress on the operations and activities of the Justice Department's Public Integrity Section. The Report describes the activities of the Public Integrity Section. It also provides statistics on the nationwide federal effort against public corruption. The Public Integrity Section was created in 1976 in order to consolidate in one unit of the Criminal Division the Department's oversight responsibilities for the prosecution of criminal abuses of the public trust by government officials. Section attorneys prosecute selected cases involving federal, state, or local officials, and also provide advice and assistance to prosecutors and agents in the field regarding the handling of public corruption cases. In addition, the Section serves as the Justice Department's center for handling various issues that arise regarding public corruption statutes and cases. An Election Crimes Branch was created within the Section in 1980 to supervise the Department's nationwide response to election crimes, such as ballot fraud and campaign financing offenses. The Branch reviews all major election crime investigations throughout the country and all proposed criminal charges relating to election crime.

One of the Section's law enforcement priorities is its supervision of the Justice Department's nationwide response to election crimes. The purpose of Headquarters' oversight of election crime matters is to ensure that the Department's nationwide response to election crime is uniform, impartial, and effective. An Election Crimes Branch, headed by a Director and staffed by Section attorneys on a case-by-case basis, was created within the Section in 1980 to handle this supervisory responsibility.

The Election Crimes Branch oversees the Department's handling of all election crime allegations other than those involving civil rights violations, which are supervised by the Voting Section of the Civil Rights Division. Specifically, the Branch supervises four types of corruption cases: crimes that involve the voting process, crimes involving the financing of federal election campaigns, crimes relating to political shakedowns and other patronage abuses, and illegal lobbying with appropriated funds. Vote frauds and campaign-financing offenses are the most significant and also the most common types of election crimes.

Divisions of the Election Crimes Branch

As affecting the present EAC study, the appropriate divisions of the Election Crimes Branch are:

Vote frauds-During 2002 the Branch assisted United States Attorneys' Offices in Alabama, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Nevada, North Carolina, Rhode Island, South Carolina, South Dakota, Texas, Utah, West Virginia, and

Wisconsin in handling vote fraud matters that occurred in their respective districts. This assistance included providing expertise in the evaluation of allegations to determine whether investigation would produce prosecutable federal criminal cases, helping to structure investigations, providing legal assistance with respect to the formulation of charges, and assisting in establishing task force teams of federal and state law enforcement officials to investigate vote fraud matters.

During 2003 the Branch assisted United States Attorneys' Offices in Alabama, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, Nevada, North Carolina, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Virgin Islands, West Virginia, and Wisconsin in handling vote fraud matters that occurred in their respective districts. This assistance included providing expertise in the evaluation of allegations to determine whether investigation would produce prosecutable federal criminal cases, helping to structure investigations, providing legal assistance with respect to the formulation of charges, and assisting in establishing task force teams of federal and state law enforcement officials to investigate vote fraud matters.

During 2004 the Branch assisted United States Attorneys' Offices in the following states in the handling of vote fraud matters that occurred in their respective districts: Alabama, Alaska, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Massachusetts, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New Mexico, Nevada, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Puerto Rico, South Carolina, South Dakota, Texas, Utah, Virginia, West Virginia, Washington, and Wisconsin. This assistance included evaluating vote fraud allegations to determine whether investigation would produce a prosecutable federal criminal case, helping to structure investigations, providing legal advice concerning the formulation of charges, and assisting in establishing several task force teams of federal and state law enforcement officials to investigate vote fraud matters.

Litigation-The Branch Director or Section attorneys also prosecute selected election crimes, either by assuming total operational responsibility for the case or by handling the case jointly with a United States Attorney's Office. The Section also may be asked to supervise the handling of a case in the event of a partial recusal of the local office. For example, in 2002 the Branch continued to supervise the prosecution of a sheriff and his election attorney for using data from the National Crime Information Center regarding voters' criminal histories to wage an election contest.

District Election Officer Program-The Branch also assists in implementing the Department's long-standing District Election Officer (DEO) Program. This Program is designed to ensure that each of the 93 United States Attorneys' Offices has a trained prosecutor available to oversee the handling of election crime matters within the district and to coordinate district responses with Headquarters regarding these matters. The DEO Program involves the appointment of an Assistant United States Attorney in each federal district to serve a two-year term as a District Election Officer; the training of these

prosecutors in the investigation and prosecution of election crimes; and the coordination of election-related initiatives and other law enforcement activities between Headquarters and the field. In addition, the DEO Program is a crucial feature of the Department's nationwide Election Day Program, which occurs in connection with the federal general elections held in November of even-numbered years. The Election Day Program ensures that federal prosecutors and investigators are available both at the Department's Headquarters in Washington and in each district to receive and handle complaints of election irregularities from the public while the polls are open and that the public is aware of how these individuals can be contacted on election day. In 2002 the Department enhanced the DEO Program by establishing a Ballot Integrity Initiative.

Ballot Integrity Initiative-Beginning in September of 2002, the Public Integrity Section, acting at the request of the Attorney General, assisted in the implementation of a Ballot Integrity Initiative for the 2002 general election and subsequent elections. This initiative included increasing the law enforcement priority the Department gives to election crimes; holding a special day-long training event in Washington, DC for representatives of the 93 United States Attorneys' Offices; publicizing the identities and telephone numbers of the DEOs through press releases issued shortly before the November elections; and requiring the 93 U.S. Attorneys to communicate the enhanced federal prioritization of election crime matters to state and local election and law enforcement authorities. As part of Ballot Integrity Initiative, on October 8, 2002, the Public Integrity Section and the Voting Rights Section of the Department's Civil Rights Division co-sponsored a Voting Integrity Symposium for District Election Officers representing each of the 93 federal judicial districts. Topics discussed included the types of conduct that are prosecutable as federal election crimes and the federal statutes used to prosecute such cases. Attorney General John Ashcroft delivered the keynote address on the importance of election crime and ballot integrity enforcement. Assistant Attorney General of the Civil Rights Division Ralph Boyd and Assistant Attorney General of the Criminal Division Michael Chertoff also spoke to attendees on the protection of voting rights and the prosecution of election cases.

As part of Ballot Access and Voting Integrity Initiative, on September 23 and 24, 2003, the Public Integrity Section and the Voting Rights Section of the Department's Civil Rights Division co-sponsored a two-day Symposium for DEOs representing each of the 93 federal judicial districts. Topics discussed included the types of conduct that are prosecutable as federal election crimes and the federal statutes used to prosecute such cases. Assistant Attorney General of the Civil Rights Division Alexander Acosta and Assistant Attorney General of the Criminal Division Christopher A. Wray delivered the keynote addresses on the importance of protecting voting rights and the prosecution of election cases.

On July 20 and 21, 2004, the Public Integrity Section and the Voting Section of the Department's Civil Rights Division co-sponsored a two-day symposium for DEOs representing each of the 93 federal judicial districts. Topics discussed included the types of conduct that are prosecutable as federal election crimes and the federal statutes available to prosecute such cases, and the handling of civil rights matters involving

voting. Attorney General John Ashcroft delivered the keynote address on the importance of protecting voting rights and the prosecution of election fraud. In addition, Assistant Attorney General Christopher A. Wray of the Criminal Division and Assistant Attorney General R. Alexander Acosta of the Civil Rights Division addressed conference attendees on voting rights and election fraud enforcement issues respectively.

Federal Election Crimes

During 2002 the Public Integrity Section continued its nationwide oversight role regarding the handling of election crime allegations. As part of a general Department effort to increase its effectiveness in this important area, the Section assisted in the planning and execution of the Department's 2002 Ballot Integrity Initiative. The purpose of this ongoing Initiative is to increase the Department's ability to deter, detect, and prosecute election crimes and voting abuses by prioritizing election crime cases. As a result of the Initiative, during 2002 the number of election crime matters opened by federal prosecutors throughout the country increased significantly, as did the Section's active involvement in election crime matters stemming from the Initiative. At the end of 2002, the Section was supervising and providing advice on approximately 43 election crime matters nationwide. In addition, as of December 31, 2002, 11 matters involving possible election crimes were pending in the Section.

During 2002 the Section closed two election crime matters and continued its operational supervision of the following election crime case: *United States v. Woodward and Jordan*, Northern District of Alabama. Jimmy Woodward, the former Sheriff of Jefferson County, Alabama, and Albert Jordan, an attorney from Birmingham, were indicted in 2000 for conspiring to obtain criminal history records from the National Crime Information Center (NCIC) for use in an election contest, for converting NCIC records, and for accessing government computers without authority. The indictment charged that Woodward and Jordan conspired to use Sheriff's office personnel to access NCIC computers to run criminal history checks on hundreds of voters in Jefferson County who had voted by absentee ballot in the 1998 general election, in the hopes they would find criminal histories they could use to challenge the qualifications of voters who cast votes for Woodward's opponent. The charges were dismissed in 2000 on procedural grounds. The Department appealed the dismissal of the charges. In 2001 the case was argued before the Eleventh Circuit Court of Appeals by the Appellate Section of the Criminal Division. The Court of Appeals subsequently reversed the trial court's dismissal of the charges and remanded the case for retrial. The former United States Attorney for the Northern District of Alabama was recused from the case. The case is being prosecuted by an Assistant United States Attorney under the supervision of the Public Integrity Section.

The following cases are the result of an extensive federal investigation into vote-buying in the May 1998 primary election in Knott County, Kentucky, an Appalachian county in the Eastern District of Kentucky. The primary was contested by two slates of candidates. The ballot included the race for the position of Knott County Judge Executive, which controls local government hiring, contracting, and services. The ballot also included a primary contest for the office of United States Senator, conferring federal jurisdiction

over vote buying in the election even though the electoral corruption was directed at local races.

The following cases are being handled jointly by the Section and the United States Attorney's Office for the Eastern District of Kentucky:

United States v. Calhoun. On March 28, 2003, a federal grand jury indicted Jimmy Calhoun on two counts of vote-buying. On August 19, 2003, Calhoun pled guilty to two counts of vote-buying on behalf of a slate of candidates headed by Donnie Newsome, the successful candidate for County Judge Executive in the May 1998 Knott County, Kentucky primary election. Calhoun paid two persons to vote by absentee ballot. On April 7, 2004, Calhoun was sentenced to six months in prison and two years of supervised release. Calhoun pled guilty to two counts of vote-buying on behalf of a slate of candidates headed by Donnie Newsome, the successful candidate for County Judge Executive in the May 1998 Knott County, Kentucky primary election. Calhoun paid two persons to vote by absentee ballot.

United States v. Conley. On March 28, 2003, a federal grand jury indicted Jimmy Lee Conley on five counts of vote-buying and one count of making a false statement in a matter within federal jurisdiction. Conley was charged with paying five persons to vote by absentee ballot for a slate of candidates headed by Donnie Newsome, the successful candidate for County Judge Executive. During the investigation, Conley allegedly made false statements to an agent of the FBI. A jury acquitted Conley on June 19, 2003.

United States v. Johnson. On April 24, 2003, a federal grand jury indicted Newton Johnson on four counts of vote-buying, one count of making a false statement in a matter within federal jurisdiction, and two counts of obstructing justice. On June 2, 2003, Johnson pled guilty pursuant to a plea agreement to one count of vote-buying, and one count of obstructing justice. Johnson paid four persons to vote by absentee ballot in the May 1998 Knott County, Kentucky primary election. Johnson paid the voters to vote for a slate of candidates headed by Donnie Newsome, the successful candidate for County Judge Executive. During the investigation of this vote-buying, Johnson made a false statement to an agent of the FBI, and pressured grand jury witnesses to falsely deny that he bought their votes. Pursuant to his plea agreement, Johnson pled guilty to paying one of the voters for her vote, and to endeavoring to obstruct the grand jury investigation by urging her to lie under oath. Johnson agreed to cooperate with the government. On October 6, 2003, Johnson was sentenced to three years of probation. Johnson had previously testified at the trial of Donnie Newsome to the nature and extent of the broader conspiracy to approach and pay numerous impoverished, handicapped, illiterate, or otherwise impaired persons to vote for the slate of candidates headed by Newsome. Newsome offered Johnson a road improvement and a county job in exchange for participation in the conspiracy. Johnson, who is impoverished, illiterate, and unable to leave his remote mountain hollow without the road improvement, agreed and purchased the votes of four persons. A jury convicted Newsome on all counts.

United States v. Madden. On March 28, 2003, a federal grand jury indicted Patrick Wayne Madden on three counts of vote-buying and one count of making a false statement in a matter within federal jurisdiction. On October 6, 2003, Madden pled guilty to one count of vote-buying. Madden paid three persons to vote by absentee ballot for a slate of candidates headed by Donnie Newsome, the successful candidate for County Judge Executive in the May 1998 Knott County, Kentucky primary election. During the investigation of this vote-buying, Madden made a false statement to an agent of the FBI. On February 2, 2004, Madden was sentenced to 20 months in prison and two years of supervised release. Madden pled guilty to one count of vote-buying. Madden paid three persons to vote by absentee ballot for a slate of candidates headed by Newsome.

United States v. Newsome, Pigman, and Smith. On April 24, 2003, a federal grand jury indicted sitting County Judge Executive Donnie Newsome and two of his supporters, Willard Smith and Keith Pigman, on one count of conspiracy to commit vote-buying. The grand jury further charged five substantive counts of vote-buying, one count charging Newsome, two counts charging Smith, one count charging Smith and Pigman, and one count charging all three defendants. Newsome, Pigman, and Smith, working together and with other conspirators, approached and paid numerous impoverished, handicapped, illiterate, or otherwise impaired persons to vote for Newsome by absentee ballot, resulting in a large increase in the rate of absentee voting, and long lines at the County Clerk's Office. Newsome won the election to remain the County Judge Executive.

On July 8, 2003, Pigman pled guilty pursuant to a plea agreement to conspiracy to commit vote-buying, and one count of vote-buying. Pigman cooperated with the government following his plea, and provided substantial assistance by testifying against Newsome and Smith. Pigman explained the nature and extent of the broader conspiracy to approach and pay numerous impoverished, handicapped, illiterate, or otherwise impaired persons to vote for the slate of candidates headed by Newsome. Pigman further explained that such voters were purposefully chosen because they would present severe credibility problems for the government in any investigation and prosecution of their conspiracy. Newsome offered and ultimately gave Pigman a county job in exchange for Pigman's participation in the conspiracy. On October 30, 2003, Pigman was sentenced to four months of imprisonment, four months of community confinement, and two years of supervised release. On October 1, 2003, a jury convicted both Newsome and Smith on all counts. Newsome, while in office as a Kentucky State Representative, became a candidate for County Judge Executive. Newsome, Pigman, and Smith, working together and with other conspirators, approached and paid numerous persons to vote for Newsome and certain other candidates by absentee ballot, resulting in a large increase in the rate of absentee voting, and long lines at the County Clerk's Office. Newsome, who won the primary election and subsequent elections, was ordered detained pending sentencing, together with Smith, in light of threats to government witnesses during the trial.

On March 16, 2004, Newsome, the former County Judge Executive for Knott County, Kentucky, was sentenced to 26 months in prison, a \$20,000 fine, and three years of supervised release. Smith was sentenced to 24 months in prison, a \$5,000 fine, and three

years of supervised release. A jury previously convicted Newsome and Smith on all counts of an indictment that charged them with conspiracy to buy votes and five counts of vote-buying. Pigman, previously pled guilty to the conspiracy charge, and was sentenced to four months in prison, four months of community service, and two years of supervised release.

United States v. Ronnie Slone and Brady Slone. On March 28, 2003, a federal grand jury indicted Ronnie Neal Slone and Brady Warren Slone (who are brothers) on three counts of vote-buying, and on one count each of making a false statement in a matter within federal jurisdiction. The Slones allegedly paid three persons to vote by absentee ballot for a slate of candidates headed by Donnie Newsome. During the investigation of this vote-buying, each of the Slones allegedly made a false statement to an agent of the FBI. On August 15, 2003, a jury acquitted both defendants.

United States v. Phillip Slone. On March 28, 2003, a federal grand jury indicted Phillip Slone (who is not directly related to Ronnie and Brady Slone) on seven counts of vote-buying and one count of making a false statement in a matter within federal jurisdiction. On June 4, 2003, Slone pled guilty pursuant to a plea agreement to one count of vote-buying. Slone paid seven persons to vote for a slate of candidates headed by Homer Sawyer, the unsuccessful incumbent candidate for County Judge Executive in the May 1998 Knott County, Kentucky primary election. During the investigation of this vote-buying, Slone made a false statement to an agent of the FBI. On October 15, 2003, Slone was sentenced to ten months in prison and two years supervised release. Slone appealed his sentence and the district court's jurisdiction, and that appeal is pending.

Democracy At Risk: The November 2004 Election in Ohio
Democratic National Committee

In December 2004, the DNC announced a comprehensive investigative study and analysis of election administration issues arising from the conduct of the 2004 general election in Ohio. The DNC decided to undertake this study because of the many reports, made to the Democratic Party, appearing in the press and made to advocacy groups, immediately after the election, of problems in the administration of the election in that state—problems that prevented many Ohio citizens who showed up at the polls to be able to vote and to have their vote counted. This study was intended to address the legitimate questions and concerns that have been raised and to develop factual information that would be important and useful in crafting further necessary election reforms.

Most Pertinent Findings

- Overall, 28 percent of Ohio voters reported problems with their voting experience, including ballot problems, locating their proper polling place and/or intimidation.
- Twice as many African American voters as white voters reported experiencing problems at the polls (52 percent vs. 25 percent).
- Scarcity of voting machines caused long lines that deterred many people from voting. Three percent of voters who went to the polls left their polling places and did not return due to the long lines.
- Statewide, African American voters reported waiting an average of 52 minutes before voting while white voters reported waiting an average of 18 minutes.
- Overall, 20 percent of white Ohio voters reported waiting more than twenty minutes, while 44 percent of African American voters reported doing so.
- Of provisional voters in Cuyahoga County, 35 percent were African American, compared to 25 percent of non-provisional voters, matched by geography. African American voters were 1.2 times more likely than white voters to be required to vote provisionally.
- Under Ohio law, the only voters who should have been asked for identification were those voting in their first Federal election who had registered by mail but did **not** provide identification in their registration application. Although only 7 percent of all Ohio voters were newly registered (and only a small percentage of those voters registered by mail and failed to provide identification in their registration application), more than one third (37 percent) reported being asked to provide identification.—meaning large numbers of voters were illegally required to produce identification.
- African American voters statewide were 47 percent more likely to be required to show identification than white voters. Indeed, 61 percent of

African American men reported being asked to provide identification at the polls.

- 6 percent of all voters reported feelings of intimidation.
- Statewide, 16 percent of African Americans reported experiencing intimidation versus only 5 percent of white voters.

The report also includes a useful summary and description of the reports that came through Ohio Election Protection on Election Day, which included a wide variety of problems, including voter intimidation and discrimination.

Most Pertinent Recommendations

- States should be encouraged to codify into law all required election practices, including requirements for the adequate training of official poll workers.
- States should adopt uniform and clear published standards for the distribution of voting equipment and the assignment of official pollworkers among precincts, to ensure adequate and nondiscriminatory access. These standards should be based on set ratios of numbers of machines and pollworkers per number of voters expected to turn out, and should be made available for public comment before being adopted.
- States should adopt legislation to make clear and uniform the rules on voter registration.
- States should be urged to implement statewide voter lists in accordance with the Help America Vote Act (“HAVA”), the election reform law enacted by Congress in 2002 following the Florida debacle.
- State and local jurisdictions should adopt clear and uniform rules on the use of, and the counting of, provisional ballots, and distribute them for public comment well in advance of each election day.
- States should not adopt requirements that voters show identification at the polls, beyond those already required by federal law (requiring that identification be shown only by first time voters who did not show identification when registering.)
- State Attorneys General and local authorities should vigorously enforce, to the full extent permitted by state law, a voter’s right to vote without showing identification.
- States should make voter suppression a criminal offense at the state level, in all states.
- States should improve the training of pollworkers.
- States should expend significantly more resources in educating voters on where, when and how to vote.
- Partisan officials who volunteer to work for a candidate should not oversee or administer any elections.

EAC SUMMARY OF LITERATURE REVIEW FOR VOTING FRAUD-VOTER INTIMIDATION RESEARCH

Articles

People for the American Way and the NAACP, "The Long Shadow of Jim Crow," December 6, 2004.

This report describes the pervasive and repeated practices of voter intimidation and vote suppression that have taken place in very recent years and during contemporary American history. It goes on to describe the numerous instances of voter intimidation and suppression during the 2000 election, the 1990s, the 1980s and back through the civil rights movement of the 1960s, putting current efforts in historical perspective.

Describing the chronology of events in this way demonstrates the developing patterns and strategic underpinnings of the tactics used over the last forty years. **Examples include:**

- Florida law enforcement questioned elderly African American voters in Orlando regarding the 2003 mayoral race, which had already been resolved, shortly before the 2004 election;
- the 2004 Florida felon purge list;
- the case of South Dakota in 2004 in which Native Americans were improperly and illegally required to show photo identification at the polls or denied the right to vote, and similar improper demands for ID from minorities in other parts of the country;
- the use of challengers in minority districts in many locations;
- the challenge to the right of African American students to vote in Texas in 2004;
- the presence of men looking like law enforcement challenging African American voters at the polls in Philadelphia in 2003;
- the distribution of flyers in Louisiana and elsewhere in a number of elections over the last few years in minority areas telling them to vote on the wrong day; and
- the FBI investigation into thousands of Native American voters in South Dakota in 2002.

Laughlin McDonald, "The New Poll Tax," *The American Prospect* vol. 13 no. 23, December 30, 2002.

Argues that "the discriminatory use of so-called 'ballot security' programs" has been a reoccurring scandal since the passage of the Voting Rights Act of 1965. These programs are deceptively presented as preventing voter fraud and thereby furthering good government. However, McDonald states "but far too often they [the ballot security programs] are actually designed to suppress minority voting -- and for nakedly partisan purposes." Blames the federal government as well as the states for use of suspect ballot security programs. McDonald cites several ballot security efforts that were really disguised attempts at minority voter suppression:

- SD-DOJ "voting integrity initiative".
- AR - poll watchers driving away voters in predominantly black precincts by taking photos of them and demanding identification during pre-election day balloting.
- MI - "spotters" at heavily Democratic precincts was an effort to intimidate black voters and suppress Democratic turnout
- SC - one county's officials instituted a new and unauthorized policy allowing them to challenge voters who gave rural route or box numbers for their registration address (disproportionately affecting African Americans).
- the 1981 gubernatorial election anti-fraud initiative leading to the well known consent decree prohibiting the Republicans from repeating this, a similar Republican effort in Louisiana in 1986 in Senator John Breaux's race which again resulted in prohibition by a state court judge, and a similar effort by Republicans in Senator Jesse Helms 1990 reelection.

States that HAVA "contains provisions that may enhance the opportunities for harassment and intimidation of minorities through ballot-security

EAC SUMMARY OF LITERATURE REVIEW FOR VOTING FRAUD-VOTER INTIMIDATION RESEARCH

programs (especially voter ID). Indicates that the crux of the problem is **law enforcement of federal voters rights laws** ("there is no record of the purveyors of any ballot-security program being criminally prosecuted by federal authorities for interfering with the right to vote." The only positive case law McDonald cited was a decision by the United States Court of Appeals for the Eighth Circuit that affirmed "an award of damages ranging from \$500 to \$2,000, payable by individual poll officials to each of seven black voters who had been unlawfully challenged, harassed, denied assistance in voting or purged from the rolls in the town of Crawfordsville [Arkansas].")
Recommends that Congress and the states should adopt "nondiscriminatory, evenly applied measures to ensure the integrity of the ballot."

Wisconsin Legislative Audit Bureau, "An Evaluation: Voter Registration Elections Board" Report 05-12, September, 2005.

Current voter registration practices were determined to be insufficient to ensure the accuracy of voter registration lists used by poll workers or to prevent ineligible persons from registering to vote. **In six municipalities where sufficient information was available, there was 105 instances of potentially improper or fraudulent voting in the 2004 elections. These included: 98 ineligible felons who may have voted; 2 individuals who may have voted twice; 1 voter who may have been underage; and 4 absentee ballots that should not have been counted because the voters who cast them died before Election Day** (all but dead voters were forwarded to appropriate district attorneys for investigation). Statutes require that clerks send cards to everyone who registers by mail or on Election Day. However, only 42.7 % of the 150 municipalities surveyed sent cards to both groups, and 46 % did not send any address verification cards to those registering to vote on Election Day in November 2004. Statutes also require clerks to provide the local district attorney with the names of any Election Day registrants whose cards are undeliverable at the address provided. However, only 24.3 % of the clerks who sent cards also forwarded names from undeliverable cards to district attorneys. District attorneys surveyed indicated that they require more information than is typically provided to conduct effective investigations. To ensure that voter registration lists contain only the names of qualified electors, municipal clerks are required by statute to remove or inactivate the names of individuals who have not voted in four years, to update registration information for individuals who move or change their names, and to remove or inactivate the names of deceased individuals. They are also required to notify registered voters before removing their names from registration lists. These statutory requirements are not consistently followed:

- 85.3 % of municipalities removed the names of inactive voters from their voter registration lists;
- 71.4 % sometimes or always notified registered voters before removing their names; and
- 54.0 % reported removing the names of ineligible felons.
- registration lists contain duplicate records and the names of ineligible individuals (e.g.; more than 348,000 electronic voter registration records from eight municipalities were reviewed, identifying 3,116 records that appear to show individuals who are registered more than once in the same municipality).

Recommendations:

- adjust the early registration deadline to provide clerks more time to prepare registration lists;
- establish more stringent requirements for special registration deputies, including prohibiting compensation based on the number of individuals registered;
- establish uniform requirements for demonstrating proof of residence for all registrants;
- provide municipal clerks with more flexibility in the use of address verification cards;
- Authorize civil penalties for local election officials and municipalities that fail to comply with election laws; and
- implement mandatory elections training requirements for municipal clerks.

Report also recognized that the new **HAVA registration procedures would help with existing registration problems.**

EAC SUMMARY OF LITERATURE REVIEW FOR VOTING FRAUD-VOTER INTIMIDATION RESEARCH

Milwaukee Police Department, Milwaukee County District Attorney's Office, Federal Bureau of Investigation, United States Attorney's Office "Preliminary Findings of Joint Task Force Investigating Possible Election Fraud," May 10, 2005.

On January 26, 2005, the Milwaukee Police Department, Milwaukee County District Attorney's Office, Federal Bureau of Investigation, and the United States Attorney's Office formed a task force to investigate alleged voting irregularities during the November 2004 elections. The task force has made the following specific determinations based on evidence examined to date:

- **evidence of more than 100 individual instances of suspected double-voting, voting in names of persons who likely did not vote, and/or voting in names believed to be fake.**
- **more than 200 felons voted when they were not eligible to do so. (In order to establish criminal cases, the government must establish willful violations in individual instances);**
- **persons who had been paid to register voters as "deputy registrars" falsely listed approximately 65 names in order to receive compensation for the registrations. (The evidence does not indicate that these particular false registrations were later used to cast votes); and,**
- **the number of votes counted from the City of Milwaukee exceeds the number of persons recorded as voting by more than 4,500. (Evidence indicates widespread record keeping errors with respect to recording the number of voters)**

The investigation concentrated on the 70,000+ same-day registrations. It found that a large majority of the reported errors were the result of data entry errors, such as street address numbers being transposed. However, the investigation also found more than 100 instances where votes were cast in a manner suggesting fraud. These include:

- persons with the same name and date of birth recorded as voting more than once;
- persons who live outside Milwaukee, but who used non-existent City addresses to register and vote in the City (141 of them were same day registrants; in several instances, the voter explicitly listed municipality names other than Milwaukee on the registration cards);
- persons who registered and voted with identities and addresses that cannot in any way be linked to a real person;
- persons listed as voting under a name and identity of a person known to be deceased;
- persons whose identities were used to vote, but who in subsequent interviews told task force investigators that they did not, in fact, vote in the City of Milwaukee.

Investigation also found:

- **persons who were paid money to obtain registrations allegedly falsified approximately 65 names on registration forms, allegedly to obtain more money for each name submitted.**
- **more than 200 felons who were not eligible to vote in the 2004 election, but who are recorded as having done so.**
- **same-day registrations were accepted in which the card had incomplete information that would help establish identity. For example: 48 original cards for persons listed as voting had no name; 548 had no address; 28 did not have signatures; and another 23 cards had illegible information (part of approximately 1,300 same-day registrations for which votes were cast, but which election officials could not authenticate as proper voters within the City).**
- **the post-election misfiling or loss of original green registration cards that were considered duplicates, but that in fact corresponded to additional votes. These cards were used to record votes, but approximately 100 cards of interest to investigators can no longer be located. In addition, other original green registration cards continue to be found.**

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EAC SUMMARY OF LITERATURE REVIEW FOR VOTING FRAUD-VOTER INTIMIDATION RESEARCH

National Commission on Federal Election Reform, "Building Confidence in U.S. Elections," Center for Democracy and Election Management, American University, September 2005.

Among the observations made that are relevant to the EAC study of fraud and intimidation are the following:

- The November 2004 elections showed that irregularities and fraud still occur.
- Failure to provide voters with such basic information as their registration status and their polling site location raises a barrier to voting as significant as inconsistent procedures on provisional ballots or voter ID requirements.
- **There is no evidence of extensive fraud in U.S. elections or of multiple voting, but both occur, and it could affect the outcome of a close election.**
- The Commission is concerned that the different approaches to identification cards might prove to be a serious impediment to voting.
- **Voter registration lists are often inflated by the inclusion of citizens who have moved out of state but remain on the lists.** Moreover, under the National Voter Registration Act, names are often added to the list, but counties and municipalities often do not delete the names of those who moved. Inflated voter lists are also caused by phony registrations and efforts to register individuals who are ineligible. At the same time, inaccurate purges of voter lists have removed citizens who are eligible and are properly registered.
- Political party and nonpartisan voter registration drives generally contribute to the electoral process by generating interest in upcoming elections and expanding participation. However, they are occasionally abused. **There were reports in 2004 that some party activists failed to deliver voter registration forms of citizens who expressed a preference for the opposing party.**
- **Vote by mail raises concerns about privacy**, as citizens voting at home may come under pressure to vote for certain candidates, and it **increases the risk of fraud.**
- **While election fraud is difficult to measure, it occurs.** The U.S. Department of Justice has launched more than 180 investigations into election fraud since October 2002. These investigations have resulted in **charges for multiple voting, providing false information on their felon status, and other offenses** against 89 individuals and in convictions of 52 individuals. The convictions related to a **variety of election fraud offenses, from vote buying to submitting false voter registration information and voting-related offenses by non-citizens.** In addition to the federal investigations, state attorneys general and local prosecutors handle cases of election fraud. **Other cases are never pursued because of the difficulty in obtaining sufficient evidence for prosecution or because of the low priority given to election fraud cases.**
- **Absentee ballots remain the largest source of potential voter fraud**
- **Non-citizens have registered to vote in several recent elections**
- **The growth of "third-party" (unofficial) voter registration drives in recent elections has led to a rise in reports of voter registration fraud.**
- **Many states allow the representatives of candidates or political parties to challenge a person's eligibility to register or vote or to challenge an inaccurate name on a voter roll. This practice of challenges may contribute to ballot integrity, but it can have the effect of intimidating eligible voters, preventing them from casting their ballot, or otherwise disrupting the voting process.**

Its pertinent recommendations for reform are as follows:

- **Interoperable state voter databases** are needed to facilitate updates in the registration of voters who move to another state and to eliminate duplicate registrations, which are a source of potential fraud.
- **Voters should be informed of their right to cast a provisional ballot** if their name does not appear on the voter roll, or if an election official asserts that the individual is not eligible to vote, but **States should take additional and effective steps to inform voters as to the location of their precinct**
- The Commission recommends that states use **"REAL ID" cards for voting purposes.**
- **To verify the identity of voters who cast absentee ballots, the voter's signature on the absentee ballot can be matched with a digitized**

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version of the signature that the election administrator maintains. While such signature matches are usually done, they should be done consistently in all cases, so that election officials can verify the identity of every new registrant who casts an absentee ballot.

- **Each state needs to audit its voter registration files** to determine the extent to which they are accurate (with correct and current information on individuals), complete (including all eligible voters), valid (excluding ineligible voters), and secure (with protections against unauthorized use). This can be done by matching voter files with records in other state agency databases in a regular and timely manner, contacting individuals when the matches are inconclusive, and conducting survey research to estimate the number of voters who believe they are registered but who are not in fact listed in the voter files.
- **Each state should oversee political party and nonpartisan voter registration drives** to ensure that they operate effectively, that registration forms are delivered promptly to election officials, that all completed registration forms are delivered to the election officials, and that none are "culled" and omitted according to the registrant's partisan affiliation. Measures should also be adopted to track and hold accountable those who are engaged in submitting fraudulent voter registrations. Such oversight might consist of training activists who conduct voter registration drives and tracking voter registration forms to make sure they are all accounted for. In addition, states should apply a criminal penalty to any activist who deliberately fails to deliver a completed voter registration form.
- **Investigation and prosecution of election fraud should include those acts committed by individuals, including election officials, poll workers, volunteers, challengers or other nonvoters associated with the administration of elections, and not just fraud by voters.**
- **In July of even-numbered years, the U.S. Department of Justice should issue a public report on its investigations of election fraud.** This report should specify the numbers of allegations made, matters investigated, cases prosecuted, and individuals convicted for various crimes. **Each state's attorney general and each local prosecutor should issue a similar report.**
- **The U.S. Department of Justice's Office of Public Integrity should increase its staff to investigate and prosecute election-related fraud.**
- In addition to the penalties set by the Voting Rights Act, **it should be a federal felony for any individual, group of individuals, or organization to engage in any act of violence, property destruction (of more than \$500 value), or threatened act of violence that is intended to deny any individual his or her lawful right to vote or to participate in a federal election.**
- **To deter systemic efforts to deceive or intimidate voters, the Commission recommends federal legislation to prohibit any individual or group from deliberately providing the public with incorrect information about election procedures for the purpose of preventing voters from going to the polls.**
- **States should define clear procedures for challenges, which should mainly be raised and resolved before the deadline for voter registration.** After that, challengers will need to defend their late actions. **On Election Day, they should direct their concerns to poll workers, not to voters directly, and should in no way interfere with the smooth operation of the polling station.**
- **State and local jurisdictions should prohibit a person from handling absentee ballots other than the voter, an acknowledged family member, the U.S. Postal Service or other legitimate shipper, or election officials.** The practice in some states of allowing candidates or party workers to pick up and deliver absentee ballots should be eliminated.
- All states should **consider passing legislation that attempts to minimize the fraud that has resulted from "payment by the piece" to anyone in exchange for their efforts in voter registration, absentee ballot, or signature collection.**
- Nonpartisan structures of election administration are very important, and **election administrators should be neutral, professional, and impartial.**
- No matter what institutions are responsible for conducting elections, **conflict-of-interest standards should be introduced for all federal, state, and local election officials.** Election officials should be prohibited by federal and/or state laws from serving on any political campaign committee, making any public comments in support of a candidate, taking a public position on any ballot measure, soliciting campaign funds, or otherwise campaigning for or against a candidate for public office. A decision by a secretary of state to serve as co-chair of his or her party's presidential

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election committee would clearly violate these standards.

The Brennan Center for Justice at NYU School of Law and Spencer Overton, Commissioner and Law Professor at George Washington University School of Law "Response to the Report of the 2005 Commission on Federal Election Reform," September 19, 2005.

Recommendation on Voter Identification -

- Report premises its burdensome identification proposals on the need to ensure ballot integrity and on the existence of or potential for widespread fraud. However, the **Report admits that there is simply "no evidence" that the type of fraud that could be solved by stricter voter identification** – individual voters who misrepresent their identity at the polls – is a widespread problem.
- The photo ID proposal guards against only one type of fraud: individuals arriving at the polls to vote using false information, such as the name of another registered voter, or a recent but not current address. Since the costs of this form of fraud are extremely high (federal law provides for up to five years' imprisonment), and the benefits to any individual voter are extremely low, it is highly unlikely that this will ever occur with any frequency. **The limited types of fraud that could be prevented by a Real ID requirement are extremely rare and difficult.**
- In the most comprehensive survey of alleged election fraud to date, Professor Loraine Minnite and David Callahan have shown that the **incidence of individual voter fraud at the polls is negligible**. A few prominent examples support their findings. In Ohio, a statewide survey found four instances of ineligible persons voting or attempting to vote in 2002 and 2004, out of 9,078,728 votes cast – a rate of 0.00004%. Earlier this year, Georgia Secretary of State Cathy Cox stated that she could not recall one documented case of voter fraud relating to the impersonation of a registered voter at the polls during her ten-year tenure as Secretary of State or Assistant Secretary of State.
- The Report attempts to support its burdensome identification requirements on four specific examples of purported fraud or potential fraud. **None of the Report's cited examples of fraud stand up under closer scrutiny**. This response report goes through each instance of fraud raised by the Commission report and demonstrates that in each case the allegation in fact turned out later not to be true or the fraud cited was not of the type that would be addressed by a photo identification requirement.
- The Report fails to provide a good reason to create greater hurdles for voters who vote at the polls than for those who vote absentee. Despite the fact that **absentee ballots are more susceptible to fraud than regular ballots**, the Report exempts absentee voters from its proposed Real ID and proof of citizenship requirements.

Other points in ID requirement:

- **Report does not explain why the goals of improved election integrity will not be met through the existing provisions in the Help America Vote Act of 2002 (HAVA).**
- Report fails to consider alternative measures to advance its goals that are less restrictive to voters. **To the extent that any limited fraud by individuals at the polls does trickle into the system, it can be addressed by far less restrictive alternatives.** The first step is to recognize that only voters who appear on the registration list may vote a regular ballot. Proper cleaning of registration lists – and proper use of the lists at the poll–will therefore go a long way toward ensuring that every single ballot is cast by an eligible voter.
- In addition to the **better registration lists that full implementation will provide, better record keeping and administration at the polls will reduce the limited potential for voting by ineligible persons.** In the unlikely event that implementation of current law is not able to wipe out whatever potential for individual fraud remains, there are several effective and less burdensome alternatives to the Report's Real ID recommendation that received wholly insufficient consideration.
- Costs - If required as a precondition for voting, photo identification would operate as a de facto poll tax that could disenfranchise low-income voters. To alleviate this burden, the Report appropriately recommends that the "Real ID" card itself be issued free of charge. Nevertheless, the

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percentage of Americans without the documentary proof of citizenship necessary to obtain Real IDs is likely to remain high because the requisite documents are both expensive and burdensome to obtain. (Each of the documents an individual is required to show in order to obtain a "Real ID" card or other government-issued photo ID card costs money or presumes a minimal level of economic resources. Unless the federal and all state governments waive the cost of each of these other forms of identification, the indirect costs of photo IDs will be even greater than their direct costs. In addition, since government-issued IDs may only be obtained at specified government offices, which may be far from voters' residences and workplaces, individuals seeking such IDs will have to incur transportation costs and the costs of taking time off from work to visit those offices during often-abbreviated business hours.)

- Since voting generally depends on the voter's address, and since many states will not accept IDs that do not bear an individual's current voting address, an additional 41.5 million Americans each year will have ID that they may not be able to use to vote.
- The burden would fall disproportionately on the elderly, the disabled, students, the poor, and people of color.
- The ID recommendations reduce the benefits of voter registration at disability and other social service agencies provided by the National Voter Registration Act of 1993. Individuals who seek to register at those offices—which generally do not issue IDs Census data demonstrate that African Americans and Latinos are more than three times more likely than whites to register to vote at a public assistance agency, and that whites are more likely than African Americans and Latinos to register when seeking a driver's license. Accordingly, the voter registration procedure far more likely to be used by minorities than by whites will no longer provide Americans with full eligibility to vote.
- The Report's proposal to use Real ID as a condition of voting is so excessive that it would prevent eligible voters from proving their identity with even a valid U.S. passport or a U.S. military photo ID card. The Report's proposal to use Real ID as a condition of voting is so excessive that it would prevent eligible voters from proving their identity with even a valid U.S. passport or a U.S. military photo ID card

Recommendation on Database Information Sharing Across States -serious efficacy, privacy, and security concerns raised by a nationally distributed database of the magnitude it contemplates. These problems are exacerbated by the Report's recommendation that an individual's Social Security number be used as the broadly disseminated unique voting identifier.

Recommendation on Voting Rights of Ex-Felons - This recommendation would set a standard more generous than the policies of the most regressive thirteen states in the nation but more restrictive than the remaining thirty-seven. **The trend in the states is toward extension of the franchise.**

Chandler Davidson, Tanya Dunlap, Gale Kenny, and Benjamin Wise, "Republican Ballot Security Programs: Vote Protection or Minority Vote Suppression – or Both?" A Report to the Center for Voting Rights & Protection, September, 2004.

Focuses on **vote suppression through "ballot security programs"** (programs that, in the name of protecting against vote fraud, almost exclusively target heavily black, Latino, or Indian voting precincts and have the intent or effect of discouraging or preventing voters in those precincts from casting a ballot). **Noteworthy characteristics of these programs:**

- **focus on minority precincts almost exclusively**
- **is often on only the flimsiest evidence that vote fraud is likely to be perpetrated in such precincts;**
- **in addition to encouraging the presence of sometimes intimidating white Republican poll watchers or challengers who may slow down voting lines and embarrass potential voters by asking them humiliating questions,** these programs have sometimes posted people in official-looking uniforms with badges and side arms who question voters about their citizenship or their registration
- **warning signs may be posted near the polls, or radio ads may be targeted to minority listeners** containing dire threats of prison terms for people who are not properly registered—messages that seem designed to put minority voters on the defensive.
- **sometimes false information about voting qualifications is sent to minority voters through the mail."**
- **doing mailings, collecting returned materials, and using that as a basis for creating challenger lists** and challenging voters at the polls,

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started in the 1950s and continues to today (problem with this practice is that reasons for a mailing to be returned include a wrong address, out of date or inaccurate addresses, poor mail delivery in minority areas, and matching mistakes)

Provide numerous examples from the last 50 years to demonstrate his thesis, going through the historical development of Republican ballot security programs from the 1950s through to the present (including more recent incidents, such as 1981 in New Jersey, 1982 Dallas, Louisiana 1986, Houston 1986, Hidalgo 1988 Orange County 1988, North Carolina 1990, South Carolina 1980-1990, and South Dakota 2002). Author cites and quotes internal Republican letters and memoranda, primary sources and original documents, media reports, scholarly works, as well as the words of judges' rulings in some of the cases that ended up in litigation to prove his argument. author cites and quotes internal Republican letters and memoranda, primary sources and original documents, media reports, scholarly works, as well as the words of judges' rulings in some of the cases that ended up in litigation to prove his argument.

Some of the features of vote suppression efforts put forth by Republicans under the guise of ballot security programs:

1. **An organized, often widely publicized effort to field poll watchers in what Republicans call "heavily Democratic," but what are usually minority, precincts;**
2. **Stated concerns about vote fraud in these precincts, which are occasionally justified but often are not;**
3. **Misinformation and fear campaigns directed at these same precincts, spread by radio, posted signs in the neighborhoods, newspapers, fliers, and phone calls, which are often anonymously perpetrated;**
4. **Posting "official-looking" personnel at polling places, including but not limited to off-duty police—sometimes in uniform, sometimes armed;**
5. **Aggressive face-to-face challenging techniques at the polls that can confuse, humiliate, and intimidate—as well as slow the voting process—in these same minority precincts;**
6. **Challenging voters using inaccurate, unofficial lists of registrants derived from "do-not-forward" letters sent to low-income and minority neighborhoods;**
7. **Photographing, tape recording, or videotaping voters; and**
8. **Employing language and metaphors that trade on stereotypes of minority voters as venal and credulous.**

The report ends with some observations on the state of research on the incidence of fraud, which the author finds lacking. He **suggests that vote suppression of qualified minority voters by officials and partisan poll-watchers, challengers, and uniformed guards should also be considered as included in any definition of election fraud.** Recommends Democrats should not protest all programs aimed at ballot integrity, but rather work with Republicans to find solutions to problems that confront both parties and the system as a whole.

Alec Ewald, "A Crazy Quilt of Tiny Pieces: State and Local Administration of American Criminal Disenfranchisement Law," The Sentencing Project, November 2005.

Presents results from the first nationwide study to document the implementation of American felony disenfranchisement law. Data came from two main sources: a 33-state survey of state elections officials (spring 2004) and telephone interviews with almost one hundred city, county, town, and parish officials drawn from 10 selected states.

Major Conclusions:

1. **Broad variation and misunderstanding in interpretation and enforcement of voting laws** (more than one-third [37%] of local officials interviewed in ten states either described their state's fundamental eligibility law incorrectly, or stated that they did not know a central aspect of that law. / Local registrars differ in their knowledge of basic eligibility law, often within the same state. Differences also emerge in how they are notified of criminal convictions, what process they use to suspend, cancel, or "purge" voters from the rolls, whether particular documents are required to restore a voter to eligibility, and whether they have information about the criminal background of new arrivals to the state.)
2. **Misdemeanants disenfranchised in at least five states** (the commonly-used term "felon disenfranchisement" is not entirely accurate, since at

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least five states – Colorado, Illinois, Michigan, South Carolina, and Maryland -- also formally bar some or all people convicted of misdemeanors from voting [it is likely that misdemeanants in other states who do retain the formal right to vote could have difficulty exercising that right, given ignorance of their eligibility and the lack of clear rules and procedures for absentee voting by people in jail who have not been convicted of a felony / Maryland excludes persons convicted of many misdemeanors, such as “Unlawful operation of vending machines,” “Misrepresentation of tobacco leaf weight,” and “Racing horse under false name.”)

3. **Significant ambiguities in voting laws (disenfranchisement in Tennessee is dependent on which of five different time periods a felony conviction occurred between 1973 and the present /** in Oregon, disenfranchisement is determined not by conviction or imprisonment for a felony, but for being placed under Department of Corrections supervision / since 1997, some persons convicted of a felony and sentenced to less than 12 months' custody have been sent to county jails and hence, are eligible to vote.
4. **Disenfranchisement results in contradictory policies within states (the “crazy-quilt” pattern of disenfranchisement laws exists even within states /** Alabama and Mississippi have both the most and least restrictive laws in the country, a result which is brought about by the fact that certain felonies result in the loss of voting rights for life, while others at least theoretically permit people in prison to vote / most felonies in Alabama result in permanent disenfranchisement, but drug and DUI offenses have been determined to not involve the “moral turpitude” that triggers the loss of voting rights / in Mississippi, ten felonies result in disenfranchisement, but do not include such common offenses as burglary and drug crimes.
5. **Confusing policies lead to the exclusion of legal voters and the inclusion of illegal voters:** The complexity of state disenfranchisement policies results in frequent misidentification of voter eligibility, largely because officials differ in their knowledge and application of disqualification and restoration law and procedures.
6. **Significant variation and uncertainty in how states respond to persons with a felony conviction from other states:** No state has a systematic mechanism in place to address the immigration of persons with a felony conviction, and there is no consensus among indefinite-disenfranchisement states on whether the disqualification is properly confined to the state of conviction, or should be considered in the new state of residence. Interpretation and enforcement of this part of disenfranchisement law varies not only across state lines, but also from one county to another within states. Local officials have no way of knowing about convictions in other states, and many are unsure what they would do if a would-be voter acknowledged an old conviction. Because there is no prospect of a national voter roll, this situation will continue even after full HAVA implementation.
7. **Disenfranchisement is a time-consuming, expensive practice:** Enforcement requires elections officials to gather records from different agencies and bureaucracies, including state and federal courts, Departments of Corrections, Probation and Parole, the state Board of Elections, the state police, and other counties' elections offices.

Policy Implications

1. **Policies disenfranchising people living in the community on probation or parole, or who have completed a sentence are particularly difficult to enforce:** States which disenfranchise only persons who are currently incarcerated appear able to enforce their laws more consistently than those barring non-incarcerated citizens from voting.
2. Given large-scale misunderstanding of disenfranchisement law, **many eligible persons incorrectly believe they cannot vote, or have been misinformed by election officials:** More than one-third of election officials interviewed incorrectly described their state's law on voting eligibility. More than 85% of the officials who misidentified their state's law either did not know the eligibility standard or specified that the law was more restrictive than was actually the case.
3. **Occasional violation of disenfranchisement law by non-incarcerated voters not surprising:** Given the complexity of state laws and the number of state officials who lack an understanding of restoration and disqualification procedures, it should come as no surprise that many voters are ignorant of their voting status, a fact that is likely to have resulted in hundreds of persons with a felony conviction registering and voting illegally in recent years.

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4. Taken together, these findings undermine the most prominent rationale for disenfranchisement: that the policy reflects a strong, clear consensus that persons with a felony conviction are unfit to vote and constitute a threat to the polity: First, when significant numbers of the people who administer elections do not know important aspects of disenfranchisement law, it is hard to conclude that the restriction is necessary to protect social order and the "purity" of the ballot box. Second, because they are all but invisible in the sentencing process, "collateral" sanctions like disenfranchisement simply cannot accomplish the denunciatory, expressive purposes their supporters claim. We now know that disenfranchisement is not entirely "visible" even to the people running American elections. Third, deep uncertainty regarding the voting rights of people with felony convictions who move from one state to another indicates that we do not even know what purpose disenfranchisement is supposed to serve – whether it is meant to be a punishment, or simply a non-penal regulation of the franchise.

Recommendations

1. **Clarify Policies Regarding Out-of-State Convictions:** State officials should clarify their policies and incorporate into training programs the means by which a felony conviction in another state affects an applicant's voting eligibility. For example, sentence-only disenfranchisement states should clarify that newcomers with old felony convictions from indefinite disenfranchisement states are eligible to vote. And those states which bar some people from voting even after their sentences are completed must clarify whether new arrivals with old felony convictions from sentence-only disenfranchisement states are automatically eligible, and must explain what procedures, if any, should be followed for restoration.
2. **Train Election Officials:** Clarify disenfranchisement policies and procedures for all state and local election officials through development of materials and training programs in each state. At a minimum, this should include distribution of posters, brochures and FAQ sheets to local and state elections offices.
3. **Train Criminal Justice Officials:** Provide training on disqualification and restoration policies for all correctional and criminal justice officials, particularly probation and parole staff. Correctional and criminal justice officials should also be actively engaged in describing these policies to persons under criminal justice supervision.
4. **Review Voting Restrictions on Non-Incarcerated People:** Given the serious practical difficulty of enforcing laws disqualifying people who are not incarcerated from voting – problems which clearly include both excluding eligible people from voting and allowing those who should be ineligible to vote -- state policymakers should review such policies to determine if they serve a useful public purpose.

American Center for Voting Rights "Vote Fraud, Intimidation and Suppression in the 2004 Presidential Election," August 2, 2005.

Using court records, police reports and news articles, ACVR Legislative Fund presented this Report documenting hundreds of reported incidents and allegations from around the country. The report **most often alleges voter intimidation and voter registration fraud, and to a lesser degree absentee ballot fraud and vote buying.** This report alleges a coordinated effort by members of some organizations to rig the election system through voter registration fraud, the first step in any vote fraud scheme that corrupts the election process by burying local officials in fraudulent and suspicious registration forms. paid Democrat operatives were far more involved in voter intimidation and suppression activities than were their Republican counterparts during the 2004 presidential election. Identified five cities as "hot spots" which require additional immediate attention, based on the findings of this report and the cities' documented history of fraud and intimidation: Philadelphia, PA, Milwaukee, WI, Seattle, WA, St. Louis/East St. Louis, MO/IL, and Cleveland, OH. Refutes charges of voter intimidation and suppression made against Republican supporters, discusses similar charges against Democrats, details incidents vote fraud and illegal voting and finally discusses problems with vote fraud, voter registration fraud and election irregularities around the country. Recommends:

- **Both national political parties should formally adopt a zero-tolerance fraud and intimidation policy that commits the party to pursuing and fully prosecuting individuals and allied organizations who commit vote fraud or who seek to deter any eligible voter from participating in the election through fraud or intimidation.** No amount of legislative reform can effectively deter those who commit acts of fraud if there is no punishment for the crime and these acts continue to be tolerated.

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- States should adopt legislation requiring government-issued photo ID at the polls and for any voter seeking to vote by mail or by absentee ballot. Government-issued photo identification should be readily available to all citizens without cost and provisions made to assure availability of government-issued identification to disabled and low-income citizens.
- States should adopt legislation requiring that all polling places be fully accessible and accommodating to all voters regardless of race, disability or political persuasion and that polling locations are free of intimidation or harassment.
- States should create and maintain current and accurate statewide voter registration databases as mandated by the federal Help America Vote Act ("HAVA") and establish procedures to assure that the statewide voter roll is current and accurate and that the names of eligible voters on the roll are consistent with the voter roll used by local election authorities in conducting the election.
- States should adopt legislation establishing a 30-day voter registration cutoff to assure that all voter rolls are accurate and that all registrants can cast a regular ballot on Election Day and the election officials have opportunity to establish a current and accurate voter roll without duplicate or fictional names and assure that all eligible voters (including all recently registered voters) are included on the voter roll at their proper precinct.
- States should adopt legislation requiring voter registration applications to be delivered to the elections office within one week of being completed so that they are processed in a timely manner and to assure the individuals registered by third party organizations are properly included on the voter roll.
- States should adopt legislation and penalties for groups violating voter registration laws, and provide the list of violations and penalties to all registration solicitors. Legislation should require those organizations obtaining a voter's registration to deliver that registration to election officials in a timely manner and should impose appropriate penalties upon any individual or organization that obtains an eligible voter's registration and fails to deliver it to election authorities.
- States should adopt legislation prohibiting "bounty" payment to voter registration solicitors based on the number of registration cards they collect.

The Advancement Project, "America's Modern Poll Tax: How Structural Disenfranchisement Erodes Democracy" November 7, 2001

Written after the 2000 election, thesis of report is that **structural disenfranchisement**—the effect of breakdowns in the electoral system, is the new poll tax. Structural disenfranchisement includes "bureaucratic blunders, governmental indifference, and flagrant disregard for voting rights." Blame for structural disenfranchisement is laid squarely at the feet of **states and localities that "shirk their responsibilities or otherwise manipulate election systems," resulting in voters "either turned away from the polls or their votes are thrown out."** Data and conclusions in the Report are taken from **eight sample case studies** of states and cities across the country and a survey of state election directors that reinforces the findings of the case studies (New York City-in six polling places Chinese translations inverted the Democrats with the Republicans; Georgia-the state computer crashed two weeks before the election, dropping thousands of voters from the rolls; Virginia-registration problems kept an untold number from voting; Chicago-in inner-city precincts with predominately minority populations, almost four out of every ten votes cast for President (in 2000) were discarded; St. Louis-thousands of qualified voters were placed on inactive lists due to an overbroad purge; Florida-a voting list purge of voters whose name and birth date closely resembled those of people convicted of felonies; and, Texas-significant Jim Crow like barriers to minority voting.) Most ballot blockers involve the structural elements of electoral administration: "ill-trained poll workers, failures to process registration cards on time or at all, inaccurate registration rolls, overbroad purges of voter rolls, unreasonably long lines, inaccurate ballot translations and a shortage of translators to assist voters who have limited English language skills."

Findings:

- election directors lack the resources to effectively do their jobs and some lack the "ability or will to force local election officials to fix serious

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problems”;

- election officials are highly under funded and legislatures refuse to grant their requests for more money;
- due to a lack of funds, election officials must use old and inferior equipment and can't improve training or meet structural needs;
- election officials are generally unaware of racial disparities in voting; only three of the 50 state election administrators are non-white.

Recommendations:

- federal policies that set nationwide and uniform election policies;
- federal guarantee of access to provisional ballots;
- enforcement of voter disability laws;
- automatic restoration of voting rights to those convicted of a crime after they have completed their sentence;
- a centralized data base of voters administered by non-partisan individuals;
- federal standards limiting precinct discarded vote rates to .25 %;
- federal requirements that jurisdiction provide voter education, including how to protect their right to vote; and laws that strengthen the ability of individuals to bring actions to enforce voting rights and anti-discrimination laws.

The Brennan Center and Professor Michael McDonald “Analysis of the September 15, 2005 Voter Fraud Report Submitted to the New Jersey Attorney General,” The Brennan Center for Justice at NYU School of Law, December 2005.

A September 15, 2005 Report submitted to the New Jersey Attorney General included lists of purportedly illegitimate votes in New Jersey in the 2004 general election, including lists of 10,969 individuals who purportedly voted twice and lists of 4,756 voters who were purportedly dead or incarcerated in November 2004. **Analysis of the suspect lists reveals that the evidence submitted does not show what it purports to show: cause for concern that there is serious risk of widespread fraud given the state of the New Jersey voter registration rolls.** These suspect lists were compiled by attempting to match the first name, last name, and birth date of persons on county voter registration files. **Analysis reveals several serious problems with the methodology used to compile the suspect lists that compromise the lists' practical value.** For example, middle initials were ignored throughout all counties, so that “J_____ A. Smith” was presumed to be the same person as “J_____ G. Smith.” Suffixes were also ignored, so that fathers and sons – like “B_____ Johnson” and “B_____ Johnson, Jr.” – were said to be the same person. **A presumption that two records with the same name and date of birth must represent the same person is not consistent with basic statistical principles.**

Re Claim of Double Voting by 4,497 Individuals:

- 1,803 of these 4,397 records of ostensibly illegal votes seem to be the product of a glitch in the compilation of the registration files (far more likely that data error is to blame for the doubly logged vote - to irregularities in the data processing and compilation process for one single county);
- another 1,257 entries of the 4,397 records probably represent similar data errors;
- approximately 800 of the entries on the list likely represent different people, with different addresses and different middle initials or suffixes;
- for approximately 200 of the entries in this category, however, less information is available (lack of or differences in middle initial or middle name);
- 7 voters were apparently born in January 1, 1880 – which is most likely a system default for registrations lacking date-of-birth information;
- for 227 voters, only the month and year of birth are listed: this means only that two voters with the same name were born in the same month and year, an unsurprising coincidence in a state of several million people;
- leaves approximately 289 votes cast under the same name and birth date – like votes cast by “P_____ S. Rosen,” born in the middle of the baby boom – but from two different addresses. It may appear strange, but there may be two P_____ S. Rosens, born on the same date in 1948 – and

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such coincidences are surprisingly common. . In a group of just 23 people, it is more likely than not that two will share the same birthday. For 40 people, the probability is 90%. Many, if not most, of the 289 alleged double votes of persons registered at different addresses most likely reflect two separate individuals sharing a first name, last name, middle initial, and birth date.

But there is **no doubt that there are duplicate entries on New Jersey's registration rolls**. It is well known that voter registration rolls contain "deadwood" – registration entries for individuals no longer living at a given address or deceased. There is no evidence, however, that these extra registrations are used for widespread illegal voting. Moreover, **the problem of deadwood will soon be largely resolved: both the National Voter Registration Act of 1993 and the Help America Vote Act of 2002 require states to implement several systems and procedures as of January 1, 2006, that will clean the voter rolls of duplicate or invalid entries while protecting eligible voters from unintended disfranchisement.**

Democratic National Committee, "Democracy at Risk: The November 2004 Election in Ohio," DNC Services Corporation, 2005

Study re 2004 election in Ohio. Findings considered related to EAC study:

- **Statewide, 6 % of all voters reported feelings of intimidation: 16 percent of African Americans reported experiencing intimidation versus only 5 % of white voters.**
- **African American voters were 1.2 times more likely than white voters to be required to vote provisionally.** Of provisional voters in Cuyahoga County, 35% were African American, compared to 25% of non-provisional voters, matched by geography.
- Under Ohio law, the only voters who should have been asked for identification were those voting in their first Federal election who had registered by mail but did **not** provide identification in their registration application. **Although only 7% of all Ohio voters were newly registered (and only a small percentage of those voters registered by mail and failed to provide identification in their registration application), more than one third (37% reported being asked to provide identification.—meaning large numbers of voters were illegally required to produce identification. African American voters statewide were 47% more likely to be required to show identification than white voters. Indeed, 61% of African American men reported being asked to provide identification at the polls.**
- **Scarcity of voting machines caused long lines that deterred many people from voting: 3% of voters who went to the polls left their polling places and did not return due to the long lines; statewide, African American voters reported waiting an average of 52 minutes before voting while white voters reported waiting an average of 18 minutes; overall, 20% of white Ohio voters reported waiting more than twenty minutes, while 44% of African American voters reported doing so.**

The report also includes a useful summary and description of the reports that came through Ohio Election Protection on Election Day, which included a wide variety of problems, including voter intimidation and discrimination.

Pertinent recommendations:

- **codify into law all required election practices**, including requirements for the adequate training of official poll workers
- adopt legislation to **make clear and uniform the rules on voter registration.**
- adopt uniform and clear published standards for the distribution of voting equipment and the assignment of official pollworkers among precincts, to ensure adequate and nondiscriminatory access
- improve **training of official poll workers**
- adopt **clear and uniform rules on the use of, and the counting of, provisional ballots**, and distribute them for public comment well in advance of each election day
- not adopt requirements that voters show identification at the polls, beyond those already required by federal law; **vigorously enforce**, to the full extent permitted by state law, a **voter's right to vote without showing identification.**

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- **make voter suppression a criminal offense at the state level**, in all states
- **implement statewide voter lists** in accordance with the Help America Vote Act ("HAVA")
- **expend significantly more resources in educating voters on where, when and how to vote.**
- **partisan officials who volunteer to work for a candidate should not oversee or administer any elections.**

Public Integrity Section, Criminal Division, United States Department of Justice, "Report to Congress on the Activities and Operations of the Public Integrity Section for 2002."

Public Integrity Section, Criminal Division, United States Department of Justice, "Report to Congress on the Activities and Operations of the Public Integrity Section for 2003."

Public Integrity Section, Criminal Division, United States Department of Justice, "Report to Congress on the Activities and Operations of the Public Integrity Section for 2004."

Supervision of the Justice Department's nationwide response to election crimes:

Election Crimes Branch oversees the Department's handling of all election crime allegations other than those involving civil rights violations, which are supervised by the Voting Section of the Civil Rights Division. Specifically, the Branch supervises four types of corruption cases: crimes that involve the voting process, crimes involving the financing of federal election campaigns, crimes relating to political shakedowns and other patronage abuses, and illegal lobbying with appropriated funds. Vote frauds and campaign-financing offenses are the most significant and also the most common types of election crimes. The purpose of Headquarters' oversight of election crime matters is to ensure that the Department's nationwide response to election crime is uniform, impartial, and effective. An Election Crimes Branch, headed by a Director and staffed by Section attorneys on a case-by-case basis, was created within the Section in 1980 to handle this supervisory responsibility.

Voting Fraud:

During **2002** the Branch assisted United States Attorneys' Offices in Alabama, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Nevada, North Carolina, Rhode Island, South Carolina, South Dakota, Texas, Utah, West Virginia, and Wisconsin in handling vote fraud matters that occurred in their respective districts. During **2003** the Branch assisted United States Attorneys' Offices in Alabama, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, Nevada, North Carolina, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Virgin Islands, West Virginia, and Wisconsin in handling vote fraud matters that occurred in their respective districts. During **2004** the Branch assisted United States Attorneys' Offices in the following states in the handling of vote fraud matters that occurred in their respective districts: Alabama, Alaska, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Massachusetts, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New Mexico, Nevada, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Puerto Rico, South Carolina, South Dakota, Texas, Utah, Virginia, West Virginia, Washington, and Wisconsin. This assistance included evaluating vote fraud allegations to determine whether investigation would produce a prosecutable federal criminal case, helping to structure investigations, providing legal advice concerning the formulation of charges, and assisting in establishing several task force teams of federal and state law enforcement officials to investigate vote fraud matters.

Litigation:

The Branch Director or Section attorneys also prosecute selected election crimes, either by assuming total operational responsibility for the case or by handling the case jointly with a United States Attorney's Office. The Section also may be asked to supervise the handling of a case in the event of a partial recusal of the local office. For example, in 2002 the Branch continued to supervise the prosecution of a sheriff and his election attorney for using data from the National Crime Information Center regarding voters' criminal histories to wage an election contest.

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District Election Officer Program:

The Branch also assists in implementing the Department's long-standing District Election Officer (DEO) Program. This Program is designed to ensure that each of the 93 United States Attorneys' Offices has a trained prosecutor available to oversee the handling of election crime matters within the district and to coordinate district responses with Headquarters regarding these matters. The DEO Program involves the appointment of an Assistant United States Attorney in each federal district to serve a two-year term as a District Election Officer; the training of these prosecutors in the investigation and prosecution of election crimes; and the coordination of election-related initiatives and other law enforcement activities between Headquarters and the field. In addition, the DEO Program is a crucial feature of the Department's nationwide Election Day Program, which occurs in connection with the federal general elections held in November of even-numbered years. The Election Day Program ensures that federal prosecutors and investigators are available both at the Department's Headquarters in Washington and in each district to receive and handle complaints of election irregularities from the public while the polls are open and that the public is aware of how these individuals can be contacted on election day. In 2002 the Department enhanced the DEO Program by establishing a Ballot Integrity Initiative.

Ballot Integrity Initiative:

Beginning in September of 2002, the Public Integrity Section, acting at the request of the Attorney General, assisted in the implementation of a Ballot Integrity Initiative for the 2002 general election and subsequent elections. This initiative included increasing the law enforcement priority the Department gives to election crimes; holding a special day-long training event in Washington, DC for representatives of the 93 United States Attorneys' Offices; publicizing the identities and telephone numbers of the DEOs through press releases issued shortly before the November elections; and requiring the 93 U.S. Attorneys to communicate the enhanced federal prioritization of election crime matters to state and local election and law enforcement authorities. As part of Ballot Integrity Initiative, on October 8, **2002**, the Public Integrity Section and the Voting Rights Section of the Department's Civil Rights Division co-sponsored a Voting Integrity Symposium for District Election Officers representing each of the 93 federal judicial districts. Topics discussed included the types of conduct that are prosecutable as federal election crimes and the federal statutes used to prosecute such cases. Attorney General John Ashcroft delivered the keynote address on the importance of election crime and ballot integrity enforcement. Assistant Attorney General of the Civil Rights Division Ralph Boyd and Assistant Attorney General of the Criminal Division Michael Chertoff also spoke to attendees on the protection of voting rights and the prosecution of election cases. As part of Ballot Access and Voting Integrity Initiative, on September 23 and 24, **2003**, the Public Integrity Section and the Voting Rights Section of the Department's Civil Rights Division co-sponsored a two-day Symposium for DEOs representing each of the 93 federal judicial districts. Topics discussed included the types of conduct that are prosecutable as federal election crimes and the federal statutes used to prosecute such cases. Assistant Attorney General of the Civil Rights Division Alexander Acosta and Assistant Attorney General of the Criminal Division Christopher A. Wray delivered the keynote addresses on the importance of protecting voting rights and the prosecution of election cases. On July 20 and 21, **2004**, the Public Integrity Section and the Voting Section of the Department's Civil Rights Division co-sponsored a two-day symposium for DEOs representing each of the 93 federal judicial districts. Topics discussed included the types of conduct that are prosecutable as federal election crimes and the federal statutes available to prosecute such cases, and the handling of civil rights matters involving voting. Attorney General John Ashcroft delivered the keynote address on the importance of protecting voting rights and the prosecution of election fraud. In addition, Assistant Attorney General Christopher A. Wray of the Criminal Division and Assistant Attorney General R. Alexander Acosta of the Civil Rights Division addressed conference attendees on voting rights and election fraud enforcement issues respectively.

As a result of the Initiative, during **2002** the number of election crime matters opened by federal prosecutors throughout the country increased significantly, as did the Section's active involvement in election crime matters stemming from the Initiative. At the end of 2002, the Section was supervising and providing advice on approximately 43 election crime matters nationwide. In addition, as of December 31, 2002, 11 matters involving possible election crimes were pending in the Section. During 2002 the Section closed two election crime matters and continued its operational supervision of 8 voting fraud cases (conspiracy to illegally obtain criminal history records to use to challenge voters (AL) and 7 cases of vote buying involving 10 defendants (KY).

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Craig Donsanto, "The Federal Crime of Election Fraud," Public Integrity Section, Department of Justice, prepared for Democracy.Ru, n.d., at http://www.democracy.ru/english/library/international/eng_1999-11.html

Addresses the role of the United States Department of Justice in matters of election fraud, specifically: what sort of election-related conduct is potentially actionable as a federal crime; what specific statutory theories apply to frauds occurring in elections lacking federal candidates on the ballot, what federalism; procedural, and policy considerations impact on the federalization of this type of case; and how Assistant United States Attorneys should respond to this type of complaint. As a general rule, the federal crime of voter fraud embraces only organized efforts to corrupt of the election process itself: i.e., the registration of voters, the casting of ballots, and the tabulation and certification of election results. Moreover, this definition excludes all activities that occur in connection with the political campaigning process, unless those activities are themselves illegal under some other specific law or prosecutorial theory. This definition also excludes isolated acts of individual wrongdoing that are not part of an organized effort to corrupt the voting process. Mistakes and other gaffs that inevitably occur are not included as voter fraud. Prosecuting election fraud offenses in federal court is further complicated by the constitutional limits that are placed on federal power over the election process. The conduct of elections is primarily a state rather than a federal activity.

Four situations where federal prosecution is appropriate:

1. Where the objective of the conduct is to corrupt the outcome of a federal elective contest, or where the consequential effect of the corrupt conduct impacts upon the vote count for federal office;
2. Where the object of the scheme is to discriminate against racial, ethnic or language minority groups, the voting rights of which have been specifically protected by federal statutes such as the Voting Rights Act, 42 U.S.C. section 1973 et seq.;
3. Where federalization is required in order to redress longstanding patterns of electoral fraud, either at the request of state or local authorities, or in the face of longstanding inaction by state authorities who appear to be unwilling or unable to respond under local law; and,
4. Where there is a factual basis to believe that fraudulent registration or voting activity is sufficiently connected to other forms of criminal activity that perusing the voter fraud angle will yield evidence useful in the prosecution of other categories of federal offense

Four advantages to federal prosecution:

1. Voter fraud investigations are labor intensive - local law enforcement agencies often lack the manpower and the financial resources to take these cases on;
2. Voter fraud matters are always politically sensitive and very high profile endeavors at the local level - local prosecutors (who are usually themselves elected) often shy away from prosecuting them for that reason; the successful prosecution of voter fraud cases demands that critical witnesses be examined under oath before criminal charges based on their testimony are filed.
3. Many states lack the broad grand jury process that exists in the federal system; and
4. The defendants in voter fraud cases are apt to be politicians - or agents of politicians - and it is often impossible for either the government or the defendant to obtain a fair trial in a case that is about politics and is tried to a locally-drawn jury. The federal court system provides for juries to be drawn from broader geographic base, thus often avoiding this problem.

Several prosecutorial theories used by United States Attorneys to federalize election frauds are discussed.

Four questions used by prosecutors in evaluating the credibility of election complaints:

1. does the substance of the complaint assuming it can be proven through investigation - suggest a potential crime;
2. is the complaint sufficiently fact-specific that it provides leads for investigators to pursue;
3. is there a federal statute that can be used to federalize the criminal activity at issue; and,
4. is there a special federal interest in the matter that warrants federalization rather than deferral to state law enforcement.

All federal election investigations must avoid the following: non-interference in elections unless absolutely necessary to preserve evidence; interviewing voters during active voting periods; seizing official election documentation; investigative activity inside open polls; and prosecutors must adhere to 18 U.S.C. section 592, prohibiting the stationing of armed men at places where voting activity is taking place.

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Election crimes based on race or language minority status are treated as civil rights matters under the Voting Rights Act.

People for the American Way, Election Protection 2004, Election Protection Coalition, at <http://www.electionprotection2004.org/edaynews.htm>

Election Protection 2004 was the nation's most far-reaching effort to protect voter rights before and on Election Day. The historic nonpartisan program included: (1) a toll-free number, 1-866-OUR-VOTE, with free, immediate and multi-lingual assistance to help voters with questions about registration and voting, and assist voters who encounter barriers to the ballot box; (2) distribution of more than five million "Voters' Bills of Rights" with state-specific information; (3) 25,000 volunteers, including 6,000 lawyers and law students, who watched for problems and assisted voters on the spot at more than 3,500 predominantly African-American and Latino precincts with a history of disenfranchisement in at least 17 states; and (4) civil rights lawyers and advocates represented voters in lawsuits, preserved access to the polls, exposed and prevented voter intimidation, worked with election officials to identify and solve problems with new voting machines, technology and ballot forms, and protected voter rights in advance and on Election Day.

Voter Intimidation and Suppression Stories (Abridged):

- An Associated Press story noted Election Protection's exposure of reported voter suppression tactics in **Colorado**: Officials with the Election Protection Coalition, a voter-rights group, also said **some voters in a predominantly black neighborhood north of Denver found papers on their doorsteps giving them the wrong address for their precinct.**
- Election Protection received a report from Boulder County, **Colorado** that a **poll worker made racist comments to Asian American voter and then told her she was not on the list and turned her away.** The voter saw others filling out provisional ballots and asked for one but was denied. Another Asian American woman behind her in line was also given trouble by the same poll worker (he questioned her nationality and also turned her away).
- Election Protection received a report from Florissant County, **Missouri** from a voter who lives in predominantly white neighborhood. While waiting in line to vote, a **Republican challenger challenged the black voters by requesting more proof of identification, residence, and signature match, while asking nothing from white voters.** Also, the same voter reportedly asked a few questions about voting but an election officials refused to provide any meaningful answer, insisting that "it's very simple", but provided white voters with information when requested. **There was one other black voter in line who was also singled out for same treatment while white voters were not.**
- The Election Protection hotline received reports from **Pinellas County, Florida** that individuals purporting to be from the Kerry campaign are going door-to-door handing out absentee ballots, and asking voters to fill them out, and then taking the ballots from them, saying "Vote here for Kerry. Don't bother going to the polls."
- The Election Protection Coalition received a report from a woman whose sister lives in **Milwaukee** and is on government assistance. Her sister was reportedly told by her "case manager" that if she voted for Kerry, she would stop receiving her checks.
- An illiterate, older and disabled voter in **Miami-Dade** asked for assistance reading the ballot and reported that a poll worker yelled at him and refused to assist him and also refused to allow him to bring a friend into the booth in order to read the ballot to him.
- The Election Protection Coalition have gathered reports that flyers are circulating in a black community in **Lexington, South Carolina** claiming they those who are behind on child support payments will be arrested as the polls.
- Minority voters from **Palm Beach County, Florida** reported to the hotline that they received middle-of-the-night, live harassing phone calls warning them away from the polls.
- A volunteer for Rock the Vote reported that two illiterate voters in **Michigan** requested assistance with their ballots but were refused and reportedly mocked by poll workers.
- The hotline received a call from a radio DJ in **Hillsborough County, Florida**, who stated that he has received many calls (most of which were from African-Americans) claiming that poll workers were turning voters away and not "letting" them vote.

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- The hotline received a call from **Pima County, Arizona**, indicating that **Democratic voters received calls throughout Monday evening, providing incorrect information about the precinct location**. Voters have had to be transported en masse in order to correct the problem.
- A caller from **Alabama** claims that he was told at his polling place that he could vote there for everything but the President and that he would have to go elsewhere in order to vote for a presidential candidate.
- Poll monitors in **Philadelphia** reports groups of lawyers, traveling in threes, who pull voters out of line and challenge them to provide ID, but when challenged themselves, they hop into waiting cars or vans and leave. Similar activity by Republican lawyers in Philadelphia was reported in the 2002 election.
- In **Cuyahoga, Ohio**, a caller reported that all black voters are being asked to show ID, while white voters are not. Caller report that he is black and had to show ID while his girlfriend is white and did not have to show ID.
- Two months ago, **suspicious phone calls to newly registered Democrats —telling them they weren't, in fact, registered to vote —** were traced to the Republican headquarters in the **Eastern Panhandle**. On **Monday, Democrats there said the calls have started again, even after the Berkeley County Clerk — a Republican — sent the party a cease-and-desist letter**. The Berkeley prosecutor, who also is county Democratic chairman, has called on the U.S. attorney to investigate.
- In **Tuscon, Arizona** a misleading call informing voters that they should vote on **November 3** has been traced back to the state GOP headquarters. The FBI is investigating.
- **A man driving around in a big van covered in American flags and a big picture of a policeman was reportedly parked in front of a polling place; he then got out and moved within the 75 ft limit, until he was asked to leave; he then was found inside the polling place and was again asked to leave**. Election Protection volunteers contacted officials and the man was eventually removed.
- The Election Protection hotline has received a report from individuals who claim to have received recorded telephone message coming from **Bill Clinton and ACT and reminding them to vote on Nov. 3rd**.
- In **Massachusetts**, the EP Hotline has received a report that a **radio station (WILD) is broadcasting that voters will be arrested on the spot if they have outstanding parking tickets**.
- In **Richland, South Carolina** Election Protection has received a report of a **poll manager turning away individuals who do not have photo ID issued to the county or a driver's license**; an EP lawyer spoke with the Poll Manager at 8:20 am and told her that people with other forms of ID should be allowed to vote by provisional ballot.
- In **Greenville**, a caller reported that a **white poll worker was asking Blacks for multiple form of I.D.** Fortunately, the voter who reported the problem did have a second I.D. but reported that some others were turned away. Election Protection attorneys have alerted election officials.
- In **Allegheny County, Pennsylvania**, an official looking flyer advises **Democratic voters to "create a peaceful voting environment" by voting on Wednesday, November 3**
- The week before the election, **flyers were circulated in Milwaukee under the heading "Milwaukee Black Voters League" with some "warnings for election time."** The flyer listed false reasons for which you would be barred from voting (such as a traffic ticket) and then warned that **"If you violate any of these laws you can get ten years in prison and your children will get taken away from you."**
- There is a Jefferson County flyer which tells voters **"See you at the Poles[sic]"... on November 4.**

Craig Donsanto, "Prosecution of Electoral Fraud Under United State Federal Law," *IFES Political Finance White Paper Series*, IFES, 2006.

[NO SUMMARY FOUND] This is summary of federal role in prosecuting election crimes.

General Accounting Office, "Elections: Views of Selected Local Election Officials on Managing Voter Registration and Ensuring Eligible Citizens Can Vote,"

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Report to Congressional Requesters, September 2005.

[SUMMARY FAILS TO NOTE ELECTION OFFICIALS' RESPONSEs THAT **LITTLE VOTING FRAUD OR VOTER INTIMIDATION WAS DETECTED. DETECTED VOTING FRAUD WAS RELATED TO SUBMISSION OF FALSE/MATERIALLY INCORRECT VOTER REGISTRATION APPLICATIONS AND TO ABSENTEE BALLOT FRAUD. VOTER SUPPRESSION EFFORTS OCCUR.**] This Report focuses on the efforts of local election officials in 14 jurisdictions within 7 states to manage the registration process, maintain accurate voter registration lists, and ensure that eligible citizens in those jurisdictions had the opportunity to cast ballots during the 2004 election. the Report concentrates on election officials' characterization of their experiences with regard to (1) managing the voter registration process and any challenges related to receiving voter registration applications; checking them for completeness, accuracy, and duplication; and entering information into voter registration lists; (2) removing voters' names from voter registration lists and ensuring that the names of eligible voters were not inadvertently removed; and (3) implementing HAVA provisional voting and identification requirements and addressing any challenges encountered related to these requirements. The Report also provides information on motor vehicle agency (MVA) officials' characterization of their experiences assisting citizens who apply to register to vote at MVA offices and forwarding voter registration applications to election offices. The Report analyzed information collected from elections and motor vehicle agency offices in seven states—Arizona, California, Michigan, New York, Texas, Virginia, and Wisconsin. The 14 jurisdictions we selected were Gila and Maricopa Counties, Arizona; Los Angeles and Yolo Counties, California; City of Detroit and Delta Township, Michigan; New York City and Rensselaer County, New York; Bexar and Webb Counties, Texas; Albemarle and Arlington Counties, Virginia; and the cities of Franklin and Madison, Wisconsin. Election officials representing all but one of the jurisdictions surveyed following the November 2004 election said they faced some challenges managing the voter registration process, including (1) receiving voter registration applications; (2) checking them for completeness, accuracy, and duplication; and (3) entering information into voter registration lists; when challenges occurred, election officials reported they took various steps to address them. All but 1 of the jurisdictions reported removing names from registration lists during 2004 for various reasons, including that voters requested that their names be removed from the voter registration list; information from the U.S. Postal Service (USPS) showing that voters had moved outside the jurisdiction; felony records received from federal, state, or local governments identifying voters as ineligible due to felony convictions; and death records received from state or local vital statistics offices. All of the jurisdictions reported that they permitted citizens to cast provisional ballots during the November 2004 election. In addition, 12 of the 14 jurisdictions to which this was applicable reported that they offered certain first-time voters who registered by mail the opportunity to cast provisional ballots. Local election officials in 12 of the 13 jurisdictions 13 we surveyed reported that they set up mechanisms to inform voters—without cost—about the outcome of their provisional votes during the November 2004 election. These mechanisms included toll-free telephone numbers, Web sites, and letters sent to the voters who cast provisional ballots. Election officials representing 8 of the 14 jurisdictions reported facing challenges implementing provisional voting for various reasons, including some poll workers not being familiar with provisional voting or, in one jurisdiction representing a large number of precincts, staff not having sufficient time to process provisional ballots.

Lori Minnite and David Callahan, "Securing the Vote: An Analysis of Election Fraud," Demos: A Network of Ideas and Action, 2003.

A comprehensive survey and analysis of vote fraud in the United States. The methodology included doing nexis searches for all 50 states and surveying existing research and reports. In addition, Minnite did a more in-depth study of 12 diverse states by doing nexis searches, studying statutory and case law, and conducting interviews with election officials and attorneys general. Finally, the study includes an analysis of a few of the most high profile cases of alleged fraud in the last 10 years, including the Miami mayoral election (1997), Orange County congressional race (1996), and the general election in Missouri (2000). In these cases, **Minnite shows that many allegations of fraud do not end up being meritorious.** Minnite finds that **available evidence suggests that the incidence of election fraud is minimal and rarely affects election outcomes.** Election officials generally do a very good job of protecting against fraud. **Conditions that give rise to election fraud have steadily declined over the last century as a result of weakened political parties, strengthened election administration, and improved voting technology.** There is little available evidence that election reforms such as the National Voter Registration Act, election day registration, and mail-in voting have resulted in increases in election fraud. Election

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fraud appears also to be very rare in the 12 states examined more in-depth. Legal and news records turned up little evidence of significant fraud in these states or any indication that fraud is more than a minor problem. Interviews with state officials further confirmed this impression. Minnite found that, **overall, the absentee mail-in ballot process is the feature most vulnerable to voter fraud.** There is not a lot of evidence of absentee ballot fraud but the potential for fraud is greatest in this area because of a lack of uniformly strong security measures in place in all states to prevent fraud.

Suggested reforms to prevent what voter fraud does take place:

1. effective use of new statewide voter registration databases;
2. identification requirements for first time voters who register by mail should be modified to expand the list of acceptable identifying documents;
3. fill important election administration positions with nonpartisan professionals;
4. strengthen enforcement through adequate funding and authority for offices responsible for detecting and prosecuting fraud; and
5. establish Election Day Registration because it usually requires voter identification and authorization in person before a trained election worker, which reduces the opportunity for registration error or fraud.
- 6.

People for the American Way, NAACP, Lawyers Committee for Civil Rights, "Shattering the Myth: An Initial Snapshot of Voter Disenfranchisement in the 2004 Elections," December 2004.

A description and analysis of the complaints and allegations of voting irregularities gathered by the Election Protection program during the 2004 presidential election. Election Protection received more than a thousand complaints of voter suppression or intimidation. Complaints ranged from intimidating experiences at polling places to coordinated suppression tactics. For example:

- Police stationed outside a Cook County, Illinois, polling place were requesting photo ID and telling voters if they had been convicted of a felony that they could not vote.
- In Pima, Arizona, voters at multiple polls were confronted by an individual, wearing a black tee shirt with "US Constitution Enforcer" and a military-style belt that gave the appearance he was armed. He asked voters if they were citizens, accompanied by a cameraman who filmed the encounters.
- There were numerous incidents of intimidation by partisan challengers at predominately low income and minority precincts
- Voters repeatedly complained about misinformation campaigns via flyers or phone calls encouraging them to vote on a day other than November 2, 2004 or of false information regarding their right to vote. In Polk County, Florida, for example, a voter received a call telling her to vote on November 3. Similar complaints were also reported in other counties throughout Florida. In Wisconsin and elsewhere voters received flyers that said:
 - "If you already voted in any election this year, you can't vote in the Presidential Election."
 - "If anybody in your family has ever been found guilty of anything you can't vote in the Presidential Election."
 - "If you violate any of these laws, you can get 10 years in prison and your children will be taken away from you."

There were also numerous reports of poll workers refusing to give voters provisional ballots.

The following is a summary of the types of acts of suppression and intimidation included in the report and a list of the states in which they took place. All instances of irregularities that were more administrative in nature have been omitted:

1. **Improper implementation of voter identification rules, especially asking only African Americans for proof of identity:** Florida, Ohio, Pennsylvania, Illinois, Missouri, Arkansas, Georgia, Louisiana
2. **Individuals at the polls posing as some sort of law enforcement authority and intimidating and harassing voters:** Arizona, Missouri
3. **Intimidating and harassing challengers at the polls:** Ohio, Michigan, Wisconsin, Missouri, Minnesota
4. **Deceptive practices and disinformation campaigns, such as the use of flyers with intentional misinformation about voting rights or voting procedures, often directed at minority communities; the use of phone calls giving people misinformation about polling sites and**

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other procedures; and providing verbal misinformation at the polls in a way that appears to have been intentionally misleading: Florida, Pennsylvania, Illinois, Wisconsin, Missouri, North Carolina, Arkansas, Texas

5. **Refusal to provide provisional ballots to certain voters:** Ohio, Pennsylvania, Illinois, Michigan, Colorado, Missouri, Texas, Georgia, Louisiana
6. **Registration applications submitted through third parties that were not processed:** Arizona, Michigan, Nevada (registration forms destroyed by Sproul Associates)
7. **Improper removal from the voter registration list:** Arizona
8. **Individuals questioning voters' citizenship:** Arizona
9. **Police officers at the polls intimidating voters:** Illinois, Michigan, Wisconsin, Missouri, North Carolina

The report does not provide corroborating evidence for the allegations it describes. However, especially in the absence of a log of complaints received by the Department of Justice, this report provides a very useful overview of the types of experiences some voters more than likely endured on Election Day in 2004.

Books

John Fund, *Stealing Elections: How Voter Fraud Threatens Our Democracy*, Encounter Books, 2004.

Focuses almost entirely on alleged transgressions by Democrats. Fund's accusations, if credible, would indicate that fraud such as voter registration fraud, absentee ballot fraud, dead people voting, and felon voting is prevalent throughout the country. However, due to its possible biases, lack of specific footnoting, and insufficient identification of primary source material, caution is strongly urged with respect to utilizing this book for assessing the amount and types of voter fraud and voter intimidation occurring.

Fund says that "Election fraud, whether its phony voter registrations, illegal absentee ballots, shady recounts or old-fashioned ballot-box stuffing, can be found in every part of the United States, although it is probably spreading because of the ever-so-tight divisions that have polarized the country and created so many close elections lately. Fund argues that fraud **has been made easier by the passage of the National Voting Rights Act** because it allows ineligible voters to remain on the voter rolls, allowing a voter to vote in the name of someone else. He claims dead people, people who have moved, and people in jail remain on the voting list. He believes because of NVRA illegal aliens have been allowed to vote.

Absentee balloting makes it even worse: someone can register under false names and then use absentee ballots to cast multiple votes. Groups can get absentee ballots for the poor and elderly and then manipulate their choices.

Provides a number of examples of alleged voter fraud, mostly perpetrated by Democrats. For example, he claims much fraud in St. Louis in 2000, including illegal court orders allowing people to vote, **felons voting, people voting twice, dead people voting, voters were registered to vacant lots, election judges were not registered and evidence of false registrations.** Another case he pays a great deal of attention to are the alleged transgressions by Democrats in Indian Country in South Dakota 2002, including **voter registration fraud, suspicious absentee ballot requests, vote hauling, possible polling place fraud, abusive lawyers at polling sites, and possible vote buying.**

Andrew Gumbel, *Steal this Vote: Dirty Elections and the Rotten History of Democracy in American*, Nation Books, 2005.

Bulk of the book comprises stories from United States electoral history outside the scope of this project; however, tales are instructive in showing how far back irregular and illegal voting practices go. Focuses almost entirely on alleged transgressions by Republican, although at times it does include complaints about Democratic tactics. Gumbel's accusations, if credible, especially in the Bush-Gore election, would indicate there were a number of problems in key states in such areas as **intimidation, vote counting, and absentee ballots.** However, due to its possible biases, lack of specific footnoting, and insufficient identification of primary source material, caution is strongly urged with respect to utilizing this book for assessing the amount

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and types of voter fraud and voter intimidation occurring.
Tracy Campbell, <i>Deliver the Vote: A History of Election Fraud, An American Political Tradition – 1742-2004</i> , Carroll & Graf Publishers, 2005.
Traces the historical persistence of voter fraud from colonial times through the 2004 Bush-Kerry election. From the textual information, it quickly becomes obvious that voter fraud was not limited to certain types of people or to certain political parties. [SKIMPY SUMMARY-DOES NOT SAY MUCH.]
David E. Johnson and Jonny R. Johnson, <i>A Funny Thing Happened on the Way to the White House: Foolhardiness, Folly, and Fraud in the Presidential Elections, from Andrew Jackson to George W. Bush</i> , Taylor Trade Publishing, 2004.
Adds almost nothing to the present study. It contains no footnotes and no references to primary source material, save what may be able to be gleaned from the bibliography. Takes a historical look at United States Presidential elections from Andrew Jackson to George Bush by providing interesting stories and other historical information. There are only three pages out of the entire book that touches on vote fraud in the first Bush election. The authors assert that the exit polls in Florida were probably correct. The problem was the pollsters had no way of knowing that thousands of votes would be invalidated. But the authors do not believe that fraud was the cause of the tabulation inaccuracy.
Mark Crispin Miller, <i>Fooled Again</i> , Basic Books, 2005.
Sets out to show that the 2004 election was won by Bush through nefarious means, and indicts the news media for not taking anomalies, irregularities, and alleged malfeasance in the process seriously enough. However, book is well sourced, and individual instances of alleged malfeasance discussed may be worth looking at. He accuses Republicans of committing crimes and improprieties throughout the country, including:
<ol style="list-style-type: none"> 1. deliberate disparities in voting machine distribution and long lines in Democratic jurisdictions; 2. misinterpretation of voting laws by elections officials to the detriment of Democratic voters; 3. dirty tricks and deceptive practices to mislead Democratic and minority voters about voting times, places and conditions; 4. machine irregularities in Democratic jurisdictions; 5. relocating polling sites in Democratic and minority areas; 6. suspicious mishandling of absentee ballots; 7. refusing to dispense voter registration forms to certain voter registration groups; 8. intimidation of students; 9. suspicious ballot spoilage rates in certain jurisdictions; 10. “strategic distribution of provisional ballots,” and trashing of provisional ballots; 11. harassment of Native American voters; 12. a Republican backed organization engaging in voter registration efforts throughout the country that allegedly destroyed the voter registration forms of Democrats; 13. illegitimate challenges at the polls by Republican poll watchers; 14. improper demands for identification in certain areas; 15. Republican challenges to the voter registration status of thousands of voters before the election, and the creation of lists of voters to challenge at the polls; 16. wrongful purging of eligible voters from voting rolls; 17. partisan harassment; 18. the selective placement of early voting sites; and 19. failure to send out absentee ballots in time for people to vote.
Details what he says was the inappropriate use of the Federal Voter Assistance Program that made voting for the military easy while throwing up obstacles

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for civilians overseas in their efforts to vote by absentee ballot, leading many of them to be disenfranchised.

Legal

Indiana Democratic Party vs. Rokita, U.S. District Court Southern District of Indiana (Indianapolis) 1:05-cv-00634, U.S. Court of Appeals, 7th Circuit 06-2218

Although the proponents of SEA 483 asserted that the law was intended to combat voter fraud, no evidence of the existence of such fraud has ever been provided. No voter has been convicted of or even charged with the offense of misrepresenting his identity for purposes of casting a fraudulent ballot in person, King Dep. 95-96; Mahern Aff. ¶¶ 2-3, though there have been documented instances of absentee ballot fraud. King Dep. 120. Indeed, no evidence of in person, on-site voting fraud was presented to the General Assembly during the legislative process leading up to the enactment of the Photo ID Law. Mahern Aff. ¶¶ 2-

The State cannot show any compelling justification for subjecting only voters who vote in person to the new requirements of the Photo ID Law, while exempting absentee voters who vote by mail or persons who live in state-certified residential facilities.

On the other hand, absentee ballots are peculiarly vulnerable to coercion and vote tampering since there is no election official or independent election observer available to ensure that there is no illegal coercion by family members, employers, churches, union officials, nursing home administrators, and others.

Law gives virtually unbridled discretion to partisan precinct workers and challengers to make subjective determinations such as (a) whether a form of photo identification produced by a voter conforms to what is required by the Law, and (b) whether the voter presenting himself or herself at the polls is in fact the voter depicted in the photo Robertson Dep. 29-34, 45; King Dep. 86, 89. This is significant because any voter who is challenged under this Law will be required to vote by provisional ballot and to make a special trip to the election board's office in order to have his vote counted. Robertson Dep. 37; King Dep. 58.

The Photo ID Law confers substantial discretion, not on law enforcement officials, but on partisan precinct poll workers and challengers appointed by partisan political officials, to determine both whether a voter has presented a form of identification which conforms to that required by the Law and whether the person presenting the identification is the person depicted on it. Conferring this degree of discretion upon partisan precinct officials and members of election boards to enforce the facially neutral requirements of the Law has the potential for becoming a means of suppressing a particular point of view.

The State arguably might be justified in imposing uniform, narrowly-tailored and not overly-burdensome voter identification requirements if the State were able to show that there is an intolerably high incidence of fraud among voters misidentifying themselves at the polls for the purpose of casting a fraudulent ballot. But here, the State has utterly failed to show that this genre of fraud is rampant or even that it has ever occurred in the context of on-site, in-person voting (as opposed to absentee voting by mail) so as to justify these extra burdens, which will fall disproportionately on the poor and elderly.

And where the State has already provided a mechanism for matching signatures, has made it a crime to misrepresent one's identity for purposes of voting, and requires the swearing out of an affidavit if the voter's identity is challenged, it already has provisions more than adequate to prevent or minimize fraud in the context of in-person voting, particularly in the absence of any evidence that the problem the Law seeks to address is anything more than the product of hypothesis, speculation and fantasy.

In-person voter-identity fraud is notoriously difficult to detect and investigate. In his book *Stealing Elections*, John Fund observes that actual in-person voter fraud is nearly undetectable without a voter photo-identification requirement because anybody who provides a name that is on the rolls may vote and then walk away with no record of the person's actual identity. The problem is only exacerbated by the increasingly transient nature of society. Documentation of in-person voter fraud often occurs only when a legitimate voter at the polls hears a fraudulent voter trying to use her name, as happened to a woman in California in 1994. See Larry J. Sabato & Glenn R. Simpson, *Dirty Little Secrets* 292 (1996).

Regardless of the lack of extensive evidence of in-person voter fraud, the Commission on

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Federal Election Reform (known as the Baker-Carter Commission) recently concluded that "there is no doubt that it occurs." State Ex. 1, p. 18.1 **Legal cases as well as newspaper and other reports confirm that in-person voter-identity fraud, including voter impersonation, double votes, dead votes, and fake addresses, plague federal and state elections. [The memorandum details several specific cases of various types of alleged voting fraud from the past several years]**

Though they are largely unable to study verifiable data concerning in-person voter fraud, scholars are well aware of the conditions that foster fraudulent voting. See Fund, *supra*; Sabato & Simpson, *supra*, 321. In particular, fraud has become ever more likely as "it has become more difficult to keep the voting rolls clean of 'deadwood' voters who have moved or died" because such an environment makes "fraudulent voting easier and therefore more tempting for those so inclined." Sabato & Simpson, *supra*, 321. "In general, experts believe that one in five names on the rolls in Indiana do not belong there." State Ex. 25.

For this case, Clark Benson, a nationally recognized expert in the collection and analysis of voter-registration and population data, conducted his own examination of Indiana's voter registration lists and concluded that they are among the most highly inflated in the nation.

The Crawford Plaintiffs cite the concessions by Indiana Election Division Co-Director King and the Intervenor-State that they are unaware of any historical in-person incidence of voter fraud occurring at the polling place (Crawford Brief, p. 23) as conclusive evidence that in-person voter fraud does not exist in Indiana. They also seek to support this conclusion with the testimony of two "veteran poll watchers," Plaintiff Crawford and former president of the Plaintiff NAACP, Indianapolis Chapter, Roderick E. Bohannon, who testified that they had never seen any instances of in-person voter fraud.

(*Id.*)

While common sense, the experiences of many other states, and the findings of the Baker-Carter Commission all lead to the reasonable inferences that (a) in-person polling place fraud likely exists, but (b) is nearly impossible to detect without requiring photo identification, the State can cite to no confirmed instances of such fraud. On the other hand, the Plaintiffs have no proof that it does not occur.

At the level of logic, moreover, it is just reasonable to conclude that the lack of confirmed incidents of in-person voting fraud in Indiana is the result of an ineffective identification security system as it is to conclude there is no in-person voting fraud in Indiana. So while it is undisputed that the state has no proof that in-person polling place fraud has occurred in Indiana, there does in fact remain a dispute over the existence *vel non* of in-person polling place fraud.

It is also important to understand that the nature of in-person election fraud is such that it is nearly impossible to detect or investigate. Unless a voter stumbles across someone else trying to use her identity, see Sabato & Simpson, *supra*, 292, or unless the over-taxed poll worker happens to notice that the voter's signature is different from her registration signature State Ext. 37, ¶ 9, the chances of detecting such in-person voter fraud are extremely small. Yet, inflated voter-registration rolls provide ample opportunity for those who wish to commit in-person voter fraud. See Fund, *supra*, 24, 65, 69, 138; Sabato & Simpson, *supra*, 321. And there is concrete evidence that the names of dead people have been used to cast fraudulent ballots. See Fund, *supra*, 64. Particularly in light of Indiana's highly inflated voter rolls State Ex. 27, p. 9, Plaintiffs' repeated claims that there has never been any in-person voter fraud in Indiana can hardly be plausible, even if the state is unable to prove that such fraud has in fact occurred.

Common Cause of Georgia vs. Billups, U.S. District Court, Northern District of Georgia (Rome) 4:05-cv-00201-HLM U.S. Court of Appeals, 11th Circuit 05-15784

The Secretary of State, as the Chief Election Officer in Georgia, informed the General Assembly before the passage of Act 53 in a letter (attached hereto as Exhibit A), and also informed the Governor in a letter (attached hereto as Exhibit B) before he signed the bill into law, that **there had been no documented cases of fraudulent voting by persons who obtained ballots unlawfully by misrepresenting their identities as registered voters to poll workers reported to her office during her nine years as Secretary of State.**

Although the Secretary of State had informed the members of the General Assembly and the Governor prior to the enactment of Act 53, that her office had

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received many complaints of voter fraud involving absentee ballots and no documented complaints of fraud that involve ballots that were cast in person at the polls, the General Assembly ignored this information and arbitrarily chose instead to require only those registered voters who vote in person to present a Photo ID as a condition of voting, but deliberately refused to impose the same requirement on absentee voters.

The Stated Purpose Of The Photo ID Requirement Fraud Is A Pretext.

According to a press release prepared by the Communications Office of the Georgia House of Representatives, the purpose of Act 53 is: to address the issue of voter fraud by placing tighter restrictions on voter identification procedures. Those casting ballots will now be required to bring a photo ID with them before they will be allowed to vote.

Al Marks, Vice Chairman for Public Affairs and Communication of the Hall County GOP told the Gainesville Times: I don't think we need it for voting, because I don't think there's a voter fraud problem. Gainesville Times, "States Voters Must Present Picture IDs" (September 15, 2005) (www.gainesvilletimes.com).

There is no evidence that the existing provisions of Georgia law have not been effective in deterring and preventing imposters from fraudulently obtaining and casting ballots at the polls by misrepresenting their true identities to election officials and passing themselves off as registered voters whose names appear on the official voter registration list.

The pretextual nature of the purported justification for the burden which the Photo ID requirement imposes on the right to vote is shown by the following facts:

(a) Fraudulent voting was already prohibited by existing Georgia law without unduly burdening the right of a citizen to vote.

(i) Fraudulent voting was already prohibited as a crime under O.C.G.A. §§ 21-2-561, 21-2-562, 21-2-566, 21-2-571, 21-2-572 and 21-2-600, punishable by a fine of up to \$10,000 or imprisonment for up to ten years, or both.

(ii) Voter registration records are updated periodically by the Secretary of State and local election officials to eliminate people who have died, have moved, or are no longer eligible to vote in Georgia for some other reason.

(iii) Existing Georgia law also required election officials in each precinct to maintain a list of names and addresses of registered voters residing in that precinct, and to check off the names of each person from that official list as they cast their ballots.

(iv) Registered voters were also required by existing Georgia law to present at least one of the seventeen forms of documentary identification to election officials who were required, before issuing the voter a ballot, to match the name and address shown on the document to the name and address on the official roll of registered voters residing in the particular precinct. O.C.G.A. § 21-2-417 .

(b) There is no evidence that the existing Georgia law has not been effective in deterring or preventing fraudulent in-person voting by impersonators - the only kind of fraudulent voting that might be prevented by the Photo ID requirement. To the contrary, the Secretary of State, who, as the Superintendent of Elections, is the highest election official in Georgia, informed both the General Assembly (Exhibit A) and the Governor (Exhibit B) in writing that there had been no documented cases of fraudulent in person voting by imposters reported to her during her nine years in office .

(c) If the true intention of the General Assembly had been to prevent fraudulent voting by imposters, the General Assembly would have imposed the same restrictions on the casting of absentee ballots - particularly after the Secretary of State had called to their attention the fact that there had been many documented instances of fraudulent casting of absentee ballots reported to her office.

(d) Fraudulent in-person voting is unlikely, would be easily detected if it had occurred in significant numbers, and would not be likely to have a substantial impact on the outcome of an election:

(i) Many people vote at a local neighborhood polling place where they are likely to be known to and recognized by neighbors or poll workers.

(ii) Voters were required by existing Georgia law (O.C.G.A. § 21-2-417), to provide one of the seventeen means of identification to election officials.

(iii) Election officials are required, before issuing the ballot to the voter, to check off the name of either voter from an up-to-date list of the names and addresses of every registered voter residing in the precinct. If an imposter arrived at a poll and was successful in fraudulently obtaining a ballot before

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the registered voter arrived at the poll, a registered voter, who having taken the time to go to the polls to vote, would undoubtedly complain to elections officials if he or she were refused a ballot and not allowed to vote because his or her name had already been checked off the list of registered voters as having voted. Likewise, if an imposter arrived at the polls after the registered voter had voted and attempted to pass himself off as someone he was not, the election official would instantly know of the attempted fraud, would not issue the imposter a ballot or allow him to vote, and presumably would have the imposter arrested or at least investigate the attempted fraud and report the attempt to the Secretary of State as Superintendent of Elections.

U.S. Department of Justice Section 5 Recommendation Memorandum (regarding HB 244), August 25, 2005 at <http://www.votingrights.org/news/downloads/Section%205%20Recommendation%20Memorandum.pdf>

Overview: Five career attorneys with the civil rights department investigated and analyzed Georgia's election reform law. Four of those attorneys recommended objecting to Section 59, the voter identification requirement. The provision required all voters to present government issued photo identification in order to vote. The objection was based on the attorneys' findings that there was little to no evidence of polling place fraud, the only kind of fraud an ID requirement would address, and that the measure would disenfranchise many voters, predominantly minority voters, in violation of Section 5 of the Voting Rights Act.

Factual Analysis: **The sponsor of the measure in the state legislature said she was motivated by the fact that she is aware of vote buying in certain districts; she read John Fund's book; and that "if there are fewer black voters because of this bill, it will only be because there is less opportunity for fraud. She said that when black voters in her black precincts are not paid to vote, they do not go to the polls."**

A member of the Fulton County Board of Registrations and Elections said that **prior to November 2004, Fulton County received 8,112 applications containing "missing or irregular" information. Only 55 of those registrants responded to BOE letters.** The member concluded that the rest must be "bogus" as a result. He also stated that **15,237 of 105,553 precinct cards came back as undeliverable, as did 3,071 cards sent to 45,907 new voters. Of these 3,071, 921 voted.**

Secretary of State Cathy Cox submitted a letter testifying to the absence of any complaints of voter fraud via impersonation during her tenure. In the legal analysis, the attorneys state that if they determine that Georgia could have fulfilled its stated purpose of election fraud, while preventing or ameliorating the retrogression, an objection is appropriate. They conclude that the state could have avoided retrogression by retaining various forms of currently accepted voter ID for which no substantiated security concerns were raised. Another non-retrogressive alternative would have been to maintain the affidavit alternative for those without ID, since **"There is no evidence that penalty of law is an insufficient deterrent to falsely signing an affidavit of identity."** The attorneys point out that **the state's recitation of a case upholding voter fraud in Dodge County does not support the purpose of the Act because that case involved vote buying and selling, not impersonation or voting under a false identity.**

1. Everyone does not define voting fraud and voter intimidation the same way.

In some cases, what may have been honest administrative mistakes or errors due to poor poll worker training are lumped together with genuine voter suppression efforts and labeled as voter intimidation or voting fraud. Examples: (1) many authors consider certain voter suppression tactics to be voter intimidation that do not rise to the definition used in criminal enforcement of election crimes; (2) some charge that a DOJ ballot integrity measure in South Dakota was voter intimidation; and (3) some mistakes made in the maintenance of voter registration lists are labeled as fraud.

2. There seems to be no systematic *nationwide* study that reports all (or most) verified instances of voting fraud and voter intimidation or suppression efforts in a particular election or a particular period in U.S. history.

Some sources focus on certain areas of the country, which can bias the study if these areas are more or less susceptible to fraud and suppression. Some focus on the alleged (but not necessarily verified) misdeeds of one political party or another. Still others focus on unverified allegations reported to a toll-free phone line. In some cases, it is not clear if the incidents were intentional voter suppression or genuine poll worker mistakes (e.g.; not providing provisional ballots or in appropriately asking voters for ID). Minnite's study is as close as they get to a systematic study.

3. There are a number of obstacles to gathering compete data on voting fraud and voter intimidation/suppression nationwide in any election.

Authors often have limited resources (time and money) to collect such information. Investigation and prosecution of voting fraud and voter intimidation or suppression occurs at different levels of government (Federal, state and local). These investigations and prosecutions are not reported to and recorded by a central authority. Some voting fraud is inherently more difficult to identify and to prove than others (e.g.; impersonation of another voter at the polls is more difficult, due to the transient nature of some jurisdictions and the fact that impersonators not identified as a fraud at the polls are hard to identify later, than voter registration, vote buying, and absentee ballot fraud). At least some voting fraud and voter intimidation appears to go unreported and uninvestigated, and some prosecutions are unsuccessful due to local politics and law enforcement affiliations and the lack of sufficient resources at the Federal, state, and local levels to support the labor intensive effort.

4. Most sources seem to agree that voter registration and absentee balloting fraud are the most common forms of voting fraud. Absentee ballot fraud often is accompanied by vote buying or voter coercion. Also frequently alleged were instances of ineligible voters (usually felons, but sometime non-citizens, under aged individuals, or non-residents) that voted. But not all agree that these are the only common forms of fraud.

Some contend that voting in the name of another at the polling place is common, but that such instances are extremely hard to prove. Most instances of ineligible voters voting were linked to improper voter list maintenance or confusion on the part of local election officials as to state law on felon disenfranchisement.

5. A number of sources have identified numerous instances of attempted voter suppression, but no instances of voter intimidation that could be prosecuted under Federal criminal laws is alleged.

Examples of voter suppression efforts include: (1) phone calls and mailings deliberately directing targeted voters to vote on the wrong day or to go to the wrong polling place, or that provide incorrect and threatening information about the voter qualifications and legal consequences of voting; (2) targeted, inappropriate challenges to voters at the polls or shortly before election day; (3) people posing as law enforcement agents at targeted polling places. When such tactics target minority communities, they may be attacked through civil action by DOJ under Voting Rights Act provisions, but they do not qualify for criminal penalties under Federal voter intimidation law. Currently, there is no Federal election law providing criminal penalties for voter suppression efforts. When the suppression adversely affects a political party, but does not have a racial component, DOJ may be hard pressed to pursue the matter unless other Federal criminal law has been violated (e.g.; suppression of phone banks in New Hampshire).

6. Unsupervised voter registration drives by political parties and advocacy groups are a primary source of fraudulent voter registration applications and missing (perhaps deliberately) voter registration applications.

The practice of paying persons to man voter registration drives (particularly, but not only, when the person is paid by the head) is a frequent source of fraudulent voter registration applications. Partisan drives have resulted in applications from persons of “the wrong party” being held back or destroyed. Therefore, while the applicant believes they have registered, the election official has no record of that registration.

7. Many authors contend that proper implementation of the National Voter Registration Act of 1993 (NVRA) and the Help America Vote Act of 2002 (HAVA) will reduce or at least not increase the potential for fraud and voter suppression, but some argue that provisions in these laws increase the likelihood of fraud or voter suppression.

Many argue that proper implementation of the list maintenance and fail-safe voting provisions of the NVRA and HAVA’s requirements for the statewide voter registration list, voter ID for certain first-time voters, and provisional voting will reduce the potential for voting fraud and voter intimidation. Others argue that the list maintenance provisions of NVRA cause “dead wood” to be left on the voter rolls, providing opportunity for fraud, or that HAVA’s voter ID and list matching requirements can be used as voter suppression tactics.

- 8. Proper recordkeeping and post-election auditing is an important key to identifying and preventing voting fraud, and for subsequent prosecution of such activities; but is not being done consistently.**
- 9. Poll worker recruitment and training is a key component to combating actions that are perceived as suppressing or intimidating voters.**
- 10. Both sides on election reform debates are using incomplete data to bolster their arguments.**

The Federal Crime of Election Fraud

By Craig Donsanto

In The Federal Crime of Election Fraud, Donsanto addresses the role of the United States Department of Justice in matters of election fraud. Specifically, it answers the most frequently asked questions concerning the federal law enforcement role in election matters. Particularly, what sort of election-related conduct is potentially actionable as a federal crime, what specific statutory theories apply to frauds occurring in elections lacking federal candidates on the ballot, what federalism, procedural, and policy considerations impact on the federalization of this type of case, and how Assistant United States Attorneys should respond to this type of complaint.

Donsanto indicates that as a general rule, the federal crime of voter fraud embraces only organized efforts to corrupt of the election process itself: i.e., the registration of voters, the casting of ballots, and the tabulation and certification of election results. Moreover, this definition excludes all activities that occur in connection with the political campaigning process, unless those activities are themselves illegal under some other specific law or prosecutorial theory. This definition also excludes isolated acts of individual wrongdoing that are not part of an organized effort to corrupt the voting process. Finally, Donsanto points out that mistakes and other gaffs that inevitably occur are not included as voter fraud. Where mistakes occur on a significant enough level to potentially affect the outcome of an election, the appropriate remedy is an election contest brought by the loser seeking civil judicial redress through the appropriate state election contest process.

Along with the limits discussed above, prosecuting election fraud offenses in federal court is further complicated by the constitutional limits that are placed on federal power over the election process. The conduct of elections is primarily a state rather than a federal activity.

Donsanto lists four types of election fraud: schemes to purposely and corruptly register voters who either do not exist, or who are known by the putative defendant to be ineligible to vote under applicable state law; schemes to cast, record or fraudulently tabulate votes for voters who do not participate in the voting act at all; schemes to corrupt the voting act of voters who do participate in the voting act to a limited extent; and, schemes to knowingly prevent voters qualified voters from voting.

Donsanto lists four situations where federal prosecution is appropriate: Where the objective of the conduct is to corrupt the outcome of a federal elective contest, or where the consequential effect of the corrupt conduct impacts upon the vote count for federal office; Where the object of the scheme is to discriminate against racial, ethnic or language minority groups, the voting rights of which have been specifically protected by federal statutes such as the Voting Rights Act, 42 U.S.C. section 1973 et seq.; Where federalization is required in order to redress longstanding patterns of electoral fraud, either at the request of state or local authorities, or in the face of longstanding inaction by state authorities who appear to be unwilling or unable to respond under local law; and, Where there is a factual basis to believe that fraudulent registration or voting activity is sufficiently connected to other forms of criminal activity that perusing the voter fraud

angle will yield evidence useful in the prosecution of other categories of federal offense.

Donsanto lists four advantages to federal prosecution: voter fraud investigations are labor intensive. Local law enforcement agencies often lack the manpower and the financial resources to take these cases on; voter fraud matters are always politically sensitive and very high profile endeavors at the local level. Local prosecutors (who are usually themselves elected) often shy away from prosecuting them for that reason; the successful prosecution of voter fraud cases demands that critical witnesses be examined under oath before criminal charges based on their testimony are filed. Many states lack the broad grand jury process that exists in the federal system; and, the defendants in voter fraud cases are apt to be politicians - or agents of politicians - and it is often impossible for either the government or the defendant to obtain a fair trial in a case that is about politics and is tried to a locally-drawn jury. The federal court system provides for juries to be drawn from broader geographic base, thus often avoiding this problem.

Several prosecutorial theories used by United States Attorneys to federalize election frauds are discussed. These include: schemes by polling officers to violate their duty under state law to safeguard the integrity of the election process by purposefully allowing void ballots to be cast (stuffing the ballot box), or by intentionally rendering fraudulent vote tallies which can be prosecuted as civil rights violations under 18 U.S.C. sections 241 or 242; schemes to stimulate or reward voter registration by offering or giving voters things having monetary value violate the "payment for registering" clause of 42 U.S.C. section 19731(c); schemes to register voters fraudulently through providing election officials materially false information about the voter's eligibility for the franchise; and, schemes to obtain and cast ballots that are materially defective in nonfederal elections can still be prosecuted under 18 U.S.C. section 1341. There are also some other federal statutes involved in election fraud cases such as 18 U.S.C. section 597 that prohibits making expenditures for the specific purpose of stimulating voters to cast ballots for candidates seeking the federal offices of Senator, Congressman or President and 42 U.S.C. section 1973i (e) that prohibits voting more than once in elections where federal candidates are on the ballot.

Donsanto lists four questions used by prosecutors in evaluating the credibility of election complaints: does the substance of the complaint assuming it can be proven through investigation - suggest a potential crime; is the complaint sufficiently fact-specific that it provides leads for investigators to pursue; is there a federal statute that can be used to federalize the criminal activity at issue; and, is there a special federal interest in the matter that warrants federalization rather than deferral to state law enforcement.

All federal election investigations must avoid the following: non-interference in elections unless absolutely necessary to preserve evidence; interviewing voters during active voting periods; seizing official election documentation; investigative activity inside open polls; and prosecutors must adhere to 18 U.S.C. section 592, prohibiting the stationing of armed men at places where voting activity is taking place.

Finally, Donsanto indicates that election crimes based on race or language minority status are treated as civil rights matters under the Voting Rights Act.

Fooled Again, Mark Crispin Miller

Fooled Again sets out to show that the 2004 election was won by Bush through nefarious means, and indicts the news media for not taking anomalies, irregularities, and alleged malfeasance in the process seriously enough.

Miller identifies a number of statistical anomalies based on polling and turnout results that he alleges puts the validity of the 2004 election in doubt. He accuses Republicans of committing crimes and improprieties throughout the country. These include deliberate disparities in voting machine distribution and long lines in Democratic jurisdictions; misinterpretation of voting laws by elections officials to the detriment of Democratic voters; dirty tricks and deceptive practices to mislead Democratic and minority voters about voting times, places and conditions; machine irregularities in Democratic jurisdictions; relocating polling sites in Democratic and minority areas; suspicious mishandling of absentee ballots; refusing to dispense voter registration forms to certain voter registration groups; intimidation of students; suspicious ballot spoilage rates in certain jurisdictions; "strategic distribution of provisional ballots," and trashing of provisional ballots; harassment of Native American voters; a Republican backed organization engaging in voter registration efforts throughout the country that allegedly destroyed the voter registration forms of Democrats; illegitimate challenges at the polls by Republican poll watchers; improper demands for identification in certain areas; Republican challenges to the voter registration status of thousands of voters before the election, and the creation of lists of voters to challenge at the polls; wrongful purging of eligible voters from voting rolls; partisan harassment; the selective placement of early voting sites; and the failure to send out absentee ballots in time for people to vote.

Miller details what he says was the inappropriate use of the Federal Voter Assistance Program that made voting for the military easy while throwing up obstacles for civilians overseas in their efforts to vote by absentee ballot, leading many of them to be disenfranchised. Miller says that most of the military voters would be Republicans and most of the overseas civilians Kerry voters.

In this book, Miller clearly tries to prove the Republican Party won the 2004 through illegitimate means. This must be kept strongly in mind in making any use of this work. However, the book is well sourced, and individual instances of alleged malfeasance discussed may be worth looking at.

Election Protection 2004

By the Election Protection Coalition

Election Protection – the Program

Election Protection 2004 was the nation's most far-reaching effort to protect voter rights before and on Election Day. The historic nonpartisan program included:

- A toll-free number, 1-866-OUR-VOTE, with free, immediate and multi-lingual assistance to help voters with questions about registration and voting, and assist voters who encounter barriers to the ballot box.
- Distribution of more than five million "Voters' Bills of Rights" with state-specific information
- 25,000 volunteers, including 6,000 lawyers and law students, who watched for problems and assisted voters on the spot at more than 3,500 predominantly African-American and Latino precincts with a history of disenfranchisement in at least 17 states.
- Civil rights lawyers and advocates represented voters in lawsuits, preserved access to the polls, exposed and prevented voter intimidation, worked with election officials to identify and solve problems with new voting machines, technology and ballot forms, and protected voter rights in advance and on Election Day.

Voter Intimidation and Suppression Stories (Abridged)

- An Associated Press story noted Election Protection's exposure of reported voter suppression tactics in Colorado: Officials with the Election Protection Coalition, a voter-rights group, also said some voters in a predominantly black neighborhood north of Denver found papers on their doorsteps giving them the wrong address for their precinct
- Election Protection received a report from Florissant County, Missouri from a voter who lives in predominantly white neighborhood. While waiting in line to vote, a Republican challenger challenged the black voters by requesting more proof of identification, residence, and signature match, while asking nothing from white voters. Also, the same voter reportedly asked a few questions about voting but an election officials refused to provide any meaningful answer, insisting that "it's very simple", but provided white voters with information when requested. There was one other black voter in line who was also singled out for same treatment while white voters were not.
- Election Protection received a report from Boulder County, Colorado that a poll worker made racist comments to Asian American voter and then told her she was not on the list and turned her away. The voter saw others filling out provisional ballots and asked for one but was denied. Another Asian American woman behind

her in line was also given trouble by the same poll worker (he questioned her nationality and also turned her away).

- The Election Protection hotline received reports from Pinellas County, Florida that individuals purporting to be from the Kerry campaign are going door-to-door handing out absentee ballots, and asking voters to fill them out, and then taking the ballots from them, saying "Vote here for Kerry. Don't bother going to the polls."
- The Election Protection Coalition received a report from a woman whose sister lives in Milwaukee and is on government assistance. Her sister was reportedly told by her "case manager" that if she voted for Kerry, she would stop receiving her checks.
- An illiterate, older and disabled voter in Miami-Dade asked for assistance reading the ballot and reported that a poll worker yelled at him and refused to assist him and also refused to allow him to bring a friend into the booth in order to read the ballot to him.
- The Election Protection Coalition have gathered reports that flyers are circulating in a black community in Lexington, South Carolina claiming they those who are behind on child support payments will be arrested as the polls.
- Minority voters from Palm Beach County, Florida reported to the hotline that they received middle-of-the-night, live harassing phone calls warning them away from the polls.
- A volunteer for Rock the Vote reported that two illiterate voters in Michigan requested assistance with their ballots but were refused and reportedly mocked by poll workers.
- The hotline received a call from a radio DJ in Hillsborough County, Florida, who stated that he has received many calls (most of which were from African-Americans) claiming that poll workers were turning voters away and not "letting" them vote.
- The hotline received a call from Pima County, Arizona, indicating that Democratic voters received calls throughout Monday evening, providing incorrect information about the precinct location. Voters have had to be transported en masse in order to correct the problem.
- A caller from Alabama claims that he was told at his polling place that he could vote there for everything but the President and that he would have to go elsewhere in order to vote for a presidential candidate.

- Poll monitors in Philadelphia reports groups of lawyers, traveling in threes, who pull voters out of line and challenge them to provide ID, but when challenged themselves, they hop into waiting cars or vans and leave. Similar activity by Republican lawyers in Philadelphia was reported in the 2002 election.
- In Cuyahoga, Ohio, a caller reported that all black voters are being asked to show ID, while white voters are not. Caller report that he is black and had to show ID while his girlfriend is white and did not have to show ID.
- Two months ago, suspicious phone calls to newly registered Democrats —telling them they weren't, in fact, registered to vote — were traced to the Republican headquarters in the Eastern Panhandle. On Monday, Democrats there said the calls have started again, even after the Berkeley County Clerk — a Republican — sent the party a cease-and-desist letter. The Berkeley prosecutor, who also is county Democratic chairman, has called on the U.S. attorney to investigate.
- In Tuscon, Arizona a misleading call informing voters that they should vote on November 3 has been traced back to the state GOP headquarters. The FBI is investigating.
- A man driving around in a big van covered in American flags and a big picture of a policeman was reportedly parked in front of a polling place; he then got out and moved within the 75 ft limit, until he was asked to leave; he then was found inside the polling place and was again asked to leave. Election Protection volunteers contacted officials and the man was eventually removed.
- The Election Protection hotline has received a report from individuals who claim to have received recorded telephone message coming from Bill Clinton and ACT and reminding them to vote on Nov. 3rd.
- In Massachusetts, the EP Hotline has received a report that a radio station (WILD) is broadcasting that voters will be arrested on the spot if they have outstanding parking tickets.
- In Richland, South Carolina Election Protection has received a report of a poll manager turning away individuals who do not have photo ID issued to the county or a driver's license; an EP lawyer spoke with the Poll Manager at 8:20 am and told her that people with other forms of ID should be allowed to vote by provisional ballot.
- In Greenville, a caller reported that a white poll worker was asking Blacks for multiple form of I.D. Fortunately, the voter who reported the problem did have a second I.D. but reported that some others were turned away. Election Protection attorneys have alerted election officials.

- In Allegheny County, Pennsylvania, an official looking flyer advises Democratic voters to "create a peaceful voting environment" by voting on Wednesday, November 3
- The week before the election, flyers were circulated in Milwaukee under the heading "Milwaukee Black Voters League" with some "warnings for election time." The flyer listed false reasons for which you would be barred from voting (such as a traffic ticket) and then warned that "If you violate any of these laws you can get ten years in prison and your children will get taken away from you."
- There is a Jefferson County flyer which tells voters "See you at the Poles![sic]"... on November 4.

Summary and Relevant Excerpts From Georgia Voter ID Litigation

Complaint For Declaratory And Injunctive Relief

The Secretary of State, as the Chief Election Officer in Georgia, informed the General Assembly before the passage of Act 53 in a letter (attached hereto as Exhibit A), and also informed the Governor in a letter (attached hereto as Exhibit B) before he signed the bill into law, that there had been no documented cases of fraudulent voting by persons who obtained ballots unlawfully by misrepresenting their identities as registered voters to poll workers reported to her office during her nine years as Secretary of State .

Although the Secretary of State had informed the members of the General Assembly and the Governor prior to the enactment of Act 53, that her office had received many complaints of voter fraud involving absentee ballots and no documented complaints of fraud that involve ballots that were cast in person at the polls, the General Assembly ignored this information and arbitrarily chose instead to require only those registered voters who vote in person to present a Photo ID as a condition of voting, but deliberately refused to impose the same requirement on absentee voters

The Stated Purpose Of The Photo ID Requirement Fraud Is A Pretext

According to a press release prepared by the Communications Office of the Georgia House of Representatives, the purpose of Act 53 is:

... to address the issue of voter fraud by placing tighter restrictions on voter identification procedures. Those casting ballots will now be required to bring a photo ID with them before they will be allowed to vote.

Al Marks, Vice Chairman for Public Affairs and Communication of the Hall County GOP told the Gainesville Times:

I don't think we need it for voting, because I don't think there's a voter fraud problem. Gainesville Times, "States Voters Must Present Picture IDs" (September 15, 2005) (www.gainesvilletimes.com).

There is no evidence that the existing provisions of Georgia law have not been effective in deterring and preventing imposters from fraudulently obtaining and casting ballots at the polls by misrepresenting their true identities to election officials and passing themselves off as registered voters whose names appear on the official voter registration list.

The pretextual nature of the purported justification for the burden which the Photo ID requirement imposes on the right to vote is shown by the following facts:

(a) Fraudulent voting was already prohibited by existing Georgia law without unduly burdening the right of a citizen to vote.

(i) Fraudulent voting was already prohibited as a crime under O.C .G.A. §§ 21-2-561, 21-2-562, 21-2-566, 21-2-571, 21-2-572 and 21-2-600, punishable by a fine of up to \$10,000 or imprisonment for up to ten years, or both.

(ii) Voter registration records are updated periodically by the Secretary of State and local election officials to eliminate people who have died, have moved, or are no longer eligible to vote in Georgia for some other reason.

(iii) Existing Georgia law also required election officials in each precinct to maintain a list of names and addresses of registered voters residing in that precinct, and to check off the names of each person from that official list as they cast their ballots.

(iv) Registered voters were also required by existing Georgia law to present at least one of the seventeen forms of documentary identification to election officials who were required, before issuing the voter a ballot, to match the name and address shown on the document to the name and address on the official roll of registered voters residing in the particular precinct. O .C .G.A. § 21-2-417 .

(b) There is no evidence that the existing Georgia law has not been effective in deterring or preventing fraudulent in-person voting by impersonators - the only kind of fraudulent voting that might be prevented by the Photo ID requirement. To the contrary, the Secretary of State, who, as the Superintendent of Elections, is the highest election official in Georgia, informed both the General Assembly (Exhibit A) and the Governor (Exhibit B) in writing that there had been no documented cases of fraudulent in person voting by imposters reported to her during her nine years in office .

(c) If the true intention of the General Assembly had been to prevent fraudulent voting by imposters, the General Assembly would have imposed the same restrictions on the casting of absentee ballots - particularly after the Secretary of State had called to their attention the fact that there had been many documented instances of fraudulent casting of absentee ballots reported to her office.

(d) Fraudulent in-person voting is unlikely, would be easily detected if it had occurred in significant numbers, and would not be likely to have a substantial impact on the outcome of an election:

(i) Many people vote at a local neighborhood polling place where they are likely to be known to and recognized by neighbors or poll workers.

(ii) Voters were required by existing Georgia law (O .C.G.A. § 21-2-417), to provide one of the seventeen means of identification to election officials.

(iii) Election officials are required, before issuing the ballot to the voter, to check off the name of either voter from an up-to-date list of the names and addresses of every registered voter residing in the precinct. If an imposter arrived at a poll and was successful in fraudulently obtaining a ballot before the registered voter arrived at the poll, a registered voter, who having taken the time to go to the polls to vote, would undoubtedly complain to elections officials if he or she were refused a ballot and not allowed to vote because his or her name had already been checked off the list of registered voters as having voted. Likewise, if an imposter arrived at the polls after the registered voter had voted and attempted to pass himself off as someone he was not, the election official would instantly know of the attempted fraud, would not issue the imposter a ballot or allow him to vote, and presumably would have the imposter arrested or at least investigate the attempted fraud and report the attempt to the Secretary of State as Superintendent of Elections.

EXHIBIT B

Letter from Secretary of State Cathy Cox to Governor Sonny Purdue, April 8, 2005

One of the primary justifications given by the Legislature for the passage of the photo identification provisions of House Bill 244 - the elimination of voter ID fraud at the polls is an unfounded justification I cannot recall one documented case of voter fraud during my tenure as Secretary of State or Assistant Secretary of State that specifically related to the impersonation of a registered voter at voting polls. Our state currently has several practices and procedures in existence to ensure that such cases of voter fraud would have been detected if they in fact occurred, and at the very least, we would have complaints of voters who were unable to vote because someone had previously represented himself or herself as such person on that respective Election Day. As a practical matter, there is no possibility that vote fraud of this type would have gone undetected if it had in fact occurred because there is a list of registered voters at each polling place that is checked off as each person votes. If the impersonator voted first and the legitimate voter came to the polling place later in the day and tried to vote, he or she would be told that they had already voted and would not be allowed to vote a second time in the same day. It is reasonable to suspect that a voter who cared enough to show up at the polls to cast a ballot would almost certainly have complained - but there have been no such complaints. If the opposite occurred, and the legitimate person came to the polls first and cast his ballot, the impersonator who showed up later would not be allowed to vote for the same reason and the attempted fraud would have been prevented.

In addition, this state has adopted severe criminal sanctions for the type of vote impersonation that is purportedly of concern and it is evident that such penalties have been a sufficient deterrent. In essence, there is no voter fraud problem currently in existence that House Bill 244 addresses.

In contrast to the lack of voter fraud relating to impersonation of voters at polls during my tenure the State Election Board has reviewed numerous cases of voter fraud relating to the use of absentee ballots.

State Defendants' Initial Brief In Opposition To Plaintiffs' Motion For Preliminary Injunction

There are 159 counties and an even larger number of municipalities in Georgia that conduct elections. Neither the Secretary of State nor her staff can be physically present at the polling places for those elections and therefore could not possibly be aware of all in-person voter fraud that might occur. (Cox Decl. ¶ 6.)

Under the prior law before enactment of HB 244, it is beyond argument that in person voter fraud could have taken place. (Id. ¶ 5.) The Secretary of State's view of the scenario in which voter fraud would occur is when an imposter votes at the polling place and the actual voter shows up later and is unable to cast a ballot. (Id. ¶ 5.) However, the Secretary of State agrees that the scenario she describes is only one instance of potential voter

fraud, and both her scenario and others were possible under the law as it existed prior to the enactment of HB 244. (Id.) As stated by the Director of Elections for the Forsyth County Board of Elections, the typical case of in-person voter fraud would be committed by identifying persons who do not typically vote and then having other individuals vote as those persons. (Smith Decl. ¶ 4.)

The Executive Director of the Richmond County Board of Elections has been aware of such complaints, but has been unable to gather evidence to prove the violations because the nature of the conduct makes such evidence hard to develop. (Bailey Decl. ¶ 9.) Indeed, past incidents of fraudulent registrations in Forsyth County and Fulton County were reported to the District Attorneys' offices in those respective counties. (Smith Decl. ¶ 6; MacDougald Decl. ¶ 4.) In Fulton County, the fraudulent registrations were also reported to the United States Attorney for the Northern District of Georgia, and he has opened an investigation of the fraudulent registrations. (MacDougald Decl. ¶ 4.)

Order for a Preliminary Injunction

As part of the order, Judge Murphy describes the testimony of Harry MacDougald, a member of the Fulton County Board of Registration and Election. Mr. MacDougald had stated he had observed voter registration fraud, which he referred to the U.S. Attorney and the District Attorney. In addition, since some precinct cards the Board sent out in 2004 were returned as undeliverable, MacDougald believes they were not eligible voters, yet they were allowed to vote.

Although the Secretary of State said she knew of no incidents of impersonation at the polls, she and her staff are not physically present in every polling site. Secretary Cox stated local officials are in the best position to know of such incidents. The State Election Board has received a number of complaints of irregularities with respect to absentee ballots. Cox is also aware of a case of vote buying of absentee ballots. She is also aware of efforts to submit fraudulent registrations.

According to Secretary of State Cox, Georgia has procedures and practices in place to detect voter fraud. Those procedures include verifying the voter's correct address, as well as the voter's name, during the check-in process for in-person voters. Georgia also imposes criminal penalties for voter impersonation. Most violations of Georgia election laws are punishable as felonies. No evidence indicates that the criminal penalties do not sufficiently deter in-person voter fraud.

The integrity of the voter list also is extremely important in preventing voter fraud. The Atlanta Journal Constitution published an article indicating that Georgia had experienced 5,412 instances of voter fraud during a twenty-year period. Secretary of State Cox's office undertook an investigation in response to that article. The investigation revealed that the specific instance of voter fraud outlined in the Atlanta Journal-Constitution, involving a report that Alan J. Mandel had voted after his death, actually did not occur. Instead, an individual with a similar name, Alan J. Mandle, had voted at the polls, and the poll worker had marked Alan J. Mandel's name rather than marking Alan J. Mandle, the name of the individual who actually voted. Secretary of State Cox's office compared the

signature on the voter certificate to the voter registration card of the living individual, and concluded that the living individual, Alan J. Mandle, rather than the deceased Alan J. Mandel, had voted.

The Secretary of State's Office subsequently attempted to ensure that voter records were maintained and up to date. The Secretary of State's Office sends information concerning dead voters to local elections officials on a monthly basis, and now has the authority to remove the names of deceased voters from the voter rolls if the local elections officials fail to do so in a timely manner. Secretary of State Cox is not aware of any reports of dead individuals voting since her office received authority to remove the names of deceased individuals from the voter rolls.

There seems to be little doubt that the Photo ID requirement fails the strict scrutiny test: accepting that preventing voter fraud is a legitimate and important State concern, the statute is not narrowly drawn to prevent voter fraud. Indeed, Secretary of State Cox pointed out that, to her knowledge, the State had not experienced one complaint of in-person fraudulent voting during her tenure. In contrast, Secretary of State Cox indicated that the State Election Board had received numerous complaints of voter fraud in the area of absentee voting. Furthermore, the Secretary of State's Office removes deceased voters from the voting rolls monthly, eliminating the potential for voter fraud noted by the Atlanta Journal-Constitution article alleging that more than 5,000 deceased people voted during a twenty—year period.

Further, although Defendants have presented evidence from elections officials of fraud in the area of voting, all of that evidence addresses fraud in the area of voter registration, rather than in-person voting. The Photo ID requirement does not apply to voter registration, and any Georgia citizen of appropriate age may register to vote without showing a Photo ID. Indeed, individuals may register to vote by producing copies of bank statements or utility bills, or without even producing identification at all. The Photo ID law thus does nothing to address the voter fraud issues that conceivably exist in Georgia.

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Views of Selected Local Election Officials on Managing Voter Registration and Ensuring Eligible Citizens Can Vote

GAO Report

In 2002, the Help America Vote Act (HAVA) was enacted and, among other things, it requires states to implement provisional voting for elections for federal office. HAVA, in general, requires that individuals not listed as registered or whose eligibility is questioned by an election official must be notified about and permitted to cast a provisional ballot that is set aside for review by election officials at a later time so that they can determine whether the person is eligible to vote under state law. HAVA also requires that provisional ballots be provided to first-time voters who had registered to vote by mail on or after January 1, 2003, but were unable to show photo identification or another qualifying identification document when voting in person or by mail in a federal election. In addition, HAVA requires that election officials must provide access to information that permits voters to learn if their provisional ballot was counted, and, if not, why not.

This Report focuses on the efforts of local election officials in 14 jurisdictions within 7 states to manage the registration process, maintain accurate voter registration lists, and ensure that eligible citizens in those jurisdictions had the opportunity to cast ballots during the 2004 election. Specifically, for the 2004 election, the Report concentrates on election officials' characterization of their experiences with regard to (1) managing the voter registration process and any challenges related to receiving voter registration applications; checking them for completeness, accuracy, and duplication; and entering information into voter registration lists; (2) removing voters' names from voter registration lists and ensuring that the names of eligible voters were not inadvertently removed; and (3) implementing HAVA provisional voting and identification requirements and addressing any challenges encountered related to these requirements. The Report also provides information on motor vehicle agency (MVA) officials' characterization of their experiences assisting citizens who apply to register to vote at MVA offices and forwarding voter registration applications to election offices.

The Report analyzed information collected from elections and motor vehicle agency offices in seven states—Arizona, California, Michigan, New York, Texas, Virginia, and Wisconsin. These states take various approaches to administering elections. Within each of the seven states, using population data from the 2000 U.S. Census, two jurisdictions were selected: a local jurisdiction with a large population and a local jurisdiction with a small population. The 14 jurisdictions we selected were Gila and Maricopa Counties, Arizona; Los Angeles and Yolo Counties, California; City of Detroit and Delta Township, Michigan; New York City and Rensselaer County, New York; Bexar and Webb Counties, Texas; Albemarle and Arlington Counties, Virginia; and the cities of Franklin and Madison, Wisconsin.

Information was gathered for the Report in a number of ways. First, relevant laws, state reports, and documents related to the voter registration process in the seven states were reviewed. Second, state and local election officials in the 7 states and 14 jurisdictions

were interviewed to obtain information on their registration processes and implementation of the HAVA requirements for provisional voting and voter identification. Third, a survey was sent to election officials in the 14 jurisdictions to gather information about their experiences with the November 2004 election. Finally, a survey was sent to state and local MVA officials in 6 of the 7 states and 12 of the 14 jurisdictions. The survey primarily asked questions about the MVA offices' experiences with (1) assisting citizens with completing voter registration applications, (2) forwarding the applications to election offices, and (3) responding to individuals and state or local election officials who contacted their offices about individuals who declared they had applied to register to vote at MVA offices but their names were not on voter registration lists when they went to vote in the November 2004 election.

Election officials representing all but one of the jurisdictions surveyed following the November 2004 election said they faced some challenges managing the voter registration process, including (1) receiving voter registration applications; (2) checking them for completeness, accuracy, and duplication; and (3) entering information into voter registration lists; when challenges occurred, election officials reported they took various steps to address them. Officials in 7 of the 14 jurisdictions reported that their staff faced challenges checking voter registration applications for completeness, accuracy, or duplicates. According to these officials, these challenges occurred for a variety of reasons, including problems contacting individuals to obtain complete and accurate information and insufficient staffing to check the applications. They reported that, among other things, their staff addressed these challenges by sending letters or calling applicants to obtain correct information. Finally, 6 of the 14 election officials reported that their staff faced challenges entering or scanning voter information into registration lists for reasons such as the volume of applications received close to Election Day and problems with the scanning equipment. To address these challenges, they reported that more staff were hired and staff worked overtime.

All but 1 of the jurisdictions reported removing names from registration lists during 2004 for various reasons, including that voters requested that their names be removed from the voter registration list; information from the U.S. Postal Service (USPS) showing that voters had moved outside the jurisdiction; felony records received from federal, state, or local governments identifying voters as ineligible due to felony convictions; and death records received from state or local vital statistics offices. When removing names from registration lists, election officials reported that they took various steps to ensure that the names of eligible voters were not inadvertently removed from voter registration lists. These steps included sending letters or postcards to registrants to verify that voters wanted their names removed; matching voters' identifying information with USPS data and sending voters identified by USPS as having moved outside the jurisdiction notices of removal; and matching voter registration records with felony records or death records to confirm it was the same person.

All of the jurisdictions reported that they permitted citizens to cast provisional ballots during the November 2004 election. In addition, 12 of the 14 jurisdictions to which this was applicable reported that they offered certain first-time voters who registered by mail

the opportunity to cast provisional ballots. Election officials in 13 of the 14 jurisdictions reported that 423,149 provisional ballots were cast, and 70 percent (297,662) were counted. Not all provisional votes were counted because, as election officials reported, not all provisional ballots met states' criteria for determining which ballots should be counted. Reasons that provisional ballots cast during the 2004 election were not counted, as reported by election officials, included, among others, that individuals did not meet the residency eligibility requirements, had not registered or tried to register to vote with the election office, had not submitted the voter registration applications at motor vehicle agency offices, or election officials did not have time to enter information from applicants into their voter registration lists because applications were received at the election offices very close to or after the state registration deadline.

Local election officials in 12 of the 13 jurisdictions 13 we surveyed reported that they set up mechanisms to inform voters—without cost—about the outcome of their provisional votes during the November 2004 election. These mechanisms included toll-free telephone numbers, Web sites, and letters sent to the voters who cast provisional ballots. Election officials also reported that provisional voters in their jurisdictions received written information at their polling places about how to find out the outcome of their provisional ballots, and provisional voters in 8 of the 13 jurisdictions had the opportunity to access information about the outcome of their ballots within 10 days after the election. Finally, election officials representing 8 of the 14 jurisdictions reported facing challenges implementing provisional voting for various reasons, including some poll workers not being familiar with provisional voting or, in one jurisdiction representing a large number of precincts, staff not having sufficient time to process provisional ballots. To address these challenges, the officials reported that they provided additional training to poll workers and hired additional staff to count provisional ballots.

Existing Literature Reviewed

Reports

The Long Shadow of Jim Crow, People for the American Way and the NAACP

The New Poll Tax, Laughlin McDonald

Wisconsin Audit Report, Voter Registration Elections Board

Preliminary Findings, Milwaukee Joint Task Force Investigating Possible Election Fraud

Building Confidence in U.S. Elections, National Commission on Federal Election Reform (Carter/Baker Report)

Response to the Report of the 2005 Commission on Federal Election Reform (Carter/Baker Report), The Brennan Center and Professor Spencer Overton

Republican Ballot Security Programs: Vote Protection or Minority Vote Suppression – or Both?, Chandler Davidson

A Crazy Quilt of Tiny Pieces: State and Local Administration of American Criminal Disenfranchisement Law, Alec Ewald

Vote Fraud, Intimidation and Suppression in the 2004 Presidential Election, American Center for Voting Rights

America's Modern Poll Tax, The Advancement Project

Analysis of the September 15, 2005 Voter Fraud Report Submitted to the New Jersey Attorney General, The Brennan Center and Professor Michael McDonald

Democracy at Risk: The November 2004 Election in Ohio, Democratic National Committee

Department of Justice Public Integrity Reports 2002, 2003, 2004

Prosecution of Election Fraud under United States Federal Law, Craig Donsanto

Election Protection 2004, Election Protection Coalition

The Federal Crime of Election Fraud, Craig Donsanto

Views of Selected Local Election Officials on Managing Voter Registration and Ensuring Eligible Citizens Can Vote, General Accounting Office

Securing the Vote: An Analysis of Election Fraud, Lori Minnite

Shattering the Myth: An Initial Snapshot of Voter Disenfranchisement in the 2004 Elections, People for the American Way, NAACP, Lawyers Committee for Civil Rights

Books

Stealing Elections, John Fund

Steal this Vote: Dirty Elections and the Rotten History of Democracy in American, Andrew Gumbel

Deliver the Vote: A History of Election Fraud, An American Political Tradition – 1742-2004, Tracey Campbell

A Funny Thing Happened on the Way to the White House, David E. Johnson and Jonny R. Johnson

Foiled Again, Mark Crispin Miller

Legal

Indiana Democratic Party vs. Rokita

Common Cause of Georgia vs. Billup

U.S. Department of Justice Section 5 Recommendation Memorandum (Georgia voter identification)

Existing Research Analysis

There are many reports and books that describe anecdotes and draw broad conclusions from a large array of incidents. There is little research that is truly systematic or scientific. The most systematic look at fraud is the report written by Lori Minnite. The most systematic look at voter intimidation is the report by Laughlin McDonald. Books written about this subject seem to all have a political bias and a pre-existing agenda that makes them somewhat less valuable.

Researchers agree that measuring something like the incidence of fraud and intimidation in a scientifically legitimate way is extremely difficult from a methodological perspective and would require resources beyond the means of most social and political scientists. As a result, there is much more written on this topic by advocacy groups than social scientists. It is hoped that this gap will be filled in the “second phase” of this EAC project.

Moreover, reports and books make allegations but, perhaps by their nature, have little follow up. As a result, it is difficult to know when something has remained in the stage of being an allegation and gone no further, or progressed to the point of being investigated or prosecuted or in any other way proven to be valid by an independent, neutral entity. This is true, for example, with respect to allegations of voter intimidation by civil rights organizations, and, with respect to fraud, John Fund’s frequently cited book. Again, this is something that it is hoped will be addressed in the “second phase” of this EAC project by doing follow up research on allegations made in reports, books and newspaper articles.

Other items of note:

- There is as much evidence, and as much concern, about structural forms of disenfranchisement as about intentional abuse of the system. These include felon disenfranchisement, poor maintenance of databases and identification requirements.
- There is tremendous disagreement about the extent to which polling place fraud, e.g. double voting, intentional felon voting, noncitizen voting, is a serious problem. On balance, more researchers find it to be less of a problem than is commonly described in the political debate, but some reports say it is a major problem, albeit hard to identify.
- There is substantial concern across the board about absentee balloting and the opportunity it presents for fraud.
- Federal law governing election fraud and intimidation is varied and complex and yet may nonetheless be insufficient or subject to too many limitations to be as effective as it might be.

- Deceptive practices, e.g. targeted flyers and phone calls providing misinformation, were a major problem in 2004.
- Voter intimidation continues to be focused on minority communities, although the American Center for Voting Rights uniquely alleges it is focused on Republicans.

INDIANA ID LITIGATION SUMMARY

MEMORANDUM IN SUPPORT OF DEMOCRATS. MOTION FOR SUMMARY JUDGMENT

Although the proponents of SEA 483 asserted that the law was intended to combat voter fraud, no evidence of the existence of such fraud has ever been provided. No voter has been convicted of or even charged with the offense of misrepresenting his identity for purposes of casting a fraudulent ballot in person, King Dep. 95-96; Mahern Aff. ¶¶ 2-3, though there have been documented instances of absentee ballot fraud. King Dep. 120. Indeed, no evidence of in person, on-site voting fraud was presented to the General Assembly during the legislative process leading up to the enactment of the Photo ID Law. Mahern Aff. ¶¶ 2-

The State cannot show any compelling justification for subjecting only voters who vote in person to the new requirements of the Photo ID Law, while exempting absentee voters who vote by mail or persons who live in state-certified residential facilities. On the other hand, absentee ballots are peculiarly vulnerable to coercion and vote tampering since there is no election official or independent election observer available to ensure that there is no illegal coercion by family members, employers, churches, union officials, nursing home administrators, and others.

The Law gives virtually unbridled discretion to partisan precinct workers and challengers to make subjective determinations such as (a) whether a form of photo identification produced by a voter conforms to what is required by the Law, and (b) whether the voter presenting himself or herself at the polls is in fact the voter depicted in the photo. Robertson Dep. 29-34, 45; King Dep. 86, 89. This is significant because any voter who is challenged under this Law will be required to vote by provisional ballot and to make a special trip to the election board's office in order to have his vote counted. Robertson Dep. 37; King Dep. 58.

The Photo ID Law confers substantial discretion, not on law enforcement officials, but on partisan precinct poll workers and challengers appointed by partisan political officials, to determine both whether a voter has presented a form of identification which conforms to that required by the Law and whether the person presenting the identification is the person depicted on it. Conferring this degree of discretion upon partisan precinct officials and members of election boards to enforce the facially neutral requirements of the Law has the potential for becoming a means of suppressing a particular point of view.

The State arguably might be justified in imposing uniform, narrowly-tailored and not overly-burdensome voter identification requirements if the State were able to show that there is an intolerably high incidence of fraud among voters misidentifying themselves at the polls for the purpose of casting a fraudulent ballot. But here, the State has utterly failed to show that this genre of fraud is rampant or even that it has ever occurred in the context of on-site, in-person voting (as opposed to absentee voting by mail) so as to justify these extra burdens, which will fall disproportionately on the poor and elderly.

In evaluating the breadth of the law and whether the State has used the least restrictive means for preventing fraud, the Court must take into account the other mechanisms the State currently employs to serve the statute's purported purposes, as well as other, less restrictive means it could reasonably employ. *Krislov*, 226 F.3d at 863. The State of Indiana has made it a felony for a voter to misrepresent his or her identity for purposes of casting a fraudulent ballot.

And where the State has already provided a mechanism for matching signatures, has made it a crime to misrepresent one's identity for purposes of voting, and requires the swearing out of an affidavit if the voter's identity is challenged, it already has provisions more than adequate to prevent or minimize fraud in the context of in-person voting, particularly in the absence of any evidence that the problem the Law seeks to address is anything more than the product of hypothesis, speculation and fantasy.

MEMORANDUM OF THE STATE OF INDIANA, THE INDIANA SECRETARY OF STATE, AND THE CO-DIRECTORS OF THE INDIANA ELECTION DIVISION IN SUPPORT OF THEIR JOINT MOTION FOR SUMMARY JUDGMENT AND IN OPPOSITION TO THE MOTIONS FOR SUMMARY JUDGMENT FILED BY BOTH SETS OF PLAINTIFFS

In-person voter-identity fraud is notoriously difficult to detect and investigate. In his book *Stealing Elections*, John Fund observes that actual in-person voter fraud is nearly undetectable without a voter photo-identification requirement because anybody who provides a name that is on the rolls may vote and then walk away with no record of the person's actual identity. *See generally* John Fund, *Stealing Elections* (2004). The problem is only exacerbated by the increasingly transient nature of society. Documentation of in-person voter fraud often occurs only when a legitimate voter at the polls hears a fraudulent voter trying to use her name, as happened to a woman in California in 1994. *See* Larry J. Sabato & Glenn R. Simpson, *Dirty Little Secrets* 292 (1996).

Regardless of the lack of extensive evidence of in-person voter fraud, the Commission on Federal Election Reform (known as the Baker-Carter Commission) recently concluded that "there is no doubt that it occurs." State Ex. 1, p. 18.¹ Legal cases as well as newspaper and other reports confirm that in-person voter-identity fraud, including voter impersonation, double votes, dead votes, and fake addresses, plague federal and state elections. [The memorandum details several specific cases of various types of alleged voting fraud from the past several years]

Though they are largely unable to study verifiable data concerning in-person voter fraud, scholars are well aware of the conditions that foster fraudulent voting. *See* Fund, *supra*; Sabato & Simpson, *supra*, 321. In particular, fraud has become ever more likely as "it has become more difficult to keep the voting rolls clean of 'deadwood' voters who have moved or died" because such an environment makes "fraudulent voting easier and therefore more tempting for those so inclined." Sabato & Simpson, *supra*, 321. "In

general, experts believe that one in five names on the rolls in Indiana do not belong there.” State Ex. 25.

For this case, Clark Benson, a nationally recognized expert in the collection and analysis of voter-registration and population data, conducted his own examination of Indiana’s voter registration lists and concluded that they are among the most highly inflated in the nation.

The Crawford Plaintiffs cite the concessions by Indiana Election Division Co-Director King and the Intervenor-State that they are unaware of any historical in-person incidence of voter fraud occurring at the polling place (Crawford Brief, p. 23) as conclusive evidence that in-person voter fraud does not exist in Indiana. They also seek to support this conclusion with the testimony of two “veteran poll watchers,” Plaintiff Crawford and former president of the Plaintiff NAACP, Indianapolis Chapter, Roderick E. Bohannon, who testified that they had never seen any instances of in-person voter fraud. (*Id.*)

At best, the evidence on this issue is in equipoise. While common sense, the experiences of many other states, and the findings of the Baker-Carter Commission all lead to the reasonable inferences that (a) in-person polling place fraud likely exists, but (b) is nearly impossible to detect without requiring photo identification, the State can cite to no confirmed instances of such fraud. On the other hand, the Plaintiffs have no proof that it does not occur.

At the level of logic, moreover, it is just reasonable to conclude that the lack of confirmed incidents of in-person voting fraud in Indiana is the result of an ineffective identification security system as it is to conclude there is no in-person voting fraud in Indiana. So while it is undisputed that the state has no proof that in-person polling place fraud has occurred in Indiana, there does in fact remain a dispute over the existence *vel non* of in-person polling place fraud.

It is also important to understand that the nature of in-person election fraud is such that it is nearly impossible to detect or investigate. Unless a voter stumbles across someone else trying to use her identity, *see* Sabato & Simpson, *supra*, 292, or unless the over-taxed poll worker happens to notice that the voter’s signature is different from her registration signature State Ext. 37, ¶ 9, the chances of detecting such in-person voter fraud are extremely small. Yet, inflated voter-registration rolls provide ample opportunity for those who wish to commit in-person voter fraud. *See* Fund, *supra*, 24, 65, 69, 138; Sabato & Simpson, *supra*, 321. And there is concrete evidence that the names of dead people have been used to cast fraudulent ballots. *See* Fund, *supra*, 64. Particularly in light of Indiana’s highly inflated voter rolls State Ex. 27, p. 9, Plaintiffs’ repeated claims that there has never been any in-person voter fraud in Indiana can hardly be plausible, even if the state is unable to prove that such fraud has in fact occurred.

Securing the Vote: An Analysis of Election Fraud, by Lorraine Minnite

Professor Lori Minnite conducted a comprehensive survey and analysis of vote fraud in the United States. The methodology included doing nexis searches for all 50 states and surveying existing research and reports. In addition, Minnite did a more in-depth study of 12 diverse states by doing nexis searches, studying statutory and case law, and conducting interviews with election officials and attorneys general. Finally, the study includes an analysis of a few of the most high profile cases of alleged fraud in the last 10 years, including the Miami mayoral election (1997), Orange County congressional race (1996), and the general election in Missouri (2000). In these cases, Minnite shows that many allegations of fraud do not end up being meritorious.

Minnite finds that available evidence suggests that the incidence of election fraud is minimal and rarely affects election outcomes. Election officials generally do a very good job of protecting against fraud. Conditions that give rise to election fraud have steadily declined over the last century as a result of weakened political parties, strengthened election administration, and improved voting technology. There is little available evidence that election reforms such as the National Voter Registration Act, election day registration, and mail-in voting have resulted in increases in election fraud.

Election fraud appears also to be very rare in the 12 states examined more in-depth. Legal and news records turned up little evidence of significant fraud in these states or any indication that fraud is more than a minor problem. Interviews with state officials further confirmed this impression.

Minnite found that, overall, the absentee mail-in ballot process is the feature most vulnerable to voter fraud. There is not a lot of evidence of absentee ballot fraud but the potential for fraud is greatest in this area because of a lack of uniformly strong security measures in place in all states to prevent fraud.

Minnite suggest several reforms to prevent what voter fraud does take place. These include effective use of new statewide voter registration databases; identification requirements for first time voters who register by mail should be modified to expand the list of acceptable identifying documents; fill important election administration positions with nonpartisan professionals; strengthen enforcement through adequate funding and authority for offices responsible for detecting and prosecuting fraud; and establish Election Day Registration because it usually requires voter identification and authorization in person before a trained election worker, which reduces the opportunity for registration error or fraud.

Shattering the Myth: An Initial Snapshot of Voter Disenfranchisement in the 2004 Elections, People for the American Way, NAACP, Lawyers Committee for Civil Rights

Shattering the Myth is a description and analysis of the complaints and allegations of voting irregularities gathered by the Election Protection program during the 2004 presidential election. Election Protection was an effort involving hundreds of organizations and thousands of citizens to protect the voting rights of Americans across the country. The project included sending thousands of monitors to the polls and hosting a national toll free voters' rights hotline. EP mounted extensive field efforts in 17 states.

Election Protection received more than a thousand complaints of voter suppression or intimidation. Complaints ranged from intimidating experiences at polling places to coordinated suppression tactics. For example:

- Police stationed outside a Cook County, Illinois, polling place were requesting photo ID and telling voters if they had been convicted of a felony that they could not vote.
- In Pima, Arizona, voters at multiple polls were confronted by an individual, wearing a black tee shirt with "US Constitution Enforcer" and a military-style belt that gave the appearance he was armed. He asked voters if they were citizens, accompanied by a cameraman who filmed the encounters.
- There were numerous incidents of intimidation by partisan challengers at predominately low income and minority precincts
- Voters repeatedly complained about misinformation campaigns via flyers or phone calls encouraging them to vote on a day other than November 2, 2004 or of false information regarding their right to vote. In Polk County, Florida, for example, a voter received a call telling her to vote on November 3. Similar complaints were also reported in other counties throughout Florida. In Wisconsin and elsewhere voters received flyers that said:
 - "If you already voted in any election this year, you can't vote in the Presidential Election."
 - "If anybody in your family has ever been found guilty of anything you can't vote in the Presidential Election."
 - "If you violate any of these laws, you can get 10 years in prison and your children will be taken away from you."

There were also numerous reports of poll workers refusing to give voters provisional ballots.

The following is a summary of the types of acts of suppression and intimidation included in the report and a list of the states in which they took place. All instances of irregularities that were more administrative in nature have been omitted:

1. Improper implementation of voter identification rules, especially asking only African Americans for proof of identity: Florida, Ohio, Pennsylvania, Illinois, Missouri, Arkansas, Georgia, Louisiana

2. Individuals at the polls posing as some sort of law enforcement authority and intimidating and harassing voters: Arizona, Missouri
3. Intimidating and harassing challengers at the polls: Ohio, Michigan, Wisconsin, Missouri, Minnesota
4. Deceptive practices and disinformation campaigns, such as the use of flyers with intentional misinformation about voting rights or voting procedures, often directed at minority communities; the use of phone calls giving people misinformation about polling sites and other procedures; and providing verbal misinformation at the polls in a way that appears to have been intentionally misleading: Florida, Pennsylvania, Illinois, Wisconsin, Missouri, North Carolina, Arkansas, Texas
5. Refusal to provide provisional ballots to certain voters: Ohio, Pennsylvania, Illinois, Michigan, Colorado, Missouri, Texas, Georgia, Louisiana
6. Registration applications submitted through third parties that were not processed: Arizona, Michigan, Nevada (registration forms destroyed by Sproul Associates)
7. Improper removal from the voter registration list: Arizona
8. Individuals questioning voters' citizenship: Arizona
9. Police officers at the polls intimidating voters: Illinois, Michigan, Wisconsin, Missouri, North Carolina

The report does not provide corroborating evidence for the allegations it describes. However, especially in the absence of a log of complaints received by the Department of Justice, this report provides a very useful overview of the types of experiences some voters more than likely endured on Election Day in 2004.

Summary of the U.S Department of Justice Section 5 Recommendation Memorandum:
August 25, 2005 regarding HB 244 – parts that pertain to the issue of voter fraud.

Overview: Five career attorneys with the civil rights department investigated and analyzed Georgia's election reform law. Four of those attorneys recommended objecting to Section 59, the voter identification requirement. The provision required all voters to present government issued photo identification in order to vote. The objection was based on the attorneys' findings that there was little to no evidence of polling place fraud, the only kind of fraud an ID requirement would address, and that the measure would disenfranchise many voters, predominantly minority voters, in violation of Section 5 of the Voting Rights Act.

Factual Analysis: The sponsor of the measure in the state legislature said she was motivated by the fact that she is aware of vote buying in certain districts; she read John Fund's book; and that "if there are fewer black voters because of this bill, it will only be because there is less opportunity for fraud. She said that when black voters in her black precincts are not paid to vote, they do not go to the polls."

A member of the Fulton County Board of Registrations and Elections said that prior to November 2004, Fulton County received 8,112 applications containing "missing or irregular" information. Only 55 of those registrants responded to BOE letters. The member concluded that the rest must be "bogus" as a result. He also stated that 15,237 of 105,553 precinct cards came back as undeliverable, as did 3,071 cards sent to 45,907 new voters. Of these 3,071, 921 voted.

Secretary of State Cathy Cox submitted a letter testifying to the absence of any complaints of voter fraud via impersonation during her tenure.

In the legal analysis, the attorneys state that if they determine that Georgia could have fulfilled its stated purpose of election fraud, while preventing or ameliorating the retrogression, an objection is appropriate. /They conclude that the state could have avoided retrogression by retaining various forms of currently accepted voter ID for which no substantiated security concerns were raised. Another non-retrogressive alternative would have been to maintain the affidavit alternative for those without ID, since "There is no evidence that penalty of law is an insufficient deterrent to falsely signing an affidavit of identity."

The attorneys point out that the state's recitation of a case upholding voter fraud in Dodge County does not support the purpose of the Act because that case involved vote buying and selling, not impersonation or voting under a false identity.

Stealing Elections, John Fund

In Stealing Elections, John Fund says that “Election fraud, whether its phony voter registrations, illegal absentee ballots, shady recounts or old-fashioned ballot-box stuffing, can be found in every part of the United States, although it is probably spreading because of the ever-so-tight divisions that have polarized the country and created so many close elections lately. Although most fraud is found in urban areas, there are current scandals in rural South Dakota and Texas.” Fund admits that “Democrats figure prominently in the vast majority of examples of election fraud described in this book.” He argues Republican fraud is less common because Republicans are middle class and Democrats are poor and most fraud occurs in inner cities where there are a lot of minorities. However, because of politics, state and local prosecutors are reluctant to go after fraud.

He also stipulates that Democrats and Republicans have different worldviews on voting: Democrats are concerned about intimidation and disenfranchisement while Republicans are concerned with fraud and the need to police the polls.

Fund argues that fraud has been made easier by the passage of the National Voting Rights Act because it allows ineligible voters to remain on the voter rolls, allowing a voter to vote in the name of someone else. He claims dead people, people who have moved, and people in jail remain on the voting list. He believes because of NVRA illegal aliens have been allowed to vote. Absentee balloting makes it even worse: someone can register under false names and then use absentee ballots to cast multiple votes. Groups can get absentee ballots for the poor and elderly and then manipulate their choices.

Fund goes through a number of examples of alleged voter fraud, mostly perpetrated by Democrats. For example, he claims much fraud in St. Louis in 2000, including illegal court orders allowing people to vote, felons voting, people voting twice, dead people voting, voters were registered to vacant lots, election judges were not registered and evidence of false registrations

Another case he pays a great deal of attention to are the alleged transgressions by Democrats in Indian Country in South Dakota 2002, including voter registration fraud, suspicious absentee ballot requests, vote hauling, possible polling place fraud, abusive lawyers at polling sites, and possible vote buying.

Fund criticizes and scorns “conspiracy theories” around electronic voting perpetuated by Democrats. He says that “By whipping up a frenzy of suspicion about electronic voting, Democrats will have built a platform from which, if the presidential or key Senate elections in November 2004 are close, they can launch endless lawsuits everywhere there were problems with electronic machines.”

Stealing Elections focuses almost entirely on alleged transgressions by Democrats. Fund’s accusations, if credible, would indicate that fraud such as voter registration fraud, absentee ballot fraud, dead people voting, and felon voting is prevalent throughout the country. However, due to its possible biases, lack of specific footnoting, and insufficient

identification of primary source material, caution is strongly urged with respect to utilizing this book for assessing the amount and types of voter fraud and voter intimidation occurring.

The Long Shadow of Jim Crow, People for the American Way and the National Association for the Advancement of Colored People

This report describes the pervasive and repeated practices of voter intimidation and vote suppression that have taken place in very recent years and during contemporary American history. The most recent cases included in the report are the incident in which Florida law enforcement questioned elderly African American voters in Orlando regarding the 2003 mayoral race, which had already been resolved, shortly before the 2004 election; the 2004 Florida felon purge list; the case of South Dakota in 2004 in which Native Americans were improperly and illegally required to show photo identification at the polls or denied the right to vote, and similar improper demands for ID from minorities in other parts of the country; the use of challengers in minority districts in many locations; the challenge to the right of African American students to vote in Texas in 2004; the presence of men looking like law enforcement challenging African American voters at the polls in Philadelphia in 2003; the distribution of flyers in Louisiana and elsewhere in a number of elections over the last few years in minority areas telling them to vote on the wrong day; and the FBI investigation into thousands of Native American voters in South Dakota in 2002, which resulted in no showing of wrongdoing.

The report also points out that, “Over the past two decades, the Republican Party has launched a series of ‘ballot security’ and ‘voter integrity’ initiatives which have targeted minority communities. At least three times, these initiatives were successfully challenged in federal courts as illegal attempts to suppress voter participation based on race.

It goes on to describe the numerous instances of voter intimidation and suppression during the 2000 election, the 1990s, the 1980s and back through the civil rights movement of the 1960s, putting current efforts in historical perspective. Describing the chronology of events in this way demonstrates the developing patterns and strategic underpinnings of the tactics used over the last forty years.

Steal this Vote-Dirty Elections and the Rotten History of Democracy in America by Andrew Gumbel

The bulk of the book comprises stories from United States electoral history outside the scope of this project. However, these tales are instructive in showing how far back irregular and illegal voting practices go. Cases include the 1868 New York City elections; the Tilden-Hayes election; the impact of the introduction of the secret ballot; the 1981 consent decree; the 1990 Helms campaign; the 1960 presidential election controversy in Chicago; the rise of the voting machine business, including the introduction of punch card machines; and allegations by Republicans regarding NVRA.

Steal this Vote focuses almost entirely on alleged transgressions by Republican, although at times it does include complaints about Democratic tactics. Gumbel's accusations, if credible, especially in the Bush-Gore election, would indicate there were a number of problems in key states in such areas as intimidation, vote counting, and absentee ballots. However, due to its possible biases, lack of specific footnoting, and insufficient identification of primary source material, caution is strongly urged with respect to utilizing this book for assessing the amount and types of voter fraud and voter intimidation occurring.

An Evaluation: Voter Registration Elections Board: Wisconsin Audit Report 05-12:
September 2005

The Joint Legislative Audit Committee of the Wisconsin Legislature required the Wisconsin Audit Report. The Report obviously does not include the 2006 statistics for statewide voter registration as required by HAVA. Wisconsin voter registration is required by statute in only 172 municipalities---those with populations of 5,000 or more. Another 167 smaller municipalities opted to maintain voter registration lists. Currently, 28.9 % of the voting-age population is not required to register before voting.

According to the Report, great variation was found in the implementation of existing voter registration laws. For example, 46 % of municipalities that responded to the survey did not send address verification cards to individuals who registered by mail or at the polls on Election Day in November 2004.

Further, only 85.3 % of survey respondents reported updating their voter registration lists to remove inactive voters, as required by law.

Current voter registration practices were determined to be insufficient to ensure the accuracy of voter registration lists used by poll workers or to prevent ineligible persons from registering to vote. The Report identified 105 instances of voting irregularities in six municipalities, including 98 ineligible felons who may have voted. The names of these individuals were forwarded to appropriate district attorneys for investigation.

Due to concerns about ineligible voting, stemming from the 2004 election, the Joint Legislative Audit Committee requested that voter registration procedures be evaluated. The following was investigated for this Report:

- * voter registration requirements and the methods by which voters register, including requirements in other states;
- * the address verification process, including the use of address verification cards to confirm the residency of those who register by mail or at the polls;
- * procedures and practices for updating voter registration lists; and,
- * the role of the Elections Board.

Wisconsin allows qualified electors to register in person, by mail, or with a special registration deputy before Election Day, and at the polls on Election Day. In municipalities where registration is required by statute, 20.3 % of Wisconsin voters registered at the polls on Election Day in November 2004. Municipal clerks rely on registrants to affirm their eligibility, including citizenship and age. However, requirements for providing identification or proof of residence vary depending on when an individual registers and by which method.

Address verification cards are the primary tool available to municipal clerks for verifying the residency of registered voters and detecting improper registrations by mail or at the polls. Statutes require that clerks send cards to everyone who registers by mail or on Election Day. However, only 42.7 % of the 150 municipalities surveyed sent cards to both groups, and 46 % did not send any address verification cards.

Statutes also require clerks to provide the local district attorney with the names of any Election Day registrants whose cards are undeliverable at the address provided. However, only 24.3 % of the clerks who sent cards also forwarded names from undeliverable cards to district attorneys. District attorneys surveyed indicated that they require more information than is typically provided to conduct effective investigations.

To ensure that voter registration lists contain only the names of qualified electors, municipal clerks are required by statute to remove or inactivate the names of individuals who have not voted in four years, to update registration information for individuals who move or change their names, and to remove or inactivate the names of deceased individuals. They are also required to notify registered voters before removing their names from registration lists. These statutory requirements are not consistently followed:

* 85.3 % of municipalities removed the names of inactive voters from their voter registration lists;

* 71.4 % sometimes or always notified registered voters before removing their names; and

* 54.0 % reported removing the names of ineligible felons.

Because of such inconsistencies, registration lists contain duplicate records and the names of ineligible individuals. For example, more than 348,000 electronic voter registration records from eight municipalities were reviewed, identifying 3,116 records that appear to show individuals who are registered more than once in the same municipality.

In six municipalities where sufficient information was available, there was 105 instances of potentially improper or fraudulent voting in the 2004 elections. These included: 98 ineligible felons who may have voted; 2 individuals who may have voted twice; 1 voter who may have been underage; and 4 absentee ballots that should not have been counted because the voters who cast them died before Election Day.

Recommendations:

* adjusting the early registration deadline to provide clerks more time to prepare registration lists;

* establishing more stringent requirements for special registration deputies, including prohibiting compensation based on the number of individuals registered;

- * establishing uniform requirements for demonstrating proof of residence for all registrants;
- * providing municipal clerks with more flexibility in the use of address verification cards;
- * Authorizing civil penalties for local election officials and municipalities that fail to comply with election laws; and,
- * implementing mandatory elections training requirements for municipal clerks.

The Report also recognized that the new HAVA registration procedures would help with existing registration problems.

Preliminary Findings of Joint Task Force Investigating Possible Election Fraud: May 10, 2005

On January 26, 2005, the Milwaukee Police Department, Milwaukee County District Attorney's Office, Federal Bureau of Investigation, and the United States Attorney's Office formed a task force to investigate alleged voting irregularities during the November 2004 elections. The purpose of the task force was to determine whether evidence of criminal fraud existed in the irregularities and, if evidence of fraud was found, to pursue criminal prosecutions.

The task force has made the following specific determinations based on evidence examined to date:

- * evidence of more than 100 individual instances of suspected double-voting, voting in names of persons who likely did not vote, and/or voting in names believed to be fake. Those investigations continue;
- * more than 200 felons voted when they were not eligible to do so. In order to establish criminal cases, the government must establish willful violations in individual instances;
- * persons who had been paid to register voters as "deputy registrars" falsely listed approximately 65 names in order to receive compensation for the registrations. The evidence does not indicate that these particular false registrations were later used to cast votes; and,
- * the number of votes counted from the City of Milwaukee exceeds the number of persons recorded as voting by more than 4,500.

The investigation concentrated on the 70,000+ same-day registrations. It found that a large majority of the reported errors were the result of data entry errors, such as street address numbers being transposed. However, the investigation also found more than 100 instances where votes were cast in a manner suggesting fraud. These include:

- * persons with the same name and date of birth recorded as voting more than once;
- * persons who live outside Milwaukee, but who used non-existent City addresses to register and vote in the City;
- * persons who registered and voted with identities and addresses that cannot in any way be linked to a real person;
- * persons listed as voting under a name and identity of a person known to be deceased; and
- * persons whose identities were used to vote, but who in subsequent interviews told task force investigators that they did not, in fact, vote in the City of Milwaukee.

The investigation found persons who were paid money to obtain registrations allegedly falsified approximately 65 names on registration forms, allegedly to obtain more money for each name submitted. There is no evidence gathered to date that votes were cast under these specific false names. Also found were more than 200 felons who were not eligible to vote in the 2004 election, but who are recorded as having done so.

An additional finding of the task force was that the number of votes cast far exceeds the total number of recorded voters. The day after the 2004 election, the City of Milwaukee reported the total number of votes as 277,344. In late November an additional 191 previously uncounted absentee ballots were added, for a total of 277,535 votes cast. Still later, an additional 30 ballots were added, bringing the total number of counted votes to 277,565. City records, however, have been unable to match this total to a similar number of names of voters who cast ballots – either at the polls (under a prior registration or same day registration) or cast absentee ballots. At present, the records show a total of 272,956 voter names – for a discrepancy of 4,609. This part of the investigation was hampered by widespread record keeping errors with respect to recording the number of voters.

In the 2004 election, same-day registrations were accepted in which the card had incomplete information that would help establish identity. For example: 48 original cards for persons listed as voting had no name; 548 had no address; 28 did not have signatures; and another 23 cards had illegible information. These were part of approximately 1,300 same-day registrations for which votes were cast, but which election officials could not authenticate as proper voters within the City. Included in this 1,300 were 141 same-day registrants from addresses outside the City of Milwaukee, but who voted within the City of Milwaukee. In several instances, the voter explicitly listed municipality names other than Milwaukee on the registration cards.

Another record keeping procedure hampering the investigation appears to be the post-election misfiling or loss of original green registration cards that were considered duplicates, but that in fact corresponded to additional votes. These cards were used to record votes, but approximately 100 cards of interest to investigators can no longer be located. In addition, other original green registration cards continue to be found.

The New Poll Tax: Republican-Sponsored Ballot-Security Measures are Being Used to Keep Minorities from Voting

By Laughlin McDonald

McDonald argues that “the discriminatory use of so-called ‘ballot security’ programs” has been a reoccurring scandal since the passage of the Voting Rights Act of 1965. These programs are deceptively presented as preventing voter fraud and thereby furthering good government. However, McDonald states “but far too often they [the ballot security programs] are actually designed to suppress minority voting -- and for nakedly partisan purposes.”

McDonald blames the federal government as well as the states for use of suspect ballot security programs. He cites the implementation of the U.S. Department of Justice’s in “Voting Integrity Initiative” in South Dakota as the worst example of a joint federal-state effort to prevent voter fraud. Alleged voter fraud only in counties with significant Native American populations was targeted. South Dakota Attorney General Mark Barnett “working with the FBI, announced plans to send state and federal agents to question almost 2,000 new Native-American registrants, many of whom were participating in the political process for the first time.” However, statistics show that these efforts only served to increase Native American voter participation. Native Americans “were targeted based on fraud allegations that proved to be grossly exaggerated; at the end of the investigation, only one Native American was even charged with a voting-rules violation.”

McDonald cites several other ballot security efforts that were really disguised attempts at minority voter suppression:

In Pine Bluff, Ark., Democrats accused Republican poll watchers of driving away voters in predominantly black precincts by taking photos of them and demanding identification during pre-election day balloting. Democrats in Michigan charged that a plan by Republicans to station hundreds of “spotters” at heavily Democratic precincts was an effort to intimidate black voters and suppress Democratic turnout. In South Carolina, a lawsuit filed the day before the election alleged that officials in Beaufort County had adopted a new and unauthorized policy allowing them to challenge voters who gave rural route or box numbers for their registration address. According to the complaint, a disproportionate number of those affected by the new rule would be African-American voters who lived in the rural areas of the county.

McDonald is also critical of the Help America Vote Act (HAVA). He states that HAVA “contains other provisions that may enhance the opportunities for harassment and intimidation of minorities through ballot-security programs.” McDonald specifically attacks the photo ID requirement for anyone who registered by mail but has not previously voted. McDonald argues that the ID requirement will suppress minority voting because minorities are less likely than non-minorities to have a photo ID, a photo ID is expensive to obtain and all the alternatives to photo ID present similar obstacles to minority voters. He also argues that there is no evidence that photo ID will combat voter

fraud but it only really provides “another opportunity for aggressive poll officials to single out minority voters and interrogate them.”

McDonald lists some classic past ballot security efforts by the Republicans that have been abused: the 1981 gubernatorial election anti-fraud initiative leading to the well known consent decree prohibiting the Republicans from repeating this, a similar Republican effort in Louisiana in 1986 in Senator John Breaux’s race which again resulted in prohibition by a state court judge, and a similar effort by Republicans in Senator Jesse Helms 1990 reelection. This time the Department of Justice sued the Republican Party and Helm’s reelection committee, resulting in another consent decree prohibiting future ballot security programs without court approval.

McDonald indicates that the crux of the problem is lax enforcement of federal voters rights laws. He states, “there is no record of the purveyors of any ballot-security program being criminally prosecuted by federal authorities for interfering with the right to vote.” The only positive case law McDonald cited was a decision by the United States Court of Appeals for the Eighth Circuit that affirmed “an award of damages ranging from \$500 to \$2,000, payable by individual poll officials to each of seven black voters who had been unlawfully challenged, harassed, denied assistance in voting or purged from the rolls in the town of Crawfordsville [Arkansas].”

McDonald concludes by stating that Congress and the states should adopt “nondiscriminatory, evenly applied measures to ensure the integrity of the ballot.”



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

May 9, 2007

Mr. Greg Gordon
National Correspondent
McClatchy Newspapers
Washington, DC

Dear Mr. Gordon:

This letter is in response to your Freedom of Information Act (FOIA) request received by the U.S. Election Assistance Commission (EAC) on April 11, 2007. The request sought "all emails between Job Serebrov and Elections Assistance Commission staff or members and all emails between Tova Wang and commission staff or members pertaining to a voter fraud study the two were contracted to perform for the EAC."

Responsive records. In regard to your request, copies of the responsive documents are attached (approximately 1,000 pages). Upon review of the records, you will find a few places where small portions of information have been redacted (in black). As required by FOIA exemption 6, the EAC has redacted personal information, including home addresses, telephone numbers, personal e-mail addresses, personal financial information, social security numbers, and tax identification numbers.

Withheld records. In reference to your request, an estimated 300 pages of e-mails have been withheld because the information in these e-mails is pre-decisional and protected by the Deliberative Process Privilege. As you may know, the Deliberative Process Privilege protects intra-agency documents that are (1) pre-decisional in nature and (2) part of the deliberative process. In other words, the documents must be part of a process that recommends or presents opinions on a policy matter or governmental decision before that matter is finally decided. It is a well settled matter of law that the work of contract employees and contractors ("consultants") constitute intra-agency documents.¹ This is true even where the consultants are deemed to be independent contractors and are not subject to the degree of control that agency employment entails.² The courts have made this determination after recognizing that agencies have a special need for the opinions and recommendations of temporary consultants.³ Ultimately, deliberative

¹ Department of the Interior v. Klamath Water Users Protective Association, 532 U.S. 1, 9-11 (2001) (Citing Harry E. Hoover v. Dept. of the Interior, 611 F.2d 1132, at 1138 (1980); Lead Industries Assn. v. OSHA, 610 F.2d 70, 83 (C.A.5 1980) (applying exemption 5 to draft reports prepared by contractors); and Government Land Bank v. GSA, 671 F.2d 663, 665 (CA1 1982)); See also Hertzberg v. Veneman, 273 F. Supp. 2d 67, 76 n.2 (D.D.C. 2003).

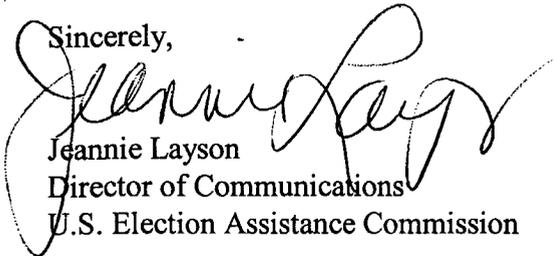
² Klamath, at 10.

³ Hoover, 611 F.2d at 1138.

documents are exempt from release (1) to encourage open and frank discussions on policy matters between agency subordinates and superiors, (2) to protect against premature disclosure of proposed policies and (3) to protect against public confusion that might result from disclosure of rationales that were not in fact the ultimate basis for agency action.⁴

The EAC has decided to waive the processing fees for your request. If you interpret any portion of this response as an adverse action, you will have an opportunity to appeal it to the Election Assistance Commission. However, as this letter is only partially responsive to your request, please hold any appeal until your request has been fully addressed. At that time, your appeal must be in writing and sent to the address noted on the above letterhead. Any appeal submitted, must be postmarked no later than 60 calendar days from the date of EAC's final response letter. Please include your reasons for reconsideration and attach a copy of this and subsequent EAC responses.

Sincerely,



Jeannie Layson
Director of Communications
U.S. Election Assistance Commission

Attachments:

1. Your Request (dated April 11, 2007)
2. Responsive Documents

⁴ NLRB v. Sears, Roebuck & Co., 41 U.S. at 151.

#07-002



"Gordon, Greg"
<ggordon@mcclatchydc.com>

To jlayson@eac.gov

cc

04/11/2007 10:32 AM

bcc

Subject new foia

April 11, 2007

Ms. Jeannie Layson
Director of Communications
Suite 110
1225 New York Avenue NW
Washington, D.C. 20005
Fax: 202-566-3127
Phone: 202-566-3100
HAVAINfo@eac.gov

Dear Ms. Layson:

This is an official request under the Freedom of Information Act, 5 U.S.C., 552 as amended.

I am writing on behalf of McClatchy Newspapers to request copies of all emails between Job Serebrov and Elections Assistance Commission staff or members and all emails between Tova Wang and commission staff or members pertaining to a voter fraud study the two were contracted to perform for the EAC.

In the event that this request results in research or copying, McClatchy Newspapers requests a public interest fee waiver because the material being sought is likely to be used in a newspaper story. We would argue strongly that there is a significant public interest in our reviewing the material being sought. As the nation's second largest newspaper group with 32 daily newspapers and a new service serving 400 newspapers, McClatchy easily qualifies as acting in the public interest.

If possible, I would appreciate your expediting this request, especially any emails transmitted after the draft report was submitted, because of the obvious topical import of these documents.

Should this letter prompt questions, please feel free to phone me at 202-383-0005. Thanks for your assistance.

Sincerely,

012455

Gregory Gordon
McClatchy Newspapers
Washington correspondent

Greg Gordon
National Correspondent
McClatchy Newspapers Washington Bureau
202-383-0005

ggordon@mcclatchydc.com

Visit McClatchy's 31 daily newspapers, including the Miami Herald, Sacramento Bee, Ft. Worth Star-Telegram, Kansas City Star, Charlotte Observer, Raleigh News & Observer and others, at www.mcclatchy.com.

Sheila A. Banks/EAC/GOV
12/07/2006 02:48 PM

To [REDACTED]
cc
bcc

Subject Statement by Commissioner Gracia Hillman

Ms. Wang,

Commissioner Gracia Hillman has asked that I send you a copy of her statement regarding the 'EAC Report On Voting Fraud and Voter Intimidation.' It is attached for your perusal.



Statement.doc

Regards,

Sheila A. Banks
Special Assistant to Commissioner Gracia Hillman
U.S. Election Assistance Commission
1225 New York Avenue, NW, Suite 1100
Washington, D.C. 20005
Telephone: 202.566.3111
Fax: 202.566-1392
www.eac.gov

012457

Sheila A. Banks/EAC/GOV
12/07/2006 02:16 PM

To [REDACTED]
cc
bcc

Subject Statement By Commissioner Gracia Hillman

Mr. Serebrov,

Commissioner Gracia Hillman has asked that I send you a copy of her statement regarding the 'EAC Report On Voting Fraud and Voter Intimidation.' It is attached for your perusal.



Statement.doc
Regards,

Sheila A. Banks
Special Assistant to Commissioner Gracia Hillman
U.S. Election Assistance Commission
1225 New York Avenue, NW, Suite 1100
Washington, D.C. 20005
Telephone: 202.566.3111
Fax: 202.566-1392
www.eac.gov

012458



"Job Serebrov"

12/07/2006 02:22 PM

To sbanks@eac.gov

cc

bcc

Subject Re: Statement By Commissioner Gracia Hillman

History:

✉ This message has been replied to and forwarded.

Sheila:

Please convey my sincere gratitude to Commissioner Hillman. Her remarks will be very helpful both for public perception of our study and for any future work in this area. I am very appreciative that she took the time and effort to draft this statement.

Regards,

Job

--- sbanks@eac.gov wrote:

> Mr. Serebrov,
>
> Commissioner Gracia Hillman has asked that I send
> you a copy of her
> statement regarding the 'EAC Report On Voting Fraud
> and Voter
> Intimidation." It is attached for your perusal.
>
>
> Regards,
>
> Sheila A. Banks
> Special Assistant to Commissioner Gracia Hillman
> U.S. Election Assistance Commission
> 1225 New York Avenue, NW, Suite 1100
> Washington, D.C. 20005
> Telephone: 202.566.3111
> Fax: 202.566-1392
> www.eac.gov

012459

Thomas R. Wilkey/EAC/GOV
03/13/2006 04:37 PM

To Bert A. Benavides/EAC/GOV@EAC
cc
bcc
Subject Fw: fraud and intimidation project

FYI

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

----- Forwarded by Thomas R. Wilkey/EAC/GOV on 03/13/2006 03:38 PM -----

Thomas R. Wilkey/EAC/GOV
03/13/2006 03:36 PM

To "Tova Wang" [REDACTED]@GSAEXTERNAL
cc
Subject Re: fraud and intimidation project

Howq about after 3 tomorrow until 5 9-10 on Wednesday or 3-5 on Wednesday.
If you call my assistant Bert she will find you a good time frame.
Sorry that's my life these days.
Tom

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



"Tova Wang"
[REDACTED]
03/13/2006 12:13 PM

To twilkey@eac.gov
cc
Subject fraud and intimidation project

012460

Hey Tom,

How are you? I hope you're doing well.

I'd like to talk to you about some issues we are having with respect to the project when you have a free moment. Is there a good time to call? Thanks. Tova

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

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

012461



"Tova Wang"

11/09/2006 04:54 PM

To bbenavides@eac.gov, s [REDACTED]
cc twilkey@eac.gov, jhodgkins@eac.gov

bcc

Subject RE: Conference call

History:  This message has been replied to.

Sounds good. I will come by the EAC since its literally a few feet from my office. I look forward to seeing you. Tova

Tova Andrea Wang, Democracy Fellow
The Century Foundation
1333 H Street, NW, Washington, D.C. 20005

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

From: bbenavides@eac.gov [mailto:bbenavides@eac.gov]
Sent: Thursday, November 09, 2006 4:21 PM
To: [REDACTED]
Cc: twilkey@eac.gov; jhodgkins@eac.gov; bbenavides@eac.gov
Subject: Conference call

Tova, Job -- I have scheduled 6:00 PM EST on Wednesday, November 15 for a conference call with Tom Wilkey and Julie Thompson-Hodgkins.

Conference call in # is 866-222-9044, Passcode [REDACTED]

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

012462



"Tova Wang"
[REDACTED]
11/15/2006 03:28 PM

To bbenavides@eac.gov
cc
bcc
Subject RE: Conference call

What is the call in number then? Thanks. Tova

Tova Andrea Wang, Democracy Fellow
The Century Foundation
1333 H Street, NW, Washington, D.C. 20005
(202) 741-6263
Visit our Web site, www.tcf.org, for the latest news, analysis, opinions, and events.

From: bbenavides@eac.gov [mailto:bbenavides@eac.gov]
Sent: Wednesday, November 15, 2006 2:20 PM
To: [REDACTED]
Cc: bbenavides@eac.gov
Subject: RE: Conference call
Importance: High

Tova, due to the change in time, both Julie and Tom will be calling into the conference call from their respective residences. Thanks. Take care.

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

"Tova Wang" <[REDACTED]>
11/09/2006 04:54 PM

To bbenavides@eac.gov, [REDACTED]
cc twilkey@eac.gov, jhodgkins@eac.gov
Subject RE: Conference call

Sounds good. I will come by the EAC since its literally a few feet from my office. I look forward to seeing

012463

you. Tova

Tova Andrea Wang, Democracy Fellow
The Century Foundation
1333 H Street, NW, Washington, D.C. 20005

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

From: bbenavides@eac.gov [mailto:bbenavides@eac.gov]
Sent: Thursday, November 09, 2006 4:21 PM
To: [REDACTED]
Cc: twilkey@eac.gov; jthodgkins@eac.gov; bbenavides@eac.gov
Subject: Conference call

Tova, Job -- I have scheduled 6:00 PM EST on Wednesday, November 15 for a conference call with Tom Wilkey and Julie Thompson-Hodgkins.

Conference call in # is 866-222-9044, Passcode [REDACTED]

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

012484

Bryan Whitener/EAC/GOV
12/06/2006 06:55 PM

To "Tova Wang" [REDACTED]
cc
bcc

Subject RE: EAC to Assess 2006 Election; Decide on Voting System
Certification Program & Election Crimes Report [REDACTED]

12/07/06 - Agenda (revised): Public Meeting

"Tova Wang" [REDACTED]



"Tova Wang"
[REDACTED]
12/06/2006 06:06 PM

To bwhitener@eac.gov
cc

Subject RE: EAC to Assess 2006 Election; Decide on Voting System
Certification Program & Election Crimes Report

What is the proposal?

Tova Andrea Wang, Democracy Fellow
The Century Foundation
1333 H Street, NW, Washington, D.C. 20005
(202) 741-6263

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

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

Sent: Wednesday, December 06, 2006 6:06 PM

To: [REDACTED]

Subject: RE: EAC to Assess 2006 Election; Decide on Voting System Certification Program & Election
Crimes Report

Only that they will consider and vote tomorrow.

012465



"Tova Wang"
[REDACTED]
12/06/2006 06:06 PM

To bwhitener@eac.gov
cc
bcc

Subject RE: EAC to Assess 2006 Election; Decide on Voting System
Certification Program & Election Crimes Report

History:  This message has been replied to.

What is the proposal?

Tova Andrea Wang, Democracy Fellow
The Century Foundation
1333 H Street, NW, Washington, D.C. 20005
(202) 741-6263
Visit our Web site, www.tcf.org, for the latest news, analysis, opinions, and events.

From: bwhitener@eac.gov [mailto:bwhitener@eac.gov]
Sent: Wednesday, December 06, 2006 6:06 PM
To: [REDACTED]
Subject: RE: EAC to Assess 2006 Election; Decide on Voting System Certification Program & Election Crimes Report

Only that they will consider and vote tomorrow.

012466



"Tova Wang"
[Redacted]
12/06/2006 04:53 PM

To "Bryan Whitener" <bwhitener@eac.gov>

cc

bcc

Subject RE: EAC to Assess 2006 Election; Decide on Voting System Certification Program & Election Crimes Report

History: This message has been replied to.

Hi Bryan, Are you able to tell me anything more about the proposed comprehensive election crimes study? Thanks. Tova

Tova Andrea Wang, Democracy Fellow
The Century Foundation
1333 H Street, NW, Washington, D.C. 20005
(202) 741-6263

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

From: Bryan Whitener [mailto:bwhitener@eac.gov]
Sent: Wednesday, December 06, 2006 3:22 PM
To: [Redacted]
Subject: EAC to Assess 2006 Election; Decide on Voting System Certification Program & Election Crimes Report



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

MEDIA ADVISORY - *Reminder*

December 6, 2006

Contact: Bryan Whitener
(202) 566-3100

EAC to Hold Public Meeting on December 7

Agenda to Include Assessment of 2006 Election, Voting System Testing and Certification Program and Recommendations for a Comprehensive Elections Crimes Study

WHAT: Public Meeting - Commissioners will hear an assessment of the 2006 election and will vote to approve the adoption of a voting system testing and certification program manual and recommendations for conducting a comprehensive elections crimes study. Commissioners will also hear a report by the chair of EAC's Technical Guidelines Development Committee (TGDC).

WHO: EAC commissioners, the director of the National Institute of Standards and Technology (NIST), election officials, community interest groups, academicians and technology experts.

WHERE: EAC Offices, 1225 New York Ave., Suite 150, Washington, DC

WHEN: Thursday, December 7, 10:00 a.m. - 3:30 p.m. (EST)

To view the agenda, click [here](#).

A webcast of the meeting will be available Friday at the link [12/07/06 - Public Meeting](#) .

###

To learn more about the EAC, please visit www.eac.gov .

012468



"Tova Wang" [REDACTED]

09/27/2006 03:51 PM

To twilkey@eac.gov

cc [REDACTED]

bcc

Subject Board status report

History:

 This message has been replied to.

Hi Tom,

Got your message. Thanks. Job and I actually did not do the presentation, Peg did. Attached is what she sent to us at the time as what she was presenting, but I was not actually in attendance <<...>> .

Tova

Tova Andrea Wang, Democracy Fellow
The Century Foundation
1333 H Street, NW, Washington, D.C. 20005

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PS EAC Board Status Report.doc

012469



bbenavides@eac.gov
04/26/2007 09:57 AM

To
cc
bcc Thomas R. Wilkey/EAC/GOV
Subject Fw: fraud and intimidation project

This is one of the two e-mails I have.

----- Forwarded by Bert A. Benavides/EAC/GOV on 04/26/2007 09:56 AM -----

Thomas R.
Wilkey/EAC/GOV

03/13/2006 04:37
PM

Bert A. Benavides/EAC/GOV@EAC
To
cc
Subject
Fw: fraud and intimidation project

FYI

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

----- Forwarded by Thomas R. Wilkey/EAC/GOV on 03/13/2006 03:38 PM -----

Thomas R.
Wilkey/EAC/GOV

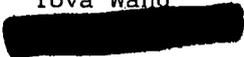
03/13/2006 03:36
PM

"Tova Wang"
[REDACTED] GSAEXTERNAL
To
cc
Subject
Re: fraud and intimidation project
(Document link: Thomas R. Wilkey)

012470

Howq about after 3 tomorrow until 5 9-10 on Wednesday or 3-5 on Wednesday.
If you call my assistant Bert she will find you a good time frame.
Sorry that"s my life these days.
Tom

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

"Tova Wang"


03/13/2006 12:13
PM

twilkey@eac.gov

To

cc

Subject
fraud and intimidation project

Hey Tom,

How are you? I hope you're doing well.

I'd like to talk to you about some issues we are having with respect to the
project when you have a free moment. Is there a good time to call?
Thanks. Tova

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

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012471

Juliet E. Hodgkins/EAC/GOV
11/27/2006 10:57 AM

To "Job Serebrov"
[REDACTED] GSAEXTERNAL
cc
bcc
Subject Re: Update [icon]

So, Vegas it is. I will forward the report once finalized. The Commissioners comments are supposed to be in by Wednesday (we shall see).

Juliet Thompson Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100
"Job Serebrov" <serebrov@sbcglobal.net>



"Job Serebrov"
[REDACTED]
11/27/2006 10:41 AM

To "Julie Thompson-Hodgkins" <jhodgkins@eac.gov>
cc
Subject Update

Julie:

Hope your trip to Jordan went well. The decision is finally in---we are going to Las Vegas. I will give you my contact information as soon as I get it. From the last week of December on you can get me on my cell [REDACTED] Let me know how the new Congress treats the EAC.

When you release the final report from our project, please send me a copy. I may retain this e-mail.

Job

012472

Juliet E. Hodgkins/EAC/GOV
02/09/2007 05:46 PM

To "Tova Wang" [REDACTED]
cc
bcc
Subject RE: Taxes [REDACTED]

It is being reissued to your current address.

Juliet Thompson Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100
"Tova Wang" <wang@tcf.org>



"Tova Wang"
[REDACTED]
02/06/2007 05:25 PM

To jhodgkins@eac.gov
cc
Subject RE: Taxes

I'm betting its the NY address. Who can I call?

Tova Andrea Wang, Democracy Fellow
The Century Foundation
1333 H Street, NW, Washington, D.C. 20005
(202) 741-6263

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

From: jhodgkins@eac.gov [mailto:jhodgkins@eac.gov]
Sent: Tuesday, February 06, 2007 5:17 PM
To: Tova Wang
Subject: Re: Taxes

It was sent to the address that we had on file for invoices.

Sent from my BlackBerry Wireless Handheld

----- Original Message -----
From: "Tova Wang" [REDACTED]
Sent: 02/06/2007 05:20 PM

012473

To: Juliet Hodgkins
Subject: RE: Taxes

I wonder if they know to send it to my DC address. It just occurs to me that they could have sent it to my old NY address. Is there someone I should check that with? Thanks again.

Tova Andrea Wang, Democracy Fellow
The Century Foundation
1333 H Street, NW, Washington, D.C. 20005
(202) 741-6263
Visit our Web site, www.tcf.org, for the latest news, analysis, opinions, and events.

From: jhodgkins@eac.gov [mailto:jhodgkins@eac.gov]
Sent: Tuesday, February 06, 2007 3:43 PM
To: [REDACTED]
Subject: RE: Taxes

Tova,

I found out that your 1099 was issued on January 31, 2007. So, if you have not received it already, it should be arriving shortly.

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

"Tova Wang" [REDACTED]

02/01/2007 09:33 AM

To jhodgkins@eac.gov
cc
Subject RE: Taxes

Hi again Julie,

012474

I still have not received anything. Is there someone I should contact? Thanks.

Tova Andrea Wang, Democracy Fellow
The Century Foundation
1333 H Street, NW, Washington, D.C. 20005
(202) 741-6263

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

From: jhodgkins@eac.gov [mailto:jhodgkins@eac.gov]
Sent: Thursday, January 18, 2007 5:55 PM
To: [REDACTED]
Subject: Re: Taxes

Tova,

Since you were hired on a contract, you will be issued a 1099. GSA does our financial work for us, so it will come from them, but should include the EAC information.

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

"Tova Wang" [REDACTED]

01/17/2007 10:34 AM

To jhodgkins@eac.gov
cc
Subject Taxes

Hi Julie, I didn't know who to ask about this -- should I be getting a 1099 form from the EAC? Thanks so much. Tova

Tova Andrea Wang, Democracy Fellow
The Century Foundation
1333 H Street, NW, Washington, D.C. 20005

012475

(202) 741-6263

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and events.

012476

Juliet E. Hodgkins/EAC/GOV
02/01/2007 10:01 AM

To "Tova Wang" <[REDACTED]>
cc
bcc
Subject RE: Taxes 

I am checking on this. I think that the deadline for issuing 1099s is later than the deadline for issuing W-2s. I will let you know what I find out.

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

012477

Juliet E. Hodgkins/EAC/GOV
01/17/2007 10:56 AM

To "Tova Wang" [REDACTED]
cc
bcc
Subject Re: Taxes [REDACTED]

I have passed your question along to Finance. I will let you know the answer as soon as I have it.

Juliet Thompson Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100
"Tova Wang" <wang@tcf.org>



"Tova Wang"
[REDACTED]
01/17/2007 10:34 AM

To jhodgkins@eac.gov
cc
Subject Taxes

Hi Julie, I didn't know who to ask about this -- should I be getting a 1099 form from the EAC? Thanks so much. Tova

Tova Andrea Wang, Democracy Fellow
The Century Foundation
1333 H Street, NW, Washington, D.C. 20005
(202) 741-6263
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012478

Juliet E. Hodgkins/EAC/GOV
01/10/2007 12:03 PM

To "Tova Wang" [REDACTED]
cc
bcc
Subject RE: [REDACTED]

Based on your answer, I assume then that you are not asking us for any documents. Please confirm that this is correct.

Juliet Thompson Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100
"Tova Wang" [REDACTED]



"Tova Wang"
[REDACTED]
01/10/2007 12:00 PM

To jhodgkins@eac.gov
cc twilkey@eac.gov, "Tova Wang" [REDACTED]
Subject RE:

Thanks Julie. Actually, I ended up doing all of the Nexis research myself on The Century Foundation's account. Using one of your interns to do it never worked out, as Job can also tell you. I assume that takes care of that issue. Thanks again. Tova

Tova Andrea Wang, Democracy Fellow
The Century Foundation
1333 H Street, NW, Washington, D.C. 20005
(202) 741-6263

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

From: jhodgkins@eac.gov [mailto:jhodgkins@eac.gov]
Sent: Wednesday, January 10, 2007 11:50 AM
To: [REDACTED]
Cc: twilkey@eac.gov; 'Tova Wang'
Subject: Re:

Tova,

I see no reason why we cannot allow you to have the research for your use. The one caveat to that is that this research was obtained on our Westlaw/Nexis accounts. Therefore, we would have to have an

012479

agreement from you that you would not reproduce or distribute those copyrighted materials. I will have one of my law clerks work on getting the information burned to a CD and drafting an agreement concerning the use of these documents.

I will be in touch with you next week to let you know when we will have these documents and agreement available.

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

"Tova Wang" [REDACTED]

01/08/2007 09:24 AM

To twilkey@eac.gov, jhodgkins@eac.gov
cc "Tova Wang" [REDACTED]
Subject

Dear Tom and Julie,

Happy New Year. I hope you both enjoyed the holidays.

As you know, I am well aware that the research Job and I produced belongs to the EAC. Nonetheless, I was wondering whether there might be some way I can use just the Nexis material solely for my own further research purposes. Anything I might publish using that underlying data as enhanced by my further research would be in my name and my name only, not that of the EAC. I put a tremendous amount of work into collecting and organizing that data and I would like the opportunity to continue this research on an ongoing basis. It would be a shame if it was not put to some further use.

Is there something we might arrange in this regard? Thanks so much.

Tova Andrea Wang, Democracy Fellow
The Century Foundation
1333 H Street, NW, Washington, D.C. 20005
(202) 741-6263
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012480

Juliet E. Hodgkins/EAC/GOV
12/05/2006 03:12 PM

To "Tova Wang" [REDACTED]
cc serebrov@sbcglobal.net
bcc
Subject RE: fraud and intimidation report [REDACTED]

Unfortunately, the issue is not whether either of you would/could release the document, but the fact that releasing it at all to non-EAC employees could be viewed as a waiver of our privilege.

Juliet Thompson Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100
"Tova Wang" [REDACTED]



"Tova Wang"
[REDACTED]
12/05/2006 09:09 AM

To jhodgkins@eac.gov
cc [REDACTED]
Subject RE: fraud and intimidation report

Thanks Julie. What if we both agreed to sign a confidentiality agreement, embargoing any discussion of the report until after it is released? Tova

Tova Andrea Wang, Democracy Fellow
The Century Foundation
1333 H Street, NW, Washington, D.C. 20005
(202) 741-6263
Visit our Web site, www.tcf.org, for the latest news, analysis, opinions, and events.

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

From: jhodgkins@eac.gov [mailto:jhodgkins@eac.gov]
Sent: Monday, December 04, 2006 4:57 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: Re: fraud and intimidation report

Tova & Job,

As you know, because the two of you are no longer under contract with the EAC, EAC is not afforded the same protections as if you were still functioning as EAC employees. As such, releasing the document to you would be the same as releasing it to any other member of the public.

Thus, EAC will not be able to release a copy of the proposed final report to you prior to its consideration and adoption by the Commission. The Commission will take up this report at its meeting on Thursday, Dec. 7. I

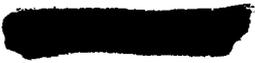
012481

will have a copy available for you immediately following their consideration - assuming that they do not change the report during their deliberations and voting on Dec. 7. If changes are made, I will have a copy available to you as soon as possible following that meeting.

In the final report, you will see that EAC took the information and work provided by the two of you and developed a report that summarizes that work, provides a definition for use in future study, and adopts parts or all of many of the recommendations made by you and the working group. In addition, you will note that EAC will make the entirety of your interview summaries, case summaries, and book/report summaries available to the public as appendixes to the report.

I know that you are anxious to read the report and that you may have questions that you would like to discuss following the release of the report. Please feel free to contact me with those questions or issues.

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


12/01/2006 02:07
PM

jthompson@eac.gov

To

"Job Serebrov"


cc

Subject
fraud and intimidation report

Julie,

I understand from Tom Wilkey that you are planning on releasing our report at the public meeting next Thursday, December 7. As we discussed, I respectfully request that Job and I be permitted to review what you are releasing before it is released. I would like us both to be provided with an embargoed copy as soon as possible so we have time to properly review it before Thursday. I can be contacted by email, cell phone at 917-656-7905, or office phone 202-741-6263. I hope to hear from you soon. Thanks.

Tova

012482



"Job Serebrov"

02/09/2007 05:57 PM

To "Julie Thompson-Hodgkins" <jhodgkins@eac.gov>

cc

bcc

Subject 1099 Incorrect

History

This message has been forwarded.

Julie:

I just added my invoices and I get only around \$39,700 including the travel expense reimbursement. The 1099 needs to be corrected.

Job

012483



"Job Serebrov"
[REDACTED]

02/09/2007 05:33 PM

To "Julie Thompson-Hodgkins" <jhodgkins@eac.gov>

cc

bcc

Subject 1099

History:

✉ This message has been forwarded.

Julie:

I received my 1099 and the figure looks too high. It is listed at \$58,065.35. Can you check on this?

Job

012484



"Job Serebroy"

01/02/2007 11:13 PM

To "Julie Thompson-Hodgkins" <jhodgkins@eac.gov>

cc

bcc

Subject DC

Julie:

It looks like the most likely place Mari & I will go is DC. I have a number of job applications out there with different fed agencies. I will keep you posted. On another subject, what ever happened with Tova's protest?

Happy New Year!

Job

012485



"Job Serebrov"
[REDACTED]

12/09/2006 10:19 AM

To jhodgkins@eac.gov

cc

bcc

Subject Fwd: Conclusions

Julie:

I sent this to Tova on Saturday to make it clear about my feelings and what my actions will be if she proceeds with her protest any further. I think it makes it clear that she would be fighting both of us. I know I am going to hear from her on this but the issue needs to be put to bed.

Job

--- Job Serebrov [REDACTED] wrote:

> Date: Sat, 9 Dec 2006 07:17:24 -0800 (PST)
> From: Job Serebrov [REDACTED]
> Subject: Conclusions
> To: Tova Wang [REDACTED]
>
> Tova:
>
> I spoke to Julie late yesterday and she told me that
> you sent a letter, as you said you would. I must ask
> you to drop this if your request is denied. We were
> never guaranteed that our report, paid for by the
> EAC,
> would be published in the form that we sent it or
> with
> the conclusions that we arrived at.
>
> As I told you, I am satisfied with the published
> report from the EAC. I can live with the removal of
> the Donsanto comment and the other alterations. What
> I
> am very concerned about is that further action on
> your
> part would cause the EAC, in defending its final
> report, to criticize the report we submitted or to
> attack our report out right as some how unusable,
> even
> if this is not the case. Should this occur, I will
> defend both the final EAC report and our submission
> which will leave you alone fighting a two front war.
> I
> think it is more important to preserve the integrity
> of the over all project submission than to press the
> issue over how it was used. I hope this will not be
> necessary.
>
> Job
>

012486



"Job Serebrov"

[REDACTED]

12/07/2006 01:18 PM

To jhodgkins@eac.gov

cc

bcc

Subject Report

Julie:

Well I see you left out the controversial Donsanto remark. I really think the report is well done. It should have served to satisfy both sides---but wait---there is the Tova on the war path factor. Tova is totally disgusted with the report. She especially hates the omission of the summaries of the various sections (interviews, case law, reports, literature, and interviews). She is really upset with the Donsanto omission. I can see her going to some of the members of Congress she knows and trying to get a hearing. I know she will be sending you a letter, asking or demanding that you retract this report and publish the original one we submitted.

I told her that I am satisfied with the report and that I will have nothing to do with her future actions---which I expect will be plentiful like Santa's Christmas gifts or like the bubonic plague. In any case, this is a Tova production.

Now for the I told you so---this would have been far better had we been able to stick to the original plan to have me do this project alone. I told you so!!!

Keep a stiff upper lip,

Job

012487



"Job Serebrov"

12/05/2006 03:14 PM

To jhodgkins@eac.gov

cc

bcc

Subject RE: fraud and intimidation report

History:

This message has been replied to.

Julie:

I was hoping that my e-mail reply to Tova would end all of this. On another note, Las Veas fell apart mostly due to timing issues. Unfortunately that leaves me, for now, looking for a job. Any ideas?

Job

--- jhodgkins@eac.gov wrote:

> Unfortunately, the issue is not whether either of
> you would/could release
> the document, but the fact that releasing it at all
> to non-EAC employees
> could be viewed as a waiver of our privilege.

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

>
>
> "Tova Wang" <[redacted]>
> 12/05/2006 09:09 AM

>
> To
> jhodgkins@eac.gov
> cc
> [redacted]

> Subject
> RE: fraud and intimidation report

>
>
>
>
> Thanks Julie. What if we both agreed to sign a
> confidentiality agreement,
> embargoing any discussion of the report until after
> it is released? Tova

> Tova Andrea Wang, Democracy Fellow
> The Century Foundation
> 1333 H Street, NW, Washington, D.C. 20005
> (202) 741-6263
> Visit our Web site, www.tcf.org, for the latest
> news, analysis, opinions,
> and events.

>
>
> -----Original Message-----

> From: jhodgkins@eac.gov [mailto:jhodgkins@eac.gov]
> Sent: Monday, December 04, 2006 4:57 PM
> To: [REDACTED]
> Cc: [REDACTED]
> Subject: Re: fraud and intimidation report

>
>
> Tova & Job,

>
> As you know, because the two of you are no longer
> under contract with the
> EAC, EAC is not afforded the same protections as if
> you were still
> functioning as EAC employees. As such, releasing
> the document to you
> would
> be the same as releasing it to any other member of
> the public.

>
> Thus, EAC will not be able to release a copy of the
> proposed final report
> to
> you prior to its consideration and adoption by the
> Commission. The
> Commission will take up this report at its meeting
> on Thursday, Dec. 7. I
> will have a copy available for you immediately
> following their
> consideration
> - assuming that they do not change the report during
> their deliberations
> and
> voting on Dec. 7. If changes are made, I will have
> a copy available to
> you
> as soon as possible following that meeting.

>
> In the final report, you will see that EAC took the
> information and work
> provided by the two of you and developed a report
> that summarizes that
> work
> , provides a definition for use in future study, and
> adopts parts or all
> of
> many of the recommendations made by you and the
> working group. In
> addition,
> you will note that EAC will make the entirety of
> your interview summaries,
> case summaries, and book/report summaries available

012489

> to the public as
> appendixes to the report.
>
> I know that you are anxious to read the report and
> that you may have
> questions that you would like to discuss following
> the release of the
> report. Please feel free to contact me with those
> questions or issues.

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

>

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[REDACTED]

12/01/2006 02:07

To

PM

jthompson@eac.gov

cc

Serebrov"

"Job

[REDACTED]

Subject

fraud and

intimidation report

Julie,

> I understand from Tom Wilkey that you are planning
> on releasing our report
> at the public meeting next Thursday, December 7. As
> we discussed, I
> respectfully request that Job and I be permitted to
> review what you are
> releasing before it is released. I would like us
> both to be provided with
> an embargoed copy as soon as possible so we have
> time to properly review
> it

012490

> before Thursday. I can be contacted by email, cell
> phone at [REDACTED]
> or
> office phone 202-741-6263. I hope to hear from you
> soon. Thanks.
>
> Tova
>
>
>
>
>



"Job Serebrov" [redacted]

12/05/2006 09:43 AM

To "Tova Wang" [redacted] jhodgkins@eac.gov

cc

bcc

Subject RE: fraud and intimidation report

Tova:

I don't want to go that far. I am fine with a Thursday release given the circumstances that we are under.

Job

Tova Wang <wang@tcf.org> wrote:

Thanks Julie. What if we both agreed to sign a confidentiality agreement, embargoing any discussion of the report until after it is released? Tova

Tova Andrea Wang, Democracy Fellow
The Century Foundation
1333 H Street, NW, Washington, D.C. 20005
(202) 741-6263

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

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

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

Sent: Monday, December 04, 2006 4:57 PM

To: [redacted]

Cc: [redacted]

Subject: Re: fraud and intimidation report

Tova & Job,

As you know, because the two of you are no longer under contract with the EAC, EAC is not afforded the same protections as if you were still functioning as EAC employees. As such, releasing the document to you would be the same as releasing it to any other member of the public.

Thus, EAC will not be able to release a copy of the proposed final report to you prior to its consideration and adoption by the Commission. The Commission will take up this report at its meeting on Thursday, Dec. 7. I will have a copy available for you immediately following their consideration

012492

- assuming that they do not change the report during their deliberations and voting on Dec. 7. If changes are made, I will have a copy available to you as soon as possible following that meeting.

In the final report, you will see that EAC took the information and work provided by the two of you and developed a report that summarizes that work, provides a definition for use in future study, and adopts parts or all of many of the recommendations made by you and the working group. In addition, you will note that EAC will make the entirety of your interview summaries, case summaries, and book/report summaries available to the public as appendixes to the report.

I know that you are anxious to read the report and that you may have questions that you would like to discuss following the release of the report. Please feel free to contact me with those questions or issues.

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


12/01/2006 02:07 To
PM jthompson@eac.gov
cc
"Job Serebrov"

Subject
fraud and intimidation report

Julie,

012493

I understand from Tom Wilkey that you are planning on releasing our report at the public meeting next Thursday, December 7. As we discussed, I respectfully request that Job and I be permitted to review what you are releasing before it is released. I would like us both to be provided with an embargoed copy as soon as possible so we have time to properly review it before Thursday. I can be contacted by email, cell phone at 917-656-7905, or office phone 202-741-6263. I hope to hear from you soon. Thanks.

Tova



"Job Serebrov"

11/03/2006 07:08 PM

To jhodgkins@eac.gov

cc

bcc

Subject Re: Please send me the summary

More

--- jhodgkins@eac.gov wrote:

- > Juliet Thompson Hodgkins
- > General Counsel
- > United States Election Assistance Commission
- > 1225 New York Ave., NW, Ste 1100
- > Washington, DC 20005

- > (202) 566-3100  GAO_Report_JS_.doc  indiana_litigation_official.doc

-  Section_5_Recommendation_Memorandum_summary.doc  Securing_the_Vote.doc  Shattering_the_Myth.doc

-  South_Dakota_FINAL.doc  Steal_this_Vote_Review_final.doc  The_Long_Shadow_of_Jim_Crow.doc  The_New_Poll_Tax_JS_.doc

-  Washington_FINAL.doc  Wisconsin_Audit_Report.doc  Wisconsin_FINAL.doc  Wisconsin_Vote_Fraud_TF.doc



"Job Serebrov"

11/03/2006 07:04 PM

To jhodgkins@eac.gov

cc

bcc

Subject Re: Please send me the summary

History:

This message has been replied to and forwarded.

Julie:

You should have these as existing literature summaries.

Job

--- jhodgkins@eac.gov wrote:

- > Juliet Thompson Hodgkins
- > General Counsel
- > United States Election Assistance Commission
- > 1225 New York Ave., NW, Ste 1100
- > Washington, DC 20005

> (202) 566-3100    American_Center_Report_FINAL.doc Americas_Modern_Poll_Tax_JS.doc

    Brennan_Analysis_Voter_Fraud_Report_FINAL.doc cb_summary.doc Chandler_Davidson_summary_official.doc Crazy_Quilt.doc

    Deliver_the_Vote_Review.doc dnc_ohio.doc DOJ_Public_Integrity_Reports_JS.doc Donsanto_IFES_FINAL.doc

    Election_Protection_stories.doc Existing_Literature_Reviewed.doc fooled_again_review.doc GA_litigation_summary2.doc

012496



"Tova Wang" [REDACTED]

To jhodgkins@eac.gov

cc

01/10/2007 12:06 PM

bcc

Subject RE:

I believe I have everything I need already, but will let you know if I discover that's not the case. Thank you!

Tova Andrea Wang, Democracy Fellow

The Century Foundation

1333 H Street, NW, Washington, D.C. 20005

(202) 741-6263

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

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

Sent: Wednesday, January 10, 2007 12:03 PM

To: [REDACTED]

Subject: RE:

Based on your answer, I assume then that you are not asking us for any documents. Please confirm that this is correct.

Juliet Thompson Hodgkins

General Counsel

United States Election Assistance Commission

1225 New York Ave., NW, Ste 1100

Washington, DC 20005

(202) 566-3100

"Tova Wang" [REDACTED]

01/10/2007 12:00 PM

To jhodgkins@eac.gov

cc twilkey@eac.gov, "Tova Wang" [REDACTED]

Subject RE:

012497

Thanks Julie. Actually, I ended up doing all of the Nexis research myself on The Century Foundation's account. Using one of your interns to do it never worked out, as Job can also tell you. I assume that takes care of that issue. Thanks again. Tova

Tova Andrea Wang, Democracy Fellow
The Century Foundation
1333 H Street, NW, Washington, D.C. 20005
(202) 741-6263
Visit our Web site, www.tcf.org, for the latest news, analysis, opinions, and events.

From: jhodgkins@eac.gov [mailto:jhodgkins@eac.gov]
Sent: Wednesday, January 10, 2007 11:50 AM
To: [REDACTED]
Cc: twilkey@eac.gov; 'Tova Wang'
Subject: Re:

Tova,

I see no reason why we cannot allow you to have the research for your use. The one caveat to that is that this research was obtained on our Westlaw/Nexis accounts. Therefore, we would have to have an agreement from you that you would not reproduce or distribute those copyrighted materials. I will have one of my law clerks work on getting the information burned to a CD and drafting an agreement concerning the use of these documents.

I will be in touch with you next week to let you know when we will have these documents and agreement available.

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

"Tova Wang" [REDACTED]

01/08/2007 09:24 AM

To twilkey@eac.gov, jhodgkins@eac.gov
cc "Tova Wang" [REDACTED]
Subject

Dear Tom and Julie,

Happy New Year. I hope you both enjoyed the holidays.

As you know, I am well aware that the research Job and I produced belongs to the EAC. Nonetheless, I was wondering whether there might be some way I can use just the Nexis material solely for my own further research purposes. Anything I might publish using that underlying data as enhanced by my further research would be in my name and my name only, not that of the EAC. I put a tremendous amount of work into collecting and organizing that data and I would like the opportunity to continue this research on an ongoing basis. It would be a shame if it was not put to some further use.

Is there something we might arrange in this regard? Thanks so much.

Tova Andrea Wang, Democracy Fellow
The Century Foundation
1333 H Street, NW, Washington, D.C. 20005
(202) 741-6263
Visit our Web site, www.tcf.org, for the latest news, analysis, opinions,
and events.

012498

Juliet E. Hodgkins/EAC/GOV
12/01/2006 12:14 PM

To jlayson@eac.gov
cc
bcc
Subject Emails from Job/Tova

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

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/01/2006 12:13 PM -----
"Job Serebrov" [REDACTED]

11/03/2006 06:04 PM

To jhodgkins@eac.gov
cc
Subject Re: Please send me the summary

Julie:

You should have these as existing literature summaries.

Job

--- jhodgkins@eac.gov wrote:

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

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/01/2006 12:13 PM -----
"Job Serebrov" [REDACTED]

11/03/2006 06:08 PM

To jhodgkins@eac.gov
cc
Subject Re: Please send me the summary

More

012499

--- jhodgkins@eac.gov wrote:

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

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/01/2006 12:13 PM -----

"Tova Wang [REDACTED]"

11/09/2006 04:54 PM

To: bbenavides@eac.gov, [REDACTED]
cc: twilkey@eac.gov, jhodgkins@eac.gov
Subject RE: Conference call

Sounds good. I will come by the EAC since its literally a few feet from my office. I look forward to seeing you. Tova

Tova Andrea Wang, Democracy Fellow
The Century Foundation
1333 H Street, NW, Washington, D.C. 20005

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

From: bbenavides@eac.gov [mailto:bbenavides@eac.gov]
Sent: Thursday, November 09, 2006 4:21 PM
To: [REDACTED]
Cc: twilkey@eac.gov; jhodgkins@eac.gov; bbenavides@eac.gov
Subject: Conference call

Tova, Job -- I have scheduled 6:00 PM EST on Wednesday, November 15 for a conference call with Tom Wilkey and Julie Thompson-Hodgkins.

Conference call in # is 866-222-9044, Passcode [REDACTED]

Bert A. Benavides
Special Assistant to the Executive Director
U. S. Elections Assistance Commission
1225 New York Avenue, NW
Suite 1100

012500

Washington, DC 20005

  
202-566-3114 GAO_Report_JS_.doc indiana_litigation__official.doc Section_5_Recommendation_Memorandum_summary.doc

   
Securing_the_Vote.doc Shattering_the_Myth.doc South_Dakota_FINAL.doc Steal_this_Vote_Review_final.doc

   
The_Long_Shadow_of_Jim_Crow.doc The_New_Poll_Tax_JS_.doc Washington_FINAL.doc Wisconsin_Audit_Report.doc

   
Wisconsin_FINAL.doc Wisconsin_Vote_Fraud_TF.doc A_Funny_ThingReview.doc American_Center_Report_FINAL.doc

  
Americas_Modern_Poll_Tax_JS_.doc Brennan_Analysis_Voter_Fraud_Report_FINAL.doc cb_summary.doc

   
Chandler_Davidson_summary__official.doc Crazy_Quilt.doc Deliver_the_Vote_Review.doc dnc_ohio.doc

  
DOJ_Public_Integrity_Reports_JS_.doc Donsanto_IFES_FINAL.doc Election_Protection_stories.doc

  
Existing_Literature_Reviewed.doc fooled_again_review.doc GA_litigation_summary2.doc

012501

Juliet E. Hodgkins/EAC/GOV
12/01/2006 12:15 PM

To jlayson@eac.gov
cc
bcc
Subject Email to Job

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

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/01/2006 12:14 PM -----

Juliet E. Hodgkins/EAC/GOV

11/03/2006 06:06 PM

To "Job Serebrov" <[REDACTED]>
cc
Subject Re: Please send me the summary [Link](#)

Thanks!

Sent from my BlackBerry Wireless Handheld

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

From: "Job Serebrov" [REDACTED]
Sent: 11/03/2006 06:04 PM
To: Juliet Hodgkins
Subject: Re: Please send me the summary

Julie:

You should have these as existing literature summaries.

Job

--- jhodgkins@eac.gov wrote:

> Juliet Thompson Hodgkins
> General Counsel
> United States Election Assistance Commission
> 1225 New York Ave., NW, Ste 1100
> Washington, DC 20005

012502

Juliet E. Hodgkins/EAC/GOV
12/01/2006 12:22 PM

To jlayson@eac.gov
cc
bcc
Subject More emails from Job

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

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/01/2006 12:18 PM -----

"Job Serebrov" <[REDACTED]>

08/26/2005 03:35 PM

To klynndyson@eac.gov, sda@mit.edu, [REDACTED]
cc twilkey@eac.gov, nmortellito@eac.gov, jthompson@eac.gov
Subject Re: Kick off activities for the EAC Voting fraud/voter intimidation project

Karen:

Either day is fine for me.

Job

--- klynndyson@eac.gov wrote:

> All-
>
> Although Tom Wilkey and I are still working to
> process each of your
> contracts on this project, we would like to
> tentatively schedule an
> in-person meeting on September 12, here in
> Washington.
>
> In the meantime, I'd like to propose that we all
> have a short
> teleconference call next Wednesday or Thursday at
> 1:00 PM to begin to talk
> through the scope of this project and the respective
> roles and
> responsibilities each of you might take on.
>
> Could you let me know your availability for a 45
> minute call on August 31
> or September 1 at 1:00?
>
> Thanks

012503

Just a reminder that we have a telephone conference for the vote fraud group at 4:00 today. You were going to see if you could talk to Commissioner Davidson before that time so I could know what the possibilities are for serving as her executive assistant. If this is even possible and if the Commission is willing to raise the salaries of the executive assistants, her time table could affect the vote fraud project time table.

Regards,

Job

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/01/2006 12:18 PM -----

"Job Serebrov" [REDACTED]

09/06/2005 11:42 AM

To twilkey@eac.gov, klynndyson@eac.gov, sda@mit.edu, [REDACTED]
jthompson@eac.gov

cc

Subje Draft Schedule Proposal for Vote Fraud Group
ct

I have attached a draft proposed schedule of events for our discussion today. Please keep in mind that this is only a proposal but I thought that we needed somewhere to start from.

Regards,

Job

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/01/2006 12:18 PM -----

"Job Serebrov" [REDACTED]

09/06/2005 11:46 AM

To twilkey@eac.gov, klynndyson@eac.gov, sda@mit.edu, [REDACTED]
jthompson@eac.gov

cc

Subje Once again
ct

I neglected to send the last attachment as a .doc. Please ignore it.

Job

012504

> newsletters from
> electionline.org, please click here
>
<<http://www.electionline.org/SignUp/tabid/88/Default.aspx>>
>
>
>

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/01/2006 12:18 PM -----

"Job Serebrov" [REDACTED]

09/30/2005 10:45 AM

To jthompson@eac.gov

cc

Subject Contracts

Julie:

Any luck finding the whereabouts of our contracts?
Also, I assume that we will not hear from Peg until
Monday.

Job

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/01/2006 12:18 PM -----

"Job Serebrov" [REDACTED]

10/21/2005 04:04 PM

To jthompson@eac.gov

cc

Subject No Contract Yet

Julie:

I see that I will have to drive folks up there crazy
Monday to make the Tuesday deadline for the signing
of our contracts so we get paid on time.

At this point, on Tuesday I just plan to e-mail a
standard invoice for this month.

Job

012505

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/01/2006 12:18 PM -----

"Job Serebrov" [REDACTED]

10/18/2005 04:50 PM

To jthompson@eac.gov

cc

Subject lists

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/01/2006 12:18 PM -----

"Job Serebrov" [REDACTED]

10/18/2005 05:12 PM

To jthompson@eac.gov

cc

Subject Meeting

Julie:

As we just discussed, at this time and in light of the recent inquiry, I think it prudent to postpone our meeting in DC until the first or second week of November in order to:

1. Finalize the Working Group list (I am still waiting to hear from Kay James and Governor Barbour);
2. Finalize the Interview list;
3. Finish the search on existing voter fraud research;
4. Assure participation from the Department of Justice; and,
5. Get everyone on the same page and assure all outside parties that this will not be a radical venture

What do you think and can we get agreement on this with Peggy?

Regards,

Job

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/01/2006 12:18 PM -----

"Job Serebrov" [REDACTED]

To jthompson@eac.gov

012506

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/01/2006 12:18 PM -----

"Job Serebrov" [REDACTED]

11/18/2005 09:27 AM

To jthompson@eac.gov
cc
Subject Question

Julie:

I need clarification on something in the project before the conference call at 2:00 today between Peggy, Tova, and me. How much of what we are investigating should involve DOJ's jurisdictional matters under such things as the Voting Rights Act?

Also, did you have a chance to talk to Karen about a second project? I need to know because if there will not be one I will have to get a job with a local law firm until the 2006 elections.

Job

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/01/2006 12:18 PM -----

"Job Serebrov" [REDACTED]

11/18/2005 10:10 AM

To jthompson@eac.gov
cc
Subject Re: Question

012507

Both criminal and civil

--- jthompson@eac.gov wrote:

> As to paragraph 1, are you referring to criminal
> division actions or civil
> division actions?
>
> As to paragraph 2, I have talked to Karen. At this
> time, the anticipation
> is that the future project on this will be
> competitively let, and you and
> others will, of course, be able to respond to the
> solicitation. We are
> not sure what our needs will be for
> consultants/experts on this issue or
> other issues at this time.
>
> Juliet E. Thompson
> General Counsel
> United States Election Assistance Commission
> 1225 New York Ave., NW, Ste 1100
> Washington, DC 20005
> (202) 566-3100
>
>
>
> "Job Serebrov" [REDACTED]
> 11/18/2005 09:27 AM
>
> To
> jthompson@eac.gov
> cc
>
> Subject
> Question
>
>
>
>
> Julie:
>
> I need clarification on something in the project
> before the conference call at 2:00 today between
> Peggy, Tova, and me. How much of what we are
> investigating should involve DOJ's jurisdictional
> matters under such things as the Voting Rights Act?
>
> Also, did you have a chance to talk to Karen about a
> second project? I need to know because if there will
> not be one I will have to get a job with a local law
> firm until the 2006 elections.

012508

>
> Job
>
>
>

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/01/2006 12:18 PM -----

"Job Serebrov" [REDACTED]

11/18/2005 01:34 PM

To jthompson@eac.gov
cc
Subject Answer

Julie:

Do you have an answer for me on the DOJ issue? We have a conference call in half an hour.

Job

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/01/2006 12:18 PM -----

"Job Serebrov" [REDACTED]

12/05/2005 12:38 PM

To jthompson@eac.gov
cc
Subject Tova

Julie:

Tova has not been paid yet for the first invoice. I left a message with Peggy but this has me concerned on several levels. First, I was paid and Tova is way over due. Second, Tova and I now have two more invoices out with you and that are due to be paid before the end of December. Can you check on all of this?

Thanks,

Job

012509

Juliet E. Hodgkins/EAC/GOV
12/01/2006 12:24 PM

To jlayson@eac.gov
cc
bcc
Subject More emails from Tova

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

— Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/01/2006 12:23 PM —

"Tova Wang"

09/07/2005 05:14 PM

To klynndyson@eac.gov, twilkey@eac.gov
cc jthompson@eac.gov, nmortellito@eac.gov, sda@mit.edu, "Job Serebrov"
>, wang@tcf.org
Subje work plan
ct

Hi Karen and Tom,

As we discussed yesterday, attached is a preliminary work plan/division of labor for your review. Please let us know if this is sufficient for the present and if you have any comments or questions.

In terms of hours dedicated to the project, Job and Tova are able to commit to 15-20 hours per week assuming that includes reimbursed periodic travel. Steve can do approximately 2 hours per week. We have tentatively scheduled to meet at your offices in DC, if that is convenient for you, on September 20. We will be able to confirm that within the next day or so.

All of us are very eager to get started on this important work as soon as possible. However, because we also have other work related responsibilities, we are a bit reluctant to do so before having an opportunity to review our contracts. We look forward to receiving them so we can get going right away.

Thanks so much. Speak to you soon.

Tova, Job and Steve

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

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

Sent: Friday, September 02, 2005 3:19 PM

To: klynndyson@eac.gov; nmortellito@eac.gov

Cc: jthompson@eac.gov; nmortellito@eac.gov; sda@mit.edu; Job Serebrov; twilkey@eac.gov;

012510

Subject: Re: Kick off activities for the EAC Voting fraud/voter intimidation project

All-

In anticipation of our 45-minute conference call scheduled for Tuesday, September 6 at 4:00 PM, I would ask the three consultants (Steve, Job and Tova) to come prepared to talk about the following:

The major topics and issues which you see as needing immediate attention, definition, delineation, etc.
Rough timelines and timeframes for addressing these major issues and topics
Your major roles and responsibilities and the timelines you envision for meeting your major deliverables

We all realize that this conversation is just a start; I look forward to this beginning and to framing the tasks that lie ahead of us between now and September 30.

Have a wonderful holiday!!

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

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/01/2006 12:23 PM -----

*Tova Wang

11/15/2005 01:33 PM

To psims@eac.gov, jthompson@eac.gov
cc
Subject contract

Just one question on the receipt of contract -- it says that the first invoice was for September, but it actually was for October when we really got started, right? Should this be adjusted to say October 1 to October 31?

Thanks.

Tova

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

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Thursday, November 10, 2005 3:28 PM
To: [REDACTED]
Subject: Letters Were Signed

012511

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/01/2006 12:25 PM -----

Juliet E. Thompson/EAC/GOV

11/18/2005 09:47 AM

To "Job Serebrov" [REDACTED]

cc

Subject Re: Question [Link](#)

As to paragraph 1, are you referring to criminal division actions or civil division actions ?

As to paragraph 2, I have talked to Karen. At this time, the anticipation is that the future project on this will be competitively let, and you and others will, of course, be able to respond to the solicitation. We are not sure what our needs will be for consultants/experts on this issue or other issues at this time.

Juliet E. Thompson
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100

012512

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/01/2006 12:25 PM -----

Juliet E. Thompson/EAC/GOV

11/18/2005 09:47 AM

To "Job Serebrov" 

cc

Subject Re: Question [Link](#)

As to paragraph 1, are you referring to criminal division actions or civil division actions ?

As to paragraph 2, I have talked to Karen. At this time, the anticipation is that the future project on this will be competitively let, and you and others will, of course, be able to respond to the solicitation. We are not sure what our needs will be for consultants/experts on this issue or other issues at this time.

Juliet E. Thompson
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100

Washington, DC 20005
(202) 566-3100

"Job Serebrov" <

11/18/2005 09:27 AM

To jthompson@eac.gov
cc
Subject Question

Julie:

I need clarification on something in the project before the conference call at 2:00 today between Peggy, Tova, and me. How much of what we are investigating should involve DOJ's jurisdictional matters under such things as the Voting Rights Act?

Also, did you have a chance to talk to Karen about a second project? I need to know because if there will not be one I will have to get a job with a local law firm until the 2006 elections.

Job



ele admin report vol35.#10, 5-16-05.pdf

012513



"Tova Wang" [REDACTED]

11/09/2006 04:54 PM

To bbenavides@eac.gov, [REDACTED]

cc twilkey@eac.gov, jhodgkins@eac.gov

bcc

Subject RE: Conference call

Sounds good. I will come by the EAC since its literally a few feet from my office. I look forward to seeing you. Tova

Tova Andrea Wang, Democracy Fellow
The Century Foundation
1333 H Street, NW, Washington, D.C. 20005

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

From: bbenavides@eac.gov [mailto:bbenavides@eac.gov]
Sent: Thursday, November 09, 2006 4:21 PM
To: [REDACTED]
Cc: twilkey@eac.gov; jhodgkins@eac.gov; bbenavides@eac.gov
Subject: Conference call

Tova, Job -- I have scheduled 6:00 PM EST on Wednesday, November 15 for a conference call with Tom Wilkey and Julie Thompson-Hodgkins.

Conference call in # is 866-222-9044, Passcode [REDACTED]

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

012514

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims/EAC/GOV

06/27/2006 04:13 PM

To "Tova Wang" [REDACTED]

cc "Job Serebrov" [REDACTED]

Subject Re: outline of final report [REDACTED]

I'll need to get back to you on this and the definition tomorrow (too many things going on today). In the meantime, I have attached the written status report that was presented to the EAC Standards Board and Board of Advisors, because I can't remember if I ever provided the final version to the two of you. The status report is primarily made up of your preliminary reports, with some Intro information provided and a brief summary of recommendations discussed at the Working Group meeting. This may or may not help the two of you in preparing the final. You can use any of it, or none of it. I am sure that your product will be much better than this quickly pulled together thing. --- Peggy



EAC Boards VF-M Status Report.doc

"Tova Wang" [REDACTED]



"Tova Wang" [REDACTED]

06/27/2006 12:26 PM

To psims@eac.gov, "Job Serebrov" [REDACTED]

cc

Subject outline of final report

Does this work for you?

012515

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims /EAC/GOV

06/26/2006 04:38 PM

To "Tova Wang" [REDACTED]

cc dromig@eac.gov, [REDACTED]

Subject RE: May 18, 2006 Meeting

I wasn't planning on circulating the transcript to the Commissioners. Most of them probably don't have the time to go through the whole thing. I will let them know it is available, if they are interested in reviewing it.

-- Peggy

"Tova Wang" [REDACTED]



"Tova Wang"

06/23/2006 01:04 PM

To dromig@eac.gov, psims@eac.gov

cc [REDACTED]

Subject RE: May 18, 2006 Meeting

Wow, there are a lot of errors in this. But at least it gets at the substance. Will this be circulated to the commissioners?

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

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

Sent: Thursday, June 22, 2006 2:45 PM

To: psims@eac.gov

Cc: [REDACTED]

Subject: Fw: May 18, 2006 Meeting

Good news!!! The transcript is finally here.

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

----- Forwarded by Devon E. Romig/EAC/GOV on 06/22/2006 03:44 PM -----

"Carol J. Thomas Reporting" [REDACTED]

06/22/2006 03:24 PM

To dromig@eac.gov

cc jwilson@eac.gov

Subject May 18, 2006 Meeting

012516

Dear EAC,

Attached please note the ASCII file for the Voting Fraud-Voter Intimidation Meeting taken on Wednesday, May 18, 2006. Your transcript has been shipped to you.

ASCII file name: 051806.txt

Please let us know if you have any questions.

Timothy Brischler, Office Manager, 703.273.9221

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Job Serebrov"

06/27/2006 10:07 PM

To [REDACTED] psims@eac.gov

cc

Subject Re: definition

I am ok with it.

--- Tova Wang [REDACTED] wrote:

> Is this OK now?
>
> Tova Andrea Wang
> Democracy Fellow
> The Century Foundation
> 41 East 70th Street - New York, NY 10021
> phone: 212-452-7704 fax: 212-535-7534
>
> Visit our Web site, <<http://www.tcf.org/>>
> www.tcf.org, for the latest news,
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>
> _____
>
> <<mailto:join-tcfmain@mailhost.groundspring.org>>
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>

012517

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

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

07/03/2006 09:10 AM

To psims@eac.gov

cc [REDACTED]

Subject final report

Peg, We don't need to re-send you all of the material that we gave you to provide to the working group for the final report, eg the individual interviews, research summaries, nexis and case charts, right? Thanks.
Happy 4th. Tova

Tova Andrea Wang
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012518

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims /EAC/GOV

07/03/2006 11:14 AM

To wang@tcf.org@GSAEXTERNAL

cc [REDACTED]

Subject Re: FW: methodology 

Do you just need to have the excess returns removed, or do you think it needs other clean up as well? ---
Peggy

W/C [REDACTED]



[REDACTED]
07/01/2006 05:30 PM

To psims@eac.gov

cc [REDACTED]

Subject Re: FW: methodology

012519

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Job Serebrov"

06/26/2006 06:52 PM

To [REDACTED] psims@eac.gov

cc

Subject Methodology for Cases



Methodology for Case Review.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

06/27/2006 01:31 PM

To "Job Serebrov" [REDACTED], psims@eac.gov

cc

Subject definition

Is this OK now?

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

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012520

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims /EAC/GOV
07/03/2006 11:04 AM

To "Tova Wang" [REDACTED]
cc [REDACTED]
Subject Re: final report [REDACTED]

Once is enough. You don't need to resend. --- Peggy

"Tova Wang" [REDACTED]



"Tova Wang"
[REDACTED]
07/03/2006 09:10 AM

To psims@eac.gov
cc serebrov@sbcglobal.net
Subject final report

Peg, We don't need to re-send you all of the material that we gave you to provide to the working group for the final report, eg the individual interviews, research summaries, nexis and case charts, right? Thanks. Happy 4th. Tova

Tova Andrea Wang
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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims /EAC/GOV
07/03/2006 11:35 AM

To "Tova Wang" [REDACTED]
cc
Subject RE: FW: methodology [REDACTED]

I've asked Devon to do it. She can get it to you faster than I. --- Peggy

"Tova Wang" [REDACTED]

012521



"Tova Wang"

07/03/2006 11:18 AM

To psims@eac.gov

cc [redacted]

Subject RE: FW: methodology

The excess returns would be a great start, and then I can do the rest. Thanks a lot.

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

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

Sent: Monday, July 03, 2006 10:14 AM

To: [redacted]

Cc: [redacted]

Subject: Re: FW: methodology

Do you just need to have the excess returns removed, or do you think it needs other clean up as well? --- Peggy

[redacted]

07/01/2006 05:30 PM

psims@eac.gov

To

cc

[redacted]

Re: FW: methodology

Subject

It would be great if someone there could work on cleaning it up. Let us know. Thanks.

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

From: psims@eac.gov

To: [redacted]

Cc: [redacted]

Sent: Friday, June 30, 2006 5:25 PM

Subject: Re: FW: methodology

The attached is the text extracted from pages 8-19 and the Attachment C referenced within the text. The formatting is still a little weird. Can you work with this, or do I need to play with it some more? --- Peggy

012522

>
> <<mailto:join-tcfmain@mailhost.groundspring.org>>
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> weekly e-mail updates.
>
>
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

[REDACTED]
07/20/2006 12:15 PM

To "Job Serebrov" [REDACTED] <psims@eac.gov>
cc
Subject final report

En route to DC, I did a thorough review of the whole package. There are just a few typographical and grammatical errors I would like to fix. Is that OK? Peg, have you had a chance to look at it yet? Thanks.

Tova Andrea Wang
Democracy Fellow
The Century Foundation
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phone: 212-452-7704 fax: 212-535-7534

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

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

[REDACTED]
07/17/2006 10:29 AM

To psims@eac.gov
cc "Job Serebrov" [REDACTED]
Subject RE: final report

appendices attached, except Peg I think you put together the list of the working group members? In any case, I can't find one at the moment, but it would be easy enough to put together. Perhaps even Devon or someone could do that, especially since I don't think I have any hours left, and probably shouldn't even be writing this email. I don't remember the conversation about adding to the list of interviewees, but we can talk about that later.

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

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

Sent: Monday, July 17, 2006 9:13 AM

To: [REDACTED]

012523

Cc: 'Job Serebrov'; [REDACTED]
Subject: Re: final report

Thanks. I probably won't be able to start getting into this until tomorrow AM. I noticed that the appendices weren't attached. I think we discussed earlier that the list of interviewees needed to have more information for the final report, and the list of books and documents should be presented in the same manner as a bibliography for the final report. We can talk more about this tonight during our teleconference at 7 PM EST. --- Peggy



[REDACTED]
07/17/2006 12:34 PM

to psims@eac.gov

cc

Subject RE: final report

Can you send it over? As I recall, it includes bios, right? I'm assuming on the interviewees you think we should have very short biographical information? Also, Peg, I'm not sure if I'll still be at work at 7 or home. Is it ok if I email you late in the day as to where I am? My home phone (for only two more weeks!) is

[REDACTED] Thanks.

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

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

Sent: Monday, July 17, 2006 11:26 AM

To: [REDACTED]

Cc: 'Job Serebrov'; [REDACTED]

Subject: RE: final report

012525

07/17/2006 12:25 PM

To "Tova Wang" <wang@tcf.org>@GSAEXTERNAL
cc "Job Serebrov" [REDACTED]
Subject RE: final report

Yes, I have the list of Working Group members. --- Peggy

"Tova Wang" [REDACTED]

07/17/2006 10:29 AM

To psims@eac.gov
cc "Job Serebrov" [REDACTED]
Subject RE: final report

appendices attached, except Peg I think you put together the list of the working group members? In any case, I can't find one at the moment, but it would be easy enough to put together. Perhaps even Devon or someone could do that, especially since I don't think I have any hours left, and probably shouldn't even be writing this email. I don't remember the conversation about adding to the list of interviewees, but we can talk about that later.

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

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Monday, July 17, 2006 9:13 AM
To: [REDACTED]
Cc: 'Job Serebrov'; [REDACTED]
Subject: Re: final report

Thanks. I probably won't be able to start getting into this until tomorrow AM. I noticed that the appendices weren't attached. I think we discussed earlier that the list of interviewees needed to have more information for the final report, and the list of books and documents should be presented in the same manner as a bibliography for the final report. We can talk more about this tonight during our teleconference at 7 PM EST. --- Peggy

"Tova Wang" [REDACTED]

07/17/2006 09:33 AM

To psims@eac.gov
cc "Job Serebrov" [REDACTED]

012526

Yes, I have the list of Working Group members. --- Peggy

"Tova Wang" [REDACTED]

07/17/2006 10:29 AM

To psims@eac.gov
CC "Job Serebrov" [REDACTED]
Subject RE: final report

appendices attached, except Peg I think you put together the list of the working group members? In any case, I can't find one at the moment, but it would be easy enough to put together. Perhaps even Devon or someone could do that, especially since I don't think I have any hours left, and probably shouldn't even be writing this email. I don't remember the conversation about adding to the list of interviewees, but we can talk about that later.

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

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

Sent: Monday, July 17, 2006 9:13 AM

To: [REDACTED]

Cc: 'Job Serebrov'; [REDACTED]

Subject: Re: final report

Thanks. I probably won't be able to start getting into this until tomorrow AM. I noticed that the appendices weren't attached. I think we discussed earlier that the list of interviewees needed to have more information for the final report, and the list of books and documents should be presented in the same manner as a bibliography for the final report. We can talk more about this tonight during our teleconference at 7 PM EST. --- Peggy

"Tova Wang" [REDACTED]

07/17/2006 09:33 AM

To psims@eac.gov
CC "Job Serebrov" [REDACTED]
Subject final report

012527

Margaret Sims /EAC/GOV
11/29/2006 04:05 PM

To Jeannie Layson/EAC/GOV@EAC
cc
bcc
Subject FOIA

Here are the emails sent from 1/1/06 - 4/30/06 related to the voting fraud report. More to follow. --- Peggy

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM ---



"Toya Wang"
[REDACTED]
04/03/2006 05:15 PM

To psims@eac.gov, serebrov@sbcglobal.net
cc
Subject RE: DOJ Training Materials

Please do ask him. Thanks

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

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Monday, April 03, 2006 4:14 PM
To: [REDACTED]
Subject: Fw: DOJ Training Materials

Devon's response is attached. Guess I'll add this to the list of questions going to Donsanto.
---Peggy



"Tony J. Sirvello III"
[REDACTED]
04/05/2006 05:01 PM

To psims@eac.gov
cc
Subject Re: Fw: Nonpartisan Local Election Official Needed for Voting Fraud/Voter Intimidation Working Group

Hi Peg,

I will call J.R. on Thursday to run it by him and let you know what he says. As for my availability on Wednesday, April 12, the answer is "yes". Morning is best for me, although I could be available in the afternoon. You choose a time and I will be here.

Thanks,

012528

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

From: psims@eac.gov

To: [REDACTED]

Sent: Thursday, March 16, 2006 10:29 AM

Subject: Nonpartisan Local Election Official Needed for Voting Fraud/Voter Intimidation Working Group

012529

Tony:

Thanks for being willing to help me identify a qualified, nonpartisan local election official to serve on our Project Working Group for the preliminary research being conducted on voting fraud and voter intimidation.

Background

Section 241 of the Help America Vote Act of 2002 requires EAC to conduct research on election administration issues. Among the issues listed in the statute are the development of:

1. nationwide statistics and methods of identifying, deterring, and investigating voting fraud in elections for Federal office [section 241(b)(6)]; and
2. methods of identifying, deterring, and investigating methods of voter intimidation [section 241(b)(7)].

EAC's Board of Advisors recommended that EAC make research on these topics a high priority.

Preliminary EAC Research

Subsequently, the Commission contracted with two consultants (Tova Wang and Job Serebrov) to:

1. develop a comprehensive description of what constitutes voting fraud and voter intimidation in the context of Federal elections;
2. perform preliminary research on these topics (including Federal and State administrative and case law review), identify related activities of key government agencies and civic and advocacy organizations, and deliver a summary of this research and all source documentation;
3. convene a meeting of a project working group composed of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation, provide the results of the preliminary research to the working group, and record the working group's deliberations; and
4. produce a report to EAC summarizing the findings of the preliminary research effort and working group deliberations that includes recommendations for future EAC action, if any.

The Project Working Group will probably meet only once during this preliminary research effort (probably in late April) to review the consultants research and provide input. Other members of the Working Group are lawyers from advocacy groups and major political parties, two State election officials, and Barry Weinberg, former Deputy Chief of DOJ's Voting Section, Civil Rights Division. Craig Donsanto, Director of DOJ's Election Crimes Branch will serve as a technical advisor to the group.

I really appreciate any help you can offer in identifying a qualified individual to fill the slot on the Working Group that has been reserved for an experienced, nonpartisan local election official.

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

012530

"Tony J. Sirvello III"

04/04/2006 02:17 PM

To "Peggy Sims" <psims@eac.gov>

cc

Subject Fw: Nonpartisan Local Election Official Needed for Voting Fraud/Voter Intimidation Working Group

Good Afternoon Peg,

How about J. R. Perez, Elections Administrator, Guadalupe County or Patricia Benavides, Voting Registration Supervisor, Tarrant County, Texas?

Tony

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

From: Helen Jamison

To: Tony J. Sirvello III

Sent: Tuesday, April 04, 2006 11:46 AM

Subject: RE: Nonpartisan Local Election Official Needed for Voting Fraud/Voter Intimidation Working Group

Dear Tony,

Unfortunately both Javier and myself have to decline in being members of the woking group from Texas. It is a bad time of the year where we have so many elections and would not be able to contribute enough time to doing research of any kind. Please keep us in mind for future meetings.

Helen Jamison

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

From: Tony J. Sirvello III [mailto:tjsthree@msn.com]

Sent: Monday, April 03, 2006 1:19 PM

To: Helen Jamison; Javier Chacon

Subject: Fw: Nonpartisan Local Election Official Needed for Voting Fraud/Voter Intimidation Working Group

Helen, Javier,

Attached is the information from the EAC requesting your services as a member of the working group from Texas. Please let me know in a couple of days if one of you will be able to participate. If you need more information, call me and I will conference in with Peggy Sims, who can give you more details.

012531

I really appreciate any help you can offer in identifying a qualified individual to fill the slot on the Working Group that has been reserved for an experienced, nonpartisan local election official.

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----

Margaret Sims /EAC/GOV
04/06/2006 03:27 PM

To "Tony J. Sirvello III" [REDACTED]

cc

Subject Re: Fw: Nonpartisan Local Election Official Needed for
Voting Fraud/Voter Intimidation Working Group

Tony:

How about scheduling the teleconference with our consultants for 10 AM CST/11 AM EST on Wednesday, April 12? -- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----



"Tova Wang"

[REDACTED]
02/02/2006 11:35 AM

To psims@eac.gov

cc "Job Serebrov" <serebrov@sbcglobal.net>

Subject vansickle

Apparently he is at NASS. Peg, can we both try to catch him to set something up? Thanks. Tova

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

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----



"Job Serebrov"

[REDACTED]
02/14/2006 04:53 PM

To psims@eac.gov

cc

Subject Re: Doug Webber Call

012532

Tamar Nedzar/EAC/GOV
01/09/2006 02:23 PM

To "Tova Wang" [REDACTED]
cc Margaret Sims/EAC/GOV@EAC
Subject RE: 3rd of 3 emails [REDACTED]

No problem.

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



12_26.zip

"Tova Wang" <wang@tcf.org>



"Tova Wang"
<wang@tcf.org>
01/09/2006 02:20 PM

To tnedzar@eac.gov
cc
Subject RE: 3rd of 3 emails

I need the first one

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

From: tnedzar@eac.gov [mailto:tnedzar@eac.gov]
Sent: Monday, January 09, 2006 2:15 PM
To: [REDACTED]
Cc: psims@eac.gov [mailto:psims@eac.gov]
Subject: RE: 3rd of 3 emails

There should be three total for today. All email subject lines should say something like, "First of 3, second of 3," etc.

Please let me know if I need to resend anything.

Thanks,

Tamar Nedzar
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100

012533

Washington, DC 20005
(202) 566-2377
<http://www.eac.gov>
TNedzar@eac.gov

"Tova Wang" [REDACTED]

01/09/2006 02:12 PM

To: tnedzar@eac.gov [REDACTED]
Cc: psims@eac.gov [REDACTED]
Subject: RE: 3rd of 3 emails

I got the first two now. Whats the total number we should have for the day?

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

From: tnedzar@eac.gov [mailto:tnedzar@eac.gov]
Sent: Monday, January 09, 2006 2:07 PM
To: wang@tcf.org
Cc: psims@eac.gov; serebrov@sbcglobal.net
Subject: RE: 3rd of 3 emails

Hi Tova,

The first two emails were on another server, which could explain the delay. All three should be released today; if you don't receive them by 5, please send me an email and I will follow up with GSA. Job, if you have any problems with receiving emails, please also let me know.

Keeping my fingers crossed!

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

"Tova Wang" [REDACTED]

01/09/2006 01:34 PM

To: tnedzar@eac.gov [REDACTED]
Cc: psims@eac.gov [REDACTED]
Subject: RE: 3rd of 3 emails

012534

I am very confused. I didn't get the first two.

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

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

Sent: Monday, January 09, 2006 9:49 AM

To: [REDACTED]

Cc: psims@eac.gov

Subject: 3rd of 3 emails

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

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----



"Tova Wang"

[REDACTED]
01/11/2006 11:51 AM

To psims@eac.gov, "Job Serebrov" [REDACTED]

cc

Subject nexis search

My suspicion is that if she did a nexis search at all, she used the terms of our definition, ie the titles of the folders, not the long list of search terms that we gave her. It would be best to be able to ask her directly if thats possible. Tova

Tova Andrea Wang
Senior Program Officer and Democracy Fellow
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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----



"Cralg.Donsanto@usdoj.gov"

012535



"
 <Craig.Donsanto@usdoj.gov
 v>

01/11/2006 03:29 PM

To "psims@eac.gov" <psims@eac.gov>
 cc

Subject RE: Upcoming Interview

By all means, yes Peg.

From: psims@eac.gov [mailto:psims@eac.gov]
 Sent: Wednesday, January 11, 2006 3:03 PM
 To: Donsanto, Craig
 Subject: Upcoming Interview

Craig:

Would it be possible to hold Friday's interview in a room that has a phone? One of the 2 consultants has had a family emergency and can only participate by phone. I hope that we can call him from the meeting room and put the phone on Speaker, so that he can participate as if he were there in person. Can that be arranged?

Peggy Sims
 Election Research Specialist
 U.S. Election Assistance Commission
 1225 New York Ave, NW - Ste 1100
 Washington, DC 20005
 Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
 Fax: 202-566-3127
 email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----



"Job Serebroy"

04/03/2006 04:57 PM

To psims@eac.gov

cc

Subject Re: Working Group Contact Info

Norcross's assistant is Maria Rivers:

Rokita's assistant is:

Amy Miller
 Executive Assistant

Indiana Secretary of State Todd Rokita
317-232-6536
assistant@sos.in.gov

--- psims@eac.gov wrote:

> Please review the attached and let me know of any
> corrections that should
> be made. Thanks! --- Peggy
>
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----



[REDACTED]
01/12/2006 01:34 PM

To psims@eac.gov
cc
Subject Re: Friday Meetings

Yes, although we probably won't need 2 hours. I look forward to seeing you tomorrow.

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

From: psims@eac.gov

To: wang@tcf.org

Sent: Thursday, January 12, 2006 8:42 AM

Subject: RE: Friday Meetings

I think we will need the break, don't you? --- Peggy

"Tova Wang" [REDACTED]

01/11/2006 05:49 PM

To psims@eac.gov
cc
Subject RE: Friday Meetings

Do I still get the lunch? :)

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

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

Sent: Wednesday, January 11, 2006 5:41 PM

012537

To: [REDACTED]
Subject: Friday Meetings

Tova and Job:

As agreed, Tova and I can connect with Job by telephone during our Friday morning meeting. Tova would like to start the meeting at 10 AM EST. Job, we will call you from the meeting room.

Craig Donsanto says we can use a meeting room over at DOJ that has a phone, so that we can bring Job into the interview. The meeting is scheduled to begin at 2 PM EST, but it may take up to 10 minutes for us to settle in over there. We will call Job as soon as we can begin the interview. --- Peggy

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM ---



"Tova Wang"

[REDACTED]
01/09/2006 01:34 PM

To tnedzar@eac.gov [REDACTED]

cc psims@eac.gov [REDACTED]

Subject RE: 3rd of 3 emails

I am very confused. I didn't get the first two.

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

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

Sent: Monday, January 09, 2006 9:49 AM

To: [REDACTED]

Cc: psims@eac.gov

Subject: 3rd of 3 emails

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

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM ---



"Tova Wang"

[REDACTED]
03/14/2006 11:55 AM

To psims@eac.gov [REDACTED]

cc

Subject RE: I'm BAAACK

Have we figured this out yet? I have someone else now asking to have a meeting at 2 and I'd like to get back to them. Thanks. Tova

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

012538

>> The Century Foundation
>> 41 East 70th Street - New York, NY 10021
>> phone: 212-452-7704 fax: 212-535-7534
>>
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>> analysis, opinions, and events.
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>> _____
>> <<mailto:join-tcfmain@mailhost.groundspring.org>>
>> Click here to receive our
>> weekly e-mail updates.
>>
>>
>>
>
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----



"Tova Wang"

[REDACTED]
02/21/2006 01:51 PM

To psims@eac.gov

cc

Subject RE: FW: Tanner Interview

Great. I'll see you there. We have each others cell numbers in case we have trouble finding one another. Can you please deal with Job on the Sandler interview? He's being a bit difficult about it. Thanks. Tova

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

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

Sent: Tuesday, February 21, 2006 1:09 PM

To: [REDACTED]

Subject: Re: FW: Tanner Interview

Tova:

Yes, I copied the questions into an email I sent to him to give him an idea of questions he might expect. His office is in the main Justice Dept building at 950 Pennsylvania Ave, NW. If the entry procedures remain the same, he will have to send someone down to fetch us and we will have to go through the "beam me up, Scotty" security chambers --- so we should probably arrive 10 minutes early for those shenanigans. --- Peggy

012539



[REDACTED]
02/22/2006 04:56 PM

To "Job Serebrov" [REDACTED] psims@eac.gov

cc

Subject interviews

I think we should stick with the original, agreed upon list. We worked hard to assemble it and keep it manageable. Otherwise, there are some people that I would like to add to the list as well. Let me know if thats how you want to proceed.

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

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----



"Tova Wang"
[REDACTED]
01/31/2006 04:20 PM

To psims@eac.gov

cc

Subject RE: Wendy Weiser

012540

Wendy's number is [REDACTED]

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

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

Sent: Tuesday, January 31, 2006 4:17 PM

To: [REDACTED]

Cc: [REDACTED]

Subject: Re: Wendy Weiser

I've put this on my schedule. Please provide Wendy's phone number so that I can set the teleconference up from my office phone. Thanks. --- Peggy

"Tova Wang" [REDACTED]

01/31/2006 02:55 PM

To psims@eac.gov, "Job Serebrov" [REDACTED]

cc [REDACTED] "Tova Wang" [REDACTED]

Subject Wendy Weiser

I have scheduled her for 11 AM EST on February 22

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

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----



"Job Serebrov"

[REDACTED]
02/23/2006 01:56 PM

To psims@eac.gov

cc

Subject Re: Interviews

What about the Sandler interview tomorrow? What has been arranged for telephones?

012541

--- psims@eac.gov wrote:

> If you do not mind giving up some of the travel
> funds allocated to you, I
> will check with our Executive Director and Finance
> Officer to see if we
> can reallocate on this next contract the amounts
> remaining for travel .
> Both of the folks I need to see are in other
> meetings this morning, so I
> cannot get to them until this afternoon. --- Peggy

>

>

>

>

> "Job Serebrov" [REDACTED]
> 02/23/2006 08:55 AM

>

> To

> psims@eac.gov [REDACTED]

> cc

>

> Subject

> Re: Interviews

>

>

>

>

>

>

>

> I would rather not spread them out over a lot of
> time.

> I still have three to schedule outside of what you
> are

> doing. As far as Baker is concerned, you never
> answered my question. Can Tova use any unused travel
> funds that I have? A trip to DC and Houston for me
> should not exceed \$3000-\$3500. That will leave
> \$1500-\$2000.

>

> --- psims@eac.gov wrote:

>

> > Job and Tova:

> >

> > I'd like to suggest a moratorium on adding

> > interinterviewees to the list until

> > we complete interviews on the last list prepared.

> > Frankly, in terms of

> > the enforcement mechanics, I think you will get
> > more

> > out of your

> > interviews with Donsanto, Tanner, and Joe Rich
> > than

> > you will get from an

> > interview with Hans. Hans worked at DOJ for a

> > relatively short time,

> > compared to those folks. You also will have input

> > from Barry Weinberg

> > (former Deputy Chief, Voting Section, Civil Rights

> > Division, DOJ) who has

> > confirmed that he is available for the Working

012542

> > Group.
> >
> > Regarding upcoming interviews that I schedule for
> > you two, are there any
> > times that you are NOT available next week or the
> > week thereafter?
> >
> > --- Peggy
>
>
>
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----

Margaret Sims/EAC/GOV

02/23/2006 02:36 PM

To "Job Serebrov"

<serebrov@sbcglobal.net>@GSAEXTERNAL

cc

Subject Re: Interviews

Call me a little before Noon EST on our toll-free line (1-866-747-1471). I will either transfer you to Sandler's number or conference you into his number. Either way, EAC will pay the bill. --- Peggy

"Job Serebrov" [REDACTED]



"Job Serebrov"

[REDACTED]
02/23/2006 01:56 PM

To psims@eac.gov

cc

Subject Re: Interviews

What about the Sandler interview tomorrow? What has been arranged for telephones?

--- psims@eac.gov wrote:

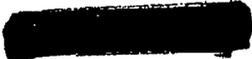
> If you do not mind giving up some of the travel
> funds allocated to you, I
> will check with our Executive Director and Finance
> Officer to see if we
> can reallocate on this next contract the amounts
> remaining for travel .
> Both of the folks I need to see are in other
> meetings this morning, so I
> cannot get to them until this afternoon. --- Peggy
>
>
>
>
> "Job Serebrov" [REDACTED]

012543

> 02/23/2006 08:55 AM

>

> To

> psims@eac.gov, 

> cc

>

> Subject

> Re: Interviews

>

>

>

>

>

>

> I would rather not spread them out over a lot of
> time.

> I still have three to schedule outside of what you
> are

> doing. As far as Baker is concerned, you never

> answered my question. Can Tova use any unused travel

> funds that I have? A trip to DC and Houston for me

> should not exceed \$3000-\$3500. That will leave

> \$1500-\$2000.

012544

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----



"Tova Wang"
[REDACTED]

02/21/2006 05:19 PM

To psims@eac.gov, "Job Serebrov"
[REDACTED]

cc ecortes@eac.gov

Subject new interview scheduled

Harry VanSickle, Director of Elections for PA, Wednesday, March 1 at 11 AM EST.

Should I just tell him the usual call in number and pass code?

Thanks

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

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----

012545

> From: psims@eac.gov [mailto:psims@eac.gov]
> Sent: Wednesday, February 01, 2006 10:10 AM
> To: [REDACTED]
> Cc: [REDACTED]
> Subject: Tanner Interview

> Tova:

> I've been trying to connect with Tanner, but I
> realized that I had not asked
> you some important questions:

> * If you meet with him on Monday, February 6, how
> were you planning on
> bringing Job into the interview? I'll be at the
> meeting all day Monday, so I
> won't be in the office to set up a conference call.

> * Are you still free to meet with Tanner on Tuesday
> or Wednesday, if
> Monday does not work out, in which case we can have
> you meet in his office
> and conference Job in by speaker phone.

> * Are there any times that are better for you and
> Job than others on
> these three days?

> * Do you have an advance list of questions that is
> different from the
> Donsanto list (shown below), or should I just sent
> the Donsanto list to
> Tanner?

> --- Peggy

012546

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

From: Job Serebrov [mailto: [REDACTED]]
Sent: Wednesday, February 01, 2006 10:19 AM
To: Tova Wang; psims@eac.gov
Cc: [REDACTED]
Subject: RE: Tanner Interview

Probably. We should come up with some different questions for Tanner.

Job

--- Tova Wang [REDACTED] wrote:

> I am available any time after noon on the 7th and
> after 3 on the 8th. I
> think in terms of data that we would like from him,
> that one point on the
> Donsanto memo is applicable. Job, do we want to
> come up with a separate set
> of questions?
>
> -----Original Message-----

012547



03/14/2006 01:00 PM

To psims@eac.gov, serebrov@sbcglobal.net
cc
Subject RE: I'm BAAACK

Peg, does 11 am work for you? If so, I'll try to reschedule my meeting that was that time. Tova

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

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

Sent: Monday, March 13, 2006 1:24 PM

To: [REDACTED]

Subject: Re: I'm BAAACK

Any time on Thursday possible?

--- Peggy

"Job Serebrov" [REDACTED]

03/13/2006 12:53 PM

To psims@eac.gov
cc
Subject Re: I'm BAAACK

Peggy:

Good to hear from you. No, unfortunately this week is very bad for me. Today is covered, tomorrow from 1-2 your time is out, Wednesday and Friday are out. Pick a time between all, of this. I am in Nevada from March 25 to the 28.

Job

--- psims@eac.gov wrote:

> Tova and Job:

>

> I apologize for my unanticipated and lengthy
> absence. I am back in the
> office, though I will have to work short days
> through Wednesday.

>

> Are you two available for a teleconference this
> afternoon, say 3:00 PM

012548

> EST, so that we can re-evaluate where we are and
> what needs to be done to
> schedule the working group?
>
> ----- Peggy
>
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----



"Tova Wang"

04/12/2006 12:30 PM

To "Job Serebrov" [redacted] psims@eac.gov

cc "Nicole Mortellito" <nmortellito@eac.gov>

Subject RE: working group meeting

That's fine, just asking

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

From: Job Serebrov [mailto:[redacted]]
Sent: Wednesday, April 12, 2006 11:26 AM
To: Tova Wang; psims@eac.gov
Cc: 'Job Serebrov'; 'Nicole Mortellito'
Subject: Re: working group meeting

It was my understanding that the meeting would be on the 15th or later.

Tova, Peggy is out of the office this week.

--- Tova Wang [redacted] wrote:

> I cannot do it on May 5 now. Any update on a date?
> I will be in DC for
> other meetings May 4 - May 7 if that makes any
> difference (EAC would not
> have to pay my transportation if it was on, for
> example, Monday May 8 or
> possibly even the 9th) Thanks.
>
> Tova Andrea Wang
> Democracy Fellow
> The Century Foundation
> 41 East 70th Street - New York, NY 10021
> phone: 212-452-7704 fax: 212-535-7534
>
> Visit our Web site, <<http://www.tcf.org/>>
> www.tcf.org, for the latest news,
> analysis, opinions, and events.
>
> _____
>
> <<mailto:join-tcfmain@mailhost.groundspring.org>>
> Click here to receive our

012549

> weekly e-mail updates.
>
>
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----



"John.K.Tanner@usdoj.gov"
<John.K.Tanner@usdoj.gov

To "psims@eac.gov" <psims@eac.gov>

>
02/24/2006 01:26 PM

cc

Subject Re: Upcoming Interview

No problem

Sent from my BlackBerry Wireless Handheld

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

From: psims@eac.gov
To: Tanner, John K (CRT)
Sent: Fri Feb 24 13:24:33 2006
Subject: RE: Upcoming Interview

Hi, John:

I apologize that I will not be there this afternoon to introduce you to our consultants for EAC's Voting Fraud/Voter Intimidation project. Tova Wang will be at your office at 2 PM, today. She can call our other consultant, Job Serebrov, and put him on speaker phone. Please let me know if you need anything from me, or want to express any concerns about the project. Thanks.

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----



"Craig.Donsanto@usdoj.gov"
<Craig.Donsanto@usdoj.gov

To "psims@eac.gov" <psims@eac.gov>

>
01/18/2006 11:56 AM

cc

Subject Public Integrity Section Roster

012550

>
>
>
>
> I will be out for the next few hours, but I'm available any time after
> 3:30
> on my cell and all day tomorrow at my office. Let me know when you'd like
> to talk. Thanks. Tova
>
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----

Margaret Sims/EAC/GOV

01/03/2006 05:24 PM

To [REDACTED]

cc

Subject Re: conf call & Devon's Research

Tova:

If you an Job can work things out between you, that's good enough for me. We can talk about the meeting with Donsanto when we meet on January 13, unless you really need to discuss it before then.

As Devon's last day was 12/9, I don't think she has access to the EAC email address any longer. I don't think she received the email you sent her after that date. I did further spot checks of the articles she included on the CD. I see several pdf files that came from the Lexis search. She would not have picked up anything that duplicated the newsclips I had saved. I did see one false drop (an article about a union election) and a few articles that I would have filed in a different voting fraud subject folder, but I think she finished all of the work we asked her to do.

--- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----



"Job Serebroy"

[REDACTED]
02/22/2006 02:15 PM

To psims@eac.gov, wang@tcf.org

cc

Subject Pat Rogers Interview

We have an interview with Pat Rogers on Friday March 3rd at 10:00 Mountain Time---that is 12:00 Eastern and 11:00 Correct Time.

Job

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----

Tamar Nedzar/EAC/GOV

01/09/2006 09:45 AM

To [REDACTED]

012552

cc Margaret Sims/EAC/GOV@EAC
Subject 2nd of 3 emails

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



Asian Vote Fraud.zip

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----



"Tova Wang"

04/11/2006 11:42 AM

To psims@eac.gov, "Job Serebrov"
cc "Nicole Mortellito" <nmortellito@eac.gov>

Subject RE: Kennedy Interview

As I have alerted Nicole, the call is not working. Someone ought to get in touch with Kevin -- I do not have his contact information.

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

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Monday, April 10, 2006 8:45 PM
To: Tova Andrea Wang; Job Serebrov
Subject: Kennedy Interview

It appears that the teleconference with Kevin Kennedy is set for tomorrow, April 11, at 10:30 AM CST/11:30 AM EST. Use the usual phone number

If you have trouble connecting, contact Nicole..
Peg

Sent from my BlackBerry Wireless Handheld

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----



Nicole
Mortellito/CONTRACTOR/E
AC/GOV

To "Tova Wang"
cc psims@eac.gov, "Job Serebrov"

012553

04/11/2006 11:45 AM

Subject RE: Kennedy Interview

the call is up and running!! you may dial in

Regards,

Nicole K. Mortellito
Research Assistant
U.S. Election Assistance Commission
1225 New York Avenue - Suite 1100
Washington, DC
202.566.2209 phone
202.566.3128 fax

"Tova Wang" [REDACTED]

04/11/2006 11:42 AM

To psims@eac.gov, "Job Serebrov" [REDACTED]
cc "Nicole Mortellito" <nmortellito@eac.gov>
Subject RE: Kennedy Interview

As I have alerted Nicole, the call is not working. Someone ought to get in touch with Kevin -- I do not have his contact information.

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

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Monday, April 10, 2006 8:45 PM
To: Tova Andrea Wang; Job Serebrov
Subject: Kennedy Interview

It appears that the teleconference with Kevin Kennedy is set for tomorrow, April 11, at 10:30 AM CST/11:30 AM EST. Use the usual phone number (866-222-9044) and passcode [REDACTED]

If you have trouble connecting, contact Nicole..
Peg

Sent from my BlackBerry Wireless Handheld

012554

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----

Margaret Sims /EAC/GOV
02/02/2006 02:44 PM

To "Tova Wang" [REDACTED]
cc [REDACTED]
Subject Re: vansickle [REDACTED]

Shucks! I did not see your message until now. I spoke to him several times this morning at our public meeting, which was held at the Hyatt. How are you planning to bring Job into the interviews conducted during the NASS/NASED conference? Have you already scheduled interviews during the next four days of which I should be aware (so that I won't double book you)? --- Peg

"Tova Wang" [REDACTED]



"Tova Wang"
[REDACTED]
02/02/2006 11:35 AM

To psims@eac.gov
cc "Job Serebrov" [REDACTED]
Subject vansickle

Apparently he is at NASS. Peg, can we both try to catch him to set something up? Thanks. Tova

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

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012555

Margaret Sims /EAC/GOV

01/11/2006 05:40 PM

To Tova Andrea Wang, Job Serebrov

cc

Subject Friday Meetings

Tova and Job:

As agreed, Tova and I can connect with Job by telephone during our Friday morning meeting. Tova would like to start the meeting at 10 AM EST. Job, we will call you from the meeting room.

Craig Donsanto says we can use a meeting room over at DOJ that has a phone, so that we can bring Job into the interview. The meeting is scheduled to begin an 2 PM EST, but it may take up to 10 minutes for us to settle in over there. We will call Job as soon as we can begin the interview. --- Peggy

012556

[REDACTED]

01/08/2006 09:24
PM

psims@eac.gov, "Job Serebrov"

To

[REDACTED]

cc

nexis articles

Subject

Hi again,

I'm just scanning over Devon's collection and do not believe she could have possibly searched all of the terms we gave her. I am aware of tons of articles that were written on many of these topics in 2004 that do not appear in the folder. I think someone is going to have to do it over again from scratch, and I'm thinking about doing at least some of it myself. We should discuss this in detail on Thursday. Thanks.

Tova



nexis word search 1128.doc

— Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM —



"Tova Wang"

[REDACTED]
01/04/2006 11:14 AM

To psims@eac.gov

cc "Job Serebrov" [REDACTED]

Subject 1/13 meeting

Hi Peg,

Below is a list of areas we hope to cover at our long awaited convening next week. Please feel free to add

012557



02/15/2006 10:22 AM

cc ecortes@eac.gov, [REDACTED]
Subject RE: Interview Schedule

Thanks Peg. I do plan to be in DC next Friday. Also, once again, please include Alex at [REDACTED]
Tova

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

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Wednesday, February 15, 2006 10:19 AM
To: wang@tcf.org; serebrov@sbcglobal.net
Cc: ecortes@eac.gov
Subject: Interview Schedule

Here is the latest schedule. --- Peggy

012558

Tamar Nedzar/EAC/GOV

01/06/2006 10:32 AM

To

cc

Subject 4th of 5 emails

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



African American Vote Fraud Terms.zip

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----



"Tova Wang"

To psims@eac.gov,

012559

May that you would NOT be available?

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM ----



"Tova Wang"

04/03/2006 03:45 PM

To psims@eac.gov

cc

Subject RE: Mentioning DOJ Training Guidance

I didn't have anything specific in mind yet, especially as I have not finished going through the voluminous documentation, but I will let you know

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

012560



[REDACTED]
04/04/2006 08:14 AM

TO psims@eac.gov

CC

Subject Re: Voting Fraud-Voter Intimidation Project

Peggy:

May looks pretty good right now. I will not be available May 1, or in the morning (before 12:30) on May 4 or May 11, or in the afternoon on May 10.

Barry

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

From: psims@eac.gov

To: [REDACTED]

Sent: Monday, April 03, 2006 3:15 PM

Subject: Voting Fraud-Voter Intimidation Project

Hi, Barry:

I'm trying to arrange a meeting of the Working Group for EAC's Voting Fraud-Voter Intimidation project. Would you please look at your schedule and let me know if there are any days during the first 2 weeks of

012561

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----



"Job Serebrov"

04/12/2006 12:25 PM

To "Tova Wang" <wang@tcf.org>, psims@eac.gov

cc "Job Serebrov" <[REDACTED]> "Nicole
Mortellito" <nmortellito@eac.gov>

Subject Re: working group meeting

It was my understanding that the meeting would be on
the 15th or later.

Tova, Peggy is out of the office this week.

--- Tova Wang <wang@tcf.org> wrote:

> I cannot do it on May 5 now. Any update on a date?
> I will be in DC for
> other meetings May 4 - May 7 if that makes any
> difference (EAC would not
> have to pay my transportation if it was on, for
> example, Monday May 8 or
> possibly even the 9th) Thanks.
>
> Tova Andrea Wang
> Democracy Fellow
> The Century Foundation
> 41 East 70th Street - New York, NY 10021
> phone: 212-452-7704 fax: 212-535-7534
>
> Visit our Web site, <<http://www.tcf.org/>>
> www.tcf.org, for the latest news,
> analysis, opinions, and events.
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>
> <<mailto:join-tcfmain@mailhost.groundspring.org>>
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>

012562

any issues you think we should talk about. What time would you like us to arrive?

Creating a plan for conducting the interviews

Working Group: current status, schedule, integrating the ideas of the working group into the final product
Status of nexis research, analysis, and organization; process for charting the research; plan for going forward

Status of lexis research, analysis, and organization; process for charting the research; plan for going forward

Finalizing fraud definition

Meeting with Craig Donsanto; role of DOJ generally; integrating the materials from DOJ into the final product

Outstanding administrative issues

Tova Andrea Wang

Senior Program Officer and Democracy Fellow

The Century Foundation

41 East 70th Street - New York, NY 10021

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

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

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----



"Kennedy, Kevin"

<Kevin.Kennedy@seb.state.wi.us>

04/09/2006 11:13 AM

To "psims@eac.gov" <psims@eac.gov>

cc

Subject RE: Interview

That time is fine. A half hour earlier would be better. I also have a 12 CDT meeting.

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

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

Sent: Friday, April 07, 2006 12:27 PM

To: Kevin Kennedy

Subject: Interview

Kevin:

I'm just following up on my request for your availability to be interviewed by our consultants for our voting fraud/voter intimidation project. Are you available Tuesday, April 11 at 11 AM CST?

Peggy Sims

Sent from my BlackBerry Wireless Handheld

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----



012563



03/08/2006 07:13 PM

To "Job Serebrov" [REDACTED]
cc nmortellito@eac.gov, psims@eac.gov
Subject new interview

Can we please do Heather Dawn Thompson on Friday at 3PM? Tova
----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----



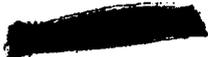
Nicole
Mortellito/CONTRACTOR/E
AC/GOV
03/09/2006 08:59 AM

To wang@tcf.org@GSAEXTERNAL
cc psims@eac.gov, "Job Serebrov" [REDACTED]
Subject Re: new interview [REDACTED]

Tova ... let me know when this is concretized and I'll set up a conf. call. Thanks!

Regards,

Nicole K. Mortellito
Research Assistant
U.S. Election Assistance Commission
1225 New York Avenue - Suite 1100
Washington, DC
202.566.2209 phone
202.566.3128 fax



03/08/2006 07:13 PM

To "Job Serebrov" [REDACTED]
cc nmortellito@eac.gov, psims@eac.gov
Subject new interview

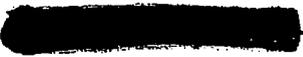
Can we please do Heather Dawn Thompson on Friday at 3PM? Tova
----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----

Margaret Sims/EAC/GOV
04/03/2006 05:11 PM

To "Job Serebrov"
cc [REDACTED]

Subject Re: Working Group Contact Info 

Thanks, Job! --- Peggy

"Job Serebrov" 



"Job Serebrov"
<serebrov@sbcglobal.net>
04/03/2006 04:57 PM

To psims@eac.gov

cc

Subject Re: Working Group Contact Info

Norcross's assistant is Maria Rivers:


Rokita's assistant is:

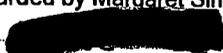
Amy Miller
Executive Assistant
Indiana Secretary of State Todd Rokita
317-232-6536
assistant@sos.in.gov

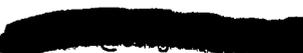
--- psims@eac.gov wrote:

> Please review the attached and let me know of any
> corrections that should
> be made. Thanks! --- Peggy
>
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----




02/09/2006 09:22 PM

To psims@eac.gov 

cc

Subject Re: Tanner Interview-Interview Schedule

Since we have Sandler and Tanner on the 24th, I'd like to come down for the day. Would that be permissible Peg? Thanks

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

From: psims@eac.gov

To: wang@tcf.org ; serebrov@sbcglobal.net

012565



02/21/2006 10:22 AM

cc psims@eac.gov, ecortes@eac.gov, "Job Serebrov"

Subject change in call-in time [REDACTED]

Hi Nicole,

We would like to change the time of the call today from 4 pm EST to 1 pm EST. The call is with Neil Bradley, myself and Job Serebrov. Please let us know if the call in number and pass code will remain the same. Thanks so much.

Tova

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

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----



Nicole
Mortellito/CONTRACTOR/E
AC/GOV

02/21/2006 10:37 AM

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

cc ecortes@eac.gov, psims@eac.gov, "Job Serebrov"

Subject Re: change in call-in time [REDACTED]

Tova:

The time has been changed your conference will be available as of 12:50 this afternoon for a 1pm conference.

The dial in number is still 866-222-9044 and the passcode is still [REDACTED]

Regards,

Nicole K. Mortellito
Research Assistant
U.S. Election Assistance Commission
1225 New York Avenue - Suite 1100
Washington, DC
202.566.2209 phone

012566

202.566.3128 fax

"Tova Wang" [REDACTED]

02/21/2006 10:22 AM

To nmortellito@eac.gov
cc psims@eac.gov, ecortes@eac.gov, "Job Serebrov"
[REDACTED]
Subject change in call-in time

Hi Nicole,

We would like to change the time of the call today from 4 pm EST to 1 pm EST. The call is with Neil Bradley, myself and Job Serebrov. Please let us know if the call in number and pass code will remain the same. Thanks so much.

Tova

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----



[REDACTED]
02/05/2006 01:19 PM

To psims@eac.gov
cc "Job Serebrov" [REDACTED]
Subject doj

Hi Peg,

In reviewing some of the missouri materials, I was reminded by this article that DOJ sued five jurisdictions after the 2000 election, including st. louis. We'd like to see the case materials but they're not on the DOJ website. Do you think Mr. Donsanto would provide that material for us? Should I contact him directly

012567

or should you ask him for us? Have you been able to copy and send the other materials from him yet? It would be good for us to have it prior to talking to Mr. Tanner. Thanks and see you tomorrow. Tova

>> Copyright 2002 St. Louis Post-Dispatch, Inc.
>> St. Louis Post-Dispatch (Missouri)

>> May 24, 2002 Friday Five Star Lift Edition

>> SECTION: EDITORIAL; Pg. C18

>> LENGTH: 508 words

>> HEADLINE: VOTER RIGHTS AND VOTER FRAUD

>> BODY:
>> ELECTION REFORMS

>> IT SEEMS that Ritzy the dog got a better deal
>> from the city's Election Board than thousands of
>> eligible St. Louis voters who were turned away from
>> the polls last fall. After last November's election,
>> a fuming Sen. Christopher S. Bond, R-Mo., showed the
>> U.S. Senate an oversized copy of a 1994 voter
>> registration card issued to the English springer
>> spaniel. This political stunt called attention to
>> the real problem of vote fraud. But it overshadowed
>> a more disturbing election-day development that is
>> just coming to light.

>> The Justice Department said this week it was
>> suing the city Election Board for allegedly
>> preventing thousands of eligible voters from casting
>> ballots. The city is one of five jurisdictions being
>> sued. The others are in Florida and Tennessee.
>> Assistant Attorney General Ralph Boyd alleges that
>> the city's board removed the names of inactive but
>> eligible voters from the list given election judges,
>> didn't notify the inactive voters that their names
>> had been removed and required these voters to get
>> authorization from Election Board headquarters
>> before casting ballots. These developments led to
>> turmoil on election day, with hundreds of voters
>> jamming the Election Board headquarters after being
>> turned away at the polls.

>> Some fraud did occur. St. Louis Circuit
>> Attorney Jennifer Joyce has charged three people
>> after reviewing 3,800 voter registration cards. But
>> Rep. William Lacy Clay, D-St. Louis, had warned that
>> the alleged fraud paled in comparison to voters
>> whose civil rights were violated. They had been put
>> on an inactive list of more than 50,000 voters, Mr.
>> Boyd said.

>> The Missouri Legislature has corrected part of
>> the problem. A bill sponsored by Sen. Anita Yeckel,
>> R-Sunset Hills, allows provisional voting for people
>> who insist they are eligible to cast ballots after
>> being challenged by an election board. But that law,
>> awaiting the governor's signature, covers only

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:00 PM -----



"Job Serebrov"

04/12/2006 12:25 PM

To "Tova Wang" <wang@tcf.org>, psims@eac.gov
cc "Job Serebrov" <[REDACTED]> "Nicole
Mortellito" <nmortellito@eac.gov>
Subject Re: working group meeting

It was my understanding that the meeting would be on the 15th or later.

Tova, Peggy is out of the office this week.

--- Tova Wang <wang@tcf.org> wrote:

> I cannot do it on May 5 now. Any update on a date?
> I will be in DC for
> other meetings May 4 - May 7 if that makes any
> difference (EAC would not
> have to pay my transportation if it was on, for
> example, Monday May 8 or
> possibly even the 9th) Thanks.
>
> Tova Andrea Wang
> Democracy Fellow
> The Century Foundation
> 41 East 70th Street - New York, NY 10021
> phone: 212-452-7704 fax: 212-535-7534
>
> Visit our Web site, <<http://www.tcf.org/>>
> www.tcf.org, for the latest news,
> analysis, opinions, and events.
>
> _____
> <<mailto:join-tcfmain@mailhost.groundspring.org>>
> Click here to receive our
> weekly e-mail updates.
>
>
>

012570



Subject RE: Tanner Interview

Probably. We should come up with some different questions for Tanner.

Job

--- Tova Wang [REDACTED] wrote:

> I am available any time after noon on the 7th and
> after 3 on the 8th. I
> think in terms of data that we would like from him,
> that one point on the
> Donsanto memo is applicable. Job, do we want to
> come up with a separate set
> of questions?

>
> -----Original Message-----
> From: psims@eac.gov [mailto:psims@eac.gov]
> Sent: Wednesday, February 01, 2006 10:10 AM
> To: wang@tcf.org
> Cc: serebrov@sbcglobal.net
> Subject: Tanner Interview
>
>

012571

margaret Sims/EAC/GOV

02/16/2006 10:15 AM

To Tova Andrea Wang, Job Serebrov

cc

Subject Today's Interviews

Verizon has reserved lines for you for the 11 AM and 2 PM interviews today. All participants should dial 1-866-222-9044 and enter Pass Code [REDACTED] (Yes, they are the same numbers we had set up for tomorrow's interview of the academics.) --- Peggy

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:59 PM ---



"Tova Wang"

[REDACTED]
03/30/2006 05:28 PM

To psims@eac.gov

cc "Nicole Mortellito" <nmortellito@eac.gov>, "Job Serebrov"

Subject working group [REDACTED]

012572

[Redacted]

To 01/08/2006 09:24
PM

psims@... "Job Serebrov"
[Redacted]

cc

Subject

nexis articles

Hi again,

I'm just scanning over Devon's collection and do not believe she could have possibly searched all of the terms we gave her. I am aware of tons of articles that were written on many of these topics in 2004 that do not appear in the folder. I think someone is going to have to do it over again from scratch, and I'm thinking about doing at least some of it myself. We should discuss this in detail on Thursday. Thanks.

Tova

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:59 PM -----



[REDACTED]
01/08/2006 04:31 PM

To tnedzar@eac.gov; [REDACTED]
cc psims@eac.gov
Subject Re: 5th of 5 emails

Hi Tamar, Did you send anything after this? If so, I didn't get it.... Thanks. Tova

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

From: tnedzar@eac.gov
To: wang@tcf.org ; serebrov@sbcglobal.net
Cc: psims@eac.gov
Sent: Friday, January 06, 2006 4:53 PM
Subject: 5th of 5 emails

More to come either tonight or tomorrow.

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

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:59 PM -----



"Tova Wang"
[REDACTED]
01/30/2006 10:53 AM

To psims@eac.gov
cc
Subject RE: conf call of academics

012574



Five. Thanks.

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

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

Sent: Monday, January 30, 2006 10:44 AM

To: [REDACTED]

Subject: Re: conf call of academics

Tova:

Please refresh my memory -- how many people will be on the conference call (including you and Job, but probably not me)? -- Peggy

"Tova Wang" [REDACTED]

01/30/2006 09:22 AM

To "Job Serebrov" [REDACTED], psims@eac.gov

cc

Subject conf call of academics

Three of the four can do noon on the 17th, and I think that's the best we'll do. We'll talk to Lori Minnite separately. Peg, can you please help set up the call? Thank you.

Tova

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

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:59 PM -----

Margaret Sims /EAC/GOV

01/30/2006 11:39 AM

To "Tova Wang" [REDACTED]@GSAEXTERNAL

cc

Subject RE: conf call of academics [REDACTED]

012575

I've put a request in for the teleconference set up. I'll get back to you as soon as it is set up. --- Peggy

"Tova Wang" [REDACTED]



"Tova Wang"

01/30/2006 10:53 AM

To psims@eac.gov

cc

Subject RE: conf call of academics

Five. Thanks.

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

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

Sent: Monday, January 30, 2006 10:44 AM

To: [REDACTED]

Subject: Re: conf call of academics

Tova:

Please refresh my memory --- how many people will be on the conference call (including you and Job, but probably not me)? --- Peggy

"Tova Wang" [REDACTED]

01/30/2006 09:22 AM

To "Job Serebrov" [REDACTED] psims@eac.gov

cc

Subject conf call of academics

Three of the four can do noon on the 17th, and I think that's the best we'll do. We'll talk to Lori Minnite separately. Peg, can you please help set up the call? Thank you.

Tova

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Senior Program Officer and Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:59 PM -----

Tamar Nedzar/EAC/GOV

01/09/2006 02:06 PM

To "Tova Wang" [REDACTED]@GSAEXTERNAL

cc psims@eac.gov, serebrov@sbcglobal.net

Subject RE: 3rd of 3 emails [REDACTED]

Hi Tova,

The first two emails were on another server, which could explain the delay. All three should be released today; if you don't receive them by 5, please send me an email and I will follow up with GSA. Job, if you have any problems with receiving emails, please also let me know.

Keeping my fingers crossed!

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

"Tova Wang" [REDACTED]

01/09/2006 01:34 PM

To tnedzar@eac.gov, [REDACTED]

cc psims@eac.gov

Subject RE: 3rd of 3 emails

I am very confused. I didn't get the first two.

012577

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

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

Sent: Monday, January 09, 2006 9:49 AM

To: wang@tcf.org; serebrov@sbcglobal.net

Cc: psims@eac.gov

Subject: 3rd of 3 emails

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

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:59 PM -----



"Tova Wang"

02/13/2006 11:16 AM

To "Job Serebrov" [redacted]
psims@eac.gov, ecortes@eac.gov
cc baker@tcf.org

Subject Interview with Wade Henderson tomorrow

at 11 AM. His number is [redacted]

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

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:59 PM -----



"Job Serebrov"

02/14/2006 05:25 PM

To psims@eac.gov
cc
Subject Re: Doug Webber Call

Yes. It is Feb 16th. I gave all the information to Edgardo. I don't have the time written down. Tova probably still has it. Please ask her about the time for Robin. Neil Bradley's interview is at 4 EST on

012578

Feb 21. He is with the Georgia plaintiffs.

--- psims@eac.gov wrote:

> Do you mean Robin DeJarnette? When is this
> interview? --- Peggy

>

>

>

>

> "Job Serebrov" [REDACTED]
> 02/14/2006 04:53 PM

>

> To

> psims@eac.gov

> cc

>

> Subject

> Re: Doug Webber Call

>

>

>

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>

>

> By the way, can you add Robin and Neil to the chart?

>

> --- psims@eac.gov wrote:

>

> > Thanks! --- Peggy

> >

> >

> >

> >

> > "Job Serebrov" [REDACTED]
> > 02/14/2006 04:39 PM

> >

> > To

> > ecortes@eac.gov, [REDACTED]

> > cc

> > psims@eac.gov

> > Subject

> > Doug Webber Call

> >

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> >

> > Douglas Webber will be at a funeral in Southern
> > Indiana early tomorrow so he asked if we could use
> > his

> > cell number for the conference call. That is

> > [REDACTED]

> >

> > Thanks,

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:59 PM -----



"Tova Wang"

01/15/2006 12:20 PM

To "Job Serebrov"

cc psims@eac.gov, "Tova Wang" <wang@tcf.org>

Subject donsanto meeting

FYI, here are my notes

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

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CRAIG DONSANTO MEETING.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:59 PM -----

Tamar Nedzar/EAC/GOV

01/06/2006 04:53 PM

To

cc Margaret Sims/EAC/GOV@EAC

Subject 5th of 5 emails

More to come either tonight or tomorrow.

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U.S. Election Assistance Commission
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Washington, DC 20005
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<http://www.eac.gov>
TNedzar@eac.gov



Latino Vote Fraud.zip

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:59 PM -----

012580



"Job Serebrov"

02/14/2006 04:39 PM

To ecortes@eac.gov,
cc psims@eac.gov
Subject Doug Webber Call

Douglas Webber will be at a funeral in Southern Indiana early tomorrow so he asked if we could use his cell number for the conference call. That is

Thanks,

Job

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:59 PM -----

Margaret Sims/EAC/GOV

01/11/2006 12:33 PM

To Tova Andrea Wang
cc
Subject Nexis Article Searches

Tova:

I just found the Lexis word search list used by Devon with all of the search terms crossed off. I have to assume that means she searched using each term. --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:59 PM -----



"Tova Wang"

01/30/2006 01:14 PM

To psims@eac.gov
cc "Job Serebrov"
Subject donsanto materials

Hi again,

Have you had a chance to send us the new handbook, training materials, and the draft mail fraud bill that he wanted to give us? Thanks.

Tova Andrea Wang
Senior Program Officer and Democracy Fellow
The Century Foundation
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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:59 PM -----



"Tova Wang"

01/30/2006 09:22 AM

To "Job Serebrov" [redacted] psims@eac.gov

cc

Subject: conf call of academics

Three of the four can do noon on the 17th, and I think that's the best we'll do. We'll talk to Lori Minnite separately. Peg, can you please help set up the call? Thank you.

Tova

Tova Andrea Wang
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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:59 PM -----



"Tova Wang"

02/01/2006 02:27 PM

To psims@eac.gov

cc

Subject RE: Lori Minnite

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

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

Sent: Wednesday, February 01, 2006 2:12 PM

To: wang@tcf.org

Subject: Re: Lori Minnite

Got it! Would you please send me an electronic copy of your updated list of interviewees. (You gave me a hard copy when we met in DC, but it helps to have an electronic copy for our computer files.) --- Peggy

"Tova Wang" [redacted]

012582

02/01/2006 01:50 PM

To psims@eac.gov, "Job Serebrov" [REDACTED]
cc
Subject Lori Minnite

I rescheduled for noon on February 22, just after Wendy Weiser. Thanks.

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

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interview list 011006.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:59 PM -----



"Job Serebrov"

[REDACTED]
02/22/2006 02:16 PM

To psims@eac.gov, [REDACTED]

cc

Subject Schedule

Peggy:

With the addition of these two March interviews, can you update the schedule? Also, what will the procedure be for the Sandler interview?

Job

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:59 PM -----



"Tova Wang"

[REDACTED]
04/04/2006 01:30 PM

To psims@eac.gov

cc "Job Serebrov" [REDACTED], "Tova Wang"

Subject working group agenda

012583

Hi Peg,

Attached is a draft of an agenda for the working group. Let us know what you think. Thanks. Tova

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

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TW proposed agenda.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:59 PM -----



"Craig.Donsanto@usdoj.gov

"
<Craig.Donsanto@usdoj.gov
v>

To "psims@eac.gov" <psims@eac.gov>
cc

01/18/2006 02:36 PM

Subject RE: Public Integrity Section Roster

How's this?

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Wednesday, January 18, 2006 2:19 PM
To: Donsanto, Craig
Subject: Re: Public Integrity Section Roster

Craig:

I can't open the attached document because we use Microsoft Word. Our consultants also use Word. Any chance I could get a hard copy that I can put in pdf form for the consultants? --- Peggy

"Craig.Donsanto@usdoj.gov" <Craig.Donsanto@usdoj.gov>

01/18/2006 11:56 AM

012584

To

"psims@eac.gov" <psims@eac.gov>

cc

Subject

Public Integrity Section Roster

Peggy - -

Your two contractors asked for a Directory to the Public Integrity Section staff.

We just got a new one, which is attached.



2006 Phone Directory.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:59 PM -----



"Tova Wang"

02/01/2006 01:50 PM

To psims@eac.gov, "Job Serebrov"

cc

Subject Lori Minnite

I rescheduled for noon on February 22, just after Wendy Weiser. Thanks.

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

012585

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:59 PM -----



"Tova Wang"

04/11/2006 10:24 AM

To psims@eac.gov, "Job Serebrov" [REDACTED]

cc

Subject RE: Kennedy Interview

Sorry, you mean its today. OK, thanks. Tova

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

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

Sent: Monday, April 10, 2006 8:45 PM

To: Tova Andrea Wang; Job Serebrov

Subject: Kennedy Interview

It appears that the teleconference with Kevin Kennedy is set for tomorrow, April 11, at 10:30 AM CST/11:30 AM EST. Use the usual phone number (866-222-9044) and passcode [REDACTED]

If you have trouble connecting, contact Nicole..
Peg

Sent from my BlackBerry Wireless Handheld

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:59 PM -----

Tamar Nedzar /EAC/GOV

01/06/2006 10:30 AM

To [REDACTED]

cc Margaret Sims/EAC/GOV@EAC

Subject 3rd of 5 emails

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

012586

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

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

Sent: Thursday, March 02, 2006 9:50 AM

To: [REDACTED]

Cc: psims@eac.gov; 'Job Serebrov'; dscott@eac.gov

Subject: Re: new interview

Tova:

Your conference call is all set for 3:30pm (EST) March 14th for 1 hour.

Call in is 866-222-9044

Pass code: [REDACTED]

Let me know if you need anything else

Regards,

Nicole K. Mortellito
Research Assistant
U.S. Election Assistance Commission
1225 New York Avenue - Suite 1100
Washington, DC
202.566.2209 phone
202.566.3128 fax

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

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

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

012587

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:59 PM -----

Tamar Nedzar/EAC/GOV

01/06/2006 10:28 AM

To

cc Margaret Sims/EAC/GOV@EAC

Subject 2nd of 5 emails

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



12_28.zip

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:59 PM -----

Margaret Sims/EAC/GOV

03/28/2006 05:41 PM

To Tova Andrea Wang, Job Serebrov

cc Nicole Mortellito/CONTRACTOR/EAC/GOV@EAC, Edgardo Cortes/EAC/GOV@EAC, Devon E. Romig/CONTRACTOR/EAC/GOV@EAC

Subject DOJ Training Materials

012588

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:59 PM -----

Margaret Sims /EAC/GOV

02/01/2006 01:35 PM

To Tova Andrea Wang, Job Serebrov

cc

Subject Fw: Teleconference Set Up Requested

See the following email regarding teleconference arrangements for the 2/17 call among consultants, 3 academics, and others. I am drafting a spreadsheet for the interviews being set up. When I reach a logical stopping point, I will send the spreadsheet to you for corrections/clarifications/additions. --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 02/01/2006 01:21 PM -----



Nicole
Mortellito/CONTRACTOR/E
AC/GOV

02/01/2006 12:57 PM

To Margaret Sims/EAC/GOV@EAC

cc

Subject Re: Teleconference Set Up Requested 

Peg:

The teleconference will be set up by Diana. I will follow up to be sure next week some time. In the meantime, the following is the info your callers will need.

Dial in number 1-866-222-9044

012589

Pass code: [REDACTED]

Regards,

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

Margaret Sims/EAC/GOV

01/30/2006 11:38 AM

To Nicole Mortellito/CONTRACTOR/EAC/GOV@EAC

cc Karen Lynn-Dyson/EAC/GOV@EAC

Subject Teleconference Set Up Requested

EAC's consultants for the Voting Fraud/Voter Intimidation project need to set up a teleconference on February 17, 2006 at Noon EST. The call will involve approximately five people, including our consultants and the academics being interviewed for the project. Please let me know if you have any questions. Otherwise, please let me know the phone number and password to be used. Thanks.

Peggy Sims
Election Research Specialist

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:59 PM -----



[REDACTED]
02/23/2006 07:38 PM

To psims@eac.gov [REDACTED]

cc

Subject Re: Interviews

I'm happy to do anytime next Thursday the 2nd, and the week after that is totally free except for the Nina Perales interview and before 11 am on Thursday the 9th.

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

From: psims@eac.gov

To: wang@tcf.org ; serebrov@sbcglobal.net

Sent: Thursday, February 23, 2006 8:39 AM

Subject: Interviews

Job and Tova:

012590



01/31/2006 02:55 PM

cc [REDACTED] Tova Wang [REDACTED]
Subject Wendy Weiser

I have scheduled her for 11 AM EST on February 22

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

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

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:59 PM -----



"Tova Wang"
<wang@tcf.org>
04/11/2006 10:12 AM

To psims@eac.gov, "Job Serebrov" [REDACTED]
cc
Subject RE: Kennedy Interview

That gives us no time between interviews though, right? We've never been able to really limit it to 30 minutes.

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

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Monday, April 10, 2006 8:45 PM
To: Tova Andrea Wang; Job Serebrov
Subject: Kennedy Interview

It appears that the teleconference with Kevin Kennedy is set for tomorrow, April 11, at 10:30 AM CST/11:30 AM EST. Use the usual phone number (866-222-9044) and passcode [REDACTED]

If you have trouble connecting, contact Nicole..
Peg

Sent from my BlackBerry Wireless Handheld

012591



01/31/2006 04:52 PM

cc psims@eac.gov
Subject RE: lori minnite

That won't work well. I did not realize it was a federal holiday. We will need to move the call.

Job

--- Tova Wang [REDACTED] wrote:

> Job, Maybe you can just call us from your cell
> phone?
>
> -----Original Message-----
> From: psims@eac.gov [mailto:psims@eac.gov]
> Sent: Tuesday, January 31, 2006 4:02 PM
> To: wang@tcf.org
> Cc: serebrov@sbcglobal.net
> Subject: Re: lori minnite
>
>
>
> Tova:
> When the teleconference is for an interview with
> just one individual, an EAC
> staff person (usually I) will set the teleconference
> up through our office
> telephone. Unfortunately, I just noticed that
> Monday, February 20 is a
> Federal holiday. Our office won't be open to
> coordinate this
> teleconference. I don't have access to EAC's
> toll-free line from home. Do
> you want to try to reschedule?--- Peggy
>
>
>
> "Tova Wang" [REDACTED]
>
>
> 01/30/2006 06:26 PM
>
>
> To
> "'Job Serebrov'" [REDACTED]
> psims@eac.gov
>
> cc
> [REDACTED]
> Subject
> lori minnite

012592

>
>
>
>
>
>
> I have set up the interview for 12 noon on Monday,
> February 20. I will meet
> her in her office (its blocks from my house) so it
> will just be us and Job
> and Alex calling in. Thanks.
>
> Tova Andrea Wang
> Senior Program Officer and Democracy Fellow
> The Century Foundation
> 41 East 70th Street - New York, NY 10021
> phone: 212-452-7704 fax: 212-535-7534
>
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> www.tcf.org, for the latest news,
> analysis, opinions, and events.
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> _____
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> weekly e-mail updates.
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>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:59 PM -----



"Tova Wang"

03/01/2006 05:04 PM

To "Job Serebrov" <[REDACTED]>
psims@eac.gov, nmortellito@eac.gov
cc

Subject new interview

Secretary of State Rebecca Vigil Giron, 1:30 Mountain time (which I believe is 3:30 EST). Let me know if its the same number and pass code. thanks.

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

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

012593

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:59 PM -----



Nicole
Mortellito/CONTRACTOR/E
AC/GOV
03/02/2006 09:50 AM

To "Tova Wang" [REDACTED]
cc psims@eac.gov, "Job Serebrov"
[REDACTED] piana Scott/EAC/GOV@EAC
Subject Re: new interview [REDACTED]

Tova:

Your conference call is all set for 3:30pm (EST) March 14th for 1 hour.

Call in is 866-222-9044
Pass code: [REDACTED]

Let me know if you need anything else

Regards,

Nicole K. Mortellito
Research Assistant
U.S. Election Assistance Commission
1225 New York Avenue - Suite 1100
Washington, DC
202.566.2209 phone
202.566.3128 fax

"Tova Wang" [REDACTED]

03/01/2006 05:04 PM

To "Job Serebrov" <[REDACTED]@eac.gov>
nmortellito@eac.gov
cc
Subject new interview

Secretary of State Rebecca Vigil Giron, March 14th at 1:30 Mountain time (which I believe is 3:30 EST).
Let me know if its the same number and pass code. thanks.

Tova Andrea Wang
Senior Program Officer and Democracy Fellow
The Century Foundation

012594

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:59 PM -----



[REDACTED]
01/12/2006 05:31 PM

To psims@eac.gov
cc
Subject tmw

Hi Peg,

I don't know if you're still around, but just a silly question -- do you have a sense of when we will be done tomorrow? I'm assuming around 4, but just wanted to check. Also, I'll get there a bit before 10 so that we can actually start at 10. Look forward to seeing you.

Tova



"Tova Wang"
[REDACTED]
01/31/2006 04:20 PM

To psims@eac.gov
cc [REDACTED]
Subject RE: lori minnite

Job, Maybe you can just call us from your cell phone?

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

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Tuesday, January 31, 2006 4:02 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: Re: lori minnite

Tova:

When the teleconference is for an interview with just one individual, an EAC staff person (usually I) will set the teleconference up through our office telephone. Unfortunately, I just noticed that Monday, February 20 is a Federal holiday. Our office won't be open to coordinate this teleconference. I don't have access to EAC's toll-free line from home. Do you want to try to reschedule?--- Peggy

012595

"Tova Wang" [REDACTED]

01/30/2006 06:26 PM

To "Job Serebrov" [REDACTED]@sims@eac.gov
cc [REDACTED]
Subject lori minnite

I have set up the interview for 12 noon on Monday, February 20. I will meet her in her office (its blocks from my house) so it will just be us and Job and Alex calling in. Thanks.

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

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

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:59 PM -----

Margaret Sims/EAC/GOV

02/08/2006 04:48 PM

To John Tanner

cc

Subject Interview Request Re EAC Research on Voting Fraud and
Voter Intimidation

Dear John:

I have been assigned to manage the U.S. Election Assistance Commission's (EAC) preliminary research project on voting fraud and voter intimidation. Obviously, obtaining information regarding the Voting Section's actions against voter intimidation and other voting rights violations is important to this effort. Would you be available for an interview by our project consultants on **February 24 at 2:00 PM**? The interview may take place by phone, or one of the consultants may visit your office and connect the other consultant by phone.

Background

Section 241 of the Help America Vote Act of 2002 requires EAC to conduct research on election administration issues. Among the issues listed in the statute are the development of:

- nationwide statistics and methods of identifying, deterring, and investigating voting fraud in elections

012596

- for Federal office [section 241(b)(6)]; and
- methods of identifying, deterring, and investigating methods of voter intimidation [section 241(b)(7)].

EAC's Board of Advisors recommended that EAC make research on these topics a high priority. Subsequently, the Commission contracted with two consultants (Tova Wang and Job Serebrov) to:

- develop a comprehensive description of what constitutes voting fraud and voter intimidation in the context of Federal elections;
- perform preliminary research on these topics (including Federal and State administrative and case law review), identify related activities of key government agencies and civic and advocacy organizations, and deliver a summary of this research and all source documentation;
- convene a meeting of a project working group composed of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation, provide the results of the preliminary research to the working group, and record the working group's deliberations; and
- produce a report to EAC summarizing the findings of the preliminary research effort and working group deliberations that includes recommendations for future EAC action, if any.

Possible Questions

Possible interview questions include the following:

1. According to a GAO report dated September 14, 2004 entitled Department of Justice's Activities to Address Past Election-Related Voting Irregularities, the "Voting Section has used several means of tracking allegations of voting irregularities and the Section's actions with regard to those allegations. First, the Voting Section used telephone logs to track telephone calls regarding allegations of voting irregularities it received related to the November 2000 and 2002 elections. Second, DOJ tracks matters and cases through its Interactive Case Management (ICM) system-its formal process for tracking and managing work activities. Third, the Voting Section tracked monitoring of elections using logs and for some election-monitoring activities they opened matters; thus, it has not routinely tracked election-monitoring activities through the ICM system."

Can you provide us with the following:

- a) The telephone logs referred to in the report
- b) The matters and cases tracked through the Interactive Case Management (ICM) system
- c) The other logs referred to in the report
- d) Any other data the division has maintained electronically during the last three federal election cycles

2. The division deployed thousands of observers to polling sites throughout the country in 2002, 2003, and 2004.

Can you provide us with the following:

- a) Any reports that were developed with respect to those efforts, before, during and after it implementation
- b) Any field notes from federal attorneys and their staff
- c) Information on any lawsuits and/or prosecutions for voter intimidation and/or suppression from the last five years

3. Does it matter if the complaint does or does not come from a member of a racial or language minority?

4. What kinds of complaints would routinely override principals of federalism?

5. Are you of the opinion that there are too few prosecutions?

6. What should be done to improve the system?

Let me know if you have any questions about this request or the research project. I look forward to hearing from you.

Regards,

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----

Tamar Nedzar /EAC/GOV

01/06/2006 10:25 AM

To

cc Margaret Sims/EAC/GOV@EAC

Subject First of five emails

Tova and Job,

I haven't forgotten about you. The server has been returning my batches of results for you because they exceed the maximum file size, so I will be sending you 5 emails today and one or two more from my home computer either tonight or tomorrow.

Please call if you have questions.

Thank you,

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

012598



12_27.zip

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM ---



"Job Serebrov"
<serebrov@sbcglobal.net>
03/13/2006 12:53 PM

To psims@eac.gov
cc

Subject Re: I'm BAAACK

Peggy:

Good to hear from you. No, unfortunately this week is very bad for me. Today is covered, tomorrow from 1-2 your time is out, Wednesday and Friday are out. Pick a time between all, of this. I am in Nevada from March 25 to the 28.

Job

--- psims@eac.gov wrote:

- > Tova and Job:
- >
- > I apologize for my unanticipated and lengthy
- > absence. I am back in the
- > office, though I will have to work short days
- > through Wednesday.
- >
- > Are you two available for a teleconference this
- > afternoon, say 3:00 PM
- > EST, so that we can re-evaluate where we are and
- > what needs to be done to
- > schedule the working group?
- >
- > ---- Peggy
- >
- >

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM ---

Tamar Nedzar/EAC/GOV
01/06/2006 12:06 PM

To "Job Serebrov"
[REDACTED]
cc Margaret Sims/EAC/GOV@EAC

Subject Re: First of five emails

Thanks for letting me know Job. As I'm sure Peg told you, we are subject to GSA's file size restrictions and they are not always timely in letting us know when they block emails. Unfortunately, until they notify me that they are holding the email hostage, I cannot send it along. However, if I don't hear from them by 5, I will force the issue.

012599

Thanks again,

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



"Job Serebrov" [REDACTED]

01/06/2006 11:59 AM

To tnedzar@eac.gov
cc

Subject Re: First of five emails

Tamar~

I received all but file number 5.

Regards,

Job

--- tnedzar@eac.gov wrote:

> Tova and Job,
>
> I haven't forgotten about you. The server has been
> returning my batches of
> results for you because they exceed the maximum file
> size, so I will be
> sending you 5 emails today and one or two more from
> my home computer
> either tonight or tomorrow.
>
> Please call if you have questions.
>
> Thank you,
>
> Tamar Nedzar
> Law Clerk
> U.S. Election Assistance Commission
> 1225 New York Avenue, NW Suite 1100
> Washington, DC 20005
> (202) 566-2377
> <http://www.eac.gov>
> TNedzar@eac.gov
>
>

012600

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----



"Tova Wang"

[REDACTED]
02/01/2006 10:13 AM

To psims@eac.gov

cc [REDACTED]

Subject RE: Tanner Interview

I am available any time after noon on the 7th and after 3 on the 8th. I think in terms of data that we would like from him, that one point on the Donsanto memo is applicable. Job, do we want to come up with a separate set of questions?

012601



01/03/2006 05:30 PM

To psims@eac.gov

cc

Subject Re: conf call & Devon's Research

I would like to be able to talk to her -- is there an email address I can reach her at? I actually think I emailed her at an address that was not the EAC. Regarding Donsanto, were you OK with the information request I sent you? Tova

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

From: <psims@eac.gov>

To: [REDACTED]

Sent: Tuesday, January 03, 2006 5:24 PM

Subject: Re: conf call & Devon's Research

>
> Tova:
>
> If you an Job can work things out between you, that's good enough for me.
> We can talk about the meeting with Donsanto when we meet on January 13,
> unless you really need to discuss it before then.
>
> As Devon's last day was 12/9, I don't think she has access to the EAC
> email
> address any longer. I don't think she received the email you sent her
> after that date. I did further spot checks of the articles she included
> on
> the CD. I see several pdf files that came from the Lexis search. She
> would not have picked up anything that duplicated the newsclips I had
> saved. I did see one false drop (an article about a union election) and a
> few articles that I would have filed in a different voting fraud subject
> folder, but I think she finished all of the work we asked her to do.
>
> --- Peggy
>
>

— Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM —

"Job Serebrov"

02/09/2006 06:04 PM

To psims@eac.gov, [REDACTED]

cc

Subject number



012602

Webber's number is [REDACTED]

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----



[REDACTED]
01/03/2006 12:24 PM

To psims@eac.gov
cc "Job Serebrov" [REDACTED]
Subject conf call?

I will be out for the next few hours, but I'm available any time after 3:30 on my cell and all day tomorrow at my office. Let me know when you'd like to talk. Thanks. Tova

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----

Margaret Sims /EAC/GOV

01/03/2006 03:14 PM

To wang@tcf.org@GSAEXTERNAL
cc "Job Serebrov" [REDACTED]
Subject Re: conf call? [REDACTED]

If you would like a conference call, how about some time tomorrow morning. Tomorrow afternoon is booked. Today, I am trying to get through all the emails left in my short absence. --- Peggy

wang@tcf.org



[REDACTED]
01/03/2006 12:24 PM

To psims@eac.gov
cc "Job Serebrov" [REDACTED]
Subject conf call?

I will be out for the next few hours, but I'm available any time after 3:30 on my cell and all day tomorrow at my office. Let me know when you'd like to talk. Thanks. Tova

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----



"John.K.Tanner@usdoj.gov"
<John.K.Tanner@usdoj.gov>
>

02/08/2006 05:42 PM

To "psims@eac.gov" <psims@eac.gov>
cc

Subject RE: Interview Request Re EAC Research on Voting Fraud
and Voter Intimidation

012603

Peggy,

I will be more than happy to help in any way. I will check on what information it is possible to release. There are, as you can imagine restrictions. I will be available for the interview at 2:00 on the 24th. How long do you expect the interview to take?

John

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

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Wednesday, February 08, 2006 4:49 PM
To: Tanner, John K (CRT)
Subject: Interview Request Re EAC Research on Voting Fraud and Voter Intimidation

Dear John:

I have been assigned to manage the U.S. Election Assistance Commission's (EAC) preliminary research project on voting fraud and voter intimidation. Obviously, obtaining information regarding the Voting Section's actions against voter intimidation and other voting rights violations is important to this effort. Would you be available for an interview by our project consultants on February 24 at 2:00 PM? The interview may take place by phone, or one of the consultants may visit your office and connect the other consultant by phone.

Background

Section 241 of the Help America Vote Act of 2002 requires EAC to conduct research on election administration issues. Among the issues listed in the statute are the development of:

nationwide statistics and methods of identifying, deterring, and investigating voting fraud in elections for Federal office [section 241(b)(6)]; and
methods of identifying, deterring, and investigating methods of voter intimidation [section 241(b)(7)].

EAC's Board of Advisors recommended that EAC make research on these topics a high priority. Subsequently, the Commission contracted with two consultants (Tova Wang and Job Serebrov) to:

develop a comprehensive description of what constitutes voting fraud and voter intimidation in the context of Federal elections;
perform preliminary research on these topics (including Federal and State administrative and case law review), identify related activities of key government agencies and civic and advocacy organizations, and deliver a summary of this research and all source documentation;
convene a meeting of a project working group composed of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation, provide the results of the preliminary research to the working group, and record the working group's deliberations; and
produce a report to EAC summarizing the findings of the preliminary research effort and working group deliberations that includes recommendations for future EAC action, if any.

012604

Possible Questions

Possible interview questions include the following:

1. According to a GAO report dated September 14, 2004 entitled Department of Justice's Activities to Address Past Election-Related Voting Irregularities, the "Voting Section has used several means of tracking allegations of voting irregularities and the Section's actions with regard to those allegations. First, the Voting Section used telephone logs to track telephone calls regarding allegations of voting irregularities it received related to the November 2000 and 2002 elections. Second, DOJ tracks matters and cases through its Interactive Case Management (ICM) system-its formal process for tracking and managing work activities. Third, the Voting Section tracked monitoring of elections using logs and for some election-monitoring activities they opened matters; thus, it has not routinely tracked election-monitoring activities through the ICM system."

Can you provide us with the following:

- a) The telephone logs referred to in the report
- b) The matters and cases tracked through the Interactive Case Management (ICM) system
- c) The other logs referred to in the report
- d) Any other data the division has maintained electronically during the last three federal election cycles

2. The division deployed thousands of observers to polling sites throughout the country in 2002, 2003, and 2004.

Can you provide us with the following:

- a) Any reports that were developed with respect to those efforts, before, during and after it implementation
- b) Any field notes from federal attorneys and their staff
- c) Information on any lawsuits and/or prosecutions for voter intimidation and/or suppression from the last five years

3. Does it matter if the complaint does or does not comes from a member of a racial or language minority?

4. What kinds of complaints would routinely override principals of federalism?

5. Are you of the opinion that there are too few prosecutions?

6. What should be done to improve the system?

Let me know if you have any questions about this request or the research project. I look forward to hearing from you.

Regards,

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----



"Tova Wang"

02/15/2006 11:43 AM

To psims@eac.gov
cc ecortes@eac.gov
Subject FW: EAC Voter Fraud Project

I'm rescheduling

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

From: Mike Alvarez [mailto:rma@hss.caltech.edu]
Sent: Wednesday, February 15, 2006 11:34 AM
To: Tova Wang
Subject: RE: EAC Voter Fraud Project

Tova, unfortunately I'm not going to be able to participate on Friday morning. Can I catch up on this early next week?

On Wed, 15 Feb 2006, Tova Wang wrote:

> Just a reminder about Friday. Look forward to speaking to you then.
> Thanks again.

>

> -----Original Message-----

> From: Tova Wang [mailto:wang@tcf.org]
> Sent: Wednesday, February 01, 2006 1:46 PM
> To: 'Tova Wang'; 'Mike Alvarez'; 'Chandler Davidson'; 'Stephen
> Ansolabehere'
> Cc: baker@tcf.org; psims@eac.gov
> Subject: RE: EAC Voter Fraud Project

>

>

> Hi all,

>

> Here is the call in information for our discussion on Feb 17 at noon.

>

> Dial in number 1-866-222-9044

> Pass code: [REDACTED]

>

> I'll try to remember to send out a reminder between now and then...

>

> Thanks again

012606

>
> Tova
>
> Tova Andrea Wang
> Senior Program Officer and Democracy Fellow
> The Century Foundation
> 41 East 70th Street - New York, NY 10021
> phone: 212-452-7704 fax: 212-535-7534
>
> Visit our Web site, <<http://www.tcf.org/>> www.tcf.org, for the latest
> news, analysis, opinions, and events.
>
> _____
>
> <<mailto:join-tcfmain@mailhost.groundspring.org>> Click here to receive
> our weekly e-mail updates.
>
>
>
>

--

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

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

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----

Margaret Sims/EAC/GOV

01/06/2006 03:03 PM

To Craig Donsanto

cc

Subject Interview Reminder - Preview Questions

Craig:

This is just to remind you of the interview appointment we had set up for 2 PM, Friday, January 13. I'll accompany our consultants, Job Serebrov and Tova Wang, to your office. I invited both of them to submit questions in advance of the interview. The questions they have submitted so far, are attached. I realize that you may not have the answers to questions involving Voting Section activities. Perhaps you can recommend someone in that section who could answer such questions.

Look forward to seeing you!

012607

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



12_26.zip

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----



"Job Serebroy"

[REDACTED] et>
01/11/2006 11:57 AM

To "Tova Wang" [REDACTED]@eac.gov
cc

Subject Re: nexis search

I agree.

Job

--- Tova Wang [REDACTED] wrote:

> My suspicion is that if she did a nexis search at
> all, she used the terms of
> our definition, ie the titles of the folders, not
> the long list of search
> terms that we gave her. It would be best to be able
> to ask her directly if
> thats possible. Tova
>
> Tova Andrea Wang
> Senior Program Officer and Democracy Fellow
> The Century Foundation
> 41 East 70th Street - New York, NY 10021
> phone: 212-452-7704 fax: 212-535-7534
>
> Visit our Web site, <<http://www.tcf.org/>>
> www.tcf.org, for the latest news,
> analysis, opinions, and events.
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> <<mailto:join-tcfmain@mailhost.groundspring.org>>
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> weekly e-mail updates.
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>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----

012609



"Job Serebrov"

02/21/2006 12:49 PM

To psims@eac.gov, [redacted]

cc

Subject Friday Interviews

Peggy:

We will need to do the Friday interviews the same way we are doing all of the others. Despite Tova being in DC, we will have to do a conference call from your office. I only have a cell phone to make long distance calls and limited minutes.

Job

— Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM —

Margaret Sims /EAC/GOV

02/21/2006 02:44 PM

To "Job Serebrov"

cc [redacted]

Subject Re: Friday Interviews

I have asked Tanner for permission to call you from DOJ. That way we can bring you in by speaker phone, as we did with Donsanto. I'll have to check with Sandler re: what we can set up at his office. ---
Peggy

"Job Serebrov" [redacted]



"Job Serebrov"

<serebrov@sbcglobal.net>

02/21/2006 12:49 PM

To psims@eac.gov, [redacted]

cc

Subject Friday Interviews

Peggy:

We will need to do the Friday interviews the same way we are doing all of the others. Despite Tova being in DC, we will have to do a conference call from your office. I only have a cell phone to make long distance calls and limited minutes.

Job

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----



"Job Serebrov"

03/13/2006 02:41 PM

To psims@eac.gov

cc

Subject Re: I'm BAAACK

11:00 am your time.

--- psims@eac.gov wrote:

> Any time on Thursday possible?

> --- Peggy

>

>

>

>

> "Job Serebrov"

> 03/13/2006 12:53 PM

>

> To

> psims@eac.gov

> cc

>

> Subject

> Re: I'm BAAACK

>

>

>

>

>

>

> Peggy:

>

> Good to hear from you. No, unfortunately this week
> is

> very bad for me. Today is covered, tomorrow from 1-2
> your time is out, Wednesday and Friday are out. Pick

> a

> time between all, of this. I am in Nevada from March
> 25 to the 28.

>

> Job

>

> --- psims@eac.gov wrote:

>

> > Tova and Job:

> >

> > I apologize for my unanticipated and lengthy

> > absence. I am back in the

> > office, though I will have to work short days

> > through Wednesday.

> >

> > Are you two available for a teleconference this

> > afternoon, say 3:00 PM

012610

> > EST, so that we can re-evaluate where we are and
> > what needs to be done to
> > schedule the working group?
> >
> > ---- Peggy
> >
> >
>
>
>
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----

Margaret Sims/EAC/GOV

01/30/2006 01:23 PM

To "Tova Wang" [REDACTED], Job
Serebrov

cc

Subject Re: donsanto materials [REDACTED]

We have not received the draft anti-fraud bill from him, yet. Let me see if I can locate the previous version on-line. I haven't had time to photocopy the hard copy materials, or to copy the CD he gave us. I'll try to get some help with that, but most of our folks are not available because there is a long lasting virus going around. --- Peggy

"Tova Wang" [REDACTED]



"Tova Wang"

01/30/2006 01:14 PM

To psims@eac.gov

cc "Job Serebrov" [REDACTED]

Subject donsanto materials

Hi again,

Have you had a chance to send us the new handbook, training materials, and the draft mail fraud bill that he wanted to give us? Thanks.

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

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012611

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----



"Tova Wang"

01/10/2006 12:43 PM

To s [redacted] et

cc psims@eac.gov

Subject interviews

I just realized I still need to provide a Secretary of State: Rebecca Vigil-Giron from New Mexico

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

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----



03/17/2006 10:57 AM

To "Job Serebrov" [redacted] psims@eac.gov

cc nmortellito@eac.gov

Subject Fw: FW: EAC Interview

Peg and Nicole, Could you please set up this call with SOS Vigil-Giron noon next Friday? Thanks.

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

From: Anaya, Anna, SOS

To: wang@tcf.org

Sent: Friday, March 17, 2006 9:30 AM

Subject: RE: FW: EAC interview

10:00am mst is good for her, thanks for being so considerate.

From: [redacted]
Sent: Thursday, March 16, 2006 8:00 PM
To: Anaya, Anna, SOS
Subject: Re: FW: EAC Interview

Hi Anna, No problem. How is noon EST? Tova

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

012612

From: Anaya, Anna, SOS
To: Tova Wang
Sent: Thursday, March 16, 2006 3:17 PM
Subject: RE: FW: EAC interview

Tova, guess who? we need to change the conference call hopefully same day but earlier. Rebecca is available from 8am to noon our time. Sorry...hope she can be accomodated.

Thanks

Anna

From: Tova Wang [mailto: [REDACTED]]
Sent: Tuesday, March 14, 2006 2:15 PM
To: Anaya, Anna, SOS
Subject: FW: FW: EAC interview

Hi Anna,

Looks like we're all set. Let me know if you have any questions and thanks again. Tova
-----Original Message-----

From: nmortellito@eac.gov [mailto:nmortellito@eac.gov]
Sent: Tuesday, March 14, 2006 4:09 PM
To: [REDACTED]
Cc: psims@eac.gov
Subject: Re: FW: EAC interview

Tova I have set this up for 3:30pm (eastern time) 1:30pm new mexico time for 1 hour on March 24th.

Dial in 866-222-9044 and passcode [REDACTED]

Let me know if you need anything else

Regards,

Nicole K. Mortellito
Research Assistant
U.S. Election Assistance Commission
1225 New York Avenue - Suite 1100
Washington, DC
202.566.2209 phone
202.566.3128 fax

"Tova Wang" [REDACTED]

03/13/2006 01:25 PM

To psims@eac.gov, nmortellito@eac.gov
cc

012613

Subject FW: EAC interview

Can you please set this up? Thanks.

PS -- I understand you have sent me email, but something is wrong with our server. If you need to talk to me please give me a call at [REDACTED] Thanks

Tova

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

From: Anaya, Anna, SOS [mailto:anna.anaya@state.nm.us]
Sent: Monday, March 13, 2006 11:14 AM
To: Tova Wang
Subject: RE: EAC interview

How about Friday, March 24 at 1:30pm our time??

From: Tova Wang [mailto:[REDACTED]]
Sent: Monday, March 13, 2006 8:48 AM
To: Anaya, Anna, SOS
Subject: RE: EAC interview

Anna,

I'm so sorry to hear that. Is there some time next week that works for the Secretary? Thanks. Tova

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

From: Anaya, Anna, SOS [mailto:anna.anaya@state.nm.us]
Sent: Monday, March 13, 2006 9:29 AM
To: Tova Wang
Subject: RE: EAC interview

Good morning, we will need to reschedule your call with Rebecca. There has been a death in her family and the services are Tuesday.

From: Tova Wang [mailto:[REDACTED]]
Sent: Friday, March 03, 2006 11:58 AM
To: Anaya, Anna, SOS
Subject: EAC interview

Anna, Thanks so much for setting up our appointment with the Secretary. The call-in information is below. Please let me know if you have any questions. Thanks again. Tova

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

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

012614

Sent: Thursday, March 02, 2006 9:50 AM
To: [REDACTED]
Cc: psims@eac.gov; 'Job Serebrov'; dscott@eac.gov
Subject: Re: new interview

Tova:

Your conference call is all set for 3:30pm (EST) March 14th for 1 hour.

Call in is 866-222-9044
Pass code [REDACTED]

Let me know if you need anything else

Regards,

Nicole K. Mortellito
Research Assistant
U.S. Election Assistance Commission
1225 New York Avenue - Suite 1100
Washington, DC
202.566.2209 phone
202.566.3128 fax

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

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012615

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----



"Tova Wang"

02/22/2006 05:04 PM

To psims@eac.gov

cc

Subject FW: Interviews

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

From: Job Serebrov [mailto:serebrov@sbcglobal.net]
Sent: Wednesday, February 22, 2006 4:59 PM
To: Tova Wang
Subject: Re: interviews

I really don't know if we will get these two interviews scheduled but if so, go ahead and add two more.

012616

--- Tova Wang [REDACTED] wrote:

> I think we should stick with the original, agreed
> upon list. We worked
> hard to assemble it and keep it manageable.
> Otherwise, there are some
> people that I would like to add to the list as well.
> Let me know if thats
> how you want to proceed.

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

>
> Visit our Web site, <<http://www.tcf.org/>>
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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----

Margaret Sims /EAC/GOV

04/06/2006 09:35 AM

To Job Serebrov, Tova Andrea Wang

cc

Subject Upcoming Interviews-DOJ Info

Hi, Job and Tova:

Tony Sirvello (former election director for Harris County, TX and current Executive Director of the International Association of Clerks, Recorders, Election Officials and Treasurers) can make himself available for an interview next Wednesday morning (4/12). He is on CST. Is there a time that works well for the two of you? How about 10 AM CST/11 AM EST? I saw Kevin Kennedy at a meeting in our office this past Tuesday. We are trying to set up an interview with him next Tuesday (4/11).

I asked Donsanto about an updated version of his *Prosecution of Election Offenses*. He responded that it is at the printers and will not be available for a couple of months. In the interim, he referred me to the white paper he did for IFES, which I have attached. He said that the white paper includes the same information on the prosecution of election fraud that will be in the book. --- Peggy

012617



IFES_Prosecution of Election Fraud-Donsanto.pdf

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----



"Tova Wang"

02/21/2006 12:21 PM

To psims@eac.gov

cc

Subject friday

Hi Peg,

I should meet you at the building where John Tanner is a little before 2, right? Can you please tell me the location? Thanks. Tova

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

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----

Margaret Sims /EAC/GOV

02/16/2006 09:18 AM

To Barry Weinberg

cc

Subject Your Input Requested-Voting Fraud/Voter Intimidation Project

Barry:

Hope you have been doing well. Scott Lansell (IFES) was in the office last week and spoke well of you. He said that you had worked with IFES on a project they were doing in Africa.

I am now working for the new Election Assistance Commission (EAC), as the Help America Vote Act of 2002 (HAVA) required the transfer of the FEC's Office of Election Administration to EAC. I have been assigned to manage the U.S. Election Assistance Commission's (EAC) preliminary research project on voting fraud and voter intimidation. I wondered if you would be interested in and available to serve on a project working group for EAC's preliminary research on voting fraud and voter intimidation. I appreciated your insight when we worked on the implementation of NVRA, and hope that you will be available to provide us the benefit of your expertise.

EAC is conducting this research to meet HAVA requirements. Section 241 of the Help America Vote Act of 2002 requires EAC to conduct research on election administration issues. Among the issues listed in the statute are the development of:

012618

- nationwide statistics and methods of identifying, deterring, and investigating voting fraud in elections for Federal office [section 241(b)(6)]; and
- methods of identifying, deterring, and investigating methods of voter intimidation [section 241(b)(7)].

EAC's Board of Advisors recommended that EAC make research on these topics a high priority. Subsequently, the Commission contracted with two consultants (Tova Wang and Job Serebrov) to:

- develop a comprehensive description of what constitutes voting fraud and voter intimidation in the context of Federal elections;
- perform preliminary research on these topics (including Federal and State administrative and case law review), identify related activities of key government agencies and civic and advocacy organizations, and deliver a summary of this research and all source documentation;
- convene a meeting of a project working group composed of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation, provide the results of the preliminary research to the working group, and record the working group's deliberations; and
- produce a report to EAC summarizing the findings of the preliminary research effort and working group deliberations that includes recommendations for future EAC action.

The working group members would need to review the results of preliminary research done by the two consultants to EAC and brainstorm ideas for future EAC action in this area, if any. I expect that the group will meet only once this year, probably in April in DC.

Please call me or send an email if you have any questions about the project or this request. I look forward to hearing from you.

Peggy Sims
 Election Research Specialist
 U.S. Election Assistance Commission
 1225 New York Ave, NW - Ste 1100
 Washington, DC 20005
 Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
 Fax: 202-566-3127
 email: psims@eac.gov

— Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM —



"Tova Wang"

04/12/2006 12:03 PM

To psims@eac.gov
 cc "Job Serebrov" [redacted] "Nicole
 Mortellito" <nmortellito@eac.gov>
 Subject working group meeting

I cannot do it on May 5 now. Any update on a date? I will be in DC for other meetings May 4 - May 7 if that makes any difference (EAC would not have to pay my transportation if it was on, for example, Monday May 8 or possibly even the 9th) Thanks.

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

012619

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— Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM —



"Tova Wang"
<wang@tcf.org>
01/30/2006 06:26 PM

To "Job Serebrov" <serebrov@sbcglobal.net>, psims@eac.gov
cc baker@tcf.org
Subject lori minnite

I have set up the interview for 12 noon on Monday, February 20. I will meet her in her office (its blocks from my house) so it will just be us and Job and Alex calling in. Thanks.

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

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"Tova Wang"
[REDACTED]
01/10/2006 04:43 PM

To psims@eac.gov
cc
Subject RE: nexis articles

Does this mean that the articles you collected were already scanned and are on the CD?

012620

[REDACTED]

01/08/2006 09:24
PM

psims@eac.gov, "Job Serebrov"

To

[REDACTED]

cc

Subject

nexis articles

Hi again,

I'm just scanning over Devon's collection and do not believe she could have possibly searched all of the terms we gave her. I am aware of tons of articles that were written on many of these topics in 2004 that do not appear in the folder. I think someone is going to have to do it over again from scratch, and I'm thinking about doing at least some of it myself. We should discuss this in detail on Thursday. Thanks.

Tova

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----

012621
012621

Margaret Sims/EAC/GOV
02/15/2006 10:19 AM

To Tova Andrea Wang, Job Serebrov
cc Edgardo Cortes/EAC/GOV@EAC
Subject Interview Schedule

Here is the latest schedule. --- Peggy



Schedule of Interviews.xls

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM ---

Margaret Sims/EAC/GOV
03/13/2006 12:47 PM

To Tova Andrea Wang, Job Serebrov
cc
Subject I'm BAAACK

Tova and Job:

I apologize for my unanticipated and lengthy absence. I am back in the office, though I will have to work short days through Wednesday.

Are you two available for a teleconference this afternoon, say 3:00 PM EST, so that we can re-evaluate where we are and what needs to be done to schedule the working group?

--- Peggy

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM ---



"Job Serebrov"

02/15/2006 10:24 AM

To psims@eac.gov
cc
Subject Re: Interview Schedule

Is the passcode for the 2/17 interviews 62209?

--- psims@eac.gov wrote:

> Here is the latest schedule. --- Peggy
>

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM ---



"John.K.Tanner@usdoj.gov"
<John.K.Tanner@usdoj.gov>
>

To "psims@eac.gov" <psims@eac.gov>
cc

012622



02/22/2006 04:09 PM

Subject RE: Upcoming Interview

Peggy

It will be easiest to meet in office, which is at 1800 G St NW, 7th floor. (You can call as you approach or when you get to the 7th floor.) I can patch anyone in by phone.

Much of the information you have requested is, as you can imagine, internal. I'll get you as much as we can, however, and look forward to talking with you.

John

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

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Tuesday, February 21, 2006 1:14 PM
To: Tanner, John K (CRT)
Subject: Upcoming Interview

Dear John:

This is just to confirm the interview I set up with you this Friday at 2 PM. I'll bring Tova Wang, one of the two consultants on the project. Would it be possible to bring the other consultant into the conference via speaker phone? (He is in Little Rock, AR, so it would be a long distance call.)

I assume that we should go to the main entrance for 950 Pennsylvania Ave, NW and that Security will let you know when we've arrived. Is that correct?

Thanks, again, for time out for us.

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----



"Tova Wang"

[Redacted]
01/09/2006 02:12 PM

To tnedzar@eac.gov
cc psims@eac.gov, [Redacted]
Subject RE: 3rd of 3 emails

012623

I got the first two now. Whats the total number we should have for the day?

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

From: tnedzar@eac.gov [mailto:tnedzar@eac.gov]
Sent: Monday, January 09, 2006 2:07 PM
To: wang@tcf.org
Cc: psims@eac.gov; serebrov@sbcglobal.net
Subject: RE: 3rd of 3 emails

Hi Tova,

The first two emails were on another server, which could explain the delay. All three should be released today; if you don't receive them by 5, please send me an email and I will follow up with GSA. Job, if you have any problems with receiving emails, please also let me know.

Keeping my fingers crossed!

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

"Tova Wang" [REDACTED]

01/09/2006 01:34 PM

To: tnedzar@eac.gov [REDACTED]
Cc: psims@eac.gov
Subject RE: 3rd of 3 emails

I am very confused. I didn't get the first two.

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

From: tnedzar@eac.gov [mailto:tnedzar@eac.gov]
Sent: Monday, January 09, 2006 9:49 AM
To: [REDACTED]
Cc: psims@eac.gov
Subject: 3rd of 3 emails

Tamar Nedzar
Law Clerk
U.S. Election Assistance Commission

012624

1225 New York Avenue, NW Suite 1100
Washington, DC 20005
(202) 566-2377
<http://www.eac.gov>
TNedzar@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----

Tamar Nedzar/EAC/GOV

01/09/2006 02:15 PM

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

cc psims@eac.gov, [REDACTED]

Subject RE: 3rd of 3 emails

There should be three total for today. All email subject lines should say something like, "First of 3, second of 3," etc.

Please let me know if I need to resend anything.

Thanks,

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

"Tova Wang" [REDACTED]

01/09/2006 02:12 PM

To tnedzar@eac.gov

cc psims@eac.gov, serebrov@sbcglobal.net

Subject RE: 3rd of 3 emails

I got the first two now. Whats the total number we should have for the day?

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

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

Sent: Monday, January 09, 2006 2:07 PM

To: wang@tcf.org

012625

Cc: psims@eac.gov; [REDACTED]
Subject: RE: 3rd of 3 emails

Hi Tova,

The first two emails were on another server, which could explain the delay. All three should be released today; if you don't receive them by 5, please send me an email and I will follow up with GSA. Job, if you have any problems with receiving emails, please also let me know.

Keeping my fingers crossed!

Tamar Nedzar
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1225 New York Avenue, NW Suite 1100
Washington, DC 20005
(202) 566-2377
<http://www.eac.gov>
TNedzar@eac.gov

"Tova Wang" [REDACTED]

01/09/2006 01:34 PM

To tnedzar@eac.gov, [REDACTED]
cc psims@eac.gov
Subject RE: 3rd of 3 emails

I am very confused. I didn't get the first two.

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

From: tnedzar@eac.gov [mailto:tnedzar@eac.gov]
Sent: Monday, January 09, 2006 9:49 AM
To: wang@tcf.org; serebrov@sbcglobal.net
Cc: psims@eac.gov
Subject: 3rd of 3 emails

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

012626

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----



[REDACTED]
01/23/2006 10:12 AM

To psims@eac.gov
cc
Subject john tanner

Hi Peg,

Do you think it will be possible to get a meeting with him while I am in DC, the 7th or the 8th?

Also, just an administrative question: with travel reimbursements, will they be direct deposited or will I get something separate?

Thanks.

012627

Tova

PS -- I'm off to Little Rock later today...

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----



"Tova Wang"

03/13/2006 10:22 AM

To nmortellito@eac.gov, psims@eac.gov

cc

Subject FW: EAC interview

I'll let you know what we figure out. Thanks. Tova

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

From: Anaya, Anna, SOS [mailto:anna.anaya@state.nm.us]

Sent: Monday, March 13, 2006 9:29 AM

To: Tova Wang

Subject: RE: EAC interview

Good morning, we will need to reschedule your call with Rebecca. There has been a death in her family and the services are Tuesday.

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

Sent: Friday, March 03, 2006 11:58 AM

To: Anaya, Anna, SOS

Subject: EAC interview

Anna, Thanks so much for setting up our appointment with the Secretary. The call-in information is below. Please let me know if you have any questions. Thanks again. Tova

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

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

Sent: Thursday, March 02, 2006 9:50 AM

To: [REDACTED]

Cc: psims@eac.gov; 'Job Serebrov'; dscott@eac.gov

Subject: Re: new interview

Tova:

Your conference call is all set for 3:30pm (EST) March 14th for 1 hour.

Call in is 866-222-9044

Pass code: [REDACTED]

Let me know if you need anything else

Regards,

Nicole K. Mortellito
Research Assistant

012628

U.S. Election Assistance Commission
1225 New York Avenue - Suite 1100
Washington, DC
202.566.2209 phone
202.566.3128 fax

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

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

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

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012629

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----



"Job Serebrov"

01/11/2006 05:44 PM

To psims@eac.gov

cc

Subject Re: Friday Meetings

Got it!

--- psims@eac.gov wrote:

> Tova and Job:
>
> As agreed, Tova and I can connect with Job by
> telephone during our Friday
> morning meeting. Tova would like to start the
> meeting at 10 AM EST. Job,
> we will call you from the meeting room.
>
> Craig Donsanto says we can use a meeting room over

012630

> at DOJ that has a
> phone, so that we can bring Job into the interview.
> The meeting is
> scheduled to begin an 2 PM EST, but it may take up
> to 10 minutes for us to
> settle in over there. We will call Job as soon as
> we can begin the
> interview. --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----



"weinberg/utrecht"

02/17/2006 05:35 PM

To psims@eac.gov
cc weinberg/utrecht
Subject Re: Your Input Requested-Voting Fraud/Voter Intimidation Project

Peggy:

How nice to hear from you! I'd be happy to be a part of the working group for the research on voting fraud and intimidation. Thank you for asking me. When you know the whole make-up of the working group I'd be interested in knowing who else is on it.

The Email address you used is our farm (Garrett County) address, which we check infrequently. For future messages it will be better to use our Bethesda Email address which is [REDACTED]. We check that inbox even when we're at the farm.

From the reports I get on doings at the EAC I hear you are doing well. That's good news.
Barry

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

From: psims@eac.gov

To: [REDACTED]

Sent: Thursday, February 16, 2006 9:18 AM

Subject: Your Input Requested-Voting Fraud/Voter Intimidation Project

Barry:

Hope you have been doing well. Scott Lansell (IFES) was in the office last week and spoke well of you. He said that you had worked with IFES on a project they were doing in Africa.

I am now working for the new Election Assistance Commission (EAC), as the Help America Vote Act of 2002 (HAVA) required the transfer of the FEC's Office of Election Administration to EAC. I have been assigned to manage the U.S. Election Assistance Commission's (EAC) preliminary research project on voting fraud and voter intimidation. I wondered if you would be interested in and available to serve on a project working group for EAC's preliminary research on voting fraud and voter intimidation. I appreciated your insight when we worked on the implementation of NVRA, and hope that you will be available to provide us the benefit of your expertise.

EAC is conducting this research to meet HAVA requirements. Section 241 of the Help America Vote Act of 2002 requires EAC to conduct research on election administration issues. Among the issues listed in

012631

the statute are the development of:

- nationwide statistics and methods of identifying, deterring, and investigating voting fraud in elections for Federal office [section 241(b)(6)]; and
- methods of identifying, deterring, and investigating methods of voter intimidation [section 241(b)(7)].

EAC's Board of Advisors recommended that EAC make research on these topics a high priority.

Subsequently, the Commission contracted with two consultants (Tova Wang and Job Serebrov) to:

- develop a comprehensive description of what constitutes voting fraud and voter intimidation in the context of Federal elections;
- perform preliminary research on these topics (including Federal and State administrative and case law review), identify related activities of key government agencies and civic and advocacy organizations, and deliver a summary of this research and all source documentation;
- convene a meeting of a project working group composed of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation, provide the results of the preliminary research to the working group, and record the working group's deliberations; and
- produce a report to EAC summarizing the findings of the preliminary research effort and working group deliberations that includes recommendations for future EAC action.

The working group members would need to review the results of preliminary research done by the two consultants to EAC and brainstorm ideas for future EAC action in this area, if any. I expect that the group will meet only once this year, probably in April in DC.

Please call me or send an email if you have any questions about the project or this request. I look forward to hearing from you.

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----

Margaret Sims /EAC/GOV

04/05/2006 05:45 PM

To "Donsanto, Craig"
<Craig.Donsanto@usdoj.gov>@GSAEXTERNAL
cc

Subject Re: Voting Fraud-Voter Intimidation Project 

OK, thanks. I can access the IFES web site. That will give the consultants something to work with. ---
Peg

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>



"Donsanto, Craig"
<Craig.Donsanto@usdoj.gov>
>

To psims@eac.gov
cc

012632



04/05/2006 05:32 PM

Subject Re: Voting Fraud-Voter Intimidation Project

The fraud chapter has been published by IFES as part of their Money and Politics Program. It's on their website. I tweaked the text a bit and presented it in Abjua. The rest of it is regrettably not public at present.

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

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

From: psims@eac.gov <psims@eac.gov>
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>
Sent: Wed Apr 05 17:26:12 2006
Subject: Re: Voting Fraud-Voter Intimidation Project

Is there any way to get an advance copy? Our consultants will need to review it before you receive your printed versions. --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

04/05/2006 04:14 PM

To
psims@eac.gov

cc

Subject
Re: Voting Fraud-Voter Intimidation Project

The 7th edition is done and on its way to the printer. It is my hope to get it out in a couple months.

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

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

From: psims@eac.gov <psims@eac.gov>
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>
Sent: Wed Apr 05 13:05:15 2006
Subject: Voting Fraud-Voter Intimidation Project

012633

Craig:

In reviewing the great materials you gave our consultants, we have not found an updated draft of your famous Prosecution of Election Offenses. Is that available for review? If you have a pdf version, I could pass that on to our consultants (noting any restrictions you may have on use).

Also, we noticed some gaps in the 2004 DOJ training binder. It appears that we are missing the Chris Herren information from Panel 3 and something titled "July 21, 2004" from Panel 4. If these were removed because we should not see them, just let me know.

I also have to check your availability the week of May15. I'm still trying to find a date that everyone will be available for the working group meeting.

Sorry to bug you. Hope all is going well.

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----

Margaret Sims /EAC/GOV

02/15/2006 01:40 PM

To "Job Serebrov"

cc [REDACTED]

Subject Re: Interview Schedule [REDACTED]

Yes, for the teleconference with the group of academics. For the teleconference with Justice Stratton, I will call everyone into the conference. --- Peggy

"Job Serebrov" <[REDACTED]>



"Job Serebrov"

02/15/2006 10:24 AM

To psims@eac.gov

cc

Subject Re: Interview Schedule

Is the passcode for the 2/17 interview [REDACTED]

012634

--- psims@eac.gov wrote:

> Here is the latest schedule. --- Peggy
>

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM ---



"Job Serebrov"

[REDACTED]
02/10/2006 11:14 AM

To [REDACTED], psims@eac.gov
cc

Subject Surprising Interview

Ok, Justice Stratton of Ohio has concented to an
interview on Feb 17 at 3 pm EST. Her number is
[REDACTED]

Job

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM ---



"Tova Wang"

[REDACTED]
02/21/2006 12:52 PM

To "Job Serebrov" [REDACTED], psims@eac.gov
cc

Subject RE: Friday Interviews

We're not going to be at the EAC. The meetings are at Sandler and Tanner's
offices.

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

From: Job Serebrov [mailto:[REDACTED]]
Sent: Tuesday, February 21, 2006 12:49 PM
To: psims@eac.gov; [REDACTED]
Subject: Friday Interviews

Peggy:

We will need to do the Friday interviews the same way
we are doing all of the others. Despite Tova being in
DC, we will have to do a conference call from your
office. I only have a cell phone to make long distance
calls and limited minutes.

Job

012635

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----



wang@tcf.org
01/07/2006 12:45 PM

To psims@eac.gov
cc "Job Serebrov" [REDACTED]
Subject tamar's files

Hi Peg,

I got all of Tamar's emails from yesterday, but I guess I am still missing the 29th if she sent something on that day.

Also, will we be getting statements reflecting our payments? The number of dollars in my account isn't exactly the number I calculated, but I can't tell if there were withholdings or its because of something else. Thanks.

Hope you are enjoying the weekend.

Tova

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----

Margaret Sims/EAC/GOV
01/11/2006 04:06 PM

To wang@tcf.org@GSAEXTERNAL
cc "Job Serebrov" [REDACTED]
Subject Re: Tamar's files [REDACTED]

Tova and Job:

The first three of the five emails that Tamar sent you on 1/6/05 included the three zip files that she originally tried to send together on 12/29. So, you should have everything she has produced. --- Peggy

[REDACTED]



[REDACTED]
01/07/2006 12:45 PM

To psims@eac.gov
cc "Job Serebrov" [REDACTED]
Subject tamar's files

Hi Peg,

I got all of Tamar's emails from yesterday, but I guess I am still missing the 29th if she sent something on

012636

that day.

Also, will we be getting statements reflecting our payments? The number of dollars in my account isn't exactly the number I calculated, but I can't tell if there were withholdings or its because of something else. Thanks.

Hope you are enjoying the weekend.

Tova

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----

Margaret Sims/EAC/GOV

04/03/2006 03:15 PM

To Barry Weinberg

cc

Subject Voting Fraud-Voter Intimidation Project

Hi, Barry:

I'm trying to arrange a meeting of the Working Group for EAC's Voting Fraud-Voter Intimidation project. Would you please look at your schedule and let me know if there are any days during the first 2 weeks of May that you would NOT be available?

Peggy Sims

Election Research Specialist

U.S. Election Assistance Commission

1225 New York Ave, NW - Ste 1100

Washington, DC 20005

Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)

Fax: 202-566-3127

email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----

Margaret Sims/EAC/GOV

02/15/2006 02:33 PM

To Tova Andrea Wang, Job Serebrov

cc

Subject Telephone Interviews

Tova and Job:

I am sorry about the problems we had trying to set up the Webber interview from here. I've asked someone to help me expedite the set up of the remaining teleconferences scheduled (except the two on 2/24) using a toll-free number and pass code. I will have to keep you posted, though, because we have had some trouble with follow through at Verizon. (If it's not one thing, it's another.) --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----



"Job Serebrov"

01/18/2006 12:45 PM

To psims@eac.gov

cc

Subject Re: extension

012637



Yes. I believe we will have to cull the cases even more because we will run out of time.

Job

--- psims@eac.gov wrote:

> Tova and Job:
>
> Does this estimate take into account the time
> remaining under both
> contracts through the end of February? In other
> words, would all of the
> time that you listed be spent on the project after
> February 28? --- Peggy
>
>
>
>
> [REDACTED]
> 01/14/2006 01:05 PM
>
> To
> psims@eac.gov
> cc
> "Job Serebrov" [REDACTED], "Tova Wang"
> [REDACTED]
> Subject
> extension
>
>
>
>
> Hi Peg, Thanks for everything yesterday. It was
> quite a day. Below
> please find a breakdown of the 200 additional hours
> we will require to
> complete the project. Let me know if you have any
> questions.
>
>
> Expert Interviews:
> 3 hours of scheduling
> 17 hours conducting the interviews
> 15 hours summarizing and analyzing the interviews
> Total: 35 hours
>
> Nexis research, organization of research, summary of
> research (Tova): 100
> hours
> Lexis research, organization of research, summary of
> research (Job): 100
> hours

- >
- > Working Group preparation and meeting time: 20 hours
- >
- > Final Report: 45 hours
- >

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----



[REDACTED]
02/13/2006 10:08 PM

To "Job Serebrov" [REDACTED] "Tova Wang"
[REDACTED], psims@eac.gov
cc ecortes@eac.gov [REDACTED]
Subject Neil Bradley

4 PM on Tuesday, the 21st. He's the lawyer for the plaintiffs in the Georgia case. [REDACTED]

Tova

PS -- No clue why this is in purple

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----

Margaret Sims/EAC/GOV

03/13/2006 01:23 PM

To "Job Serebrov"
<serebrov@sbcglobal.net>@GSAEXTERNAL, Tova Andrea Wang
cc
Subject Re: I'm BAAACK [REDACTED]

Any time on Thursday possible?

--- Peggy

"Job Serebrov" [REDACTED]



"Job Serebrov"
[REDACTED]

03/13/2006 12:53 PM

To psims@eac.gov
cc
Subject Re: I'm BAAACK

Peggy:

Good to hear from you. No, unfortunately this week is very bad for me. Today is covered, tomorrow from 1-2 your time is out, Wednesday and Friday are out. Pick a

012639

time between all, of this. I am in Nevada from March 25 to the 28.

Job

--- psims@eac.gov wrote:

> Tova and Job:
>
> I apologize for my unanticipated and lengthy
> absence. I am back in the
> office, though I will have to work short days
> through Wednesday.
>
> Are you two available for a teleconference this
> afternoon, say 3:00 PM
> EST, so that we can re-evaluate where we are and
> what needs to be done to
> schedule the working group?
>
> ---- Peggy
>
>

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM ---

Margaret Sims /EAC/GOV

02/09/2006 05:30 PM

To "John.K.Tanner@usdoj.gov"

<John.K.Tanner@usdoj.gov>@GSAEXTERNAL

cc

Subject RE: Interview Request Re EAC Research on Voting Fraud
and Voter Intimidation

John:

I suspect that we will need an hour (or less) for the interview. Depending on our consultants' travel schedules, we may do this in person or over the phone. I'll get back to you with the details when I have confirmed them. Thanks!

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

"John.K.Tanner@usdoj.gov" <John.K.Tanner@usdoj.gov>



"John.K.Tanner@usdoj.gov"
<John.K.Tanner@usdoj.gov>
>

To "psims@eac.gov" <psims@eac.gov>

012640



02/08/2006 05:42 PM

cc

Subject RE: Interview Request Re EAC Research on Voting Fraud and Voter Intimidation

Peggy,

I will be more than happy to help in any way. I will check on what information it is possible to release. There are, as you can imagine restrictions. I will be available for the interview at 2:00 on the 24th. How long do you expect the interview to take?

John

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

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

Sent: Wednesday, February 08, 2006 4:49 PM

To: Tanner, John K (CRT)

Subject: Interview Request Re EAC Research on Voting Fraud and Voter Intimidation

Dear John:

I have been assigned to manage the U.S. Election Assistance Commission's (EAC) preliminary research project on voting fraud and voter intimidation. Obviously, obtaining information regarding the Voting Section's actions against voter intimidation and other voting rights violations is important to this effort. Would you be available for an interview by our project consultants on February 24 at 2:00 PM? The interview may take place by phone, or one of the consultants may visit your office and connect the other consultant by phone.

Background

Section 241 of the Help America Vote Act of 2002 requires EAC to conduct research on election administration issues. Among the issues listed in the statute are the development of:

nationwide statistics and methods of identifying, deterring, and investigating voting fraud in elections for Federal office [section 241(b)(6)]; and
methods of identifying, deterring, and investigating methods of voter intimidation [section 241(b)(7)].

EAC's Board of Advisors recommended that EAC make research on these topics a high priority. Subsequently, the Commission contracted with two consultants (Tova Wang and Job Serebrov) to:

develop a comprehensive description of what constitutes voting fraud and voter intimidation in the context of Federal elections;
perform preliminary research on these topics (including Federal and State administrative and case law review), identify related activities of key government agencies and civic and advocacy organizations, and deliver a summary of this research and all source documentation;
convene a meeting of a project working group composed of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation, provide the results of the

012641

preliminary research to the working group, and record the working group's deliberations; and produce a report to EAC summarizing the findings of the preliminary research effort and working group deliberations that includes recommendations for future EAC action, if any.

Possible Questions

Possible interview questions include the following:

1. According to a GAO report dated September 14, 2004 entitled Department of Justice's Activities to Address Past Election-Related Voting Irregularities, the "Voting Section has used several means of tracking allegations of voting irregularities and the Section's actions with regard to those allegations. First, the Voting Section used telephone logs to track telephone calls regarding allegations of voting irregularities it received related to the November 2000 and 2002 elections. Second, DOJ tracks matters and cases through its Interactive Case Management (ICM) system-its formal process for tracking and managing work activities. Third, the Voting Section tracked monitoring of elections using logs and for some election-monitoring activities they opened matters; thus, it has not routinely tracked election-monitoring activities through the ICM system."

Can you provide us with the following:

- a) The telephone logs referred to in the report
- b) The matters and cases tracked through the Interactive Case Management (ICM) system
- c) The other logs referred to in the report
- d) Any other data the division has maintained electronically during the last three federal election cycles

2. The division deployed thousands of observers to polling sites throughout the country in 2002, 2003, and 2004.

Can you provide us with the following:

- a) Any reports that were developed with respect to those efforts, before, during and after it implementation
- b) Any field notes from federal attorneys and their staff
- c) Information on any lawsuits and/or prosecutions for voter intimidation and/or suppression from the last five years

3. Does it matter if the complaint does or does not comes from a member of a racial or language minority?

4. What kinds of complaints would routinely override principals of federalism?

5. Are you of the opinion that there are too few prosecutions?

6. What should be done to improve the system?

Let me know if you have any questions about this request or the research project. I look forward to hearing from you.

Regards,

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----



"Tova Wang"

01/09/2006 04:22 PM

To psims@eac.gov

cc s [REDACTED]

Subject more on nexis articles

Would it be possible for someone to scan the articles you have printed out in folders and then put them in the appropriate electronic folders that Devon created? Thanks.

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

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----



01/14/2006 01:24 PM

To "Job Serebrov" [REDACTED], psims@eac.gov

cc

Subject interviews

Attached is our assignment list in case you need it. Thanks.

012643

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----

Margaret Sims/EAC/GOV

01/31/2006 04:01 PM

To "Tova Wang" [REDACTED]@GSAEXTERNAL
cc [REDACTED]
Subject Re: lori minnite

Tova:

When the teleconference is for an interview with just one individual, an EAC staff person (usually I) will set the teleconference up through our office telephone. Unfortunately, I just noticed that Monday, February 20 is a Federal holiday . Our office won't be open to coordinate this teleconference. I don't have access to EAC's toll-free line from home. Do you want to try to reschedule?--- Peggy

"Tova Wang" [REDACTED]



"Tova Wang"

[REDACTED]
01/30/2006 06:26 PM

To "Job Serebrov" [REDACTED], psims@eac.gov
cc [REDACTED]
Subject lori minnite

012644

I have set up the interview for 12 noon on Monday, February 20. I will meet her in her office (its blocks from my house) so it will just be us and Job and Alex calling in. Thanks.

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

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----



"Craig.Donsanto@usdoj.gov"
" <Craig.Donsanto@usdoj.gov v>
To "psims@eac.gov" <psims@eac.gov>
cc
Subject Re: Upcoming Interview
01/11/2006 10:52 PM

Friday at 2 -- right??

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

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

From: psims@eac.gov <psims@eac.gov>
To: Donsanto, Craig <Craig.Donsanto@usdoj.gov>
Sent: Wed Jan 11 17:40:56 2006
Subject: RE: Upcoming Interview

Thanks! --- Peg

"Craig.Donsanto@usdoj.gov" <Craig.Donsanto@usdoj.gov>

01/11/2006 03:29 PM

To
"psims@eac.gov" <psims@eac.gov>

cc

Subject
RE: Upcoming Interview

012645

By all means, yes Peg.

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Wednesday, January 11, 2006 3:03 PM
To: Donsanto, Craig
Subject: Upcoming Interview

Craig:

Would it be possible to hold Friday's interview in a room that has a phone? One of the 2 consultants has had a family emergency and can only participate by phone. I hope that we can call him from the meeting room and put the phone on Speaker, so that he can participate as if he were there in person. Can that be arranged?

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----

Margaret Sims/EAC/GOV

01/12/2006 08:43 AM

To "Craig.Donsanto@usdoj.gov"

<Craig.Donsanto@usdoj.gov>@GSAEXTERNAL

cc

Subject Re: Upcoming Interview

Yes, tomorrow (Friday) at 2 PM. --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----

wang@tcf.org

04/06/2006 05:05 PM

To psims@eac.gov

cc

Subject Re: Upcoming Interviews-DOJ Info



012646



That time is fine for me. Thanks.

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

From: psims@eac.gov

To: [REDACTED]

Sent: Thursday, April 06, 2006 9:35 AM

Subject: Upcoming Interviews-DOJ Info

Hi, Job and Tova:

Tony Sirvello (former election director for Harris County, TX and current Executive Director of the International Association of Clerks, Recorders, Election Officials and Treasurers) can make himself available for an interview next Wednesday morning (4/12). He is on CST. Is there a time that works well for the two of you? How about 10 AM CST/11 AM EST? I saw Kevin Kennedy at a meeting in our office this past Tuesday. We are trying to set up an interview with him next Tuesday (4/11).

I asked Donsanto about an updated version of his *Prosecution of Election Offenses*. He responded that it is at the printers and will not be available for a couple of months. In the interim, he referred me to the white paper he did for IFES, which I have attached. He said that the white paper includes the same information on the prosecution of election fraud that will be in the book. --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----

Margaret Sims /EAC/GOV

04/03/2006 03:12 PM

To Craig Donsanto

cc

Subject Re: Voting Fraud-Voter Intimidation Project

Craig:

I have 2 issues for you today.

First, I am trying to schedule a meeting of the project working group for EAC's Voting Fraud-Voter Intimidation research project. As a technical advisor on this project, your attendance is particularly important to me. Would you please look at your schedule and let me know if there are any days during the first 2 weeks of May that you would NOT be available?

Second, is it OK for our consultants to refer in their report to guidance provided in the DOJ training materials? I ask this because I understood that some materials in the materials are considered confidential and we do not want to violate your confidentiality provisions. If there is a compromise position, such as having you review that portion of the consultants' report, then let me know.

Thanks!

Peggy Sims

012647

Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----



"Kennedy, Kevin"
<Kevin.Kennedy@seb.state.wi.us>
04/10/2006 02:35 PM
To "psims@eac.gov" <psims@eac.gov>
cc
Subject RE: Interview

Thank you.

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

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Monday, April 10, 2006 11:02 AM
To: Kevin Kennedy
Subject: Re: Interview

I am trying to arrange the teleconference for 10:30 AM CST tomorrow, April 11. Will get back to you once confirmed.
Peggy

Sent from my BlackBerry Wireless Handheld

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

From: "Kennedy, Kevin" [Kevin.Kennedy@seb.state.wi.us]
Sent: 04/09/2006 11:13 AM
To: "'psims@eac.gov'" <psims@eac.gov>
Subject: RE: Interview

That time is fine. A half hour earlier would be better. I also have a 12 CDT meeting.

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

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Friday, April 07, 2006 12:27 PM
To: Kevin Kennedy
Subject: Interview

Kevin:

I'm just following up on my request for your availability to be interviewed by our consultants for our voting fraud/voter intimidation project. Are you available Tuesday, April 11 at 11 AM CST?
Peggy Sims

012648

Sent from my BlackBerry Wireless Handheld

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----

Margaret Sims /EAC/GOV

01/11/2006 12:34 PM

To Job Serebrov

cc

Subject Fw: Nexis Article Searches

Oops! I forgot to cc: you on this. --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 01/11/2006 12:36 PM -----

Margaret Sims /EAC/GOV

01/11/2006 12:33 PM

To Tova Andrea Wang

cc

Subject Nexis Article Searches

Tova:

I just found the Lexis word search list used by Devon with all of the search terms crossed off. I have to assume that means she searched using each term. --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----



"Tova Wang"

02/02/2006 02:49 PM

To psims@eac.gov

cc

Subject RE: vansickle

No, I just meant catch him to set up a time with him in the future. However, I am having possible meetings on other business next week, so the sooner I could know if we have something with the Tanner the better for me. Thanks.

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

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

Sent: Thursday, February 02, 2006 2:45 PM

To:

Cc:

Subject: Re: vansickle

Shucks! I did not see your message until now. I spoke to him several times this morning at our public meeting, which was held at the Hyatt. How are you planning to bring Job into the interviews conducted during the NASS/NASED conference? Have you already scheduled interviews during the next four days of which I should be aware (so that I won't double book you)?

--- Peg

012649

"Tova Wang" [REDACTED]

02/02/2006 11:35 AM

To psims@eac.gov
cc "Job Serebrov" [REDACTED]
Subject vansickle

Apparently he is at NASS. Peg, can we both try to catch him to set something up? Thanks. Tova

Tova Andrea Wang
Senior Program Officer and Democracy Fellow
The Century Foundation
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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----



"Tova Wang"

[REDACTED]
02/02/2006 02:46 PM

To "Job Serebrov" [REDACTED] psims@eac.gov
cc [REDACTED]
Subject joe sandler

February 24 at noon. [REDACTED] Thanks.

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

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----



"Tova Wang"
<wang@tcf.org>

To "Tova Wang" <wang@tcf.org>, "Mike Alvarez"

012650



02/01/2006 01:45 PM

<rma@hss.caltech.edu>, "Chandler Davidson"
<fcd@rice.edu>, "Stephen Ansolabehere" <sda@MIT.EDU>
cc [redacted]@sims@eac.gov
Subject RE: EAC Voter Fraud Project

Hi all,

Here is the call in information for our discussion on Feb 17 at noon.

Dial in number 1-866-222-9044

Pass code [redacted]

I'll try to remember to send out a reminder between now and then...

Thanks again

Tova

Tova Andrea Wang
Senior Program Officer and Democracy Fellow
The Century Foundation
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— Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM —



Nicole
Mortellito/CONTRACTOR/E
AC/GOV

04/11/2006 11:45 AM

To "Tova Wang" [redacted]
cc psims@eac.gov
Subject conf call is up and running

all dial in info is the same!

Regards,

Nicole K. Mortellito
Research Assistant
U.S. Election Assistance Commission
1225 New York Avenue - Suite 1100
Washington, DC
202.566.2209 phone

012651

████████████████████
— Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM —

Margaret Sims /EAC/GOV

04/03/2006 05:13 PM

To Tova Andrea Wang, Serebrov

cc

Subject Fw: DOJ Training Materials

Devon's response is attached. Guess I'll add this to the list of questions going to Donsanto. ---Peggy

012652

— Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM —



"Tova Wang"
[REDACTED]
02/22/2006 12:03 PM

To psims@eac.gov
cc "Job Serebrov" [REDACTED]
Subject status

Hi Peg,

I just wanted to check in on a few things:

Have we figured out how we are doing the Sandler interview?

Where are we at with getting the copies of the Donsanto materials?

Have you been able to touch base with Mike McCarthy, Kevin Kennedy, Connie McCormick, Sarah Ball Johnson or Tom Harrison at all?

Where do we stand with the local official for the working group?

Thank you!!! And I look forward to seeing you Friday.

Tova Andrea Wang
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— Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM —



"Job Serebrov"
[REDACTED]
03/13/2006 03:55 PM

To "Tova Wang" [REDACTED] psims@eac.gov
cc
Subject RE: I'm BAAACK

012653

I told Peggy I was free at 11:00 your time. I need to check my afternoon schedule.

J~

--- Tova Wang [REDACTED] wrote:

> I'm free any time after noon. Tova
>
> -----Original Message-----
> From: psims@eac.gov [mailto:psims@eac.gov]
> Sent: Monday, March 13, 2006 1:24 PM
> To: serebrov@sbcglobal.net; wang@tcf.org
> Subject: Re: I'm BAAACK
>
>
>
> Any time on Thursday possible?
> --- Peggy
>
>
>
> "Job Serebrov" [REDACTED]
>
>
> 03/13/2006 12:53 PM
>
>
> To
> psims@eac.gov
>
> cc
>
> Subject
> Re: I'm BAAACK
>
>
>
>
> Peggy:
>
> Good to hear from you. No, unfortunately this week
> is
> very bad for me. Today is covered, tomorrow from 1-2
> your time is out, Wednesday and Friday are out. Pick
> a
> time between all, of this. I am in Nevada from March
> 25 to the 28.
>
> Job
>
> --- psims@eac.gov wrote:
>
> > Tova and Job:
> >
> > I apologize for my unanticipated and lengthy
> > absence. I am back in the

012654

> > office, though I will have to work short days
> > through Wednesday.
> >
> > Are you two available for a teleconference this
> > afternoon, say 3:00 PM
> > EST, so that we can re-evaluate where we are and
> > what needs to be done to
> > schedule the working group?
> >
> > ---- Peggy
> >
> >
>
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>
>
>
>
>
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----

Margaret Sims/EAC/GOV

02/24/2006 01:24 PM

To "John.K.Tanner@usdoj.gov"

<John.K.Tanner@usdoj.gov>@GSAEXTERNAL

cc

Subject RE: Upcoming Interview 

Hi, John:

I apologize that I will not be there this afternoon to introduce you to our consultants for EAC's Voting Fraud/Voter Intimidation project. Tova Wang will be at your office at 2 PM, today. She can call our other consultant, Job Serebrov, and put him on speaker phone. Please let me know if you need anything from me, or want to express any concerns about the project. Thanks.

Peggy Sims

Election Research Specialist

U.S. Election Assistance Commission

1225 New York Ave, NW - Ste 1100

Washington, DC 20005

Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)

Fax: 202-566-3127

email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----

Margaret Sims/EAC/GOV

02/09/2006 05:32 PM

To Tova Andrea Wang, Job Serebrov

cc

Subject Tanner Interview-Interview Schedule

012656

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:58 PM -----

Margaret Sims /EAC/GOV
01/30/2006 10:44 AM

To "Tova Wang" [REDACTED]
cc
Subject Re: conf call of academics [REDACTED]

Tova:
Please refresh my memory --- how many people will be on the conference call (including you and Job, but probably not me)? --- Peggy

"Tova Wang" [REDACTED]



"Tova Wang"
[REDACTED]
01/30/2006 09:22 AM

To "Job Serebrov" [REDACTED], psims@eac.gov
cc
Subject conf call of academics

Three of the four can do noon on the 17th, and I think that's the best we'll do. We'll talk to Lori Minnite separately. Peg, can you please help set up the call? Thank you.

Tova

Tova Andrea Wang
Senior Program Officer and Democracy Fellow
The Century Foundation

012657

41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----

Tamar Nedzar /EAC/GOV
01/09/2006 09:48 AM

To [REDACTED] et
cc Margaret Sims/EAC/GOV@EAC
Subject 3rd of 3 emails

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



Native American Vote Fraud.zip

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----



"Tova Wang"
[REDACTED]
02/01/2006 10:14 AM

To psims@eac.gov [REDACTED]
cc "Tova Wang" [REDACTED]
Subject john ravitz

We have an appointment with him for 11 AM February 16

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

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----

Margaret Sims /EAC/GOV

012658

02/23/2006 08:39 AM

To Tova Andrea Wang, Job Serebrov
cc
Subject Interviews

Job and Tova:

I'd like to suggest a moratorium on adding interviewees to the list until we complete interviews on the last list prepared. Frankly, in terms of the enforcement mechanics, I think you will get more out of your interviews with Donsanto, Tanner, and Joe Rich than you will get from an interview with Hans. Hans worked at DOJ for a relatively short time, compared to those folks. You also will have input from Barry Weinberg (former Deputy Chief, Voting Section, Civil Rights Division, DOJ) who has confirmed that he is available for the Working Group.

Regarding upcoming interviews that I schedule for you two, are there any times that you are NOT available next week or the week thereafter?

--- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----

Margaret Sims /EAC/GOV

03/14/2006 05:13 PM

To "Tova Wang" [REDACTED]
cc [REDACTED]
Subject RE: Teleconference Needed

OK. I'll call you and Job at 11 AM EST on Thursday, March 16 (unless something comes up for either of you that requires us to change the time or date). --- Peggy

"Tova Wang" [REDACTED]



"Tova Wang"

03/14/2006 05:09 PM

To psims@eac.gov
cc [REDACTED]
Subject RE: Teleconference Needed

Yes

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

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

Sent: Tuesday, March 14, 2006 5:06 PM

To: [REDACTED]

Cc: s [REDACTED]

Subject: Teleconference Needed

Do you mean 11 AM EST on Thursday, March 16? Does that work for Job, too? --- Peggy

012659

"Tova Wang" [REDACTED]

03/14/2006 01:00 PM

To psims@eac.gov, [REDACTED]
cc
Subject RE: I'm BAAACK

Peg, does 11 am work for you? If so, I'll try to reschedule my meeting that was that time. Tova

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

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

Sent: Monday, March 13, 2006 1:24 PM

To: [REDACTED]

Subject: Re: I'm BAAACK

Any time on Thursday possible?

-- Peggy

"Job Serebrov" [REDACTED]

03/13/2006 12:53 PM

To psims@eac.gov
cc
Subject Re: I'm BAAACK

Peggy:

Good to hear from you. No, unfortunately this week is very bad for me. Today is covered, tomorrow from 1-2 your time is out, Wednesday and Friday are out. Pick a time between all, of this. I am in Nevada from March 25 to the 28.

012660

Job

--- psims@eac.gov wrote:

> Tova and Job:
>
> I apologize for my unanticipated and lengthy
> absence. I am back in the
> office, though I will have to work short days
> through Wednesday.
>
> Are you two available for a teleconference this
> afternoon, say 3:00 PM
> EST, so that we can re-evaluate where we are and
> what needs to be done to
> schedule the working group?
>
> ---- Peggy
>
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----

Tamar Nedzar/EAC/GOV
01/06/2006 05:01 PM

To [REDACTED]
cc Margaret Sims/EAC/GOV@EAC
Subject Fraud Search Wrap-Up

Tova and Job,

After I send the emails from home tonight or tomorrow, that should be all of the search terms you requested. Given the problems with sending emails, if you have any questions, think you are missing anything, or would like to review what I have sent, please feel free to call me. I will only be in the office on Mondays and Fridays, but I check email regularly.

Have a great weekend!

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

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----

Margaret Sims/EAC/GOV
02/24/2006 02:27 PM

To Job Serebrov, Tova Andrea Wang
cc
Subject Updated Interview Schedule

012661



Schedule of Interviews 2-24-06.xls

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----



"Tova Wang"

01/15/2006 11:00 AM

To psims@eac.gov

cc "Job Serebrov"

Subject another deliverable

I forgot to include that I will provide a summary, as best I can, of the methodological suggestions I have gotten from political scientists

Tova Andrea Wang
Senior Program Officer and Democracy Fellow
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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----

Margaret Sims/EAC/GOV

03/16/2006 10:24 AM

To Tova Andrea Wang, Job Serebrov

cc

Subject Rescheduled Teleconference

This is to confirm that we have rescheduled our teleconference (originally on for 11 AM today). It is now scheduled for 10 AM EST on Monday 3/20. As usual, I will call you both. --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----



"Tova Wang"

03/13/2006 03:43 PM

To psims@eac.gov

cc

Subject RE: I'm BAAACK

I'm free any time after noon. Tova

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

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

012662

Sent: Monday, March 13, 2006 1:24 PM

To: [REDACTED]

Subject: Re: I'm BAAACK

Any time on Thursday possible?

--- Peggy

"Job Serebrov" [REDACTED]

03/13/2006 12:53 PM

To psims@eac.gov

cc

Subject Re: I'm BAAACK

Peggy:

Good to hear from you. No, unfortunately this week is very bad for me. Today is covered, tomorrow from 1-2 your time is out, Wednesday and Friday are out. Pick a time between all, of this. I am in Nevada from March 25 to the 28.

Job

--- psims@eac.gov wrote:

> Tova and Job:

>

> I apologize for my unanticipated and lengthy

> absence. I am back in the

> office, though I will have to work short days

> through Wednesday.

>

> Are you two available for a teleconference this

> afternoon, say 3:00 PM

> EST, so that we can re-evaluate where we are and

> what needs to be done to

> schedule the working group?

>

> ----- Peggy

>

>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----



"Tova Wang"

012663



[REDACTED]
03/01/2006 12:20 PM

To "Job Serebrov" [REDACTED]
cc psims@eac.gov
Subject schedule

FYI, I'll be unavailable 3/28-29 and 4/6-7

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

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012664

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----

Margaret Sims /EAC/GOV

03/22/2006 11:47 AM

To "Tova Wang" [REDACTED] ERNAL, Job
Serebrov

cc

Subject RE: Rescheduling 4-3-06 Teleconference [REDACTED]

4 PM EST on Monday 4-3-06 works for me if it works for both of you. What do you say, Job? --- Peggy

"Tova Wang" [REDACTED]



"Tova Wang"

03/22/2006 11:44 AM

To psims@eac.gov [REDACTED]

cc

Subject RE: Rescheduling 4-3-06 Teleconference

Around 4 would work better for me if that is possible

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

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

Sent: Wednesday, March 22, 2006 10:21 AM

To: wang@tcf.org; serebrov@sbcglobal.net

Subject: Rescheduling 4-3-06 Teleconference

I need to reschedule our 4-3-06 teleconference, currently scheduled for 10 AM. Are you two available in the afternoon, say 2 PM EST? --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----

Margaret Sims /EAC/GOV

02/22/2006 04:28 PM

To Tova Andrea Wang

cc

Subject Fw: Upcoming Interview-Tanner

012665

Tanner would like to meet at a different address than the one I gave you. Please see attached message.
--- Peg

----- Forwarded by Margaret Sims/EAC/GOV on 02/22/2006 04:27 PM -----



"John.K.Tanner@usdoj.gov"
<John.K.Tanner@usdoj.gov
>

To "psims@eac.gov" <psims@eac.gov>

cc

02/22/2006 04:09 PM

Subject RE: Upcoming Interview

Peggy

It will be easiest to meet in office, which is at 1800 G St NW, 7th floor.
(You can call as you approach or when you get to the 7th floor.) I can patch anyone in by phone.

Much of the information you have requested is, as you can imagine, internal. I'll get you as much as we can, however, and look forward to talking with you.

John

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

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

Sent: Tuesday, February 21, 2006 1:14 PM

To: Tanner, John K (CRT)

Subject: Upcoming Interview

Dear John:

This is just to confirm the interview I set up with you this Friday at 2 PM. I'll bring Tova Wang, one of the two consultants on the project. Would it be possible to bring the other consultant into the conference via speaker phone? (He is in Little Rock, AR, so it would be a long distance call.)

I assume that we should go to the main entrance for 950 Pennsylvania Ave, NW and that Security will let you know when we've arrived. Is that correct?

Thanks, again, for time out for us.

Peggy Sims

Election Research Specialist

U.S. Election Assistance Commission

1225 New York Ave, NW - Ste 1100

Washington, DC 20005

Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)

Fax: 202-566-3127

email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----

Margaret Sims/EAC/GOV

02/01/2006 02:11 PM

To "Tova Wang" [REDACTED] AEXTERNAL

012666

cc
Subject Re: Lori Minnite

Got it! Would you please send me an electronic copy of your updated list of interviewees. (You gave me a hard copy when we met in DC, but it helps to have an electronic copy for our computer files.) --- Peggy

"Tova Wang" [REDACTED]



"Tova Wang"
[REDACTED]
02/01/2006 01:50 PM

To psims@eac.gov, "Job Serebrov" [REDACTED]
cc
Subject Lori Minnite

I rescheduled for noon on February 22, just after Wendy Weiser. Thanks.

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

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

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----



"Job Serebrov"
[REDACTED]
02/09/2006 06:00 PM

To psims@eac.gov [REDACTED]
cc
Subject Interview

Peggy & Tova:

We have an telephone interview with Douglas Webber from the Indiana Attorney General's Office on Feb 15 at 2 pm EST.

Job

012667

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----

Margaret Sims/EAC/GOV

01/10/2006 05:21 PM

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

cc

Subject RE: nexis articles 

Tova:

The articles I collected from 2000 to the time Devon completed the CD should be on the CD. I've found a few additional articles that I will add to a new CD, which I will either give you when you come to DC or FedEx to you. I have two bulging file folders of articles published prior to 2000 that are not on the CD. ---
Peggy

012668

[REDACTED]
01/08/2006 09:24
PM

To psims@eac.gov, "Job Serebrov"
[REDACTED]

To

cc

Subject nexis articles

Subject

Hi again,

I'm just scanning over Devon's collection and do not believe she could have possibly searched all of the terms we gave her. I am aware of tons of articles that were written on many of these topics in 2004 that do not appear in the folder. I think someone is going to have to do it over again from scratch, and I'm thinking about doing at least some of it myself. We should discuss this in detail on Thursday. Thanks.

Tova

— Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM —



[REDACTED]
04/16/2006 11:39 AM

To psims@eac.gov

cc "Tova Wang" [REDACTED]

Subject donsanto again

Hi Peg,

012669

Happy Easter!

Would it be possible to talk to Mr. Donsanto about this latest initiative, or somehow get more information?
Thanks. Tova

<http://www.fbi.gov/page2/april06/electioncrime041406.htm>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----

Margaret Sims/EAC/GOV

04/17/2006 09:04 AM

To [REDACTED]@GSAEXTERNAL, Job Serebrov
cc

Subject Re: Follow up Donsanto and KY Interviews

Tova and Job:

I've passed Tova's request on to Craig.

Also, Sarah Ball Johnson, KY, finally called back to say she would be available Wednesday through Friday this week and next week for the interview. Which day and time is best for you and Job?

--- Peggy

[REDACTED]



[REDACTED]
04/16/2006 11:39 AM

To psims@eac.gov
cc "Tova Wang" [REDACTED]
Subject donsanto again

Hi Peg,

Happy Easter!

Would it be possible to talk to Mr. Donsanto about this latest initiative, or somehow get more information?
Thanks. Tova

<http://www.fbi.gov/page2/april06/electioncrime041406.htm>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----



"Tova Wang"

[REDACTED]
04/17/2006 01:34 PM

To psims@eac.gov
cc
Subject RE: Interviews

012670

Actually, 11 EST would be better. Thanks.

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

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

Sent: Monday, April 17, 2006 10:49 AM

To: wang@tcf.org

Subject: Interviews

I know you preferred Friday, but Job is not available then. He also said he is not available next week. Do you have any time available this Wednesday? --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 04/17/2006 11:45 AM -----

"Job Serebrov" [REDACTED]

04/17/2006 11:06 AM

To psims@eac.gov

cc

Subject Re: Follow up Donsanto and KY Interviews

I can't do it Friday but Wednesday is ok.

--- psims@eac.gov wrote:

> Tova and Job:

>

> I've passed Tova's request on to Craig.

>

> Also, Sarah Ball Johnson, KY, finally called back

> to say she would be

> available Wednesday through Friday this week and

> next week for the

> interview. Which day and time is best for you and

> Job?

>

> --- Peggy

>

>

>

>

> wang@tcf.org

> 04/16/2006 11:39 AM

>

> To

> psims@eac.gov

> cc

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

> Subject

> donsanto again

>

012671

>
>
>
>
>
> Hi Peg,
>
> Happy Easter!
>
> Would it be possible to talk to Mr. Donsanto about
> this latest initiative,
> or somehow get more information? Thanks. Tova
>
>
http://www.fbi.gov/page2/april06/electioncrime041406.htm
>

— Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM —



"Tova Wang"

04/20/2006 10:58 AM

To psims@eac.gov

cc DRomig@eac.gov

Subject wg meeting

Hi Peg,

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

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

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— Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM —



"Tova Wang"

04/21/2006 12:18 PM

To psims@eac.gov

cc

Subject existing research summaries 3 (final)

Peg, I hope we will be able to review the binders you put together before they get sent out. Thanks. Just

012672

one more research summary to come Monday. Tova

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

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The Long Shadow of Jim Crow.doc The New Poll Tax (JS).doc Wisconsin Audit Report.doc Wisconsin Vote Fraud TF.doc
— Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM —



"Donsanto, Craig"
<Craig.Donsanto@usdoj.gov
>

To psims@eac.gov
cc

04/17/2006 09:56 AM

Subject RE: Announcement of FBI Election Crimes Initiative

Peg --

This is essentially FBI's equivalent of the Department's Ballot Access and Integrity Initiative. The news conference on Thursday announced that FBI was enhancing its prioritization of campaign financing offenses. The main feature of this initiative, aside from enhancing the priority these cases will get in the Bureau, is that each of the Bureau's 57 Field Divisions will have at least one "Election Coordinator Agent" who will be the equivalent of the District Election Officer AUSAs. We have been training these new FBI-types: the week before last we had roughly 75 of them in Denver in a very well received two-day session in election law enforcement at which several FEC people spoke. On Wednesday, I head out to Portland, Oregon for more of the same.

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Monday, April 17, 2006 9:00 AM
To: Donsanto, Craig
Subject: Fw: Announcement of FBI Election Crimes Initiative

Hi, Craig:

Tova noticed an article about an FBI initiative against election crimes (see attached email). Is this something new, or is it more of the same initiative that you addressed in your interview? If it is new, would you have time for a teleconference with Job and Tova to answer any questions they may have on the initiative?

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

012673

Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 04/17/2006 08:56 AM -----

[REDACTED]
04/16/2006 11:39 AM

Topsims@eac.gov
cc"Tova Wang" [REDACTED]
Subject:donsanto again

Hi Peg,

Happy Easter!

Would it be possible to talk to Mr. Donsanto about this latest initiative, or somehow get more information?
Thanks. Tova

<http://www.fbi.gov/page2/april06/electioncrime041406.htm>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----

Margaret Sims /EAC/GOV

04/17/2006 11:48 AM

To Tova Andrea Wang

cc

Subject Interviews

I know you preferred Friday, but Job is not available then. He also said he is not available next week. Do you have any time available this Wednesday? --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 04/17/2006 11:45 AM -----



"Job Serebrov"

[REDACTED]
04/17/2006 11:06 AM

To psims@eac.gov

cc

Subject Re: Follow up Donsanto and KY Interviews

012674

I can't do it Friday but Wednesday is ok.

--- psims@eac.gov wrote:

> Tova and Job:

>

> I've passed Tova's request on to Craig.

>

> Also, Sarah Ball Johnson, KY, finally called back

> to say she would be

> available Wednesday through Friday this week and

> next week for the

> interview. Which day and time is best for you and

> Job?

>

> --- Peggy

>

>

>

>

>

> 04/16/2006 11:39 AM

>

> To

> psims@eac.gov

> cc

> "Tova Wang" [REDACTED]

> Subject

> donsanto again

>

>

>

>

>

>

> Hi Peg,

>

> Happy Easter!

>

> Would it be possible to talk to Mr. Donsanto about

> this latest initiative,

> or somehow get more information? Thanks. Tova

>

>

> <http://www.fbi.gov/page2/april06/electioncrime041406.htm>

>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----



"Tova Wang"

[REDACTED]
04/21/2006 11:03 AM

To psims@eac.gov, "Job Serebrov" [REDACTED]

cc

Subject wg materials

012675

I will now begin sending several emails with material for the working group meeting. Peg, we still have not heard back from you on whether you like the agenda. I have attached it again. With respect to the interview and research summaries, would you both please review them to make sure there are no glaring mistakes?

Are we going on a hiatus next week? I'm a little confused about what happens from here. Tova

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

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TW proposed agenda.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----



"Tova Wang"

[Redacted]

04/21/2006 11:10 AM

To psims@eac.gov, "Job Serebrov" [Redacted]

cc

Subject interview summaries 4 (final)

Please also double check that I have not left any out. Thanks.

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

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Interview with Wade Henderson.doc Interview with Wendy Weiser.doc Interview with William Groth.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----



"Job Serebrov"

[Redacted]

04/17/2006 10:45 AM

To psims@eac.gov

cc

Subject Re: Interviews

012676

That's what I am concerned about. I think we need to end all interviews with Sarah Ball Johnson. With the literature reviews I am finishing, the case write up and the Tova's Nexis research that I need to read, I will have about 45 hours left for the Working Group meeting and final write up.

--- psims@eac.gov wrote:

> I have to check with Conny McCormack to see if
> things have settled down
> for her enough so that she would be available. I
> have had no response to
> my overtures to Colleen McAndrews' office. I can
> try again, but I have to
> be out of town again, from Wednesday through Friday
> this week, on another
> research contract and for EAC's public meeting in
> Seattle. Were you able
> to get through to Mike McCarthy?
>
> Please remember to watch your time. We'll need to
> reserve some of your
> time for the working group meeting and the
> subsequent reports. --- Peggy
>
>
>
> "Job Serebrov" <[REDACTED]>
> 04/17/2006 10:17 AM
>
> To
> psims@eac.gov, wang@tcf.org
> cc
>
> Subject
> Re: Follow up Donsanto and KY Interviews
>
>
>
>
>
> Next week is out for me. I need to check my schedule
> this week. Is this the last interview that you were
> able to arrange?
>
>
> --- psims@eac.gov wrote:
>
> > Tova and Job:
> >
> > I've passed Tova's request on to Craig.
> >
> > Also, Sarah Ball Johnson, KY, finally called back
> > to say she would be
> > available Wednesday through Friday this week and
> > next week for the
> > interview. Which day and time is best for you and
> > Job?

012677

> >
> > --- Peggy
> >
> >
> >
> >
> > [REDACTED]
> > 04/16/2006 11:39 AM
> >
> > To
> > psims@eac.gov
> > cc
> > "Tova Wang" [REDACTED]
> > Subject
> > donsanto again
> >
> >
> >
> >
> >
> >
> > Hi Peg,
> >
> > Happy Easter!
> >
> > Would it be possible to talk to Mr. Donsanto about
> > this latest initiative,
> > or somehow get more information? Thanks. Tova
> >
> >
>
<http://www.fbi.gov/page2/april06/electioncrime041406.htm>
> >
>
>
>
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----



"Tova Wang"
[REDACTED]
04/21/2006 11:19 AM

To psims@eac.gov, "Job Serebrov" [REDACTED]
cc
Subject

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

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Summary of DOJ activities 0405.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----



"Tova Wang"

04/17/2006 10:12 AM

To psims@eac.gov

cc

Subject RE: Announcement of FBI Election Crimes Initiative

Is it possible to get the materials they are using for the trainings? Thanks Peg.

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

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

Sent: Monday, April 17, 2006 9:08 AM

To: wang@tcf.org; serebrov@sbcglobal.net

Subject: Fw: Announcement of FBI Election Crimes Initiative

See Donsanto response below.--- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 04/17/2006 10:07 AM -----

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

04/17/2006 09:56 AM

To psims@eac.gov

cc

Subject RE: Announcement of FBI Election Crimes Initiative

Peg - -

This is essentially FBI's equivalent of the Department's Ballot Access and Integrity Initiative. The news conference on Thursday announced that FBI was enhancing its prioritization of campaign financing offenses. The main feature of this initiative, aside from enhancing the priority these cases will get in the Bureau, is that each of the Bureau's 57 Field Divisions will have at least one "Election Coordinator Agent" who will be the equivalent of the District Election Officer AUSAs. We have been training these new FBI-types: the week before last we had roughly 75 of them in Denver in a very well received two-day session in election law enforcement at which several FEC people spoke. On Wednesday, I head out to Portland, Oregon for more of the same.

012679

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Monday, April 17, 2006 9:00 AM
To: Donsanto, Craig
Subject: Fw: Announcement of FBI Election Crimes Initiative

Hi, Craig:

Tova noticed an article about an FBI initiative against election crimes (see attached email). Is this something new, or is it more of the same initiative that you addressed in your interview? If it is new, would you have time for a teleconference with Job and Tova to answer any questions they may have on the initiative?

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 04/17/2006 08:56 AM -----

[REDACTED]
04/16/2006 11:39 AM

To psims@eac.gov
cc "Tova Wang" [REDACTED]
Subject donsanto again

Hi Peg,

Happy Easter!

Would it be possible to talk to Mr. Donsanto about this latest initiative, or somehow get more information? Thanks. Tova

012680

<http://www.fbi.gov/page2/april06/electioncrime041406.htm>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----



"Tova Wang"

04/17/2006 10:21 AM

To "Job Serebrov" [redacted], psims@eac.gov

cc

Subject RE: Announcement of FBI Election Crimes Initiative

We could skim it

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

From: Job Serebrov [mailto:[redacted]]
Sent: Monday, April 17, 2006 9:13 AM
To: Tova Wang; psims@eac.gov
Subject: RE: Announcement of FBI Election Crimes Initiative

Tova-Do we have time to review this?

--- Tova Wang [redacted] wrote:

> Is it possible to get the materials they are using
> for the trainings?
> Thanks Peg.

> -----Original Message-----

> From: psims@eac.gov [mailto:psims@eac.gov]
> Sent: Monday, April 17, 2006 9:08 AM
> To: [redacted]
> Subject: Fw: Announcement of FBI Election Crimes
> Initiative

> See Donsanto response below.--- Peggy

> ----- Forwarded by Margaret Sims/EAC/GOV on
> 04/17/2006 10:07 AM -----

> "Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

> 04/17/2006 09:56 AM

> To
> psims@eac.gov

> cc

> Subject
> RE: Announcement of FBI Election Crimes Initiative

012681

>
>
>
> Peg - -
>
> This is essentially FBI's equivalent of the
> Department's Ballot Access and
> Integrity Initiative. The news conference on
> Thursday announced that FBI
> was enhancing its prioritization of campaign
> financing offenses. The main
> feature of this initiative, aside from enhancing the
> priority these cases
> will get in the Bureau, is that each of the Bureau's
> 57 Field Divisions will
> have at least one "Election Coordinator Agent" who
> will be the equivalent of
> the District Election Officer AUSAs. We have been
> training these new
> FBI-types: the week before last we had roughly 75 of
> them in Denver in a
> very well received two-day session in election law enforcement at
> which several FEC people spoke. On Wednesday, I head out
> to Portland, Oregon for
> more of the same.

>
>
> _____
>
>
>
> From: psims@eac.gov [mailto:psims@eac.gov]
> Sent: Monday, April 17, 2006 9:00 AM
> To: Donsanto, Craig
> Subject: Fw: Announcement of FBI Election Crimes
> Initiative

>
>
> Hi, Craig:
>
> Tova noticed an article about an FBI initiative
> against election crimes (see
> attached email). Is this something new, or is it
> more of the same
> initiative that you addressed in your interview? If
> it is new, would you
> have time for a teleconference with Job and Tova to
> answer any questions
> they may have on the initiative?

>
> Peggy Sims
> Election Research Specialist
> U.S. Election Assistance Commission
> 1225 New York Ave, NW - Ste 1100
> Washington, DC 20005
> Phone: 866-747-1471 (toll free) or 202-566-3120
> (direct)
> Fax: 202-566-3127
> email: psims@eac.gov

>
> ----- Forwarded by Margaret Sims/EAC/GOV on
> 04/17/2006 08:56 AM -----

012682

Sarah:

Thank you. I have not reviewed this myself, so I really appreciate the link. Professor Campbell was among the people interviewed by our consultants.

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

"Johnson, Sarah Ball (SBE)" <SarahBall.Johnson@ky.gov>



"Johnson, Sarah Ball
(SBE)"
<SarahBall.Johnson@ky.go
v>

To psims@eac.gov

cc

04/18/2006 04:02 PM

Subject RE: Voting Fraud-Voter Intimidation Teleconference 4-19-06

Peggy,

I am attaching a link to a recent book published by a Kentucky History Professor, Tracy Campbell, which details voter fraud on state and national level. It is very interesting reading.

http://www.amazon.com/gp/product/078671591X/sr=8-1/qid=1145390029/ref=pd_bbs_1/103-8923253-6647806?%5Fencoding=UTF8

Sarah Ball Johnson
Executive Director
State Board of Elections
140 Walnut Street
Frankfort, KY 40601
(502) 573-7100
(502) 330-2734-cell
(502) 573-4369-fax

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012684

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Monday, April 17, 2006 4:34 PM
To: Johnson, Sarah Ball (SBE)
[REDACTED] ecortes@eac.gov
Subject: Voting Fraud-Voter Intimidation Teleconference 4-19-06

Hi, Sarah:

Thank you for agreeing to be interviewed on Wednesday, April 19, by the consultants for EAC's initial research on voting fraud and voter intimidation, Job Serebrov and Tova Wang . Our consultants are conducting interviews as part of preliminary research to determine how EAC may best meet the requirements of Section 241(b)6 and 7 of the Help America Vote Act of 2002. As you may recall, Section 241 requires EAC to conduct research on election administration issues, including the development of:

- nationwide statistics and methods of identifying, deterring, and investigating voting fraud in elections for Federal office; and
- methods of identifying, deterring, and investigating methods of voter intimidation.

This is what I need you (and the Secretary, if he is available) to do:

- At approximately 11 AM EST on April 19, call 1-866-222-9044.
- At the prompt for the pass code, enter [REDACTED]

Tova and Job will join you on the line. We have arranged for the line to be open for an hour, with 10 minutes extra on the front end (for folks who have not synchronized their watches).

You mentioned that Secretary Grayson may be using a cell phone. Our teleconference provider has given us the following information regarding the use of cell phones during the teleconference:

- Signals are often in and out and the audio bridging equipment cannot compensate fast enough by adjusting the signal. This affects all participants connected. If participants must use a cell phone – **they should be stationary in a location where they can pick up the other participants**, moving while using a cell phone causes the signal to go in and out and often will pick up extraneous electrical signals that will cause heavy static on the call.
- **The cell phone should be well charged and muted, if possible, until the individual is ready to speak.**
- **If there is a problem**, anybody who dials into a conference can **contact the operator/technicians by simply pressing *0 (star zero)**. This information is part of the recording when individuals are dialing in.

If you have any problems accessing the teleconference, please call Edgardo Cortés. You can reach him at 1-866-747-1471 (toll-free) or 202-566-3126. He can contact our service provider to correct any problems. (I will be on my way to Seattle and unable to help.)

Thanks, again!

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127

012685

email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----



"Tova Wang"

04/21/2006 11:09 AM

To psims@eac.gov, "Job Serebrov"

cc

Subject interview summaries 3

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

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Interview with Lori Minnite.doc Interview_with_Neil_Bradley final.doc Interview with Nina Perales final.doc



Interview with Pat Rogers.doc Interview with Rebecca Vigil-Giron.doc Interview with Sarah Ball Johnson.doc



Interview with Steve Ansolobhere and Chandler Davidson.doc Interview with Tracy Campbell.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----



"Job Serebrov"

04/17/2006 11:06 AM

To psims@eac.gov

cc

Subject Re: Follow up Donsanto and KY Interviews

I can't do it Friday but Wednesday is ok.

--- psims@eac.gov wrote:

- > Tova and Job:
- >
- > I've passed Tova's request on to Craig.
- >
- > Also, Sarah Ball Johnson, KY, finally called back
- > to say she would be
- > available Wednesday through Friday this week and
- > next week for the

012686

> interview. Which day and time is best for you and
> Job?

> --- Peggy

>

>

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>

>

> 04/16/2006 11:39 AM

> To

> psims@eac.gov

> cc

> "Tova Wang" [REDACTED]

> Subject

> donsanto again

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----

Margaret Sims/EAC/GOV

04/17/2006 10:08 AM

To Tova Andrea Wang, Job Serebrov

cc

Subject Fw: Announcement of FBI Election Crimes Initiative

See Donsanto response below.--- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 04/17/2006 10:07 AM -----



"Donsanto, Craig"

<Craig.Donsanto@usdoj.gov

v>

04/17/2006 09:56 AM

To psims@eac.gov

cc

Subject RE: Announcement of FBI Election Crimes Initiative

012687

Peg - -

This is essentially FBI's equivalent of the Department's Ballot Access and Integrity Initiative. The news conference on Thursday announced that FBI was enhancing its prioritization of campaign financing offenses. The main feature of this initiative, aside from enhancing the priority these cases will get in the Bureau, is that each of the Bureau's 57 Field Divisions will have at least one "Election Coordinator Agent" who will be the equivalent of the District Election Officer AUSAs. We have been training these new FBI-types: the week before last we had roughly 75 of them in Denver in a very well received two-day session in election law enforcement at which several FEC people spoke. On Wednesday, I head out to Portland, Oregon for more of the same.

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Monday, April 17, 2006 9:00 AM
To: Donsanto, Craig
Subject: Fw: Announcement of FBI Election Crimes Initiative

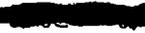
Hi, Craig:

Tova noticed an article about an FBI initiative against election crimes (see attached email). Is this something new, or is it more of the same initiative that you addressed in your interview? If it is new, would you have time for a teleconference with Job and Tova to answer any questions they may have on the initiative?

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 04/17/2006 08:56 AM -----


04/16/2006 11:39 AM

Topsims@eac.gov
cc "Tova Wang" 
Subjectdonsanto again

Hi Peg,

012688

Happy Easter!

Would it be possible to talk to Mr. Donsanto about this latest initiative, or somehow get more information?
Thanks. Tova

<http://www.fbi.gov/page2/april06/electioncrime041406.htm>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----



"Tova Wang"

04/21/2006 12:16 PM

To psims@eac.gov, "Job Serebrov"

cc

Subject existing research summaries 2

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

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Donsanto IFES FINAL.doc



Election Protection stories.doc



fooled again review.doc



GA litigation summary2.doc



GAD Report (JS).doc



indiana litigation - official.doc



Section 5 Recommendation Memorandum summary.doc



Securing the Vote.doc



Shattering the Myth.doc



Steal this Vote Review final.doc



stealing elections review.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----



"Tova Wang"

04/21/2006 11:05 AM

To psims@eac.gov, "Job Serebrov"

cc

Subject summaries of interviews

Part 1. I'm going to try not to overload

Tova Andrea Wang
Democracy Fellow
The Century Foundation

012689

41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

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Interview Justice Stratton.doc



Interview w Tony Sirvello FINAL.doc



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



Interview with Craig Donsanto FINAL.doc Interview with Doug Webber.doc Interview with former Secretary of State Sharon Priest.doc
----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----



"Job Serebrov"

[REDACTED]

04/17/2006 12:44 PM

To psims@eac.gov

cc

Subject Re: Conference Call This Afternoon

Yes but it needs to go no longer than 30 mins

--- psims@eac.gov wrote:

> Are you two still available for the conference call
> we had scheduled for
> this afternoon at 4 PM EST/3 PM CST? --- Peg

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----



"Tova Wang"

[REDACTED]

04/17/2006 09:20 AM

To psims@eac.gov, [REDACTED]

cc

Subject RE: Follow up Donsanto and KY Interviews

Any time Friday is fine for me. Thanks

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

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Monday, April 17, 2006 8:05 AM
To: wang@tcf.org; serebrov@sbcglobal.net
Subject: Re: Follow up Donsanto and KY Interviews

Tova and Job:

012690

I've passed Tova's request on to Craig.

Also, Sarah Ball Johnson, KY, finally called back to say she would be available Wednesday through Friday this week and next week for the interview. Which day and time is best for you and Job?

--- Peggy

[REDACTED]

04/16/2006 11:39
AM

psims@eac.gov

To

"Tova Wang" [REDACTED]

cc

donsanto again

Subject

Hi Peg,

Happy Easter!

Would it be possible to talk to Mr. Donsanto about this latest initiative, or somehow get more information? Thanks. Tova

<http://www.fbi.gov/page2/april06/electioncrime041406.htm>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----



"Tova Wang"

[REDACTED]
04/17/2006 12:55 PM

To psims@eac.gov, [REDACTED]

cc

Subject RE: Conference Call This Afternoon

yes

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

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

Sent: Monday, April 17, 2006 11:38 AM

To: [REDACTED]

Subject: Conference Call This Afternoon

012691

Are you two still available for the conference call we had scheduled for this afternoon at 4 PM EST/3 PM CST? --- Peg

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----



"Tova Wang"

04/21/2006 11:18 AM

To psims@eac.gov, "Job Serebrov"

cc

Subject case charts 2

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

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Chart Voter Eligibility.doc



ChartDeniaVoterRegistrat.doc



ChartDeniaVoterRegistrat.doc



ChartElectionCountingViolat.doc



ChartOverseasBallot.doc



ChartProvisionalBallotDen.doc



ChartProvisionalBallotDen.doc



ChartTouchScreenVoteVoting.doc



ChartVoteVoterAfricanAmer.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----



"Tova Wang"

04/21/2006 11:14 AM

To psims@eac.gov

cc "Job Serebrov"

Subject nexis article charts and overview/analysis

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

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012692

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absentee nexis chart 2.xls



'dead' voters and multiple voting nexis chart.xls



deceptive practices nexis chart.xls



Election official & addition-subtraction.xls



intentional felon voting nexis chart.xls



intimidation and suppression.xls



noncitizen voting.xls



vote buying nexis chart.xls



voter registration fraud nexis chart.xls



Wrongful Removal from Registration Lists.xls



Nexis Analysis.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----



"Tova Wang"

04/21/2006 11:22 AM

To psims@eac.gov, "Job Serebrov"

cc

Subject methodology review

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

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methodology -- official.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----



"Job Serebrov"

04/17/2006 10:13 AM

To "Tova Wang" psims@eac.gov

cc

Subject RE: Announcement of FBI Election Crimes Initiative

Tova-Do we have time to review this?

--- Tova Wang wrote:

> Is it possible to get the materials they are using
> for the trainings?
> Thanks Peg.
>
> -----Original Message-----
> From: psims@eac.gov [mailto:psims@eac.gov]

012693

> Sent: Monday, April 17, 2006 9:08 AM
> To: [REDACTED]
> Subject: FW: Announcement of FBI Election Crimes
> Initiative
>
>
>
> See Donsanto response below.--- Peggy
>
> ----- Forwarded by Margaret Sims/EAC/GOV on
> 04/17/2006 10:07 AM -----
>
> "Donsanto, Craig" <Craig.Donsanto@usdoj.gov>
>
>
> 04/17/2006 09:56 AM
>
>
> To
> psims@eac.gov
>
> cc
>
> Subject
> RE: Announcement of FBI Election Crimes Initiative
>
>
>
>
> Peg - -
>
> This is essentially FBI's equivalent of the
> Department's Ballot Access and
> Integrity Initiative. The news conference on
> Thursday announced that FBI
> was enhancing its prioritization of campaign
> financing offenses. The main
> feature of this initiative, aside from enhancing the
> priority these cases
> will get in the Bureau, is that each of the Bureau's
> 57 Field Divisions will
> have at least one "Election Coordinator Agent" who
> will be the equivalent of
> the District Election Officer AUSAs. We have been
> training these new
> FBI-types: the week before last we had roughly 75 of
> them in Denver in a
> very well received two-day session in election law
> enforcement at which
> several FEC people spoke. On Wednesday, I head out
> to Portland, Oregon for
> more of the same.
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> _____
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>
> From: psims@eac.gov [mailto:psims@eac.gov]
> Sent: Monday, April 17, 2006 9:00 AM

012694

> Hi Peg,
>
> Happy Easter!
>
> Would it be possible to talk to Mr. Donsanto about
> this latest initiative,
> or somehow get more information? Thanks. Tova
>
>
>
<<http://www.fbi.gov/page2/april06/electioncrime041406.htm>>
>
<http://www.fbi.gov/page2/april06/electioncrime041406.htm>
>
>
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----



"Job Serebroy"

04/17/2006 10:17 AM

To psims@eac.gov, [REDACTED]

cc

Subject Re: Follow up Donsanto and KY Interviews

Next week is out for me. I need to check my schedule this week. Is this the last interview that you were able to arrange?

--- psims@eac.gov wrote:

> Tova and Job:
>
> I've passed Tova's request on to Craig.
>
> Also, Sarah Ball Johnson, KY, finally called back
> to say she would be
> available Wednesday through Friday this week and
> next week for the
> interview. Which day and time is best for you and
> Job?

> --- Peggy

>

>

>

>

>

> [REDACTED]
> 04/16/2006 11:39 AM

>

> To

> psims@eac.gov

> cc

> "Tova Wang" [REDACTED]

012696

> Subject
> donsanto again
>
>
>
>
>
>
> Hi Peg,
>
> Happy Easter!
>
> Would it be possible to talk to Mr. Donsanto about
> this latest initiative,
> or somehow get more information? Thanks. Tova
>
>
> <http://www.fbi.gov/page2/april06/electioncrime041406.htm>
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----

Margaret Sims/EAC/GOV

04/17/2006 10:33 AM

To "Job Serebrov"

Wang

GSAEXTERNAL, Tova Andrea

cc

Subject Re: Interviews

I have to check with Conny McCormack to see if things have settled down for her enough so that she would be available. I have had no response to my overtures to Colleen McAndrews' office. I can try again, but I have to be out of town again, from Wednesday through Friday this week, on another research contract and for EAC's public meeting in Seattle. Were you able to get through to Mike McCarthy?

Please remember to watch your time. We'll need to reserve some of your time for the working group meeting and the subsequent reports. --- Peggy

"Job Serebrov"



"Job Serebrov"

04/17/2006 10:17 AM

To psims@eac.gov

cc

Subject Re: Follow up Donsanto and KY Interviews

Next week is out for me. I need to check my schedule this week. Is this the last interview that you were able to arrange?

012697

--- psims@eac.gov wrote:

> Tova and Job:
>
> I've passed Tova's request on to Craig.
>
> Also, Sarah Ball Johnson, KY, finally called back
> to say she would be
> available Wednesday through Friday this week and
> next week for the
> interview. Which day and time is best for you and
> Job?

> --- Peggy

> [REDACTED]
> 04/16/2006 11:39 AM

> To
> psims@eac.gov
> cc
> "Tova Wang" [REDACTED]
> Subject
> donsanto again

> Hi Peg,

> Happy Easter!

> Would it be possible to talk to Mr. Donsanto about
> this latest initiative,
> or somehow get more information? Thanks. Tova

> <http://www.fbi.gov/page2/april06/electioncrime041406.htm>

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM ---



"Tova Wang"

[REDACTED]
04/21/2006 11:07 AM

To psims@eac.gov, "Job Serebrov" [REDACTED]
cc

Subject interview with Doug Webber -- correct version

I sent the wrong version! Please use this one.

012698

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

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InterviewDougWebber final.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----



"Tova Wang"

04/21/2006 12:13 PM

To psims@eac.gov, "Job Serebrov"
cc

Subject existing literature summaries 1

And there will be one more forthcoming next week.

Tova Andrea Wang
Democracy Fellow
The Century Foundation
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phone: 212-452-7704 fax: 212-535-7534

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A Funny ThingReview.doc



American Center Report FINAL.doc



Americas Modern Poll Tax (JS).doc



Brennan Analysis Voter Fraud Report FINAL.doc



cb summary.doc



Chandler Davidson summary -- official.doc



Crazy Quilt.doc



Deliver the Vote Review.doc



dnc ohio.doc



DOJ Public Integrity Reports (JS).doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----



"Tova Wang"

04/21/2006 11:17 AM

To psims@eac.gov, "Job Serebrov"
cc

Subject job's case charts 1

012699

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

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Chart Absentee Ballot.doc Chart Disenfranchisement.doc Chart Donsanto Cases.doc Chart Election Accessible.doc
    
Chart Election Irregularity.doc Chart Vote Buying.doc Chart Vote Felon.doc Chart Vote Fraud.doc Chart Vote Identification.doc
 
Chart Vote Inaccessible.doc Chart Vote Registration.doc
----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----



"Tony J. Sirvello III"

04/07/2006 08:52 AM

To psims@eac.gov

cc

Subject Re: Fw: Nonpartisan Local Election Official Needed for Voting Fraud/Voter Intimidation Working Group

Good Morning Peg,

That works for me....I will stay off the phone and wait on the call.

Have A Great Weekend,

Tony

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

From: psims@eac.gov

To: [REDACTED]

Sent: Thursday, April 06, 2006 2:27 PM

Subject: Re: Fw: Nonpartisan Local Election Official Needed for Voting Fraud/Voter Intimidation Working Group

Tony:

How about scheduling the teleconference with our consultants for 10 AM CST/11 AM EST on Wednesday, April 12? --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----

012700



"Tova Wang"
 [Redacted]
 04/21/2006 11:07 AM

To psims@eac.gov, "Job Serebrov"
 cc [Redacted]
 Subject summaries of interviews 2

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

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-  Interview with Heather Dawn Thompson.doc
 -  Interview with Jason Torchinsky final.doc
 -  Interview with Joe Rich.doc
 -  Interview with Joe SandlerFINAL.doc
 -  Interview with John Ravitz.doc
 -  Interview with John Tanner.doc
 -  Interview with Kevin Kennedy.doc
- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM ---



"Tova Wang"
 <wang@tcf.org>
 04/17/2006 12:28 PM

To psims@eac.gov
 cc
 Subject RE: Interviews

Noon EST

-----Original Message-----
From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Monday, April 17, 2006 10:49 AM
To: wang@tcf.org
Subject: Interviews

I know you preferred Friday, but Job is not available then. He also said he is not available next week. Do you have any time available this Wednesday? --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 04/17/2006 11:45 AM -----

"Job Serebrov" [Redacted]

04/17/2006 11:06 AM

To psims@eac.gov

cc

Subject Re: Follow up Donsanto and KY Interviews

I can't do it Friday but Wednesday is ok.

--- psims@eac.gov wrote:

> Tova and Job:

>

> I've passed Tova's request on to Craig.

>

> Also, Sarah Ball Johnson, KY, finally called back

> to say she would be

> available Wednesday through Friday this week and

> next week for the

> interview. Which day and time is best for you and

> Job?

>

> --- Peggy

>

>

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>

> 04/16/2006 11:39 AM

>

> To

> psims@eac.gov

> cc

> "Tova Wang" [REDACTED]

> Subject

> donsanto again

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>

> Hi Peg,

>

> Happy Easter!

>

> Would it be possible to talk to Mr. Donsanto about

> this latest initiative,

> or somehow get more information? Thanks. Tova

>

>

> <http://www.fbi.gov/page2/april06/electioncrime041406.htm>

>

012702

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----



"Tova Wang"
[REDACTED]
04/17/2006 04:53 PM

To psims@eac.gov, [REDACTED]
cc
Subject interview analysis

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

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Interview conclusions.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----

Margaret Sims/EAC/GOV
04/17/2006 08:59 AM

To Craig Donsanto
cc
Subject Fw: Announcement of FBI Election Crimes Initiative

Hi, Craig:

Tova noticed an article about an FBI initiative against election crimes (see attached email). Is this something new, or is it more of the same initiative that you addressed in your interview? If it is new, would you have time for a teleconference with Job and Tova to answer any questions they may have on the initiative?

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 04/17/2006 08:56 AM -----



[REDACTED]
04/16/2006 11:39 AM

To psims@eac.gov

012703



cc "Tova Wang" [REDACTED]
Subject donsanto again

Hi Peg,

Happy Easter!

Would it be possible to talk to Mr. Donsanto about this latest initiative, or somehow get more information?
Thanks. Tova

<http://www.fbi.gov/page2/april06/electioncrime041406.htm>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----

Margaret Sims/EAC/GOV

04/26/2006 08:04 PM

To "Tova Andrea Wang" [REDACTED]

cc

Subject Re: wg

Let me check with Devon early tomorrow. If she did not hear from him this afternoon, I'll have her contact you. Perhaps you will have more success than we have.
Peggy

Sent from my BlackBerry Wireless Handheld

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

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

Sent: 04/26/2006 05:46 PM

To: Margaret Sims

Subject: wg

Do you want me to call both Bob too?

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

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----

012704

Margaret Sims /EAC/GOV
04/27/2006 09:23 AM

To Tova Andrea Wang
cc
Subject Bob Bauer

We have heard from Bob Bauer regarding his availability, so we don't need to have you pursue the matter. Thanks for the offer, though. --- Peggy
---- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM ----

Margaret Sims /EAC/GOV
04/27/2006 09:13 AM

To "Donsanto, Craig"
<Craig.Donsanto@usdoj.gov>@GSAEXTERNAL
cc
Subject Re: Voting Fraud-Voter Intimidation Project

Unfortunately, I have to get the Working Group together before then, so that my consultants can prepare the final report before June. (In June, I lose one of them to State employment.) In understand about the crammed schedule. This month and next are chock full.

Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>



"Donsanto, Craig"
<Craig.Donsanto@usdoj.gov>
v>
04/26/2006 09:19 PM

To psims@eac.gov
cc
Subject Re: Voting Fraud-Voter Intimidation Project

How about we meld this wit the EAC Board of Advisors meeting? I just got tagged to be parliamentarian --

We could attend to your folks whike I arbitrate a food fight!!!!

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

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

From: psims@eac.gov <psims@eac.gov>
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>
Sent: Wed Apr 26 20:30:24 2006
Subject: Re: Voting Fraud-Voter Intimidation Project

Craig:
Are yu available any days in the third week of May?
Peggy

012705

Sent from my BlackBerry Wireless Handheld

----- Original Message -----
From: "Donsanto, Craig" [Craig.Donsanto@usdoj.gov]
Sent: 04/03/2006 03:16 PM
To: Margaret Sims
Subject: RE: Voting Fraud-Voter Intimidation Project

Hello Peg!

God willing, I will be here the first two weeks of May.

As for your second question, it is not possible for me to assess the level of public attribution that would be appropriate without seeing the substantive stuff in context. I do not foresee a problem. So, I recommend that you get me a draft text and I will review it to ensure we are not disclosing things we shouldn't disclose.

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Monday, April 03, 2006 3:13 PM
To: Donsanto, Craig
Subject: Re: Voting Fraud-Voter Intimidation Project

Craig:

I have 2 issues for you today.

First, I am trying to schedule a meeting of the project working group for EAC's Voting Fraud-Voter Intimidation research project. As a technical advisor on this project, your attendance is particularly important to me. Would you please look at your schedule and let me know if there are any days during the first 2 weeks of May that you would NOT be available?

Second, is it OK for our consultants to refer in their report to guidance provided in the DOJ training materials? I ask this because I understood that some materials in the materials are considered confidential and we do not want to violate your confidentiality provisions. If there is a compromise position, such as having you review that portion of the consultants' report, then let me know.

Thanks!

012706

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----



"Donsanto, Craig"
<Craig.Donsanto@usdoj.gov
>
04/26/2006 09:07 PM

To psims@eac.gov
cc

Subject Re: Voting Fraud-Voter Intimidation Project

Peg -- I'll have check. I am pretty well clogged next month.

What do you need Peg?

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

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

From: psims@eac.gov <psims@eac.gov>
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>
Sent: Wed Apr 26 20:30:24 2006
Subject: Re: Voting Fraud-Voter Intimidation Project

Craig:
Are yu available any days in the third week of May?
Peggy

Sent from my BlackBerry Wireless Handheld

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

From: "Donsanto, Craig" [Craig.Donsanto@usdoj.gov]
Sent: 04/03/2006 03:16 PM
To: Margaret Sims
Subject: RE: Voting Fraud-Voter Intimidation Project

Hello Peg!

012707

God willing, I will be here the first two weeks of May.

As for your second question, it is not possible for me to assess the level of public attribution that would be appropriate without seeing the substantive stuff in context. I do not foresee a problem. So, I recommend that you get me a draft text and I will review it to ensure we are not disclosing things we shouldn't disclose.

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Monday, April 03, 2006 3:13 PM
To: Donsanto, Craig
Subject: Re: Voting Fraud-Voter Intimidation Project

Craig:

I have 2 issues for you today.

First, I am trying to schedule a meeting of the project working group for EAC's Voting Fraud-Voter Intimidation research project. As a technical advisor on this project, your attendance is particularly important to me. Would you please look at your schedule and let me know if there are any days during the first 2 weeks of May that you would NOT be available?

Second, is it OK for our consultants to refer in their report to guidance provided in the DOJ training materials? I ask this because I understood that some materials in the materials are considered confidential and we do not want to violate your confidentiality provisions. If there is a compromise position, such as having you review that portion of the consultants' report, then let me know.

Thanks!

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----



"Tony J. Sirvello III"

04/11/2006 03:40 PM

To psims@eac.gov
cc

Subject Re: Fw: Nonpartisan Local Election Official Needed for
Voting Fraud/Voter Intimidation Working Group

012708



Good Afternoon Peg,

I will make the call as scheduled. I am still in shock about Ray.

Tony

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

From: psims@eac.gov

To: Tony Sirvello

Sent: Monday, April 10, 2006 6:04 PM

Subject: Re: Fw: Nonpartisan Local Election Official Needed for Voting Fraud/Voter Intimidation Working Group

Tony:

We have set up your telephone interview with our 2 consultants (Job Serebrov and Tova Wang) as a teleconference. Please call 1-866-222-9044 (toll free) at around 10 AM CST on Wed 4/12. At the prompt for the passcode, enter [REDACTED] Tova and Job will join you on the line. This works best if you use a land line, rather than a cell phone.

If you have trouble connecting, please call Nicole Mortellito at our office (866-747-7421. Thanks!

Peggy

Sent from my BlackBerry Wireless Handheld

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

From: "Tony J. Sirvello III" [REDACTED]

Sent: 04/07/2006 08:52 AM

To: Margaret Sims

Subject: Re: Fw: Nonpartisan Local Election Official Needed for Voting Fraud/Voter Intimidation Working Group

Good Morning Peg,

That works for me....I will stay off the phone and wait on the call.

Have A Great Weekend,

Tony

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

From: psims@eac.gov

To: [REDACTED]

Sent: Thursday, April 06, 2006 2:27 PM

012709

Subject: Re: Fw: Nonpartisan Local Election Official Needed for Voting Fraud/Voter Intimidation Working Group

Tony:

How about scheduling the teleconference with our consultants for 10 AM CST/11 AM EST on Wednesday, April 12? --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----



"Tova Wang"

04/26/2006 04:39 PM

To psims@eac.gov

cc

Subject RE: Interview analysis

I think I can help you at least with respect to Barbara. I'll be speaking to her today!

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

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

Sent: Wednesday, April 26, 2006 3:38 PM

To:

Subject: re: interview analysis

Thanks. We are still trying to get through to Bauer and Arnwine. They have not responded, so their availability is not yet reflected on our spreadsheet. --- Peggy

"Tova Wang"

04/26/2006 11:22 AM

To psims@eac.gov

cc "Job Serebrov"

Subject interview analysis

Hi Peg,

Attached, to add to the collection, is a summary overview of the interviews. Do you have that spreadsheet you were telling me about reflecting the times WG participants are available? If so, maybe we can talk soon? Thanks. Tova

Tova Andrea Wang

012710

Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----



"Tova Wang"

04/24/2006 01:49 PM

To psims@eac.gov
cc "Job Serebrov"
Subject last of the literature

Hi Peg,

Here is the last summary of existing research. Please let us know how to proceed from here. Thanks.

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

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Response to the CB Report FINAL.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 03:57 PM -----

Margaret Sims/EAC/GOV
04/27/2006 09:24 AM

To "Weinberg and Utrecht"
cc
Subject Re: Voting Fraud-Voter Intimidation Project

Thanks! I'll get back to you. --- Peggy

"Weinberg and Utrecht" <weinutr@verizon.net>



"Weinberg and Utrecht"

04/27/2006 07:56 AM

To psims@eac.gov
cc

012711



Subject Re: Voting Fraud-Voter Intimidation Project

Peggy:

You've hit the jackpot! I'm available, with 2 exceptions, every hour of every day from May 15 through May 19. I am not available Thursday morning, May 18, or Friday afternoon, May 19.

Barry

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

From: psims@eac.gov

To: Barry Weinberg

Sent: Wednesday, April 26, 2006 8:28 PM

Subject: Re: Voting Fraud-Voter Intimidation Project

Barry:

Are you available any days in the third week of May?

Peggy

Sent from my BlackBerry Wireless Handheld

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

From: "Weinberg and Utrecht" [REDACTED]

Sent: 04/04/2006 08:14 AM

To: Margaret Sims

Subject: Re: Voting Fraud-Voter Intimidation Project

Peggy:

May looks pretty good right now. I will not be available May 1, or in the morning (before 12:30) on May 4 or May 11, or in the afternoon on May 10.

Barry

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

From: psims@eac.gov

To: [REDACTED]

Sent: Monday, April 03, 2006 3:15 PM

Subject: Voting Fraud-Voter Intimidation Project

Hi, Barry:

I'm trying to arrange a meeting of the Working Group for EAC's Voting Fraud-Voter Intimidation project. Would you please look at your schedule and let me know if there are any days during the first 2 weeks of May that you would NOT be available?

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100

012712

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----



"Tova Wang"
[REDACTED]

11/18/2005 04:51 PM

To psims@eac.gov

cc "Job Serebrov"
[REDACTED]

Subject Information you requested

Hi Peg,

Attached please find our joint working definition of voter fraud and intimidation.

This is also to let you know that Job and I have agreed that I may speak with political and social scientists with expertise in methodology and data collection alone.

Finally, the types of expenses that we are incurring unrelated to travel include such items as long distance phone calls, particularly between Job and myself, but also between me and the political scientists mentioned above; and books such as John Fund's "Stealing Elections," Andrew Gumbel's "Stealing the Election," and "Deliver the Vote: A History of Election Fraud, an American Political Tradition-1742-2004" by Tracy Campbell, which cost in the \$25 range each. I also ordered the 2005 National Directory of Prosecuting Attorneys for \$50. Another potential expense might be shipping fees if we want to exchange material that cannot be emailed. Please let us know how you would like us to arrange for reimbursement for such expenses.

Thanks.

012713

Tova

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

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combined defining Fraud.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----



"Job Serebrov"

10/03/2005 10:08 AM

To psims@eac.gov
cc

Subject Mettings

Peggy:

Just spoke with Tova. We would like to have a three way telephone conference with you this week if possible. The best dates for our face to face are Oct 24th or 28th. Please let me know what works for you.

Talk with you when you get answers to my questions.

Regards,

Job

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----



"Job Serebrov"

12/09/2005 12:21 PM

To psims@eac.gov,
cc

Subject Request

Peggy & Tova:

Can you send us the names of the members of the Working Group once they are finalized?

Tova how about discussing the interview list early

012714

next week and at that time we can also discuss theme topics.

Job

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM ---



"Job Serebrov"

11/16/2005 06:11 PM

To psims@eac.gov

cc

Subject Re: Moving Along

Peggy:

Friday is best for me to teleconference.

Job

--- psims@eac.gov wrote:

- > Dear Tova and Job:
- >
- > Rest assured that I have not ignored your emails.
- > We have a lot going on
- > around here, and have had to use a triage system to
- > tackle all of the
- > things that currently need our attention. I
- > understand that Julie has
- > responded to Tova's question about the September
- > monthly report,
- > indicating that the nomenclature refers to work done
- > in September, not a
- > monthly report due in September. Here are responses
- > to other questions
- > you have raised, and some concerns of mine:
- >
- > Teleconference - We do need a teleconference this
- > week to discuss some
- > procedural issues and any remaining concerns that
- > you may have. At the
- > moment, my schedule for the remainder of the week is
- > flexible. When would
- > a teleconference be convenient for you two?
- >
- > Working Group - I am circulating your lists of
- > possible working group
- > members to our Commissioners for review and comment.
- > I will get back to
- > you as soon as I have heard from everyone. This may
- > take awhile, probably
- > through the end of November, as one of our
- > Commissioners is out of the
- > office for an extended period due to a death in the
- > family.
- >

012715

> Revised Workplan - Due to political sensitivities
> regarding this project,
> it is more important than usual that you act as a
> team. I noticed several
> instances on the revised workplan where only one of
> you is scheduled to be
> involved. While it seems to me that it would be OK
> for one or the other
> to take the lead on a particular aspect of the work
> (e.g.; developing
> Westlaw search terms, drafting a research
> instrument, or setting up
> interviews), it is very important that both of you
> be involved in making
> final decisions on the information gathering process
> and in the resulting
> information gathering effort (e.g.; finalizing the
> Westlaw search terms
> and reviewing the search results; finalizing the
> proposed research
> instrument, administering the survey, and reviewing
> the survey responses;
> and conducting interviews).
>
> DOJ Contact - I am working through the DOJ
> bureaucracy to obtain the
> input we need from the Election Crimes Branch. I
> have spoken to the
> career attorney I mentioned in previous
> teleconferences, Craig Donsanto.
> He is very interested in providing information and
> perspectives that will
> be useful to the project; but may have to obtain his
> superior's permission
> to participate. I will keep you posted on my
> efforts. Once we have
> access to him, it will be important to schedule an
> initial interview at
> the earliest time convenient for him and the two of
> you.
>
> Contacting Other EAC Contractors - Questions for
> other EAC contractors
> need to be fielded through me. I realize this may
> seem cumbersome, but
> there are a number of reasons for this, some
> involving contractual issues,
> some procedural and policy issues. I will have to
> coordinate our
> activities on this project with the EAC project
> manager for the other EAC
> research project(s). Together, we will ascertain
> what the other
> contractors already have provided to EAC that may
> answer your questions,
> perhaps without an interview being necessary, or if
> the research is not
> far enough along to provide the information you
> seek.
>
> Peggy Sims

012716

> Research Specialist
> U.S. Election Assistance Commission
> 1225 New York Ave, NW - Ste 1100
> Washington, DC 20005
> Phone: 866-747-1471 (toll free) or 202-566-3120
> (direct)
> Fax: 202-566-3127
> email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----



[REDACTED]
12/20/2005 08:52 PM

To "Job Serebrov" [REDACTED]
tnedzar@eac.gov
cc psims@eac.gov

Subject Re: Today's Searches

Somehow I did not get the original email with the search results. Would someone please send them to me? Thanks. Tova

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

From: "Job Serebrov" <serebrov@sbcglobal.net>
To: <tnedzar@eac.gov>; <>wang@tcf.org>
Cc: <psims@eac.gov>
Sent: Tuesday, December 20, 2005 8:15 PM
Subject: Re: Today's Searches

> Tamar:
>
> This looks real good. Thanks for the excellent effort.
> I know this has not been the easiest assignment.
>
> Job
>
> --- tnedzar@eac.gov wrote:
>
>> Tova and Job,
>>
>> Please find below today's results. I modified the
>> searches in Lexis so
>> that the files now include the case summaries as
>> well as headnotes. I'll
>> keep plugging away tomorrow. Please be in touch if
>> you have any questions.
>>
>>
>> Thank you,
>>
>> Tamar Nedzar
>> Law Clerk
>> U.S. Election Assistance Commission
>> 1225 New York Avenue, NW Suite 1100
>> Washington, DC 20005
>> (202) 566-2377
>> http://www.eac.gov

012717

>
>
>
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----

Tamar Nedzar /EAC/GOV
12/20/2005 09:45 AM

To "Job Serebrov"
cc [REDACTED]@GSAEXTERNAL
Margaret Sims/EAC/GOV@EAC
Subject Re: Cases 

Job,

I was using Lexis because I don't have inter-semester access to Westlaw. In addition, Westlaw does not allow me to restrict to specific dates. However, I called the dean of my school this morning and he granted me access to Westlaw for the break on a limited basis, so I will start fresh with the terms.

In the student version of Westlaw, I can choose cases in the past 3 or 10 years, but cannot select a date range. I will use the 10 year limitation unless you write to tell me otherwise.

I'll send results tonight.

Thanks,

Tamar Nedzar
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
(202) 566-2377
<http://www.eac.gov>
TNedzar@eac.gov
"Job Serebrov" <serebrov@sbcglobal.net>



"Job Serebrov"
[REDACTED]
12/19/2005 09:30 PM

To TNedzar@eac.gov
cc [REDACTED]
Subject Cases

Tamar:

I received your first Zip File today and there is another major problem. These look like Lexis and not Westlaw searches. The way this material is presented it is impossible to tell what is going on. I stated in

012718

my last e-mail that I wanted you to use Westlaw because you can pull up a short case evaluation for each case. These are no good to us without these evaluations. The evaluations list the parties, a short statement of facts and a short summary of the court's holding. I can only evaluate these cases with such a summary. Sorry to send you back to the drawing board but better now then after you substantially completed the assignment. If you can get these kind of evaluations with Lexis then go ahead but if not you need to use Westlaw.

Regards,

Job

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM ---



[REDACTED]
12/24/2005 11:00 AM

To psims@eac.gov
cc "Job Serebrov" [REDACTED]
Subject need to talk again

Hi Peg,

Hope you're enjoying the holiday weekend. Job and I are having a bit of a disagreement about how we should be handling the existing research materials and would like to briefly discuss this with you. Are you available on Tuesday morning? We are both available until 11:30 am. Thanks so much.

Tova

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM ---

Margaret Sims /EAC/GOV
12/27/2005 12:11 PM

To [REDACTED]
cc "Job Serebrov" [REDACTED]
Subject Re: need to talk again

Oops! I had an appointment Tuesday morning and did not see your message until after Noon. (When I have my Blackberry, I will be able to respond more promptly.) Are you two available any other time today? I will be out of the office Wednesday through Monday, but will be back in the office Tuesday afternoon. --- Peggy

[REDACTED]



[REDACTED]
12/24/2005 11:00 AM

To psims@eac.gov
cc "Job Serebrov" [REDACTED]

012719



Subject need to talk again

Hi Peg,

Hope you're enjoying the holiday weekend. Job and I are having a bit of a disagreement about how we should be handling the existing research materials and would like to briefly discuss this with you. Are you available on Tuesday morning? We are both available until 11:30 am. Thanks so much.

Tova

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----



"Job Serebrov"

[Redacted]
12/19/2005 03:53 PM

To psims@eac.gov, [Redacted]

cc

Subject FYI

The following file folders on the disc you sent me were empty:

Misleading Ex-felon Voting Right

Non-Citizen Voting

Wrongful Removal of Eligible Voters from Registration Lists

If they were blank file folders, why were they included?

Job

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----



"Tova Wang"

[Redacted]
12/08/2005 11:25 AM

To psims@eac.gov

cc

Subject RE: FW: Commission Consensus on Working Group

I would at least like to have input on the local election official. I also need a bit of time to think about the state official, because I'm not sure Cathy Cox will do it. So I need to consider a back-up. Thanks. Tova

-----Original Message-----

> > email: psims@eac.gov
> >
> >
>
>
>
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----



"Tova Wang"

11/03/2005 05:28 PM

To psims@eac.gov

cc

Subject RE: Tuesday

That's great. I'll probably come by between 2 and 3 if thats ok. I look forward to seeing you, even if only briefly. Tova

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Thursday, November 03, 2005 5:23 PM

To: v [redacted]

Subject: Re: Tuesday

Tova:

I should be available during the mid to late afternoon, provided we are not besieged with election-related calls. Regardless, I can provide the file with the news clippings for your review.

--- Peggy

"Tova Wang" [redacted]

11/03/2005 02:00 PM

To psims@eac.gov

cc

Subject tuesday

012721

Hi Peg,

I will be down in DC next Tuesday for a meeting. I wonder if it would be useful for me to come by -- I think you mentioned at one point you had a big collection of articles. It would be great to be able to take a look at them. I'm available mid to late afternoon. Let me know.

Any word on the contract situation?

Thanks.

Tova Andrea Wang
Senior Program Officer and Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----



"Craig.Donsanto@usdoj.gov

"
<Craig.Donsanto@usdoj.gov
>

To "psims@eac.gov" <psims@eac.gov>
cc

12/06/2005 04:34 PM

Subject RE: Voting Fraud-Preliminary Research

I'd be delighted! Will you be coming as well (I hope)?

Please refresh my recollection when this gets closer in time -- i.e. after New Years.

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Tuesday, December 06, 2005 4:27 PM
To: Donsanto, Craig
Subject: Voting Fraud-Preliminary Research

Craig:

The Chair gave me your response. I'm pleased, to say the least! Would you be available for an hour or so on January 13 (a Friday) to talk with our two

012722

consultants when they are in town? If so, when would be most convenient for you? Would you prefer that I accompany them, or are you willing to take them on alone?

Also, would you prefer that our consultants forward any information requests through me (both before and after their meeting with you), or may I provide your contact information so that they can make their requests directly? Already, I have received a request for any related statistical data you may have. I have given them a copy of the January 1995 version of your Federal Prosecution of Election Offenses.

Peggy Sims
Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----



"Tova Wang"

11/29/2005 02:25 PM

To psims@eac.gov, [REDACTED]

cc

Subject RE: Teleconference With Legal Clerk and Intern

I am available any of those times. Remind us of their names again please? Tova

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Tuesday, November 29, 2005 2:18 PM
To: [REDACTED]
Subject: Teleconference With Legal Clerk and Intern

Tova and Job:

Are you two available for a teleconference with our Law Clerk and Intern tomorrow at either of the times listed below?

Between 12 and 1 PM EST; or
Any time between 3:30 and 5:30 PM EST

Peggy Sims
Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127

012723

email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----

Margaret Sims /EAC/GOV

11/29/2005 03:18 PM

To "Tova Wang" <[REDACTED]>

cc s [REDACTED]

Subject RE: Teleconference With Legal Clerk and Intern 

The Law Clerk's name is Tamar Nedzar. She is very sharp. Our intern's name is Devon Romig.

Tamar has the most recent lists of search terms and may have questions about them. Devon will need to know how you want the press clippings sorted by type of voting fraud. I think we need to give her a specific list. that, I hope, will not overlap. For example, do you want her to sort using the term Absentee Ballot

Fraud when that can involve voter intimidation/coercion/undue influence, vote buying, ballot tampering, and ballot box stuffing (by voting in the name of another or under a fictitious name).

We need to discuss this because I am concerned that we currently do not have a full written description of what does and does not constitute voting fraud and voter intimidation. The current written definition excludes voter registration shenanigans; yet, voter registration applications submitted with fictitious names or that falsely affirm eligibility to vote are considered election crimes that can have an impact on election results. Specifically, they are used in schemes to vote more than once or to have ineligible persons participate in voting. Also, an increasing number of States are including as an election crime the knowing and willful destruction of voter registration applications by voter registration drives and their failure to transmit such applications to the election office in a timely manner.

If we define voting fraud as any illegal act that has a clear and direct distorting impact on the election results, then administrative mistakes that violate federal or State law could be included. For federal elections, administrative mistakes definitely are not considered voting fraud. The examples provided for "de facto" fraud and "quasi" fraud also are not likely to be considered part of voting fraud and voter intimidation without evidence that there also is ballot box stuffing, vote buying, tampering with ballots or vote tallies, voter intimidation, etc. Although a number of things other than voting fraud and voter intimidation can (and do) distort election results, EAC is handling such issues under separate research efforts.

For your information, I have attached a speech presented by Craig Donsanto (complete with typos) that addresses the issue of defining voting fraud. Perhaps it will be of interest to you.

Peggy Sims
Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov



Ponencia%20Dr.%20Craig%20Donsanto.%20VOTER.FRAUD.MEXICO%2009-27.pdf

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----



"Tova Wang" <[REDACTED]>

To "Job Serebrov" <[REDACTED]>, psims@eac.gov

012724

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----

Margaret Sims/EAC/GOV

10/05/2005 01:19 PM

To Job Serebrov

cc

Subject Teleconference Today

Job:

This is just to remind you that I will be calling today at 4:00 PM EST (3:00 PM CST). --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----

Tamar Nedzar/EAC/GOV

11/30/2005 05:25 PM

To [REDACTED]

cc Margaret Sims/EAC/GOV@EAC

Subject Search Results Example



Tova and Job,

It was good to talk to you today. Hope you are doing well. I've attached my African American search results below. It encompasses all of the terms you suggested having to do with African Americans.

The following is a search I used to truncate words and combine terms, but I still got a large number of results:

Vot! and deny and black or vot! and black and challenge or vot! and black and reject or vot! and black or vot! And deny and African w/s American or vot! And African w/s American and reject or challenge or vot! And African w/s American or election and black and deny or challenge or reject or election and black or election and African w/s American and deny or challenge or reject or election and African w/s American or ballot and security and black or ballot and security and African w/s American or black and vot! And suppress! Or African w/s American and vot! And suppress or African w/s and disenfranchis! or black and disenfranchis!

If this search yields useful cases for you, I can continue searching using the same strategy. If not, please provide me with additional guidelines and I will do my best!

Please feel free to contact me should you have any questions or need additional information.

Thank you,
Tamar Nedzar
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
(202) 566-2377
<http://www.eac.gov>

012725

The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

Visit our Web site, www.tcf.org, for the latest news, analysis, opinions, and events.

[Click here](#) to receive our weekly e-mail updates.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----



"Job Serebrov"

10/03/2005 05:25 PM

To psims@eac.gov, [REDACTED]

cc

Subject RE: Voting Fraud Teleconference-Meeting-Work Schedule

Peggy:

We needed to schedule the face to face meeting for Oct 28. Talk with you on Weds.

Job

--- psims@eac.gov wrote:

- > I will initiate the calls to you two on Wednesday.
- > The number I have for
- > Tova is [REDACTED] For Job, I have [REDACTED]
- > Let me know if I
- > should use a different number for you on Wednesday.
- >
- > Thanks, Tova, for the copy of the draft workplan you
- > provided to Karen.
- > I'll take a look at it and, hopefully, provide some
- > feedback on Wednesday.
- > I have not yet caught up to all the paperwork and
- > emails that preceded my
- > assignment to this project. Karen just handed me a
- > folder full of
- > documents that should help.
- >
- > I think you may have received an email from Nicole
- > Mortellito regarding an
- > October 14 meeting. If you two cannot come in
- > person but can attend via
- > phone, just let me know. Nicole's message has
- > information regarding hotel
- > rates that conflicts with what I've just sent you.
- > I've asked her to
- > double check her information because I have another
- > contractor that has
- > had no problem obtaining government rate at hotels.
- >
- > Yes, you will be paid on a monthly basis. You can

012726

> file your first invoice
> on October 25, according to Diana Scott.
>
> Peggy Sims
> Research Specialist
> U.S. Election Assistance Commission
> 1225 New York Ave, NW - Ste 1100
> Washington, DC 20005
> Phone: 866-747-1471 (toll free) or 202-566-3120
> (direct)
> Fax: 202-566-3127
> email: psims@eac.gov
>
>
>
>

> "Tova Wang" [REDACTED]
> 10/03/2005 09:54 PM
>

> To
> psims@eac.gov, [REDACTED]
> cc
> ggilmour@eac.gov
> Subject
> RE: Voting Fraud Teleconference-Meeting-Work
> Schedule
>
>
>
>
>

> Peg, This all sounds good. Will you be calling us
> on Wednesday?
>

> I should not need a hotel for the 28th. Just let me
> know what time. Are
> there expense forms we should have for
> reimbursement?
>

> On the work product, we did send Karen a very
> preliminary draft of a work
> plan. I attach it again here and we can talk about
> it more on Wednesday.
>

> My only money question is, are we being paid on a
> monthly basis? And if
> so, when does that begin? I assume this all is in
> the contracts we'll be
> getting...
>

> Thanks.
>

> Tova

> -----Original Message-----

> From: psims@eac.gov [mailto:psims@eac.gov]
> Sent: Monday, October 03, 2005 2:48 PM
> To: [REDACTED]
> Cc: ggilmour@eac.gov
> Subject: Voting Fraud Teleconference-Meeting-Work
> Schedule

012727

>
>
> Tova and Job:
>
> Teleconference -
> Let's schedule the teleconference for 4:00 PM on
> Wednesday, October 5.
> Gavin Gilmour will join us.
>
> Meeting -
> October 28 is fine for the face-to-face meeting in
> DC. We have allocated
> \$5,000 to each of you to cover reasonable and
> necessary travel and other
> incidental expenses. Expenses claimed for
> reimbursement need to be
> itemized, with appropriate receipts provided. You
> should be able to
> obtain the Federal government rate at an area hotel
> (if you plan to stay
> overnight). If the hotel needs a letter from EAC
> (in lieu of showing them
> your signed contract), just let me know. Airlines
> apparently no longer
> honor government rates for government contractors.
> Rail carriers may
> provide government rates for government contractors.
> If you drive, the
> current government rate for a personally owned
> vehicle (POV) is 48.5 cents
> per mile.
>
> Deliverables -
> The first item on the list of deliverables is the
> draft project workplan,
> which is due ASAP after award. Would it be possible
> for the two of you to
> deliver a draft workplan to me via email by 10/11?
> That would be after we
> have had our teleconference to work out lingering
> questions.
>
> Questions for Finance -
> If you have questions for our Finance Officer, you
> can reach her via email
> at dscott@eac.gov. I would appreciate it if you
> would cc: me on such
> emails, so that I know to follow up with her.
>
> Peggy Sims
> Research Specialist
> U.S. Election Assistance Commission
> 1225 New York Ave, NW - Ste 1100
> Washington, DC 20005
> Phone: 866-747-1471 (toll free) or 202-566-3120
> (direct)
> Fax: 202-566-3127
> email: psims@eac.gov
>

012728

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----



"Tova Wang"

[REDACTED]
11/28/2005 05:30 PM

To "Job Serebrov" [REDACTED] psims@eac.gov
cc [REDACTED]
Subject word searches

In the course of compiling a list of search terms for the nexis research, I thought of some major omissions to the WESTLAW list.

Everywhere we have a term such as African American and or Latino and
we should also have the following:

Asian American (and if possible, Chinese, Korean, Vietnamese)
Native American
Indian
Indian Country

Moreover, everywhere we have poll worker or poll inspector we should also have the following:

Poll judges
Poll monitors
Poll observers

Let me know if you want me to re-do the list.

Tova

Tova Andrea Wang
Senior Program Officer and Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

Visit our Web site, www.tcf.org, for the latest news, analysis, opinions, and events.

[Click here](#) to receive our weekly e-mail updates.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----



"Tova Wang"

[REDACTED]
11/29/2005 04:02 PM

To psims@eac.gov
cc [REDACTED]
Subject RE: Teleconference With Legal Clerk and Intern

012729

Can you give us a better idea of the other EAC research projects that you think we might overlap with if we include these activities? Job and I had strong reasons for what we did and did not include and how we wanted to frame the term fraud, so we do indeed need to discuss this -- perhaps before or after the discussion with Tamar and Devon?

Thanks. Tova

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Tuesday, November 29, 2005 3:18 PM

To: [REDACTED]

Cc: [REDACTED]

Subject: RE: Teleconference With Legal Clerk and Intern

The Law Clerk's name is Tamar Nedzar. She is very sharp. Our intern's name is Devon Romig.

Tamar has the most recent lists of search terms and may have questions about them. Devon will need to know how you want the press clippings sorted by type of voting fraud. I think we need to give her a specific list. that, I hope, will not overlap. For example, do you want her to sort using the term Absentee Ballot

Fraud when that can involve voter intimidation/coercion/undue influence, vote buying, ballot tampering, and ballot box stuffing (by voting in the name of another or under a fictitious name).

We need to discuss this because I am concerned that we currently do not have a full written description of what does and does not constitute voting fraud and voter intimidation. The current written definition excludes voter registration shenanigans; yet, voter registration applications submitted with fictitious names or that falsely affirm eligibility to vote are considered election crimes that can have an impact on election results. Specifically, they are used in schemes to vote more than once or to have ineligible persons participate in voting. Also, an increasing number of States are including as an election crime the knowing and willful destruction of voter registration applications by voter registration drives and their failure to transmit such applications to the election office in a timely manner.

If we define voting fraud as any illegal act that has a clear and direct distorting impact on the election results, then administrative mistakes that violate federal or State law could be included. For federal elections, administrative mistakes definitely are not considered voting fraud. The examples provided for "de facto" fraud and "quasi" fraud also are not likely to be considered part of voting fraud and voter intimidation without evidence that there also is ballot box stuffing, vote buying, tampering with ballots or vote tallies, voter intimidation, etc. Although a number of things other than voting fraud and voter intimidation can (and do) distort election results, EAC is handling such issues under separate research efforts.

For your information, I have attached a speech presented by Craig Donsanto (complete with typos) that addresses the issue of defining voting fraud. Perhaps it will be of interest to you.

Peggy Sims
Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005

012730

Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----

Margaret Sims /EAC/GOV

12/19/2005 05:10 PM

To "Job Serebrov"

cc [REDACTED]

Subject Re: FYI

Job:

Devon set up the folders before she completed her review of the articles. I saw that the folders were empty, but did not ask her to remove them. If you copy the CD contents to a file on your computer, you may yet use the empty folders to file relevant articles found subsequent to Devon's sorting. For example, I have a few recent articles that I will send via email. When we come across articles that belong in the empty folders, we can put them there. --- Peggy

"Job Serebrov" <serebrov@sbcglobal.net>



"Job Serebrov"

12/19/2005 03:53 PM

To psims@eac.gov, [REDACTED]

cc

Subject FYI

The following file folders on the disc you sent me were empty:

Misleading Ex-felon Voting Right

Non-Citizen Voting

Wrongful Removal of Eligible Voters from Registration Lists

If they were blank file folders, why were they included?

Job

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----



"Job Serebrov"

11/08/2005 03:40 PM

To psims@eac.gov

012731



cc
Subject Various

Peggy:

Tova and I will need copies of your vote fraud literature file. Also, do you want a one liner on all of the people proposed for the working group or just the three that we are recommending for the final group?
Any work from Gavin?

Job

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----



"Job Serebroy"
[Redacted]
11/15/2005 12:34 PM

To psims@eac.gov
cc
Subject One or More Line Info Bios

Peggy:

I am requesting that we be able to have four instead of three from each side. I have four very good people who have a lot of experience in this area. I left you a telephone call on this matter. I know we have to watch the budget but one of my picks is in DC and will not cost much if anything to get to meetings. I know that Tova also had Dc people that she could add as a fourth.

Job



Working Group One Line Info.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----

Tamar Nedzar/EAC/GOV
12/20/2005 05:53 PM

To [Redacted]
cc Margaret Sims/EAC/GOV@EAC
Subject Today's Searches

Tova and Job,

Please find below today's results. I modified the searches in Lexis so that the files now include the case summaries as well as headnotes. I'll keep plugging away tomorrow. Please be in touch if you have any questions.

Thank you,

Tamar Nedzar
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
(202) 566-2377
<http://www.eac.gov>
TNedzar@eac.gov



12_20.ZIP

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----

Margaret Sims/EAC/GOV

11/30/2005 04:50 PM

To Tova Andrea Wang, Job Serebrov

cc

Subject Tamar and Devon Contact Information

Tova and Job:

This is to confirm the email addresses and best phone numbers to reach Tamar Nedzar and Devon Romig. I would appreciate it if you would cc: me on any emails to them. That way you can keep me in the loop without my serving as a road block or go-between. Thanks! --- Peggy

Tamar Nedzar
Law Clerk
Phone (cell): 703-861-2055
Email: TNedzar@eac.gov

Devon Romig
Intern
Phone: 202-566-1707
Email: DRomig@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----



"Job Serebrov"

12/22/2005 04:45 PM

To psims@eac.gov

cc

Subject Interview List

Peggy:

012733

Here is the interview list. Please make any recommendation that you feel is needed.



Job TovaJobInterview List.doc

— Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM —



"Tova Wang"

10/31/2005 02:51 PM

To psims@eac.gov, [REDACTED]

cc

Subject RE: Teleconference Needed

I am available. Tova

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Monday, October 31, 2005 2:45 PM

To: serebrov@sbcglobal.net; wang@tcf.org

Subject: Teleconference Needed

Would both of you be available for a teleconference tomorrow at 2 PM EST concerning contract issues? The teleconference would include Julie Thompson, our General Counsel, and me. We would call you.

Peggy Sims
Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

— Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM —

Margaret Sims/EAC/GOV

10/31/2005 03:10 PM

To Tova Andrea Wang, Serebrov

cc

Subject RE: Teleconference Needed 

We are confirmed for a teleconference tomorrow at 2 PM EST. We will call you at the following phone numbers, unless you tell me otherwise:

Tova [REDACTED]
Job [REDACTED]

Thanks!

— Peggy

012734

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----



"Job Serebrov"

12/20/2005 08:15 PM

To

cc psims@eac.gov

Subject Re: Today's Searches

Tamar:

This looks real good. Thanks for the excellent effort.
I know this has not been the easiest assignment.

Job

--- tnedzar@eac.gov wrote:

> Tova and Job,
>
> Please find below today's results. I modified the
> searches in Lexis so
> that the files now include the case summaries as
> well as headnotes. I'll
> keep plugging away tomorrow. Please be in touch if
> you have any questions.
>
>
> Thank you,
>
> Tamar Nedzar
> Law Clerk
> U.S. Election Assistance Commission
> 1225 New York Avenue, NW Suite 1100
> Washington, DC 20005
> (202) 566-2377
> <http://www.eac.gov>
> TNedzar@eac.gov
>
>
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----



"Job Serebrov"

11/21/2005 12:07 PM

To psims@eac.gov

cc

Subject Word Search Terms

Peggy:

I sent the words search terms to Tova yesterday to

012735

review. Unfortunately, she will not be able to do so until late today or tomorrow. Consequently, I need to wait to send them to you.

As far as a trip to DC goes, I gave Tova two possible dates---Friday December 16 or Monday December 19.

Regards,

Job

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM ---



12/27/2005 09:19 AM

To psims@eac.gov

cc "Job Serebrov" <[REDACTED]>

Subject conf call

Since it seems unlikely that we are going to be able to talk this morning, I am available any time tomorrow.
Tova

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM ---



"Craig.Donsanto@usdoj.gov"

<Craig.Donsanto@usdoj.gov>

11/16/2005 07:28 PM

To "Noel.Hillman@usdoj.gov" <Noel.Hillman@usdoj.gov>, "psims@eac.gov" <psims@eac.gov>

cc

Subject Re: Requesting Your Help-Preliminary Research on Voting Fraud and Voter Intimidation

Peg --

Please have your Chair send ME a letter spelling out what your Commission's mandate, how I can help it, and asking me to do so. I will take it from there.

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>

To: Donsanto, Craig <Craig.Donsanto@usdoj.gov>

Sent: Wed Nov 16 17:34:08 2005

Subject: Requesting Your Help-Preliminary Research on Voting Fraud and Voter Intimidation

Hi, Craig:

As I mentioned in my telephone call earlier today, I have been assigned to manage the U.S. Election Assistance Commission's (EAC) preliminary research project on voting fraud and voter intimidation. I know these are subjects

012736

with which you are intimately familiar and recognize that the project needs the information and insights that you can provide, so I am asking for your help.

As you know, section 241 of the Help America Vote Act of 2002 requires EAC to conduct research on election administration issues. Among the issues listed in the statute are:

- * nationwide statistics and methods of identifying, deterring, and investigating voting fraud in elections for Federal office [section 241(b)(6)]; and

- * identifying, deterring, and investigating methods of voter intimidation [section 241(b)(7)].

EAC's Board of Advisors recommended that EAC make research on these topics a high priority. Subsequently, the Commission contracted with two consultants (Tova Wang and Job Serebrov) to:

- * develop a comprehensive description of what constitutes voting fraud and voter intimidation in the context of Federal elections;

- * perform background research (including Federal and State administrative and case law review), identify current activities of key government agencies, civic and advocacy organizations regarding these topics, and deliver a summary of this research and all source documentation;

- * establish a project working group, in consultation with EAC, composed of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation;

- * provide the description of what constitutes voting fraud and voter intimidation and the results of the background research to the working group;

- * convene the working group to discuss potential avenues for future EAC research on this topic;

- * produce a report to EAC summarizing the findings of the preliminary research effort and working group deliberations that includes recommendations for future research, if any;

- * draft the project scope and Statement of Work for future research on these topics, if EAC decides to pursue one or more recommendations for future research.

At minimum, I hope that you can serve as an information resource for the team of two EAC consultants hired to conduct the research and me. I also would like to explore the feasibility of your participation in meetings of the project working group.

If EAC needs to submit a more formal request for your help, please advise me how to do so. Also, it would help me to know if there are any restrictions on your participation, other than anticipated restrictions on the time you have available.

012737

Let me know if you have any questions about this request or the research project. I look forward to hearing from you and hope you are doing well.

Regards,

Peggy Sims
Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----

Margaret Sims/EAC/GOV

11/22/2005 04:50 PM

To "Craig.Donsanto@usdoj.gov"

<Craig.Donsanto@usdoj.gov>@GSAEXTERNAL

cc

Subject Re: Requesting Your Help-Preliminary Research on Voting Fraud and Voter Intimidation 

Craig:

This is just to let you know that I have drafted a letter for the Chair's signature, but she may want to make some changes before she signs. Once it is signed, I'll fax a copy to you and send the original by mail. For planning purposes, can you tell me when you don't expect to be available during the next 3 months (Dec-Feb)?

Peggy Sims

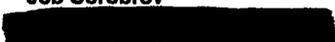
Phone: 202-566-3120 (direct)

email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----



"Job Serebrov"


11/15/2005 10:37 AM

To psims@eac.gov

cc

Subject Question

Peggy:

We need to have a conference call this week if possible. I will have the one liner bios to you today. Also, when do you think the Commission with make its choices?

Job

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----

012738

Margaret Sims /EAC/GOV

10/03/2005 12:49 PM

To "Job Serebrov"

[REDACTED], Tova Andrea
Wang

cc

Subject Re: Meetings

I am available for a 3-way teleconference after Noon on Wednesday this week. My schedule on Thursday and Friday is flexible, as well. When would be best for you two? I can call the telephone numbers you prefer and set up the conference call from my desk.

Both the 24th or the 28th are fine with me for the face-to-face meeting. Which do you prefer? If you have no preference, I suggest we pick the earlier of the two.

Regarding your contracts, I understand that the contract will carry the date of 9/25/05. All contracts have to be signed by the Chair, who has been out of the office on Commission business. I have been told that she will sign off on your contracts, among others, today. Our financial officer will send it to you after that. I'll try to obtain copies and fax the appropriate one to you as soon as they have been signed.

Regarding your pay, the contract will state that you should submit a monthly invoice to EAC for payment of your fee for that month. The contract is for 6 months, so our Finance Officer, Diana Scott, wants you to submit an invoice to her each month for 1/6th of the total payment, beginning 10/25/05.

I look forward to talking again with the two of you.

Peggy Sims
Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

"Job Serebrov" [REDACTED]



"Job Serebrov"

[REDACTED]
10/03/2005 10:08 AM

To psims@eac.gov

cc

Subject Mettings

Peggy:

Just spoke with Tova. We would like to have a three way telephone conference with you this week if possible. The best dates for our face to face are Oct 24th or 28th. Please let me know what works for you.

Talk with you when you get answers to my questions.

012739

Regards,

Job

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----



"Job Serebrov"

11/09/2005 04:27 PM

To [REDACTED] sims@eac.gov

cc

Subject Revised Work Plan

Peggy:

Here is the revised work plan that Tova and I worked on today. Any word from the Chair on signing?



Job Revised Work Plan.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----

Tamar Nedzar/EAC/GOV

12/19/2005 04:55 PM

To [REDACTED]

cc Margaret Sims/EAC/GOV@EAC

Subject First set of search results

Tova and Job,

Now that my exams are over for the semester, I am able to spend more time on your project. I plan to send you an email with my results from the day. Please find the first batch below.

Thanks,

Tamar Nedzar
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
(202) 566-2377
<http://www.eac.gov>
TNedzar@eac.gov

012740

Tamar Nedzar/EAC/GOV
12/21/2005 09:44 AM

To w [REDACTED]
cc Margaret Sims/EAC/GOV@EAC
Subject Re: Today's Searches 

Tova,

Please find below yesterday's search results. I'll send another email at the end of the day today.

If you do not receive the results again, please call me at the office. GSA will only allow us to send such large files after business hours, so it may be that your computer times out receipt after a certain amount of time.



12_20.ZIP

Tamar Nedzar
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
(202) 566-2377
<http://www.eac.gov>

012741

TNedzar@eac.gov



12/20/2005 08:52 PM

To "Job Serebrov" <tnedzar@eac.gov>
cc psims@eac.gov

Subject Re: Today's Searches

Somehow I did not get the original email with the search results. Would someone please send them to me? Thanks. Tova

----- Original Message -----

From: "Job Serebrov" <[REDACTED]>
To: <tnedzar@eac.gov>; [REDACTED]
Cc: <psims@eac.gov>
Sent: Tuesday, December 20, 2005 8:15 PM
Subject: Re: Today's Searches

> Tamar:

>

> This looks real good. Thanks for the excellent effort.
> I know this has not been the easiest assignment.

>

> Job

>

> --- tnedzar@eac.gov wrote:

>

>> Tova and Job,

>>

>> Please find below today's results. I modified the
>> searches in Lexis so

>> that the files now include the case summaries as

>> well as headnotes. I'll

>> keep plugging away tomorrow. Please be in touch if
>> you have any questions.

>>

>>

>> Thank you,

>>

>> Tamar Nedzar

>> Law Clerk

>> U.S. Election Assistance Commission

>> 1225 New York Avenue, NW Suite 1100

>> Washington, DC 20005

>> (202) 566-2377

>> <http://www.eac.gov>

>> TNedzar@eac.gov

>>

>>

>>

>

>

012742

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----



"Job Serebrov"

12/19/2005 03:31 PM

To psims@eac.gov

cc

Subject List

Peggy:

Here is a list of what we are waiting for from you:

approval of the final definition of voter fraud

final working group list

Also, we are waiting on the law clerk's search results. We know this will take till next month.

Finally, we are waiting on money. Any word on what is going on since we spoke this morning?

Job

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----



10/19/2005 03:34 PM

To "Job Serebrov"

cc psims@eac.gov

Subject Re: Travel to DC and Proposed Working Group Members

OK, but Peg, I think the timeline we originally proposed may have to be moved forward if we are not in a position to do the work we need to do yet. Will that be possible? Thanks.

----- Original Message -----

From: "Job Serebrov"

To:

Cc: <psims@eac.gov>

Sent: Wednesday, October 19, 2005 2:16 PM

Subject: Re: Travel to DC and Proposed Working Group Members

> Tova:

>

> I don't have travel booked yet and want to wait until
> everything is in order.

>

012743



10/19/2005 03:34 PM

To "Job Serebrov" [REDACTED]

cc psims@eac.gov

Subject Re: Travel to DC and Proposed Working Group Members

OK, but Peg, I think the timeline we originally proposed may have to be moved forward if we are not in a position to do the work we need to do yet. Will that be possible? Thanks.

----- Original Message -----

From: "Job Serebrov" [REDACTED]

To: [REDACTED]

Cc: psims@eac.gov

Sent: Wednesday, October 19, 2005 2:16 PM

Subject: Re: Travel to DC and Proposed Working Group Members

> Tova:

>

> I don't have travel booked yet and want to wait until
> everything is in order.

>

> Job

>

> --- wang@tcf.org wrote:

>

012744

>> Would it be possible for Job and I just to use the
>> EAC office as a meeting place since we already have
>> the travel booked? He and I should meet. Thanks.

>> Tova

>> ----- Original Message -----

>> From: psims@eac.gov

>> To: [REDACTED]

>> Sent: Wednesday, October 19, 2005 11:11 AM

>> Subject: Travel to DC and Proposed Working Group
>> Members

>>

>>

>>

>> Dear Tova and Job:

>>

>> I have been advised by our Counsel that, since the
>> contracts have not yet been signed, we will have to
>> postpone our October 28th meeting. Tova, for future
>> reference, the per diem rates for DC (the Greater
>> Washington, DC area) can be accessed through that
>> web site I provided by clicking on the District of
>> Columbia link on the map.

>>

>> I also have to ask you to hold any further efforts
>> on the Working Group until further notice. We are
>> going to have to limit the number in the group to no
>> more than six. EAC has to pay for the travel for
>> these folks out of FY 2006 dollars. The agency
>> currently is operating under a continuing
>> resolution, and may not have its FY 2006 budget
>> until December 2005, or later. When you submit the
>> names of possible Working Group members, I will need
>> a summary of their work in studying or enforcing
>> laws against voting fraud and voter intimidation.
>> (It is not sufficient to have expressed an interest
>> in these matters, we need experienced folks.) The
>> working group can include nonpartisan members, so
>> long as any partisan-leaning members are balanced
>> (i.e.; 1 R for 1 D).

>>

>> I am sorry for any inconvenience that this may
>> cause. I wish I had the power to change the
>> situation, but I don't.

>>

>> Peggy Sims

>> Research Specialist

>> U.S. Election Assistance Commission

>> 1225 New York Ave, NW - Ste 1100

>> Washington, DC 20005

>> Phone: 866-747-1471 (toll free) or 202-566-3120

>> (direct)

>> Fax: 202-566-3127

>> email: psims@eac.gov

>

>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----

012745

Margaret Sims/EAC/GOV

10/03/2005 04:41 PM

To "Tova Wang" [REDACTED], Job
Serebrov
cc

Subject RE: Voting Fraud Teleconference-Meeting-Work Schedule


I will initiate the calls to you two on Wednesday. The number I have for Tova is [REDACTED]. For Job, I have [REDACTED]. Let me know if I should use a different number for you on Wednesday.

Thanks, Tova, for the copy of the draft workplan you provided to Karen. I'll take a look at it and, hopefully, provide some feedback on Wednesday. I have not yet caught up to all the paperwork and emails that preceded my assignment to this project. Karen just handed me a folder full of documents that should help.

I think you may have received an email from Nicole Mortellito regarding an October 14 meeting. If you two cannot come in person but can attend via phone, just let me know. Nicole's message has information regarding hotel rates that conflicts with what I've just sent you. I've asked her to double check her information because I have another contractor that has had no problem obtaining government rate at hotels.

Yes, you will be paid on a monthly basis. You can file your first invoice on October 25, according to Diana Scott.

Peggy Sims
Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

"Tova Wang" [REDACTED]



"Tova Wang"

[REDACTED]
10/03/2005 03:54 PM

To psims@eac.gov, [REDACTED]
cc ggilmour@eac.gov

Subject RE: Voting Fraud Teleconference-Meeting-Work Schedule

Peg, This all sounds good. Will you be calling us on Wednesday?

I should not need a hotel for the 28th. Just let me know what time. Are there expense forms we should have for reimbursement?

On the work product, we did send Karen a very preliminary draft of a work plan. I attach it again here and we can talk about it more on Wednesday.

My only money question is, are we being paid on a monthly basis? And if so, when does that begin? I

012746

assume this all is in the contracts we'll be getting...

Thanks.

Tova

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Monday, October 03, 2005 2:48 PM

To: [REDACTED]

Cc: ggilmour@eac.gov

Subject: Voting Fraud Teleconference-Meeting-Work Schedule

Tova and Job:

Teleconference -

Let's schedule the teleconference for 4:00 PM on Wednesday, October 5. Gavin Gilmour will join us.

Meeting -

October 28 is fine for the face-to-face meeting in DC. We have allocated \$5,000 to each of you to cover reasonable and necessary travel and other incidental expenses. Expenses claimed for reimbursement need to be itemized, with appropriate receipts provided. You should be able to obtain the Federal government rate at an area hotel (if you plan to stay overnight). If the hotel needs a letter from EAC (in lieu of showing them your signed contract), just let me know. Airlines apparently no longer honor government rates for government contractors. Rail carriers may provide government rates for government contractors. If you drive, the current government rate for a personally owned vehicle (POV) is 48.5 cents per mile.

Deliverables -

The first item on the list of deliverables is the draft project workplan, which is due ASAP after award. Would it be possible for the two of you to deliver a draft workplan to me via email by 10/11? That would be after we have had our teleconference to work out lingering questions.

Questions for Finance -

If you have questions for our Finance Officer, you can reach her via email at dscott@eac.gov. I would appreciate it if you would cc: me on such emails, so that I know to follow up with her.

Peggy Sims
Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127



email: psims@eac.gov tw plan 0907.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----

Margaret Sims /EAC/GOV

012747

11/04/2005 11:41 AM

To "Tova Wang" [REDACTED]
cc
Subject RE: Tuesday

Tova:
Look forward to seeing you between 2 and 3 PM next Tuesday. If you need to make it later, that's OK. ---
Peggy

"Tova Wang" [REDACTED]



"Tova Wang"
[REDACTED]
11/03/2005 05:28 PM

To psims@eac.gov
cc
Subject RE: Tuesday

That's great. I'll probably come by between 2 and 3 if that's ok. I look forward to seeing you, even if only briefly. Tova

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Thursday, November 03, 2005 5:23 PM
To: wang@tcf.org
Subject: Re: Tuesday

Tova:

I should be available during the mid to late afternoon, provided we are not besieged with election-related calls. Regardless, I can provide the file with the news clippings for your review.

--- Peggy

"Tova Wang" [REDACTED]

11/03/2005 02:00 PM

To psims@eac.gov
cc
Subject tuesday

012748

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----



"Job Serebrov"

11/21/2005 05:47 PM

To "Tova Wang" <[REDACTED]> psims@eac.gov

cc

Subject RE: In-Person Meeting

I probably could give two to three days in January.

--- Tova Wang <[REDACTED]> wrote:

> As I mentioned to Job earlier, I think we need to

012749

> meet as soon as possible
> in order to develop and pare down our lists of who
> we want to interview,
> determine how we are going to go about doing the
> interviews (in-person,
> phone, email), schedule such meetings, decide what
> themes we agree to
> discuss with them; go over existing research and how
> we will work on
> summarizing existing findings; hammer out what is
> within the scope of our
> research; meet with the intern and law clerk;
> discuss how we are going to do
> the case law research; etc. Up to now, we both
> agreed, we have been
> operating in a bit of a void. We've been trying to
> do this meeting for
> months.
>
> Is it that you think we can combine this meeting
> with a meeting with Craig?
> I actually think they need to be separate since I
> think both will be very
> laborious and very different in nature.
>
> However, I will defer to whatever you, Peg, think
> best. I don't fee so
> strongly about it that I will be extremely upset if
> we wait until January.
>
> Thanks.
>
> Tova
>
> -----Original Message-----
> From: psims@eac.gov [mailto:psims@eac.gov]
> Sent: Monday, November 21, 2005 5:09 PM
> To: [REDACTED]
> Subject: Re: In-Person Meeting
>
>
>
> Job and Tova:
>
> If you both agree, a meeting in early January in
> lieu of a December meeting
> would be fine with me. As it would be good for you
> two to pick Craig
> Donsanto's brain when you are here, I'll find out
> when he is not available
> so that we can avoid that time.
>
> Peggy Sims
> Research Specialist
> U.S. Election Assistance Commission
> 1225 New York Ave, NW - Ste 1100
> Washington, DC 20005
> Phone: 866-747-1471 (toll free) or 202-566-3120
> (direct)
> Fax: 202-566-3127
> email: psims@eac.gov

012750

>
>
>
>
>
> "Job Serebrov" [REDACTED]
>
>
> 11/21/2005 04:02 PM
>
>
> To
> psims@eac.gov
>
> cc
>
> Subject
> Re: Word Search Terms
>
>
>
>
>
> What do you think about moving the meeting to
> January
> after all of the holidays?
>
> --- psims@eac.gov wrote:
>
> > Thanks for the update. I'll let Tamar know. ---
> > Peggy
> >
> >
> >
> >
> > "Job Serebrov" [REDACTED]
> > 11/21/2005 12:07 PM
> >
> > To
> > psims@eac.gov
> > cc
> >
> > Subject
> > Word Search Terms
> >
> >
> >
> >
> > Peggy:
> >
> > I sent the words search terms to Tova yesterday to
> > review. Unfortunately, she will not be able to do
> > so
> > until late today or tomorrow. Consequently, I need
> > to
> > wait to send them to you.
> >
> > As far as a trip to DC goes, I gave Tova two

> > possible
> > dates---Friday December 16 or Monday December 19.
> >
> > Regards,
> >
> > Job
> >
> >
> >
> >
>
>
>
>
>
>
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----

Tamar Nedzar/EAC/GOV

12/05/2005 09:43 AM

To Margaret Sims/EAC/GOV@EAC

cc

Subject Fw: Search Results Example

Don't know if you saw this or not.

Tamar Nedzar
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
(202) 566-2377
<http://www.eac.gov>
TNedzar@eac.gov

----- Forwarded by Tamar Nedzar/EAC/GOV on 12/05/2005 09:44 AM -----



"Job Serebrov"

[REDACTED] at>

12/02/2005 05:18 PM

To tnedzar@eac.gov

cc [REDACTED]

Subject Re: Search Results Example

Tamar:

You are not going to be able to place all of these word searches together. We need you to take each term on the list and do a search on it. You can only merge terms when it will not add other terms and therefore affect the outcome. For instance, vote and voter could probable be merged. I know this creates much much more work but it can't be helped. I would like you to pull the first 50 cases for each set of terms and send them

012752

to us with a short case summary (I know Westlaw lets you do a short case summary). From there we will have to read the cases and decide if we need any others in that search term.

Regards,

Job

--- tnedzar@eac.gov wrote:

Tova and Job,

It was good to talk to you today. Hope you are doing well. I've attached my African American search results below. It encompasses all of the terms you suggested having to do with African Americans.

The following is a search I used to truncate words and combine terms, but I still got a large number of results:

Vot! and deny and black or vot! and black and challenge or vot! and black and reject or vot! and black or vot! And deny and African w/s American or vot! And African w/s American and reject or challenge or vot! And African w/s American or election and black and deny or challenge or reject or election and black or election and African w/s American and deny or challenge or reject or election and African w/s American or ballot and security and black or ballot and security and African w/s American or black and vot! And suppress! Or African w/s American and vot! And suppress or African w/s and disenfranchis! or black and disenfranchis!

If this search yields useful cases for you, I can continue searching using the same strategy. If not, please provide me with additional guidelines and I will do my best!

Please feel free to contact me should you have any questions or need additional information.
Thank you,

Tamar Nedzar
Law Clerk
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TNedzar@eac.gov

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM ---

012753

Margaret Sims /EAC/GOV

12/21/2005 03:59 PM

To Job Serebrov, Wang

cc

Subject Teleconference

My schedule is flexible on Thursday and Friday. I'll call you both at 4:30 PM EST tomorrow (Thursday), unless I hear that is not a good time for either of you. --- Peggy

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM ---



[REDACTED]
12/16/2005 05:08 PM

To psims@eac.gov

cc

Subject Re: More Money Roulette or Double or Nothing Still Equals Zero

Thanks Peg. Any success in talking to Gracia about Cathy Cox? Have a good weekend. Tova

----- Original Message -----

From: psims@eac.gov

To: [REDACTED]

Cc: [REDACTED]

Sent: Friday, December 16, 2005 11:55 AM

Subject: Re: More Money Roulette or Double or Nothing Still Equals Zero

Thanks for letting me know. Julie and I will deal with this. This is just ridiculous! --- Peggy

"Job Serebrov" [REDACTED]

12/16/2005 10:16 AM

To jthompson@eac.gov, psims@eac.gov

cc

Subject More Money Roulette or Double or Nothing Still Equals Zero

Dear Julie & Peggy:

I just checked my bank account and no money. That also means that Tova is also penniless. As I understood, there was actually a chance that we were getting all

012754

back pay by today. But alas---double or nothing still equals zero in this case no matter how you spin it.

Please give those wonderful folks who are in charge of releasing your funds a call and find out if they are on the beach in Brazil.

Eternally Broke,

Job

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----



"Tova Wang"

12/08/2005 11:07 AM

To psims@eac.gov

cc

Subject FW: Commission Consensus on Working Group

Do you agree with this? Thanks. Tova

-----Original Message-----

From: Job Serebrov [mailto:serebrov@sbcglobal.net]

Sent: Thursday, December 08, 2005 11:05 AM

To: Tova Wang

Subject: RE: Commission Consensus on Working Group

I told Peggy a three way talk was not necessary. I will be picking my legal/advocacy people today after talking with one of my potential members.

--- Tova Wang <wang@tcf.org> wrote:

> I would like for any initial discussion of this be
> among all three of us at
> the same time. I also need to give some thought to
> it. I am available all
> day Monday.

> -----Original Message-----

> From: Job Serebrov [mailto:serebrov@sbcglobal.net]

> Sent: Thursday, December 08, 2005 10:55 AM

> To: psims@eac.gov; w [redacted]

> Subject: Re: Commission Consensus on Working Group

> Tova:

> Why don't you pick the academic since I had none on
> my
> list. I am letting Peggy pick the DOJ person and I
> suggested that she find a Hispanic for the local
> election official.

> Job

012755

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----



"Tova Wang"

08/23/2005 05:58 PM

To klynndyson@eac.gov, twilkey@eac.gov

cc psims@eac.gov

Subject RE: Kick off activities for the EAC Voting fraud/voter intimidation project

Karen and Tom,

Thanks so much. I am looking forward to working with you and my co-consultants on what I think is an extremely important topic.

I am pretty much available any day that week except Monday the 12th, so whatever is most convenient for everyone else any other day is fine by me. Please let me know the contract specifics when possible so I can work out an arrangement with The Century Foundation (which will not be a problem). Thanks again.

Tova

Tova Andrea Wang
Senior Program Officer and Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

Visit our Web site, www.tcf.org, for the latest news, analysis, opinions, and events.

[Click here](#) to receive our weekly e-mail updates.

-----Original Message-----

From: klynndyson@eac.gov [mailto:klynndyson@eac.gov]

Sent: Tuesday, August 23, 2005 4:44 PM

To: twilkey@eac.gov; sda@mit.edu; [REDACTED]

Cc: psims@eac.gov

Subject: Kick off activities for the EAC Voting fraud/voter intimidation project

Greetings-

Tom Wilkey and I have just completed a series of very informative and productive conversations with each of you and are anxious to move to the next step of this process.

We hope to assemble our consultant team on this project, within the next three weeks and are presently awaiting final approval of your contracts from our Commissioners. We anticipate this will take place in the next week to ten days.

We would like to assemble the team- Steve Ansolabehere of MIT, Tova Wang from The New Century Foundation and Job Serebrov, who has worked extensively on these issues for the State

012757

of Arkansas, during the week of September 11. Please get back to us with some tentative dates during that week that might work with your schedule.

We look forward to working with all of you and appreciate your efforts on behalf of the EAC.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----

Margaret Sims /EAC/GOV

11/30/2005 08:41 AM

To Job Serebrov, Tova Andrea Wang

cc

Subject Wednesday Teleconference

Based on your feedback, I would like to schedule a teleconference among the three of us at 3:30 PM EST today --- to discuss any remaining issues regarding what we mean by voting fraud and voter intimidation, and what we want in the search terms. Then, I can bring Tamar and Devon in to join us at 3:45. Does that work for you two?

Peggy Sims
Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
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Fax: 202-566-3127
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----



"Tova Wang"

12/06/2005 03:56 PM

To psims@eac.gov

cc

Subject RE: 2 quick questions

Thanks Peg. I would think we would want to meet with Craig for at least an hour. We could schedule it for an hour if he is OK with it running over if necessary. If we would like statistical data from him should we request that in advance or wait until we see him to discuss what he can provide us with?

Also, does the below mean I will be receiving all three payments at once?

Thanks again. Tova

-----Original Message-----

012758

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Tuesday, December 06, 2005 3:06 PM
To: [REDACTED]
Subject: Re: 2 quick questions

Hi, Tova;

How much time do you want to schedule for the meeting with Donsanto ? An hour? We've just received his response to our request confirming that he is pleased to be of assistance, which means he has received the OK from his superiors. I also want to include him in any Working Group discussions, although he will not be named as a member of that group. He is a great resource because he is smart and organized, and has years of experience in this area as a career DOJ attorney. I find that he is not shy about identifying challenges and noting improvements that he thinks are needed.

I signed off on all 3 of your invoices. [REDACTED]

Peggy Sims
Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

"Tova Wang" [REDACTED]

12/02/2005 02:22 PM

To psims@eac.gov
cc
Subject 2 quick questions

012759

Hi Peg,

[REDACTED] Also, will you be able to schedule a meeting with Craig Donsanto for us for January 13?

Thanks. Have a good weekend. Tova

Tova Andrea Wang
Senior Program Officer and Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----

Margaret Sims /EAC/GOV

12/07/2005 11:18 AM

To "Tova Wang" <[REDACTED]>, Job Serebrov

cc

Subject: Donsanto Interview & Payments

Tova and Job:

Craig Donsanto would like to meet at his office at 2 PM on Friday, January 13. I can either meet you there, or escort you there after we meet at EAC. (His office is within walking distance of EAC.) Please remember to bring ID, as we have to show it when we sign in.

He would prefer that you send any requests for data through me, so just let me know in more detail what you want. I suggest that we submit requests for any information that you deem appropriate, before the interview, so that you can review it before we go in. We can always request more information after the interview, if something comes up during our discussion.

Regarding questions about pending payments, Job will receive two more payments (perhaps at the same time, perhaps on separate days) and Tova will receive 3 payments (possibly all at the same time).

Peggy Sims
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Fax: 202-566-3127
email: psims@eac.gov

"Tova Wang" [REDACTED]

012760



"Tova Wang"

12/06/2005 03:56 PM

To psims@eac.gov

cc

Subject RE: 2 quick questions

Thanks Peg. I would think we would want to meet with Craig for at least an hour. We could schedule it for an hour if he is OK with it running over if necessary. If we would like statistical data from him should we request that in advance or wait until we see him to discuss what he can provide us with?

Also, does the below mean I will be receiving all three payments at once?

Thanks again. Tova

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Tuesday, December 06, 2005 3:06 PM

To: [REDACTED]

Subject: Re: 2 quick questions

Hi, Tova;

How much time do you want to schedule for the meeting with Donsanto ? An hour? We've just received his response to our request confirming that he is pleased to be of assistance, which means he has received the OK from his superiors. I also want to include him in any Working Group discussions, although he will not be named as a member of that group. He is a great resource because he is smart and organized, and has years of experience in this area as a career DOJ attorney. I find that he is not shy about identifying challenges and noting improvements that he thinks are needed.

I signed off on all 3 of your invoices [REDACTED]

Peggy Sims
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Fax: 202-566-3127
email: psims@eac.gov

012761

"Tova Wang" [REDACTED]

12/02/2005 02:22 PM

To psims@eac.gov
cc
Subject 2 quick questions

Hi Peg,

[REDACTED] Also, will you be able to schedule a meeting with Craig Donsanto for us for January 13? I will have my travel info for you within the next couple of days. [REDACTED]

Thanks. Have a good weekend. Tova

Tova Andrea Wang
Senior Program Officer and Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

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[Click here](#) to receive our weekly e-mail updates.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----



"Tova Wang" [REDACTED]

11/30/2005 09:25 AM

To psims@eac.gov, serebrov@sbcglobal.net
cc
Subject RE: Wednesday Teleconference

Sounds good. Tova

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Wednesday, November 30, 2005 8:41 AM

012762

To: [REDACTED]
Subject: Wednesday Teleconference

Based on your feedback, I would like to schedule a teleconference among the three of us at 3:30 PM EST today -- to discuss any remaining issues regarding what we mean by voting fraud and voter intimidation, and what we want in the search terms. Then, I can bring Tamar and Devon in to join us at 3:45. Does that work for you two?

Peggy Sims
Research Specialist
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1225 New York Ave, NW - Ste 1100
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Fax: 202-566-3127
email: psims@eac.gov

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM ---



"Job Serebrov"

[REDACTED] et>
10/31/2005 02:47 PM

To psims@eac.gov
cc

Subject Re: Teleconference Needed

Whats up now?

--- psims@eac.gov wrote:

> Would both of you be available for a teleconference
> tomorrow at 2 PM EST
> concerning contract issues? The teleconference
> would include Julie
> Thompson, our General Counsel, and me. We would
> call you.
>
> Peggy Sims
> Research Specialist
> U.S. Election Assistance Commission
> 1225 New York Ave, NW - Ste 1100
> Washington, DC 20005
> Phone: 866-747-1471 (toll free) or 202-566-3120
> (direct)
> Fax: 202-566-3127
> email: psims@eac.gov

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM ---

Margaret Sims/EAC/GOV
10/17/2005 03:08 PM

To [REDACTED]
cc

Subject Re: talking 📎

012763

Tova:

Let's try talking tomorrow afternoon. Any time after 1 PM would be fine with me. Thanks! --- Peggy

wang@tcf.org



wang@tcf.org
10/17/2005 12:05 PM

To psims@eac.gov
cc
Subject talking

Hi Peg, Sorry to bother you again. I just realized I will not have access to email for the rest of the day. If you happen to have time this afternoon to talk please leave me a message on my cell phone [REDACTED] Otherwise, let me know what a good time would be tomorrow. Thanks again.

Tova

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM ---



"Tova Wang"
[REDACTED]
10/19/2005 10:56 AM

To psims@eac.gov
cc
Subject

Hi Peg,

Attached is my list of proposed working group members. I have not yet spoken to most of these people -- I wanted to get the go-ahead first. Also, I must admit to you that some of these names were tacked on after seeing the type of people Job would be requesting, as we discussed yesterday. I leave the sorting out of all that to your wisdom! Thanks and let me know if you have any questions or would like to see bios.

Tova

PS -- I will be at an election reform conference in Estes Park, CO Thursday and Friday where there apparently is no cell phone service. I will, however, be checking email.

Tova Andrea Wang
Senior Program Officer and Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

012764

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working group suggestions --long list.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:39 PM -----



11/13/2005 11:03 AM

To psims@eac.gov

cc "Tova Wang" [REDACTED]

Subject working group

Hi Peg,

As we discussed, attached is a list of my working group recommendations with just a couple of sentences on each one. Frankly, there are a number of people I could have included, it was very difficult to narrow it



down. Anyway, let me know if this works for you. Thanks. Tova wg suggestions -- short version.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----



"Craig.Donsanto@usdoj.gov"

<Craig.Donsanto@usdoj.gov

v>

12/06/2005 05:46 PM

To "psims@eac.gov" <psims@eac.gov>

cc

Subject Re: Voting Fraud-Preliminary Research

Peg --

It's a little early! Anything can happen in the next month. But let's tentatively set this for 2 at my offices. I will get a conference room. But please remind me a week before. And yes: I would prefer it if you were involved in all aspects of my interaction with this project. You and I go back a long way, Peg, and I am confident you will understand whatever I tell your contractors.

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>

To: Donsanto, Craig <Craig.Donsanto@usdoj.gov>

Sent: Tue Dec 06 17:15:18 2005

Subject: RE: Voting Fraud-Preliminary Research

Craig:

What time would you prefer on January 13? Would you prefer that our

012765

consultants forward any information requests through me (both before and after their meeting with you), or may I provide your contact information so that they can make their requests directly? Already, I have received a request for any related statistical data you may have. I have given them a copy of the January 1995 version of your Federal Prosecution of Election Offenses. --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----



"Tova Wang"

12/21/2005 12:45 PM

To psims@eac.gov

cc

Subject conference call

Hi Peg,

Job and I would like to talk to you about some research issues -- are you available late tomorrow afternoon or Friday morning to talk? Thanks.

Tova Andrea Wang
Senior Program Officer and Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----

Margaret Sims/EAC/GOV

11/17/2005 02:33 PM

To Wang, Serebrov

cc

Subject Teleconference

How about 2 PM EST tomorrow (Friday)? I'll call each of you and bring you into the conference. --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----



"Tova Wang"

10/12/2005 02:25 PM

To psims@eac.gov

cc

Subject RE: Contract Issues-Government Per Diem Rates

012766

Hi Peggy,

Thanks for getting all this information for us. We are also progressing on our work nicely already. One question: what is the per diem for trips to DC? That doesn't seem to be listed, I guess because there is a presumption people are travelling from DC. This is obviously not an urgent question, so whenever you can get around to it. Thanks. Talk to you soon.

Tova

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Tuesday, October 11, 2005 4:33 PM
To: [REDACTED]
Subject: Contract Issues-Government Per Diem Rates

Good Morning Job an Tova:

I still do not have copies of your signed contracts. I understand that they may have to be revised if the project is going to use an EAC intern and EAC Westlaw access. I've scheduled a meeting with one of our attorneys this week to discuss the matter and will get back to you with further information, when I have it.

By now, you should have heard that the October 14 contractor meeting has been cancelled. Instead, EAC has scheduled a couple of staff meetings to review requirements for invoices and requests for reimbursement. I should have more information for you on this front by next Monday.

Today, I am sending by Federal Express the most recent copy of the Department of Justice's *Federal Prosecution of Election Offenses* and the Federal Election Commission's *Innovations in Election Administration 8: Election Document Retention in an Age of High Technology*. Let me know if you do not have it within a couple of days.

New per diem rates for federal travelers are effective October 1, 2005. You can find these rates at http://www.gsa.gov/Portal/gsa/ep/contentView.do?programId=9704&channelId=-15943&oid=16365&contentId=17943&pageTypeId=8203&contentType=GSA_BASIC&programPage=%2Fep%2Fprogram%2FgsaBasic.jsp&P=MTT.

Peggy Sims
Research Specialist
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1225 New York Ave, NW - Ste 1100
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Fax: 202-566-3127
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----



"Tova Wang"

[REDACTED]
11/17/2005 02:39 PM

To psims@eac.gov, [REDACTED]

cc

Subject RE: Teleconference

012767

Fine by me. Thanks.Tova

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Thursday, November 17, 2005 2:33 PM

To: wang@tcf.org; serebrov@sbcglobal.net

Subject: Teleconference

How about 2 PM EST tomorrow (Friday)? I'll call each of you and bring you into the conference.

-- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----



"Job Serebrov"

11/29/2005 06:04 PM

To psims@eac.gov

cc

Subject RE: Teleconference With Legal Clerk and Intern

Peggy:

I think that you have hit the major problem in voter fraud---the federal/state system. We are essentially operating under state laws that control federal elections. Administrative mistakes can amount to voter fraud because the state system controls voting procedure. I must strongly disagree with you as to whether de facto or quasi fraud needs anything else. In my 15 years of election practice and administration it needed nothing else.

We can discuss the rest of your additions to our definition at our conference call.

Job

--- psims@eac.gov wrote:

- > The Law Clerk's name is Tamar Nedzar. She is very
- > sharp. Our intern's
- > name is Devon Romig.
- >
- > Tamar has the most recent lists of search terms and
- > may have questions
- > about them. Devon will need to know how you want
- > the press clippings
- > sorted by type of voting fraud. I think we need to
- > give her a specific
- > list. that, I hope, will not overlap. For example,
- > do you want her to
- > sort using the term Absentee Ballot
- > Fraud when that can involve voter
- > intimidation/coercion/undue influence,
- > vote buying, ballot tampering, and ballot box

012768

- > stuffing (by voting in the
- > name of another or under a fictitious name).
- >
- > We need to discuss this because I am concerned that
- > we currently do not
- > have a full written description of what does and
- > does not constitute
- > voting fraud and voter intimidation. The current
- > written definition
- > excludes voter registration shenanigans; yet, voter
- > registration
- > applications submitted with fictitious names or that
- > falsely affirm
- > eligibility to vote are considered election crimes
- > that can have an impact
- > on election results. Specifically, they are used in
- > schemes to vote more
- > than once or to have ineligible persons participate
- > in voting. Also, an
- > increasing number of States are including as an
- > election crime the knowing
- > and willful destruction of voter registration
- > applications by voter
- > registration drives and their failure to transmit
- > such applications to the
- > election office in a timely manner.
- >
- > If we define voting fraud as any illegal act that
- > has a clear and direct
- > distorting impact on the election results, then
- > administrative mistakes
- > that violate federal or State law could be included.
- > For federal
- > elections, administrative mistakes definitely are
- > not considered voting
- > fraud. The examples provided for "de facto" fraud
- > and "quasi" fraud also
- > are not likely to be considered part of voting fraud
- > and voter
- > intimidation without evidence that there also is
- > ballot box stuffing, vote
- > buying, tampering with ballots or vote tallies,
- > voter intimidation, etc.
- > Although a number of things other than voting fraud
- > and voter intimidation
- > can (and do) distort election results, EAC is
- > handling such issues under
- > separate research efforts.
- >
- > For your information, I have attached a speech
- > presented by Craig Donsanto
- > (complete with typos) that addresses the issue of
- > defining voting fraud.
- > Perhaps it will be of interest to you.
- >
- > Peggy Sims
- > Research Specialist
- > U.S. Election Assistance Commission
- > 1225 New York Ave, NW - Ste 1100
- > Washington, DC 20005
- > Phone: 866-747-1471 (toll free) or 202-566-3120

> (direct)
> Fax: 202-566-3127
> email: psims@eac.gov
>
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----

Margaret Sims/EAC/GOV

11/16/2005 05:34 PM

To Craig Donsanto

cc

Subject Requesting Your Help-Preliminary Research on Voting Fraud
and Voter Intimidation

Hi, Craig:

As I mentioned in my telephone call earlier today, I have been assigned to manage the U.S. Election Assistance Commission's (EAC) preliminary research project on voting fraud and voter intimidation. I know these are subjects with which you are intimately familiar and recognize that the project needs the information and insights that you can provide, so I am asking for your help.

As you know, section 241 of the Help America Vote Act of 2002 requires EAC to conduct research on election administration issues. Among the issues listed in the statute are:

- nationwide statistics and methods of identifying, deterring, and investigating voting fraud in elections for Federal office [section 241(b)(6)]; and
- identifying, deterring, and investigating methods of voter intimidation [section 241(b)(7)].

EAC's Board of Advisors recommended that EAC make research on these topics a high priority. Subsequently, the Commission contracted with two consultants (Tova Wang and Job Serebrov) to:

- develop a comprehensive description of what constitutes voting fraud and voter intimidation in the context of Federal elections;
- perform background research (including Federal and State administrative and case law review), identify current activities of key government agencies, civic and advocacy organizations regarding these topics, and deliver a summary of this research and all source documentation;
- establish a project working group, in consultation with EAC, composed of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation;
- provide the description of what constitutes voting fraud and voter intimidation and the results of the background research to the working group;
- convene the working group to discuss potential avenues for future EAC research on this topic;
- produce a report to EAC summarizing the findings of the preliminary research effort and working group deliberations that includes recommendations for future research, if any;
- draft the project scope and Statement of Work for future research on these topics, if EAC decides to pursue one or more recommendations for future research.

At minimum, I hope that you can serve as an information resource for the team of two EAC consultants hired to conduct the research and me. I also would like to explore the feasibility of your participation in meetings of the project working group.

If EAC needs to submit a more formal request for your help, please advise me how to do so. Also, it would help me to know if there are any restrictions on your participation, other than anticipated restrictions on the time you have available.

012770

Let me know if you have any questions about this request or the research project. I look forward to hearing from you and hope you are doing well.

Regards,

Peggy Sims
Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
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Fax: 202-566-3127
email: psims@eac.gov

— Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM —



"Tova Wang"

[REDACTED]
11/29/2005 11:37 AM

To psims@eac.gov
cc

Subject intern and law clerk

Do you know yet if we will be able to speak to them today or tomorrow? Thanks. Tova

Tova Andrea Wang
Senior Program Officer and Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

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— Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM —

Tamar Nedzar/EAC/GOV
12/20/2005 11:31 AM

To "Job Serebrov"
<[REDACTED]@GSAEXTERNAL>
cc [REDACTED] Margaret Sims/EAC/GOV@EAC
Subject Re: Cases [REDACTED]

Hi Job,

The Westlaw search took more than half an hour-I think because I can only download results into ASCII format. I did find a way to add a case summary to the Lexis output. I have attached the first search below. If this is useful to you, I would rather use Lexis because output into a PDF file is faster. If you'd still prefer me to use Westlaw, I'll have to figure out a way to shorten the search times.

012771



fraud_and_election.pdf

Thanks,

Tamar Nedzar
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
(202) 566-2377
<http://www.eac.gov>
TNedzar@eac.gov
"Job Serebrov" <serebrov@sbcglobal.net>



"Job Serebrov"

12/20/2005 09:53 AM

To tnedzar@eac.gov

cc: [redacted]

Subject Re: Cases

Tamar:

Please use the 10 year range. The case summary is the most important item. In the US Courts version of Westlaw you can restrict by date.

Thanks,

Job

--- tnedzar@eac.gov wrote:

- > Job,
- >
- > I was using Lexis because I don't have
- > inter-semester access to Westlaw.
- > In addition, Westlaw does not allow me to restrict
- > to specific dates.
- > However, I called the dean of my school this morning
- > and he granted me
- > access to Westlaw for the break on a limited basis,
- > so I will start fresh
- > with the terms.
- >
- > In the student version of Westlaw, I can choose
- > cases in the past 3 or 10
- > years, but cannot select a date range. I will use
- > the 10 year limitation
- > unless you write to tell me otherwise.
- >
- > I'll send results tonight.
- >
- > Thanks,

012772

>
> Tamar Nedzar
> Law Clerk
> U.S. Election Assistance Commission
> 1225 New York Avenue, NW Suite 1100
> Washington, DC 20005
> (202) 566-2377
> http://www.eac.gov
> TNedzar@eac.gov

>
>
>
> "Job Serebrov" <[REDACTED]>
> 12/19/2005 09:30 PM

> To
> TNedzar@eac.gov
> CC

> [REDACTED]
> Subject
> Cases

>
>
>
>
>
>
>
> Tamar:

>
> I received your first Zip File today and there is
> another major problem. These look like Lexis and not
> Westlaw searches. The way this material is presented
> it is impossible to tell what is going on. I stated
> in
> my last e-mail that I wanted you to use Westlaw
> because you can pull up a short case evaluation for
> each case. These are no good to us without these
> evaluations. The evaluations list the parties, a
> short
> statement of facts and a short summary of the
> court's
> holding. I can only evaluate these cases with such a
> summary. Sorry to send you back to the drawing board
> but better now than after you substantially
> completed
> the assignment. If you can get these kind of
> evaluations with Lexis then go ahead but if not you
> need to use Westlaw.

>
> Regards,

>
> Job
>
>
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----

012773



"Job Serebroy"

10/03/2005 01:20 PM

To psims@eac.gov

cc

Subject Re: Meetings

Peggy:

I just received an e-mail from Tova. She is also ok with the 28th which is better for me.

I am interested in your answer to her question about work product.

Job

--- psims@eac.gov wrote:

> I am available for a 3-way teleconference after Noon
> on Wednesday this
> week. My schedule on Thursday and Friday is
> flexible, as well. When
> would be best for you two? I can call the telephone
> numbers you prefer
> and set up the conference call from my desk.
>
> Both the 24th or the 28th are fine with me for the
> face-to-face meeting.
> Which do you prefer? If you have no preference, I
> suggest we pick the
> earlier of the two.
>
> Regarding your contracts, I understand that the
> contract will carry the
> date of 9/25/05. All contracts have to be signed by
> the Chair, who has
> been out of the office on Commission business. I
> have been told that she
> will sign off on your contracts, among others,
> today. Our financial
> officer will send it to you after that. I'll try to
> obtain copies and fax
> the appropriate one to you as soon as they have been
> signed.
>
> Regarding your pay, the contract will state that you
> should submit a
> monthly invoice to EAC for payment of your fee for
> that month. The
> contract is for 6 months, so our Finance Officer,
> Diana Scott, wants you
> to submit an invoice to her each month for 1/6th of
> the total payment,
> beginning 10/25/05.
>
> I look forward to talking again with the two of you.
>

012774

> Peggy Sims
> Research Specialist
> U.S. Election Assistance Commission
> 1225 New York Ave, NW - Ste 1100
> Washington, DC 20005
> Phone: 866-747-1471 (toll free) or 202-566-3120
> (direct)
> Fax: 202-566-3127
> email: psims@eac.gov

>
>
>
>
>

> "Job Serebrov" <[REDACTED]>
> 10/03/2005 10:08 AM

>
> To
> psims@eac.gov
> cc

>
> Subject
> Mettings

>
>
>
>
>
>
>

> Peggy:

>
> Just spoke with Tova. We would like to have a three
> way telephone conference with you this week if
> possible. The best dates for our face to face are
> Oct
> 24th or 28th. Please let me know what works for you.

>
>

> Talk with you when you get answers to my questions.

>
>

> Regards,
>
> Job

>
>
>
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----

Margaret Sims/EAC/GOV

10/03/2005 03:48 PM

To Tova Andrea Wang, Job Serebrov

cc Gavin S. Gilmour/EAC/GOV@EAC

Subject Voting Fraud Teleconference-Meeting-Work Schedule

Tova and Job:

012775

Teleconference -

Let's schedule the teleconference for 4:00 PM on Wednesday, October 5. Gavin Gilmour will join us.

Meeting -

October 28 is fine for the face-to-face meeting in DC. We have allocated \$5,000 to each of you to cover reasonable and necessary travel and other incidental expenses. Expenses claimed for reimbursement need to be itemized, with appropriate receipts provided. You should be able to obtain the Federal government rate at an area hotel (if you plan to stay overnight). If the hotel needs a letter from EAC (in lieu of showing them your signed contract), just let me know. Airlines apparently no longer honor government rates for government contractors. Rail carriers may provide government rates for government contractors. If you drive, the current government rate for a personally owned vehicle (POV) is 48.5 cents per mile.

Deliverables -

The first item on the list of deliverables is the draft project workplan, which is due ASAP after award. Would it be possible for the two of you to deliver a draft workplan to me via email by 10/11? That would be after we have had our teleconference to work out lingering questions.

Questions for Finance -

If you have questions for our Finance Officer, you can reach her via email at dscott@eac.gov. I would appreciate it if you would cc: me on such emails, so that I know to follow up with her.

Peggy Sims

Research Specialist

U.S. Election Assistance Commission

1225 New York Ave, NW - Ste 1100

Washington, DC 20005

Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)

Fax: 202-566-3127

email: psims@eac.gov

— Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM —



"Job Serebrov"

12/09/2005 12:50 PM

To psims@eac.gov

cc

Subject Fax

Peggy:

Mari's fax is [REDACTED]

Job

— Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM —



"Tova Wang"

10/03/2005 04:50 PM

To psims@eac.gov

cc

Subject RE: Voting Fraud Teleconference-Meeting-Work Schedule

012776

That's the right number. On the 14th I do want to be on by phone. I probably will only be able to be on for the beginning though. I may be able to rejoin again at the end. Will someone be taking notes?

Thanks for everything. Tova

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Monday, October 03, 2005 3:42 PM

To: [REDACTED]

Subject: RE: Voting Fraud Teleconference-Meeting-Work Schedule

I will initiate the calls to you two on Wednesday. The number I have for Tova is [REDACTED] For Job, I have [REDACTED] Let me know if I should use a different number for you on Wednesday.

Thanks, Tova, for the copy of the draft workplan you provided to Karen. I'll take a look at it and, hopefully, provide some feedback on Wednesday. I have not yet caught up to all the paperwork and emails that preceded my assignment to this project. Karen just handed me a folder full of documents that should help.

I think you may have received an email from Nicole Mortellito regarding an October 14 meeting. If you two cannot come in person but can attend via phone, just let me know. Nicole's message has information regarding hotel rates that conflicts with what I've just sent you. I've asked her to double check her information because I have another contractor that has had no problem obtaining government rate at hotels.

Yes, you will be paid on a monthly basis. You can file your first invoice on October 25, according to Diana Scott.

Peggy Sims
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Fax: 202-566-3127
email: psims@eac.gov

"Tova Wang" [REDACTED]

10/03/2005 03:54 PM

To psims@eac.gov, [REDACTED]

cc ggilmour@eac.gov

Subject RE: Voting Fraud Teleconference-Meeting-Work Schedule

012777

Peg, This all sounds good. Will you be calling us on Wednesday?

I should not need a hotel for the 28th. Just let me know what time. Are there expense forms we should have for reimbursement?

On the work product, we did send Karen a very preliminary draft of a work plan. I attach it again here and we can talk about it more on Wednesday.

My only money question is, are we being paid on a monthly basis? And if so, when does that begin? I assume this all is in the contracts we'll be getting...

Thanks.

Tova

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Monday, October 03, 2005 2:48 PM

To: [REDACTED]

Cc: ggilmour@eac.gov

Subject: Voting Fraud Teleconference-Meeting-Work Schedule

Tova and Job:

Teleconference -

Let's schedule the teleconference for 4:00 PM on Wednesday, October 5. Gavin Gilmour will join us.

Meeting -

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Deliverables -

The first item on the list of deliverables is the draft project workplan, which is due ASAP after award. Would it be possible for the two of you to deliver a draft workplan to me via email by 10/11? That would be after we have had our teleconference to work out lingering questions.

Questions for Finance -

If you have questions for our Finance Officer, you can reach her via email at dscott@eac.gov. I would appreciate it if you would cc: me on such emails, so that I know to follow up with her.

012778

Peggy Sims
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email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----



"Tova Wang"

11/29/2005 02:15 PM

To psims@eac.gov

cc "Job Serebrov"

Subject nexis search

Hi Peg,

Attached are our Nexis word search terms to be used for looking for news articles. A revised westlaw list is forthcoming. As we discussed, we need to talk to the people doing these before they can begin. Thanks.

Tova Andrea Wang
Senior Program Officer and Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

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nexis word search 1128.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----

Margaret Sims/EAC/GOV

12/06/2005 04:26 PM

To Craig Donsanto

cc

Subject Voting Fraud-Preliminary Research

Craig:

The Chair gave me your response. I'm pleased, to say the least! Would you be available for an hour or so on January 13 (a Friday) to talk with our two consultants when they are in town? If so, when would be most convenient for you? Would you prefer that I accompany them, or are you willing to take them on alone?

Also, would you prefer that our consultants forward any information requests through me (both before and after their meeting with you), or may I provide your contact information so that they can make their

012779

requests directly? Already, I have received a request for any related statistical data you may have. I have given them a copy of the January 1995 version of your *Federal Prosecution of Election Offenses*.

Peggy Sims.
Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
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Fax: 202-566-3127
email: psims@eac.gov
— Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM —



"Job Serebroy"
[Redacted]
11/22/2005 03:21 PM

To psims@eac.gov [Redacted]
cc
Subject Word Search Terms

Peggy:

Attached are the word search terms.

Job

Tova:

I placed the few words that you added in the middle of my list into my existing file so some terms are out of order from the last list that you sent me.



Job Word Search Terms.doc

— Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM —



"Tova Wang"
[Redacted]
11/29/2005 04:16 PM

To psims@eac.gov
cc
Subject thad

Hi Peg,

I would like to talk to Thad Hall about the methodology of our research and about the threat assessment survey he is doing with Electionline and Caltech http://www.vote.caltech.edu/media/threat_risk.pdf. Can you please facilitate that? Thanks.

Tova Andrea Wang

012780

Senior Program Officer and Democracy Fellow
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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----



"Tova Wang"

12/08/2005 04:08 PM

To psims@eac.gov
cc

Subject RE: FW: Commission Consensus on Working Group

Thanks Peg. I have some thoughts too and will have my final recommendations for you by Monday. It would be great if you could pass by me possible local election officials before we definitely go forward with them. Tova

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Thursday, December 08, 2005 4:03 PM
To: [REDACTED]
Subject: RE: FW: Commission Consensus on Working Group

I understand your predicament if Cathy Cox is not available. So many of the State election officials are Republican. You could try Peter Harvey, Attorney General (and chief election official) for New Jersey. His contact information follows:

Peter C. Harvey (Appointed, D)
Attorney General of New Jersey
Department of Law and Public Safety
25 Market Street, P.O. Box 080
Trenton, New Jersey 08625-0080
URL <http://www.njpublicsafety.com>
609/292-4925 FAX 609/292-3508

* -Chief Election Officer
* -Other Court Actions
*
*
*
*

I would be happy to share information on any nonpartisan local election officials I am able locate who are familiar with voting fraud and voter intimidation issues.

Peggy Sims
Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)

012781

wang@tcf.org



[REDACTED]
12/23/2005 01:29 PM

To psims@eac.gov
cc "Job Serebrov" [REDACTED]
Subject Re: FYI

Hi Peg,

What was the last date Devon included an article? I've collected some from the past couple of months too, but don't have most of them saved electronically. I guess we should all be collecting between now and when we very hopefully get Tamar to take it over. Thanks. Tova

----- Original Message -----

From: psims@eac.gov
To: serebrov@sbcglobal.net
Cc: wang@tcf.org
Sent: Monday, December 19, 2005 5:10 PM
Subject: Re: FYI

Job:

Devon set up the folders before she completed her review of the articles. I saw that the folders were empty, but did not ask her to remove them. If you copy the CD contents to a file on your computer, you may yet use the empty folders to file relevant articles found subsequent to Devon's sorting. For example, I have a few recent articles that I will send via email. When we come across articles that belong in the empty folders, we can put them there. --- Peggy

"Job Serebrov" [REDACTED]

12/19/2005 03:53 PM

To psims@eac.gov [REDACTED]
cc
Subject FYI

The following file folders on the disc you sent me were empty:

Misleading Ex-felon Voting Right

012782

Non-Citizen Voting

Wrongful Removal of Eligible Voters from Registration Lists

If they were blank file folders, why were they included?

Job

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----

Tamar Nedzar/EAC/GOV

12/05/2005 10:24 AM

To "Tova Wang" <[REDACTED]>

cc Margaret Sims/EAC/GOV@EAC

Subject RE: Search Results Example [REDACTED]

Tova and Job,

Thank you for your feedback. There are two factors that went into my decision to perform the search in the manner I indicated which may have a bearing on whether you want me to do each search individually.

First, I checked with the Lexis representative at my school, who suggested the search methodology used. She indicated that I would get the same results if I did the searches separately or together.

Second, as I am in the midst of finals, as you can imagine, I have limited time to devote to work. I will only be in the office two days in the next two weeks and will not be able to do much work from home. As a result, I probably won't be able to do the majority of the searches until just after Christmas if I am to do the each term separately. If not, I should be able to get you results by the week before Christmas.

I will do whatever you and Peggy decide given your timelines, but wanted to let you know the factors that went into my decision.

Thank you,

Tamar Nedzar
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
(202) 566-2377
<http://www.eac.gov>
TNedzar@eac.gov

"Tova Wang" <[REDACTED]>



"Tova Wang"

12/02/2005 05:22 PM

To tnedzar@eac.gov

cc "Job Serebrov" <[REDACTED]>

012783



Subject RE: Search Results Example

And thank you for your work on this. Let us know if you have any questions.

-----Original Message-----

From: Job Serebrov [mailto: [REDACTED]]
Sent: Friday, December 02, 2005 5:19 PM
To: tnedzar@eac.gov
Cc: [REDACTED]
Subject: Re: Search Results Example

Tamar:

You are not going to be able to place all of these word searches together. We need you to take each term on the list and do a search on it. You can only merge terms when it will not add other terms and therefore affect the outcome. For instance, vote and voter could probable be merged. I know this creates much much more work but it can't be helped. I would like you to pull the first 50 cases for each set of terms and send them to us with a short case summary (I know Westlaw lets you do a short case summary). From there we will have to read the cases and decide if we need any others in that search term.

Regards,

Job

--- tnedzar@eac.gov wrote:

Tova and Job,

It was good to talk to you today. Hope you are doing well. I've attached my African American search results below. It encompasses all of the terms you suggested having to do with African Americans.

The following is a search I used to truncate words and combine terms, but I still got a large number of results:

Vot! and deny and black or vot! and black and challenge or vot! and black and reject or vot! and black or vot! And deny and African w/s American or vot! And African w/s American and reject or challenge or vot! And African w/s American or election and black and deny or challenge or reject or election and black or election and African w/s American and deny or challenge or reject or election and African w/s American or ballot and security and black or ballot and security and African w/s American or black and

012784

vot! And suppress! Or African w/s American and vot!
And suppress or African w/s and disenfranchis! or
black and disenfranchis!

If this search yields useful cases for you, I can
continue searching using the same strategy. If not,
please provide me with additional guidelines and I
will do my best!

Please feel free to contact me should you have any
questions or need additional information.
Thank you,

Tamar Nedzar
Law Clerk
U.S. Election Assistance Commission
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(202) 566-2377
<http://www.eac.gov>
TNedzar@eac.gov

012785

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----



"Tova Wang"

10/24/2005 05:30 PM

To psims@eac.gov

cc

Subject wg

Hi Peg,

Do you want the information on the proposed working group members you requested (their backgrounds on this issue) now or should I wait until the contract situation is clear? I understand more information on that is forthcoming imminently.

Thanks. Tova

Tova Andrea Wang
Senior Program Officer and Democracy Fellow
The Century Foundation
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phone: 212-452-7704 fax: 212-535-7534

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----



"Tova Wang"

11/03/2005 02:00 PM

To psims@eac.gov

cc

Subject tuesday

Hi Peg,

I will be down in DC next Tuesday for a meeting. I wonder if it would be useful for me to come by -- I think you mentioned at one point you had a big collection of articles. It would be great to be able to take a look at them. I'm available mid to late afternoon. Let me know.

Any word on the contract situation?

012787

Thanks.

Tova Andrea Wang
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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----

Margaret Sims/EAC/GOV
11/03/2005 05:23 PM

To "Tova Wang" [REDACTED] IAL
cc
Subject Re: Tuesday [REDACTED]

Tova:

I should be available during the mid to late afternoon, provided we are not besieged with election-related calls. Regardless, I can provide the file with the news clippings for your review.

--- Peggy

"Tova Wang" [REDACTED]



"Tova Wang"
[REDACTED]
11/03/2005 02:00 PM

To psims@eac.gov
cc
Subject tuesday

Hi Peg,

I will be down in DC next Tuesday for a meeting. I wonder if it would be useful for me to come by -- I think you mentioned at one point you had a big collection of articles. It would be great to be able to take a look at them. I'm available mid to late afternoon. Let me know.

Any word on the contract situation?

Thanks.

Tova Andrea Wang
Senior Program Officer and Democracy Fellow
The Century Foundation

012788

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phone: 212-452-7704 fax: 212-535-7534

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----

Margaret Sims /EAC/GOV

11/30/2005 11:00 AM

To Devon E. Romig/CONTRACTOR/EAC/GOV

cc

Subject Nexis Search Terms

Devon:

In preparation for this afternoon's teleconference, you may want to review the attached list of Nexis search terms. If you have any questions, we can discuss them before the teleconference or, if I can't provide answers, we can ask our consultants who prepared the list. --- Peggy



nexis word search 1128.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----




10/17/2005 11:08 AM

To psims@eac.gov

cc

Subject working group

Hi Peg,

I'd like to talk to you briefly about the development of the working group when you have a moment. I understand you are in a meeting right now -- is there a good time for me to give you a buzz today and/or tomorrow? Thanks so much. Tova

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----

Margaret Sims /EAC/GOV

10/31/2005 02:45 PM

To Job Serebrov, Tova Andrea Wang

cc

Subject Teleconference Needed

Would both of you be available for a teleconference tomorrow at 2 PM EST concerning contract issues? The teleconference would include Julie Thompson, our General Counsel, and me. We would call you.

012789

Peggy Sims
Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
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Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM ---



"Job Serebrov"

[REDACTED]
11/29/2005 05:49 PM

To psims@eac.gov, [REDACTED]

cc

Subject Re: Teleconference With Legal Clerk and Intern

Only between 3:30 and 5:30

--- psims@eac.gov wrote:

> Tova and Job:
>
> Are you two available for a teleconference with our
> Law Clerk and Intern
> tomorrow at either of the times listed below?
>
> Between 12 and 1 PM EST; or
> Any time between 3:30 and 5:30 PM EST
>
> Peggy Sims
> Research Specialist
> U.S. Election Assistance Commission
> 1225 New York Ave, NW - Ste 1100
> Washington, DC 20005
> Phone: 866-747-1471 (toll free) or 202-566-3120
> (direct)
> Fax: 202-566-3127
> email: psims@eac.gov

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM ---



"Job Serebrov"

[REDACTED]
11/21/2005 04:02 PM

To psims@eac.gov

cc

Subject Re: Word Search Terms

What do you think about moving the meeting to January
after all of the holidays?

--- psims@eac.gov wrote:

012790

> Thanks for the update. I'll let Tamar know. ---
> Peggy

>

>

>

>

> "Job Serebrov" [REDACTED]

> 11/21/2005 12:07 PM

>

> To

> psims@eac.gov

> cc

>

> Subject

> Word Search Terms

>

>

>

>

>

>

> Peggy:

>

> I sent the words search terms to Tova yesterday to
> review. Unfortunately, she will not be able to do so
> until late today or tomorrow. Consequently, I need
> to

> wait to send them to you.

>

> As far as a trip to DC goes, I gave Tova two

> possible

> dates---Friday December 16 or Monday December 19.

>

> Regards,

>

> Job

>

>

>

>

>

>

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM ---

Margaret Sims/EAC/GOV

11/21/2005 05:08 PM

To "Job Serebrov"

[REDACTED] Tova Andrea

Wang

cc

Subject Re: In-Person Meeting

Job and Tova:

If you both agree, a meeting in early January in lieu of a December meeting would be fine with me. As it would be good for you two to pick Craig Donsanto's brain when you are here, I'll find out when he is not available so that we can avoid that time.

012791

Peggy Sims
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U.S. Election Assistance Commission
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Washington, DC 20005
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Fax: 202-566-3127
email: psims@eac.gov

"Job Serebrov" [REDACTED]



"Job Serebrov"
[REDACTED]
11/21/2005 04:02 PM

To psims@eac.gov
cc
Subject Re: Word Search Terms

What do you think about moving the meeting to January after all of the holidays?

--- psims@eac.gov wrote:

> Thanks for the update. I'll let Tamar know. ---
> Peggy
>
>
>
>
> "Job Serebrov" [REDACTED]
> 11/21/2005 12:07 PM
>
> To
> psims@eac.gov
> cc
>
> Subject
> Word Search Terms
>
>
>
>
>
> Peggy:
>
> I sent the words search terms to Tova yesterday to
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> possible

> dates---Friday December 16 or Monday December 19.

>

> Regards,

>

> Job

>

>

>

012793

Tamar Nedzar/EAC/GOV

12/21/2005 05:21 PM

To [REDACTED]

cc Margaret Sims/EAC/GOV@EAC

Subject Results for 12/21/05

Hi Tova and Job,

Hope you're still finding the results helpful. Attached is today's installment. More to come tomorrow...



12_21.ZIP

Tamar Nedzar
Law Clerk
U.S. Election Assistance Commission
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(202) 566-2377
<http://www.eac.gov>
TNedzar@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----



"Tova Wang"

[REDACTED]
10/03/2005 12:58 PM

To psims@eac.gov, [REDACTED]

cc

Subject RE: Meetings

Hi Peggy,

I hope you are feeling better!

I am free 4-6 on Wednesday, 10:30-1:00 on Thursday and all day Friday for a call. The 24th is fine for me, so just tell us what time is works.

On the contracts, I'm a little confused by the start date being 9/25 when we have not been able to start the work yet. What will the implications of this be for the work product delivery?

Thanks, and I look forward to speaking with you and seeing you soon.

Tova

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Monday, October 03, 2005 11:50 AM

To: [REDACTED]

Subject: Re: Meetings

012794

I am available for a 3-way teleconference after Noon on Wednesday this week. My schedule on Thursday and Friday is flexible, as well. When would be best for you two? I can call the telephone numbers you prefer and set up the conference call from my desk.

Both the 24th or the 28th are fine with me for the face-to-face meeting. Which do you prefer? If you have no preference, I suggest we pick the earlier of the two.

Regarding your contracts, I understand that the contract will carry the date of 9/25/05. All contracts have to be signed by the Chair, who has been out of the office on Commission business. I have been told that she will sign off on your contracts, among others, today. Our financial officer will send it to you after that. I'll try to obtain copies and fax the appropriate one to you as soon as they have been signed.

Regarding your pay, the contract will state that you should submit a monthly invoice to EAC for payment of your fee for that month. The contract is for 6 months, so our Finance Officer, Diana Scott, wants you to submit an invoice to her each month for 1/6th of the total payment, beginning 10/25/05.

I look forward to talking again with the two of you.

Peggy Sims
Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

"Job Serebrov" [REDACTED]

10/03/2005 10:08 AM

To psims@eac.gov
cc
Subject Mettings

Peggy:

Just spoke with Tova. We would like to have a three way telephone conference with you this week if possible. The best dates for our face to face are Oct 24th or 28th. Please let me know what works for you.

Talk with you when you get answers to my questions.

012795

Regards,

Job

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----

Margaret Sims /EAC/GOV

11/08/2005 06:25 PM

To "Job Serebrov"

cc [REDACTED]

Subject Re: Various [REDACTED]

[REDACTED] GSAEXTERNAL

Job:

I found Gavin. He said that the Chair has the letters that have to accompany the contracts for you and Tova. Once she signs them, the finance folks will fax a copy to you and send the original by mail.

After we have the signed contracts:

- Adjusted Workplan - You and Tova should look at the workplan to determine what should be revised due to the contract issues.
- Working Group - I will ask for a one or two sentences for each person you have on the list of potential working group members. The sentences should summarize why you think the person would be perfect for this particular project. What in their particular experience qualifies them to help develop recommendations for future avenues of EAC research on voting fraud and voter intimidation? (Remember, other research efforts already are underway to address items such as provisional voting, voter ID issues, and contested elections and recounts.) If you want to put an asterisk next to the names that you especially recommend, that would be fine. I have to discuss the potential working group members with our Commissioners, only one of which is in the office now. Others are in the field and I can speak with them as they return. I'll bet that this will take some time, probably through next week.
- Westlaw Search - You and Tova can provide more information about the Westlaw search. I spoke with our Executive Director and he authorized me to use a part-time legal intern to conduct the search and provide the results to you and Tova.
- Meetings - The three of us should probably decide a time for a teleconference and a tentative in-person meeting date in the not-to-distant future.

Regarding the election fraud newsclips, Tova was in town this morning for a non-EAC meeting. While here, she took the opportunity to look over the newsclips in one of my files. (I have another file that I have yet to unearth from my FEC boxes.) I mentioned to Tova that one of our EAC interns could sort the clips, put them in pdf, and drop them on a CD for each of you. Tova thinks that it would be most useful to have the clips organized by type of voting fraud (e.g.; absentee ballot, voter registration, etc.) and, within that sorting, by State. Does this work for you, or would you prefer a different organization?

Peggy Sims
Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005

012796

Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

"Job Serebrov" [REDACTED]



"Job Serebrov"

[REDACTED]
11/08/2005 03:40 PM

To psims@eac.gov

cc

Subject Various

Peggy:

Tova and I will need copies of your vote fraud literature file. Also, do you want a one liner on all of the people proposed for the working group or just the three that we are recommending for the final group?

Any work from Gavin?

Job

— Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM —



"Tova Wang"

[REDACTED]
11/21/2005 05:39 PM

To psims@eac.gov, [REDACTED]

cc

Subject RE: In-Person Meeting

As I mentioned to Job earlier, I think we need to meet as soon as possible in order to develop and pare down our lists of who we want to interview, determine how we are going to go about doing the interviews (in-person, phone, email), schedule such meetings, decide what themes we agree to discuss with them; go over existing research and how we will work on summarizing existing findings; hammer out what is within the scope of our research; meet with the intern and law clerk; discuss how we are going to do the case law research; etc. Up to now, we both agreed, we have been operating in a bit of a void. We've been trying to do this meeting for months.

Is it that you think we can combine this meeting with a meeting with Craig? I actually think they need to be separate since I think both will be very laborious and very different in nature.

012797

However, I will defer to whatever you, Peg, think best. I don't fee so strongly about it that I will be extremely upset if we wait until January.

Thanks.

Tova

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Monday, November 21, 2005 5:09 PM

To: [REDACTED]

Subject: Re: In-Person Meeting

Job and Tova:

If you both agree, a meeting in early January in lieu of a December meeting would be fine with me. As it would be good for you two to pick Craig Donsanto's brain when you are here, I'll find out when he is not available so that we can avoid that time.

Peggy Sims
Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

"Job Serebrov" [REDACTED]

11/21/2005 04:02 PM

To psims@eac.gov

cc

Subject Re: Word Search Terms

What do you think about moving the meeting to January after all of the holidays?

--- psims@eac.gov wrote:

> Thanks for the update. I'll let Tamar know. ---
> Peggy
>
>

012798

>
>
> "Job Serebrov" [REDACTED]
> 11/21/2005 12:07 PM
>
> To
> psims@eac.gov
> cc
>
> Subject
> Word Search Terms
>
>
>
>
>
> Peggy:
>
> I sent the words search terms to Tova yesterday to
> review. Unfortunately, she will not be able to do so
> until late today or tomorrow. Consequently, I need
> to
> wait to send them to you.
>
> As far as a trip to DC goes, I gave Tova two
> possible
> dates---Friday December 16 or Monday December 19.
>
> Regards,
>
> Job
>
>
>

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM ---



"Job Serebrov"
[REDACTED]

To psims@eac.gov
cc

10/11/2005 04:53 PM

Subject Working Group

Peggy:

I will have a list of Republicans for the working group in the next few days. I am still speaking with people. However, having discussed this with a number of people who deal with election fraud, I am convinced that we need a ten member panel and not eight (five Republicans and five Democrats). My list will present six to seven people for the Commission's vetting. If all agree to serve, culling down to five will be challenging.

012799

Regards,

Job

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----

Juliet E.
Thompson/EAC/GOV
11/15/2005 06:20 PM

To "Tova Wang" [REDACTED]
cc Margaret Sims/EAC/GOV@EAC
Subject RE: contract

I believe that is correct. What I think you might also be concerned about is the timelines for completion. If you, Job and Peggy need to work out a revised completion schedule, then I would encourage you to do that. We recognize that our delays have impacted the original schedule and that adjustments should be noted accordingly.

Juliet E. Thompson
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100
"Tova Wang" <wang@tcf.org>



"Tova Wang"
[REDACTED]
11/15/2005 06:17 PM

To jthompson@eac.gov
cc psims@eac.gov
Subject RE: contract

I guess for getting paid purposes it doesn't matter, it just matters with respect to the timeline for completion of the project. If that's right, I will sign and send the letter acknowledging receipt as is. Thanks so much.

Tova

-----Original Message-----

From: jthompson@eac.gov [mailto:jthompson@eac.gov]
Sent: Tuesday, November 15, 2005 6:14 PM
To: [REDACTED]
Cc: psims@eac.gov
Subject: Re: contract

The invoice that you have submitted at this point is for work conducted in September, September 1 - 30.

The invoice that you will submit shortly, if you have not already is for work performed in October,

012800

1- 31.

I am not sure if we are semantically calling these by different names (i.e., you submitted the Septemr invoice in October, and October's work in November).

Let me know if this clarifies the point or confuses it.

Juliet E. Thompson
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

"Tova Wang" [REDACTED]

11/15/2005 01:33 PM

To psims@eac.gov, jthompson@eac.gov
cc
Subject contract

Just one question on the receipt of contract -- it says that the first invoice was for September, but it actually was for October when we really got started, right? Should this be adjusted to say October 1 to October 31?

Thanks.

Tova

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Thursday, November 10, 2005 3:28 PM

To: [REDACTED]

Subject: Letters Were Signed

Job and Tova:

The Chair signed your letters this afternoon. Diana Scott has them and plans to fax everything to you. Have a good weekend!

Peggy Sims
Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100

012801

Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----



"Job Serebrov"

11/29/2005 07:07 PM

To [REDACTED] psims@eac.gov

cc

Subject Updated Word Search List

Peggy & Tova:

Here is the updated case law word search list.



Job Word Search Terms.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----

Tamar Nedzar/EAC/GOV

12/29/2005 05:13 PM

To [REDACTED]

cc Margaret Sims/EAC/GOV@EAC, Juliet E.
Thompson/EAC/GOV@EAC

Subject Batches of Results

Tova and Job,

Please find below what I have completed since we last spoke. I will send you another email or two next week with the rest of the results.

Happy New Year!

Tamar Nedzar
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
(202) 566-2377
<http://www.eac.gov>
TNedzar@eac.gov



12_27.zip

012802

Peggy Sims
Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----



"Tova Wang"

10/14/2005 10:59 AM

To psims@eac.gov

cc

Subject

Hi Peggy,

Just an FYI -- Job and I have developed our own draft of a definition of fraud and intimidation and are working on compiling existing research. With respect to the working group, I have sent him the names and bios of my first choices, most of whom I have not yet spoken to. My thought was that I would have you vet them before asking them if they could do it, so I wouldn't have to turn around and say no. I have plenty of "plan B" people should some of my first choices not work out. Job has gone ahead and inquired as to people's availability before putting them on his list, which he expects to send me today.

Hope you had a great weekend.

Tova

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Tuesday, October 11, 2005 4:33 PM

To: [REDACTED]

Subject: Contract Issues-Government Per Diem Rates

Good Morning Job an Tova:

I still do not have copies of your signed contracts. I understand that they may have to be revised if the project is going to use an EAC intern and EAC Westlaw access. I've scheduled a meeting with one of our attorneys this week to discuss the matter and will get back to you with further information, when I have it.

By now, you should have heard that the October 14 contractor meeting has been cancelled. Instead, EAC has scheduled a couple of staff meetings to review requirements for invoices and requests for reimbursement. I should have more information for you on this front by next Monday.

Today, I am sending by Federal Express the most recent copy of the Department of Justice's

012803

Federal Prosecution of Election Offenses and the Federal Election Commission's *Innovations in Election Administration 8: Election Document Retention in an Age of High Technology*. Let me know if you do not have it within a couple of days.

New per diem rates for federal travelers are effective October 1, 2005. You can find these rates at http://www.gsa.gov/Portal/gsa/ep/contentView.do?programId=9704&channelId=-15943&oid=16365&contentId=17943&pageTypeId=8203&contentType=GSA_BASIC&programPage=%2Fep%2Fprogram%2FgsaBasic.jsp&P=MTT.

Peggy Sims
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U.S. Election Assistance Commission
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Fax: 202-566-3127
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----

Margaret Sims/EAC/GOV

11/29/2005 02:18 PM

To Tova Andrea Wang, Job Serebrov

cc

Subject Teleconference With Legal Clerk and Intern

Tova and Job:

Are you two available for a teleconference with our Law Clerk and Intern tomorrow at either of the times listed below?

Between 12 and 1 PM EST; or
Any time between 3:30 and 5:30 PM EST

Peggy Sims
Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----

Karen
Lynn-Dyson/EAC/GOV

08/23/2005 05:44 PM

To Thomas R. Wilkey/EAC/GOV@EAC, sda@mit.edu,

cc Margaret.Sims@EAC.GOV

Subject Kick off activities for the EAC Voting fraud/voter intimidation project

Greetings-

012804

Tom Wilkey and I have just completed a series of very informative and productive conversations with each of you and are anxious to move to the next step of this process.

We hope to assemble our consultant team on this project, within the next three weeks and are presently awaiting final approval of your contracts from our Commissioners. We anticipate this will take place in the next week to ten days.

We would like to assemble the team- Steve Ansolabehere of MIT, Tova Wang from The New Century Foundation and Job Serebrov, who has worked extensively on these issues for the State of Arkansas, during the week of September 11. Please get back to us with some tentative dates during that week that might work with your schedule.

We look forward to working with all of you and appreciate your efforts on behalf of the EAC.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

— Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM —



12/19/2005 03:40 PM

To "Job Serebrov" <[redacted]>, psims@eac.gov
cc

Subject Re: List

Let me add the assistance you were going to give me on the statewide election administrator and the discs with the work Devon did. Are we getting a replacement for her?

The money issue has become the most important matter at this point. I have already laid out money for this project, so I'm running a deficit after three and a half months.

Thanks. Tova

----- Original Message -----

From: "Job Serebrov" <[redacted]>

To: <psims@eac.gov>

Cc: [redacted]

Sent: Monday, December 19, 2005 3:31 PM

Subject: List

> Peggy:

>

> Here is a list of what we are waiting for from you:

>

> approval of the final definition of voter fraud

>

012805

> final working group list
>
> Also, we are waiting on the law clerk's search
> results. We know this will take till next month.
>
> Finally, we are waiting on money. Any word on what is
> going on since we spoke this morning?
>
> Job
>
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----

Margaret Sims/EAC/GOV

12/19/2005 05:45 PM

To [REDACTED]

cc [REDACTED]

Subject Re: List 

Tova:

You should have received Devon's disk today. We won't have a replacement for her anytime soon. I'm still working on confirming your choice for State election official. I'm also trolling for further information on possible nonpartisan local election officials that might serve. At the moment, I am seeking feedback on nonpartisan county Election Administrators in Texas, many of whom are Hispanic.

Now that Tamar has finished her exams, you should be receiving regular emails with search results. I still need to provide feedback on the definition of vote fraud.

I have asked Diana Scott to find out *exactly* where GSA is in the process of paying you and Job. Julie Thompson and I are discussing ways we might expedite things in the future.

--- Peggy



[REDACTED]
12/19/2005 03:40 PM

To "Job Serebrov" [REDACTED], psims@eac.gov

cc

Subject Re: List

Let me add the assistance you were going to give me on the statewide election administrator and the discs with the work Devon did. Are we getting a replacement for her?

012806

The money issue has become the most important matter at this point. I have already laid out money for this project, so I'm running a deficit after three and a half months.

Thanks. Tova

----- Original Message -----

From: "Job Serebrov" [REDACTED]

To: <psims@eac.gov>

Cc: [REDACTED]

Sent: Monday, December 19, 2005 3:31 PM

Subject: List

> Peggy:

>

> Here is a list of what we are waiting for from you:

>

> approval of the final definition of voter fraud

>

> final working group list

>

> Also, we are waiting on the law clerk's search

> results. We know this will take till next month.

>

> Finally, we are waiting on money. Any word on what is

> going on since we spoke this morning?

>

> Job

>

>

>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----



"Job Serebrov"

[REDACTED]
09/28/2005 09:12 AM

To psims@eac.gov

cc

Subject meeting

Peg:

Tova and I talked about the voter fraud project last evening and we believe that a face to face DC meeting is needed in the next few weeks. If you are in today, I hope to hear from you.

Regards,

Job

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----



"Craig.Donsanto@usdoj.gov"

012807



"
 <Craig.Donsanto@usdoj.gov
 v>
 11/22/2005 05:52 PM

To "Nancy.Simmons@usdoj.gov"
 <Nancy.Simmons@usdoj.gov>, "Noel.Hillman@usdoj.gov"
 <Noel.Hillman@usdoj.gov>, "psims@eac.gov"
 <psims@eac.gov>

cc

Subject Re: Requesting Your Help-Preliminary Research on Voting
 Fraud and Voter Intimidation

Hello Peg and greetings from Mexico City.

Interesting way you put that question!! When will I NOT be available!!!

Peg -- I have a speech to deliver to the Illinois Association of Election
 Commissioners December 7-8. After that, my wife says she will arise in protest
 if I don't stay put for the next couple months!!!

So I guess anytime after December 8 will work.

I hope I can help you and the EAC on this.

 Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>
 To: Donsanto, Craig <Craig.Donsanto@usdoj.gov>
 Sent: Tue Nov 22 16:50:20 2005
 Subject: Re: Requesting Your Help-Preliminary Research on Voting Fraud and
 Voter Intimidation

Craig:

This is just to let you know that I have drafted a letter for the Chair's
 signature, but she may want to make some changes before she signs. Once it is
 signed, I'll fax a copy to you and send the original by mail. For planning
 purposes, can you tell me when you don't expect to be available during the
 next 3 months (Dec-Feb)?

Peggy Sims
 Phone: 202-566-3120 (direct)
 email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----

Tamar Nedzar/EAC/GOV

12/22/2005 09:39 AM

To "Job Serebrov"

[REDACTED]

cc Margaret Sims/EAC/GOV@EAC

Subject Re: Results for 12/21/05

Hi Job,

I anticipate sending 8-10 more emails. I can get through approximately 30 terms per day. If you would prefer that I hold on to a few days' worth of searches and send fewer emails, I am more than happy to do so.

I will not be sending another search email until the 27th as I will be working from home until then and do not have the means to send such large files when I am not at work. I can give you a better idea of how much longer it will take me at that point.

Happy Holidays!

Tamar Nedzar
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue; NW Suite 1100
Washington, DC 20005
(202) 566-2377
<http://www.eac.gov>
TNedzar@eac.gov
"Job Serebrov" <serebrov@sbcglobal.net>



"Job Serebrov"

12/21/2005 05:33 PM

To tnedzar@eac.gov

cc

Subject Re: Results for 12/21/05

Tamar:

How far into the word search terms are you. I am trying to figure out how many daily file folders we will get before it is all over.

Regards,

Job

--- tnedzar@eac.gov wrote:

> Hi Tova and Job,
>
> Hope you're still finding the results helpful.
> Attached is today's
> installment. More to come tomorrow...
>
>
> Tamar Nedzar
> Law Clerk
> U.S. Election Assistance Commission
> 1225 New York Avenue, NW Suite 1100
> Washington, DC 20005

012809

> (202) 566-2377
> http://www.eac.gov
> TNedzar@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----



wang@tcf.org

12/29/2005 03:09 PM

To psims@eac.gov

cc "Job Serebrov" [REDACTED], "Tova Wang"

Subject donsanto meeting

Attached is a list of requests for material/information for Mr. Donsanto in advance of our meeting. They are purely requests for data and hard materials, not necessarily the extent of the questions I will want to ask (and I'm sure, Job, you'll want to ask) which may well be of a more procedural nature.

I'm off for a few days without the ability to communicate with the outside world, so, if it is necessary, we can talk about this on Tuesday afternoon as well as our other topics.

Have a wonderful new year!



Tova donsanto.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----

Margaret Sims/EAC/GOV

11/29/2005 05:04 PM

To "Tova Wang" [REDACTED]

cc

Subject Re: Thad [REDACTED]

Tova:

Thad's research on threat assessment is not being conducted under an EAC contract. The requirement to work through EAC only applies to contact with EAC contractors about EAC research. Thad's EAC contract is for Vote Counts/Contested Elections and Recounts. At this time, the contractor is analyzing State laws and procedures and contacting appropriate federal agencies regarding any pertinent consent agreements. Currently, there are no plans to do a survey that would be subject to the Paperwork Reduction Act requirements.

If your interest in Thad involves his non-EAC research, I would have no problem with you contacting him directly. If you think he will not respond unless I forward your request to him, I will see what I can do.

Peggy Sims
Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100

012810

Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

"Tova Wang" <wang@tcf.org>



"Tova Wang"

[REDACTED]
11/29/2005 04:16 PM

To psims@eac.gov
cc
Subject thad

Hi Peg,

I would like to talk to Thad Hall about the methodology of our research and about the threat assessment survey he is doing with Electionline and Caltech http://www.vote.caltech.edu/media/threat_risk.pdf. Can you please facilitate that? Thanks.

Tova Andrea Wang
Senior Program Officer and Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

Visit our Web site, www.tcf.org, for the latest news, analysis, opinions, and events.

[Click here](#) to receive our weekly e-mail updates.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM -----



"Tova Wang"

[REDACTED]
11/09/2005 10:52 AM

To psims@eac.gov, [REDACTED]
cc
Subject RE: Various

What do you think of this as a revised work plan? Tova

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Tuesday, November 08, 2005 6:25 PM
To: serebrov@sbcglobal.net
Cc: wang@tcf.org
Subject: Re: Various

012811

Job:

I found Gavin. He said that the Chair has the letters that have to accompany the contracts for you and Tova. Once she signs them, the finance folks will fax a copy to you and send the original by mail.

After we have the signed contracts:

- Adjusted Workplan - You and Tova should look at the workplan to determine what should be revised due to the contract issues.
- Working Group - I will ask for a one or two sentences for each person you have on the list of potential working group members. The sentences should summarize why you think the person would be perfect for this particular project. What in their particular experience qualifies them to help develop recommendations for future avenues of EAC research on voting fraud and voter intimidation? (Remember, other research efforts already are underway to address items such as provisional voting, voter ID issues, and contested elections and recounts.) If you want to put an asterisk next to the names that you especially recommend, that would be fine. I have to discuss the potential working group members with our Commissioners, only one of which is in the office now. Others are in the field and I can speak with them as they return. I'll bet that this will take some time, probably through next week.
- Westlaw Search - You and Tova can provide more information about the Westlaw search. I spoke with our Executive Director and he authorized me to use a part-time legal intern to conduct the search and provide the results to you and Tova.
- Meetings - The three of us should probably decide a time for a teleconference and a tentative in-person meeting date in the not-to-distant future.

Regarding the election fraud newsclips, Tova was in town this morning for a non-EAC meeting. While here, she took the opportunity to look over the newsclips in one of my files. (I have another file that I have yet to unearth from my FEC boxes.) I mentioned to Tova that one of our EAC interns could sort the clips, put them in pdf, and drop them on a CD for each of you. Tova thinks that it would be most useful to have the clips organized by type of voting fraud (e.g.; absentee ballot, voter registration, etc.) and, within that sorting, by State. Does this work for you, or would you prefer a different organization?

Peggy Sims
Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

"Job Serebrov" <serebrov@sbcglobal.net>

11/08/2005 03:40 PM

To psims@eac.gov

012812

cc
Subject Various

Peggy:

Tova and I will need copies of your vote fraud literature file. Also, do you want a one liner on all of the people proposed for the working group or just the three that we are recommending for the final group?

Any work from Gavin?

Job



tw plan 1107.doc

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM ---

Margaret Sims/EAC/GOV

12/07/2005 09:23 AM

To "Craig.Donsanto@usdoj.gov"
<Craig.Donsanto@usdoj.gov>@GSAEXTERNAL

cc

Subject Re: Voting Fraud-Preliminary Research 

Craig:

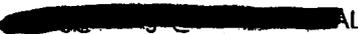
Thanks! I've got 2 PM January 13 on our schedule and a note to myself to remind you a week in advance. I'll keep you posted on any pre-interview information requests. Really look forward to having your input on this project!

Peggy Sims
Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 04:38 PM ---

Margaret Sims/EAC/GOV

12/06/2005 03:05 PM

To "Tova Wang" 

cc

Subject Re: 2 quick questions 

012813

Hi, Tova;

How much time do you want to schedule for the meeting with Donsanto ? An hour? We've just received his response to our request confirming that he is pleased to be of assistance, which means he has received the OK from his superiors. I also want to include him in any Working Group discussions, although he will not be named as a member of that group. He is a great resource because he is smart and organized, and has years of experience in this area as a career DOJ attorney. I find that he is not shy about identifying challenges and noting improvements that he thinks are needed.

I signed off on all 3 of your invoices. I understand that they are going through the rest of the process required to get your payments to you. You turned in your revised invoices for September and October work a little after Job, and there was a short hiatus while I figured out what to do for the September invoice (I multiplied the hours you claimed by the \$111 hourly rate cited in the contract). We also had to wait until our Chair was available to sign off on everything. (This has to happen before anything is submitted to GSA.) My estimate is that you should receive your payments no later than the end of next week (and maybe earlier).

I'll keep my eyes open for your receipts. I will fax the completed travel voucher form (aka request for reimbursement) to you. You will need to sign it and return it to me by mail (with the original signature). Then, I can put it in the pipeline for reimbursement.

Peggy Sims
Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

"Tova Wang" [REDACTED]



"Tova Wang"
[REDACTED]

12/02/2005 02:22 PM

To psims@eac.gov

cc

Subject 2 quick questions

Hi Peg,

Can you please inquire as to why I still have not been paid? Also, will you be able to schedule a meeting with Craig Donsanto for us for January 13? I will have my travel info for you within the next couple of days. My cab fares amounted to \$31 yesterday. Keep an eye out for the receipts in the mail. Do you need anything else? (I guess that makes it three questions)

Thanks. Have a good weekend. Tova

Tova Andrea Wang
Senior Program Officer and Democracy Fellow
The Century Foundation

012814

Margaret Sims /EAC/GOV
11/29/2006 01:51 PM

To Jeannie Layson/EAC/GOV@EAC
cc
bcc
Subject FOIA

Attached are emails back to 5/1/06 that are related to the voter fraud report . I'll send earlier ones separately. I tried to avoid including emails re: payment vouchers, travel arrangements, and travel reimbursements. --- Peggy

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM ---



"Job Serebrov"
[REDACTED]

05/11/2006 12:09 PM

To psims@eac.gov
cc

Subject Re: Court Case Charts

All. They are not duplicates. There are some cases repeated and some not. It is a slight variant of the word search.

--- psims@eac.gov wrote:

> Job
> In preparing the CDs, we have run across the
> following files that appear
> to be duplicates. Which ones should go on the CD?
> --- Peggy
>
>
>
>

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM ---

Margaret Sims /EAC/GOV
05/11/2006 02:36 PM

To "Job Serebrov"
[REDACTED]

cc

Subject Re: Court Case Charts

OK, I will include all on the CD. Thanks. --- Peggy

"Job Serebrov" [REDACTED]



"Job Serebrov"
[REDACTED]

05/11/2006 12:09 PM

To psims@eac.gov
cc

012815



Subject Re: Court Case Charts

All. They are not duplicates. There are some cases repeated and some not. It is a slight variant of the word search.

--- psims@eac.gov wrote:

- > Job
- > In preparing the CDs, we have run across the
- > following files that appear
- > to be duplicates. Which ones should go on the CD?
- > --- Peggy
- >
- >
- >
- >

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM -----



"Tova Wang"

05/11/2006 12:06 PM

To psims@eac.gov

cc dromig@eac.gov, "Tova Wang"

Subject list of interviewees

Tova Andrea Wang
 Democracy Fellow
The Century Foundation
 41 East 70th Street - New York, NY 10021
 phone: 212-452-7704 fax: 212-535-7534

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[Click here](#) to receive our weekly e-mail updates.



List of Experts Interviewed.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM -----

Margaret Sims /EAC/GOV

05/11/2006 10:06 AM

To Tova Andrea Wang, Job Serebrov

cc

Subject Today's Teleconference

I assume that we are still on for today's teleconference at 11 AM EST. I will call you. I have attached a draft agenda for your review and comment. --- Peggy



Agenda 5-18-06 Mtg-draft.doc

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM ---



"Job Serebrov"

05/12/2006 12:52 PM

To psims@eac.gov,

cc

Subject Re: Fraud Definition

This is ok, given the fact that the WG may have suggestions. Will you be sending us the same packets that you are sending the WG? Also, I figure with Tova's response we will need to have a teleconference on the report once I return to Little Rock. We will need to do it that following Monday or Tuesday.

--- psims@eac.gov wrote:

> Would you please take a look at the attached? I
> combined both of your
> definitions, reformatted the list, removed a
> reference to the fraud having
> to have an actual impact on the election results
> (because fraud can be
> prosecuted without proving that it actually changed
> the results of the
> election), and taken out a couple of vague examples
> (e.g.; reference to
> failing to enforce state laws --- because there may
> be legitimate reasons
> for not doing so).
>
> I have made contact with Ben Ginsberg's office and
> am waiting to hear if
> he accepts our invitation to join the working group.
> --- Peggy
>
>

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM ---



"Donsanto, Craig"
<Craig.Donsanto@usdoj.gov

To psims@eac.gov

>
05/04/2006 06:08 PM

cc

012817



Subject Re: Voting Fraud-Voter Intimidation

Peggy -- they don't have anything to do with the Leadership Conference on Civil Rights do they?

I ask only because the Justice Department is currently engaged in a very acrimoneous FOIA litigation with LCCR that focuses precisely on our efforts to combat voter "intimidationm"

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>
Sent: Thu May 04 17:20:39 2006
Subject: RE: Voting Fraud-Voter Intimidation

It is just the Working Group for the Voting Fraud-Voter Intimidation Project. I am asking you to attend as Technical Advisor for the project. --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/04/2006 03:26 PM

To

psims@eac.gov

cc

Subject

RE: Voting Fraud-Voter Intimidation

Peg - - what is the name of the group?

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Thursday, May 04, 2006 3:13 PM
To: Donsanto, Craig
Subject: RE: Voting Fraud-Voter Intimidation

Craig:

This meeting is being held to obtain input from our eight-member Working Group for the project. The group is composed of election lawyers, election

012318

officials, and a representative of an advocacy group, all of whom have an interest and some expertise in the identification and/or prosecution of voting fraud and voter intimidation. The group was chosen so that we would have an equal number of folks on each side of the political spectrum, plus some nonpartisan members.

After our consultants review the results of their preliminary research (interviews, literature review, case law), we will ask the Working Group to brainstorm possible next steps for EAC. Our consultants will write a report summarizing the proposals that come out of this meeting. The report will go to the Commissioners, who will decide what they want to do, funds available, and what priority to assigned to the effort(s).

Your participation in this part of the process is extremely important, so I am very happy that you can find time for us that afternoon. I'll get an agenda and other information to you next week. --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/04/2006 02:32 PM

To

psims@eac.gov

cc

Subject

RE: Voting Fraud-Voter Intimidation

Okay, Peg - - I will mark off the entire afternoon and try to be there. What is the agenda? I was not aware that this was anything beyond having your contractors spend another session with me. Also, if they will be needing stats and stuff like that I need to know as I will bring my state-people with me.

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Thursday, May 04, 2006 2:28 PM
To: Donsanto, Craig
Subject: Re: Voting Fraud-Voter Intimidation

Right now, we are planning to meet in EAC's large conference room between 1 PM

012819

and 5 PM. If you cannot be there for the whole afternoon, we will appreciate whatever time you can spare. I'll get back to you with more information (agenda, list of Working Group members, etc.). --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/03/2006 05:59 PM

To
cc
Subject

psims@eac.gov

Re: Voting Fraud-Voter Intimidation

Afternoon of May 18 -- 2:30 okay? How long will they need??

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>
Sent: Wed May 03 16:59:09 2006
Subject: Re: Voting Fraud-Voter Intimidation

I am looking at the afternoon of 5/18 for the meeting, due to scheduling conflicts of Working Group members. There remain two members from whom we have not yet received confirmations of their schedule (with some, it is like pulling teeth), but right now 5/18 still looks like the best day. We may have to hold the meeting over here to make it easier for Commissioners to drop in.
--- Peg

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/03/2006 12:53 PM

To
cc

psims@eac.gov

012820

Subject

Re: Voting Fraud-Voter Intimidation

Okay -- you are on for May 18th! Can we do it over here at 10?

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>
Sent: Wed May 03 12:40:19 2006
Subject: Re: Voting Fraud-Voter Intimidation

My problem is that agency staff is booked most of the week of 5/21. Monday through Wednesday are taken up with meetings of the Standards Board Executive Committee, the full Standards Board, and the Board of Advisors. Thursday, we have EAC's public meeting. Also, I will lose one of my two consultants in June, so I'm trying to wrap up this project (and get the final report from the consultants) by the end of May.

Say "Hi" to Cameron for me.

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/03/2006 11:56 AM

To

psims@eac.gov

cc

Subject

Re: Voting Fraud-Voter Intimidation

Hi Peg. I am sitting here with Cameron Quinn putting together this year's ballt conference for AUSAs. She send her best!

I am available on 5/18. But I am also going to the Board of Advisors Meeting the following week. I would rather do this then.

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>

012821

To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>
Sent: Wed May 03 11:39:50 2006
Subject: Voting Fraud-Voter Intimidation

Craig:

We are continuing our efforts to hone in on a date for the Working Group meeting. Are you available the afternoon of Thursday, May 18?

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM -----



"Tova Wang"

05/09/2006 11:45 AM

To psims@eac.gov

cc

Subject RE: Case Summaries

yes

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Tuesday, May 09, 2006 10:38 AM

To: [REDACTED]

Subject: Fw: Case Summaries

Had you seen this? --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 05/09/2006 11:38 AM -----

"Job Serebrov" [REDACTED]

05/08/2006 09:30 AM

To psims@eac.gov

cc

Subject Case Summaries

012822

Peggy:

Please add this to the packet.

Job

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM -----



"Job Serebrov"

05/12/2006 03:45 PM

To psims@eac.gov

cc

Subject Re: Good News

I'm thankful it all worked out.

--- psims@eac.gov wrote:

> Ginsberg has accepted our invitation! --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM -----

Margaret Sims/EAC/GOV

05/11/2006 02:35 PM

To Craig Donsanto

cc

Subject Voting Fraud-Voter Intimidation Working Group

Craig:

I think we have resolved the issue of Barbara Arnwine's absence from the upcoming meeting by having one of her staff represent her (and her organization). Please review the attached rough summary of DOJ Cases ASAP and let me know if I need to delete reference to the open investigations. Hopefully, we won't have to remove this information as it does not specify the defendants or States involved. --- Peg

Rough Summary of Department of Justice, Public Integrity Section Activities, October 2002-January 2006

Prosecutions and Convictions-- Individuals

Noncitizen voting: 20

Vote buying: 49

Double voting: 12

Registration fraud: 13

Civil Rights: 4

Voter Intimidation: 2

Unclear: 1

012823

Open Investigations (note: a few cases overlap with prosecutions and convictions)

Noncitizen voting: 3
Vote buying: 25
Double voting: 15
Registration fraud: 29
Absentee ballot fraud: 9
Official: 8
Ineligibles: 4
Deceptive Practices: 1
Civil Rights: 14
Intimidation: 6
Other: 2

Cases and Investigations Closed for Lack of Evidence

Civil Rights: 8
Official: 12
Registration Fraud: 12
Absentee Ballot Fraud: 14
Ineligible Voting: 3
Intimidation: 8
Double Voting: 5
Ballot Box Stuffing: 1
Vote Buying: 14
Ballot/machine tampering: 2
Other: 8
Unclear: 3

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM -----

Margaret Sims/EAC/GOV

05/03/2006 12:40 PM

To "Donsanto, Craig"
<Craig.Donsanto@usdoj.gov>@GSAEXTERNAL
cc

Subject Re: Voting Fraud-Voter Intimidation 

My problem is that agency staff is booked most of the week of 5/21. Monday through Wednesday are taken up with meetings of the Standards Board Executive Committee, the full Standards Board, and the Board of Advisors. Thursday, we have EAC's public meeting. Also, I will lose one of my two consultants in June, so I'm trying to wrap up this project (and get the final report from the consultants) by the end of May.

Say "Hi" to Cameron for me.

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

012824



"Donsanto, Craig"
 <Craig.Donsanto@usdoj.gov
 v>
 05/03/2006 11:56 AM

To psims@eac.gov
 cc
 Subject Re: Voting Fraud-Voter Intimidation

Hi Peg. I am sitting here with Cameron Quinn putting together this year's ballt conference for AUSAs. She send her best!

I am available on 5/18. But I am also going to the Board of Advisors Meeting the following week. I would rather do this then.

 Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

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 Sent: Wed May 03 11:39:50 2006
 Subject: Voting Fraud-Voter Intimidation

Craig:

We are continuing our efforts to hone in on a date for the Working Group meeting. Are you available the afternoon of Thursday, May 18?

Peggy Sims
 Election Research Specialist
 U.S. Election Assistance Commission

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM -----

Margaret Sims /EAC/GOV

05/11/2006 02:08 PM

To Job Serebrov
 cc [REDACTED]
 Subject Literature Summary

Tova just sent me the summary you prepared of The Federal Crime of Election Fraud by Craig Donsanto. There is something wrong in the fourth paragraph (odd characters and missing text). Can you please send a replacement fourth paragraph? You can send it in an email and I will place it in the document. ---
 Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM -----



"Tova Wang"
 [REDACTED]
 05/11/2006 05:32 PM

To psims@eac.gov
 cc
 Subject RE: new working group representative

I'm up for a short meeting afterward and a teleconference on Monday. And maybe when all of this is over, you and I can have dinner! Have I told you that I am moving down to DC this summer?

I suspect you have put up with much more than I have and I really appreciate everything you have done.

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Thursday, May 11, 2006 4:27 PM

To: [REDACTED]

Subject: RE: new working group representative

Tova:

I understood Job to say that he could only find a hotel room with the right bed in Roanoke (hours away). He will drive in Thursday morning for the meeting and return to that hotel Thursday night. He won't drive back into DC for a Friday morning meeting.

We don't have to do dinner. I recognize that you have spent a lot of time and energy to make this project work, and I don't want to put you out. (You have done a lot under difficult circumstances.) Though we will be bushed, we may want to have a short meeting right after the Working Group disperses --- or we could do a teleconference the following Monday afternoon (before I head into three more days of meetings). --- Peggy

"Tova Wang" [REDACTED]

05/11/2006 04:54 PM

To psims@eac.gov [REDACTED]

cc

Subject RE: new working group representative

It would not be my first preference to do this right after the meeting, and I sort of had tentative plans. They can be changed if necessary of course, but what happened to meeting on Friday morning?

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Thursday, May 11, 2006 3:47 PM

To: [REDACTED]

Subject: Re: new working group representative

Dinner sounds like a great idea. Do either of you have any dietary restrictions or preferences? (I

012826

seem to recall that Tova would prefer a place that has vegetarian options). I'll try to locate a nearby place that won't bust the budget. --- Peggy

012827



05/11/2006 01:30 PM

To psims@eac.gov, dromig@eac.gov
cc
Subject research summaries

I have the feeling we didn't include these in the original batch I sent you. Could you double check and if not, would you please include them in the existing research materials? Sorry and thanks. I'm kind of doing all of this on my own in case you couldn't tell. List is coming...

Tova Andrea Wang
Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

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Brennan Analysis Voter Fraud Report FINAL.doc Fed Crime Election Fraud (JS).doc
----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM -----

Margaret Sims /EAC/GOV
05/11/2006 01:56 PM

To "Tova Wang" [REDACTED]

cc

Subject Re: research summaries

Something is wrong in the fourth paragraph of the Federal Election Crime summary. Do you know what it is supposed to say there?

"Tova Wang" [REDACTED]



"Tova Wang" [REDACTED]

05/11/2006 01:30 PM

To psims@eac.gov, dromig@eac.gov
cc
Subject research summaries

I have the feeling we didn't include these in the original batch I sent you. Could you double check and if not, would you please include them in the existing research materials? Sorry and thanks. I'm kind of doing all of this on my own in case you couldn't tell. List is coming...

Tova Andrea Wang
Democracy Fellow

012828



Forwarded by Margaret Sims/EAC/GOV On 11/29/2006 01:49 PM ----
"Tova Wang"

[REDACTED]
05/11/2006 01:38 PM

To psims@eac.gov

cc dromig@eac.gov, [REDACTED]

Subject existing literature list

Job, please double check to make sure I haven't missed anything

Tova Andrea Wang
Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

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012829



Existing Literature Reviewed.doc

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM ---



"Tova Wang"

05/11/2006 04:54 PM

To psims@eac.gov, [redacted]

cc

Subject RE: new working group representative

It would not be my first preference to do this right after the meeting, and I sort of had tentative plans. They can be changed if necessary of course, but what happened to meeting on Friday morning?

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Sent: Thursday, May 11, 2006 3:47 PM

To: [redacted]

Subject: Re: new working group representative

Dinner sounds like a great idea. Do either of you have any dietary restrictions of preferences? (I seem to recall that Tova would prefer a place that has vegetarian options). I'll try to locate a nearby place that won't bust the budget. --- Peggy

"Job Serebrov" [redacted]

05/11/2006 04:39 PM

To psims@eac.gov

cc

Subject Re: new working group representative

On another note entirely, since traffic will be bad going to Roanoke, do you want to have a dinner meeting with Tova and me after the group meeting to discuss the final report? As long as we are out by 7or so I am ok with it. Also, my wife would have to be there as she will be meeting me after the WG.

--- psims@eac.gov wrote:

> According to the Commissioners, you and Tova each

012830

The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

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votebuyingsummary.doc Nexis Analysis.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM -----



"Tova Wang"

05/12/2006 12:45 PM

To psims@eac.gov, [REDACTED]

cc [REDACTED]

Subject RE: Fraud Definition

[REDACTED]

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Friday, May 12, 2006 9:20 AM

To: [REDACTED]

Subject: Fraud Definition

Would you please take a look at the attached? I combined both of your definitions, reformatted the list, removed a reference to the fraud having to have an actual impact on the election results (because fraud can be prosecuted without proving that it actually changed the results of the election), and taken out a couple of vague examples (e.g.; reference to failing to enforce state laws --- because there may be legitimate reasons for not doing so).

I have made contact with Ben Ginsberg's office and am waiting to hear if he accepts our invitation to join the working group. --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM -----



"Tova Wang"

05/10/2006 11:45 AM

To psims@eac.gov

cc [REDACTED]

Subject Material I may not have included

Peg,

Correct me if I'm wrong, but I think I omitted sending you these specific summaries that are based on complex cases that could not be adequately described within the confines of the nexis article excel spreadsheets. If we can, these should be included, probably on the disc. Sorry.

012831

>
> --- "Patrick J. Rogers" [REDACTED]
> wrote:
>
> > Subject: RE: Working Group meeting
> > Date: Tue, 9 May 2006 07:42:44 -0600
> > From: "Patrick J. Rogers" [REDACTED]
> > To: "Job Serebrov" [REDACTED]
> >
> > Job---maybe. I will call you and/or Ms. Sims
> > tomorrow. Depositions all
> > day today. Thanks, Pat
> >
> > What's the best number to call you tomorrow?
> >
> >
> > Patrick J. Rogers
> > Modrall, Sperling, Roehl, Harris & Sisk, P.A.
> > P.O. Box 2168
> > Albuquerque, NM 87103-2168
> > Tel: 505-848-1849
> > Fax: 505-848-1891
> >
> >
> > -----Original Message-----
> > From: Job Serebrov [mailto:[REDACTED]]
>
> > Sent: Monday, May 08, 2006 9:41 PM
> > To: Patrick J. Rogers
> > Subject: Working Group meeting
> >
> > Pat:
> >
> > The working group meeting for the voter fraud
> > project is scheduled for
> > May 18th in DC but David Norcross can't attend.
> > Could you come? If so,
> > we need to arrange travel and a hotel for you.
> >
> > Regards,
> >
> > Job
> >
>

> > Modrall, Sperling, Roehl, Harris & Sisk, P.A.
> >
>

> > THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE
> > INDIVIDUAL OR ENTITY TO
> > WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION
> > THAT IS PRIVILEGED,
> > CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER
> > APPLICABLE LAW. If the
> > reader of this message is not the intended
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> > or agent
> > responsible for delivering the message to the
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> > communication is strictly prohibited. If you have
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> > without copying it, and notify the sender by reply
> > e-mail or by calling
> > 505.848.1800, so that our address record can be
> > corrected. Thank you.

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>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM -----



"Tova Wang"

05/02/2006 04:42 PM

To dromig@eac.gov

cc psims@eac.gov

Subject: RE: Voting Fraud/Voter Intimidation Project Working Group

Barbara says that you have been working it out with her assistant Valerie, that they have spoken to you several times.

-----Original Message-----

From: dromig@eac.gov [mailto:dromig@eac.gov]

Sent: Tuesday, May 02, 2006 8:46 AM

To: [REDACTED]

Cc: psims@eac.gov

Subject: Voting Fraud/Voter Intimidation Project Working Group

Dear Tova,

I am working with Peggy Sims in order to set a date for the Voting Fraud/Voter Intimidation Project Working Group. I have been trying to reach Barbara Arnwine in order to find out which days in May she is potentially available to attend this meeting but all of my attempts have been unsuccessful.

I would appreciate any help that you could provide in this matter.

Sincerely,

Devon Romig
U.S. Election Assistance Commission
1225 New York Ave. NW - Suite #1100
Washington, D.C. 20005

012833

Tova Andrea Wang
Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

Visit our Web site, www.tcf.org, for the latest news, analysis, opinions, and events.

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Wisconsin FINAL.doc South Dakota FINAL.doc Washington FINAL.doc

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM ----



"Job Serebrov"
<serebrov@sbcglobal.net>
05/09/2006 11:24 AM

To psims@eac.gov
cc

Subject Re: Fwd: RE: Working Group meeting

I will hear from him tomorrow but that still does not solve all of my issues---see my longer e-mail.

--- psims@eac.gov wrote:

> I had a voice mail message from him on Monday. I
> called him back but had
> to leave a voice mail message (telephone tag). If
> you hear from him and
> he is willing and able to come, I need to know this.
> We need to have him
> call our travel service to make travel arrangements
> ASAP. Thanks. ---
> Peggy

>
>
>
> "Job Serebrov" <[REDACTED]>
> 05/09/2006 10:46 AM
>
> To
> psims@eac.gov
> cc
>
> Subject
> Fwd: RE: Working Group meeting

> FYI

012834

(202)566-2377

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM -----

Margaret Sims/EAC/GOV

05/04/2006 02:08 PM

To "Weinberg and Utrecht"
<weinutr@verizon.net>@GSAEXTERNAL

cc

Subject Re: Voting Fraud-Voter Intimidation

OK, thanks. I'll get back to you with more information. --- Peggy

"Weinberg and Utrecht" <weinutr@verizon.net>



"Weinberg and Utrecht "
<weinutr@verizon.net>

05/04/2006 01:34 PM

To psims@eac.gov

cc

Subject Re: Voting Fraud-Voter Intimidation

that would be fine

----- Original Message -----

From: psims@eac.gov

To: [REDACTED]

Sent: Thursday, May 04, 2006 1:08 PM

Subject: Voting Fraud-Voter Intimidation

Barry:

It appears that the afternoon of Thursday, May 18 is best for a meeting of the working group. I know you said you would not be available in the morning that day. If we started at 1 PM, would that be too soon for you?

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM -----



"Job Serebrov"

[REDACTED]
05/12/2006 02:33 PM

To psims@eac.gov

012835

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM -----



"Job Serebroy"

05/03/2006 01:46 PM

To psims@eac.gov

cc

Subject Re: Working Group Meeting

Monday afternnon I have a commission meeting.

--- psims@eac.gov wrote:

> Job and Tova:

>

> As of now, the afternoon of Thursday, May 18 appears

> to be the best

> possible date for the meeting. Norcross is not

> available to attend in

> person that day (he is available only 2 days during

012836

> the first three weeks
> of May). We won't have confirmation of the
> availability of Secretary
> Rokita until tomorrow --- but I am hopeful.
>
> I'll give you an update tomorrow. Maybe we can
> schedule a teleconference
> on Monday afternoon. --- Peggy

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM ---



"Tova Wang"

05/11/2006 01:33 PM

To psims@eac.gov, dromig@eac.gov

cc

Subject RE: research summaries

I did send you the Brennan piece, but not the other one.

-----Original Message-----

From: Tova Wang

Sent: Thursday, May 11, 2006 12:31 PM

To: psims@eac.gov; dromig@eac.gov

Subject: research summaries

I have the feeling we didn't include these in the original batch I sent you. Could you double check and if not, would you please include them in the existing research materials? Sorry and thanks. I'm kind of doing all of this on my own in case you couldn't tell. List is coming...

Tova Andrea Wang

Democracy Fellow

The Century Foundation

41 East 70th Street - New York, NY 10021

phone: 212-452-7704 fax: 212-535-7534

Visit our Web site, www.tcf.org, for the latest news, analysis, opinions, and events.

[Click here](#) to receive our weekly e-mail updates.

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM ---

Margaret Sims/EAC/GOV

05/02/2006 05:41 PM

To "Tova Wang"

cc

Subject RE: Voting Fraud/Voter Intimidation Project Working Group



I hope to have a better idea tomorrow, if Rokita's office responds. If not, we'd better have a teleconference to discuss our options. --- Peggy

012837

"Tova Wang" [REDACTED]



"Tova Wang"

05/02/2006 05:06 PM

To dromig@eac.gov

cc psims@eac.gov

Subject RE: Voting Fraud/Voter Intimidation Project Working Group

Can you please give me an idea where we are at with all this? I'd like to be able to figure out my schedule. Thanks -- and thanks for all your assistance on this. Tova

-----Original Message-----

From: dromig@eac.gov [mailto:dromig@eac.gov]

Sent: Tuesday, May 02, 2006 3:54 PM

To: [REDACTED]

Subject: RE: Voting Fraud/Voter Intimidation Project Working Group

Yes, I have spoken to her assistant several times but today has been the first time that I have ever spoken to her assistant. We did get the information that we needed. Thanks for your help!

Devon Romig
U.S. Election Assistance Commission
1225 New York Ave. NW - Suite #1100
Washington, D.C. 20005
(202)566-2377

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM ---



[REDACTED]
05/03/2006 02:25 PM

To psims@eac.gov [REDACTED]

cc dromig@eac.gov

Subject Re: Working Group Meeting

Sounds good. I'm available any time on Monday. Tova

----- Original Message -----

From: psims@eac.gov

To: [REDACTED]

Cc: dromig@eac.gov

Sent: Wednesday, May 03, 2006 1:44 PM

Subject: Working Group Meeting

Job and Tova:

012838

As of now, the afternoon of Thursday, May 18 appears to be the best possible date for the meeting. Norcross is not available to attend in person that day (he is available only 2 days during the first three weeks of May). We won't have confirmation of the availability of Secretary Rokita until tomorrow --- but I am hopeful.

I'll give you an update tomorrow. Maybe we can schedule a teleconference on Monday afternoon. ---
Peggy

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM ---



[REDACTED]
05/13/2006 10:54 AM

To psims@eac.gov
cc "Job Serebrov" [REDACTED]
Subject Fw: research summary

Job found it. I'm assuming its too late to include so as I said I'll just present it if thats OK. Thanks again Job. T

----- Original Message -----

From: "Job Serebrov" <serebrov@sbcglobal.net>

To: <wang@tcf.org>

Sent: Saturday, May 13, 2006 10:12 AM

Subject: Re: research summary

> T~

>

> Are you talking about this?

>

> J~

>

> --- [REDACTED] wrote:

>

>> In the middle of the night I got the feeling that
>> you may be right, that I did do a summary of the
>> existing literature review (that Job, you approved)
>> . I'll have to look for it on Monday (unless I go
>> into the office over the weekend, which is
>> possible). I may be hallucinating, but if not, I'll
>> just present it at the meeting rather than try to
>> get it to them ahead of time. Tova



Existing_research_thoughts.doc

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM ---



"Donsanto, Craig"

<Craig.Donsanto@usdoj.gov>

v>

05/11/2006 02:55 PM

To psims@eac.gov

cc

Subject RE: Voting Fraud-Voter Intimidation Working Group

Peggy --

012839

I have Cynthia Mitchell in here with me now.

She says that the figures you listed in your attachment are your analysis of our product, and that therefore we cannot re-evaluate them.

I do not see anything in these raw numbers that impacts adversely any privacy or privilege issues.

We can update the public list and send that to you, if you'd prefer. That would allow you to represent that the numbers are current up through now. But if you would prefer, you can use what you have as long as it is represented as complete only through January, 2006.

Let us know your desires - - -

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Thursday, May 11, 2006 2:35 PM
To: Donsanto, Craig
Subject: Voting Fraud-Voter Intimidation Working Group
Importance: High

Craig:

I think we have resolved the issue of Barbara Arnwine's absence from the upcoming meeting by having one of her staff represent her (and her organization). Please review the attached rough summary of DOJ Cases ASAP and let me know if I need to delete reference to the open investigations. Hopefully, we won't have to remove this information as it does not specify the defendants or States involved. --- Peg

Rough Summary of Department of Justice, Public Integrity Section Activities, October 2002-January 2006

Prosecutions and Convictions-- Individuals

Noncitizen voting: 20

Vote buying: 49

Double voting: 12

Registration fraud: 13

Civil Rights: 4

Voter Intimidation: 2

Unclear: 1

Open Investigations (note: a few cases overlap with prosecutions and convictions)

Noncitizen voting: 3

Vote buying: 25

Double voting: 15

Registration fraud: 29

Absentee ballot fraud: 9

Official: 8

012840

Ineligibles: 4
Deceptive Practices: 1
Civil Rights: 14
Intimidation: 6
Other: 2

Cases and Investigations Closed for Lack of Evidence

Civil Rights: 8
Official: 12
Registration Fraud: 12
Absentee Ballot Fraud: 14
Ineligible Voting: 3
Intimidation: 8
Double Voting: 5
Ballot Box Stuffing: 1
Vote Buying: 14
Ballot/machine tampering: 2
Other: 8
Unclear: 3

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM ---

Margaret Sims /EAC/GOV

05/11/2006 03:33 PM

To "Donsanto, Craig"

<Craig.Donsanto@usdoj.gov>@GSAEXTERNAL

cc

Subject RE: Voting Fraud-Voter Intimidation Working Group 

Craig:

I would love to have an updated list for our research files. For purposes of getting this information out to our participants, I will note that the consultants' summary is based upon information provided as of January 2006. Thanks.

Do you expect to be at your office tomorrow afternoon? I can walk over with the information packet we will have put together for the Working Group. --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>



"Donsanto, Craig"
<Craig.Donsanto@usdoj.gov>
v>

05/11/2006 02:55 PM

To psims@eac.gov

cc

Subject RE: Voting Fraud-Voter Intimidation Working Group

012841

Peggy --

I have Cynthia Mitchell in here with me now.

She says that the figures you listed in your attachment are your analysis of our product, and that therefore we cannot re-evaluate them.

I do not see anything in these raw numbers that impacts adversely any privacy or privilege issues.

We can update the public list and send that to you, if you'd prefer. That would allow you to represent that the numbers are current up through now. But if you would prefer, you can use what you have as long as it is represented as complete only through January, 2006.

Let us know your desires ---

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To: Donsanto, Craig
Subject: Voting Fraud-Voter Intimidation Working Group
Importance: High

Craig:

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Double voting: 12

Registration fraud: 13

Civil Rights: 4

Voter Intimidation: 2

Unclear: 1

Open Investigations (note: a few cases overlap with prosecutions and convictions)

Noncitizen voting: 3

Vote buying: 25

Double voting: 15

Registration fraud: 29

Absentee ballot fraud: 9

012842

Official: 8
Ineligibles: 4
Deceptive Practices: 1
Civil Rights: 14
Intimidation: 6
Other: 2

Cases and Investigations Closed for Lack of Evidence

Civil Rights: 8
Official: 12
Registration Fraud: 12
Absentee Ballot Fraud: 14
Ineligible Voting: 3
Intimidation: 8
Double Voting: 5
Ballot Box Stuffing: 1
Vote Buying: 14
Ballot/machine tampering: 2
Other: 8
Unclear: 3

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Tova Wang"

05/11/2006 01:10 PM

To psims@eac.gov

cc

Subject new working group representative

is Jon Greenbaum

Here's his info in full:

<http://www.lawyerscommittee.org/2005website/aboutus/staff/staffgreenbaum.html>

He is the Director of the Voting Rights Project for the Lawyers Committee for Civil Rights. He will be representing Barbara Arnwine, the Executive Director of the Lawyers Committee.

His contact and mailing info is:

jgreenbaum@lawyerscommittee.org
202-662-8315
1401 New York Avenue, NW
Suite 400
Washington, DC 20005

012843

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Job Serebrov"

05/10/2006 10:29 AM

To psims@eac.gov

cc

Subject Update

Peggy:

Pat just e-mailed me. He has something he can't move on the 18th. So I am now down one person and still no good hotel situation. Devon's suggestion is not workable.

Job

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Donsanto, Craig"

<Craig.Donsanto@usdoj.gov

v>

05/03/2006 12:53 PM

To psims@eac.gov

cc

Subject Re: Voting Fraud-Voter Intimidation

Okay -- you are on for May 18th! Can we do it over here at 10?

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

012844

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>
Sent: Wed May 03 12:40:19 2006
Subject: Re: Voting Fraud-Voter Intimidation

My problem is that agency staff is booked most of the week of 5/21. Monday through Wednesday are taken up with meetings of the Standards Board Executive Committee, the full Standards Board, and the Board of Advisors. Thursday, we have EAC's public meeting. Also, I will lose one of my two consultants in June, so I'm trying to wrap up this project (and get the final report from the consultants) by the end of May.

Say "Hi" to Cameron for me.

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/03/2006 11:56 AM

To

psims@eac.gov

cc

Subject

Re: Voting Fraud-Voter Intimidation

Hi Peg. I am sitting here with Cameron Quinn putting together this year's ballot conference for AUSAs. She send her best!

I am available on 5/18. But I am also going to the Board of Advisors Meeting the following week. I would rather do this then.

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>
Sent: Wed May 03 11:39:50 2006
Subject: Voting Fraud-Voter Intimidation

Craig:

We are continuing our efforts to hone in on a date for the Working Group meeting. Are you available the afternoon of Thursday, May 18?

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission

012845

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims /EAC/GOV

05/03/2006 04:59 PM

To "Donsanto, Craig"

<Craig.Donsanto@usdoj.gov>@GSAEXTERNAL

cc

Subject Re: Voting Fraud-Voter Intimidation

I am looking at the afternoon of 5/18 for the meeting, due to scheduling conflicts of Working Group members. There remain two members from whom we have not yet received confirmations of their schedule (with some, it is like pulling teeth), but right now 5/18 still looks like the best day. We may have to hold the meeting over here to make it easier for Commissioners to drop in. --- Peg

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>



"Donsanto, Craig"

<Craig.Donsanto@usdoj.gov>

v>

05/03/2006 12:53 PM

To psims@eac.gov

cc

Subject Re: Voting Fraud-Voter Intimidation

Okay -- you are on for May 18th! Can we do it over here at 10?

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>

To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>

Sent: Wed May 03 12:40:19 2006

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Say "Hi" to Cameron for me.

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

012846

05/03/2006 11:56 AM

To

psims@eac.gov

cc

Subject

Re: Voting Fraud-Voter Intimidation

Hi Peg. I am sitting here with Cameron Quinn putting together this year's ballt conference for AUSAs. She send her best!

I am available on 5/18. But I am also going to the Board of Advisors Meeting the following week. I would rather do this then.

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>

To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>

Sent: Wed May 03 11:39:50 2006

Subject: Voting Fraud-Voter Intimidation

Craig:

We are continuing our efforts to hone in on a date for the Working Group meeting. Are you available the afternoon of Thursday, May 18?

Peggy Sims

Election Research Specialist

U.S. Election Assistance Commission

012847

From: psims@eac.gov <psims@eac.gov>
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>
Sent: Wed May 03 16:59:09 2006
Subject: Re: Voting Fraud-Voter Intimidation

I am looking at the afternoon of 5/18 for the meeting, due to scheduling conflicts of Working Group members. There remain two members from whom we have not yet received confirmations of their schedule (with some, it is like pulling teeth), but right now 5/18 still looks like the best day. We may have to hold the meeting over here to make it easier for Commissioners to drop in.
--- Peg

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/03/2006 12:53 PM

To

psims@eac.gov

cc

Subject

Re: Voting Fraud-Voter Intimidation

Okay -- you are on for May 18th! Can we do it over here at 10?

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>
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Say "Hi" to Cameron for me.

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/03/2006 11:56 AM

To

012848

psims@eac.gov

cc

Subject

Re: Voting Fraud-Voter Intimidation

Hi Peg. I am sitting here with Cameron Quinn putting together this year's ballt conference for AUSAs. She send her best!

I am available on 5/18. But I am also going to the Board of Advisors Meeting the following week. I would rather do this then.

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>
Sent: Wed May 03 11:39:50 2006
Subject: Voting Fraud-Voter Intimidation

Craig:

We are continuing our efforts to hone in on a date for the Working Group meeting. Are you available the afternoon of Thursday, May 18?

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission

0012849

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Donsanto, Craig"
<Craig.Donsanto@usdoj.gov
v>

To psims@eac.gov

cc

05/03/2006 05:59 PM

Subject Re: Voting Fraud-Voter Intimidation

Afternoon of May 18 -- 2:30 okay? How long will they need??

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

012850

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Thursday, May 04, 2006 3:13 PM
To: Donsanto, Craig
Subject: RE: Voting Fraud-Voter Intimidation

Craig:

This meeting is being held to obtain input from our eight-member Working Group for the project. The group is composed of election lawyers, election officials, and a representative of an advocacy group, all of whom have an interest and some expertise in the identification and/or prosecution of voting fraud and voter intimidation. The group was chosen so that we would have an equal number of folks on each side of the political spectrum, plus some nonpartisan members.

After our consultants review the results of their preliminary research (interviews, literature review, case law), we will ask the Working Group to brainstorm possible next steps for EAC. Our consultants will write a report summarizing the proposals that come out of this meeting. The report will go to the Commissioners, who will decide what they want to do, funds available, and what priority to assigned to the effort(s).

Your participation in this part of the process is extremely important, so I am very happy that you can find time for us that afternoon. I'll get an agenda and other information to you next week. --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/04/2006 02:32 PM

Topsims@eac.gov
cc
SubjectRE: Voting Fraud-Voter Intimidation

012851

It is just the Working Group for the Voting Fraud-Voter Intimidation Project. I am asking you to attend as Technical Advisor for the project. --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>



"Donsanto, Craig"
<Craig.Donsanto@usdoj.gov>

05/04/2006 03:26 PM

To psims@eac.gov

cc

Subject RE: Voting Fraud-Voter Intimidation

Peg - - what is the name of the group?

012852

Okay, Peg -- I will mark off the entire afternoon and try to be there. What is the agenda? I was not aware that this was anything beyond having your contractors spend another session with me. Also, if they will be needing stats and stuff like that I need to know as I will bring my state-people with me.

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Thursday, May 04, 2006 2:28 PM
To: Donsanto, Craig
Subject: Re: Voting Fraud-Voter Intimidation

Right now, we are planning to meet in EAC's large conference room between 1 PM and 5 PM. If you cannot be there for the whole afternoon, we will appreciate whatever time you can spare. I'll get back to you with more information (agenda, list of Working Group members, etc.). --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/03/2006 05:59 PM

Topsims@eac.gov
cc
SubjectRe: Voting Fraud-Voter Intimidation

Afternoon of May 18 -- 2:30 okay? How long will they need??

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

012853

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--- Peg

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/03/2006 12:53 PM

To

psims@eac.gov

cc

Subject

Re: Voting Fraud-Voter Intimidation

Okay -- you are on for May 18th! Can we do it over here at 10?

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>
Sent: Wed May 03 12:40:19 2006
Subject: Re: Voting Fraud-Voter Intimidation

My problem is that agency staff is booked most of the week of 5/21. Monday through Wednesday are taken up with meetings of the Standards Board Executive Committee, the full Standards Board, and the Board of Advisors. Thursday, we have EAC's public meeting. Also, I will lose one of my two consultants in June, so I'm trying to wrap up this project (and get the final report from the consultants) by the end of May.

Say "Hi" to Cameron for me.

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

012854

>
> "Job Serebrov" [REDACTED]
> 05/11/2006 03:17 PM
>
> To
> psims@eac.gov
> cc
>
> Subject
> Re: Literature Summary
> (
>
>
>
>
>
>
>
>
>
> --- psims@eac.gov wrote:
>
> > Tova just sent me the summary you prepared of The
> > Federal Crime of
> > Election Fraud by Craig Donsanto. There is
> > something wrong in the fourth
> > paragraph (odd characters and missing text). Can
> > you please send a
> > replacement fourth paragraph? You can send it in
> > an email and I will
> > place it in the document. --- Peggy
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims /EAC/GOV
05/05/2006 01:59 PM

To "J. R. Perez" [REDACTED]
cc

Subject Re: Bio for Perez [REDACTED]

Thanks, J.R. Great to have you on board! We will get back to you shortly regarding travel arrangements. The meeting materials will be sent by Federal Express next week.

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

"J. R. Perez" [REDACTED]



"J. R. Perez" [REDACTED]

psims@eac.gov

012855



05/05/2006 01:23 PM

To
cc
Subject Bio for Perez

Hi Peggy, it was nice talking with you today and I would be glad to try and add to the discussion. I am attaching a brief bio and will await your instructions for the travel arrangements. I look forward to receiving the current information on panel issues.

J.R. Perez
Elections Administrator
Guadalupe County



bio 5_5_06.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Weinberg and Utrecht "

05/05/2006 12:27 PM

To psims@eac.gov
cc
Subject Re: Voting Fraud-Voter Intimidation

5201 Roosevelt St.
Bethesda, MD 20814

----- Original Message -----

From: psims@eac.gov

To

Sent: Friday, May 05, 2006 10:56 AM

Subject: Re: Voting Fraud-Voter Intimidation

Barry:

Would you please provide an address to which we can Federal Express materials before the meeting? ---
Peg

"Weinberg and Utrecht "

05/04/2006 01:34 PM

To psims@eac.gov
cc
Subject Re: Voting Fraud-Voter Intimidation

012856

that would be fine

----- Original Message -----

From: psims@eac.gov

To: [REDACTED]

Sent: Thursday, May 04, 2006 1:08 PM

Subject: Voting Fraud-Voter Intimidation

Barry:

It appears that the afternoon of Thursday, May 18 is best for a meeting of the working group. I know you said you would not be available in the morning that day. If we started at 1 PM, would that be too soon for you?

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Job Serebrov"

[REDACTED]
05/12/2006 02:52 PM

To psims@eac.gov

cc

Subject Re: Working Group List

List a vacancy---to be filled. If we don't hear from Ginsberg by late afternoon please call Braden.

Job

--- psims@eac.gov wrote:

> Job:

>

> What do you suggest I do with the list of Working
> Group members. I need
> to get the Fed Ex packages out by the end of the
> day, and have not heard
> back from Ginsberg. Do you want me to list a

012857

> vacancy, or list Norcross
> with a note that he cannot attend? If we find a
> substitute, we can always
> provide an updated list next Thursday. --- Peggy

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM ---



[REDACTED]
05/13/2006 09:10 AM

To psims@eac.gov
cc "Job Serebrov" [REDACTED]
Subject research summary

In the middle of the night I got the feeling that you may be right, that I did do a summary of the existing literature review (that Job, you approved) . I'll have to look for it on Monday (unless I go into the office over the weekend, which is possible). I may be hallucinating, but if not, I'll just present it at the meeting rather than try to get it to them ahead of time. Tova

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM ---

012858

> serebrov@sbcglobal.net
> Subject
> Re: new working group representative

> I have an objection to Greenbaum. While I realize he
> comes from an advocacy group, he is not a minority
> attorney and we already have a rep who worked with
> DOJ. If it is to be Greenbaum, I would rather not
> fill
> that position since I am one down.

> --- Tova Wang [REDACTED] wrote:

> > is Jon Greenbaum
> >
> > Here' s his info in full:

> <http://www.lawyerscommittee.org/2005website/aboutus/staff/staffgreenbaum.htm>

> > 1

> > He is the Director of the Voting Rights Project
> > for
> > the Lawyers Committee
> > for Civil Rights. He will be representing Barbara
> > Arnwine, the Executive
> > Director of the Lawyers Committee.

> > His contact and mailing info is:

> > jgreenbaum@lawyerscommittee.org
> > 202-662-8315
> > 1401 New York Avenue, NW
> > Suite 400
> > Washington, DC 20005

> > Tova Andrea Wang
> > Democracy Fellow

> > The Century Foundation
> > 41 East 70th Street - New York, NY 10021
> > phone: 212-452-7704 fax: 212-535-7534
> >
> > Visit our Web site, <<http://www.tcf.org/>>
> > www.tcf.org, for the latest news,
> > analysis, opinions, and events.
> >
> > _____
> >
> > <<mailto:join-tcfmain@mailhost.groundspring.org>>
> > Click here to receive our
> > weekly e-mail updates.
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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Donsanto, Craig"
<Craig.Donsanto@usdoj.gov>
v>
05/11/2006 02:39 PM

To psims@eac.gov, "Mitchell, Cynthia"
<Cynthia.Mitchell@usdoj.gov>
cc "Simmons, Nancy" <Nancy.Simmons@usdoj.gov>
Subject RE: Voting Fraud-Voter Intimidation Working Group

Cindy --

Can you please check the accuracy of these figures -- which you recall we gave to the EAC a month or so ago -- to ensure that they are up-to-date?

I believe we have had several public events that have taken place since we gave them the Public Fraud List a few weeks ago.

From: psims@eac.gov [<mailto:psims@eac.gov>]
Sent: Thursday, May 11, 2006 2:35 PM
To: Donsanto, Craig
Subject: Voting Fraud-Voter Intimidation Working Group
Importance: High

Craig:

I think we have resolved the issue of Barbara Arnwine's absence from the upcoming meeting by having one of her staff represent her (and her organization). Please review the attached rough summary of DOJ

012860

Cases ASAP and let me know if I need to delete reference to the open investigations. Hopefully, we won't have to remove this information as it does not specify the defendants or States involved. --- Peg

Rough Summary of Department of Justice, Public Integrity Section Activities, October 2002-January 2006

Prosecutions and Convictions-- Individuals

Noncitizen voting: 20
Vote buying: 49
Double voting: 12
Registration fraud: 13
Civil Rights: 4
Voter Intimidation: 2
Unclear: 1

Open Investigations (note: a few cases overlap with prosecutions and convictions)

Noncitizen voting: 3
Vote buying: 25
Double voting: 15
Registration fraud: 29
Absentee ballot fraud: 9
Official: 8
Ineligibles: 4
Deceptive Practices: 1
Civil Rights: 14
Intimidation: 6
Other: 2

Cases and Investigations Closed for Lack of Evidence

Civil Rights: 8
Official: 12
Registration Fraud: 12
Absentee Ballot Fraud: 14
Ineligible Voting: 3
Intimidation: 8
Double Voting: 5
Ballot Box Stuffing: 1
Vote Buying: 14
Ballot/machine tampering: 2
Other: 8
Unclear: 3

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM ---



"Job Serebrov"

012861



[REDACTED]
05/09/2006 10:46 AM

To psims@eac.gov
cc
Subject Fwd: RE: Working Group meeting

FYI

--- "Patrick J. Rogers" [REDACTED] wrote:

> Subject: RE: Working Group meeting
> Date: Tue, 9 May 2006 07:42:44 -0600
> From: "Patrick J. Rogers" [REDACTED]
> To: "Job Serebrov" [REDACTED]
>
> Job---maybe. I will call you and/or Ms. Sims
> tomorrow. Depositions all
> day today. Thanks, Pat
>
> What's the best number to call you tomorrow?
>
>
> Patrick J. Rogers
> Modrall, Sperling, Roehl, Harris & Sisk, P.A.
> P.O. Box 2168
> Albuquerque, NM 87103-2168
> Tel: [REDACTED]
> Fax: [REDACTED]
>
>
>

> -----Original Message-----
> From: Job Serebrov [mailto:serebrov@sbcglobal.net]
> Sent: Monday, May 08, 2006 9:41 PM
> To: Patrick J. Rogers
> Subject: Working Group meeting
>
> Pat:
>
> The working group meeting for the voter fraud
> project is scheduled for
> May 18th in DC but David Norcross can't attend.
> Could you come? If so,
> we need to arrange travel and a hotel for you.
>
> Regards,
>
> Job
>

> Modrall, Sperling, Roehl, Harris & Sisk, P.A.
>

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> INDIVIDUAL OR ENTITY TO
> WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION
> THAT IS PRIVILEGED,
> CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER

012862

> APPLICABLE LAW. If the
> reader of this message is not the intended recipient
> or agent
> responsible for delivering the message to the
> intended recipient, you
> are hereby notified that any dissemination or
> copying of this
> communication is strictly prohibited. If you have
> received this
> electronic transmission in error, please delete it
> from your system
> without copying it, and notify the sender by reply
> e-mail or by calling
> 505.848.1800, so that our address record can be
> corrected. Thank you.
>
>
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims /EAC/GOV

05/09/2006 11:16 AM

To "Job Serebrov"

cc [REDACTED]

Subject Re: Fwd: RE: Working Group meeting

I had a voice mail message from him on Monday. I called him back but had to leave a voice mail message (telephone tag). If you hear from him and he is willing and able to come, I need to know this. We need to have him call our travel service to make travel arrangements ASAP. Thanks. --- Peggy

"Job Serebrov" [REDACTED]



"Job Serebrov"

[REDACTED]
05/09/2006 10:46 AM

To psims@eac.gov

cc

Subject Fwd: RE: Working Group meeting

FYI

--- "Patrick J. Rogers" [REDACTED] wrote:

> Subject: RE: Working Group meeting
> Date: Tue, 9 May 2006 07:42:44 -0600
> From: "Patrick J. Rogers" [REDACTED]
> To: "Job Serebrov" [REDACTED]
>
> Job---maybe. I will call you and/or Ms. Sims
> tomorrow. Depositions all
> day today. Thanks, Pat

012863

>
> What's the best number to call you tomorrow?

>
> Patrick J. Rogers
> Modrall, Sperling, Roehl, Harris & Sisk, P.A.
> P.O. Box 2168
> Albuquerque, NM 87103-2168

> [REDACTED]
>
>
> -----Original Message-----
> From: Job Serebrov [mailto:serebrov@sbcglobal.net]
> Sent: Monday, May 08, 2006 9:41 PM
> To: Patrick J. Rogers
> Subject: Working Group meeting

> Pat:
>
> The working group meeting for the voter fraud
> project is scheduled for
> May 18th in DC but David Norcross can't attend.
> Could you come? If so,
> we need to arrange travel and a hotel for you.

> Regards,

> Job:
>

> Modrall, Sperling, Roehl, Harris & Sisk, P.A.
>

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> received this
> electronic transmission in error, please delete it
> from your system
> without copying it, and notify the sender by reply
> e-mail or by calling
> 505.848.1800, so that our address record can be
> corrected. Thank you.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims/EAC/GOV

05/09/2006 11:38 AM

To Tova Andrea Wang

cc

Subject Fw: Case Summaries

Had you seen this? --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 05/09/2006 11:38 AM -----



"Job Serebrov"

05/08/2006 09:30 AM

To psims@eac.gov

cc

Subject Case Summaries

Peggy:

Please add this to the packet.

012865



Job Case Summaries.doc

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM ---

Margaret Sims /EAC/GOV

05/12/2006 03:22 PM

To Job Serebrov, Tova Andrea Wang

cc

Subject Good News

Ginsberg has accepted our invitation! --- Peggy

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM ---



"Job Serebrov"

05/11/2006 10:16 AM

To psims@eac.gov

cc

Subject Re: Today's Teleconference

The teleconference is on. However, I am still one person down for the meeting and I am not comfortable. This will have to be discussed since from the start it was agreed that the WG would be equal and if I lost a person Tova would have to loose one. Further and most importantly, I don't yet have a hotel so my attendance is still up in the air. Finally, the agenda is not what we discussed and gives far too much time for areas that can be covered in a short time. Not listed are all of the questions that Tova's proposed agenda had. All in all, it needs to be redone.

--- psims@eac.gov wrote:

- > I assume that we are still on for today's
- > teleconference at 11 AM EST. I
- > will call you. I have attached a draft agenda for
- > your review and
- > comment. --- Peggy
- >
- >

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM ---



"Tova Wang"

05/08/2006 10:18 AM

To psims@eac.gov

cc

Subject RE: Working Group

I am more than happy to attend in person

-----Original Message-----

From: Job Serebrov [mailto: [REDACTED]]
Sent: Monday, May 08, 2006 9:15 AM
To: psims@eac.gov; [REDACTED]
Subject: Re: Working Group

Peggy:

4:00 eastern on Tuesday is fine however, given the financial restrictions that you indicated would be in place for use of my car (I would actually loose money coming to DC) and given the cost of hotels at this time (I can't afford to front these costs and wait for months to be repaid), etc, it would take a miracle for this working group meeting to take place in person. It is looking like the only way it will get done is by teleconference. I also share Tova's concern about the unknown nature of Mr. Perez.

Job

--- psims@eac.gov wrote:

> Hi, Folks:
>
> Teleconference
> Are both of you available for a teleconference next
> Tuesday afternoon at
> about 4 PM EST? If this does not work for you,
> please suggest another
> date and/or time. I would like to discuss our
> preparations for the
> Working Group meeting.
>
> Working Group Members
> We have a very good person to fill the slot for the nonpartisan local
> election official: J.R. Perez, Elections
> Administrator for Guadalupe
> County, TX. Attached is his bio. Hope you have no
> objections to him. He
> is available on May 18. I have place 2 calls to Pat
> Rogers office, but
> have not yet received a reply. Job, if you have any
> pull with him, you
> may want to contact him, too.
>
> Travel Arrangements
> You should make your own travel arrangements,
> including hotel. Travel
> time cannot be billed to the contract, except for
> hours actually worked on
> the contract (i.e.; reviewing materials in
> preparation for the meeting,
> and the like). Current Federal rates follow:
>

012867

> Maximum Lodging = \$180 per day- does not include
> hotel taxes (if you
> cannot get this rate, we have covered reasonable
> rates that are a little
> higher)
> Meals & Incidentals = \$64 per day (except that it is
> \$48 on the first and
> last day of travel)
> Mileage for Personally Owned Vehicle = \$.445 per
> mile
>
> Under the new contract, I do not have to fill out a
> travel authorization
> for you. I can approve your trip via email.
> Afterwards, when you turn in
> your next pay voucher, you can attach the airline
> receipt (or mileage
> documentation), hotel receipt(s), and ground
> transportation receipts and a
> copy of any printed itineraries. Calculate the
> total travel expenses due
> you, including applicable per diem. I do not need
> meal receipts.
>
> Job, under Federal travel regulations, deviations
> for personal reasons are
> not normally accommodated. What you can do,
> however, is to give me a
> comparison of the cost of roundtrip mileage, hotel,
> and per diem of doing
> it your way against the cost of a roundtrip flight,
> ground transportation,
> hotel, and per diem. If your way costs less, it
> should be no problem to
> cover the full cost. If your way is more expensive,
> we may only pay up to
> the amount of traditional travel. (The same rules
> apply to me when I
> travel.) If you can tell me where, other than DC,
> you will spend the
> night, I can check on applicable per diem rates.
>
> Peggy
>
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Tova Wang"

05/09/2006 05:28 PM

To psims@eac.gov

cc

Subject arwine

012868

She definitely cannot do it. Would you please find out if Wade Henderson would be possible? Now its my turn to be upset!!! Thanks.

Tova Andrea Wang
Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

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--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM ---

Margaret Sims /EAC/GOV

05/12/2006 02:46 PM

To Job Serebrov

cc

Subject Working Group List

Job:

What do you suggest I do with the list of Working Group members. I need to get the Fed Ex packages out by the end of the day, and have not heard back from Ginsberg. Do you want me to list a vacancy, or list Norcross with a note that he cannot attend? If we find a substitute, we can always provide an updated list next Thursday. --- Peggy

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM ---



"Tova Wang"

05/11/2006 04:25 PM

To psims@eac.gov

cc

Subject RE: Material I may not have included

news article review

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Thursday, May 11, 2006 3:23 PM

To: wang@tcf.org

Subject: Re: Material I may not have included

Would these go under literature review or news article review? --- Peggy

"Tova Wang"

012869

05/10/2006 11:45 AM

To psims@eac.gov

cc [REDACTED], dromig@eac.gov

Subject Material I may not have included

Peg,

Correct me if I'm wrong, but I think I omitted sending you these specific summaries that are based on complex cases that could not be adequately described within the confines of the nexis article excel spreadsheets. If we can, these should be included, probably on the disc. Sorry.

Tova Andrea Wang
Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims /EAC/GOV

05/11/2006 11:45 AM

To Job Serebrov

cc

Subject Court Case Charts

Job

In preparing the CDs, we have run across the following files that appear to be duplicates. Which ones should go on the CD? --- Peggy



Chart Election Accessible.doc



Chart Vote Inaccessible.doc



Chart Denial Voter Registrat.doc



Chart Denial Voter Registrat2.doc



Chart Provisional Ballot Den.doc



Chart Provisional Ballot Den2.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Job Serebrov"



To psims@eac.gov

012870

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Tova Wang"

[REDACTED]
05/11/2006 01:59 PM

To psims@eac.gov

cc

Subject RE: research summaries

Job did this one

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Thursday, May 11, 2006 12:56 PM

To: [REDACTED]

Subject: Re: research summaries

Something is wrong in the fourth paragraph of the Federal Election Crime summary. Do you know

012871

what it is supposed to say there?

"Tova Wang" [REDACTED]

05/11/2006 01:30 PM

To psims@eac.gov, dromig@eac.gov
cc
Subject research summaries

I have the feeling we didn't include these in the original batch I sent you. Could you double check and if not, would you please include them in the existing research materials? Sorry and thanks. I'm kind of doing all of this on my own in case you couldn't tell. List is coming...

Tova Andrea Wang
Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims/EAC/GOV

05/11/2006 11:16 AM

To Job Serebrov, Tova Andrea Wang

cc

Subject Rev Agenda for Working Group Meeting



Agenda 5-18-06 Mtg.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims/EAC/GOV

05/09/2006 02:48 PM

To Adam Ambrogi/EAC/GOV

cc

Subject Fw: Working Group-Perez

012872

> > >
> > >
> > > Tova Andrea Wang
> > > Democracy Fellow
> > > The Century Foundation
> > > 41 East 70th Street - New York, NY 10021
> > > phone: 212-452-7704 fax: 212-535-7534
> > >
> > > Visit our Web site, <<http://www.tcf.org/>>
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> > >
> > > _____
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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims/EAC/GOV
05/11/2006 03:54 PM

To "Job Serebrov"
cc [REDACTED]
Subject Re: Literature Summary 

When I opened the attachment, I still had problems with the 4th paragraph. Would you please just send me that paragraph within the text of your email so that I can paste it into the document? --- Peggy

"Job Serebrov" [REDACTED]



"Job Serebrov"
[REDACTED]
05/11/2006 03:49 PM

To psims@eac.gov
cc
Subject Re: Literature Summary

I resent the review as you see at the bottom. When I opened it and sent it there was no corrupted text.

--- psims@eac.gov wrote:

> Do you have text to replace the corrupted text in
> paragraph 4? --- Peggy
>
>
>
> "Job Serebrov" [REDACTED]
> 05/11/2006 03:17 PM
>
> To
> psims@eac.gov
> cc

012874

>
> Subject
> Re: Literature Summary
>
>
>
>
>
>
>
>
> --- psims@eac.gov wrote:
>
> > Tova just sent me the summary you prepared of The
> > Federal Crime of
> > Election Fraud by Craig Donsanto. There is
> > something wrong in the fourth
> > paragraph (odd characters and missing text). Can
> > you please send a
> > replacement fourth paragraph? You can send it in
> > an email and I will
> > place it in the document. --- Peggy
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims/EAC/GOV

05/05/2006 12:53 PM

To "Donsanto, Craig"

<Craig.Donsanto@usdoj.gov>@GSAEXTERNAL

cc

Subject RE: Please remind me of time and place for Voter
Intimidation project meeting

The meeting is scheduled for Thursday, May 18, 1- 5:30 PM (though we may finish earlier). It will be held in EAC's large conference room (the one we use for public meetings, located off our lobby). --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>



"Donsanto, Craig"

<Craig.Donsanto@usdoj.gov>

v>

05/05/2006 12:43 PM

To psims@eac.gov

cc

Subject RE: Please remind me of time and place for Voter
Intimidation project meeting

If you tell me now I will put it into my calendar here, which in turn will remind me!

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Friday, May 05, 2006 12:42 PM

012875

To: Donsanto, Craig

Subject: Re: Please remind me of time and place for Voter Intimidation project meeting

How many days in advance do you need the reminder? --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims /EAC/GOV

05/09/2006 02:51 PM

To "Tova Wang" <wang@tcf.org>@GSAEXTERNAL

cc Adam Ambrogi/EAC/GOV@EAC

Subject RE: Working Group-Perez 

We are still on for 4 PM. Ray is out of the office due to a family emergency, so I suggest you NOT contact him. You may contact his Special Assistant, Adam Ambrogi (aambrogi@eac.gov or 202-566-3105), who also hails from Texas. --- Peggy

"Tova Wang" < >

012876

"Job Serebrov" [REDACTED]

05/08/2006 11:30 PM

To psims@eac.gov

cc

Subject Re: Working Group

Peggy:

What political party is Perez with? How political is he? Is the position in Texas neutral or political? Who appointed Perez?

As to Pat I will contact him but I can't promise anything. If Pat can't come, who is getting knocked off Tova's list?

Job

012877

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims /EAC/GOV

05/12/2006 10:10 AM

To

cc

Subject Voting Fraud-Voter Intimidation Working Group

Dear Mr. Ginsberg:

This is to confirm my call to your office this morning inviting you to be a member of and attend the upcoming meeting of the U.S. Election Assistance Commission's (EAC) Working Group on Voting Fraud-Voter Intimidation. The meeting is scheduled to take place from 1:00 PM to 5:30 PM on Thursday, May 18th, 2006 at the offices of the U.S. Election Assistance Commission (EAC), 1225 New York Avenue, NW, 11th Floor, Washington, DC.

Section 241 of the Help America Vote Act of 2002 (HAVA) requires EAC to conduct research on election administration issues. Among the tasks listed in the statute are the development of:

- nationwide statistics and methods of identifying, deterring, and investigating voting fraud in elections for Federal office [section 241(b)(6)]; and
- methods of identifying, deterring, and investigating methods of voter intimidation [section 241(b)(7)].

EAC's Board of Advisors recommended that the agency make research on these matters a high priority. Subsequently, the Commission contracted with two consultants (Job Serebrov and Tova Wang) to:

- develop a comprehensive description of what constitutes voting fraud and voter intimidation in the context of Federal elections;
- perform background research (including Federal and State administrative and case law review), identify current activities of key government agencies, civic and advocacy organizations regarding these topics, and deliver a summary of this research and all source documentation;
- establish a project working group, in consultation with EAC, composed of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation;
- provide the description of what constitutes voting fraud and voter intimidation, and the results of the preliminary research to the working group, and convene the working group to discuss potential avenues for future EAC research on this topic; and
- produce a report to EAC summarizing the findings of the preliminary research effort and working group deliberations that includes recommendations for future research, if any;

We strive to include bipartisan representation on the Working Group associated with this project. You were recommended for this project by our Republican consultant, Job Serebrov. Your ideas for possible EAC activities related to this topic will help the agency as it plans future actions to meet its HAVA responsibilities.

If you can find the time in your busy schedule to participate, I will have an information packet delivered to your office by COB, Monday, May 15. Please let me know if you are available. Thank you.

Regards,

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005

012878

Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)

Fax: 202-566-3127

email: psims@eac.gov

— Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM —

Margaret Sims /EAC/GOV

05/10/2006 09:25 AM

To "Tova Wang" [REDACTED]

cc

Subject Re: arnwine [REDACTED]

I'm checking on this. Will get back to you as soon as I have more info. --- Peggy

"Tova Wang" [REDACTED]



"Tova Wang"

[REDACTED]
05/09/2006 05:28 PM

To psims@eac.gov

cc

Subject arnwine

She definitely cannot do it. Would you please find out if Wade Henderson would be possible? Now its my turn to be upset!!! Thanks.

Tova Andrea Wang

Democracy Fellow

The Century Foundation

41 East 70th Street - New York, NY 10021

phone: 212-452-7704 fax: 212-535-7534

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[Click here](#) to receive our weekly e-mail updates.

— Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM —

Margaret Sims /EAC/GOV

05/09/2006 11:44 AM

To "Job Serebrov"

cc [REDACTED]

Subject Re: Working Group-Perez [REDACTED]

OK, I get it. The text in the attachment follows:

012879

EXCERPTS FROM TEXAS ELECTION CODE

SUBCHAPTER B. COUNTY ELECTIONS ADMINISTRATOR

§ 31.032. APPOINTMENT OF ADMINISTRATOR; COUNTY ELECTION COMMISSION.

(a) The position of county elections administrator is filled by appointment of the county election commission, which consists of:

- (1) the county judge, as chair;
- (2) the county clerk, as vice chair;
- (3) the county tax assessor-collector, as secretary; and
- (4) the county chair of each political party that made nominations

by primary election for the last general election for state and county officers preceding the date of the meeting at which the appointment is made.

(b) The affirmative vote of a majority of the commission's membership is necessary for the appointment of an administrator.

(c) Each appointment must be evidenced by a written resolution or order signed by the number of commission members necessary to make the appointment. Not later than the third day after the date an administrator is appointed, the officer who presided at the meeting shall file a signed copy of the resolution or order with the county clerk. Not later than the third day after the date the copy is filed, the county clerk shall deliver a certified copy of the resolution or order to the secretary of state.

(d) The initial appointment may be made at any time after the adoption of the order creating the position.

§ 31.035. RESTRICTIONS ON POLITICAL ACTIVITIES.

(a) A county elections administrator may not be a candidate for a public office or an office of a political party, hold a public office, or hold an office of or position in a political party. At the time an administrator becomes a candidate or accepts an office or position in violation of this subsection, the administrator vacates the position of administrator.

(b) A county elections administrator commits an offense if the administrator makes a political contribution or political expenditure, as defined by the law regulating political funds and campaigns, or publicly supports or opposes a candidate for public office or a measure to be voted on at an election. An offense under this subsection is a Class A misdemeanor. On a final conviction, the administrator's employment is terminated, and the person convicted is ineligible for future appointment as county elections administrator.

> >
> >
> >
>
>
>
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims /EAC/GOV

05/11/2006 03:46 PM

To "Job Serebrov"

[REDACTED]

cc

Subject Re: Literature Summary 

Do you have text to replace the corrupted text in paragraph 4? --- Peggy

"Job Serebrov" [REDACTED]



"Job Serebrov"

[REDACTED]
05/11/2006 03:17 PM

To psims@eac.gov

cc

Subject Re: Literature Summary

--- psims@eac.gov wrote:

> Tova just sent me the summary you prepared of The
> Federal Crime of
> Election Fraud by Craig Donsanto. There is
> something wrong in the fourth
> paragraph (odd characters and missing text). Can
> you please send a
> replacement fourth paragraph? You can send it in
> an email and I will



> place it in the document. --- Peggy Fed Crime Election Fraud.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims /EAC/GOV

05/05/2006 09:15 AM

To "Donsanto, Craig"

<Craig.Donsanto@usdoj.gov>@GSAEXTERNAL

cc

012881

Subject Re: Voting Fraud-Voter Intimidation

The non-election officials on the Working Group currently include:

- Barry Weinberg, whom you know
- Barbara Arnwine, Lawyers Committee for Civil Rights Under Law (organization associated with the Voting Rights Project and Election Protection)
- Bob Bauer, Perkins Coie, DC (Democrat attorney)
- Mark "Thor" Hearne, Lathrop & Gage, St Louis, MO (Republican attorney)

I am trying to recruit one other Republican attorney, Patrick Rogers, Modrall, Sperling, Roehl, Harris and Sisk, NM, who was recommended by our Republican consultant. He would replace an original member who is no longer available.

I know that Barbara has associated at conferences and in legislative efforts with Wade Henderson, Leadership Conference on Civil Rights. Also, the Lawyers Committee for Civil Rights is listed as one of many members of the Executive Committee for the Leadership Conference on Civil Rights (see http://www.civilrights.org/about/lccr/executive_committee.html).

Does this information help? --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>



"Donsanto, Craig"
<Craig.Donsanto@usdoj.gov>
>

To psims@eac.gov

cc

05/04/2006 06:08 PM

Subject Re: Voting Fraud-Voter Intimidation

Peggy -- they don't have anything to do with the Leadership Conference on Civil Rights do they?

I ask only because the Justice Department is currently engaged in a very acrimonious FOIA litigation with LCCR that focuses precisely on our efforts to combat voter "intimidation"

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>
Sent: Thu May 04 17:20:39 2006
Subject: RE: Voting Fraud-Voter Intimidation

It is just the Working Group for the Voting Fraud-Voter Intimidation Project. I am asking you to attend as Technical Advisor for the project. --- Peggy

012882

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/04/2006 03:26 PM

To

psims@eac.gov

cc

Subject

RE: Voting Fraud-Voter Intimidation

Peg - - what is the name of the group?

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Thursday, May 04, 2006 3:13 PM
To: Donsanto, Craig
Subject: RE: Voting Fraud-Voter Intimidation

Craig:

This meeting is being held to obtain input from our eight-member Working Group for the project. The group is composed of election lawyers, election officials, and a representative of an advocacy group, all of whom have an interest and some expertise in the identification and/or prosecution of voting fraud and voter intimidation. The group was chosen so that we would have an equal number of folks on each side of the political spectrum, plus some nonpartisan members.

After our consultants review the results of their preliminary research (interviews, literature review, case law), we will ask the Working Group to brainstorm possible next steps for EAC. Our consultants will write a report summarizing the proposals that come out of this meeting. The report will go to the Commissioners, who will decide what they want to do, funds available, and what priority to assigned to the effort(s).

Your participation in this part of the process is extremely important, so I am very happy that you can find time for us that afternoon. I'll get an agenda and other information to you next week. --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/04/2006 02:32 PM

To

psims@eac.gov

cc

012883

Subject

RE: Voting Fraud-Voter Intimidation

Okay, Peg - - I will mark off the entire afternoon and try to be there. What is the agenda? I was not aware that this was anything beyond having your contractors spend another session with me. Also, if they will be needing stats and stuff like that I need to know as I will bring my state-people with me.

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Thursday, May 04, 2006 2:28 PM
To: Donsanto, Craig
Subject: Re: Voting Fraud-Voter Intimidation

Right now, we are planning to meet in EAC's large conference room between 1 PM and 5 PM. If you cannot be there for the whole afternoon, we will appreciate whatever time you can spare. I'll get back to you with more information (agenda, list of Working Group members, etc.). --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/03/2006 05:59 PM

To

psims@eac.gov

cc

Subject

Re: Voting Fraud-Voter Intimidation

012884

Subject

RE: Voting Fraud-Voter Intimidation

Okay, Peg - - I will mark off the entire afternoon and try to be there. What is the agenda? I was not aware that this was anything beyond having your contractors spend another session with me. Also, if they will be needing stats and stuff like that I need to know as I will bring my state-people with me.

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Thursday, May 04, 2006 2:28 PM
To: Donsanto, Craig
Subject: Re: Voting Fraud-Voter Intimidation

Right now, we are planning to meet in EAC's large conference room between 1 PM and 5 PM. If you cannot be there for the whole afternoon, we will appreciate whatever time you can spare. I'll get back to you with more information (agenda, list of Working Group members, etc.). --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/03/2006 05:59 PM

To

psims@eac.gov

cc

Subject

Re: Voting Fraud-Voter Intimidation

012885

Afternoon of May 18 -- 2:30 okay? How long will they need??

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>
Sent: Wed May 03 16:59:09 2006
Subject: Re: Voting Fraud-Voter Intimidation

I am looking at the afternoon of 5/18 for the meeting, due to scheduling conflicts of Working Group members. There remain two members from whom we have not yet received confirmations of their schedule (with some, it is like pulling teeth), but right now 5/18 still looks like the best day. We may have to hold the meeting over here to make it easier for Commissioners to drop in.
--- Peg

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/03/2006 12:53 PM

To

psims@eac.gov

cc

Subject

Re: Voting Fraud-Voter Intimidation

Okay -- you are on for May 18th! Can we do it over here at 10?

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>
Sent: Wed May 03 12:40:19 2006
Subject: Re: Voting Fraud-Voter Intimidation

My problem is that agency staff is booked most of the week of 5/21. Monday through Wednesday are taken up with meetings of the Standards Board Executive Committee, the full Standards Board, and the Board of Advisors. Thursday, we have EAC's public meeting. Also, I will lose one of my two consultants in June, so I'm trying to wrap up this project (and get the final report from the consultants) by the end of May.

012886

Say "Hi" to Cameron for me.

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/03/2006 11:56 AM

To

psims@eac.gov

cc

Subject

Re: Voting Fraud-Voter Intimidation

Hi Peg. I am sitting here with Cameron Quinn putting together this year's ballt conference for AUSAs. She send her best!

I am available on 5/18. But I am also going to the Board of Advisors Meeting the following week. I would rather do this then.

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>

To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>

Sent: Wed May 03 11:39:50 2006

Subject: Voting Fraud-Voter Intimidation

Craig:

We are continuing our efforts to hone in on a date for the Working Group meeting. Are you available the afternoon of Thursday, May 18?

Peggy Sims

Election Research Specialist

U.S. Election Assistance Commission

05/15/2006 01:09 PM

To "Tova Wang" [REDACTED]
cc
Subject Re: Thursday

012888

No problem. I've got the conference room reserved from Noon to 6 PM, so you can come earlier. —
Peggy

"Tova Wang" [REDACTED]



"Tova Wang"
[REDACTED]
05/15/2006 11:36 AM

To psims@eac.gov
cc
Subject thursday

Is it OK if I come around 12:30 or so to make sure I have all my materials arranged properly for presentation? Thanks.

Tova Andrea Wang
Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

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— Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM —



"Tova Wang"
[REDACTED]
05/31/2006 01:50 PM

To psims@eac.gov
cc [REDACTED]
Subject RE: Working Group Notes

Peg, I'm sorry, but this is really not helpful. Its another outline. I guess we have to wait for the transcript. I wish now I had taken notes myself! Thanks anyway. Tova

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Wednesday, May 31, 2006 12:31 PM

To: [REDACTED]

Cc: [REDACTED]

Subject: Re: Working Group Notes

Sorry. We have had so much going on, I did not have time to send the attached to you last week. This is Devon's compilation of notes taken by EAC staff at the working group meeting. --- Peggy

"Tova Wang" [REDACTED]

05/31/2006 11:26 AM

To psims@eac.gov

cc

Subject notes

Hi Peg,

How are you? I was wondering, whatever happened to getting the collective notes of the EAC staff? Thanks. Tova

Tova Andrea Wang
Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

[REDACTED]
05/31/2006 11:26 AM

To psims@eac.gov

cc

012889



Subject notes

Hi Peg,

How are you? I was wondering, whatever happened to getting the collective notes of the EAC staff?
Thanks. Tova

Tova Andrea Wang
Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims /EAC/GOV
05/31/2006 01:30 PM

To "Tova Wang" [REDACTED]
cc [REDACTED]
Subject Re: Working Group Notes

Sorry. We have had so much going on, I did not have time to send the attached to you last week. This is Devon's compilation of notes taken by EAC staff at the working group meeting. --- Peggy



VFVI Meeting Summary.doc

"Tova Wang" [REDACTED]



"Tova Wang"
[REDACTED]
05/31/2006 11:26 AM

To psims@eac.gov
cc
Subject notes

Hi Peg,

How are you? I was wondering, whatever happened to getting the collective notes of the EAC staff?
Thanks. Tova

Tova Andrea Wang
Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

06/02/2006 04:50 PM

To psims@eac.gov

cc

Subject transcript

Hi Peg,

Do you have an ETA for the transcript? Seems like it should be around now. Thanks and have a great weekend. Tova

Tova Andrea Wang
Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



06/08/2006 09:15 AM

To psims@eac.gov

cc "Job Serebrov"

Subject

Hi, Whats going on? I have not received responses from either one of you in a week. I'd like to wrap this up in the next two weeks if we can. Did you get my recommendations? Thanks.

Tova

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims /EAC/GOV

012891

06/08/2006 09:35 AM

To [REDACTED]
cc [REDACTED]
Subject Re: [REDACTED]

Sorry. We have been swamped with other program activities and preparations for today's testimony before House Admin. We have not yet received the transcript of the Working Group session. Devon checked with the court reporter, who said it will be delivered today. --- Peggy

[REDACTED]



[REDACTED]
06/08/2006 09:15 AM

To psims@eac.gov
cc "Job Serebrov" [REDACTED]
Subject

Hi, Whats going on? I have not received responses from either one of you in a week. I'd like to wrap this up in the next two weeks if we can. Did you get my recommendations? Thanks.

Tova

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM ---



[REDACTED]
06/14/2006 08:56 PM

To "Job Serebrov" [REDACTED] psims@eac.gov
cc
Subject Re: teleconference

Let's try to do that. Peg, you will call us 5 pm EST?

----- Original Message -----

From: "Job Serebrov" [REDACTED]
To: "Tova Wang" [REDACTED]
Sent: Wednesday, June 14, 2006 6:29 PM
Subject: Re: teleconference

> Wednesday next week? It would have to be 6 pm.
>
> --- Tova Wang [REDACTED] wrote:
>
>> Hi Job,
>>
>> Peg tells me that we should now be getting the
>> transcript early next week.
>> Regardless, we should talk about the organization

012892

>> and distribution of work
>> on the final report and try to finally get it done.
>> Would it be possible
>> for you to do a call before you leave for work in
>> the morning, say 8 am your
>> time, on Wednesday? If not, could you do 6 pm your
>> time on Wednesday?
>> Thanks.
>>
>> Tova
>>
>> Tova Andrea Wang
>> Democracy Fellow
>> The Century Foundation
>> 41 East 70th Street - New York, NY 10021
>> phone: 212-452-7704 fax: 212-535-7534
>>
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>> analysis, opinions, and events.
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>> weekly e-mail updates.
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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

06/09/2006 08:53 AM

To psims@eac.gov

cc

Subject FW: Transcript & Teleconference

Hi Peg,

How do you recommend dealing with this? I have this feeling like he's trying to create a situation where I will have to write it myself. Thanks. Tova

-----Original Message-----

From: Job Serebrov [mailto:job.serebrov@eac.gov]
Sent: Thursday, June 08, 2006 9:42 PM
To: psims@eac.gov; job.serebrov@eac.gov
Subject: Re: Transcript & Teleconference

Peggy:

I can't predict when I get home but it is between 5:30

012893

and 6:30 my time. I know that is generally too late to have a teleconference.

I plan to review Tova's recommendations this weekend and work on my own as well as expanding the explanation of the case section.

Please see what your financial officer did with regards to my travel.

Thank you,

Job

--- psims@eac.gov wrote:

> What time do you arrive home from work? Perhaps we
> could talk then?
>
> Re your question on the mileage, I have approached
> our Financial Officer
> with a request that you receive full reimbursement
> on the grounds that
> your actual total travel costs are less than the
> estimated total travel
> costs if you had flown to DC, stayed in our more
> expensive hotels, and
> received the higher per diem for 3 days (instead of
> 1). I have not yet
> received a response from her and she has been out of
> the office much of
> this week, so I don't know what she decided to do.
> --- Peggy
>
>
>
> "Job Serebrov" [REDACTED]
> 06/08/2006 01:10 PM
>
> To
> psims@eac.gov, [REDACTED]
> CC
> [REDACTED]
> Subject
> Re: Transcript & Teleconference
>
>
>
>
> Peg:
>
> I just arrived home for lunch. I can no longer take
> time during the work day for telephone conferences.
> As
> I told you I will need to finish this project after
> daily working hours. I am still getting things done
> from being out for ten days. I will review Tova's recommendations and
> expand on mine this weekend.

012894

Afternoon of May 18 -- 2:30 okay? How long will they need??

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>
Sent: Wed May 03 16:59:09 2006
Subject: Re: Voting Fraud-Voter Intimidation

I am looking at the afternoon of 5/18 for the meeting, due to scheduling conflicts of Working Group members. There remain two members from whom we have not yet received confirmations of their schedule (with some, it is like pulling teeth), but right now 5/18 still looks like the best day. We may have to hold the meeting over here to make it easier for Commissioners to drop in.
--- Peg

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/03/2006 12:53 PM

To

psims@eac.gov

cc

Subject

Re: Voting Fraud-Voter Intimidation

Okay -- you are on for May 18th! Can we do it over here at 10?

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>
Sent: Wed May 03 12:40:19 2006
Subject: Re: Voting Fraud-Voter Intimidation

My problem is that agency staff is booked most of the week of 5/21. Monday through Wednesday are taken up with meetings of the Standards Board Executive Committee, the full Standards Board, and the Board of Advisors. Thursday, we have EAC's public meeting. Also, I will lose one of my two consultants in June, so I'm trying to wrap up this project (and get the final report from the consultants) by the end of May.

012896

> > >
> > > 06/08/2006 09:42 To
> > > AM
> > psims@eac.gov
> > > cc
> > > [REDACTED]
> > > Subject
> > > Re: Re:
> > >
> > >
> > >
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> > >
> > >
> > >
> > >
> > >
> > >
> > > How will you be getting it to us? Will it be
> > something you can email?
> > > And
> > >
> > > can we set up a call for some time in the next
> > few
> > days? Thanks.
> > > ----- Original Message -----
> > > From: <psims@eac.gov>
> > > To: [REDACTED]
> > > Cc: [REDACTED]
> > > Sent: Thursday, June 08, 2006 9:35 AM
> > > Subject: Re:
> > >
> > >
> > >>
> > >> Sorry. We have been swamped with other program
> > activities and
> > >> preparations
> > >> for today's testimony before House Admin. We
> > have not yet received the
> > >> transcript of the Working Group session. Devon
> > checked with the court
> > >> reporter, who said it will be delivered today.
> > --- Peggy
> > >>
> > >>
> > >>
> > >>
> > >>
> > >> [REDACTED]
> > >> 06/08/2006 09:15 To
> > >> AM
> > psims@eac.gov
> > >> cc
> > >> "Job
> > Serebrov"
> > >>
> > >> [REDACTED]
> > >> Subject
> > >>
> > >>

Hi Peg,

How do you recommend dealing with this? I have this feeling like he's trying to create a situation where I will have to write it myself. Thanks. Tova

-----Original Message-----

From: Job Serebrov [mailto: [REDACTED]]
Sent: Thursday, June 08, 2006 9:42 PM
To: psims@eac.gov; [REDACTED]
Subject: Re: Transcript & Teleconference

Peggy:

I can't predict when I get home but it is between 5:30 and 6:30 my time. I know that is generally too late to have a teleconference.

I plan to review Tova's recommendations this weekend and work on my own as well as expanding the explanation of the case section.

Please see what your financial officer did with regards to my travel.

Thank you,

Job

--- psims@eac.gov wrote:

> What time do you arrive home from work? Perhaps we
> could talk then?
>
> Re your question on the mileage, I have approached
> our Financial Officer
> with a request that you receive full reimbursement
> on the grounds that
> your actual total travel costs are less than the
> estimated total travel
> costs if you had flown to DC, stayed in our more
> expensive hotels, and
> received the higher per diem for 3 days (instead of
> 1). I have not yet
> received a response from her and she has been out of
> the office much of
> this week, so I don't know what she decided to do.
> --- Peggy
>
>
>
> "Job Serebrov" [REDACTED]
> 06/08/2006 01:10 PM
>
> To
> psims@eac.gov, [REDACTED]

012899

> cc
> [REDACTED]
> Subject
> Re: Transcript & Teleconference
>
>
>
>
>
>
> Peg:
>
> I just arrived home for lunch. I can no longer take
> time during the work day for telephone conferences.
> As
> I told you I will need to finish this project after
> daily working hours. I am still getting things done
> from being out for ten days. I will review Tova's recommendations and
> expand on mine this weekend.
>
> Also, I sent you an e-mail asking how you handled
> the
> mileage portion of my travel voucher?
>
> Job
>
>
>
> --- psims@eac.gov wrote:
>
> > 4 PM EST is fine with me, if it works for Job.
> ---
> > Peggy
> >
> >
> >
> >
> >
> > [REDACTED]
> > 06/08/2006 10:10 AM
> >
> > To
> > psims@eac.gov
> > cc
> > [REDACTED]
> > Subject
> > Re: Transcript & Teleconference
> >
> >
> >
> >
> >
> > Can we make it 4 est? I have another meeting at
> > 3.
> > ----- Original Message -----
> > From: <psims@eac.gov>
> > To: [REDACTED]
> > Cc: [REDACTED]
> > Sent: Thursday, June 08, 2006 9:55 AM
> > Subject: Re: Transcript & Teleconference
> >

012900

>
>
> Hi, Whats going on? I have not received responses from either one of you
> in a week. I'd like to wrap this up in the next two weeks if we can. Did
> you get my recommendations? Thanks.
>
> Tova
>
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

06/09/2006 12:49 PM

To psims@eac.gov, "Job Serebrov"

cc

Subject more gao

Sorry, its 500 pages -- it also includes data on absentee fraud and voter intimidation

Tova Andrea Wang
Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

06/12/2006 04:46 PM

To psims@eac.gov

cc

Subject RE: Will Call Later

Either between 9 and 10 or between 12 and 1:30 would be ideal, but I should be around most of the afternoon. Thanks Peg. Tova

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Monday, June 12, 2006 2:39 PM

To:

Subject: Will Call Later

I'll try to call you Wednesday. Is there a time that is best for you? Today has been too hectic.

012905

Tomorrow is primary election day in VA. Still no transcript. I have taken a look at the recommendations that you sent me, but have not yet heard from Job. --- Peg
----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims/EAC/GOV
06/12/2006 05:09 PM

To "Tova Wang" [REDACTED]
cc
Subject RE: Will Call Later [REDACTED]

How about 9:30 AM EST, Wednesday morning (6/14/06)?

"Tova Wang" [REDACTED]



"Tova Wang"
[REDACTED]
06/12/2006 04:46 PM

To psims@eac.gov
cc
Subject RE: Will Call Later

Either between 9 and 10 or between 12 and 1:30 would be ideal, but I should be around most of the afternoon. Thanks Peg. Tova

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Monday, June 12, 2006 2:39 PM
To: wang@tcf.org
Subject: Will Call Later

I'll try to call you Wednesday. Is there a time that is best for you? Today has been too hectic. Tomorrow is primary election day in VA. Still no transcript. I have taken a look at the recommendations that you sent me, but have not yet heard from Job. --- Peg

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"
[REDACTED]
06/14/2006 09:40 AM

To "Job Serebrov" [REDACTED]
cc psims@eac.gov
Subject teleconference

Hi Job,

Peg tells me that we should now be getting the transcript early next week. Regardless, we should talk about the organization and distribution of work on the final report and try to finally get it done. Would it be possible for you to do a call before you leave for work in the morning, say 8 am your time, on Wednesday? If not, could you do 6 pm your time on Wednesday? Thanks.

012906

Tova

Tova Andrea Wang
Democracy Fellow
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41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

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— Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM —



"Tova Wang" [redacted]

06/12/2006 05:11 PM

To psims@eac.gov

cc

Subject RE: Will Call Later

Perfect. Thanks.

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Monday, June 12, 2006 4:09 PM

To: [redacted]

Subject: RE: Will Call Later

How about 9:30 AM EST, Wednesday morning (6/14/06)?

"Tova Wang" [redacted]

06/12/2006 04:46 PM

To psims@eac.gov

cc

Subject RE: Will Call Later

Either between 9 and 10 or between 12 and 1:30 would be ideal, but I should be around most of the afternoon. Thanks Peg. Tova

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

012907

Sent: Monday, June 12, 2006 2:39 PM
To: wang@tcf.org
Subject: Will Call Later

I'll try to call you Wednesday. Is there a time that is best for you? Today has been too hectic. Tomorrow is primary election day in VA. Still no transcript. I have taken a look at the recommendations that you sent me, but have not yet heard from Job. --- Peg

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM ---



"Tova Wang"

06/05/2006 04:30 PM

To psims@eac.gov,

cc

Subject recommendations

Here are my recommendations with the last one now included. Please let me know about the transcript and when you all want to talk about getting the final report done. Thanks. Tova

Tova Andrea Wang
Democracy Fellow
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phone: 212-452-7704 fax: 212-535-7534

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[Click here](#) to receive our weekly e-mail updates.



future suggestions.doc

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM ---



"Tova Wang"

06/09/2006 08:53 AM

To "Job Serebrov", psims@eac.gov

cc

Subject RE: Transcript & Teleconference

What about during a lunch hour?

-----Original Message-----

From: Job Serebrov [mailto:]
Sent: Thursday, June 08, 2006 9:42 PM
To: psims@eac.gov;
Subject: Re: Transcript & Teleconference

Peggy:

012908

I can't predict when I get home but it is between 5:30 and 6:30 my time. I know that is generally too late to have a teleconference.

I plan to review Tova's recommendations this weekend and work on my own as well as expanding the explanation of the case section.

Please see what your financial officer did with regards to my travel.

Thank you,

Job

--- psims@eac.gov wrote:

> What time do you arrive home from work? Perhaps we
> could talk then?

>

> Re your question on the mileage, I have approached
> our Financial Officer
> with a request that you receive full reimbursement
> on the grounds that
> your actual total travel costs are less than the
> estimated total travel
> costs if you had flown to DC, stayed in our more
> expensive hotels, and
> received the higher per diem for 3 days (instead of
> 1). I have not yet
> received a response from her and she has been out of
> the office much of
> this week, so I don't know what she decided to do.
> --- Peggy

>

>

>

>

> "Job Serebrov" [REDACTED]
> 06/08/2006 01:10 PM

>

> To
> psims@eac.gov, [REDACTED]
> cc
> serebrov@sbcglobal.net
> Subject
> Re: Transcript & Teleconference

>

>

>

>

>

>

> Peg:

>

> I just arrived home for lunch. I can no longer take
> time during the work day for telephone conferences.
> As

> I told you I will need to finish this project after
> daily working hours. I am still getting things done
> from being out for ten days. I will review Tova's recommendations and

012909

> expand on mine this weekend.
>
> Also, I sent you an e-mail asking how you handled
> the
> mileage portion of my travel voucher?
>
> Job
>
>
>
> --- psims@eac.gov wrote:
>
> > 4 PM EST is fine with me, if it works for Job.
> ---
> > Peggy
> >
> >
> >
> > [REDACTED]
> > 06/08/2006 10:10 AM
> >
> > To
> > psims@eac.gov
> > cc
> > [REDACTED]
> > Re: Transcript & Teleconference
> >
> >
> >
> >
> >
> > Can we make it 4 est? I have another meeting at
> > 3.
> > ----- Original Message -----
> > From: <psims@eac.gov>
> > To: [REDACTED]
> > Cc: [REDACTED]
> > Sent: Thursday, June 08, 2006 9:55 AM
> > Subject: Re: Transcript & Teleconference
> >
> >
> > >
> > > I'll see how it comes in. I hope we receive an
> > > electronic copy. If we
> > > only receive a hard copy, we can pdf it and
> > > email
> > > it to the two of you.
> > > How about Monday afternoon at 3 PM EST for a
> > > brief
> > > teleconference? I
> > > really can't do it before them because of other
> > > commitments. --- Peggy
> > >
> > >
> > >
> > >
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> > >
> > >
> > >



wang@tcf.org
06/08/2006 03:30 PM

To "Job Serebrov" [REDACTED], psims@eac.gov
cc [REDACTED]
Subject Re: Transcript & Teleconference

What time do you suggest talking?

----- Original Message -----

From: "Job Serebrov" [REDACTED]
To: <psims@eac.gov>; [REDACTED]
Cc: [REDACTED]
Sent: Thursday, June 08, 2006 1:10 PM
Subject: Re: Transcript & Teleconference

> Peg:

>

> I just arrived home for lunch. I can no longer take
> time during the work day for telephone conferences. As
> I told you I will need to finish this project after
> daily working hours. I am still getting things done
> from being out for ten days. I will review Tova's
> recommendations and expand on mine this weekend.

>

> Also, I sent you an e-mail asking how you handled the
> mileage portion of my travel voucher?

>

> Job

>

>

>

> --- psims@eac.gov wrote:

>

>> 4 PM EST is fine with me, if it works for Job. ---

>> Peggy

>>

>>

>>

>>

>>

>> 06/08/2006 10:10 AM

>>

>> To

>> psims@eac.gov

>> cc

>>

>> subject

>> Re: Transcript & Teleconference

>>

>>

>>

>>

>>

>>

>> Can we make it 4 est? I have another meeting at 3.

>> ----- Original Message -----

>> From: <psims@eac.gov>

012913

Job

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Job Serebrov"

06/08/2006 10:42 PM

To psims@eac.gov, [REDACTED]

cc

Subject Re: Transcript & Teleconference

Peggy:

I can't predict when I get home but it is between 5:30 and 6:30 my time. I know that is generally too late to have a teleconference.

I plan to review Tova's recommendations this weekend and work on my own as well as expanding the explanation of the case section.

Please see what your financial officer did with regards to my travel.

Thank you,

Job

--- psims@eac.gov wrote:

> What time do you arrive home from work? Perhaps we
> could talk then?
>
> Re your question on the mileage, I have approached
> our Financial Officer
> with a request that you receive full reimbursement
> on the grounds that
> your actual total travel costs are less than the
> estimated total travel
> costs if you had flown to DC, stayed in our more
> expensive hotels, and
> received the higher per diem for 3 days (instead of
> 1). I have not yet
> received a response from her and she has been out of
> the office much of
> this week, so I don't know what she decided to do.
> --- Peggy
>
>
>
> "Job Serebrov" [REDACTED]
> 06/08/2006 01:10 PM
>

012920

> To
> psims@eac.gov, [REDACTED]
> cc
> [REDACTED]
> Subject
> Re: Transcript & Teleconference
>
>
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>
>
> Peg:
>
> I just arrived home for lunch. I can no longer take
> time during the work day for telephone conferences.
> As
> I told you I will need to finish this project after
> daily working hours. I am still getting things done
> from being out for ten days. I will review Tova's
> recommendations and expand on mine this weekend.
>
> Also, I sent you an e-mail asking how you handled
> the
> mileage portion of my travel voucher?
>
> Job

> --- psims@eac.gov wrote:
>
> > 4 PM EST is fine with me, if it works for Job.
> ---
> > Peggy

> [REDACTED]
> > 06/08/2006 10:10 AM
> >
> > To
> > psims@eac.gov
> > cc
> > [REDACTED]
> > Subject
> > Re: Transcript & Teleconference

> > Can we make it 4 est? I have another meeting at
> 3.
> > ----- Original Message -----
> > From: <psims@eac.gov>
> > To: [REDACTED]
> > Cc: [REDACTED]
> > Sent: Thursday, June 08, 2006 9:55 AM

> > >> transcript of the Working Group session. Devon
> > checked with the court
> > >> reporter, who said it will be delivered today.

> > --- Peggy

> > >>

> > >>

> > >>

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> > >>

> > >>

> > >> 06/08/2006 09:15 To
> > >> AM

> > psims@eac.gov

> > >> cc

> > >>

> > Serebrov"

"Job

> > >>

> > >>

> > >> Subject

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> > >> Hi, Whats going on? I have not received

> > responses from either one of

> > > you

> > >> in a week. I'd like to wrap this up in the next

> > two weeks if we can.

> > Did

> > >> you get my recommendations? Thanks.

> > >>

> > >> Tova

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

[Redacted]
06/09/2006 12:09 PM

To psims@eac.gov, "Job Serebrov" [Redacted]

cc

Subject gao report

This has information on many of our topics, but they also surveyed jurisdictions on voter reg fraud coming up with a rate of 5%

Elections: The Nation's Evolving Election System as Reflected in the November 2004 General Election. GAO-06-450, June 6.

<http://www.gao.gov/cgi-bin/getrpt?GAO-06-450>

Highlights - <http://www.gao.gov/highlights/d06450high.pdf>

Tova Andrea Wang
Democracy Fellow
The Century Foundation
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phone: 212-452-7704 fax: 212-535-7534

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims /EAC/GOV

06/12/2006 03:39 PM

To Tova Andrea Wang

cc

Subject Will Call Later

I'll try to call you Wednesday. Is there a time that is best for you? Today has been too hectic. Tomorrow is primary election day in VA. Still no transcript. I have taken a look at the recommendations that you sent me, but have not yet heard from Job. --- Peg

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



[Redacted] 06/14/2006 10:46 PM

To "Job Serebrov" [Redacted] psims@eac.gov

cc

Subject Re: teleconference

Could you do Friday in the morning?

----- Original Message -----

From: "Job Serebrov" [Redacted]

To: [Redacted] <psims@eac.gov>

Sent: Wednesday, June 14, 2006 10:17 PM

Subject: Re: teleconference

> Tova:

>

> 5 pm EST is 4 pm Central. Peg would have to call at 7

012924

> pm EST to be 6 pm Central.
>
> Job
>
> --- wang@tcf.org wrote:
>
>> Let's try to do that. Peg, you will call us 5 pm
>> EST?
>> ----- Original Message -----
>> From: "Job Serebrov" [REDACTED]
>> To: "Tova Wang" [REDACTED]
>> Sent: Wednesday, June 14, 2006 6:29 PM
>> Subject: Re: teleconference
>>
>>
>> > Wednesday next week? It would have to be 6 pm.
>> >
>> > --- Tova Wang [REDACTED] wrote:
>> >
>> >> Hi Job,
>> >>
>> >> Peg tells me that we should now be getting the
>> >> transcript early next week.
>> >> Regardless, we should talk about the organization
>> >> and distribution of work
>> >> on the final report and try to finally get it
>> >> done.
>> >> Would it be possible
>> >> for you to do a call before you leave for work in
>> >> the morning, say 8 am your
>> >> time, on Wednesday? If not, could you do 6 pm
>> >> your
>> >> time on Wednesday?
>> >> Thanks.
>> >>
>> >> Tova
>> >>
>> >> Tova Andrea Wang
>> >> Democracy Fellow
>> >> The Century Foundation
>> >> 41 East 70th Street - New York, NY 10021
>> >> phone: 212-452-7704 fax: 212-535-7534
>> >>
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>> >> www.tcf.org, for the latest news,
>> >> analysis, opinions, and events.
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>> >> <<mailto:join-tcfmain@mailhost.groundspring.org>>
>> >> Click here to receive our
>> >> weekly e-mail updates.
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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Job Serebrov"
<serebrov@sbcglobal.net>
06/08/2006 01:10 PM

To psims@eac.gov, [REDACTED]
cc [REDACTED]
Subject Re: Transcript & Teleconference

Peg:

I just arrived home for lunch. I can no longer take time during the work day for telephone conferences. As I told you I will need to finish this project after daily working hours. I am still getting things done from being out for ten days. I will review Tova's recommendations and expand on mine this weekend.

Also, I sent you an e-mail asking how you handled the mileage portion of my travel voucher?

Job

--- psims@eac.gov wrote:

> 4 PM EST is fine with me, if it works for Job. ---
> Peggy
>
>
>
>
> [REDACTED]
> 06/08/2006 10:10 AM
>
> To
> psims@eac.gov
> cc
> [REDACTED]
> Subject
> Re: Transcript & Teleconference
>
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>
> Can we make it 4 est? I have another meeting at 3.
> ----- Original Message -----
> From: <psims@eac.gov>
> To: [REDACTED]
> Cc: [REDACTED]
> Sent: Thursday, June 08, 2006 9:55 AM
> Subject: Re: Transcript & Teleconference

012926

> >>
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> >>
> >> 06/08/2006 09:15 To
> >> AM
> psims@eac.gov
> >> cc
> >> "Job
> Serebrov"
> >>
> >> Subject
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> >>
> >> Hi, Whats going on? I have not received
> responses from either one of
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> >> in a week. I'd like to wrap this up in the next
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> Did
> >> you get my recommendations? Thanks.
> >>
> >> Tova
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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims /EAC/GOV

06/08/2006 05:09 PM

To "Job Serebrov"

cc

Subject Re: Transcript & Teleconference

What time do you arrive home from work? Perhaps we could talk then?

Re your question on the mileage, I have approached our Financial Officer with a request that you receive

012928

full reimbursement on the grounds that your actual total travel costs are less than the estimated total travel costs if you had flown to DC, stayed in our more expensive hotels, and received the higher per diem for 3 days (instead of 1). I have not yet received a response from her and she has been out of the office much of this week, so I don't know what she decided to do. --- Peggy

"Job Serebrov" [REDACTED]



"Job Serebrov"

06/08/2006 01:10 PM

To psims@eac.gov [REDACTED]

cc [REDACTED]

Subject Re: Transcript & Teleconference

Peg:

I just arrived home for lunch. I can no longer take time during the work day for telephone conferences. As I told you I will need to finish this project after daily working hours. I am still getting things done from being out for ten days. I will review Tova's recommendations and expand on mine this weekend.

Also, I sent you an e-mail asking how you handled the mileage portion of my travel voucher?

Job

--- psims@eac.gov wrote:

> 4 PM EST is fine with me, if it works for Job. ---

> Peggy

>

>

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> To

> psims@eac.gov

> cc

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>

>

>

> Can we make it 4 est? I have another meeting at 3.

> ----- Original Message -----

> From: <psims@eac.gov>

> To: [REDACTED]

012929

> Cc: <serebrov@sbcglobal.net>
> Sent: Thursday, June 08, 2006 9:55 AM
> Subject: Re: Transcript & Teleconference
>
>
> >
> > I'll see how it comes in. I hope we receive an
> electronic copy. If we
> > only receive a hard copy, we can pdf it and email
> it to the two of you.
> > How about Monday afternoon at 3 PM EST for a brief
> teleconference? I
> > really can't do it before them because of other
> commitments. --- Peggy

> >
> >
> >
> >
> >
> >

[REDACTED]

> >
> > 06/08/2006 09:42 To
> > AM
> psims@eac.gov
> > cc
> >

[REDACTED]

> > Subject

Re: Re:

> >
> >
> >
> >
> >
> >
> >
> >
> >
> >
> >

> > How will you be getting it to us? Will it be
> something you can email?
> > And
> >
> > can we set up a call for some time in the next few
> days? Thanks.

> > ----- Original Message -----
> > From: <psims@eac.gov>
> > To: [REDACTED]
> > Cc: [REDACTED]
> > Sent: Thursday, June 08, 2006 9:35 AM
> > Subject: Re:

> >
> >
> >>

> >> Sorry. We have been swamped with other program
> activities and
> >> preparations
> >> for today's testimony before House Admin. We
> have not yet received the
> >> transcript of the Working Group session. Devon

> checked with the court
> >> reporter, who said it will be delivered today.
> --- Peggy
> >>
> >>
> >>
> >>
> >>
> >> [REDACTED]
> >> 06/08/2006 09:15 To
> >> AM
> psims@eac.gov
> >> cc
> >> "Job
> Serebrov"
> >>
> [REDACTED]
> >> Subject
> >>
> >>
> >>
> >>
> >>
> >>
> >>
> >>
> >>
> >>
> >>
> >>
> >>
> >> Hi, Whats going on? I have not received
> responses from either one of
> > you
> >> in a week. I'd like to wrap this up in the next
> two weeks if we can.
> Did
> >> you get my recommendations? Thanks.
> >>
> >> Tova
> >>
> >>
> >
> >
>
>
>
>

— Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM —



"Tova Wang"
[REDACTED]
06/09/2006 09:20 AM

To psims@eac.gov
cc
Subject FW: Transcript & Teleconference

-----Original Message-----

From: Job Serebrov [mailto:serebrov@sbcglobal.net]

Sent: Friday, June 09, 2006 8:17 AM

To: Tova Wang

Subject: RE: Transcript & Teleconference

Normally I am not home for lunch.

--- Tova Wang [REDACTED] wrote:

> What about during a lunch hour?

>

> -----Original Message-----

> From: Job Serebrov [mailto:[REDACTED]]

> Sent: Thursday, June 08, 2006 9:42 PM

> To: psims@eac.gov; [REDACTED]

> Subject: Re: Transcript & Teleconference

>

>

> Peggy:

>

> I can't predict when I get home but it is between

> 5:30

> and 6:30 my time. I know that is generally too late

> to

> have a teleconference.

>

> I plan to review Tova's recommendations this weekend

> and work on my own as well as expanding the

> explanation of the case section.

>

> Please see what your financial officer did with

> regards to my travel.

>

> Thank you,

>

> Job

>

> --- psims@eac.gov wrote:

>

> > What time do you arrive home from work? Perhaps

> we

> > could talk then?

> >

> > Re your question on the mileage, I have approached

> > our Financial Officer

> > with a request that you receive full reimbursement

> > on the grounds that

> > your actual total travel costs are less than the

> > estimated total travel

> > costs if you had flown to DC, stayed in our more

> > expensive hotels, and

> > received the higher per diem for 3 days (instead

> > of

> > 1). I have not yet

> > received a response from her and she has been out

> > of

012932

> > the office much of
> > this week, so I don't know what she decided to do.
> > --- Peggy

> >
> >
> >
> >

> > "Job Serebrov" [REDACTED]
> > 06/08/2006 01:10 PM

> >
> > To
> > psims@eac.gov, [REDACTED]
> > cc
> > [REDACTED]
> > Subject
> > Re: Transcript & Teleconference

> >
> >
> >
> >
> >
> >

> > Peg:
> >
> > I just arrived home for lunch. I can no longer
> > take
> > time during the work day for telephone
> > conferences.
> > As
> > I told you I will need to finish this project
> > after
> > daily working hours. I am still getting things
> > done
> > from being out for ten days. I will review Tova's
> > recommendations and
> > expand on mine this weekend.
> >
> > Also, I sent you an e-mail asking how you handled
> > the
> > mileage portion of my travel voucher?

> >
> > Job

> >
> >
> >
> > --- psims@eac.gov wrote:
> >
> > > 4 PM EST is fine with me, if it works for Job.

> > ---
> > > Peggy

> > >
> > >
> > >
> > >

> > > [REDACTED]
> > > 06/08/2006 10:10 AM

> > >
> > > To
> > > psims@eac.gov
> > > cc
> > > [REDACTED]

> EST?
> ----- Original Message -----
> From: "Job Serebrov" [REDACTED]
> To: "Tova Wang" [REDACTED]
> Sent: Wednesday, June 14, 2006 6:29 PM
> Subject: Re: teleconference
>
>
> > Wednesday next week? It would have to be 6 pm.
> >
> > --- Tova Wang [REDACTED] > wrote:
> >
> >> Hi Job,
> >>
> >> Peg tells me that we should now be getting the
> >> transcript early next week.
> >> Regardless, we should talk about the organization
> >> and distribution of work
> >> on the final report and try to finally get it
> >> done.
> >> Would it be possible
> >> for you to do a call before you leave for work in
> >> the morning, say 8 am your
> >> time, on Wednesday? If not, could you do 6 pm
> >> your
> >> time on Wednesday?
> >> Thanks.
> >>
> >> Tova
> >>
> >> Tova Andrea Wang
> >> Democracy Fellow
> >> The Century Foundation
> >> 41 East 70th Street - New York, NY 10021
> >> phone: 212-452-7704 fax: 212-535-7534
> >>
> >> Visit our Web site, <<http://www.tcf.org/>>
> >> www.tcf.org, for the latest news,
> >> analysis, opinions, and events.
> >>
> >> _____
> >>
> >> <<mailto:join-tcfmain@mailhost.groundspring.org>>
> >> Click here to receive our
> >> weekly e-mail updates.
> >>
> >>
> >>
> >
> >
>
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"
[REDACTED] >
06/21/2006 11:00 AM

To "Job Serebrov" [REDACTED] >, psims@eac.gov
cc



Subject nexis

Hi Peg and Job,

I don't know how we might be able to use these but here, finally, are the super-refined versions of the

nexis charts. Can we include them? Thanks. Tova  absentee nexis chart 2FORMAT.xls

'dead' voters and multiple voting nexis chartFORMAT.xls  intimidation and suppressionFORMAT.xls

voter registration fraud nexischartFORMAT.xls 

— Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM —



06/15/2006 03:30 PM

To "Job Serebrov"  sims@eac.gov

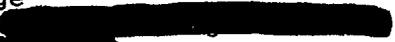
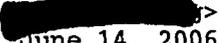
cc

Subject Re: teleconference

fine

----- Original Message -----

From: "Job Serebrov" 
To:  <psims@eac.gov>
Sent: Wednesday, June 14, 2006 10:17 PM
Subject: Re: teleconference

> Tova:
>
> 5 pm EST is 4 pm Central. Peg would have to call at 7
> pm EST to be 6 pm Central.
>
> Job
>
> --- wang@tcf.org wrote:
>
>> Let's try to do that. Peg, you will call us 5 pm
>> EST?
>> ----- Original Message -----
>> From: "Job Serebrov" 
>> To: "Tova Wang"  >
>> Sent: Wednesday, June 14, 2006 6:29 PM
>> Subject: Re: teleconference
>>
>>
>> > Wednesday next week? It would have to be 6 pm.
>> >
>> > --- Tova Wang  wrote:
>> >

Subject: Re: Teleconference

> It will need to be early next week. What news of the
> transcript?

>

>

>

> --- psims@eac.gov wrote:

>

>>

>> I am sorry, but I have to postpone the
>> teleconference originally scheduled
>> for this evening. Is another day this week or early
>> next week good for you

>> two?

>> Peggy

>>

>> -----

>> Sent from my BlackBerry Wireless Handheld

>>

>>

>>

>

>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Devon E. Romig/EAC/GOV

06/22/2006 03:44 PM

To Margaret Sims/EAC/GOV@EAC

cc [REDACTED]

Subject Fw: May 18, 2006 Meeting

Good news!!! The transcript is finally here.

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov

----- Forwarded by Devon E. Romig/EAC/GOV on 06/22/2006 03:44 PM -----



"Carol J. Thomas Reporting"
<carolthomasreporting@cox.net>

06/22/2006 03:24 PM

To dromig@eac.gov

cc jwilson@eac.gov

Subject May 18, 2006 Meeting

Dear EAC,

012939

Attached please note the ASCII file for the Voting Fraud-Voter Intimidation Meeting taken on Wednesday, May 18, 2006. Your transcript has been shipped to you.

ASCII file name: 051806.txt

Please let us know if you have any questions.



Timothy Brischler, Office Manager, 703.273.9221 051806.TXT
----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Job Serebroy"

06/21/2006 06:21 PM

To psims@eac.gov, "Tova Andrea Wang"

cc

Subject Re: Teleconference

It will need to be early next week. What news of the transcript?

--- psims@eac.gov wrote:

>
> I am sorry, but I have to postpone the
> teleconference originally scheduled
> for this evening. Is another day this week or early
> next week good for you
> two?
> Peggy
>
> -----
> Sent from my BlackBerry Wireless Handheld
>
>
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



06/22/2006 10:29 AM

To psims@eac.gov

cc

Subject

Can I also get an answer on whether we can speak about the project publicly?

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

012940

Margaret Sims /EAC/GOV
06/19/2006 12:19 PM

To [REDACTED]
cc "Job Serebrov" [REDACTED]
Subject Re: teleconference

OK. I have marked my calendar for a 7 PM EST/6 PM CST teleconference for this Wednesday. Still no transcript. --- Peggy

[REDACTED]



[REDACTED]
06/15/2006 03:30 PM

To "Job Serebrov" [REDACTED], psims@eac.gov
cc
Subject Re: teleconference

fine

----- Original Message -----

From: "Job Serebrov" [REDACTED]
To: [REDACTED]; <psims@eac.gov>
Sent: Wednesday, June 14, 2006 10:17 PM
Subject: Re: teleconference

> Tova:
>
> 5 pm EST is 4 pm Central. Peg would have to call at 7
> pm EST to be 6 pm Central.
>
> Job
>
> --- wang@tcf.org wrote:
>
>> Let's try to do that. Peg, you will call us 5 pm
>> EST?
>> ----- Original Message -----
>> From: "Job Serebrov" <[REDACTED]>
>> To: "Tova Wang" [REDACTED]
>> Sent: Wednesday, June 14, 2006 6:29 PM
>> Subject: Re: teleconference
>>
>>
>> > Wednesday next week? It would have to be 6 pm.
>> >
>> > --- Tova Wang [REDACTED] wrote:
>> >
>> >> Hi Job,
>> >>
>> >> Peg tells me that we should now be getting the
>> >> transcript early next week.
>> >> Regardless, we should talk about the organization

>> >> and distribution of work
>> >> on the final report and try to finally get it
>> done.
>> >> Would it be possible
>> >> for you to do a call before you leave for work in
>> >> the morning, say 8 am your
>> >> time, on Wednesday? If not, could you do 6 pm
>> your
>> >> time on Wednesday?
>> >> Thanks.
>> >>
>> >> Tova
>> >>
>> >> Tova Andrea Wang
>> >> Democracy Fellow
>> >> The Century Foundation
>> >> 41 East 70th Street - New York, NY 10021
>> >> phone: 212-452-7704 fax: 212-535-7534
>> >>
>> >> Visit our Web site, <<http://www.tcf.org/>>
>> >> www.tcf.org, for the latest news,
>> >> analysis, opinions, and events.
>> >>
>> >> _____
>> >>
>> >> <<mailto:join-tcfmain@mailhost.groundspring.org>>
>> >> Click here to receive our
>> >> weekly e-mail updates.
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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Job Serebrov"

06/21/2006 09:34 PM

To [redacted]sims@eac.gov
cc

Subject Re: Teleconference

Monday at 7 EST is ok with me. What about you Peg?

Job

--- [redacted] wrote:

> How about Monday at 6:30 or 7 est?

> ----- Original Message -----

> From: "Job Serebrov" [redacted] <>

012342

> To: <psims@eac.gov>; "Tova Andrea Wang"
> [REDACTED]
> Sent: Wednesday, June 21, 2006 6:21 PM
> Subject: Re: Teleconference
>
>
> > It will need to be early next week. What news of
> the
> > transcript?
> >
> >
> >
> > --- psims@eac.gov wrote:
> >
> >>
> >> I am sorry, but I have to postpone the
> >> teleconference originally scheduled
> >> for this evening. Is another day this week or
> early
> >> next week good for you
> >> two?
> >> Peggy
> >>
> >> -----
> >> Sent from my BlackBerry Wireless Handheld
> >>
> >>
> >>
> >
> >
>
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims/EAC/GOV

06/22/2006 10:30 AM

To "Job Serebrov" [REDACTED] et>, "Tova Andrea Wang" [REDACTED]

cc

Subject Re: Teleconference

OK. Next Monday (6-26) at 7 PM EST. I'll call you.
Peggy

Sent from my BlackBerry Wireless Handheld

----- Original Message -----
From: "Job Serebrov" [REDACTED]
Sent: 06/21/2006 09:34 PM
To: [REDACTED], psims@eac.gov
Subject: Re: Teleconference

012943

Monday at 7 EST is ok with me. What about you Peg?

Job

--- wang@tcf.org wrote:

> How about Monday at 6:30 or 7 est?
> ----- Original Message -----
> From: "Job Serebrov" [REDACTED]
> To: <psims@eac.gov>; "Tova Andrea Wang"
> [REDACTED]
> Sent: Wednesday, June 21, 2006 6:21 PM
> Subject: Re: Teleconference
>
>
> > It will need to be early next week. What news of
> the
> > transcript?
> >
> >
> > --- psims@eac.gov wrote:
> >
> >>
> >> I am sorry, but I have to postpone the
> >> teleconference originally scheduled
> >> for this evening. Is another day this week or
> >> early
> >> next week good for you
> >> two?
> >> Peggy
> >>
> >> -----
> >> Sent from my BlackBerry Wireless Handheld
> >>
> >>
> >>
> >
> >
>
>
>

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM ---



"Tova Wang"

[REDACTED]
06/21/2006 12:25 PM

To psims@eac.gov, "Job Serebrov" [REDACTED]
cc

Subject RE: Teleconference

Anyday anytime except tomorrow is OK by me. Tova

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Wednesday, June 21, 2006 11:15 AM

012944

To: Tova Andrea Wang; Job Serebrov
Subject: Teleconference

I am sorry, but I have to postpone the teleconference originally scheduled for this evening. Is another day this week or early next week good for you two? Peggy

Sent from my BlackBerry Wireless Handheld

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Job Serebrov"

06/22/2006 09:27 PM

To psims@eac.gov

cc

Subject Suggestions

Peggy:

When Tova sent me her suggestions I made some changes and additions. Tova later wrote to me and said she expected me to come up with my own list. Due to time constraints and at risk of duplication I rather go with the corrected suggestions.



Job RECOMMENDATIONS.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Job Serebrov"

06/21/2006 06:25 PM

To "Tova Wang" psims@eac.gov

cc

Subject Re: nexis

I have no objection to amending the official findings/CD to add these.

--- Tova Wang wrote:

> Hi Peg and Job,

>

> I don't know how we might be able to use these but

> here, finally, are the

> super-refined versions of the nexis charts. Can we

012945

> include them? Thanks.
> Tova
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims/EAC/GOV

06/22/2006 10:31 AM

To "Job Serebrov" [REDACTED], "Tova Andrea Wang" [REDACTED]

cc

Subject Re: nexis

Fine by me.
Peggy

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: "Job Serebrov" [REDACTED]
Sent: 06/21/2006 06:25 PM
To: "Tova Wang" [REDACTED]; psims@eac.gov
Subject: Re: nexis

I have no objection to amending the official findings/CD to add these.

--- Tova Wang [REDACTED] wrote:

> Hi Peg and Job,
>
> I don't know how we might be able to use these but
> here, finally, are the
> super-refined versions of the nexis charts. Can we
> include them? Thanks.
> Tova
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

[REDACTED]
06/20/2006 11:10 AM

To psims@eac.gov

cc

Subject question

Am I correct in assuming that I still cannot discuss the findings of our report? Thanks.

012946

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Job Serebrov"

[REDACTED]
07/02/2006 10:28 AM

To psims@eac.gov

cc

Subject Please Change This

Peggy:

In the transcript, there is one serious mistake that must be changed immediately. On page 5 it indicates that I helped review and draft changes to the election code of Libya. It should be Namibia not Libya. The reason this is so serious if it stands is that at the time I reviewed Namibia's Code it was illegal for Americans to deal with Libya. I need to know that this has been corrected any ALL parties who have seen the transcript notified.

Job

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

[REDACTED]
06/23/2006 01:04 PM

To dromig@eac.gov, psims@eac.gov

cc [REDACTED]

Subject RE: May 18, 2006 Meeting

Wow, there are a lot of errors in this. But at least it gets at the substance. Will this be circulated to the commissioners?

-----Original Message-----

From: dromig@eac.gov [mailto:dromig@eac.gov]

Sent: Thursday, June 22, 2006 2:45 PM

To: psims@eac.gov

Cc: [REDACTED]

012947

Subject: Fw: May 18, 2006 Meeting

Good news!!! The transcript is finally here.

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov

----- Forwarded by Devon E. Romig/EAC/GOV on 06/22/2006 03:44 PM -----

"Carol J. Thomas Reporting" <carolthomasreporting@cox.net>

06/22/2006 03:24 PM

To dromig@eac.gov
cc jwilson@eac.gov
Subject May 18, 2006 Meeting

Dear EAC,

Attached please note the ASCII file for the Voting Fraud-Voter Intimidation Meeting taken on Wednesday, May 18, 2006. Your transcript has been shipped to you.

ASCII file name: 051806.txt

Please let us know if you have any questions.

Timothy Brischler, Office Manager, 703.273.9221

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

06/27/2006 12:26 PM

To psims@eac.gov, "Job Serebrov"

cc

Subject outline of final report

Does this work for you?

Tova Andrea Wang
Democracy Fellow
The Century Foundation

012948

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims/EAC/GOV
06/26/2006 04:38 PM

To "Tova Wang" [REDACTED]
cc dromig@eac.gov, [REDACTED]
Subject RE: May 18, 2006 Meeting

I wasn't planning on circulating the transcript to the Commissioners. Most of them probably don't have the time to go through the whole thing. I will let them know it is available, if they are interested in reviewing it.
--- Peggy

"Tova Wang" [REDACTED]



"Tova Wang"
[REDACTED]
06/23/2006 01:04 PM

To dromig@eac.gov, psims@eac.gov
cc [REDACTED]
Subject RE: May 18, 2006 Meeting

Wow, there are a lot of errors in this. But at least it gets at the substance. Will this be circulated to the commissioners?

-----Original Message-----

From: dromig@eac.gov [mailto:dromig@eac.gov]
Sent: Thursday, June 22, 2006 2:45 PM
To: psims@eac.gov
Cc: [REDACTED]
Subject: Fw: May 18, 2006 Meeting

Good news!!! The transcript is finally here.

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov

----- Forwarded by Devon E. Romig/EAC/GOV on 06/22/2006 03:44 PM -----

"Carol J. Thomas Reporting" <carolthomasreporting@cox.net>

06/22/2006 03:24 PM

To dromig@eac.gov
cc jwilson@eac.gov
Subject May 18, 2006 Meeting

012949

Dear EAC,

Attached please note the ASCII file for the Voting Fraud-Voter Intimidation Meeting taken on Wednesday, May 18, 2006. Your transcript has been shipped to you.

ASCII file name: 051806.txt

Please let us know if you have any questions.

Timothy Brischler, Office Manager, 703.273.9221

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Job Serebrov"

06/27/2006 10:07 PM

To [REDACTED] psims@eac.gov
cc

Subject Re: definition

I am ok with it.

--- Tova Wang [REDACTED] wrote:

> Is this OK now?
>
> Tova Andrea Wang
> Democracy Fellow
> The Century Foundation
> 41 East 70th Street - New York, NY 10021
> phone: 212-452-7704 fax: 212-535-7534
>
> Visit our Web site, <<http://www.tcf.org/>>
> www.tcf.org, for the latest news,
> analysis, opinions, and events.
>
> _____
>
> <<mailto:join-tcfmain@mailhost.groundspring.org>>
> Click here to receive our
> weekly e-mail updates.
>
>
>

912950

> > Click here to receive our
> > weekly e-mail updates.
> >
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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Donsanto, Craig"
<Craig.Donsanto@usdoj.gov> To psims@eac.gov
v> cc
05/16/2006 01:41 PM Subject RE: Your Materials

Sure. But where is the resistance coming from? The notes were not accurate. As you know, I have to be very concerned about that.

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Tuesday, May 16, 2006 12:34 PM
To: Donsanto, Craig
Subject: RE: Your Materials

Craig:

I am getting some resistance from my consultants to correcting the summary of the interview prior to the meeting. Would you mind noting the corrections at the meeting? --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 12:06 PM

Topsims@eac.gov
cc
SubjectRE: Your Materials

012951

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



Devon E. Romig/EAC/GOV

05/25/2006 02:37 PM

To Margaret Sims/EAC/GOV@EAC

cc

Subject Summary for VFVI working group meeting

Peggy,

Here is the summary that you requested. Let me know if this works.

Thanks!

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov



VFVI Meeting Summary.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims/EAC/GOV

05/16/2006 02:47 PM

To "Donsanto, Craig"

<Craig.Donsanto@usdoj.gov>@GSAEXTERNAL

cc

Subject RE: Your Materials

I think they are panicking because they are preparing to travel tomorrow and may not have time to submit a revised version. They also are resisting changes to their interview summaries because the summaries represent what they think they heard. I was there at the interview and I heard what you said. I'm not sure that either of them heard everything (including the nuances) because so much of the information was new to them and it was one of their earlier interviews. I'm sorry I did not catch the defects before the summary went out.

My first concern is ensuring that the Working Group has the correct information. Then, we can deal with what version, *if any*, goes in the final report. Do you want me to excerpt the corrections from your email and submit them to the Working Group? --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>



"Donsanto, Craig"
<Craig.Donsanto@usdoj.gov>
v>

05/16/2006 01:41 PM

To psims@eac.gov

cc

912952



Subject RE: Your Materials

Sure. But where is the resistance coming from? The notes were not accurate. As you know, I have to be very concerned about that.

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Tuesday, May 16, 2006 12:34 PM
To: Donsanto, Craig
Subject: RE: Your Materials

Craig:

I am getting some resistance from my consultants to correcting the summary of the interview prior to the meeting. Would you mind noting the corrections at the meeting? --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 12:06 PM

Topsims@eac.gov
cc
SubjectRE: Your Materials

Thank you, Peg. This stuff is very interesting.

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Tuesday, May 16, 2006 11:27 AM
To: Donsanto, Craig
Subject: Re: Your Materials

I have forwarded your message to our consultants and have requested a corrected version for distribution at the WG meeting. --- Peggy

012953

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Tuesday, May 16, 2006 11:27 AM
To: Donsanto, Craig
Subject: Re: Your Materials

I have forwarded your message to our consultants and have requested a corrected version for distribution at the WG meeting. --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 10:46 AM

Topsims@eac.gov
cc
SubjectYour Materials

Peg --

I have read over the materials you sent to me and viewed the pieces on the CD.

I have only one correction:

I did not say that offenders who receive target letters routinely request -- or routinely receive -- audiences here at DOJHQ. That is very rare. Instead, what usually happens is that once a subject for an election fraud investigation is advised that he or she is going to be charged that person usually enters into plea negotiations and ultimately pleads guilty. Very few federal election fraud cases go to trial. When a subject does request a HQ interview or a HW hearing, it would be held in the first instance by myself. But again, Peg, that is rare.

012954

Also, while the occurrences of prosecutions of isolated instances of felons and alien voters and double voters has increased, we still aggressively and I believe quite successfully pursue systematic schemes to corrupt the electoral process, as the cases we brought recently out of Knott and Pike Counties in Kentucky, those we brought out of Lincoln and Logan Counties in West Virginia, and those we brought in New Hampshire growing out of the jamming of get0-out-the-vote phone bank lines attest.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims /EAC/GOV

05/16/2006 03:14 PM

To "Donsanto, Craig"

<Craig.Donsanto@usdoj.gov>@GSAEXTERNAL

cc

Subject RE: Your Materials

I fully understand. Do you want me to prepare a correction sheet for the Working Group, placing your second and more important point first, or do you want to handle this verbally at the meeting? --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>



"Donsanto, Craig"

<Craig.Donsanto@usdoj.gov>

05/16/2006 02:55 PM

To psims@eac.gov

cc

Subject RE: Your Materials

The first item is not as big a deal as the second one: the processes under which subjects of investigations come to Jesus is not as important as the overall assessment of our law enforcement achievements. But stressing the isolated test cases we brought - - and will continue to bring - - to deter things like felon voting, alien voting and double voting, which not mentioning such significant achievements as the five case PROJECTS mentioned in my last e-mail - - misrepresents what we are doing and the deterrent message we are trying to communicate.

I appreciate that these two young people may have found themselves in a Brave New World when they came over here. It showed in their questioning. But the fact that criminal law enforcement is not at all similar to preventative legal relief (as under the Voting Rights Act) or civil relief (as election contest litigation) is I guess more of a problem than I at first foresaw. My real concern is that the civil rights groups - - with whom we over here have an amazing amount of common grounds - - will take the singling out of the felon and alien voter cases as evincing a malevolent aggression on their constituencies. That is not the case. We are only enforcing the law.

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Tuesday, May 16, 2006 2:47 PM

To: Donsanto, Craig

Subject: RE: Your Materials

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012955

to them and it was one of their earlier interviews. I'm sorry I did not catch the defects before the summary went out.

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"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 01:41 PM

Topsims@eac.gov
cc
SubjectRE: Your Materials

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From: psims@eac.gov [mailto:psims@eac.gov]
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Craig:

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"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 12:06 PM

Topsims@eac.gov
cc
SubjectRE: Your Materials

012956

Thank you, Peg. This stuff is very interesting.

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Tuesday, May 16, 2006 11:27 AM
To: Donsanto, Craig
Subject: Re: Your Materials

I have forwarded your message to our consultants and have requested a corrected version for distribution at the WG meeting. --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 10:46 AM

Topsims@eac.gov
cc
SubjectYour Materials

012957

Peg - -

I have read over the materials you sent to me and viewed the pieces on the CD.

I have only one correction:

I did not say that offenders who receive target letters routinely request - - or routinely receive - - audiences here at DOJHQ. That is very rare. Instead, what usually happens is that once a subject for an election fraud investigation is advised that he or she is going to be charged that person usually enters into plea negotiations and ultimately pleads guilty. Very few federal election fraud cases go to trial. When a subject does request a HQ interview or a HW hearing, it would be held in the first instance by myself. But again, Peg, that is rare.

Also, while the occurrences of prosecutions of isolated instances of felons and alien voters and double voters has increased, we still aggressively and I believe quite successfully pursue systematic schemes to corrupt the electoral process, as the cases we brought recently out of Knott and Pike Counties in Kentucky, those we brought out of Lincoln and Logan Counties in West Virginia, and those we brought in New Hampshire growing out of the jamming of get-out-the-vote phone bank lines attest.

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM ---



"Donsanto, Craig"
<Craig.Donsanto@usdoj.gov>
>

05/23/2006 02:49 PM

To psims@eac.gov, "Voris, Natalie (USAEO)"
<Natalie.Voris@usdoj.gov>, "Hillman, Noel"
<Noel.Hillman@usdoj.gov>, "Simmons, Nancy"
<Nancy.Simmons@usdoj.gov>

cc

Subject Request to interview AUSAs

Peg --

At the Advisory Board meeting we had last week, your two contractors asked to interview the over-100 AUSAs who are serving as District Election Officers in connection with the Fraud study.

This request needs to be addressed to Natalie Voris of EOUSA per the message from here that follows.

If the contractors require additional information in connection with the Fraud Study, and should EOUSA not be able to satisfy their needs n they can communicate with me on criminal issues and Cameron Quinn on Civil Rights issues.

I will be here when you arrive later today at the Board of Advisors meeting

012958

when you arrive to talk to us at 4:30.

Ms. Voris' message follows:

Per the USAM, all requests for interviews/surveys/research projects that involve USAOs must be approved by EOUSA. I am pasting the provision below - the contact name needs to be updated. Requests should come to me, as the Acting Counsel to the Director.

Thanks,
Natalie

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Tova Wang"

05/24/2006 02:52 PM

To psims@eac.gov

cc

Subject press interview

Hi Peg,

Just wanted to give you the heads up that I did an interview with a reporter from The Hill today on fraud. As far as I know he is simply referring to me as a fellow at TCF and I did not discuss the project in any way

Tova Andrea Wang
Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

Visit our Web site, www.tcf.org, for the latest news, analysis, opinions, and events.

[Click here](#) to receive our weekly e-mail updates.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims/EAC/GOV

05/24/2006 03:17 PM

To "Tova Wang" <wang@tcf.org>@GSAEXTERNAL

cc Jeannie Layson/EAC/GOV@EAC, bwhitener@eac.gov

Subject Re: press interview

Thanks for the "heads up". -- Peggy

"Tova Wang" [REDACTED]

012959

05/17/2006 03:03 PM

To Craig Donsanto

cc

Subject Status Report on Voting Fraud-Voter Intimidation Project

Craig:

This is what I was working on for the upcoming meetings of the EAC Board of Advisors and EAC Standards Board. --- Peggy



EAC Boards VF-VI Status Report.doc

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM ----



"Job Serebrov"

05/16/2006 09:25 AM

To psims@eac.gov

cc

Subject Re: Date Ranges for Research

Cases were from 2000 to the present.

--- psims@eac.gov wrote:

- > Would you please refresh my memory about the date
- > ranges used for the
- > Nexis article research and the case law research?
- > I'm drawing a blank and
- > I don't see it in the summaries. I need it for this
- > mornings Commissioner
- > briefing. Thanks! --- Peggy

012960

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Tova Wang"
<wang@tcf.org>
05/15/2006 11:36 AM

To psims@eac.gov
cc
Subject thursday

Is it OK if I come around 12:30 or so to make sure I have all my materials arranged properly for presentation? Thanks.

Tova Andrea Wang
Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

Visit our Web site, www.tcf.org, for the latest news, analysis, opinions, and events.

[Click here](#) to receive our weekly e-mail updates.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Donsanto, Craig"
<Craig.Donsanto@usdoj.gov>
v>
05/17/2006 10:59 AM

To psims@eac.gov
cc
Subject RE: Report on Voting Fraud-Voter Intimidation Research

Peg - -

This is a complicated issue largely because of two things: 1) there is a lot of ambiguity out there as to what constitutes "intimidation." To the civil rights community, "intimidation" means anything that makes voting uncomfortable or less than automatic. To us in the criminal law enforcement "intimidation" means threats of economic or physical nature made to force or prevent voting. Only the latter involve aggravating factors that warrant putting offenders in jail, and the statutes that address "intimidation" from a criminal perspective are thus limited. We have never had many "intimidation" criminal cases. For one thing, in this modern post voting rights era, there is not a lot of physical/economic duress out there in the voting context - - at least not that I have seen. For another, where it does occur it is very hard to investigate and detect as victims who have been physically or economically intimidated are not likely to come to the FBI.

The bottom line is that we take matters that do present predication for physical or economically based "intimidation" very seriously, AND that we are being extremely proactive in trying to find ways to prosecute matters involving voter suppression as in the Tobin cases in New Hampshire where the local GOP tried to jam telephone lines for a GOTV effort run by the Dems. But even there - - the usual "suppression" matter involves flyers that are passed around giving out misleading information about an election, and we have investigated every one of those that came to our attention last election cycle. We were not able to identify the person(s) responsible for printing the misleading flyers in any of these. But we sure as heck tried.

012961

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Wednesday, May 17, 2006 9:57 AM
To: Donsanto, Craig
Subject: Report on Voting Fraud-Voter Intimidation Research

Craig:

I'm putting the finishing touches on a status report to the EAC Standards Board and EAC Board of Advisors on our Voting Fraud-Voter Intimidation research project. For the most part, I am using our consultants summaries for the report, but one bullet under the interview summaries is giving me heartburn. It is the bullet that references the decrease in DOJ voter intimidation actions. It is one of the places in which our consultants had indicated that your office is focussing on prosecuting individuals. I have reworded it and would like your feedback on the revision:

Several people indicate - including representatives from DOJ -- that for various reasons, the Department of Justice is bringing fewer voter intimidation and suppression cases now, and has increased its focus on matters such as noncitizen voting, double voting, and felon voting. While the Voting Section of the Civil Rights Division focuses on systemic patterns of malfeasance, the Election Crimes Branch of the Public Integrity Section has increased prosecutions of individual instances of felon, alien, and double voting while also maintaining an aggressive pursuit of systematic schemes to corrupt the electoral process.

Please suggest any changes that you think would further clarify the current approach. --- Peggy
--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM ---

Margaret Sims /EAC/GOV

05/15/2006 04:37 PM

To Voting Fraud-Voter Intimidation Working Group

cc jgreenbaum@lawyerscommittee.org,
vjohnson@lawyerscommittee.org,
dlovecchio@perkinscoie.com, bschuler@lathropgage.com,
Craig.Donsanto@usdoj.gov

Subject Voting Fraud-Voter Intimidation Working Group

Dear Working Group Members and Participants:

You should receive a packet of information today, either by Federal Express or hand delivery, concerning Thursday's meeting of the project Working Group for EAC's Voting Fraud-Voter Intimidation research project. Attached is an analysis of the consultants' research into relevant literature and reports. This summary was not available when we prepared the information packets last Friday, but may be of interest to you. Our consultants and I look forward to having a productive discussion with you.

Regards,

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

012962

Sent: Tuesday, May 16, 2006 7:41 AM
To: wang@tcf.org; serebrov@sbcglobal.net
Subject: Date Ranges for Research

Would you please refresh my memory about the date ranges used for the Nexis article research and the case law research? I'm drawing a blank and I don't see it in the summaries. I need it for this mornings Commissioner briefing. Thanks! --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims /EAC/GOV

05/15/2006 06:41 PM

To "Craig Donsanto" <Craig.Donsanto@usdoj.gov>

cc

Subject Re: Voting Fraud-Voter Intimidation Working Group

It could be a Berry problem. (I occasionally have that problem with attachments I try to retrieve through my Blackberry.)

The attachment is a pdf file, but I have access to a Word version that I can use to insert text in an email tomorrow. I don,t have access to the attachment from my Berry.

Peggy

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: "Donsanto, Craig" [Craig.Donsanto@usdoj.gov]
Sent: 05/15/2006 04:53 PM
To: psims@eac.gov
Subject: Re: Voting Fraud-Voter Intimidation Working Group

Peggy --

I am currently on train in trasit back from a day in Newark. I tried to recover your attachment on Blackberry but got a message telling me the "file is empty."

Can you paste it to an e-mail perhaps?

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>
To: barnwine@lawyerscommittee.org <barnwine@lawyerscommittee.org>;
Rbauer@perkinscoie.com <Rbauer@perkinscoie.com>; bginsberg@pattonboggs.com
<bginsberg@pattonboggs.com>; mhearne@lathropgage.com
<mhearne@lathropgage.com>; jrperez50@sbcglobal.net <jrperez50@sbcglobal.net>;
krogers@sos.state.ga.us <krogers@sos.state.ga.us>; assistant@sos.in.gov
<assistant@sos.in.gov>; weinutr@verizon.net <weinutr@verizon.net>
CC: jgreenbaum@lawyerscommittee.org <jgreenbaum@lawyerscommittee.org>;

012963

vjohnson@lawyerscommittee.org <vjohnson@lawyerscommittee.org>;
dlovecchio@perkinscoie.com <dlovecchio@perkinscoie.com>;
bschuler@lathropgage.com <bschuler@lathropgage.com>; Donsanto, Craig
<Craig.Donsanto@crm.usdoj.gov>
Sent: Mon May 15 16:37:48 2006
Subject: Voting Fraud-Voter Intimidation Working Group

Dear Working Group Members and Participants:

You should receive a packet of information today, either by Federal Express or hand delivery, concerning Thursday's meeting of the project Working Group for EAC's Voting Fraud-Voter Intimidation research project. Attached is an analysis of the consultants' research into relevant literature and reports. This summary was not available when we prepared the information packets last Friday, but may be of interest to you. Our consultants and I look forward to having a productive discussion with you.

Regards,

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

012964



Hi Peg, Have you tried to send me the presentation? I haven't gotten it, but I think we may be having email problems. Let me know. I'd need to look at it today since I'll be tied up tomorrow. Tova

Tova Andrea Wang
 Democracy Fellow
The Century Foundation
 41 East 70th Street - New York, NY 10021
 phone: 212-452-7704 fax: 212-535-7534

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[Click here](#) to receive our weekly e-mail updates.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Donsanto, Craig"
 <Craig.Donsanto@usdoj.gov
 v>
 05/16/2006 03:17 PM
 To psims@eac.gov
 cc
 Subject RE: Your Materials

Let me try to do it, Peg. Again what I do not want to see occur is for the LCCR to start attacking us. We have more in common with them than I had originally assumed, thanks to the write-ups of their interviews. We need to promote what we have in common not try to score political points. But I will try to correct the records as long as you will agree you heard what I said the way I know I said it!

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Tuesday, May 16, 2006 3:14 PM
To: Donsanto, Craig
Subject: RE: Your Materials

I fully understand. Do you want me to prepare a correction sheet for the Working Group, placing your second and more important point first, or do you want to handle this verbally at the meeting? --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 02:55 PM

Topsims@eac.gov
 cc
 SubjectRE: Your Materials

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I appreciate that these two young people may have found themselves in a Brave New World when they came over here. It showed in their questioning. But the fact that criminal law enforcement is not at all similar to preventative legal relief (as under the Voting Rights Act) or civil relief (as election contest litigation) is I guess more of a problem than I at first foresaw. My real concern is that the civil rights groups - - with whom we over here have an amazing amount of common grounds - - will take the singling out of the felon and alien voter cases as evincing a malevolent aggression on their constituencies. That is not the case. We are only enforcing the law.

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Tuesday, May 16, 2006 2:47 PM
To: Donsanto, Craig
Subject: RE: Your Materials

I think they are panicking because they are preparing to travel tomorrow and may not have time to submit a revised version. They also are resisting changes to their interview summaries because the summaries represent what they think they heard. I was there at the interview and I heard what you said. I'm not sure that either of them heard everything (including the nuances) because so much of the information was new to them and it was one of their earlier interviews. I'm sorry I did not catch the defects before the summary went out.

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"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 01:41 PM

Topsims@eac.gov
cc
Subject: RE: Your Materials

012966

Sure. But where is the resistance coming from? The notes were not accurate. As you know, I have to be very concerned about that.

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Tuesday, May 16, 2006 12:34 PM
To: Donsanto, Craig
Subject: RE: Your Materials

Craig:

I am getting some resistance from my consultants to correcting the summary of the interview prior to the meeting. Would you mind noting the corrections at the meeting? -- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 12:06 PM

Topsims@eac.gov
cc
Subject: RE: Your Materials

012967

Thank you, Peg. This stuff is very interesting.

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Tuesday, May 16, 2006 11:27 AM
To: Donsanto, Craig
Subject: Re: Your Materials

I have forwarded your message to our consultants and have requested a corrected version for distribution at the WG meeting. --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 10:46 AM

Topsims@eac.gov
cc
SubjectYour Materials

012968

Peg --

I have read over the materials you sent to me and viewed the pieces on the CD.

I have only one correction:

I did not say that offenders who receive target letters routinely request -- or routinely receive -- audiences here at DOJHQ. That is very rare. Instead, what usually happens is that once a subject for an election fraud investigation is advised that he or she is going to be charged that person usually enters into plea negotiations and ultimately pleads guilty. Very few federal election fraud cases go to trial. When a subject does request a HQ interview or a HW hearing, it would be held in the first instance by myself. But again, Peg, that is rare.

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--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM ---

Margaret Sims/EAC/GOV

05/23/2006 08:45 AM

To "Tova Wang" [REDACTED]

cc

Subject RE: PowerPoint Presentation to EAC Boards [REDACTED]

I know --- I'll have to cover that in my oral presentation, along with some other points. The audience will have a copy of the paper I put together using Job's and your summaries and findings. The paper provides a lot more detail. We did not plan to provide a copy of the PowerPoint presentation, which is just meant to keep me on track and them interested in the presentation. --- Peggy

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM ---



"Tova Wang"

[REDACTED]
05/26/2006 10:41 AM

To psims@eac.gov, "Job Serebrov" [REDACTED]

cc

Subject RE: Request to interview AUSAs

I still think we should include the recommendations in the report

-----Original Message-----

012969

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Friday, May 26, 2006 9:30 AM
To: Tova Andrea Wang; Job Serebrov
Subject: Fw: Request to interview AUSAs

Below is Craig's response to the request to interview AUSAs. It does not appear that this avenue is likely because the AUSAs are so busy..

Also, he asked about permission for other folks to attend the election crimes training session, and the answer was "no". (I can't even get in, and I'm a federal employee.). I understand that a good part of the reason is practical -- they are having enough trouble accommodating the folks that are required to come.

Peggy

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: "Donsanto, Craig" [Craig.Donsanto@usdoj.gov]
Sent: 05/23/2006 02:49 PM
To: psims@eac.gov; "Voris, Natalie (USAEO)" <Natalie.Voris@usdoj.gov>;
"Hillman, Noel" <Noel.Hillman@usdoj.gov>; "Simmons, Nancy"
<Nancy.Simmons@usdoj.gov>
Subject: Request to interview AUSAs

Peg --

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This request needs to be addressed to Natalie Voris of EOUSA per the message from here that follows.

If the contractors require additional information in connection with the Fraud Study, and should EOUSA not be able to satisfy their needs n they can communicate with me on criminal issues and Cameron Quinn on Civil Rights issues.

I will be here when you arrive later today at the Board of Advisors meeting when you arrive to talk to us at 4:30.

Ms. Voris' message follows:

Per the USAM, all requests for interviews/surveys/research projects that involve USAOs must be approved by EOUSA. I am pasting the provision below - the contact name needs to be updated. Requests should come to me, as the Acting Counsel to the Director.

Thanks,
Natalie

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

012970

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims /EAC/GOV

05/16/2006 03:50 PM

To "Tova Wang" [REDACTED]

cc

Subject Re: board of advisers presentation [REDACTED]

I haven't sent it yet. If you need to leave early, you can look at what I have so far, which does not have the intro or the text regarding the final report. --- Peggy



EAC Board Status Report.doc

"Tova Wang" [REDACTED]



"Tova Wang"

[REDACTED]
05/16/2006 03:47 PM

To psims@eac.gov

cc

Subject board of advisers presentation

Hi Peg, Have you tried to send me the presentation? I haven't gotten it, but I think we may be having email problems. Let me know. I'd need to look at it today since I'll be tied up tomorrow. Tova

Tova Andrea Wang

Democracy Fellow

The Century Foundation

41 East 70th Street - New York, NY 10021

phone: 212-452-7704 fax: 212-535-7534

Visit our Web site, www.tcf.org, for the latest news, analysis, opinions, and events.

[Click here](#) to receive our weekly e-mail updates.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Donsanto, Craig"

<Craig.Donsanto@usdoj.gov>

v>

05/17/2006 03:24 PM

To psims@eac.gov

cc

Subject RE: Status Report on Voting Fraud-Voter Intimidation Project

012971

Thank you, Peg. This is at least more accurate than what I read this morning. Thank you for taking the time to discuss this with me. I shall see you tomorrow.

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Wednesday, May 17, 2006 3:04 PM
To: Donsanto, Craig
Subject: Status Report on Voting Fraud-Voter Intimidation Project

Craig:

This is what I was working on for the upcoming meetings of the EAC Board of Advisors and EAC Standards Board. --- Peggy

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM ---



"Donsanto, Craig"
<Craig.Donsanto@usdoj.gov>
>

To psims@eac.gov

cc

05/17/2006 01:23 PM

Subject Re: Report on Voting Fraud-Voter Intimidation Research

Peggy -- can you call me about this in about an hour?

202-514-1421.

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>
Sent: Wed May 17 09:56:39 2006
Subject: Report on Voting Fraud-Voter Intimidation Research

Craig:

I'm putting the finishing touches on a status report to the EAC Standards Board and EAC Board of Advisors on our Voting Fraud-Voter Intimidation research project. For the most part, I am using our consultants summaries for the report, but one bullet under the interview summaries is giving me heartburn. It is the bullet that references the decrease in DOJ voter intimidation actions. It is one of the places in which our consultants had indicated that your office is focussing on prosecuting individuals. I have reworded it and would like your feedback on the revision:

Several people indicate - including representatives from DOJ -- that for various reasons, the Department of Justice is bringing fewer voter intimidation and suppression cases now, and has increased its focus on matters such as noncitizen voting, double voting, and felon voting. While the Voting

012972

Section of the Civil Rights Division focuses on systemic patterns of malfeasance, the Election Crimes Branch of the Public Integrity Section has increased prosecutions of individual instances of felon, alien, and double voting while also maintaining an aggressive pursuit of systematic schemes to corrupt the electoral process.

Please suggest any changes that you think would further clarify the current approach. --- Peggy



"Tova Wang"

05/24/2006 09:14 AM

To psims@eac.gov

cc

Subject presentation

How did it go? Were you able to verbally correct that discrepancy we talked about the other day?
Thanks. Tova

Tova Andrea Wang
Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims /EAC/GOV

05/16/2006 08:41 AM

To Tova Andrea Wang, Job Serebrov

cc

Subject Date Ranges for Research

Would you please refresh my memory about the date ranges used for the Nexis article research and the case law research? I'm drawing a blank and I don't see it in the summaries. I need it for this mornings Commissioner briefing. Thanks! --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

05/16/2006 11:50 AM

To psims@eac.gov

cc

Subject RE: Corrections

I still think its sufficient for him to raise the points verbally. All of the interview summaries reflect what Job and I both understood the interviewees to say. This really opens to the door to people making, as Job says, "corrections"

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Tuesday, May 16, 2006 10:47 AM

012974

"Tova Wang" [REDACTED]

05/24/2006 09:14 AM

To psims@eac.gov
cc
Subject presentation

How did it go? Were you able to verbally correct that discrepancy we talked about the other day?

Thanks. Tova

Tova Andrea Wang
Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

012975

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[Click here](#) to receive our weekly e-mail updates.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang" [REDACTED]

05/16/2006 05:08 PM

To psims@eac.gov

cc

Subject RE: board of advisers presentation

This looks fine otherwise, but I'm not sure I understand why you included the attachments you did. They are not really representative of what we did for the project as a whole. The summaries are just meant to supplement the nexis excel charts.

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Tuesday, May 16, 2006 2:51 PM

To: [REDACTED]

Subject: Re: board of advisers presentation

I haven't sent it yet. If you need to leave early, you can look at what I have so far, which does not have the intro or the text regarding the final report. --- Peggy

"Tova Wang" [REDACTED]

05/16/2006 03:47 PM

To psims@eac.gov

cc

Subject board of advisers presentation

Hi Peg, Have you tried to send me the presentation? I haven't gotten it, but I think we may be having email problems. Let me know. I'd need to look at it today since I'll be tied up tomorrow.
Tova

012976

Tova Andrea Wang
Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

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[Click here](#) to receive our weekly e-mail updates.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Donsanto, Craig"
<Craig.Donsanto@usdoj.gov
v>

To psims@eac.gov

cc

05/16/2006 12:06 PM

Subject RE: Your Materials

Thank you, Peg. This stuff is very interesting.

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Tuesday, May 16, 2006 11:27 AM
To: Donsanto, Craig
Subject: Re: Your Materials

I have forwarded your message to our consultants and have requested a corrected version for distribution at the WG meeting. --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 10:46 AM

Topsims@eac.gov
cc
SubjectYour Materials

Peg --

I have read over the materials you sent to me and viewed the pieces on the CD.

012977

I have only one correction:

I did not say that offenders who receive target letters routinely request - - or routinely receive - - audiences here at DOJHQ. That is very rare. Instead, what usually happens is that once a subject for an election fraud investigation is advised that he or she is going to be charged that person usually enters into plea negotiations and ultimately pleads guilty. Very few federal election fraud cases go to trial. When a subject does request a HQ interview or a HW hearing, it would be held in the first instance by myself. But again, Peg, that is rare.

Also, while the occurrences of prosecutions of isolated instances of felons and alien voters and double voters has increased, we still aggressively and I believe quite successfully pursue systematic schemes to corrupt the electoral process, as the cases we brought recently out of Knott and Pike Counties in Kentucky, those we brought out of Lincoln and Logan Counties in West Virginia, and those we brought in New Hampshire growing out of the jamming of get0-out-the-vote phone bank lines attest.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims /EAC/GOV

05/16/2006 12:34 PM

To "Donsanto, Craig"

<Craig.Donsanto@usdoj.gov>@GSAEXTERNAL

cc

Subject RE: Your Materials 

Craig:

I am getting some resistance from my consultants to correcting the summary of the interview prior to the meeting. Would you mind noting the corrections at the meeting? --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>



"Donsanto, Craig"
<Craig.Donsanto@usdoj.gov>

05/16/2006 12:06 PM

To psims@eac.gov

cc

Subject RE: Your Materials

Thank you, Peg. This stuff is very interesting.

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Tuesday, May 16, 2006 11:27 AM

To: Donsanto, Craig

Subject: Re: Your Materials

I have forwarded your message to our consultants and have requested a corrected version for distribution at the WG meeting. --- Peggy

012978

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 10:46 AM

Topsims@eac.gov
cc
SubjectYour Materials

Peg - -

I have read over the materials you sent to me and viewed the pieces on the CD.

I have only one correction:

I did not say that offenders who receive target letters routinely request - - or routinely receive - - audiences here at DOJHQ. That is very rare. Instead, what usually happens is that once a subject for an election fraud investigation is advised that he or she is going to be charged that person usually enters into plea negotiations and ultimately pleads guilty. Very few federal election fraud cases go to trial. When a subject does request a HQ interview or a HW hearing, it would be held in the first instance by myself. But again, Peg, that is rare.

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Job Serebrov"

05/16/2006 11:13 AM

To "Tova Wang" [redacted]@eac.gov

cc

Subject Corrections

I don't think anyone should be given the opportunity to correct mistakes.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

012979

>
>
> Did you find out whether I can use the Chairman's
> parking spot?
>
> --- psims@eac.gov wrote:
>
> > You will need to submit hotel and parking
> receipts.
> > You don't need to submit meal receipts. You don't
> > need to submit gas receipts because use of a
> > personally owned vehicle (POV) is reimbursed based
> > on mileage. I think I emailed the mileage rate to
> > you. If you need it again, I'll look it up when I
> am
> > at the office (this afternoon).
> > Peg
> >
> > -----
> > Sent from my BlackBerry Wireless Handheld
> >
> >
> > ----- Original Message -----
> > From: "Job Serebrov" [REDACTED]
> > Sent: 05/12/2006 09:05 PM
> > To: psims@eac.gov
> > Subject: Question
> >
> > Peg:
> >
> > Since I am driving to DC, besides hotel receipts,
> do
> > you want me to keep my gas receipts or how will my
> > car
> > use be compensated? Also, I assume I don't have
> to
> > retain food receipts.
> >
> > Job
> >
> >
> >
>
>
>
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"
[REDACTED]
05/15/2006 09:07 AM

To psims@eac.gov
cc dromig@eac.gov
Subject I'm sorry

> Subject: Re: New Working Group Member
>
> Ben Ginsberg is one of the most respected election
> law attorneys in the country. Great choice.
>
> -----
> Sent from my BlackBerry Wireless Handheld
>
>
>
> ----- Original Message -----
> From: Margaret Sims
> Sent: 05/12/2006 04:04 PM
> To: pdegregorio@eac.gov
> Cc: CN=Amie J. Sherrill/OU=EAC/O=GOV@EAC
> Subject: New Working Group Member
>
> FYI - The person I mentioned as a replacement for
> David Norcross, who was
> unavailable, could not attend or Voting Fraud-Voter
> Intimidation Working
> Group meeting. Our consultant, Job Serebrov,
> suggested Benjamin Ginsberg,
> who is willing. I'm sorry I could not check with
> you on this beforehand
> --- things happened so fast! --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims/EAC/GOV

05/22/2006 04:55 PM

To Tova Andrea Wang, Job Serebrov

cc

Subject PowerPoint Presentation to EAC Boards

FYI - Attached is a copy of the PowerPoint presentation on the voting fraud-voter intimidation research project for tomorrow's meetings of the EAC Standards Board (110 state and local election officials) and the EAC Advisory Board (37 representatives from national associations and government agencies who play a role in HAVA implementation and from science and technology-related professions appointed by Congressional members). I used your summaries as the primary source of information for the presentation. --- Peggy



VF-VI Project Presentation.ppt

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Tamar Nedzar/EAC/GOV

05/18/2006 04:36 PM

To cdonsanto@usdoj.gov, weinutr@verizon.net,
assistant@sos.in.gov, kroggers@sos.state.ga.us,
jrperez50@sbcglobal.net, mhearne@lathropgage.com,
bginsberg@pattonboggs.com, Rbauer@perkinscoie.com,
barnwine@lawyerscommittee.org, serebrov@sbcglobal.net,
wang@tcf.org

cc Margaret Sims/EAC/GOV@EAC, Edgardo
Cortes/EAC/GOV@EAC, Juliet E.

012982

Thompson-Hodgkins/EAC/GOV@EAC
Subject Senate and House Conference Reports

All,

As discussed in the meeting today, please find attached the House and Senate Conference Reports associated with the passage of HAVA. In each document, the word "fraud" is capitalized, bolded, and highlighted.

Kind Regards,

Tamar Nedzar
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
(202) 566-2377
<http://www.eac.gov>
TNedzar@eac.gov



House Conference Report.doc



Senate Conference Report.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

[Redacted]
05/23/2006 09:23 AM

To psims@eac.gov
cc

Subject RE: PowerPoint Presentation to EAC Boards

OK, thanks

-----Original Message-----

From: psims@eac.gov [<mailto:psims@eac.gov>]
Sent: Tuesday, May 23, 2006 7:46 AM
To: wang@tcf.org
Subject: RE: PowerPoint Presentation to EAC Boards

I know --- I'll have to cover that in my oral presentation, along with some other points. The audience will have a copy of the paper I put together using Job's and your summaries and findings. The paper provides a lot more detail. We did not plan to provide a copy of the PowerPoint presentation, which is just meant to keep me on track and them interested in the presentation. --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

[Redacted]

To psims@eac.gov

012983

Peggy:

The package came today. Thanks. See you Thursday.

Barry

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims /EAC/GOV

05/15/2006 01:56 PM

To "Weinberg and Utrecht"

cc [REDACTED]

Subject Re: Voting Fraud-Voter Intimidation [REDACTED]

Barry:

Would you please take a moment to review the draft definition of election fraud? One of our consultants is concerned that it does not sufficiently cover violations of the Voting Rights Act that would qualify. Thanks!

--- Peggy

"Weinberg and Utrecht" [REDACTED]

012984



"Weinberg and Utrecht "

05/15/2006 01:53 PM

To psims@eac.gov

cc

Subject Re: Voting Fraud-Voter Intimidation

Peggy:

The package came today. Thanks. See you Thursday.
Barry

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims /EAC/GOV

05/16/2006 11:27 AM

To "Donsanto, Craig"

<Craig.Donsanto@usdoj.gov>@GSAEXTERNAL

cc

Subject Re: Your Materials

I have forwarded your message to our consultants and have requested a corrected version for distribution at the WG meeting. --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>



"Donsanto, Craig"

<Craig.Donsanto@usdoj.gov>

05/16/2006 10:46 AM

To psims@eac.gov

cc

Subject Your Materials

Peg - -

I have read over the materials you sent to me and viewed the pieces on the CD.

I have only one correction:

I did not say that offenders who receive target letters routinely request - - or routinely receive - - audiences here at DOJHQ. That is very rare. Instead, what usually happens is that once a subject for an election fraud investigation is advised that he or she is going to be charged that person usually enters into plea negotiations and ultimately pleads guilty. Very few federal election fraud cases go to trial. When a subject does request a HQ interview or a HW hearing, it would be held in the first instance by myself. But again, Peg, that is rare.

Also, while the occurrences of prosecutions of isolated instances of felons and alien voters and double voters has increased, we still aggressively and I believe quite successfully pursue systematic schemes to corrupt the electoral process, as the cases we brought recently out of Knott and Pike Counties in Kentucky, those we brought out of Lincoln and Logan Counties in West Virginia, and those we brought in

012985

New Hampshire growing out of the jamming of get0-out-the-vote phone bank lines attest.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

[REDACTED]
05/16/2006 03:53 PM

To psims@eac.gov

cc

Subject RE: board of advisers presentation

I'll be here for a while, I just wanted to make sure. If you send it to me anytime before 5 I can look at it in time. If not, I'll try my best to look at it en route tomorrow.

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Tuesday, May 16, 2006 2:51 PM

To: [REDACTED]

Subject: Re: board of advisers presentation

I haven't sent it yet. If you need to leave early, you can look at what I have so far, which does not have the intro or the text regarding the final report. --- Peggy

"Tova Wang" [REDACTED]

05/16/2006 03:47 PM

To psims@eac.gov

cc

Subject board of advisers presentation

Hi Peg, Have you tried to send me the presentation? I haven't gotten it, but I think we may be having email problems. Let me know. I'd need to look at it today since I'll be tied up tomorrow.
Tova

Tova Andrea Wang
Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

012986

----- Forwarded by Margaret Sims/EAC/GOV on 05/16/2006 10:58 AM -----



"Donsanto, Craig"
<Craig.Donsanto@usdoj.gov>
>

To psims@eac.gov

05/16/2006 10:46 AM

cc

Subject Your Materials

Peg - -

I have read over the materials you sent to me and viewed the pieces on the CD.

I have only one correction:

I did not say that offenders who receive target letters routinely request - - or routinely receive - - audiences here at DOJHQ. That is very rare. Instead, what usually happens is that once a subject for an election fraud investigation is advised that he or she is going to be charged that person usually enters into plea negotiations and ultimately pleads guilty. Very few federal election fraud cases go to trial. When a subject does request a HQ interview or a HW hearing, it would be held in the first instance by myself. But again, Peg, that is rare.

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"
[REDACTED]
05/15/2006 09:56 AM

To dromig@eac.gov

cc psims@eac.gov

Subject RE: I'm sorry

Great -- thanks so much and apologies for the false alarm.

-----Original Message-----

012987

From: dromig@eac.gov [mailto:dromig@eac.gov]
Sent: Monday, May 15, 2006 8:51 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: I'm sorry

This article is on the CD, it is located in the "Nexis Article Charts" folder.

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov

"Tova Wang" [REDACTED]

05/15/2006 09:26 AM

To psims@eac.gov
cc dromig@eac.gov
Subject RE: I'm sorry

Thats good. I'm probably just getting crazy, trying to make sure everything is perfect. Devon, maybe you can check? Otherwise I'll check it when it comes. Thanks. And be well Peg.

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Monday, May 15, 2006 8:23 AM
To: Tova Andrea Wang
Subject: Re: I'm sorry

Tova:

I think you did send this --- or is this a revised version of one you sent earlier? It should be on the CD in the packet you should receive today.. (Can't check that right now as I am at the clinic.) If I put anything on the CD that you want to highlight at the meeting, let me know and we'll make copies for those attending.

Peggy

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: "Tova Wang" [REDACTED]

012988

Sent: 05/15/2006 09:07 AM
To: Margaret Sims
Cc: Devon Romig
Subject: I'm sorry

I don't think I sent this to you either. Can we hand it out at the meeting as an addendum? Its another summary that would have gone in the news article section. I'm usually so organized, I'm very embarrassed. Too many things! Thanks

Tova Andrea Wang
Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims/EAC/GOV

05/16/2006 08:43 AM

To "Donsanto, Craig"
<Craig.Donsanto@usdoj.gov>@GSAEXTERNAL
cc

Subject Re: Voting Fraud-Voter Intimidation Working Group 

Here is the content of the email attachment:

Existing Research Analysis

There are many reports and books that describe anecdotes and draw broad conclusions from a large array of incidents. There is little research that is truly systematic or scientific. The most systematic look at fraud is the report written by Lori Minnite. The most systematic look at voter intimidation is the report by Laughlin McDonald. Books written about this subject seem to all have a political bias and a pre-existing agenda that makes them somewhat less valuable.

Researchers agree that measuring something like the incidence of fraud and intimidation in a scientifically legitimate way is extremely difficult from a methodological perspective and would require resources beyond the means of most social and political scientists. As a result, there is much more written on this topic by advocacy groups than social scientists. It is hoped that this gap will be filled in the "second phase" of this EAC project.

Moreover, reports and books make allegations but, perhaps by their nature, have little follow up. As a result, it is difficult to know when something has remained in the stage

012989

of being an allegation and gone no further, or progressed to the point of being investigated or prosecuted or in any other way proven to be valid by an independent, neutral entity. This is true, for example, with respect to allegations of voter intimidation by civil rights organizations, and, with respect to fraud, John Fund's frequently cited book. Again, this is something that it is hoped will be addressed in the "second phase" of this EAC project by doing follow up research on allegations made in reports, books and newspaper articles.

Other items of note:

- There is as much evidence, and as much concern, about structural forms of disenfranchisement as about intentional abuse of the system. These include felon disenfranchisement, poor maintenance of databases and identification requirements.
- There is tremendous disagreement about the extent to which polling place fraud, e.g. double voting, intentional felon voting, noncitizen voting, is a serious problem. On balance, more researchers find it to be less of a problem than is commonly described in the political debate, but some reports say it is a major problem, albeit hard to identify.
- There is substantial concern across the board about absentee balloting and the opportunity it presents for fraud.
- Federal law governing election fraud and intimidation is varied and complex and yet may nonetheless be insufficient or subject to too many limitations to be as effective as it might be.
- Deceptive practices, e.g. targeted flyers and phone calls providing misinformation, were a major problem in 2004.
- Voter intimidation continues to be focused on minority communities, although the American Center for Voting Rights uniquely alleges it is focused on Republicans.

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>



"Donsanto, Craig"
<Craig.Donsanto@usdoj.gov>
>

05/15/2006 04:53 PM

To psims@eac.gov

cc

Subject Re: Voting Fraud-Voter Intimidation Working Group

Peggy --

I am currently on train in transit back from a day in Newark. I tried to recover your attachment on Blackberry but got a message telling me the "file is empty."

012930

Can you paste it to an e-mail perhaps?

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>
To: barnwine@lawyerscommittee.org <barnwine@lawyerscommittee.org>;
Rbauer@perkinscoie.com <Rbauer@perkinscoie.com>; bginsberg@pattonboggs.com
<bginsberg@pattonboggs.com>; mhearne@lathropgage.com
<mhearne@lathropgage.com>; jrperez50@sbcglobal.net <jrperez50@sbcglobal.net>;
krogers@sos.state.ga.us <krogers@sos.state.ga.us>; assistant@sos.in.gov
<assistant@sos.in.gov>; weinutr@verizon.net <weinutr@verizon.net>
CC: jgreenbaum@lawyerscommittee.org <jgreenbaum@lawyerscommittee.org>;
vjohnson@lawyerscommittee.org <vjohnson@lawyerscommittee.org>;
dlovecchio@perkinscoie.com <dlovecchio@perkinscoie.com>;
bschuler@lathropgage.com <bschuler@lathropgage.com>; Donsanto, Craig
<Craig.Donsanto@crm.usdoj.gov>
Sent: Mon May 15 16:37:48 2006
Subject: Voting Fraud-Voter Intimidation Working Group

Dear Working Group Members and Participants:

You should receive a packet of information today, either by Federal Express or hand delivery, concerning Thursday's meeting of the project Working Group for EAC's Voting Fraud-Voter Intimidation research project. Attached is an analysis of the consultants' research into relevant literature and reports. This summary was not available when we prepared the information packets last Friday, but may be of interest to you. Our consultants and I look forward to having a productive discussion with you.

Regards,

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims/EAC/GOV

05/19/2006 02:51 PM

To Craig Donsanto

cc

Subject Voting Fraud-Voter Intimidation Project-Nexis Word Search

Craig;

012991

You asked about the Nexis search terms used by our consultants. The list follows. --- Peggy.

Election and fraud
Voter and fraud
Vote and fraud
Voter and challenge
Vote and challenge
Election and challenge
Election and irregularity
Election and irregularities
Election and violation
Election and stealing
Ballot box and tampering
Ballot box and theft
Ballot box and stealing
Election and officers
Election and Sheriff
Miscount and votes
Election and crime
Election and criminal
Vote and crime
Vote and criminal
Double voting
Multiple voting
Dead and voting
Election and counting and violation
Election and counting and error
Vote and counting and violation
Vote and counting and error
Voter and intimidation
Voter and intimidating
Vote and intimidation
Denial and voter and registration
Voter identification
Vote and identification
Voter and racial profiling
Vote and racial profiling
Voter and racial
Vote and racial
Voter and racial and challenge
Vote and racial and challenge
Voter and deny and racial
Vote and deny and racial
Voter and deny and challenge
Vote and deny and challenge

Voter and deny and black
Vote and deny and black
Voter and black and challenge
Vote and black and challenge
Voter and deny and African American
Vote and deny and African American
Voter and African American and challenge
Vote and African American and challenge
Election and black and challenge
Election and African American and challenge
Voter and deny and Hispanic
Voter and deny and Latino
Vote and deny and Hispanic
Vote and deny and Latino
Voter and Hispanic and challenge
Voter and Latino and challenge
Vote and Hispanic and challenge
Vote and Latino and challenge
Election and Hispanic and challenge
Election and Latino and challenge
Voter and deny and Native American
Vote and deny and Native American
Voter and Native American and challenge
Vote and Native American and challenge
Election and Native American and challenge
Voter and deny and Asian American
Vote and deny and Asian American
Voter and Asian American and challenge
Vote and Asian American and challenge
Voter and Asian American and challenge
Election and Asian American and challenge
Voter and deny and Indian
Vote and deny and Indian
Voter and Indian and challenge
Vote and Indian and challenge
Election and Indian and challenge
Poll tax
Voting and test
Absentee ballot and deny
Absentee ballot and reject
Absentee ballot and challenge
Vote and challenge
Voter and challenge
Election and challenge
Vote and police

Voter and police
Poll and police
Vote and law enforcement
Voter and law enforcement
Poll and law enforcement
Vote and deceptive practices
Voter and deceptive practices
Election and deceptive practices
Voter and deceive
Voter and false information
Dirty tricks
Vote and felon
Vote and ex-felon
Disenfranchisement
Disenfranchise
Law and election and manipulation
Vote and purging
Vote and purge
Registration and removal
Registration and purging
Registration and purge
Vote buying
Vote and noncitizen
Voter and noncitizen
Vote and selective enforcement
Identification and selective
Election and misinformation
Registration and restrictions
Election and administrator and fraud
Election and official and fraud
Provisional ballot and deny
Provisional ballot and denial
Affidavit ballot and deny
Affidavit ballot and denial
Absentee ballot and coerce
Absentee ballot and coercion
Registration and destruction
Voter and deter
Vote and deterrence
Voter and deterrence
Ballot integrity
Ballot security
Ballot security and minority
Ballot security and black
Ballot security and African American

Ballot security and Latino
Ballot security and Hispanic
Ballot security and Native American
Ballot security and Indian
Vote and suppression
Minority and vote and suppression
Black and vote and suppression
African American and vote and suppression
Latino and vote and suppression
Hispanic and vote and suppression
Native American and vote and suppression
Vote and suppress
Minority and vote and suppress
African American and vote and suppress
Latino and vote and suppress
Native American and vote and suppress
Vote and depress
Jim Crow
Literacy test
Voter and harass
Voter and harassment
Vote and mail and fraud
Poll and guards
Election and consent decree
Vote and barrier
Voting and barrier
Voter and barrier
Election and long line
Voter and long line

Poll worker and challenge
Poll worker and intimidate
Poll worker and intimidation
Poll worker and intimidating
Poll worker and threatening
Poll worker and abusive
Election official and challenge
Election official and intimidate
Election official and intimidation
Election official and intimidating
Election official and threatening
Election official and abusive
Poll watcher and challenge
Poll watcher and intimidate
Poll watcher and intimidating

Poll watcher and intimidation
Poll watcher and abusive
Poll watcher and threatening
Poll inspector and challenge
Poll inspector and intimidate
Poll inspector and intimidating
Poll inspector and intimidation
Poll inspector and abusive
Poll inspector and threatening
Poll judge and challenge
Poll judge and intimidate
Poll judge and intimidating
Poll judge and intimidation
Poll judge and abusive
Poll judge and threatening
Poll monitor and challenge
Poll monitor and intimidate
Poll monitor and intimidating
Poll monitor and intimidation
Poll monitor and abusive
Poll monitor and threatening
Election judge and challenge
Election judge and intimidate
Election judge and intimidating
Election judge and intimidation
Election judge and abusive
Election judge and threatening
Election monitor and challenge
Election monitor and intimidate
Election monitor and intimidating
Election monitor and intimidation
Election monitor and abusive
Election monitor and threatening
Election observer and challenge
Election observer and intimidate
Election observer and intimidating
Election observer and intimidation
Election observer and abusive
Election observer and threatening

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims /EAC/GOV
05/16/2006 03:37 PM

To "Donsanto, Craig"
<Craig.Donsanto@usdoj.gov>@GSAEXTERNAL
cc

Subject RE: Your Materials 

012996

OK. --- Peg

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>



"Donsanto, Craig"
<Craig.Donsanto@usdoj.gov>
>

05/16/2006 03:17 PM

To psims@eac.gov

cc

Subject RE: Your Materials

Let me try to do it, Peg. Again what I do not want to see occur is for the LCCR to start attacking us. We have more in common with them than I had originally assumed, thanks to the write-ups of their interviews. We need to promote what we have in common not try to score political points. But I will try to correct the records as long as you will agree you heard what I said the way I know I said it!

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Tuesday, May 16, 2006 3:14 PM

To: Donsanto, Craig

Subject: RE: Your Materials

I fully understand. Do you want me to prepare a correction sheet for the Working Group, placing your second and more important point first, or do you want to handle this verbally at the meeting? --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 02:55 PM

To psims@eac.gov

cc

Subject RE: Your Materials

The first item is not as big a deal as the second one: the processes under which subjects of investigations come to Jesus is not as important as the overall assessment of our law enforcement achievements. But stressing the isolated test cases we brought - - and will continue to bring - - to deter things like felon voting, alien voting and double voting, which not mentioning such significant achievements as the five case PROJECTS mentioned in my last e-mail - - misrepresents what we are doing and the deterrent message we are trying to communicate.

012997

I appreciate that these two young people may have found themselves in a Brave New World when they came over here. It showed in their questioning. But the fact that criminal law enforcement is not at all similar to preventative legal relief (as under the Voting Rights Act) or civil relief (as election contest litigation) is I guess more of a problem than I at first foresaw. My real concern is that the civil rights groups - - with whom we over here have an amazing amount of common grounds - - will take the singling out of the felon and alien voter cases as evincing a malevolent aggression on their constituencies. That is not the case. We are only enforcing the law.

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Tuesday, May 16, 2006 2:47 PM
To: Donsanto, Craig
Subject: RE: Your Materials

I think they are panicking because they are preparing to travel tomorrow and may not have time to submit a revised version. They also are resisting changes to their interview summaries because the summaries represent what they think they heard. I was there at the interview and I heard what you said. I'm not sure that either of them heard everything (including the nuances) because so much of the information was new to them and it was one of their earlier interviews. I'm sorry I did not catch the defects before the summary went out.

My first concern is ensuring that the Working Group has the correct information. Then, we can deal with what version, *if any*, goes in the final report. Do you want me to excerpt the corrections from your email and submit them to the Working Group? --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 01:41 PM

Topsims@eac.gov
cc
Subject: RE: Your Materials

012998

Sure. But where is the resistance coming from? The notes were not accurate. As you know, I have to be very concerned about that.

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Tuesday, May 16, 2006 12:34 PM
To: Donsanto, Craig
Subject: RE: Your Materials

Craig:

I am getting some resistance from my consultants to correcting the summary of the interview prior to the meeting. Would you mind noting the corrections at the meeting? --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 12:06 PM

Topsims@eac.gov
cc
SubjectRE: Your Materials

Thank you, Peg. This stuff is very interesting.

012999

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Tuesday, May 16, 2006 11:27 AM
To: Donsanto, Craig
Subject: Re: Your Materials

I have forwarded your message to our consultants and have requested a corrected version for distribution at the WG meeting. --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 10:46 AM

Topsims@eac.gov
cc
SubjectYour Materials

Peg - -

I have read over the materials you sent to me and viewed the pieces on the CD.

013000

I have only one correction:

I did not say that offenders who receive target letters routinely request - - or routinely receive - - audiences here at DOJHQ. That is very rare. Instead, what usually happens is that once a subject for an election fraud investigation is advised that he or she is going to be charged that person usually enters into plea negotiations and ultimately pleads guilty. Very few federal election fraud cases go to trial. When a subject does request a HQ interview or a HW hearing, it would be held in the first instance by myself. But again, Peg, that is rare.

Also, while the occurrences of prosecutions of isolated instances of felons and alien voters and double voters has increased, we still aggressively and I believe quite successfully pursue systematic schemes to corrupt the electoral process, as the cases we brought recently out of Knott and Pike Counties in Kentucky, those we brought out of Lincoln and Logan Counties in West Virginia, and those we brought in New Hampshire growing out of the jamming of get-out-the-vote phone bank lines attest.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

[REDACTED]
05/16/2006 11:03 AM

To psims@eac.gov, serebrov@sbcglobal.net
cc

Subject RE: Your Materials

I think he can just raise these points at the meeting, no? I'm sure many we interviewed would say we misquoted them on something. This is what both Job and I remember him saying. I think it would be unfair for him to change/amend his interview without giving the same opportunity to the other interviewees.

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Tuesday, May 16, 2006 9:59 AM

To: [REDACTED]

Subject: Fw: Your Materials

See corrections from Donsanto at DOJ. We should probably provide corrected versions to the Working Group. --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 05/16/2006 10:58 AM -----

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 10:46 AM

To psims@eac.gov
cc
Subject Your Materials

013001

Peg --

I have read over the materials you sent to me and viewed the pieces on the CD.

I have only one correction:

I did not say that offenders who receive target letters routinely request -- or routinely receive -- audiences here at DOJHQ. That is very rare. Instead, what usually happens is that once a subject for an election fraud investigation is advised that he or she is going to be charged that person usually enters into plea negotiations and ultimately pleads guilty. Very few federal election fraud cases go to trial. When a subject does request a HQ interview or a HW hearing, it would be held in the first instance by myself. But again, Peg, that is rare.

Also, while the occurrences of prosecutions of isolated instances of felons and alien voters and double voters has increased, we still aggressively and I believe quite successfully pursue systematic schemes to corrupt the electoral process, as the cases we brought recently out of Knott and Pike Counties in Kentucky, those we brought out of Lincoln and Logan Counties in West Virginia, and those we brought in New Hampshire growing out of the jamming of get0-out-the-vote phone bank lines attest.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Donsanto, Craig"
<Craig.Donsanto@usdoj.gov
v>

05/19/2006 03:17 PM

To psims@eac.gov

cc "Simmons, Nancy" <Nancy.Simmons@usdoj.gov>

Subject Re: Voting Fraud-Voter Intimidation Project-Nexis Word Search

Peggy --

I was just thinking of you!

Great session yesterday. I really enjoyed it. Robust discussion.

On another subject, Nancy Simmons needs the e-mail address of NASED. Can you give her both that and the website address for them? Her e-mail is nancy.simmons@usdoj.gov.

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>

To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>

Sent: Fri May 19 14:51:21 2006

Subject: Voting Fraud-Voter Intimidation Project-Nexis Word Search

Craig;

You asked about the Nexis search terms used by our consultants. The list

013002

follows. --- Peggy.

Election and fraud
Voter and fraud
Vote and fraud
Voter and challenge
Vote and challenge
Election and challenge
Election and irregularity
Election and irregularities
Election and violation
Election and stealing
Ballot box and tampering
Ballot box and theft
Ballot box and stealing
Election and officers
Election and Sheriff
Miscount and votes
Election and crime
Election and criminal
Vote and crime
Vote and criminal
Double voting
Multiple voting
Dead and voting
Election and counting and violation
Election and counting and error
Vote and counting and violation
Vote and counting and error
Voter and intimidation
Voter and intimidating
Vote and intimidation
Denial and voter and registration
Voter identification
Vote and identification
Voter and racial profiling
Vote and racial profiling
Voter and racial
Vote and racial
Voter and racial and challenge
Vote and racial and challenge
Voter and deny and racial
Vote and deny and racial
Voter and deny and challenge
Vote and deny and challenge
Voter and deny and black
Vote and deny and black
Voter and black and challenge
Vote and black and challenge
Voter and deny and African American
Vote and deny and African American
Voter and African American and challenge
Vote and African American and challenge
Election and black and challenge
Election and African American and challenge
Voter and deny and Hispanic
Voter and deny and Latino
Vote and deny and Hispanic
Vote and deny and Latino
Voter and Hispanic and challenge
Voter and Latino and challenge

013003

Vote and Hispanic and challenge
Vote and Latino and challenge
Election and Hispanic and challenge
Election and Latino and challenge
Voter and deny and Native American
Vote and deny and Native American
Voter and Native American and challenge
Vote and Native American and challenge
Election and Native American and challenge
Voter and deny and Asian American
Vote and deny and Asian American
Voter and Asian American and challenge
Vote and Asian American and challenge
Voter and Asian American and challenge
Election and Asian American and challenge
Voter and deny and Indian
Vote and deny and Indian
Voter and Indian and challenge
Vote and Indian and challenge
Election and Indian and challenge
Poll tax
Voting and test
Absentee ballot and deny
Absentee ballot and reject
Absentee ballot and challenge
Vote and challenge
Voter and challenge
Election and challenge
Vote and police
Voter and police
Poll and police
Vote and law enforcement
Voter and law enforcement
Poll and law enforcement
Vote and deceptive practices
Voter and deceptive practices
Election and deceptive practices
Voter and deceive
Voter and false information
Dirty tricks
Vote and felon
Vote and ex-felon
Disenfranchisement
Disenfranchise
Law and election and manipulation
Vote and purging
Vote and purge
Registration and removal
Registration and purging
Registration and purge
Vote buying
Vote and noncitizen
Voter and noncitizen
Vote and selective enforcement
Identification and selective
Election and misinformation
Registration and restrictions
Election and administrator and fraud
Election and official and fraud
Provisional ballot and deny
Provisional ballot and denial

013004

Affidavit ballot and deny
Affidavit ballot and denial
Absentee ballot and coerce
Absentee ballot and coercion
Registration and destruction
Voter and deter
Vote and deterrence
Voter and deterrence
Ballot integrity
Ballot security
Ballot security and minority
Ballot security and black
Ballot security and African American
Ballot security and Latino
Ballot security and Hispanic
Ballot security and Native American
Ballot security and Indian
Vote and suppression
Minority and vote and suppression
Black and vote and suppression
African American and vote and suppression
Latino and vote and suppression
Hispanic and vote and suppression
Native American and vote and suppression
Vote and suppress
Minority and vote and suppress
African American and vote and suppress
Latino and vote and suppress
Native American and vote and suppress
Vote and depress
Jim Crow
Literacy test
Voter and harass
Voter and harassment
Vote and mail and fraud
Poll and guards
Election and consent decree
Vote and barrier
Voting and barrier
Voter and barrier
Election and long line
Voter and long line

Poll worker and challenge
Poll worker and intimidate
Poll worker and intimidation
Poll worker and intimidating
Poll worker and threatening
Poll worker and abusive
Election official and challenge
Election official and intimidate
Election official and intimidation
Election official and intimidating
Election official and threatening
Election official and abusive
Poll watcher and challenge
Poll watcher and intimidate
Poll watcher and intimidating
Poll watcher and intimidation
Poll watcher and abusive
Poll watcher and threatening

013005

Poll inspector and challenge
Poll inspector and intimidate
Poll inspector and intimidating
Poll inspector and intimidation
Poll inspector and abusive
Poll inspector and threatening
Poll judge and challenge
Poll judge and intimidate
Poll judge and intimidating
Poll judge and intimidation
Poll judge and abusive
Poll judge and threatening
Poll monitor and challenge
Poll monitor and intimidate
Poll monitor and intimidating
Poll monitor and intimidation
Poll monitor and abusive
Poll monitor and threatening
Election judge and challenge
Election judge and intimidate
Election judge and intimidating
Election judge and intimidation
Election judge and abusive
Election judge and threatening
Election monitor and challenge
Election monitor and intimidate
Election monitor and intimidating
Election monitor and intimidation
Election monitor and abusive
Election monitor and threatening
Election observer and challenge
Election observer and intimidate
Election observer and intimidating
Election observer and intimidation
Election observer and abusive
Election observer and threatening

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM ---



"Tova Wang"

[REDACTED]
05/15/2006 05:05 PM

To psims@eac.gov

cc

Subject RE: Fraud Definition

Sounds good. Thanks.

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Monday, May 15, 2006 4:03 PM

To: [REDACTED]

Subject: Re: Fraud Definition

Tova:

013006

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM ----



[REDACTED]
07/01/2006 05:30 PM

To psims@eac.gov
cc [REDACTED]
Subject Re: FW: methodology

It would be great if someone there could work on cleaning it up. Let us know. Thanks.

----- Original Message -----

From: psims@eac.gov

To: [REDACTED]

Cc: [REDACTED]

Sent: Friday, June 30, 2006 5:25 PM

Subject: Re: FW: methodology

The attached is the text extracted from pages 8-19 and the Attachment C referenced within the text. The formatting is still a little weird. Can you work with this, or do I need to play with it some more? --- Peggy

"Tova Wang" [REDACTED]

06/29/2006 12:07 PM

To psims@eac.gov
cc
Subject FW: methodology

Will it be possible for you to extract the excerpt for inclusion in the report? Thanks.

-----Original Message-----

From: Job Serebrov [mailto:[REDACTED]]
Sent: Wednesday, June 28, 2006 5:40 PM
To: Tova Wang; psims@eac.gov
Subject: Re: methodology

Agreed

--- Tova Wang [REDACTED] wrote:

013007

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims /EAC/GOV

07/03/2006 11:04 AM

To "Tova Wang" [REDACTED]

cc [REDACTED]

Subject Re: final report [REDACTED]

Once is enough. You don't need to resend. --- Peggy

"Tova Wang" [REDACTED]



"Tova Wang"

07/03/2006 09:10 AM

To psims@eac.gov

cc [REDACTED]

Subject final report

Peg, We don't need to re-send you all of the material that we gave you to provide to the working group for the final report, eg the individual interviews, research summaries, nexis and case charts, right? Thanks. Happy 4th. Tova

Tova Andrea Wang

Democracy Fellow

The Century Foundation

41 East 70th Street - New York, NY 10021

phone: 212-452-7704 fax: 212-535-7534

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims /EAC/GOV

07/03/2006 11:35 AM

To "Tova Wang" [REDACTED]

cc

Subject RE: FW: methodology [REDACTED]

I've asked Devon to do it. She can get it to you faster than I. --- Peggy

"Tova Wang" [REDACTED]

013008



"Tova Wang"

07/03/2006 11:18 AM

To psims@eac.gov

cc [REDACTED]

Subject RE: FW: methodology

The excess returns would be a great start, and then I can do the rest.
Thanks a lot.

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Monday, July 03, 2006 10:14 AM

To: [REDACTED]

Cc: [REDACTED]

Subject: Re: FW: methodology

Do you just need to have the excess returns removed, or do you think it
needs other clean up as well? --- Peggy

013009

07/17/2006 12:25 PM

To "Tova Wang" [REDACTED]
cc "Job Serebrov" [REDACTED]
Subject RE: final report [REDACTED]

Yes, I have the list of Working Group members. --- Peggy

"Tova Wang" [REDACTED]

07/17/2006 10:29 AM

To psims@eac.gov
cc "Job Serebrov" [REDACTED]
Subject RE: final report

appendices attached, except Peg I think you put together the list of the working group members? In any case, I can't find one at the moment, but it would be easy enough to put together. Perhaps even Devon or someone could do that, especially since I don't think I have any hours left, and probably shouldn't even be writing this email. I don't remember the conversation about adding to the list of interviewees, but we can talk about that later.

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Monday, July 17, 2006 9:13 AM
To: [REDACTED]
Cc: "Job Serebrov" [REDACTED]
Subject: Re: final report

Thanks. I probably won't be able to start getting into this until tomorrow AM. I noticed that the appendices weren't attached. I think we discussed earlier that the list of interviewees needed to have more information for the final report, and the list of books and documents should be presented in the same manner as a bibliography for the final report. We can talk more about this tonight during our teleconference at 7 PM EST. --- Peggy

"Tova Wang" [REDACTED]

07/17/2006 09:33 AM

To psims@eac.gov
cc "Job Serebrov" [REDACTED]

013010

Yes, I have the list of Working Group members. --- Peggy

"Tova Wang" [REDACTED]

07/17/2006 10:29 AM

To psims@eac.gov
CC "Job Serebrov" [REDACTED] wang@tcf.org
Subject RE: final report

appendices attached, except Peg I think you put together the list of the working group members? In any case, I can't find one at the moment, but it would be easy enough to put together. Perhaps even Devon or someone could do that, especially since I don't think I have any hours left, and probably shouldn't even be writing this email. I don't remember the conversation about adding to the list of interviewees, but we can talk about that later.

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Monday, July 17, 2006 9:13 AM

To: [REDACTED]

Cc: 'Job Serebrov'; [REDACTED]

Subject: Re: final report

Thanks. I probably won't be able to start getting into this until tomorrow AM. I noticed that the appendices weren't attached. I think we discussed earlier that the list of interviewees needed to have more information for the final report, and the list of books and documents should be presented in the same manner as a bibliography for the final report. We can talk more about this tonight during our teleconference at 7 PM EST. --- Peggy

"Tova Wang" [REDACTED]

07/17/2006 09:33 AM

To psims@eac.gov
CC "Job Serebrov" [REDACTED]
Subject final report

013012

Can you send it over? As I recall, it includes bios, right? I'm assuming on the interviewees you think we should have very short biographical information? Also, Peg, I'm not sure if I'll still be at work at 7 or home. Is it ok if I email you late in the day as to where I am? My home phone (for only two more weeks!) is 212-362-5223. Thanks.

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Monday, July 17, 2006 11:26 AM

To: [REDACTED]

Cc: Job Serebrov [REDACTED]

Subject: RE: final report

Yes, I have the list of Working Group members. --- Peggy

"Tova Wang" [REDACTED]

07/17/2006 10:29 AM

To psims@eac.gov

Cc "Job Serebrov" [REDACTED]

Subject RE: final report

appendices attached, except Peg I think you put together the list of the working group members? In any case, I can't find one at the moment, but it would be easy enough to put together. Perhaps even Devon or someone could do that, especially since I don't think I have any hours left, and probably shouldn't even be writing this email. I don't remember the conversation about adding to the list of interviewees, but we can talk about that later.

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Monday, July 17, 2006 9:13 AM

To: [REDACTED]

Cc: Job Serebrov; [REDACTED]

Subject: Re: final report

Thanks. I probably won't be able to start getting into this until tomorrow AM. I noticed that the appendices weren't attached. I think we discussed earlier that the list of interviewees needed to have more information for the final report, and the list of books and documents should be presented in the same manner as a bibliography for the final report. We can talk more about this tonight during our teleconference at 7 PM EST. --- Peggy

"Tova Wang" [REDACTED]

013013

From: Tova Wang [mailto: [REDACTED]]
Sent: Wednesday, July 26, 2006 9:31 AM
To: psims@eac.gov
Cc: 'Job Serebrov'; [REDACTED]
Subject: bibliographic form

Hi Peg, Here is the list of literature reviewed in bibliographic form. Please let us know if you have been able to look over any of the materials. Starting this afternoon, I will be pretty unavailable for the next two weeks.
Thanks

Tova Andrea Wang
Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

Visit our Web site, www.tcf.org, for the latest news, analysis, opinions, and events.

[Click here to receive our weekly e-mail updates.](#)



Lit review in bibliographic form.doc

013014

Margaret Sims /EAC/GOV
11/28/2006 11:25 AM

To Jeannie Layson/EAC/GOV@EAC
cc ecortes@eac.gov
bcc
Subject Accessible Email with Tova and Job

----- Forwarded by Margaret Sims/EAC/GOV on 11/28/2006 11:22 AM -----



"Tova Wang"
[REDACTED]
08/21/2006 12:16 PM

To psims@eac.gov
cc
Subject call

Hi Peg, I left you a voice message last week -- you might have been at NCSL. Anyway, would you give me a call when you have a moment? Thanks.

Tova Andrea Wang, Democracy Fellow
The Century Foundation
1333 H Street, NW, Washington, D.C. 20037

Visit our Web site, www.tcf.org, for the latest news, analysis, opinions, and events.

----- Forwarded by Margaret Sims/EAC/GOV on 11/28/2006 11:22 AM -----



"Ambrogi, Adam (Rules)"
<Adam_Ambrogi@rules.senate.gov>
10/02/2006 11:38 AM

To psims@eac.gov [REDACTED]
cc
Subject Chapin Survey

Peggy and Tova:

I know that we had been looking for a state survey of election fraud and intimidation statutes—as you may have seen, doug chapin recently released a report on this info-attached here. I hope all is well with the both of you.

Best regards,
Adam

Adam D. Ambrogi
Democratic Professional Staff Member

013015

Senate Committee on Rules and Administration
Russell Senate Office Building, Room 479
Washington, D.C. 20510
202-224-0279



Chapin.state.fraud.intimidation.statutes.Oct.1.2006.pdf

— Forwarded by Margaret Sims/EAC/GOV on 11/28/2006 11:22 AM —



"Tova Wang"

10/03/2006 10:41 AM

To "Ambrogi, Adam (Rules)"
<Adam_Ambrogi@rules.senate.gov>, psims@eac.gov
cc

Subject RE: Chapin Survey

Thanks Adam. As the current project moves forward and then proceeds to phase 2, this will be a great resource I'm sure. Tova

Tova Andrea Wang, Democracy Fellow
The Century Foundation
1333 H Street, NW, Washington, D.C. 20005

Visit our Web site, www.tcf.org, for the latest news, analysis, opinions, and events.

From: Ambrogi, Adam (Rules) [mailto:Adam_Ambrogi@rules.senate.gov]
Sent: Monday, October 02, 2006 11:39 AM
To: psims@eac.gov; [REDACTED]
Subject: Chapin Survey

Peggy and Tova:

I know that we had been looking for a state survey of election fraud and intimidation statutes—as you may have seen, doug chapin recently released a report on this info-attached here. I hope all is well with the both of you.

Best regards,
Adam

Adam D. Ambrogi
Democratic Professional Staff Member
Senate Committee on Rules and Administration
Russell Senate Office Building, Room 479

013016

Washington, D.C. 20510
202-224-0279

----- Forwarded by Margaret Sims/EAC/GOV on 11/28/2006 11:22 AM -----

Margaret Sims /EAC/GOV

10/13/2006 02:49 PM

To Tova Andrea Wang, Job Serebrov

cc

Subject Don't Believe Everything You Read

Tova and Job:

I am home recuperating, but see that in my absence, a USA Today article has gotten everyone stirred up. The report to which the article refers is only the status report on the voting fraud-voter intimidation research project that was delivered to our Standards Board and Board of Advisors last spring. I provided a copy of this document to both of you. but have attached another copy for your information. This document is subject to public release because it was presented at a public meeting.

Due to internal resource allocation problems, your final report has not yet been reviewed by the Commissioners. It is considered a working document (not subject to public release) until it has completed the review process and the Commissioners have agreed to release it. There has been no attempt by the Commission to hold up the report. I bear responsibility for any delays in moving it along. Please be reassured that we would not release your report without letting you know.

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov



VF-VI Study Status 5-17-06.pdf

----- Forwarded by Margaret Sims/EAC/GOV on 11/28/2006 11:22 AM -----



"Job Serebrov"

10/13/2006 03:26 PM

To psims@eac.gov, wang@tcf.org

cc

Subject Re: Don't Believe Everything You Read

Peg:

We saw both the USA Today article and a similar thing was reported on Rush Limbaugh's show naming both of us. I had a talk this morning with folks at the EAC. I told them at this point there needs to be a press release sent out by the Chairman saying just what you stated. This is the only

013017

way to rehabilitate the work we did, the Chairman's credibility, and our reputations. I also fear that if this is not done the EAC will begin to receive calls from Congressman and Senators regarding the "report" and its effect on voter ID requirements.

Peg, up to now Tova and I have refused to speak with the press at all out of respect for the EAC and its mission. We both stand by our work and its conclusions. We both also feel that if a statement (as well phrased as you did in this e-mail clarifying the issue) is not forthcoming from the Chairman then I will have to correct this error with the Press. I explained this in my conversation this morning with the EAC.

Tova and I worked hard to produce a correct, accurate and truthful report. I could care less that the results are not what the more conservative members of my Party wanted. Neither one of us was willing to conform results for political expediency. I think its important for me to note that I was very impressed with Tova's members of the Working Group and I can't say enough about Tova's partnership effort in this endeavor. While neither one of us really care about outside opinions, we do care that the Chairman was quoted or misquoted in a way that would disparage our year-long effort and all of the tax payer money that went into it. For this reason, we believe that a press release clarifying the situation is necessary from either the Chairman or from me.

Regards,

Job

psims@eac.gov wrote:

Tova and Job:

I am home recuperating, but see that in my absence, a USA Today article has gotten everyone stirred up. The report to which the article refers is only the status report on the voting fraud-voter intimidation research project that was delivered to our Standards Board and Board of Advisors last spring. I provided a copy of this document to both of you. but have attached another copy for your information. This document is subject to public release because it was presented at a pubic meeting.

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Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

013018

----- Forwarded by Margaret Sims/EAC/GOV on 11/28/2006 11:22 AM -----

Margaret Sims /EAC/GOV

11/02/2006 04:52 PM

To [REDACTED]

cc

Subject Work Papers

Job:

Julie recalls you asking her how to send your work papers for the voting fraud study to EAC. She asked if I had received them. I was not sure what papers you were referencing, so I could not adequately respond. Can you shed some light on this matter?

Peggy Sims

Election Research Specialist

U.S. Election Assistance Commission

1225 New York Ave, NW - Ste 1100

Washington, DC 20005

Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)

Fax: 202-566-3127

email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/28/2006 11:22 AM -----



Job Serebrov

[REDACTED]
11/02/2006 05:14 PM

To psims@eac.gov

cc

Subject Re: Work Papers

Yes. I asked her if she wanted me to delete the Voter Fraud Project files on my computer or whether I should keep them. She said to download them to a disk and send them to her at the EAC. These files are just duplicates of what you have plus the text of some of the articles. What do you want me to do? I will not be able to do anything until after the election on Tuesday in any case because I am so involved in Asa Hutchinson's campaign.

Hope you are feeling better.

Regards,

Job

psims@eac.gov wrote:

Job:

Julie recalls you asking her how to send your work papers for the voting fraud study to EAC. She asked if I had received them. I was not sure what papers you were referencing, so I could not adequately

013019

respond. Can you shed some light on this matter?

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

013020

From: psims@eac.gov <psims@eac.gov>
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>
Sent: Thu May 04 17:20:39 2006
Subject: RE: Voting Fraud-Voter Intimidation

It is just the Working Group for the Voting Fraud-Voter Intimidation Project.
I am asking you to attend as Technical Advisor for the project. --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/04/2006 03:26 PM

To

psims@eac.gov

cc

Subject

RE: Voting Fraud-Voter Intimidation

Peg - - what is the name of the group?

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Thursday, May 04, 2006 3:13 PM
To: Donsanto, Craig
Subject: RE: Voting Fraud-Voter Intimidation

Craig:

This meeting is being held to obtain input from our eight-member Working Group
for the project. The group is composed of election lawyers, election

013021

officials, and a representative of an advocacy group, all of whom have an interest and some expertise in the identification and/or prosecution of voting fraud and voter intimidation. The group was chosen so that we would have an equal number of folks on each side of the political spectrum, plus some nonpartisan members.

After our consultants review the results of their preliminary research (interviews, literature review, case law), we will ask the Working Group to brainstorm possible next steps for EAC. Our consultants will write a report summarizing the proposals that come out of this meeting. The report will go to the Commissioners, who will decide what they want to do, funds available, and what priority to assigned to the effort(s).

Your participation in this part of the process is extremely important, so I am very happy that you can find time for us that afternoon. I'll get an agenda and other information to you next week. --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/04/2006 02:32 PM

To

psims@eac.gov

cc

Subject

RE: Voting Fraud-Voter Intimidation

Okay, Peg - - I will mark off the entire afternoon and try to be there. What is the agenda? I was not aware that this was anything beyond having your contractors spend another session with me. Also, if they will be needing stats and stuff like that I need to know as I will bring my state-people with me.

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Thursday, May 04, 2006 2:28 PM
To: Donsanto, Craig
Subject: Re: Voting Fraud-Voter Intimidation

Right now, we are planning to meet in EAC's large conference room between 1 PM

013022

and 5 PM. If you cannot be there for the whole afternoon, we will appreciate whatever time you can spare. I'll get back to you with more information (agenda, list of Working Group members, etc.). --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/03/2006 05:59 PM

To

psims@eac.gov

cc

Subject

Re: Voting Fraud-Voter Intimidation

Afternoon of May 18 -- 2:30 okay? How long will they need??

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>

To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>

Sent: Wed May 03 16:59:09 2006

Subject: Re: Voting Fraud-Voter Intimidation

I am looking at the afternoon of 5/18 for the meeting, due to scheduling conflicts of Working Group members. There remain two members from whom we have not yet received confirmations of their schedule (with some, it is like pulling teeth), but right now 5/18 still looks like the best day. We may have to hold the meeting over here to make it easier for Commissioners to drop in.
--- Peg

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/03/2006 12:53 PM

To

psims@eac.gov

cc

013023

Subject

Re: Voting Fraud-Voter Intimidation

Okay -- you are on for May 18th! Can we do it over here at 10?

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>
Sent: Wed May 03 12:40:19 2006
Subject: Re: Voting Fraud-Voter Intimidation

My problem is that agency staff is booked most of the week of 5/21. Monday through Wednesday are taken up with meetings of the Standards Board Executive Committee, the full Standards Board, and the Board of Advisors. Thursday, we have EAC's public meeting. Also, I will lose one of my two consultants in June, so I'm trying to wrap up this project (and get the final report from the consultants) by the end of May.

Say "Hi" to Cameron for me.

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/03/2006 11:56 AM

To

psims@eac.gov

cc

Subject

Re: Voting Fraud-Voter Intimidation

Hi Peg. I am sitting here with Cameron Quinn putting together this year's ballt conference for AUSAs. She send her best!

I am available on 5/18. But I am also going to the Board of Advisors Meeting the following week. I would rather do this then.

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>

013024

To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>
Sent: Wed May 03 11:39:50 2006
Subject: Voting Fraud-Voter Intimidation

Craig:

We are continuing our efforts to hone in on a date for the Working Group meeting. Are you available the afternoon of Thursday, May 18?

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM -----



"Tova Wang"

[Redacted]
05/09/2006 11:45 AM

To psims@eac.gov
cc
Subject RE: Case Summaries

yes

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Tuesday, May 09, 2006 10:38 AM
To: wang@tcf.org
Subject: Fw: Case Summaries

Had you seen this? -- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 05/09/2006 11:38 AM -----

"Job Serebrov" [Redacted]

05/08/2006 09:30 AM

To psims@eac.gov
cc
Subject Case Summaries

013025

Peggy:

Please add this to the packet.

Job

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM -----



"Job Serebrov"

05/12/2006 03:45 PM

To psims@eac.gov

cc

Subject Re: Good News

I'm thankful it all worked out.

--- psims@eac.gov wrote:

> Ginsberg has accepted our invitation! --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM -----

Margaret Sims/EAC/GOV

05/11/2006 02:35 PM

To Craig Donsanto

cc

Subject Voting Fraud-Voter Intimidation Working Group

Craig:

I think we have resolved the issue of Barbara Arnwine's absence from the upcoming meeting by having one of her staff represent her (and her organization). Please review the attached rough summary of DOJ Cases ASAP and let me know if I need to delete reference to the open investigations. Hopefully, we won't have to remove this information as it does not specify the defendants or States involved. --- Peg

Rough Summary of Department of Justice, Public Integrity Section Activities, October 2002-January 2006

Prosecutions and Convictions-- Individuals

Noncitizen voting: 20

Vote buying: 49

Double voting: 12

Registration fraud: 13

Civil Rights: 4

Voter Intimidation: 2

Unclear: 1

013026

Open Investigations (note: a few cases overlap with prosecutions and convictions)

Noncitizen voting: 3
Vote buying: 25
Double voting: 15
Registration fraud: 29
Absentee ballot fraud: 9
Official: 8
Ineligibles: 4
Deceptive Practices: 1
Civil Rights: 14
Intimidation: 6
Other: 2

Cases and Investigations Closed for Lack of Evidence

Civil Rights: 8
Official: 12
Registration Fraud: 12
Absentee Ballot Fraud: 14
Ineligible Voting: 3
Intimidation: 8
Double Voting: 5
Ballot Box Stuffing: 1
Vote Buying: 14
Ballot/machine tampering: 2
Other: 8
Unclear: 3

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM -----

Margaret Sims/EAC/GOV

05/03/2006 12:40 PM

To "Donsanto, Craig"
<Craig.Donsanto@usdoj.gov>@GSAEXTERNAL
cc

Subject Re: Voting Fraud-Voter Intimidation 

My problem is that agency staff is booked most of the week of 5/21. Monday through Wednesday are taken up with meetings of the Standards Board Executive Committee, the full Standards Board, and the Board of Advisors. Thursday, we have EAC's public meeting. Also, I will lose one of my two consultants in June, so I'm trying to wrap up this project (and get the final report from the consultants) by the end of May.

Say "Hi" to Cameron for me.

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

013027



"Donsanto, Craig"
 <Craig.Donsanto@usdoj.gov>
 v>
 05/03/2006 11:56 AM

To psims@eac.gov
 cc
 Subject Re: Voting Fraud-Voter Intimidation

Hi Peg. I am sitting here with Cameron Quinn putting together this year's ballt conference for AUSAs. She send her best!

I am available on 5/18. But I am also going to the Board of Advisors Meeting the following week. I would rather do this then.

 Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>
 To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>
 Sent: Wed May 03 11:39:50 2006
 Subject: Voting Fraud-Voter Intimidation

Craig:

We are continuing our efforts to hone in on a date for the Working Group meeting. Are you available the afternoon of Thursday, May 18?

Peggy Sims
 Election Research Specialist
 U.S. Election Assistance Commission

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM -----

Margaret Sims /EAC/GOV

05/11/2006 02:08 PM

To Job Serebrov
 cc [REDACTED]
 Subject Literature Summary

Tova just sent me the summary you prepared of The Federal Crime of Election Fraud by Craig Donsanto. There is something wrong in the fourth paragraph (odd characters and missing text). Can you please send a replacement fourth paragraph? You can send it in an email and I will place it in the document. ---
 Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM -----



"Tova Wang"
 [REDACTED]
 05/11/2006 05:32 PM

To psims@eac.gov
 cc
 Subject RE: new working group representative

I'm up for a short meeting afterward and a teleconference on Monday. And maybe when all of this is over, you and I can have dinner! Have I told you that I am moving down to DC this summer?

I suspect you have put up with much more than I have and I really appreciate everything you have done.

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Thursday, May 11, 2006 4:27 PM
To: [REDACTED]
Subject: RE: new working group representative

Tova:

I understood Job to say that he could only find a hotel room with the right bed in Roanoke (hours away). He will drive in Thursday morning for the meeting and return to that hotel Thursday night. He won't drive back into DC for a Friday morning meeting.

We don't have to do dinner. I recognize that you have spent a lot of time and energy to make this project work, and I don't want to put you out. (You have done a lot under difficult circumstances.) Though we will be bushed, we may want to have a short meeting right after the Working Group disperses --- or we could do a teleconference the following Monday afternoon (before I head into three more days of meetings). --- Peggy

"Tova Wang" [REDACTED]

05/11/2006 04:54 PM

To psims@eac.gov [REDACTED]
cc
Subject RE: new working group representative

It would not be my first preference to do this right after the meeting, and I sort of had tentative plans. They can be changed if necessary of course, but what happened to meeting on Friday morning?

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Thursday, May 11, 2006 3:47 PM
To: [REDACTED]
Subject: Re: new working group representative

Dinner sounds like a great idea. Do either of you have any dietary restrictions or preferences? (I

013029

seem to recall that Tova would prefer a place that has vegetarian options). I'll try to locate a nearby place that won't bust the budget. --- Peggy

013030



05/11/2006 01:30 PM

To psims@eac.gov, dromig@eac.gov
cc
Subject research summaries

I have the feeling we didn't include these in the original batch I sent you. Could you double check and if not, would you please include them in the existing research materials? Sorry and thanks. I'm kind of doing all of this on my own in case you couldn't tell. List is coming...

Tova Andrea Wang
Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

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[Click here](#) to receive our weekly e-mail updates.



Brennan Analysis Voter Fraud Report FINAL.doc Fed Crime Election Fraud (JS).doc
----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM -----

Margaret Sims /EAC/GOV
05/11/2006 01:56 PM

To "Tova Wang" [REDACTED]
cc
Subject Re: research summaries

Something is wrong in the fourth paragraph of the Federal Election Crime summary. Do you know what it is supposed to say there?

"Tova Wang" <wang@tcf.org>



"Tova Wang"
[REDACTED]
05/11/2006 01:30 PM

To psims@eac.gov, dromig@eac.gov
cc
Subject research summaries

I have the feeling we didn't include these in the original batch I sent you. Could you double check and if not, would you please include them in the existing research materials? Sorry and thanks. I'm kind of doing all of this on my own in case you couldn't tell. List is coming...

Tova Andrea Wang
Democracy Fellow

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM -----



"Tova Wang"

05/11/2006 01:38 PM

To psims@eac.gov
cc dromig@eac.gov,
Subject existing literature list

Job, please double check to make sure I haven't missed anything

Tova Andrea Wang
Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

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[Click here](#) to receive our weekly e-mail updates.

013032



Existing Literature Reviewed.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM -----



"Tova Wang"

05/11/2006 04:54 PM

To psims@eac.gov, serebrov@sbcglobal.net

cc

Subject RE: new working group representative

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-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Thursday, May 11, 2006 3:47 PM

To:

Subject: Re: new working group representative

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013033

Tova Andrea Wang
Democracy Fellow
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phone: 212-452-7704 fax: 212-535-7534

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Wisconsin FINAL.doc South Dakota FINAL.doc Washington FINAL.doc

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM ---



"Job Serebrov"

05/09/2006 11:24 AM

To psims@eac.gov

cc

Subject Re: Fwd: RE: Working Group meeting

I will hear from him tomorrow but that still does not solve all of my issues---see my longer e-mail.

--- psims@eac.gov wrote:

> I had a voice mail message from him on Monday. I
> called him back but had
> to leave a voice mail message (telephone tag). If
> you hear from him and
> he is willing and able to come, I need to know this.
> We need to have him
> call our travel service to make travel arrangements
> ASAP. Thanks. ---
> Peggy

>
>
>
> "Job Serebrov" <[REDACTED]>
> 05/09/2006 10:46 AM
>
> To
> psims@eac.gov
> cc
>
> Subject
> Fwd: RE: Working Group meeting

> FYI

013034

>
> --- "Patrick J. Rogers" [REDACTED]
> wrote:
>
> > Subject: RE: Working Group meeting
> > Date: Tue, 9 May 2006 07:42:44 -0600
> > From: "Patrick J. Rogers" [REDACTED]
> > To: "Job Serebrov" [REDACTED]
> >
> > Job---maybe. I will call you and/or Ms. Sims
> > tomorrow. Depositions all
> > day today. Thanks, Pat
> >
> > What's the best number to call you tomorrow?
> >
> >
> > Patrick J. Rogers
> > Modrall, Sperling, Roehl, Harris & Sisk, P.A.
> > [REDACTED]
> > Tel: [REDACTED]
> > Fax: [REDACTED]
> >
> >
> > -----Original Message-----
> > From: Job Serebrov [mailto:[REDACTED]]
> >
> > Sent: Monday, May 08, 2006 9:41 PM
> > To: Patrick J. Rogers
> > Subject: Working Group meeting
> >
> > Pat:
> >
> > The working group meeting for the voter fraud
> > project is scheduled for
> > May 18th in DC but David Norcross can't attend.
> > Could you come? If so,
> > we need to arrange travel and a hotel for you.
> >
> > Regards,
> >
> > Job
> >
> >

> > Modrall, Sperling, Roehl, Harris & Sisk, P.A.
> >
> >

> > THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE
> > INDIVIDUAL OR ENTITY TO
> > WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION
> > THAT IS PRIVILEGED,
> > CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER
> > APPLICABLE LAW. If the
> > reader of this message is not the intended
> > recipient
> > or agent
> > responsible for delivering the message to the
> > intended recipient, you

(202)566-2377

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM ---

Margaret Sims /EAC/GOV

05/04/2006 02:08 PM

To "Weinberg and Utrecht"

cc [REDACTED]

Subject Re: Voting Fraud-Voter Intimidation [PDF]

OK, thanks. I'll get back to you with more information. --- Peggy

"Weinberg and Utrecht" [REDACTED]



"Weinberg and Utrecht"

05/04/2006 01:34 PM

To psims@eac.gov

cc

Subject Re: Voting Fraud-Voter Intimidation

that would be fine

----- Original Message -----

From: psims@eac.gov

To: [REDACTED]

Sent: Thursday, May 04, 2006 1:08 PM

Subject: Voting Fraud-Voter Intimidation

Barry:

It appears that the afternoon of Thursday, May 18 is best for a meeting of the working group. I know you said you would not be available in the morning that day. If we started at 1 PM, would that be too soon for you?

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM ---



"Job Serebrov"

05/12/2006 02:33 PM

To psims@eac.gov

013037

"Tova Wang" [REDACTED]



"Tova Wang"

05/02/2006 05:06 PM

To dromig@eac.gov

cc psims@eac.gov

Subject RE: Voting Fraud/Voter Intimidation Project Working Group

Can you please give me an idea where we are at with all this? I'd like to be able to figure out my schedule. Thanks -- and thanks for all your assistance on this. Tova

-----Original Message-----

From: dromig@eac.gov [mailto:dromig@eac.gov]

Sent: Tuesday, May 02, 2006 3:54 PM

To: [REDACTED]

Subject: RE: voting Fraud/Voter Intimidation Project Working Group

Yes, I have spoken to her assistant several times but today has been the first time that I have ever spoken to her assistant. We did get the information that we needed. Thanks for your help!

Devon Romig
U.S. Election Assistance Commission
1225 New York Ave. NW - Suite #1100
Washington, D.C. 20005
(202)566-2377

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:49 PM -----



[REDACTED]
05/03/2006 02:25 PM

To psims@eac.gov, [REDACTED]

cc dromig@eac.gov

Subject Re: Working Group Meeting

Sounds good. I'm available any time on Monday. Tova

----- Original Message -----

From: psims@eac.gov

To: [REDACTED]

Cc: dromig@eac.gov

Sent: Wednesday, May 03, 2006 1:44 PM

Subject: Working Group Meeting

Job and Tova:

013038

As of now, the afternoon of Thursday , May 18 appears to be the best possible date for the meeting. Norcross is not available to attend in person that day (he is available only 2 days during the first three weeks of May). We won't have confirmation of the availability of Secretary Rokita until tomorrow --- but I am hopeful.

I'll give you an update tomorrow. Maybe we can schedule a teleconference on Monday afternoon. ---
Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



[REDACTED]
05/13/2006 10:54 AM

To psims@eac.gov

cc "Job Serebrov" [REDACTED]

Subject Fw: research summary

Job found it. I'm assuming its too late to include so as I said I'll just present it if thats OK. Thanks again Job. T

----- Original Message -----

From: "Job Serebrov" [REDACTED]

To: [REDACTED]

Sent: Saturday, May 13, 2006 10:12 AM

Subject: Re: research summary

> T~

>

> Are you talking about this?

>

> J~

>

> --- [REDACTED]

>

>> In the middle of the night I got the feeling that
>> you may be right, that I did do a summary of the
>> existing literature review (that Job, you approved)
>> . I'll have to look for it on Monday (unless I go
>> into the office over the weekend, which is
>> possible). I may be hallucinating, but if not, I'll
>> just present it at the meeting rather than try to
>> get it to them ahead of time. Tova



Existing_research_thoughts.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Donsanto, Craig"

<Craig.Donsanto@usdoj.gov>

v>

05/11/2006 02:55 PM

To psims@eac.gov

cc

Subject RE: Voting Fraud-Voter Intimidation Working Group

Peggy --

013039

I have Cynthia Mitchell in here with me now.

She says that the figures you listed in your attachment are your analysis of our product, and that therefore we cannot re-evaluate them.

I do not see anything in these raw numbers that impacts adversely any privacy or privilege issues.

We can update the public list and send that to you, if you'd prefer. That would allow you to represent that the numbers are current up through now. But if you would prefer, you can use what you have as long as it is represented as complete only through January, 2006.

Let us know your desires - - -

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Thursday, May 11, 2006 2:35 PM
To: Donsanto, Craig
Subject: Voting Fraud-Voter Intimidation Working Group
Importance: High

Craig:

I think we have resolved the issue of Barbara Arnwine's absence from the upcoming meeting by having one of her staff represent her (and her organization). Please review the attached rough summary of DOJ Cases ASAP and let me know if I need to delete reference to the open investigations. Hopefully, we won't have to remove this information as it does not specify the defendants or States involved. --- Peg

Rough Summary of Department of Justice, Public Integrity Section Activities, October 2002-January 2006

Prosecutions and Convictions-- Individuals

Noncitizen voting: 20
Vote buying: 49
Double voting: 12
Registration fraud: 13
Civil Rights: 4
Voter Intimidation: 2
Unclear: 1

Open Investigations (note: a few cases overlap with prosecutions and convictions)

Noncitizen voting: 3
Vote buying: 25
Double voting: 15
Registration fraud: 29
Absentee ballot fraud: 9
Official: 8

013040

Ineligibles: 4
Deceptive Practices: 1
Civil Rights: 14
Intimidation: 6
Other: 2

Cases and Investigations Closed for Lack of Evidence

Civil Rights: 8
Official: 12
Registration Fraud: 12
Absentee Ballot Fraud: 14
Ineligible Voting: 3
Intimidation: 8
Double Voting: 5
Ballot Box Stuffing: 1
Vote Buying: 14
Ballot/machine tampering: 2
Other: 8
Unclear: 3

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims/EAC/GOV

05/11/2006 03:33 PM

To "Donsanto, Craig"

<Craig.Donsanto@usdoj.gov>@GSAEXTERNAL

cc

Subject RE: Voting Fraud-Voter Intimidation Working Group 

Craig:

I would love to have an updated list for our research files. For purposes of getting this information out to our participants, I will note that the consultants' summary is based upon information provided as of January 2006. Thanks.

Do you expect to be at your office tomorrow afternoon? I can walk over with the information packet we will have put together for the Working Group. --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>



"Donsanto, Craig"
<Craig.Donsanto@usdoj.gov>
v>

05/11/2006 02:55 PM

To psims@eac.gov

cc

Subject RE: Voting Fraud-Voter Intimidation Working Group

013041

Peggy - -

I have Cynthia Mitchell in here with me now.

She says that the figures you listed in your attachment are your analysis of our product, and that therefore we cannot re-evaluate them.

I do not see anything in these raw numbers that impacts adversely any privacy or privilege issues.

We can update the public list and send that to you, if you'd prefer. That would allow you to represent that the numbers are current up through now. But if you would prefer, you can use what you have as long as it is represented as complete only through January, 2006.

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Importance: High

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Civil Rights: 4
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Noncitizen voting: 3
Vote buying: 25
Double voting: 15
Registration fraud: 29
Absentee ballot fraud: 9

013042

Official: 8
Ineligibles: 4
Deceptive Practices: 1
Civil Rights: 14
Intimidation: 6
Other: 2

Cases and Investigations Closed for Lack of Evidence

Civil Rights: 8
Official: 12
Registration Fraud: 12
Absentee Ballot Fraud: 14
Ineligible Voting: 3
Intimidation: 8
Double Voting: 5
Ballot Box Stuffing: 1
Vote Buying: 14
Ballot/machine tampering: 2
Other: 8
Unclear: 3

Tova Andrea Wang
Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

Visit our Web site, www.tcf.org, for the latest news, analysis, opinions, and events.

[Click here](#) to receive our weekly e-mail updates.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims /EAC/GOV

05/08/2006 01:05 PM

To "Job Serebrov"

cc [REDACTED]

Subject Re: Working Group 

Job:

I don't think we can put you on teleconference for 4 1/2 hours. We really need to have you here in person if you are to help conduct the Working Group meeting. You should make your travel arrangements ASAP.
--- Peggy

"Job Serebrov" [REDACTED]



"Job Serebrov"

05/08/2006 10:14 AM

To psims@eac.gov, [REDACTED]

cc

Subject Re: Working Group

Peggy:

4:00 eastern on Tuesday is fine however, given the financial restrictions that you indicated would be in place for use of my car (I would actually loose money coming to DC) and given the cost of hotels at this time (I can't afford to front these costs and wait for months to be repaid), etc, it would take a miracle for this working group meeting to take place in person. It is looking like the only way it will get done is by teleconference. I also share Tova's concern about the unknown nature of Mr. Perez.

Job

013044

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>
Sent: Wed May 03 12:40:19 2006
Subject: Re: Voting Fraud-Voter Intimidation

My problem is that agency staff is booked most of the week of 5/21. Monday through Wednesday are taken up with meetings of the Standards Board Executive Committee, the full Standards Board, and the Board of Advisors. Thursday, we have EAC's public meeting. Also, I will lose one of my two consultants in June, so I'm trying to wrap up this project (and get the final report from the consultants) by the end of May.

Say "Hi" to Cameron for me.

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/03/2006 11:56 AM

To

psims@eac.gov

cc

Subject

Re: Voting Fraud-Voter Intimidation

Hi Peg. I am sitting here with Cameron Quinn putting together this year's ballt conference for AUSAs. She send her best!

I am available on 5/18. But I am also going to the Board of Advisors Meeting the following week. I would rather do this then.

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>
Sent: Wed May 03 11:39:50 2006
Subject: Voting Fraud-Voter Intimidation

Craig:

We are continuing our efforts to hone in on a date for the Working Group meeting. Are you available the afternoon of Thursday, May 18?

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission

013045

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims /EAC/GOV

05/03/2006 04:59 PM

To "Donsanto, Craig"

<Craig.Donsanto@usdoj.gov>@GSAEXTERNAL

cc

Subject Re: Voting Fraud-Voter Intimidation

I am looking at the afternoon of 5/18 for the meeting, due to scheduling conflicts of Working Group members. There remain two members from whom we have not yet received confirmations of their schedule (with some, it is like pulling teeth), but right now 5/18 still looks like the best day. We may have to hold the meeting over here to make it easier for Commissioners to drop in. --- Peg

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>



"Donsanto, Craig"

<Craig.Donsanto@usdoj.gov>

v>

05/03/2006 12:53 PM

To psims@eac.gov

cc

Subject Re: Voting Fraud-Voter Intimidation

Okay -- you are on for May 18th! Can we do it over here at 10?

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>

To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>

Sent: Wed May 03 12:40:19 2006

Subject: Re: Voting Fraud-Voter Intimidation

My problem is that agency staff is booked most of the week of 5/21. Monday through Wednesday are taken up with meetings of the Standards Board Executive Committee, the full Standards Board, and the Board of Advisors. Thursday, we have EAC's public meeting. Also, I will lose one of my two consultants in June, so I'm trying to wrap up this project (and get the final report from the consultants) by the end of May.

Say "Hi" to Cameron for me.

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

013046

05/04/2006 06:08 PM

Topsims@eac.gov

cc

SubjectRe: Voting Fraud-Voter Intimidation

Peggy -- they don't have anything to do with the Leadership Conference on Civil Rights do they?

I ask only because the Justice Department is currently engaged in a very acrimoneous FOIA litigation with LCCR that focuses precisely on our efforts to combat voter "intimidationm"

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>
Sent: Thu May 04 17:20:39 2006
Subject: RE: Voting Fraud-Voter Intimidation

It is just the Working Group for the Voting Fraud-Voter Intimidation Project. I am asking you to attend as Technical Advisor for the project. --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/04/2006 03:26 PM

To

psims@eac.gov

cc

Subject

013047

RE: Voting Fraud-Voter Intimidation

Peg - - what is the name of the group?

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Thursday, May 04, 2006 3:13 PM
To: Donsanto, Craig
Subject: RE: Voting Fraud-Voter Intimidation

Craig:

This meeting is being held to obtain input from our eight-member Working Group for the project. The group is composed of election lawyers, election officials, and a representative of an advocacy group, all of whom have an interest and some expertise in the identification and/or prosecution of voting fraud and voter intimidation. The group was chosen so that we would have an equal number of folks on each side of the political spectrum, plus some nonpartisan members.

After our consultants review the results of their preliminary research (interviews, literature review, case law), we will ask the Working Group to brainstorm possible next steps for EAC. Our consultants will write a report summarizing the proposals that come out of this meeting. The report will go to the Commissioners, who will decide what they want to do, funds available, and what priority to assigned to the effort(s).

Your participation in this part of the process is extremely important, so I am very happy that you can find time for us that afternoon. I'll get an agenda and other information to you next week. --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/04/2006 02:32 PM

To

psims@eac.gov

cc

Subject

RE: Voting Fraud-Voter Intimidation

013048

Okay, Peg - - I will mark off the entire afternoon and try to be there. What is the agenda? I was not aware that this was anything beyond having your contractors spend another session with me. Also, if they will be needing stats and stuff like that I need to know as I will bring my state-people with me.

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Thursday, May 04, 2006 2:28 PM
To: Donsanto, Craig
Subject: Re: Voting Fraud-Voter Intimidation

Right now, we are planning to meet in EAC's large conference room between 1 PM and 5 PM. If you cannot be there for the whole afternoon, we will appreciate whatever time you can spare. I'll get back to you with more information (agenda, list of Working Group members, etc.). --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/03/2006 05:59 PM

To psims@eac.gov
cc
Subject Re: Voting Fraud-Voter Intimidation

Afternoon of May 18 -- 2:30 okay? How long will they need??

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

013049

From: psims@eac.gov <psims@eac.gov>
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>
Sent: Wed May 03 16:59:09 2006
Subject: Re: Voting Fraud-Voter Intimidation

I am looking at the afternoon of 5/18 for the meeting, due to scheduling conflicts of Working Group members. There remain two members from whom we have not yet received confirmations of their schedule (with some, it is like pulling teeth), but right now 5/18 still looks like the best day. We may have to hold the meeting over here to make it easier for Commissioners to drop in.
--- Peg

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/03/2006 12:53 PM

To

psims@eac.gov

cc

Subject

Re: Voting Fraud-Voter Intimidation

Okay -- you are on for May 18th! Can we do it over here at 10?

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>
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Sent: Wed May 03 12:40:19 2006
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Say "Hi" to Cameron for me.

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/03/2006 11:56 AM

To

013050

psims@eac.gov

cc

Subject

Re: Voting Fraud-Voter Intimidation

Hi Peg. I am sitting here with Cameron Quinn putting together this year's ballt conference for AUSAs. She send her best!

I am available on 5/18. But I am also going to the Board of Advisors Meeting the following week. I would rather do this then.

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

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To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>
Sent: Wed May 03 11:39:50 2006
Subject: Voting Fraud-Voter Intimidation

Craig:

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Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission

013051

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Donsanto, Craig"
<Craig.Donsanto@usdoj.gov
v>

To psims@eac.gov

cc

05/03/2006 05:59 PM

Subject Re: Voting Fraud-Voter Intimidation

Afternoon of May 18 -- 2:30 okay? How long will they need??

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

013052

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>
Sent: Wed May 03 16:59:09 2006
Subject: Re: Voting Fraud-Voter Intimidation

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"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/03/2006 12:53 PM

To

psims@eac.gov

cc

Subject

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Say "Hi" to Cameron for me.

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/03/2006 11:56 AM

013053

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>



"Donsanto, Craig"
<Craig.Donsanto@usdoj.gov
>

To psims@eac.gov

05/03/2006 05:59 PM

cc

Subject Re: Voting Fraud-Voter Intimidation

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"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/03/2006 12:53 PM

To

psims@eac.gov

cc

Subject

Re: Voting Fraud-Voter Intimidation

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To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>
Sent: Wed May 03 12:40:19 2006

013055

Subject: Re: Voting Fraud-Voter Intimidation

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05/03/2006 11:56 AM

To

psims@eac.gov

cc

Subject

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From: psims@eac.gov <psims@eac.gov>

To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>

Sent: Wed May 03 11:39:50 2006

Subject: Voting Fraud-Voter Intimidation

Craig:

We are continuing our efforts to hone in on a date for the Working Group meeting. Are you available the afternoon of Thursday, May 18?

Peggy Sims

Election Research Specialist

U.S. Election Assistance Commission

013056

013057

— Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM —

Margaret Sims /EAC/GOV

05/05/2006 02:32 PM

To Tova Andrea Wang, Job Serebrov

cc dromig@eac.gov

Subject Working Group

Hi, Folks:

Teleconference

Are both of you available for a teleconference next Tuesday afternoon at about 4 PM EST? If this does not work for you, please suggest another date and/or time. I would like to discuss our preparations for the Working Group meeting.

Working Group Members

We have a very good person to fill the slot for the nonpartisan local election official: J.R. Perez, Elections Administrator for Guadalupe County, TX. Attached is his bio. Hope you have no objections to him. He is available on May 18. I have place 2 calls to Pat Rogers office, but have not yet received a reply. Job, if you have any pull with him, you may want to contact him, too.

Travel Arrangements

You should make your own travel arrangements, including hotel. Travel time cannot be billed to the contract, except for hours actually worked on the contract (i.e.; reviewing materials in preparation for the meeting, and the like). Current Federal rates follow:

Maximum Lodging = \$180 per day- does not include hotel taxes (if you cannot get this rate, we have covered reasonable rates that are a little higher)

Meals & Incidentals = \$64 per day (except that it is \$48 on the first and last day of travel)

Mileage for Personally Owned Vehicle = \$.445 per mile

Under the new contract, I do not have to fill out a travel authorization for you. I can approve your trip via email. Afterwords, when you turn in your next pay voucher, you can attach the airline receipt (or mileage documentation), hotel receipt(s), and ground transportation receipts and a copy of any printed itineraries. Calculate the total travel expenses due you, including applicable per diem. I do not need meal receipts.

Job, under Federal travel regulations, deviations for personal reasons are not normally accommodated. What you can do, however, is to give me a comparison of the cost of roundtrip mileage, hotel, and per diem of doing it your way against the cost of a roundtrip flight, ground transportation, hotel, and per diem. If your way costs less, it should be no problem to cover the full cost. If your way is more expensive, we may only pay up to the amount of traditional travel. (The same rules apply to me when I travel.) If you can tell me where, other than DC, you will spend the night, I can check on applicable per diem rates.

Peggy

Margaret Sims /EAC/GOV

05/12/2006 03:19 PM

To "Job Serebrov"

cc

Subject Re: Fraud Definition

I have placed another call to his office (after one previous call to his assistant and an email to him). I, too, am concerned about our dwindling chances. --- Peggy

"Job Serebrov" <serebrov@sbcglobal.net>



"Job Serebrov"

05/12/2006 03:06 PM

To psims@eac.gov

cc

Subject Re: Fraud Definition

Given the short time period, you may want to give Ginsberg a deadline. The longer we wait, the poorer our chances are of getting Braden.

--- psims@eac.gov wrote:

> I am reluctant to invite Braden until after I have
> received a "No" from
> Ginsberg. --- Peg

>
>
>
>

> "Job Serebrov" [redacted]
> 05/12/2006 02:33 PM

> To
> psims@eac.gov
> cc

> "Job Serebrov" <[redacted]>
> 05/12/2006 12:52 PM

> To
> psims@eac.gov, [redacted]
> cc

> Subject
> Re: Fraud Definition

>
>
>
>
>
>

> > This is ok, given the fact that the WG may have
> > suggestions. Will you be sending us the same
> packets
> > that you are sending the WG? Also, I figure with
> > Tova's response we will need to have a
> > teleconference
> > on the report once I return to Little Rock. We
> will
> > need to do it that following Monday or Tuesday.

>
>

013058

Subject: Working Group

Hi, Folks:

Teleconference

Are both of you available for a teleconference next Tuesday afternoon at about 4 PM EST? If this does not work for you, please suggest another date and/or time. I would like to discuss our preparations for the Working Group meeting.

Working Group Members

We have a very good person to fill the slot for the nonpartisan local election official: J.R. Perez, Elections Administrator for Guadalupe County, TX. Attached is his bio. Hope you have no objections to him. He is available on May 18. I have place 2 calls to Pat Rogers office, but have not yet received a reply. Job, if you have any pull with him, you may want to contact him, too.

Travel Arrangements

You should make your own travel arrangements, including hotel. Travel time cannot be billed to the contract, except for hours actually worked on the contract (i.e.; reviewing materials in preparation for the meeting, and the like). Current Federal rates follow:

Maximum Lodging = \$180 per day- does not include hotel taxes (if you cannot get this rate, we have covered reasonable rates that are a little higher)

Meals & Incidentals = \$64 per day (except that it is \$48 on the first and last day of travel)

Mileage for Personally Owned Vehicle = \$.445 per mile

Under the new contract, I do not have to fill out a travel authorization for you. I can approve your trip via email. Afterwards, when you turn in your next pay voucher, you can attach the airline receipt (or mileage documentation), hotel receipt(s), and ground transportation receipts and a copy of any printed itineraries. Calculate the total travel expenses due you, including applicable per diem. I do not need meal receipts.

Job, under Federal travel regulations, deviations for personal reasons are not normally accommodated. What you can do, however, is to give me a comparison of the cost of roundtrip mileage, hotel, and per diem of doing it your way against the cost of a roundtrip flight, ground transportation, hotel, and per diem. If your way costs less, it should be no problem to cover the full cost. If your way is more expensive, we may only pay up to the amount of traditional travel. (The same rules apply to me when I travel.) If you can tell me where, other than DC, you will spend the night, I can check on applicable per diem rates.

Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims/EAC/GOV

05/11/2006 04:23 PM

To "Tova Wang" [REDACTED]

cc

Subject Re: Material I may not have included [REDACTED]

Would these go under literature review or news article review? --- Peggy

013060

"Tova Wang" [REDACTED]



"Tova Wang"

05/10/2006 11:45 AM

To psims@eac.gov

cc [REDACTED] dromig@eac.gov

Subject Material I may not have included

Peg,

Correct me if I'm wrong, but I think I omitted sending you these specific summaries that are based on complex cases that could not be adequately described within the confines of the nexis article excel spreadsheets. If we can, these should be included, probably on the disc. Sorry.

Tova Andrea Wang
Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

Visit our Web site, www.tcf.org, for the latest news, analysis, opinions, and events.

[Click here to receive our weekly e-mail updates.](#)



Wisconsin FINAL.doc



South Dakota FINAL.doc



Washington FINAL.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims /EAC/GOV

05/04/2006 10:33 AM

To Job Serebrov

cc

Subject Good News

Job:

Secretary Rokita is available May 18. I'm going to talk with the Chairman today about substituting Rogers for Norcross. Do you have contact information for Rogers? --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims /EAC/GOV

05/04/2006 05:20 PM

To "Donsanto, Craig"

<Craig.Donsanto@usdoj.gov>@GSAEXTERNAL

cc

Subject RE: Voting Fraud-Voter Intimidation [REDACTED]

013061

It is just the Working Group for the Voting Fraud-Voter Intimidation Project. I am asking you to attend as Technical Advisor for the project. --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>



"Donsanto, Craig"
<Craig.Donsanto@usdoj.gov>
>

05/04/2006 03:26 PM

To psims@eac.gov

cc

Subject RE: Voting Fraud-Voter Intimidation

Peg - - what is the name of the group?

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Thursday, May 04, 2006 3:13 PM
To: Donsanto, Craig
Subject: RE: Voting Fraud-Voter Intimidation

Craig:

This meeting is being held to obtain input from our eight-member Working Group for the project. The group is composed of election lawyers, election officials, and a representative of an advocacy group, all of whom have an interest and some expertise in the identification and/or prosecution of voting fraud and voter intimidation. The group was chosen so that we would have an equal number of folks on each side of the political spectrum, plus some nonpartisan members.

After our consultants review the results of their preliminary research (interviews, literature review, case law), we will ask the Working Group to brainstorm possible next steps for EAC. Our consultants will write a report summarizing the proposals that come out of this meeting. The report will go to the Commissioners, who will decide what they want to do, funds available, and what priority to assigned to the effort(s).

Your participation in this part of the process is extremely important, so I am very happy that you can find time for us that afternoon. I'll get an agenda and other information to you next week. --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/04/2006 02:32 PM

Topsims@eac.gov

cc

SubjectRE: Voting Fraud-Voter Intimidation

013062

Okay, Peg - - I will mark off the entire afternoon and try to be there. What is the agenda? I was not aware that this was anything beyond having your contractors spend another session with me. Also, if they will be needing stats and stuff like that I need to know as I will bring my state-people with me.

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Thursday, May 04, 2006 2:28 PM
To: Donsanto, Craig
Subject: Re: Voting Fraud-Voter Intimidation

Right now, we are planning to meet in EAC's large conference room between 1 PM and 5 PM. If you cannot be there for the whole afternoon, we will appreciate whatever time you can spare. I'll get back to you with more information (agenda, list of Working Group members, etc.). --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/03/2006 05:59 PM

Topsims@eac.gov
cc
SubjectRe: Voting Fraud-Voter Intimidation

Afternoon of May 18 -- 2:30 okay? How long will they need??

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

013063

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>
Sent: Wed May 03 16:59:09 2006
Subject: Re: Voting Fraud-Voter Intimidation

I am looking at the afternoon of 5/18 for the meeting, due to scheduling conflicts of Working Group members. There remain two members from whom we have not yet received confirmations of their schedule (with some, it is like pulling teeth), but right now 5/18 still looks like the best day. We may have to hold the meeting over here to make it easier for Commissioners to drop in.
--- Peg

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/03/2006 12:53 PM

To

psims@eac.gov

cc

Subject

Re: Voting Fraud-Voter Intimidation

Okay -- you are on for May 18th! Can we do it over here at 10?

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>
Sent: Wed May 03 12:40:19 2006
Subject: Re: Voting Fraud-Voter Intimidation

My problem is that agency staff is booked most of the week of 5/21. Monday through Wednesday are taken up with meetings of the Standards Board Executive Committee, the full Standards Board, and the Board of Advisors. Thursday, we have EAC's public meeting. Also, I will lose one of my two consultants in June, so I'm trying to wrap up this project (and get the final report from the consultants) by the end of May.

Say "Hi" to Cameron for me.

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

013064

05/03/2006 11:56 AM

To

psims@eac.gov

cc

Subject

Re: Voting Fraud-Voter Intimidation

Hi Peg. I am sitting here with Cameron Quinn putting together this year's ballt conference for AUSAs. She send her best!

I am available on 5/18. But I am also going to the Board of Advisors Meeting the following week. I would rather do this then.

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>

To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>

Sent: Wed May 03 11:39:50 2006

Subject: Voting Fraud-Voter Intimidation

Craig:

We are continuing our efforts to hone in on a date for the Working Group meeting. Are you available the afternoon of Thursday, May 18?

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims /EAC/GOV

05/12/2006 01:34 PM

To "Tova Wang" [REDACTED]

cc

Subject RE: Fraud Definition [REDACTED]

Lets raise this issue at the meeting. (I'll add "DRAFT" to the current document.) My concern is that there are a number of requirements in the Voting Rights Act. Not all of them are considered election fraud, when violated. For example, failure to preclear changes in election procedures is not treated as election fraud, though it is actionable. --- Peggy

013065

.
>
>
> "Job Serebrov" [REDACTED]
> 05/11/2006 03:49 PM
>
> To
> psims@eac.gov
> cc
>
> Subject
> Re: Literature Summary
>
>
>
>
>
> I resent the review as you see at the bottom. When I
> opened it and sent it there was no corrupted text.
>
>
>
> --- psims@eac.gov wrote:
>
> > Do you have text to replace the corrupted text in
> > paragraph 4? --- Peggy
> >
> >

013066

> >
> >
> > "Job Serebrov" [REDACTED]
> > 05/11/2006 03:17 PM
> >
> > To
> > psims@eac.gov
> > cc
> >
> > Subject
> > Re: Literature Summary
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> >
> > --- psims@eac.gov wrote:
> >
> > > Tova just sent me the summary you prepared of
> > The
> > > Federal Crime of
> > > Election Fraud by Craig Donsanto. There is
> > > something wrong in the fourth
> > > paragraph (odd characters and missing text).
> > Can
> > > you please send a
> > > replacement fourth paragraph? You can send it
> > in
> > > an email and I will
> > > place it in the document. --- Peggy
> >
>
>
>
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Job Serebrov"

[REDACTED]
05/03/2006 01:48 PM

To psims@eac.gov, [REDACTED]

cc dromig@eac.gov

Subject Re: Working Group Meeting

Peggy:

I expect that since Norcross can't make it either you will try to get Rogers or cut one of Tova's folks.

Job

--- psims@eac.gov wrote:

013067

> Job and Tova:
 >
 > As of now, the afternoon of Thursday, May 18 appears
 > to be the best
 > possible date for the meeting. Norcross is not
 > available to attend in
 > person that day (he is available only 2 days during
 > the first three weeks
 > of May). We won't have confirmation of the
 > availability of Secretary
 > Rokita until tomorrow --- but I am hopeful.
 >
 > I'll give you an update tomorrow. Maybe we can
 > schedule a teleconference
 > on Monday afternoon. --- Peggy

"Job Serebrov" [REDACTED]

05/08/2006 11:30 PM

To psims@eac.gov
 cc
 Subject Re: Working Group

Peggy:

What political party is Perez with? How political is he? Is the position in Texas neutral or political? Who appointed Perez?

As to Pat I will contact him but I can't promise anything. If Pat can't come, who is getting knocked off Tova's list?

Job



Subject RE: Literature Summary

We accidentally left it out when we emailed all the summaries

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Thursday, May 11, 2006 1:09 PM

To: serebrov@sbcglobal.net

Cc: wang@tcf.org

Subject: Literature Summary

Tova just sent me the summary you prepared of The Federal Crime of Election Fraud by Craig Donsanto. There is something wrong in the fourth paragraph (odd characters and missing text). Can you please send a replacement fourth paragraph? You can send it in an email and I will place it in the document. --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Tova Wang"

05/11/2006 03:45 PM

To "Job Serebrov" [mailto:psims@eac.gov]

cc

Subject RE: new working group representative

He is representing Barbara Arnwine, and we have already established we are not disinviting anyone. We still don't know about Ginsburg yet anyway, right?

-----Original Message-----

From: Job Serebrov

Sent: Thursday, May 11, 2006 2:36 PM

To: Tova Wang; psims@eac.gov

Cc:

Subject: Re: new working group representative

I have an objection to Greenbaum. While I realize he comes from an advocacy group, he is not a minority attorney and we already have a rep who worked with DOJ. If it is to be Greenbaum, I would rather not fill that position since I am one down.

--- Tova Wang > wrote:

> is Jon Greenbaum

>

> Here' s his info in full:

>

> <http://www.lawyerscommittee.org/2005website/aboutus/staff/staffgreenbaum.htm>

> 1

>

> He is the Director of the Voting Rights Project for

> the Lawyers Committee

013069

> for Civil Rights. He will be representing Barbara
> Arnwine, the Executive
> Director of the Lawyers Committee.
>
> His contact and mailing info is:
>
> jgreenbaum@lawyerscommittee.org
> 202-662-8315
> 1401 New York Avenue, NW
> Suite 400
> Washington, DC 20005
>
>
> Tova Andrea Wang
> Democracy Fellow
> The Century Foundation
> 41 East 70th Street - New York, NY 10021
> phone: 212-452-7704 fax: 212-535-7534
>
> Visit our Web site, <<http://www.tcf.org/>>
> www.tcf.org, for the latest news,
> analysis, opinions, and events.
>
> _____
>
> <<mailto:join-tcfmain@mailhost.groundspring.org>>
> Click here to receive our
> weekly e-mail updates.
>
>
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Job Serebroy"

05/11/2006 03:49 PM

To psims@eac.gov

cc

Subject Re: Literature Summary

I resent the review as you see at the bottom. When I
opened it and sent it there was no corrupted text.

--- psims@eac.gov wrote:

> Do you have text to replace the corrupted text in
> paragraph 4? --- Peggy
>
>
>

013070

>
> "Job Serebrov" [REDACTED]
> 05/11/2006 03:17 PM [REDACTED]
>
> To
> psims@eac.gov
> cc
>
> Subject
> Re: Literature Summary
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>
> --- psims@eac.gov wrote:
>
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> > Election Fraud by Craig Donsanto. There is
> > something wrong in the fourth
> > paragraph (odd characters and missing text). Can
> > you please send a
> > replacement fourth paragraph? You can send it in
> > an email and I will
> > place it in the document. --- Peggy
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims/EAC/GOV

05/05/2006 01:59 PM

To "J. R. Perez" [REDACTED]

cc

Subject Re: Blo for Perez [REDACTED]

Thanks, J.R. Great to have you on board! We will get back to you shortly regarding travel arrangements. The meeting materials will be sent by Federal Express next week.

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

"J. R. Perez" [REDACTED]



"J. R. Perez" [REDACTED]

psims@eac.gov

013071



05/05/2006 01:23 PM

To
cc
Subject Bio for Perez

Hi Peggy, it was nice talking with you today and I would be glad to try and add to the discussion. I am attaching a brief bio and will await your instructions for the travel arrangements. I look forward to receiving the current information on panel issues.

J.R. Perez
Elections Administrator
Guadalupe County



bio 5_5_06.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Weinberg and Utrecht "

[Redacted]

05/05/2006 12:27 PM

To psims@eac.gov
cc
Subject Re: Voting Fraud-Voter Intimidation

5201 Roosevelt St.
Bethesda, MD 20814

[Redacted]

----- Original Message -----

From: psims@eac.gov
To: [Redacted]
Sent: Friday, May 05, 2006 10:56 AM
Subject: Re: Voting Fraud-Voter Intimidation

Barry:

Would you please provide an address to which we can Federal Express materials before the meeting? ---
Peg

"Weinberg and Utrecht " [Redacted]

05/04/2006 01:34 PM

To psims@eac.gov
cc
Subject Re: Voting Fraud-Voter Intimidation

that would be fine

----- Original Message -----

From: psims@eac.gov

To: [REDACTED]

Sent: Thursday, May 04, 2006 1:08 PM

Subject: Voting Fraud-Voter Intimidation

Barry:

It appears that the afternoon of Thursday, May 18 is best for a meeting of the working group. I know you said you would not be available in the morning that day. If we started at 1 PM, would that be too soon for you?

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Job Serahov"

[REDACTED]
05/12/2006 02:52 PM

To psims@eac.gov
cc

Subject Re: Working Group List

List a vacancy---to be filled. If we don't hear from Ginsberg by late afternoon please call Braden.

Job

--- psims@eac.gov wrote:

> Job:
>
> What do you suggest I do with the list of Working
> Group members. I need
> to get the Fed Ex packages out by the end of the
> day, and have not heard
> back from Ginsberg. Do you want me to list a

013073

> vacancy, or list Norcross
> with a note that he cannot attend? If we find a
> substitute, we can always
> provide an updated list next Thursday. --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



[REDACTED]
05/13/2006 09:10 AM

To psims@eac.gov
cc "Job Serebrov" [REDACTED]
Subject research summary

In the middle of the night I got the feeling that you may be right, that I did do a summary of the existing literature review (that Job, you approved) . I'll have to look for it on Monday (unless I go into the office over the weekend, which is possible). I may be hallucinating, but if not, I'll just present it at the meeting rather than try to get it to them ahead of time. Tova

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims/EAC/GOV

05/04/2006 05:47 PM

To wang@tcf.org@GSAEXTERNAL

cc

Subject Re: wg [REDACTED]

Tova:

Rokita is available --- so the afternoon of May 18 it is. I will not disinvite anyone. I am trying to get Job's next choice (Pat Rogers) as a replacement for Norcross.

Monday appears to be out for a teleconference because Job will be unavailable that afternoon and I am scheduled for something else that morning. I'll check my schedule tomorrow and send a message to you and Job regarding other possible days and times. --- Peggy



[REDACTED]
05/04/2006 05:21 PM

To psims@eac.gov
cc
Subject wg

Hi Peg,

Just wondering if you had any word from Rokita. Also, I wanted to let you know that I think disinviting members of the working group would be a very unwise and frankly embarrassing way of dealing with the

013074

problem of getting 100% attendance. I'm sure we'll talk before any decisions are made. As I said, I'm free on Monday. Thanks. Tova

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Job Serebrov"

05/12/2006 03:22 PM

To psims@eac.gov

cc

Subject Re: Fraud Definition

I would give him until Monday morning but I would also call Braden today and tell him there may be an opening for him on the WG and find out whether he is free.

--- psims@eac.gov wrote:

> I have placed another call to his office (after one
> previous call to his
> assistant and an email to him). I, too, am
> concerned about our dwindling
> chances. --- Peggy

>

>

>

>

> "Job Serebrov"

> 05/12/2006 03:06 PM

>

> To

> psims@eac.gov

> cc

>

> Subject

> Re: Fraud Definition

>

>

>

>

>

>

> Given the short time period, you may want to give
> Ginsberg a deadline. The longer we wait, the poorer
> our chances are of getting Braden.

>

> --- psims@eac.gov wrote:

>

> > I am reluctant to invite Braden until after I have
> > received a "No" from

> > Ginsberg. --- Peg

> >

> >

> >

> >

> > "Job Serebrov"

> > 05/12/2006 02:33 PM

013075

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Donsanto, Craig"
<Craig.Donsanto@usdoj.gov>
v>
05/11/2006 02:39 PM

To psims@eac.gov, "Mitchell, Cynthia"
<Cynthia.Mitchell@usdoj.gov>
cc "Simmons, Nancy" <Nancy.Simmons@usdoj.gov>
Subject RE: Voting Fraud-Voter Intimidation Working Group

Cindy - -

Can you please check the accuracy of these figures - - which you recall we gave to the EAC a month or so ago - - to ensure that they are up-to-date?

I believe we have had several public events that have taken place since we gave them the Public Fraud List a few weeks ago.

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Thursday, May 11, 2006 2:35 PM
To: Donsanto, Craig
Subject: Voting Fraud-Voter Intimidation Working Group
Importance: High

Craig:

I think we have resolved the issue of Barbara Arnwine's absence from the upcoming meeting by having one of her staff represent her (and her organization). Please review the attached rough summary of DOJ

013076

Cases ASAP and let me know if I need to delete reference to the open investigations. Hopefully, we won't have to remove this information as it does not specify the defendants or States involved. --- Peg

Rough Summary of Department of Justice, Public Integrity Section Activities, October 2002-January 2006

Prosecutions and Convictions-- Individuals

Noncitizen voting: 20
Vote buying: 49
Double voting: 12
Registration fraud: 13
Civil Rights: 4
Voter Intimidation: 2
Unclear: 1

Open Investigations (note: a few cases overlap with prosecutions and convictions)

Noncitizen voting: 3
Vote buying: 25
Double voting: 15
Registration fraud: 29
Absentee ballot fraud: 9
Official: 8
Ineligibles: 4
Deceptive Practices: 1
Civil Rights: 14
Intimidation: 6
Other: 2

Cases and Investigations Closed for Lack of Evidence

Civil Rights: 8
Official: 12
Registration Fraud: 12
Absentee Ballot Fraud: 14
Ineligible Voting: 3
Intimidation: 8
Double Voting: 5
Ballot Box Stuffing: 1
Vote Buying: 14
Ballot/machine tampering: 2
Other: 8
Unclear: 3

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Job Serebrov"

013077



05/09/2006 10:46 AM

To psims@eac.gov

cc

Subject Fwd: RE: Working Group meeting

FYI

--- "Patrick J. Rogers" [REDACTED] wrote:

> Subject: RE: Working Group meeting
> Date: Tue, 9 May 2006 07:42:44 -0600
> From: "Patrick J. Rogers" [REDACTED]
> To: "Job Serebrov" [REDACTED]
>
> Job---maybe. I will call you and/or Ms. Sims
> tomorrow. Depositions all
> day today. Thanks, Pat
>
> What's the best number to call you tomorrow?
>
>
> Patrick J. Rogers
> Modrall, Sperling, Roehl, Harris & Sisk, P.A.
> P.O. Box 2168
> Albuquerque, NM 87103-2168
> Tel: 505-848-1849
> Fax: 505-848-1891
>
>
>
> -----Original Message-----
> From: Job Serebrov [mailto:serebrov@sbcglobal.net]
> Sent: Monday, May 08, 2006 9:41 PM
> To: Patrick J. Rogers
> Subject: Working Group meeting
>
> Pat:
>
> The working group meeting for the voter fraud
> project is scheduled for
> May 18th in DC but David Norcross can't attend.
> Could you come? If so,
> we need to arrange travel and a hotel for you.
>
> Regards,
>
> Job
>

> Modrall, Sperling, Roehl, Harris & Sisk, P.A.
>

> THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE
> INDIVIDUAL OR ENTITY TO
> WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION
> THAT IS PRIVILEGED,
> CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER

013078

> APPLICABLE LAW. If the
> reader of this message is not the intended recipient
> or agent
> responsible for delivering the message to the
> intended recipient, you
> are hereby notified that any dissemination or
> copying of this
> communication is strictly prohibited. If you have
> received this
> electronic transmission in error, please delete it
> from your system
> without copying it, and notify the sender by reply
> e-mail or by calling
> 505.848.1800, so that our address record can be
> corrected. Thank you.
>
>
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims /EAC/GOV

05/09/2006 11:16 AM

To "Job Serebrov"

cc [REDACTED]

Subject Re: Fwd: RE: Working Group meeting

I had a voice mail message from him on Monday. I called him back but had to leave a voice mail message (telephone tag). If you hear from him and he is willing and able to come, I need to know this. We need to have him call our travel service to make travel arrangements ASAP. Thanks. --- Peggy

"Job Serebrov" [REDACTED]



"Job Serebrov"

05/09/2006 10:46 AM

To psims@eac.gov

cc

Subject Fwd: RE: Working Group meeting

FYI

--- "Patrick J. Rogers" [REDACTED] wrote:

> Subject: RE: Working Group meeting
> Date: Tue, 9 May 2006 07:42:44 -0600
> From: "Patrick J. Rogers" <patrogers@modrall.com>
> To: "Job Serebrov" <serebrov@sbcglobal.net>
>
> Job---maybe. I will call you and/or Ms. Sims
> tomorrow. Depositions all
> day today. Thanks, Pat

013079

>
> What's the best number to call you tomorrow?

>
>
> Patrick J. Rogers
> Modrall, Sperling, Roehl, Harris & Sisk, P.A.
> P.O. Box 2168
> Albuquerque, NM 87103-2168
> Tel: 505-848-1849
> Fax: 505-848-1891

>
>
> -----Original Message-----
> From: Job Serebrov [mailto:]
> Sent: Monday, May 08, 2006 9:41 PM
> To: Patrick J. Rogers
> Subject: Working Group meeting

> Pat:
>
> The working group meeting for the voter fraud
> project is scheduled for
> May 18th in DC but David Norcross can't attend.
> Could you come? If so,
> we need to arrange travel and a hotel for you.

> Regards,

>
> Job

> Modrall, Sperling, Roehl, Harris & Sisk, P.A.
>

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> are hereby notified that any dissemination or
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> communication is strictly prohibited. If you have
> received this
> electronic transmission in error, please delete it
> from your system
> without copying it, and notify the sender by reply
> e-mail or by calling
> 505.848.1800, so that our address record can be
> corrected. Thank you.

>
>
>

013080

----- Forwarded by Margaret Sims/EAC/GOV on 05/09/2006 11:38 AM -----



"Job Serebrov"

[REDACTED]
05/08/2006 09:30 AM

To psims@eac.gov

cc

Subject Case Summaries

Peggy:

please add this to the packet.

013081



Job Case Summaries.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims /EAC/GOV

05/12/2006 03:22 PM

To Job Serebrov, Tova Andrea Wang

cc

Subject Good News

Ginsberg has accepted our invitation! --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Job Serebrov"

05/11/2006 10:16 AM

To psims@eac.gov

cc

Subject Re: Today's Teleconference

The teleconference is on. However, I am still one person down for the meeting and I am not comfortable. This will have to be discussed since from the start it was agreed that the WG would be equal and if I lost a person Tova would have to loose one. Further and most importantly, I don't yet have a hotel so my attendance is still up in the air. Finally, the agenda is not what we discussed and gives far too much time for areas that can be covered in a short time. Not listed are all of the questions that Tova's proposed agenda had. All in all, it needs to be redone.

--- psims@eac.gov wrote:

> I assume that we are still on for today's
> teleconference at 11 AM EST. I
> will call you. I have attached a draft agenda for
> your review and
> comment. --- Peggy
>
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Tova Wang"

05/08/2006 10:18 AM

To psims@eac.gov

cc

Subject RE: Working Group

013082

I am more than happy to attend in person

-----Original Message-----

From: Job Serebrov [mailto: [REDACTED]]
Sent: Monday, May 08, 2006 9:15 AM
To: psims@eac.gov; [REDACTED]
Subject: Re: Working Group

Peggy:

4:00 eastern on Tuesday is fine however, given the financial restrictions that you indicated would be in place for use of my car (I would actually loose money coming to DC) and given the cost of hotels at this time (I can't afford to front these costs and wait for months to be repaid), etc, it would take a miracle for this working group meeting to take place in person. It is looking like the only way it will get done is by teleconference. I also share Tova's concern about the unknown nature of Mr. Perez.

Job

--- psims@eac.gov wrote:

> Hi, Folks:
>
> Teleconference
> Are both of you available for a teleconference next
> Tuesday afternoon at
> about 4 PM EST? If this does not work for you,
> please suggest another
> date and/or time. I would like to discuss our
> preparations for the
> Working Group meeting.
>
> Working Group Members
> We have a very good person to fill the slot for the nonpartisan local
> election official: J.R. Perez, Elections
> Administrator for Guadalupe
> County, TX. Attached is his bio. Hope you have no
> objections to him. He
> is available on May 18. I have place 2 calls to Pat
> Rogers office, but
> have not yet received a reply. Job, if you have any
> pull with him, you
> may want to contact him, too.
>
> Travel Arrangements
> You should make your own travel arrangements,
> including hotel. Travel
> time cannot be billed to the contract, except for
> hours actually worked on
> the contract (i.e.; reviewing materials in
> preparation for the meeting,
> and the like). Current Federal rates follow:
>

013083

> Maximum Lodging = \$180 per day- does not include
> hotel taxes (if you
> cannot get this rate, we have covered reasonable
> rates that are a little
> higher)
> Meals & Incidentals = \$64 per day (except that it is
> \$48 on the first and
> last day of travel)
> Mileage for Personally Owned Vehicle = \$.445 per
> mile
>
> Under the new contract, I do not have to fill out a
> travel authorization
> for you. I can approve your trip via email.
> Afterwards, when you turn in
> your next pay voucher, you can attach the airline
> receipt (or mileage
> documentation), hotel receipt(s), and ground
> transportation receipts and a
> copy of any printed itineraries. Calculate the
> total travel expenses due
> you, including applicable per diem. I do not need
> meal receipts.
>
> Job, under Federal travel regulations, deviations
> for personal reasons are
> not normally accommodated. What you can do,
> however, is to give me a
> comparison of the cost of roundtrip mileage, hotel,
> and per diem of doing
> it your way against the cost of a roundtrip flight,
> ground transportation,
> hotel, and per diem. If your way costs less, it
> should be no problem to
> cover the full cost. If your way is more expensive,
> we may only pay up to
> the amount of traditional travel. (The same rules
> apply to me when I
> travel.) If you can tell me where, other than DC,
> you will spend the
> night, I can check on applicable per diem rates.
>
> Peggy
>
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Tova Wang"

05/09/2006 05:28 PM

To psims@eac.gov

cc

Subject arwine

013084

She definitely cannot do it. Would you please find out if Wade Henderson would be possible? Now its my turn to be upset!!! Thanks.

Tova Andrea Wang
Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

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[Click here](#) to receive our weekly e-mail updates.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims/EAC/GOV

05/12/2006 02:46 PM

To Job Serebrov

cc

Subject Working Group List

Job:

What do you suggest I do with the list of Working Group members. I need to get the Fed Ex packages out by the end of the day, and have not heard back from Ginsberg. Do you want me to list a vacancy, or list Norcross with a note that he cannot attend? If we find a substitute, we can always provide an updated list next Thursday. --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Tova Wang"

05/11/2006 04:25 PM

To psims@eac.gov

cc

Subject RE: Material I may not have included

news article review

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Thursday, May 11, 2006 3:23 PM

To: [REDACTED]

Subject: Re: Material I may not have included

Would these go under literature review or news article review? --- Peggy

"Tova Wang" [REDACTED]

013085

013086

"Tova Wang" [REDACTED]

05/11/2006 01:30 PM

To psims@eac.gov, dromig@eac.gov

cc

Subject research summaries

I have the feeling we didn't include these in the original batch I sent you. Could you double check and if not, would you please include them in the existing research materials? Sorry and thanks. I'm kind of doing all of this on my own in case you couldn't tell. List is coming...

Tova Andrea Wang
Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

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— Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM —

Margaret Sims/EAC/GOV

05/11/2006 11:16 AM

To Job Serebrov, Tova Andrea Wang

cc

Subject Rev Agenda for Working Group Meeting



Agenda 5-18-06 Mtg.doc

— Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM —

Margaret Sims/EAC/GOV

05/09/2006 02:48 PM

To Adam Ambrogi/EAC/GOV

cc

Subject Fw: Working Group-Perez

> > > Click here to receive our
> > > weekly e-mail updates.
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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims/EAC/GOV

05/11/2006 03:54 PM

To "Job Serebrov"

cc [REDACTED]

Subject Re: Literature Summary 

When I opened the attachment, I still had problems with the 4th paragraph. Would you please just send me that paragraph within the text of your email so that I can paste it into the document? --- Peggy

"Job Serebrov" [REDACTED]



"Job Serebrov"

05/11/2006 03:49 PM

To psims@eac.gov

cc

Subject Re: Literature Summary

I resent the review as you see at the bottom. When I opened it and sent it there was no corrupted text.

--- psims@eac.gov wrote:

> Do you have text to replace the corrupted text in
> paragraph 4? --- Peggy

>

>

>

>

> "Job Serebrov" [REDACTED]

> 05/11/2006 03:17 PM

>

> To

> psims@eac.gov

> cc

013027

>
> Subject
> Re: Literature Summary
>
>
>
>
>
>
>
>
> --- psims@eac.gov wrote:
>
> > Tova just sent me the summary you prepared of The
> > Federal Crime of
> > Election Fraud by Craig Donsanto. There is
> > something wrong in the fourth
> > paragraph (odd characters and missing text). Can
> > you please send a
> > replacement fourth paragraph? You can send it in
> > an email and I will
> > place it in the document. --- Peggy
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims/EAC/GOV

05/05/2006 12:53 PM

To "Donsanto, Craig"

<Craig.Donsanto@usdoj.gov>@GSAEXTERNAL

cc

Subject RE: Please remind me of time and place for Voter
Intimidation project meeting

The meeting is scheduled for Thursday, May 18, 1- 5:30 PM (though we may finish earlier). It will be held in EAC's large conference room (the one we use for public meetings, located off our lobby). --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>



"Donsanto, Craig"

<Craig.Donsanto@usdoj.gov>

v>

05/05/2006 12:43 PM

To psims@eac.gov

cc

Subject RE: Please remind me of time and place for Voter
Intimidation project meeting

If you tell me now I will put it into my calendar here, which in turn will remind me!

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Friday, May 05, 2006 12:42 PM

013088

To: Donsanto, Craig

Subject: Re: Please remind me of time and place for Voter Intimidation project meeting

How many days in advance do you need the reminder? --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims /EAC/GOV

05/09/2006 02:51 PM

To "Tova Wang" [REDACTED]

cc Adam Ambrogi/EAC/GOV@EAC

Subject RE: Working Group-Perez [REDACTED]

We are still on for 4 PM. Ray is out of the office due to a family emergency, so I suggest you NOT contact him. You may contact his Special Assistant, Adam Ambrogi (aambrogi@eac.gov or 202-566-3105), who also hails from Texas. --- Peggy

"Tova Wang" [REDACTED]



"Tova Wang"

05/09/2006 12:08 PM

To psims@eac.gov, [REDACTED]

cc

Subject RE: Working Group-Perez

We are still doing the 4 pm call, right? We can discuss it more then. Would it be OK if I see if Ray knows this person? Thanks. Tova

013089

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims/EAC/GOV

05/12/2006 10:10 AM

To

cc

Subject Voting Fraud-Voter Intimidation Working Group

Dear Mr. Ginsberg:

This is to confirm my call to your office this morning inviting you to be a member of and attend the upcoming meeting of the U.S. Election Assistance Commission's (EAC) Working Group on Voting Fraud-Voter Intimidation. The meeting is scheduled to take place from 1:00 PM to 5:30 PM on Thursday, May 18th, 2006 at the offices of the U.S. Election Assistance Commission (EAC), 1225 New York Avenue, NW, 11th Floor, Washington, DC.

Section 241 of the Help America Vote Act of 2002 (HAVA) requires EAC to conduct research on election administration issues. Among the tasks listed in the statute are the development of:

- nationwide statistics and methods of identifying, deterring, and investigating voting fraud in elections for Federal office [section 241(b)(6)]; and
- methods of identifying, deterring, and investigating methods of voter intimidation [section 241(b)(7)].

EAC's Board of Advisors recommended that the agency make research on these matters a high priority. Subsequently, the Commission contracted with two consultants (Job Serebrov and Tova Wang) to:

- develop a comprehensive description of what constitutes voting fraud and voter intimidation in the context of Federal elections;
- perform background research (including Federal and State administrative and case law review), identify current activities of key government agencies, civic and advocacy organizations regarding these topics, and deliver a summary of this research and all source documentation;
- establish a project working group, in consultation with EAC, composed of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation;
- provide the description of what constitutes voting fraud and voter intimidation, and the results of the preliminary research to the working group, and convene the working group to discuss potential avenues for future EAC research on this topic; and
- produce a report to EAC summarizing the findings of the preliminary research effort and working group deliberations that includes recommendations for future research, if any;

We strive to include bipartisan representation on the Working Group associated with this project. You were recommended for this project by our Republican consultant, Job Serebrov. Your ideas for possible EAC activities related to this topic will help the agency as it plans future actions to meet its HAVA responsibilities.

If you can find the time in your busy schedule to participate, I will have an information packet delivered to your office by COB, Monday, May 15. Please let me know if you are available. Thank you.

Regards,

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005

013090

Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)

Fax: 202-566-3127

email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims/EAC/GOV

05/10/2006 09:25 AM

To "Tova Wang" [REDACTED]

cc

Subject Re: arwine [REDACTED]

I'm checking on this. Will get back to you as soon as I have more info. --- Peggy

"Tova Wang" [REDACTED]



"Tova Wang"

[REDACTED]
05/09/2006 05:28 PM

To psims@eac.gov

cc

Subject arwine

She definitely cannot do it. Would you please find out if Wade Henderson would be possible? Now its my turn to be upset!!! Thanks.

Tova Andrea Wang

Democracy Fellow

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims/EAC/GOV

05/09/2006 11:44 AM

To "Job Serebrov" [REDACTED]

cc

Subject Re: Working Group-Perez [REDACTED]

OK, I get it. The text in the attachment follows:

013091

EXCERPTS FROM TEXAS ELECTION CODE

SUBCHAPTER B. COUNTY ELECTIONS ADMINISTRATOR

§ 31.032. APPOINTMENT OF ADMINISTRATOR; COUNTY ELECTION COMMISSION.

(a) The position of county elections administrator is filled by appointment of the county election commission, which consists of:

- (1) the county judge, as chair;
- (2) the county clerk, as vice chair;
- (3) the county tax assessor-collector, as secretary; and
- (4) the county chair of each political party that made nominations

by primary election for the last general election for state and county officers preceding the date of the meeting at which the appointment is made.

(b) The affirmative vote of a majority of the commission's membership is necessary for the appointment of an administrator.

(c) Each appointment must be evidenced by a written resolution or order signed by the number of commission members necessary to make the appointment. Not later than the third day after the date an administrator is appointed, the officer who presided at the meeting shall file a signed copy of the resolution or order with the county clerk. Not later than the third day after the date the copy is filed, the county clerk shall deliver a certified copy of the resolution or order to the secretary of state.

(d) The initial appointment may be made at any time after the adoption of the order creating the position.

§ 31.035. RESTRICTIONS ON POLITICAL ACTIVITIES.

(a) A county elections administrator may not be a candidate for a public office or an office of a political party, hold a public office, or hold an office of or position in a political party. At the time an administrator becomes a candidate or accepts an office or position in violation of this subsection, the administrator vacates the position of administrator.

(b) A county elections administrator commits an offense if the administrator makes a political contribution or political expenditure, as defined by the law regulating political funds and campaigns, or publicly supports or opposes a candidate for public office or a measure to be voted on at an election. An offense under this subsection is a Class A misdemeanor. On a final conviction, the administrator's employment is terminated, and the person convicted is ineligible for future appointment as county elections administrator.

> >
> >
> >
>
>
>
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims/EAC/GOV

05/11/2006 03:46 PM

To "Job Serebrov"

<serebrov@sbcglobal.net>@GSAEXTERNAL

cc

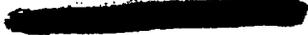
Subject Re: Literature Summary 

Do you have text to replace the corrupted text in paragraph 4? --- Peggy

"Job Serebrov" 



"Job Serebrov"



05/11/2006 03:17 PM

To psims@eac.gov

cc

Subject Re: Literature Summary

--- psims@eac.gov wrote:

> Tova just sent me the summary you prepared of The
> Federal Crime of
> Election Fraud by Craig Donsanto. There is
> something wrong in the fourth
> paragraph (odd characters and missing text). Can
> you please send a
> replacement fourth paragraph? You can send it in
> an email and I will



> place it in the document. --- Peggy Fed Crime Election Fraud.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims/EAC/GOV

05/05/2006 09:15 AM

To "Donsanto, Craig"

<Craig.Donsanto@usdoj.gov>@GSAEXTERNAL

cc

013093

Subject Re: Voting Fraud-Voter Intimidation

The non-election officials on the Working Group currently include:

- Barry Weinberg, whom you know
- Barbara Arnwine, Lawyers Committee for Civil Rights Under Law (organization associated with the Voting Rights Project and Election Protection)
- Bob Bauer, Perkins Coie, DC (Democrat attorney)
- Mark "Thor" Hearne, Lathrop & Gage, St Louis, MO (Republican attorney)

I am trying to recruit one other Republican attorney, Patrick Rogers, Modrall, Sperling, Roehl, Harris and Sisk, NM, who was recommended by our Republican consultant. He would replace an original member who is no longer available.

I know that Barbara has associated at conferences and in legislative efforts with Wade Henderson, Leadership Conference on Civil Rights. Also, the Lawyers Committee for Civil Rights is listed as one of many members of the Executive Committee for the Leadership Conference on Civil Rights (see http://www.civilrights.org/about/lccr/executive_committee.html).

Does this information help? --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>



"Donsanto, Craig"
<Craig.Donsanto@usdoj.gov>
v>

05/04/2006 06:08 PM

To psims@eac.gov
cc

Subject Re: Voting Fraud-Voter Intimidation

Peggy -- they don't have anything to do with the Leadership Conference on Civil Rights do they?

I ask only because the Justice Department is currently engaged in a very acrimonious FOIA litigation with LCCR that focuses precisely on our efforts to combat voter "intimidation"

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>
Sent: Thu May 04 17:20:39 2006
Subject: RE: Voting Fraud-Voter Intimidation

It is just the Working Group for the Voting Fraud-Voter Intimidation Project. I am asking you to attend as Technical Advisor for the project. --- Peggy

013094

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/04/2006 03:26 PM

To

psims@eac.gov

cc

Subject

RE: Voting Fraud-Voter Intimidation

Peg - - what is the name of the group?

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Thursday, May 04, 2006 3:13 PM
To: Donsanto, Craig
Subject: RE: Voting Fraud-Voter Intimidation

Craig:

This meeting is being held to obtain input from our eight-member Working Group for the project. The group is composed of election lawyers, election officials, and a representative of an advocacy group, all of whom have an interest and some expertise in the identification and/or prosecution of voting fraud and voter intimidation. The group was chosen so that we would have an equal number of folks on each side of the political spectrum, plus some nonpartisan members.

After our consultants review the results of their preliminary research (interviews, literature review, case law), we will ask the Working Group to brainstorm possible next steps for EAC. Our consultants will write a report summarizing the proposals that come out of this meeting. The report will go to the Commissioners, who will decide what they want to do, funds available, and what priority to assigned to the effort(s).

Your participation in this part of the process is extremely important, so I am very happy that you can find time for us that afternoon. I'll get an agenda and other information to you next week. --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/04/2006 02:32 PM

To

psims@eac.gov

cc

013095

Subject

RE: Voting Fraud-Voter Intimidation

Okay, Peg - - I will mark off the entire afternoon and try to be there. What is the agenda? I was not aware that this was anything beyond having your contractors spend another session with me. Also, if they will be needing stats and stuff like that I need to know as I will bring my state-people with me.

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Thursday, May 04, 2006 2:28 PM
To: Donsanto, Craig
Subject: Re: Voting Fraud-Voter Intimidation

Right now, we are planning to meet in EAC's large conference room between 1 PM and 5 PM. If you cannot be there for the whole afternoon, we will appreciate whatever time you can spare. I'll get back to you with more information (agenda, list of Working Group members, etc.). --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/03/2006 05:59 PM

To

psims@eac.gov

cc

Subject

Re: Voting Fraud-Voter Intimidation

013096

Afternoon of May 18 -- 2:30 okay? How long will they need??

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>
Sent: Wed May 03 16:59:09 2006
Subject: Re: Voting Fraud-Voter Intimidation

I am looking at the afternoon of 5/18 for the meeting, due to scheduling conflicts of Working Group members. There remain two members from whom we have not yet received confirmations of their schedule (with some, it is like pulling teeth), but right now 5/18 still looks like the best day. We may have to hold the meeting over here to make it easier for Commissioners to drop in.
--- Peg

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/03/2006 12:53 PM

To

psims@eac.gov

cc

Subject

Re: Voting Fraud-Voter Intimidation

Okay -- you are on for May 18th! Can we do it over here at 10?

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>
Sent: Wed May 03 12:40:19 2006
Subject: Re: Voting Fraud-Voter Intimidation

My problem is that agency staff is booked most of the week of 5/21. Monday through Wednesday are taken up with meetings of the Standards Board Executive Committee, the full Standards Board, and the Board of Advisors. Thursday, we have EAC's public meeting. Also, I will lose one of my two consultants in June, so I'm trying to wrap up this project (and get the final report from the consultants) by the end of May.

013097

Say "Hi" to Cameron for me.

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/03/2006 11:56 AM

To

psims@eac.gov

cc

Subject

Re: Voting Fraud-Voter Intimidation

Hi Peg. I am sitting here with Cameron Quinn putting together this year's ballt conference for AUSAs. She send her best!

I am available on 5/18. But I am also going to the Board of Advisors Meeting the following week. I would rather do this then.

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>

To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>

Sent: Wed May 03 11:39:50 2006

Subject: Voting Fraud-Voter Intimidation

Craig:

We are continuing our efforts to hone in on a date for the Working Group meeting. Are you available the afternoon of Thursday, May 18?

Peggy Sims

Election Research Specialist

U.S. Election Assistance Commission

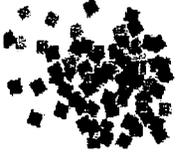
----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Devon E. Romig/EAC/GOV

05/02/2006 09:45 AM

To [REDACTED]

013098



cc Margaret Sims/EAC/GOV@EAC
Subject Voting Fraud/Voter Intimidation Project Working Group

Dear Tova,

I am working with Peggy Sims in order to set a date for the Voting Fraud/Voter Intimidation Project Working Group. I have been trying to reach Barbara Arnwine in order to find out which days in May she is potentially available to attend this meeting but all of my attempts have been unsuccessful.

I would appreciate any help that you could provide in this matter.

Sincerely,

Devon Romig
U.S. Election Assistance Commission
1225 New York Ave. NW - Suite #1100
Washington, D.C. 20005
(202)566-2377

013099

> > Click here to receive our
> > weekly e-mail updates.
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>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Donsanto, Craig"
<Craig.Donsanto@usdoj.gov>
v>
05/16/2006 01:41 PM
To psims@eac.gov
cc
Subject RE: Your Materials

Sure. But where is the resistance coming from? The notes were not accurate. As you know, I have to be very concerned about that.

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Tuesday, May 16, 2006 12:34 PM
To: Donsanto, Craig
Subject: RE: Your Materials

Craig:

I am getting some resistance from my consultants to correcting the summary of the interview prior to the meeting. Would you mind noting the corrections at the meeting? --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 12:06 PM

Topsims@eac.gov
cc
Subject RE: Your Materials

013100

Thank you, Peg. This stuff is very interesting.

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Tuesday, May 16, 2006 11:27 AM
To: Donsanto, Craig
Subject: Re: Your Materials

I have forwarded your message to our consultants and have requested a corrected version for distribution at the WG meeting. --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 10:46 AM

Topsims@eac.gov
cc
SubjectYour Materials

Peg - -

I have read over the materials you sent to me and viewed the pieces on the CD.

I have only one correction:

I did not say that offenders who receive target letters routinely request - - or routinely receive - - audiences here at DOJHQ. That is very rare. Instead, what usually happens is that once a subject for an election fraud investigation is advised that he or she is going to be charged that person usually enters into plea negotiations and ultimately pleads guilty. Very few federal election fraud cases go to trial. When a subject does request a HQ interview or a HW hearing, it would be held in the first instance by myself. But again, Peg, that is rare.

Also, while the occurrences of prosecutions of isolated instances of felons and alien voters and double

013101

voters has increased, we still aggressively and I believe quite successfully pursue systematic schemes to corrupt the electoral process, as the cases we brought recently out of Knott and Pike Counties in Kentucky, those we brought out of Lincoln and Logan Counties in West Virginia, and those we brought in New Hampshire growing out of the jamming of get0-out-the-vote phone bank lines attest.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Tova Wang"

05/24/2006 09:14 AM

To psims@eac.gov

cc

Subject presentation

How did it go? Were you able to verbally correct that discrepancy we talked about the other day?
Thanks. Tova

Tova Andrea Wang
Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

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[Click here](#) to receive our weekly e-mail updates.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Tova Wang"

05/22/2006 06:07 PM

To psims@eac.gov

cc

Subject RE: PowerPoint Presentation to EAC Boards

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Monday, May 22, 2006 3:56 PM

To: [REDACTED]

Subject: PowerPoint Presentation to EAC Boards

FYI - Attached is a copy of the PowerPoint presentation on the voting fraud-voter intimidation research project for tomorrow's meetings of the EAC Standards Board (110 state and local election officials) and the EAC Advisory Board (37 representatives from national associations and government agencies who play a role in HAVA implementation and from science and technology-related professions appointed by Congressional members). I used your summaries as the primary source of information for the presentation. --- Peggy

013102

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



Devon E. Romig/EAC/GOV

05/25/2006 02:37 PM

To Margaret Sims/EAC/GOV@EAC

cc

Subject Summary for VFVI working group meeting

Peggy,

Here is the summary that you requested. Let me know if this works.

Thanks!

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov



VFVI Meeting Summary.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims/EAC/GOV

05/16/2006 02:47 PM

To "Donsanto, Craig"

<Craig.Donsanto@usdoj.gov>@GSAEXTERNAL

cc

Subject RE: Your Materials 

I think they are panicking because they are preparing to travel tomorrow and may not have time to submit a revised version. They also are resisting changes to their interview summaries because the summaries represent what they think they heard. I was there at the interview and I heard what you said. I'm not sure that either of them heard everything (including the nuances) because so much of the information was new to them and it was one of their earlier interviews. I'm sorry I did not catch the defects before the summary went out.

My first concern is ensuring that the Working Group has the correct information. Then, we can deal with what version, *if any*, goes in the final report. Do you want me to excerpt the corrections from your email and submit them to the Working Group? --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>



"Donsanto, Craig"
<Craig.Donsanto@usdoj.gov>

05/16/2006 01:41 PM

To psims@eac.gov

cc

013103



Subject RE: Your Materials

Sure. But where is the resistance coming from? The notes were not accurate. As you know, I have to be very concerned about that.

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Tuesday, May 16, 2006 12:34 PM
To: Donsanto, Craig
Subject: RE: Your Materials

Craig:

I am getting some resistance from my consultants to correcting the summary of the interview prior to the meeting. Would you mind noting the corrections at the meeting? --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 12:06 PM

Topsims@eac.gov
cc
SubjectRE: Your Materials

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From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Tuesday, May 16, 2006 11:27 AM
To: Donsanto, Craig
Subject: Re: Your Materials

I have forwarded your message to our consultants and have requested a corrected version for distribution at the WG meeting. --- Peggy

013104

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 10:46 AM

Topsims@eac.gov
cc
Subject Your Materials

Peg - -

I have read over the materials you sent to me and viewed the pieces on the CD.

I have only one correction:

I did not say that offenders who receive target letters routinely request - - or routinely receive - - audiences here at DOJHQ. That is very rare. Instead, what usually happens is that once a subject for an election fraud investigation is advised that he or she is going to be charged that person usually enters into plea negotiations and ultimately pleads guilty. Very few federal election fraud cases go to trial. When a subject does request a HQ interview or a HW hearing, it would be held in the first instance by myself. But again, Peg, that is rare.

Also, while the occurrences of prosecutions of isolated instances of felons and alien voters and double voters has increased, we still aggressively and I believe quite successfully pursue systematic schemes to corrupt the electoral process, as the cases we brought recently out of Knott and Pike Counties in Kentucky, those we brought out of Lincoln and Logan Counties in West Virginia, and those we brought in New Hampshire growing out of the jamming of get-out-the-vote phone bank lines attest.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----




05/12/2006 09:48 PM

To psims@eac.gov
cc
Subject Re: Fraud Definition

013105



v>
05/16/2006 02:55 PM

psims@eac.gov
cc
Subject RE: Your Materials

The first item is not as big a deal as the second one: the processes under which subjects of investigations come to Jesus is not as important as the overall assessment of our law enforcement achievements. But stressing the isolated test cases we brought - - and will continue to bring - - to deter things like felon voting, alien voting and double voting, which not mentioning such significant achievements as the five case PROJECTS mentioned in my last e-mail - - misrepresents what we are doing and the deterrent message we are trying to communicate.

I appreciate that these two young people may have found themselves in a Brave New World when they came over here. It showed in their questioning. But the fact that criminal law enforcement is not at all similar to preventative legal relief (as under the Voting Rights Act) or civil relief (as election contest litigation) is I guess more of a problem than I at first foresaw. My real concern is that the civil rights groups - - with whom we over here have an amazing amount of common grounds - - will take the singling out of the felon and alien voter cases as evincing a malevolent aggression on their constituencies. That is not the case. We are only enforcing the law.

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Tuesday, May 16, 2006 2:47 PM
To: Donsanto, Craig
Subject: RE: Your Materials

I think they are panicking because they are preparing to travel tomorrow and may not have time to submit a revised version. They also are resisting changes to their interview summaries because the summaries represent what they think they heard. I was there at the interview and I heard what you said. I'm not sure that either of them heard everything (including the nuances) because so much of the information was new to them and it was one of their earlier interviews. I'm sorry I did not catch the defects before the summary went out.

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"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 01:41 PM

Topsims@eac.gov
cc
Subject RE: Your Materials

013106

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From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Tuesday, May 16, 2006 12:34 PM
To: Donsanto, Craig
Subject: RE: Your Materials

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"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 12:06 PM

Topsims@eac.gov
cc
SubjectRE: Your Materials

Thank you, Peg. This stuff is very interesting.

013107

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Tuesday, May 16, 2006 11:27 AM
To: Donsanto, Craig
Subject: Re: Your Materials

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"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 10:46 AM

Topsims@eac.gov
cc
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013108

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims/EAC/GOV

05/16/2006 03:14 PM

To "Donsanto, Craig"

<Craig.Donsanto@usdoj.gov>@GSAEXTERNAL

cc

Subject RE: Your Materials

I fully understand. Do you want me to prepare a correction sheet for the Working Group, placing your second and more important point first, or do you want to handle this verbally at the meeting? --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>



"Donsanto, Craig"
<Craig.Donsanto@usdoj.gov>
v>

05/16/2006 02:55 PM

To psims@eac.gov

cc

Subject RE: Your Materials

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From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Tuesday, May 16, 2006 2:47 PM

To: Donsanto, Craig

Subject: RE: Your Materials

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013109

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"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 01:41 PM

Topsims@eac.gov
cc
SubjectRE: Your Materials

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Sent: Tuesday, May 16, 2006 12:34 PM
To: Donsanto, Craig
Subject: RE: Your Materials

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"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 12:06 PM

Topsims@eac.gov
cc
SubjectRE: Your Materials

013110

Thank you, Peg. This stuff is very interesting.

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Tuesday, May 16, 2006 11:27 AM
To: Donsanto, Craig
Subject: Re: Your Materials

I have forwarded your message to our consultants and have requested a corrected version for distribution at the WG meeting. --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 10:46 AM

Topsims@eac.gov
cc
SubjectYour Materials

013111

Peg --

I have read over the materials you sent to me and viewed the pieces on the CD.

I have only one correction:

I did not say that offenders who receive target letters routinely request -- or routinely receive -- audiences here at DOJHQ. That is very rare. Instead, what usually happens is that once a subject for an election fraud investigation is advised that he or she is going to be charged that person usually enters into plea negotiations and ultimately pleads guilty. Very few federal election fraud cases go to trial. When a subject does request a HQ interview or a HW hearing, it would be held in the first instance by myself. But again, Peg, that is rare.

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Donsanto, Craig"
<Craig.Donsanto@usdoj.gov>
>
05/23/2006 02:49 PM

To psims@eac.gov, "Voris, Natalie (USAEO)"
<Natalie.Voris@usdoj.gov>, "Hillman, Noel"
<Noel.Hillman@usdoj.gov>, "Simmons, Nancy"
<Nancy.Simmons@usdoj.gov>

cc

Subject Request to interview AUSAs

Peg --

At the Advisory Board meeting we had last week, your two contractors asked to interview the over-100 AUSAs who are serving as District Election Officers in connection with the Fraud study.

This request needs to be addressed to Natalie Voris of EOUSA per the message from here that follows.

If the contractors require additional information in connection with the Fraud Study, and should EOUSA not be able to satisfy their needs n they can communicate with me on criminal issues and Cameron Quinn on Civil Rights issues.

I will be here when you arrive later today at the Board of Advisors meeting

013112

when you arrive to talk to us at 4:30.

Ms. Voris' message follows:

Per the USAM, all requests for interviews/surveys/research projects that involve USAOs must be approved by EOUSA. I am pasting the provision below - the contact name needs to be updated. Requests should come to me, as the Acting Counsel to the Director.

Thanks,
Natalie

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Tova Wang"

05/24/2006 02:52 PM

To psims@eac.gov

cc

Subject press interview

Hi Peg,

Just wanted to give you the heads up that I did an interview with a reporter from The Hill today on fraud. As far as I know he is simply referring to me as a fellow at TCF and I did not discuss the project in any way

Tova Andrea Wang
Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

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[Click here](#) to receive our weekly e-mail updates.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims/EAC/GOV

05/24/2006 03:17 PM

To "Tova Wang" [REDACTED]

cc Jeannie Layson/EAC/GOV@EAC, bwhitener@eac.gov

Subject Re: press interview [REDACTED]

Thanks for the "heads up". --- Peggy

"Tova Wang" [REDACTED]

013113



"Tova Wang"
 [Redacted]
 05/24/2006 02:52 PM

To psims@eac.gov
 cc
 Subject press interview

Hi Peg,

Just wanted to give you the heads up that I did an interview with a reporter from The Hill today on fraud. As far as I know he is simply referring to me as a fellow at TCF and I did not discuss the project in any way

Tova Andrea Wang
 Democracy Fellow
The Century Foundation
 41 East 70th Street - New York, NY 10021
 phone: 212-452-7704 fax: 212-535-7534

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Donsanto, Craig"
 <Craig.Donsanto@usdoj.gov>
 v>
 05/16/2006 09:43 AM

To psims@eac.gov
 cc "Hillman, Noel" <Noel.Hillman@usdoj.gov>, "Simmons, Nancy" <Nancy.Simmons@usdoj.gov>, "Campbell, Benton" <Benton.Campbell@usdoj.gov>
 Subject RE: Voting Fraud-Voter Intimidation Working Group

Thank you for this, Peg.

The third bullet point is one I embrace fully. We lack the statutory tool to do the job. Hopefully, that can be remedied through legislation. But as things stand today large loopholes in the federal legal matrix addressing electoral abuse and fraud exist - - particularly when such abuses occur in elections where there were no federal candidates on the ballot.

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Tuesday, May 16, 2006 8:44 AM
To: Donsanto, Craig
Subject: Re: Voting Fraud-Voter Intimidation Working Group

013114

Here is the content of the email attachment:

Existing Research Analysis

There are many reports and books that describe anecdotes and draw broad conclusions from a large array of incidents. There is little research that is truly systematic or scientific. The most systematic look at fraud is the report written by Lori Minnite. The most systematic look at voter intimidation is the report by Laughlin McDonald. Books written about this subject seem to all have a political bias and a pre-existing agenda that makes them somewhat less valuable.

Researchers agree that measuring something like the incidence of fraud and intimidation in a scientifically legitimate way is extremely difficult from a methodological perspective and would require resources beyond the means of most social and political scientists. As a result, there is much more written on this topic by advocacy groups than social scientists. It is hoped that this gap will be filled in the "second phase" of this EAC project.

Moreover, reports and books make allegations but, perhaps by their nature, have little follow up. As a result, it is difficult to know when something has remained in the stage of being an allegation and gone no further, or progressed to the point of being investigated or prosecuted or in any other way proven to be valid by an independent, neutral entity. This is true, for example, with respect to allegations of voter intimidation by civil rights organizations, and, with respect to fraud, John Fund's frequently cited book. Again, this is something that it is hoped will be addressed in the "second phase" of this EAC project by doing follow up research on allegations made in reports, books and newspaper articles.

Other items of note:

- There is as much evidence, and as much concern, about structural forms of disenfranchisement as about intentional abuse of the system. These include felon disenfranchisement, poor maintenance of databases and identification requirements.
- There is tremendous disagreement about the extent to which polling place fraud, e.g. double voting, intentional felon voting, noncitizen voting, is a serious problem. On balance, more researchers find it to be less of a problem than is commonly described in the political debate, but some reports say it is a major problem, albeit hard to identify.
- There is substantial concern across the board about absentee balloting and the opportunity it presents for fraud.
- Federal law governing election fraud and intimidation is varied and complex and yet may nonetheless be insufficient or subject to too many limitations to be as effective as it might be.
- Deceptive practices, e.g. targeted flyers and phone calls providing misinformation, were a major problem in 2004.

- Voter intimidation continues to be focused on minority communities, although the American Center for Voting Rights uniquely alleges it is focused on Republicans.

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/15/2006 04:53 PM

Topsims@eac.gov

cc

SubjectRe: Voting Fraud-Voter Intimidation Working Group

Peggy --

I am currently on train in transit back from a day in Newark. I tried to recover your attachment on Blackberry but got a message telling me the "file is empty."

Can you paste it to an e-mail perhaps?

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>
To: barnwine@lawyerscommittee.org <barnwine@lawyerscommittee.org>;
Rbauer@perkinscoie.com <Rbauer@perkinscoie.com>; bginsberg@pattonboggs.com
<bginsberg@pattonboggs.com>; mhearne@lathropgage.com
<mhearne@lathropgage.com>; jrperez50@sbcglobal.net <jrperez50@sbcglobal.net>;
krogers@sos.state.ga.us <krogers@sos.state.ga.us>; assistant@sos.in.gov
<assistant@sos.in.gov>; weinutr@verizon.net <weinutr@verizon.net>
CC: jgreenbaum@lawyerscommittee.org <jgreenbaum@lawyerscommittee.org>;
vjohnson@lawyerscommittee.org <vjohnson@lawyerscommittee.org>;
dlovecchio@perkinscoie.com <dlovecchio@perkinscoie.com>;
bschuler@lathropgage.com <bschuler@lathropgage.com>; Donsanto, Craig
<Craig.Donsanto@crm.usdoj.gov>
Sent: Mon May 15 16:37:48 2006
Subject: Voting Fraud-Voter Intimidation Working Group

Dear Working Group Members and Participants:

You should receive a packet of information today, either by Federal Express or hand delivery, concerning Thursday's meeting of the project Working Group for EAC's Voting Fraud-Voter Intimidation research project. Attached is an analysis of the consultants' research into relevant literature and reports.

013116

This summary was not available when we prepared the information packets last Friday, but may be of interest to you. Our consultants and I look forward to having a productive discussion with you.

Regards,

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims/EAC/GOV

05/17/2006 03:03 PM

To Craig Donsanto

cc

Subject Status Report on Voting Fraud-Voter Intimidation Project

Craig:

This is what I was working on for the upcoming meetings of the EAC Board of Advisors and EAC Standards Board. --- Peggy



EAC Boards VF-VI Status Report.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Job Serebrov"

[Redacted]

05/16/2006 09:25 AM

To psims@eac.gov, [Redacted]

cc

Subject Re: Date Ranges for Research

Cases were from 2000 to the present.

--- psims@eac.gov wrote:

> Would you please refresh my memory about the date
> ranges used for the
> Nexis article research and the case law research?
> I'm drawing a blank and
> I don't see it in the summaries. I need it for this
> mornings Commissioner
> briefing. Thanks! --- Peggy

013117

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Tova Wang"
<wang@tcf.org>
05/15/2006 11:36 AM

To psims@eac.gov
cc
Subject thursday

Is it OK if I come around 12:30 or so to make sure I have all my materials arranged properly for presentation? Thanks.

Tova Andrea Wang
Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

Visit our Web site, www.tcf.org, for the latest news, analysis, opinions, and events.

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Donsanto, Craig"
<Craig.Donsanto@usdoj.gov>
v>
05/17/2006 10:59 AM

To psims@eac.gov
cc
Subject RE: Report on Voting Fraud-Voter Intimidation Research

Peg - -

This is a complicated issue largely because of two things: 1) there is a lot of ambiguity out there as to what constitutes "intimidation." To the civil rights community, "intimidation" means anything that makes voting uncomfortable or less than automatic. To us in the criminal law enforcement "intimidation" means threats of economic or physical nature made to force or prevent voting. Only the latter involve aggravating factors that warrant putting offenders in jail, and the statutes that address "intimidation" from a criminal perspective are thus limited. We have never had many "intimidation" criminal cases. For one thing, in this modern post voting rights era, there is not a lot of physical/economic duress out there in the voting context - - at least not that I have seen. For another, where it does occur it is very hard to investigate and detect as victims who have been physically or economically intimidated are not likely to come to the FBI.

The bottom line is that we take matters that do present predication for physical or economically based "intimidation" very seriously, AND that we are being extremely proactive in trying to find ways to prosecute matters involving voter suppression as in the Tobin cases in New Hampshire where the local GOP tried to jam telephone lines for a GOTV effort run by the Dems. But even there - - the usual "suppression" matter involves flyers that are passed around giving out misleading information about an election, and we have investigated every one of those that came to our attention last election cycle. We were not able to identify the person(s) responsible for printing the misleading flyers in any of these. But we sure as heck tried.

013118

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Wednesday, May 17, 2006 9:57 AM
To: Donsanto, Craig
Subject: Report on Voting Fraud-Voter Intimidation Research

Craig:

I'm putting the finishing touches on a status report to the EAC Standards Board and EAC Board of Advisors on our Voting Fraud-Voter Intimidation research project. For the most part, I am using our consultants summaries for the report, but one bullet under the interview summaries is giving me heartburn. It is the bullet that references the decrease in DOJ voter intimidation actions. It is one of the places in which our consultants had indicated that your office is focussing on prosecuting individuals. I have reworded it and would like your feedback on the revision:

Several people indicate - including representatives from DOJ -- that for various reasons, the Department of Justice is bringing fewer voter intimidation and suppression cases now, and has increased its focus on matters such as noncitizen voting, double voting, and felon voting. While the Voting Section of the Civil Rights Division focuses on systemic patterns of malfeasance, the Election Crimes Branch of the Public Integrity Section has increased prosecutions of individual instances of felon, alien, and double voting while also maintaining an aggressive pursuit of systematic schemes to corrupt the electoral process.

Please suggest any changes that you think would further clarify the current approach. --- Peggy
----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims /EAC/GOV
05/15/2006 04:37 PM

To: Voting Fraud-Voter Intimidation Working Group

cc:

Subject: Voting Fraud-voter intimidation Working Group

Dear Working Group Members and Participants:

You should receive a packet of information today, either by Federal Express or hand delivery, concerning Thursday's meeting of the project Working Group for EAC's Voting Fraud-Voter Intimidation research project. Attached is an analysis of the consultants' research into relevant literature and reports. This summary was not available when we prepared the information packets last Friday, but may be of interest to you. Our consultants and I look forward to having a productive discussion with you.

Regards,

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

013119

Margaret Sims/EAC/GOV
05/23/2006 11:11 AM

To "Job Serebrov"
cc [REDACTED]
Subject Re: Payment Vouchers 

013120

I have to have a little time to focus on these issues and to check with our Finance Officer. Today and tomorrow, most of my time is scheduled for the EAC Standards Board and Board of Advisors meetings. ---
Peggy

"Job Serebrov" [REDACTED]



"Job Serebrov"
[REDACTED]
05/23/2006 09:17 AM

To psims@eac.gov
cc
Subject Re: Payment Vouchers

How did you deal with the issue of mileage v. airline costs for my travel?

--- psims@eac.gov wrote:

> I signed and submitted your personal services
> payment vouchers this
> morning. --- Peggy

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM ---



"Tova Wang"
[REDACTED]
05/16/2006 09:14 AM

To psims@eac.gov, [REDACTED]
cc
Subject RE: Date Ranges for Research

January 1, 2001 - January 1, 2006

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Tuesday, May 16, 2006 7:41 AM

To: [REDACTED]

Subject: Date Ranges for Research

Would you please refresh my memory about the date ranges used for the Nexis article research and the case law research? I'm drawing a blank and I don't see it in the summaries. I need it for this mornings Commissioner briefing. Thanks! --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims /EAC/GOV

05/15/2006 06:41 PM

To "Craig Donsanto" <Craig.Donsanto@usdoj.gov>

cc

Subject Re: Voting Fraud-Voter Intimidation Working Group

It could be a Berry problem. (I occasionally have that problem with attachments I try to retrieve through my Blackberry.)

The attachment is a pdf file, but I have access to a Word version that I can use to insert text in an email tomorrow. I don,t have access to the attachment from my Berry.
Peggy

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: "Donsanto, Craig" [Craig.Donsanto@usdoj.gov]

Sent: 05/15/2006 04:53 PM

To: psims@eac.gov

Subject: Re: Voting Fraud-Voter Intimidation Working Group

Peggy --

I am currently on train in trasit back from a day in Newark. I tried to recover your attachment on Blackberry but got a message telling me the "file is empty."

Can you paste it to an e-mail perhaps?

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>

To: [REDACTED]

[REDACTED]

013121

[REDACTED]

<Craig.Donsanto@crm.usdoj.gov>
Sent: Mon May 15 16:37:48 2006
Subject: Voting Fraud-Voter Intimidation Working Group

Dear Working Group Members and Participants:

You should receive a packet of information today, either by Federal Express or hand delivery, concerning Thursday's meeting of the project Working Group for EAC's Voting Fraud-Voter Intimidation research project. Attached is an analysis of the consultants' research into relevant literature and reports. This summary was not available when we prepared the information packets last Friday, but may be of interest to you. Our consultants and I look forward to having a productive discussion with you.

Regards,

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

Margaret Sims/EAC/GOV

05/15/2006 05:02 PM

To [REDACTED]

cc

Subject Re: Fraud Definition [REDACTED]

Tova:

We can certainly discuss this at the Working Group meeting. (The draft definition had already been sent out by the time I read your message.) There may be other VRA provisions that should be considered as well, such as the prohibition on removing the names of certain registrants, who were registered by federal examiners, without obtaining prior approval of the Justice Department.

After I received your email, I asked Barry Weinberg to review the draft definition and consider if we have left off examples of Voting Rights Act violations that would qualify as election fraud. Barry, during his 25 years with DOJ, led aggressive action against attempts to place police at the polls to intimidate voters, challenges targeting minorities, failure to provide election materials and assistance in languages other than English (in covered jurisdictions), etc. His input should prove helpful. --- Peggy

wang@tcf.org



[REDACTED]
05/12/2006 09:48 PM

To psims@eac.gov

cc

Subject Re: Fraud Definition

How about specifying Section 2 and 203 of the VRA?

----- Original Message -----

013123

"Tova Wang" [REDACTED]

05/12/2006 12:45 PM

To psims@eac.gov, [REDACTED]

cc

Subject RE: Fraud Definition

Upon first reading, my only comment would be that I would like to restore "failing to follow the requirements of the Voting Rights Act"

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Friday, May 12, 2006 9:20 AM

To: [REDACTED]

Subject: Fraud Definition

Would you please take a look at the attached? I combined both of your definitions, reformatted the list, removed a reference to the fraud having to have an actual impact on the election results (because fraud can be prosecuted without proving that it actually changed the results of the election), and taken out a couple of vague examples (e.g.; reference to failing to enforce state laws --- because there may be legitimate reasons for not doing so).

I have made contact with Ben Ginsberg's office and am waiting to hear if he accepts our invitation to join the working group. --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Tova Wang" [REDACTED]

05/16/2006 03:47 PM

To psims@eac.gov

cc

Subject board of advisers presentation

013124



Hi Peg, Have you tried to send me the presentation? I haven't gotten it, but I think we may be having email problems. Let me know. I'd need to look at it today since I'll be tied up tomorrow. Tova

Tova Andrea Wang
 Democracy Fellow
The Century Foundation
 41 East 70th Street - New York, NY 10021
 phone: 212-452-7704 fax: 212-535-7534

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[Click here](#) to receive our weekly e-mail updates.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Donsanto, Craig"
 <Craig.Donsanto@usdoj.gov>
 v>
 05/16/2006 03:17 PM

To psims@eac.gov
 cc
 Subject RE: Your Materials

Let me try to do it, Peg. Again what I do not want to see occur is for the LCCR to start attacking us. We have more in common with them than I had originally assumed, thanks to the write-ups of their interviews. We need to promote what we have in common not try to score political points. But I will try to correct the records as long as you will agree you heard what I said the way I know I said it!

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Tuesday, May 16, 2006 3:14 PM
To: Donsanto, Craig
Subject: RE: Your Materials

I fully understand. Do you want me to prepare a correction sheet for the Working Group, placing your second and more important point first, or do you want to handle this verbally at the meeting? --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 02:55 PM

To psims@eac.gov
 cc
 Subject RE: Your Materials

The first item is not as big a deal as the second one: the processes under which subjects of investigations come to Jesus is not as important as the overall assessment of our law enforcement achievements. But stressing the isolated test cases we brought - - and will continue to bring - - to deter things like felon voting, alien voting and double voting, which not mentioning such significant achievements as the five case PROJECTS mentioned in my last e-mail - - misrepresents what we are doing and the deterrent message we are trying to communicate.

I appreciate that these two young people may have found themselves in a Brave New World when they came over here. It showed in their questioning. But the fact that criminal law enforcement is not at all similar to preventative legal relief (as under the Voting Rights Act) or civil relief (as election contest litigation) is I guess more of a problem than I at first foresaw. My real concern is that the civil rights groups - - with whom we over here have an amazing amount of common grounds - - will take the singling out of the felon and alien voter cases as evincing a malevolent aggression on their constituencies. That is not the case. We are only enforcing the law.

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Tuesday, May 16, 2006 2:47 PM
To: Donsanto, Craig
Subject: RE: Your Materials

I think they are panicking because they are preparing to travel tomorrow and may not have time to submit a revised version. They also are resisting changes to their interview summaries because the summaries represent what they think they heard. I was there at the interview and I heard what you said. I'm not sure that either of them heard everything (including the nuances) because so much of the information was new to them and it was one of their earlier interviews. I'm sorry I did not catch the defects before the summary went out.

My first concern is ensuring that the Working Group has the correct information. Then, we can deal with what version, *if any*, goes in the final report. Do you want me to excerpt the corrections from your email and submit them to the Working Group? --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 01:41 PM

Topsims@eac.gov
cc
Subject: RE: Your Materials

013126

Sure. But where is the resistance coming from? The notes were not accurate. As you know, I have to be very concerned about that.

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Tuesday, May 16, 2006 12:34 PM
To: Donsanto, Craig
Subject: RE: Your Materials

Craig:

I am getting some resistance from my consultants to correcting the summary of the interview prior to the meeting. Would you mind noting the corrections at the meeting? --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 12:06 PM

Topsims@eac.gov
cc
SubjectRE: Your Materials

013127

Thank you, Peg. This stuff is very interesting.

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Tuesday, May 16, 2006 11:27 AM
To: Donsanto, Craig
Subject: Re: Your Materials

I have forwarded your message to our consultants and have requested a corrected version for distribution at the WG meeting. --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 10:46 AM

Topsims@eac.gov
cc
SubjectYour Materials

013128

Peg --

I have read over the materials you sent to me and viewed the pieces on the CD.

I have only one correction:

I did not say that offenders who receive target letters routinely request -- or routinely receive -- audiences here at DOJHQ. That is very rare. Instead, what usually happens is that once a subject for an election fraud investigation is advised that he or she is going to be charged that person usually enters into plea negotiations and ultimately pleads guilty. Very few federal election fraud cases go to trial. When a subject does request a HQ interview or a HW hearing, it would be held in the first instance by myself. But again, Peg, that is rare.

Also, while the occurrences of prosecutions of isolated instances of felons and alien voters and double voters has increased, we still aggressively and I believe quite successfully pursue systematic schemes to corrupt the electoral process, as the cases we brought recently out of Knott and Pike Counties in Kentucky, those we brought out of Lincoln and Logan Counties in West Virginia, and those we brought in New Hampshire growing out of the jamming of get0-out-the-vote phone bank lines attest.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims/EAC/GOV

05/23/2006 08:45 AM

To "Tova Wang" <[REDACTED]>

cc

Subject RE: PowerPoint Presentation to EAC Boards [REDACTED]

I know --- I'll have to cover that in my oral presentation, along with some other points. The audience will have a copy of the paper I put together using Job's and your summaries and findings. The paper provides a lot more detail. We did not plan to provide a copy of the PowerPoint presentation, which is just meant to keep me on track and them interested in the presentation. --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Tova Wang"

[REDACTED]
05/26/2006 10:41 AM

To psims@eac.gov, "Job Serebrov" [REDACTED]

cc

Subject RE: Request to interview AUSAs

I still think we should include the recommendations in the report

-----Original Message-----

013129

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----

Margaret Sims /EAC/GOV

05/16/2006 03:50 PM

To "Tova Wang" <[REDACTED]>

cc

Subject Re: board of advisers presentation 

I haven't sent it yet. If you need to leave early, you can look at what I have so far, which does not have the intro or the text regarding the final report. --- Peggy



EAC Board Status Report.doc

"Tova Wang" [REDACTED]



"Tova Wang" [REDACTED]

05/16/2006 03:47 PM

To psims@eac.gov

cc

Subject board of advisers presentation

Hi Peg, Have you tried to send me the presentation? I haven't gotten it, but I think we may be having email problems. Let me know. I'd need to look at it today since I'll be tied up tomorrow. Tova

Tova Andrea Wang
Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Donsanto, Craig"
<Craig.Donsanto@usdoj.gov>
>

05/17/2006 03:24 PM

To psims@eac.gov

cc

Subject RE: Status Report on Voting Fraud-Voter Intimidation Project

013130

Thank you, Peg. This is at least more accurate than what I read this morning. Thank you for taking the time to discuss this with me. I shall see you tomorrow.

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Wednesday, May 17, 2006 3:04 PM
To: Donsanto, Craig
Subject: Status Report on Voting Fraud-Voter Intimidation Project

Craig:

This is what I was working on for the upcoming meetings of the EAC Board of Advisors and EAC Standards Board. --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM -----



"Donsanto, Craig"

<Craig.Donsanto@usdoj.gov
v>

To psims@eac.gov

cc

05/17/2006 01:23 PM

Subject Re: Report on Voting Fraud-Voter Intimidation Research

Peggy -- can you call me about this in about an hour?

202-514-1421.

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>

To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>

Sent: Wed May 17 09:56:39 2006

Subject: Report on Voting Fraud-Voter Intimidation Research

Craig:

I'm putting the finishing touches on a status report to the EAC Standards Board and EAC Board of Advisors on our Voting Fraud-Voter Intimidation research project. For the most part, I am using our consultants summaries for the report, but one bullet under the interview summaries is giving me heartburn. It is the bullet that references the decrease in DOJ voter intimidation actions. It is one of the places in which our consultants had indicated that your office is focussing on prosecuting individuals. I have reworded it and would like your feedback on the revision:

Several people indicate - including representatives from DOJ -- that for various reasons, the Department of Justice is bringing fewer voter intimidation and suppression cases now, and has increased its focus on matters such as noncitizen voting, double voting, and felon voting. While the Voting

013131

Section of the Civil Rights Division focuses on systemic patterns of malfeasance, the Election Crimes Branch of the Public Integrity Section has increased prosecutions of individual instances of felon, alien, and double voting while also maintaining an aggressive pursuit of systematic schemes to corrupt the electoral process.

Please suggest any changes that you think would further clarify the current approach. --- Peggy

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:48 PM ---

"Tova Wang" 

05/24/2006 09:14 AM

To psims@eac.gov
cc
Subject presentation

How did it go? Were you able to verbally correct that discrepancy we talked about the other day?
Thanks. Tova

Tova Andrea Wang
Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

013133

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[Click here](#) to receive our weekly e-mail updates.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang" [REDACTED]

05/16/2006 05:08 PM

To psims@eac.gov

cc

Subject RE: board of advisers presentation

This looks fine otherwise, but I'm not sure I understand why you included the attachments you did. They are not really representative of what we did for the project as a whole. The summaries are just meant to supplement the nexis excel charts.

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Tuesday, May 16, 2006 2:51 PM

To: [REDACTED]

Subject: Re: board of advisers presentation

I haven't sent it yet. If you need to leave early, you can look at what I have so far, which does not have the intro or the text regarding the final report. --- Peggy

"Tova Wang" [REDACTED]

05/16/2006 03:47 PM

To psims@eac.gov

cc

Subject board of advisers presentation

Hi Peg, Have you tried to send me the presentation? I haven't gotten it, but I think we may be having email problems. Let me know. I'd need to look at it today since I'll be tied up tomorrow.
Tova

013135

Tova Andrea Wang
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The Century Foundation
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phone: 212-452-7704 fax: 212-535-7534

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"Donsanto, Craig"
<Craig.Donsanto@usdoj.gov>
v>
05/16/2006 12:06 PM

To psims@eac.gov
cc
Subject RE: Your Materials

Thank you, Peg. This stuff is very interesting.

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Tuesday, May 16, 2006 11:27 AM
To: Donsanto, Craig
Subject: Re: Your Materials

I have forwarded your message to our consultants and have requested a corrected version for distribution at the WG meeting. --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 10:46 AM

Topsims@eac.gov
cc
SubjectYour Materials

Peg --

I have read over the materials you sent to me and viewed the pieces on the CD.

013134

I have only one correction:

I did not say that offenders who receive target letters routinely request - - or routinely receive - - audiences here at DOJHQ. That is very rare. Instead, what usually happens is that once a subject for an election fraud investigation is advised that he or she is going to be charged that person usually enters into plea negotiations and ultimately pleads guilty. Very few federal election fraud cases go to trial. When a subject does request a HQ interview or a HW hearing, it would be held in the first instance by myself. But again, Peg, that is rare.

Also, while the occurrences of prosecutions of isolated instances of felons and alien voters and double voters has increased, we still aggressively and I believe quite successfully pursue systematic schemes to corrupt the electoral process, as the cases we brought recently out of Knott and Pike Counties in Kentucky, those we brought out of Lincoln and Logan Counties in West Virginia, and those we brought in New Hampshire growing out of the jamming of get0-out-the-vote phone bank lines attest.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims /EAC/GOV

05/16/2006 12:34 PM

To "Donsanto, Craig"

<Craig.Donsanto@usdoj.gov>@GSAEXTERNAL

cc

Subject RE: Your Materials 

Craig:

I am getting some resistance from my consultants to correcting the summary of the interview prior to the meeting. Would you mind noting the corrections at the meeting? --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>



"Donsanto, Craig"

<Craig.Donsanto@usdoj.gov>

v>

05/16/2006 12:06 PM

To psims@eac.gov

cc

Subject RE: Your Materials

Thank you, Peg. This stuff is very interesting.

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Tuesday, May 16, 2006 11:27 AM

To: Donsanto, Craig

Subject: Re: Your Materials

I have forwarded your message to our consultants and have requested a corrected version for distribution at the WG meeting. --- Peggy

013136

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 10:46 AM

Topsims@eac.gov
cc
SubjectYour Materials

Peg - -

I have read over the materials you sent to me and viewed the pieces on the CD.

I have only one correction:

I did not say that offenders who receive target letters routinely request - - or routinely receive - - audiences here at DOJHQ. That is very rare. Instead, what usually happens is that once a subject for an election fraud investigation is advised that he or she is going to be charged that person usually enters into plea negotiations and ultimately pleads guilty. Very few federal election fraud cases go to trial. When a subject does request a HQ interview or a HW hearing, it would be held in the first instance by myself. But again, Peg, that is rare.

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Job Serebrov"

05/16/2006 11:13 AM

To "Tova Wang" [redacted], psims@eac.gov

cc

Subject Corrections

I don't think anyone should be given the opportunity to correct mistakes.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

013137



"Tova Wang"

05/16/2006 11:34 AM

To psims@eac.gov;

cc

Subject RE: Corrections

Should we send all of the interview summaries to the people we interviewed for review then?

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Tuesday, May 16, 2006 10:30 AM

To: s [redacted]

Cc: w [redacted]

Subject: Re: Corrections

It wasn't his mistake. I was there at the interview. I just did not have time to review all of the interview summaries. --- Peggy

"Job Serebrov" [redacted]

05/16/2006 11:13 AM

To "Tova Wang" [redacted] psims@eac.gov

cc

Subject Corrections

I don't think anyone should be given the opportunity to correct mistakes.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims/EAC/GOV

05/16/2006 11:30 AM

To "Job Serebrov" [redacted]

cc [redacted]

Subject Re: Corrections [redacted]

It wasn't his mistake. I was there at the interview. I just did not have time to review all of the interview summaries. --- Peggy

013138

>
>
> Did you find out whether I can use the Chairman's
> parking spot?
>
> --- psims@eac.gov wrote:
>
> > You will need to submit hotel and parking
> receipts.
> > You don't need to submit meal receipts. You don't
> > need to submit gas receipts because use of a
> > personally owned vehicle (POV) is reimbursed based
> > on mileage. I think I emailed the mileage rate to
> > you. If you need it again, I'll look it up when I
> am
> > at the office (this afternoon).
> > Peg
> >
> > -----
> > Sent from my BlackBerry Wireless Handheld
> >
> >
> >
> > ----- Original Message -----
> > From: "Job Serebrov" [REDACTED]
> > Sent: 05/12/2006 09:05 PM
> > To: psims@eac.gov
> > Subject: Question
> >
> > Peg:
> >
> > Since I am driving to DC, besides hotel receipts,
> do
> > you want me to keep my gas receipts or how will my
> > car
> > use be compensated? Also, I assume I don't have
> to
> > retain food receipts.
> >
> > Job
> >
> >
> >
>
>
>
>

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM ---



"Tova Wang"
[REDACTED]
05/15/2006 09:07 AM

To psims@eac.gov
cc dromig@eac.gov
Subject I'm sorry

013140

I don't think I sent this to you either. Can we hand it out at the meeting as an addendum? Its another summary that would have gone in the news article section. I'm usually so organized, I'm very embarrassed. Too many things! Thanks

Tova Andrea Wang
Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

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[Click here to receive our weekly e-mail updates.](#)



votebuyingsummary.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

05/16/2006 05:04 PM

To psims@eac.gov

cc

Subject RE: board of advisers presentation

What is the information you need when you say:
The consultants jointly selected experts from ???

We chose the interviewees by first coming up with a list of the categories of types of people we wanted to interview. Then we each filled those categories with a certain number of people, equally. The ultimate categories were academics, advocates, elections officials, lawyers and judges.

Is that what you need?

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Tuesday, May 16, 2006 2:51 PM

To: [REDACTED]

Subject: Re: board of advisers presentation

I haven't sent it yet. If you need to leave early, you can look at what I have so far, which does not have the intro or the text regarding the final report. --- Peggy

"Tova Wang" [REDACTED]

013141

05/16/2006 03:47 PM

To psims@eac.gov
cc
Subject board of advisers presentation

Hi Peg, Have you tried to send me the presentation? I haven't gotten it, but I think we may be having email problems. Let me know. I'd need to look at it today since I'll be tied up tomorrow.
Tova

Tova Andrea Wang
Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

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[Click here](#) to receive our weekly e-mail updates.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Job Serebrov"

[REDACTED]
05/15/2006 09:28 AM

To psims@eac.gov
cc
Subject Re: Fw: New Working Group Member

Excellent!

013142

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims /EAC/GOV

05/22/2006 04:55 PM

To Tova Andrea Wang, Job Serebrov

cc

Subject PowerPoint Presentation to EAC Boards

FYI - Attached is a copy of the PowerPoint presentation on the voting fraud-voter intimidation research project for tomorrow's meetings of the EAC Standards Board (110 state and local election officials) and the EAC Advisory Board (37 representatives from national associations and government agencies who play a role in HAVA implementation and from science and technology-related professions appointed by Congressional members). I used your summaries as the primary source of information for the presentation. --- Peggy



VF-VI Project Presentation.ppt

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Tamar Nedzar /EAC/GOV

05/18/2006 04:36 PM

To

[REDACTED]

cc Margaret Sims/EAC/GOV@EAC, Edgardo Cortes/EAC/GOV@EAC, Juliet E.

013143



"Tova Wang"

05/23/2006 09:23 AM

To psims@eac.gov

cc

Subject RE: PowerPoint Presentation to EAC Boards

OK, thanks

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Tuesday, May 23, 2006 7:46 AM

To: wang@tcf.org

Subject: RE: PowerPoint Presentation to EAC Boards

I know --- I'll have to cover that in my oral presentation, along with some other points. The audience will have a copy of the paper I put together using Job's and your summaries and findings. The paper provides a lot more detail. We did not plan to provide a copy of the PowerPoint presentation, which is just meant to keep me on track and them interested in the presentation. --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

To psims@eac.gov

013144



"Weinberg and Utrecht "
 [REDACTED]
 05/15/2006 01:53 PM

To psims@eac.gov
 cc
 Subject Re: Voting Fraud-Voter Intimidation

Peggy:
 The package came today. Thanks. See you Thursday.
 Barry

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims /EAC/GOV
 05/16/2006 11:27 AM

To "Donsanto, Craig"
 <Craig.Donsanto@usdoj.gov>@GSAEXTERNAL
 cc
 Subject Re: Your Materials

I have forwarded your message to our consultants and have requested a corrected version for distribution at the WG meeting. --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>



"Donsanto, Craig"
 <Craig.Donsanto@usdoj.gov>
 v>
 05/16/2006 10:46 AM

To psims@eac.gov
 cc
 Subject Your Materials

Peg - -

I have read over the materials you sent to me and viewed the pieces on the CD.

I have only one correction:

I did not say that offenders who receive target letters routinely request - - or routinely receive - - audiences here at DOJHQ. That is very rare. Instead, what usually happens is that once a subject for an election fraud investigation is advised that he or she is going to be charged that person usually enters into plea negotiations and ultimately pleads guilty. Very few federal election fraud cases go to trial. When a subject does request a HQ interview or a HW hearing, it would be held in the first instance by myself. But again, Peg, that is rare.

Also, while the occurrences of prosecutions of isolated instances of felons and alien voters and double voters has increased, we still aggressively and I believe quite successfully pursue systematic schemes to corrupt the electoral process, as the cases we brought recently out of Knott and Pike Counties in Kentucky, those we brought out of Lincoln and Logan Counties in West Virginia, and those we brought in

New Hampshire growing out of the jamming of get0-out-the-vote phone bank lines attest.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

05/16/2006 03:53 PM

To psims@eac.gov

cc

Subject RE: board of advisers presentation

I'll be here for a while, I just wanted to make sure. If you send it to me anytime before 5 I can look at it in time. If not, I'll try my best to look at it en route tomorrow.

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Tuesday, May 16, 2006 2:51 PM

To:

Subject: Re: board of advisers presentation

I haven't sent it yet. If you need to leave early, you can look at what I have so far, which does not have the intro or the text regarding the final report. --- Peggy

"Tova Wang"

05/16/2006 03:47 PM

To psims@eac.gov

cc

Subject board of advisers presentation

Hi Peg, Have you tried to send me the presentation? I haven't gotten it, but I think we may be having email problems. Let me know. I'd need to look at it today since I'll be tied up tomorrow.
Tova

Tova Andrea Wang
Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

013146

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[Click here](#) to receive our weekly e-mail updates.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Job Serebrov"

05/16/2006 12:09 PM

To "Tova Wang" <[REDACTED]@psims@eac.gov>

cc [REDACTED]

Subject RE: Corrections

I agree!

--- Tova Wang <[REDACTED]> wrote:

> I still think its sufficient for him to raise the
> points verbally. All of
> the interview summaries reflect what Job and I both
> understood the
> interviewees to say. This really opens to the door
> to people making, as Job
> says, "corrections"

> -----Original Message-----
> From: psims@eac.gov [mailto:psims@eac.gov]
> Sent: Tuesday, May 16, 2006 10:47 AM
> To: wang@tcf.org
> Cc: serebrov@sbcglobal.net
> Subject: RE: Corrections

> Might not be a bad idea before the final report is
> prepared, but I would not
> worry about it for Thursday's meeting. I'm only
> concerned with the Donsanto
> interview summary because he will be attending the
> meeting. --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims/EAC/GOV

05/16/2006 11:47 AM

To "Tova Wang" <wang@tcf.org>@GSAEXTERNAL

cc [REDACTED]

Subject RE: Corrections

Might not be a bad idea before the final report is prepared, but I would not worry about it for Thursday's

013147

meeting. I'm only concerned with the Donsanto interview summary because he will be attending the meeting. --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims /EAC/GOV

05/16/2006 10:59 AM

To Tova Andrea Wang, Job Serebrov

cc

Subject Fw: Your Materials

See corrections from Donsanto at DOJ. We should probably provide corrected versions to the Working Group. --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 05/16/2006 10:58 AM -----



"Donsanto, Craig"

<Craig.Donsanto@usdoj.gov

v>

05/16/2006 10:46 AM

To psims@eac.gov

cc

Subject Your Materials

Peg --

I have read over the materials you sent to me and viewed the pieces on the CD.

I have only one correction:

I did not say that offenders who receive target letters routinely request -- or routinely receive -- audiences here at DOJHQ. That is very rare. Instead, what usually happens is that once a subject for an election fraud investigation is advised that he or she is going to be charged that person usually enters into plea negotiations and ultimately pleads guilty. Very few federal election fraud cases go to trial. When a subject does request a HQ interview or a HW hearing, it would be held in the first instance by myself. But again, Peg, that is rare.

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

05/15/2006 09:56 AM

To dromig@eac.gov

cc psims@eac.gov

Subject RE: I'm sorry

Great -- thanks so much and apologies for the false alarm.

-----Original Message-----

013148

From: dromig@eac.gov [mailto:dromig@eac.gov]
Sent: Monday, May 15, 2006 8:51 AM
To: [REDACTED]
Cc: psims@eac.gov
Subject: RE: I'm sorry

This article is on the CD, it is located in the "Nexis Article Charts" folder.

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov

"Tova Wang" [REDACTED]

05/15/2006 09:26 AM

To psims@eac.gov
cc dromig@eac.gov
Subject RE: I'm sorry

Thats good. I'm probably just getting crazy, trying to make sure everything is perfect. Devon, maybe you can check? Otherwise I'll check it when it comes. Thanks. And be well Peg.

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Monday, May 15, 2006 8:23 AM
To: Tova Andrea Wang
Subject: Re: I'm sorry

Tova:

I think you did send this --- or is this a revised version of one you sent earlier? It should be on the CD in the packet you should receive today.. (Can't check that right now as I am at the clinic.) If I put anything on the CD that you want to highlight at the meeting, let me know and we'll make copies for those attending.
Peggy

Sent from my BlackBerry Wireless Handheld

----- Original Message -----
From: "Tova Wang" [wang@tcf.org]

013149

Sent: 05/15/2006 09:07 AM
To: Margaret Sims
Cc: Devon Romig
Subject: I'm sorry

I don't think I sent this to you either. Can we hand it out at the meeting as an addendum? Its another summary that would have gone in the news article section. I'm usually so organized, I'm very embarrassed. Too many things! Thanks

Tova Andrea Wang
Democracy Fellow
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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims/EAC/GOV

05/16/2006 08:43 AM

To "Donsanto, Craig"

<Craig.Donsanto@usdoj.gov>@GSAEXTERNAL

cc

Subject Re: Voting Fraud-Voter Intimidation Working Group 

Here is the content of the email attachment:

Existing Research Analysis

There are many reports and books that describe anecdotes and draw broad conclusions from a large array of incidents. There is little research that is truly systematic or scientific. The most systematic look at fraud is the report written by Lori Minnite. The most systematic look at voter intimidation is the report by Laughlin McDonald. Books written about this subject seem to all have a political bias and a pre-existing agenda that makes them somewhat less valuable.

Researchers agree that measuring something like the incidence of fraud and intimidation in a scientifically legitimate way is extremely difficult from a methodological perspective and would require resources beyond the means of most social and political scientists. As a result, there is much more written on this topic by advocacy groups than social scientists. It is hoped that this gap will be filled in the "second phase" of this EAC project.

Moreover, reports and books make allegations but, perhaps by their nature, have little follow up. As a result, it is difficult to know when something has remained in the stage

013150

of being an allegation and gone no further, or progressed to the point of being investigated or prosecuted or in any other way proven to be valid by an independent, neutral entity. This is true, for example, with respect to allegations of voter intimidation by civil rights organizations, and, with respect to fraud, John Fund's frequently cited book. Again, this is something that it is hoped will be addressed in the "second phase" of this EAC project by doing follow up research on allegations made in reports, books and newspaper articles.

Other items of note:

- There is as much evidence, and as much concern, about structural forms of disenfranchisement as about intentional abuse of the system. These include felon disenfranchisement, poor maintenance of databases and identification requirements.
- There is tremendous disagreement about the extent to which polling place fraud, e.g. double voting, intentional felon voting, noncitizen voting, is a serious problem. On balance, more researchers find it to be less of a problem than is commonly described in the political debate, but some reports say it is a major problem, albeit hard to identify.
- There is substantial concern across the board about absentee balloting and the opportunity it presents for fraud.
- Federal law governing election fraud and intimidation is varied and complex and yet may nonetheless be insufficient or subject to too many limitations to be as effective as it might be.
- Deceptive practices, e.g. targeted flyers and phone calls providing misinformation, were a major problem in 2004.
- Voter intimidation continues to be focused on minority communities, although the American Center for Voting Rights uniquely alleges it is focused on Republicans.

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>



"Donsanto, Craig"
<Craig.Donsanto@usdoj.gov>
>

05/15/2006 04:53 PM

To psims@eac.gov

cc

Subject Re: Voting Fraud-Voter Intimidation Working Group

Peggy --

I am currently on train in transit back from a day in Newark. I tried to recover your attachment on Blackberry but got a message telling me the "file is empty."

013151

Can you paste it to an e-mail perhaps?

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>

To: [REDACTED]

Sent: Mon May 15 16:37:48 2006

Subject: Voting Fraud-Voter Intimidation Working Group

Dear Working Group Members and Participants:

You should receive a packet of information today, either by Federal Express or hand delivery, concerning Thursday's meeting of the project Working Group for EAC's Voting Fraud-Voter Intimidation research project. Attached is an analysis of the consultants' research into relevant literature and reports. This summary was not available when we prepared the information packets last Friday, but may be of interest to you. Our consultants and I look forward to having a productive discussion with you.

Regards,

Peggy Sims

Election Research Specialist

U.S. Election Assistance Commission

1225 New York Ave, NW - Ste 1100

Washington, DC 20005

Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)

Fax: 202-566-3127

email: psims@eac.gov

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims/EAC/GOV

05/19/2006 02:51 PM

To Craig Donsanto

cc

Subject Voting Fraud-Voter Intimidation Project-Nexis Word Search

Craig;

013152

You asked about the Nexis search terms used by our consultants. The list follows. --- Peggy.

Election and fraud
Voter and fraud
Vote and fraud
Voter and challenge
Vote and challenge
Election and challenge
Election and irregularity
Election and irregularities
Election and violation
Election and stealing
Ballot box and tampering
Ballot box and theft
Ballot box and stealing
Election and officers
Election and Sheriff
Miscount and votes
Election and crime
Election and criminal
Vote and crime
Vote and criminal
Double voting
Multiple voting
Dead and voting
Election and counting and violation
Election and counting and error
Vote and counting and violation
Vote and counting and error
Voter and intimidation
Voter and intimidating
Vote and intimidation
Denial and voter and registration
Voter identification
Vote and identification
Voter and racial profiling
Vote and racial profiling
Voter and racial
Vote and racial
Voter and racial and challenge
Vote and racial and challenge
Voter and deny and racial
Vote and deny and racial
Voter and deny and challenge
Vote and deny and challenge

013153

Voter and deny and black
Vote and deny and black
Voter and black and challenge
Vote and black and challenge
Voter and deny and African American
Vote and deny and African American
Voter and African American and challenge
Vote and African American and challenge
Election and black and challenge
Election and African American and challenge
Voter and deny and Hispanic
Voter and deny and Latino
Vote and deny and Hispanic
Vote and deny and Latino
Voter and Hispanic and challenge
Voter and Latino and challenge
Vote and Hispanic and challenge
Vote and Latino and challenge
Election and Hispanic and challenge
Election and Latino and challenge
Voter and deny and Native American
Vote and deny and Native American
Voter and Native American and challenge
Vote and Native American and challenge
Election and Native American and challenge
Voter and deny and Asian American
Vote and deny and Asian American
Voter and Asian American and challenge
Vote and Asian American and challenge
Voter and Asian American and challenge
Election and Asian American and challenge
Voter and deny and Indian
Vote and deny and Indian
Voter and Indian and challenge
Vote and Indian and challenge
Election and Indian and challenge
Poll tax
Voting and test
Absentee ballot and deny
Absentee ballot and reject
Absentee ballot and challenge
Vote and challenge
Voter and challenge
Election and challenge
Vote and police

Voter and police
Poll and police
Vote and law enforcement
Voter and law enforcement
Poll and law enforcement
Vote and deceptive practices
Voter and deceptive practices
Election and deceptive practices
Voter and deceive
Voter and false information
Dirty tricks
Vote and felon
Vote and ex-felon
Disenfranchisement
Disenfranchise
Law and election and manipulation
Vote and purging
Vote and purge
Registration and removal
Registration and purging
Registration and purge
Vote buying
Vote and noncitizen
Voter and noncitizen
Vote and selective enforcement
Identification and selective
Election and misinformation
Registration and restrictions
Election and administrator and fraud
Election and official and fraud
Provisional ballot and deny
Provisional ballot and denial
Affidavit ballot and deny
Affidavit ballot and denial
Absentee ballot and coerce
Absentee ballot and coercion
Registration and destruction
Voter and deter
Vote and deterrence
Voter and deterrence
Ballot integrity
Ballot security
Ballot security and minority
Ballot security and black
Ballot security and African American

Ballot security and Latino
Ballot security and Hispanic
Ballot security and Native American
Ballot security and Indian
Vote and suppression
Minority and vote and suppression
Black and vote and suppression
African American and vote and suppression
Latino and vote and suppression
Hispanic and vote and suppression
Native American and vote and suppression
Vote and suppress
Minority and vote and suppress
African American and vote and suppress
Latino and vote and suppress
Native American and vote and suppress
Vote and depress
Jim Crow
Literacy test
Voter and harass
Voter and harassment
Vote and mail and fraud
Poll and guards
Election and consent decree
Vote and barrier
Voting and barrier
Voter and barrier
Election and long line
Voter and long line

Poll worker and challenge
Poll worker and intimidate
Poll worker and intimidation
Poll worker and intimidating
Poll worker and threatening
Poll worker and abusive
Election official and challenge
Election official and intimidate
Election official and intimidation
Election official and intimidating
Election official and threatening
Election official and abusive
Poll watcher and challenge
Poll watcher and intimidate
Poll watcher and intimidating

Poll watcher and intimidation
Poll watcher and abusive
Poll watcher and threatening
Poll inspector and challenge
Poll inspector and intimidate
Poll inspector and intimidating
Poll inspector and intimidation
Poll inspector and abusive
Poll inspector and threatening
Poll judge and challenge
Poll judge and intimidate
Poll judge and intimidating
Poll judge and intimidation
Poll judge and abusive
Poll judge and threatening
Poll monitor and challenge
Poll monitor and intimidate
Poll monitor and intimidating
Poll monitor and intimidation
Poll monitor and abusive
Poll monitor and threatening
Election judge and challenge
Election judge and intimidate
Election judge and intimidating
Election judge and intimidation
Election judge and abusive
Election judge and threatening
Election monitor and challenge
Election monitor and intimidate
Election monitor and intimidating
Election monitor and intimidation
Election monitor and abusive
Election monitor and threatening
Election observer and challenge
Election observer and intimidate
Election observer and intimidating
Election observer and intimidation
Election observer and abusive
Election observer and threatening

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims/EAC/GOV

05/16/2006 03:37 PM

To "Donsanto, Craig"

<Craig.Donsanto@usdoj.gov>@GSAEXTERNAL

cc

Subject RE: Your Materials 

013157

OK. --- Peg

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>



"Donsanto, Craig"
<Craig.Donsanto@usdoj.gov>
v>

05/16/2006 03:17 PM

To psims@eac.gov

cc

Subject RE: Your Materials

Let me try to do it, Peg. Again what I do not want to see occur is for the LCCR to start attacking us. We have more in common with them than I had originally assumed, thanks to the write-ups of their interviews. We need to promote what we have in common not try to score political points. But I will try to correct the records as long as you will agree you heard what I said the way I know I said it!

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Tuesday, May 16, 2006 3:14 PM

To: Donsanto, Craig

Subject: RE: Your Materials

I fully understand. Do you want me to prepare a correction sheet for the Working Group, placing your second and more important point first, or do you want to handle this verbally at the meeting? --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 02:55 PM

Topsims@eac.gov

cc

SubjectRE: Your Materials

The first item is not as big a deal as the second one: the processes under which subjects of investigations come to Jesus is not as important as the overall assessment of our law enforcement achievements. But stressing the isolated test cases we brought - - and will continue to bring - - to deter things like felon voting, alien voting and double voting, which not mentioning such significant achievements as the five case PROJECTS mentioned in my last e-mail - - misrepresents what we are doing and the deterrent message we are trying to communicate.

013158

I appreciate that these two young people may have found themselves in a Brave New World when they came over here. It showed in their questioning. But the fact that criminal law enforcement is not at all similar to preventative legal relief (as under the Voting Rights Act) or civil relief (as election contest litigation) is I guess more of a problem than I at first foresaw. My real concern is that the civil rights groups - - with whom we over here have an amazing amount of common grounds - - will take the singling out of the felon and alien voter cases as evincing a malevolent aggression on their constituencies. That is not the case. We are only enforcing the law.

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Tuesday, May 16, 2006 2:47 PM
To: Donsanto, Craig
Subject: RE: Your Materials

I think they are panicking because they are preparing to travel tomorrow and may not have time to submit a revised version. They also are resisting changes to their interview summaries because the summaries represent what they think they heard. I was there at the interview and I heard what you said. I'm not sure that either of them heard everything (including the nuances) because so much of the information was new to them and it was one of their earlier interviews. I'm sorry I did not catch the defects before the summary went out.

My first concern is ensuring that the Working Group has the correct information. Then, we can deal with what version, *if any*, goes in the final report. Do you want me to excerpt the corrections from your email and submit them to the Working Group? --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 01:41 PM

Topsims@eac.gov
cc
Subject: RE: Your Materials

013159

Sure. But where is the resistance coming from? The notes were not accurate. As you know, I have to be very concerned about that.

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Tuesday, May 16, 2006 12:34 PM
To: Donsanto, Craig
Subject: RE: Your Materials

Craig:

I am getting some resistance from my consultants to correcting the summary of the interview prior to the meeting. Would you mind noting the corrections at the meeting? --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 12:06 PM

Topsims@eac.gov
cc
SubjectRE: Your Materials

Thank you, Peg. This stuff is very interesting.

013160

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Tuesday, May 16, 2006 11:27 AM
To: Donsanto, Craig
Subject: Re: Your Materials

I have forwarded your message to our consultants and have requested a corrected version for distribution at the WG meeting. --- Peggy

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 10:46 AM

Topsims@eac.gov
cc
SubjectYour Materials

Peg - -

I have read over the materials you sent to me and viewed the pieces on the CD.

013161

I have only one correction:

I did not say that offenders who receive target letters routinely request - - or routinely receive - - audiences here at DOJHQ. That is very rare. Instead, what usually happens is that once a subject for an election fraud investigation is advised that he or she is going to be charged that person usually enters into plea negotiations and ultimately pleads guilty. Very few federal election fraud cases go to trial. When a subject does request a HQ interview or a HW hearing, it would be held in the first instance by myself. But again, Peg, that is rare.

Also, while the occurrences of prosecutions of isolated instances of felons and alien voters and double voters has increased, we still aggressively and I believe quite successfully pursue systematic schemes to corrupt the electoral process, as the cases we brought recently out of Knott and Pike Counties in Kentucky, those we brought out of Lincoln and Logan Counties in West Virginia, and those we brought in New Hampshire growing out of the jamming of get0-out-the-vote phone bank lines attest.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

05/16/2006 11:03 AM

To psims@eac.gov

cc

Subject RE: Your Materials

I think he can just raise these points at the meeting, no? I'm sure many we interviewed would say we misquoted them on something. This is what both Job and I remember him saying. I think it would be unfair for him to change/amend his interview without giving the same opportunity to the other interviewees.

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Tuesday, May 16, 2006 9:59 AM

To:

Subject: Fw: Your Materials

See corrections from Donsanto at DOJ. We should probably provide corrected versions to the Working Group. --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 05/16/2006 10:58 AM -----

"Donsanto, Craig" <Craig.Donsanto@usdoj.gov>

05/16/2006 10:46 AM

To psims@eac.gov

cc

Subject Your Materials

013162

Peg --

I have read over the materials you sent to me and viewed the pieces on the CD.

I have only one correction:

I did not say that offenders who receive target letters routinely request -- or routinely receive -- audiences here at DOJHQ. That is very rare. Instead, what usually happens is that once a subject for an election fraud investigation is advised that he or she is going to be charged that person usually enters into plea negotiations and ultimately pleads guilty. Very few federal election fraud cases go to trial. When a subject does request a HQ interview or a HW hearing, it would be held in the first instance by myself. But again, Peg, that is rare.

Also, while the occurrences of prosecutions of isolated instances of felons and alien voters and double voters has increased, we still aggressively and I believe quite successfully pursue systematic schemes to corrupt the electoral process, as the cases we brought recently out of Knott and Pike Counties in Kentucky, those we brought out of Lincoln and Logan Counties in West Virginia, and those we brought in New Hampshire growing out of the jamming of get0-out-the-vote phone bank lines attest.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Donsanto, Craig"
<Craig.Donsanto@usdoj.gov>
>

05/19/2006 03:17 PM

To psims@eac.gov

cc "Simmons, Nancy" <Nancy.Simmons@usdoj.gov>

Subject Re: Voting Fraud-Voter Intimidation Project-Nexis Word Search

Peggy --

I was just thinking of you!

Great session yesterday. I really enjoyed it. Robust discussion.

On another subject, Nancy Simmons needs the e-mail address of NASED. Can you give her both that and the website address for them? Her e-mail is nancy.simmons@usdoj.gov.

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: psims@eac.gov <psims@eac.gov>

To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>

Sent: Fri May 19 14:51:21 2006

Subject: Voting Fraud-Voter Intimidation Project-Nexis Word Search

Craig;

You asked about the Nexis search terms used by our consultants. The list

013163

follows. --- Peggy.

Election and fraud
Voter and fraud
Vote and fraud
Voter and challenge
Vote and challenge
Election and challenge
Election and irregularity
Election and irregularities
Election and violation
Election and stealing
Ballot box and tampering
Ballot box and theft
Ballot box and stealing
Election and officers
Election and Sheriff
Miscount and votes
Election and crime
Election and criminal
Vote and crime
Vote and criminal
Double voting
Multiple voting
Dead and voting
Election and counting and violation
Election and counting and error
Vote and counting and violation
Vote and counting and error
Voter and intimidation
Voter and intimidating
Vote and intimidation
Denial and voter and registration
Voter identification
Vote and identification
Voter and racial profiling
Vote and racial profiling
Voter and racial
Vote and racial
Voter and racial and challenge
Vote and racial and challenge
Voter and deny and racial
Vote and deny and racial
Voter and deny and challenge
Vote and deny and challenge
Voter and deny and black
Vote and deny and black
Voter and black and challenge
Vote and black and challenge
Voter and deny and African American
Vote and deny and African American
Voter and African American and challenge
Vote and African American and challenge
Election and black and challenge
Election and African American and challenge
Voter and deny and Hispanic
Voter and deny and Latino
Vote and deny and Hispanic
Vote and deny and Latino
Voter and Hispanic and challenge
Voter and Latino and challenge

013164

Vote and Hispanic and challenge
Vote and Latino and challenge
Election and Hispanic and challenge
Election and Latino and challenge
Voter and deny and Native American
Vote and deny and Native American
Voter and Native American and challenge
Vote and Native American and challenge
Election and Native American and challenge
Voter and deny and Asian American
Vote and deny and Asian American
Voter and Asian American and challenge
Vote and Asian American and challenge
Voter and Asian American and challenge
Election and Asian American and challenge
Voter and deny and Indian
Vote and deny and Indian
Voter and Indian and challenge
Vote and Indian and challenge
Election and Indian and challenge
Poll tax
Voting and test
Absentee ballot and deny
Absentee ballot and reject
Absentee ballot and challenge
Vote and challenge
Voter and challenge
Election and challenge
Vote and police
Voter and police
Poll and police
Vote and law enforcement
Voter and law enforcement
Poll and law enforcement
Vote and deceptive practices
Voter and deceptive practices
Election and deceptive practices
Voter and deceive
Voter and false information
Dirty tricks
Vote and felon
Vote and ex-felon
Disenfranchisement
Disenfranchise
Law and election and manipulation
Vote and purging
Vote and purge
Registration and removal
Registration and purging
Registration and purge
Vote buying
Vote and noncitizen
Voter and noncitizen
Vote and selective enforcement
Identification and selective
Election and misinformation
Registration and restrictions
Election and administrator and fraud
Election and official and fraud
Provisional ballot and deny
Provisional ballot and denial

Affidavit ballot and deny
Affidavit ballot and denial
Absentee ballot and coerce
Absentee ballot and coercion
Registration and destruction
Voter and deter
Vote and deterrence
Voter and deterrence
Ballot integrity
Ballot security
Ballot security and minority
Ballot security and black
Ballot security and African American
Ballot security and Latino
Ballot security and Hispanic
Ballot security and Native American
Ballot security and Indian
Vote and suppression
Minority and vote and suppression
Black and vote and suppression
African American and vote and suppression
Latino and vote and suppression
Hispanic and vote and suppression
Native American and vote and suppression
Vote and suppress
Minority and vote and suppress
African American and vote and suppress
Latino and vote and suppress
Native American and vote and suppress
Vote and depress
Jim Crow
Literacy test
Voter and harass
Voter and harassment
Vote and mail and fraud
Poll and guards
Election and consent decree
Vote and barrier
Voting and barrier
Voter and barrier
Election and long line
Voter and long line

Poll worker and challenge
Poll worker and intimidate
Poll worker and intimidation
Poll worker and intimidating
Poll worker and threatening
Poll worker and abusive
Election official and challenge
Election official and intimidate
Election official and intimidation
Election official and intimidating
Election official and threatening
Election official and abusive
Poll watcher and challenge
Poll watcher and intimidate
Poll watcher and intimidating
Poll watcher and intimidation
Poll watcher and abusive
Poll watcher and threatening

Poll inspector and challenge
Poll inspector and intimidate
Poll inspector and intimidating
Poll inspector and intimidation
Poll inspector and abusive
Poll inspector and threatening
Poll judge and challenge
Poll judge and intimidate
Poll judge and intimidating
Poll judge and intimidation
Poll judge and abusive
Poll judge and threatening
Poll monitor and challenge
Poll monitor and intimidate
Poll monitor and intimidating
Poll monitor and intimidation
Poll monitor and abusive
Poll monitor and threatening
Election judge and challenge
Election judge and intimidate
Election judge and intimidating
Election judge and intimidation
Election judge and abusive
Election judge and threatening
Election monitor and challenge
Election monitor and intimidate
Election monitor and intimidating
Election monitor and intimidation
Election monitor and abusive
Election monitor and threatening
Election observer and challenge
Election observer and intimidate
Election observer and intimidating
Election observer and intimidation
Election observer and abusive
Election observer and threatening

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims /EAC/GOV

05/17/2006 09:56 AM

To Craig Donsanto

cc

Subject Report on Voting Fraud-Voter Intimidation Research

Craig:

I'm putting the finishing touches on a status report to the EAC Standards Board and EAC Board of Advisors on our Voting Fraud-Voter Intimidation research project. For the most part, I am using our consultants summaries for the report, but one bullet under the interview summaries is giving me heartburn. It is the bullet that references the decrease in DOJ voter intimidation actions. It is one of the places in which our consultants had indicated that your office is focussing on prosecuting individuals. I have reworded it and would like your feedback on the revision:

Several people indicate - including representatives from DOJ -- that for various reasons, the Department of Justice is bringing fewer voter intimidation and suppression cases now, and has

013168

increased its focus on matters such as noncitizen voting, double voting, and felon voting. While the Voting Section of the Civil Rights Division focuses on systemic patterns of malfeasance, the Election Crimes Branch of the Public Integrity Section has increased prosecutions of individual instances of felon, alien, and double voting while also maintaining an aggressive pursuit of systematic schemes to corrupt the electoral process.

Please suggest any changes that you think would further clarify the current approach. --- Peggy
----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims /EAC/GOV

05/15/2006 01:09 PM

To "Tova Wang" <[REDACTED]>@GSAEXTERNAL

cc

Subject Re: Thursday

No problem. I've got the conference room reserved from Noon to 6 PM, so you can come earlier. --- Peggy

"Tova Wang" <[REDACTED]>



"Tova Wang"

05/15/2006 11:36 AM

To psims@eac.gov

cc

Subject thursday

Is it OK if I come around 12:30 or so to make sure I have all my materials arranged properly for presentation? Thanks.

Tova Andrea Wang
Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

05/31/2006 01:50 PM

To psims@eac.gov

cc <[REDACTED]>

Subject RE: Working Group Notes

013169

Peg, I'm sorry, but this is really not helpful. Its another outline. I guess we have to wait for the transcript. I wish now I had taken notes myself! Thanks anyway. Tova

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Wednesday, May 31, 2006 12:31 PM

To: [REDACTED]

Cc: serebrov@sbcglobal.net

Subject: Re: Working Group Notes

Sorry. We have had so much going on, I did not have time to send the attached to you last week. This is Devon's compilation of notes taken by EAC staff at the working group meeting. --- Peggy

"Tova Wang" [REDACTED]

05/31/2006 11:26 AM

To psims@eac.gov
cc
Subject notes

Hi Peg,

How are you? I was wondering, whatever happened to getting the collective notes of the EAC staff? Thanks. Tova

Tova Andrea Wang
Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang" [REDACTED]

05/31/2006 11:26 AM

To psims@eac.gov
cc

013170



Subject notes

Hi Peg,

How are you? I was wondering, whatever happened to getting the collective notes of the EAC staff?
Thanks. Tova

Tova Andrea Wang
Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims/EAC/GOV

05/31/2006 01:30 PM

To "Tova Wang" <[REDACTED]>

cc s [REDACTED]

Subject Re: Working Group Notes [REDACTED]

Sorry. We have had so much going on, I did not have time to send the attached to you last week. This is Devon's compilation of notes taken by EAC staff at the working group meeting. --- Peggy



VFVI Meeting Summary.doc

"Tova Wang" <wang@tcf.org>



"Tova Wang"

05/31/2006 11:26 AM

To psims@eac.gov

cc

Subject notes

Hi Peg,

How are you? I was wondering, whatever happened to getting the collective notes of the EAC staff?
Thanks. Tova

013171

Tova Andrea Wang
Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

06/02/2006 04:50 PM

To psims@eac.gov

cc

Subject transcript

Hi Peg,

Do you have an ETA for the transcript? Seems like it should be around now. Thanks and have a great weekend. Tova

Tova Andrea Wang
Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



06/08/2006 09:15 AM

To psims@eac.gov

cc

Subject

Hi, Whats going on? I have not received responses from either one of you in a week. I'd like to wrap this up in the next two weeks if we can. Did you get my recommendations? Thanks.

Tova

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims /EAC/GOV

013172

06/08/2006 09:35 AM

To wang@tcf.org@GSAEXTERNAL
cc serebrov@sbcglobal.net
Subject Re: [REDACTED]

Sorry. We have been swamped with other program activities and preparations for today's testimony before House Admin. We have not yet received the transcript of the Working Group session. Devon checked with the court reporter, who said it will be delivered today. --- Peggy

[REDACTED]



[REDACTED]
06/08/2006 09:15 AM

To psims@eac.gov
cc "Job Serebrov" [REDACTED]
Subject

Hi, Whats going on? I have not received responses from either one of you in a week. I'd like to wrap this up in the next two weeks if we can. Did you get my recommendations? Thanks.

Tova

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



[REDACTED]
06/14/2006 08:56 PM

To "Job Serebrov" [REDACTED] psims@eac.gov
cc
Subject Re: teleconference

Let's try to do that. Peg, you will call us 5 pm EST?
----- Original Message -----
From: "Job Serebrov" [REDACTED]
To: "Tova Wang" [REDACTED]
Sent: Wednesday, June 14, 2006 6:29 PM
Subject: Re: teleconference

> Wednesday next week? It would have to be 6 pm.
>
> --- Tova Wang [REDACTED] wrote:
>
>> Hi Job,
>>
>> Peg tells me that we should now be getting the
>> transcript early next week.
>> Regardless, we should talk about the organization

013173

>> and distribution of work
>> on the final report and try to finally get it done.
>> Would it be possible
>> for you to do a call before you leave for work in
>> the morning, say 8 am your
>> time, on Wednesday? If not, could you do 6 pm your
>> time on Wednesday?
>> Thanks.
>>
>> Tova
>>
>> Tova Andrea Wang
>> Democracy Fellow
>> The Century Foundation
>> 41 East 70th Street - New York, NY 10021
>> phone: 212-452-7704 fax: 212-535-7534
>>
>> Visit our Web site, <<http://www.tcf.org/>>
>> www.tcf.org, for the latest news,
>> analysis, opinions, and events.
>>
>> _____
>>
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>> Click here to receive our
>> weekly e-mail updates.
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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

06/09/2006 08:53 AM

To psims@eac.gov

cc

Subject FW: Transcript & Teleconference

Hi Peg,

How do you recommend dealing with this? I have this feeling like he's trying to create a situation where I will have to write it myself. Thanks. Tova

-----Original Message-----

From: Job Serebrov [<mailto:>]
Sent: Thursday, June 08, 2006 9:42 PM
To: psims@eac.gov;
Subject: Re: Transcript & Teleconference

Peggy:

I can't predict when I get home but it is between 5:30

013174

and 6:30 my time. I know that is generally too late to have a teleconference.

I plan to review Tova's recommendations this weekend and work on my own as well as expanding the explanation of the case section.

Please see what your financial officer did with regards to my travel.

Thank you,

Job

--- psims@eac.gov wrote:

> What time do you arrive home from work? Perhaps we
> could talk then?
>
> Re your question on the mileage, I have approached
> our Financial Officer
> with a request that you receive full reimbursement
> on the grounds that
> your actual total travel costs are less than the
> estimated total travel
> costs if you had flown to DC, stayed in our more
> expensive hotels, and
> received the higher per diem for 3 days (instead of
> 1). I have not yet
> received a response from her and she has been out of
> the office much of
> this week, so I don't know what she decided to do.
> --- Peggy

>
>
>
>
> "Job Serebrov" <[REDACTED]>
> 06/08/2006 01:10 PM
>
> To
> psims@eac.gov, [REDACTED]
> cc
> serebrov@sbcglobal.net
> Subject
> Re: Transcript & Teleconference

>
>
>
>
> Peg:
>
> I just arrived home for lunch. I can no longer take
> time during the work day for telephone conferences.
> As
> I told you I will need to finish this project after
> daily working hours. I am still getting things done
> from being out for ten days. I will review Tova's recommendations and
> expand on mine this weekend.

013175

> > >>
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> > >>
> > >> Hi, Whats going on? I have not received
> > responses from either one of
> > > you
> > >> in a week. I'd like to wrap this up in the next
> > two weeks if we can.
> > Did
> > >> you get my recommendations? Thanks.
> > >>
> > >> Tova
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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims/EAC/GOV

06/09/2006 09:09 AM

To "Tova Wang" [REDACTED]@GSAEXTERNAL

cc

Subject Re: FW: Transcript & Teleconference [REDACTED]

I sent him an email to find out when he is home from work. Perhaps lunch time or early evening will work for him. I plan to include him in all correspondence regarding the final report and do expect him to contribute. He has already responded that he might be able to add to the draft recommendations you submitted (which would have to be reviewed by you), so let's see. As of this morning, I still don't have the transcript. --- Peggy

"Tova Wang" [REDACTED]



"Tova Wang"

06/09/2006 08:53 AM

To psims@eac.gov

cc

Subject FW: Transcript & Teleconference

013178

Hi Peg,

How do you recommend dealing with this? I have this feeling like he's trying to create a situation where I will have to write it myself. Thanks. Tova

-----Original Message-----

From: Job Serebrov [mailto: [REDACTED]]
Sent: Thursday, June 08, 2006 9:42 PM
To: psims@eac.gov; [REDACTED]
Subject: Re: Transcript & Teleconference

Peggy:

I can't predict when I get home but it is between 5:30 and 6:30 my time. I know that is generally too late to have a teleconference.

I plan to review Tova's recommendations this weekend and work on my own as well as expanding the explanation of the case section.

Please see what your financial officer did with regards to my travel.

Thank you,

Job

--- psims@eac.gov wrote:

> What time do you arrive home from work? Perhaps we
> could talk then?
>
> Re your question on the mileage, I have approached
> our Financial Officer
> with a request that you receive full reimbursement
> on the grounds that
> your actual total travel costs are less than the
> estimated total travel
> costs if you had flown to DC, stayed in our more
> expensive hotels, and
> received the higher per diem for 3 days (instead of
> 1). I have not yet
> received a response from her and she has been out of
> the office much of
> this week, so I don't know what she decided to do.
> --- Peggy
>
>
>
> "Job Serebrov" < [REDACTED] >
> 06/08/2006 01:10 PM
>
> To
> psims@eac.gov, wang@tcf.org

013179

> cc
> [REDACTED]
> Subject
> Re: Transcript & Teleconference
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> Peg:
>
> I just arrived home for lunch. I can no longer take
> time during the work day for telephone conferences.
> As
> I told you I will need to finish this project after
> daily working hours. I am still getting things done
> from being out for ten days. I will review Tova's recommendations and
> expand on mine this weekend.
>
> Also, I sent you an e-mail asking how you handled
> the
> mileage portion of my travel voucher?
>
> Job
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>
> --- psims@eac.gov wrote:
>
> > 4 PM EST is fine with me, if it works for Job.
> ---
> > Peggy
> >
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> >
> >
> > [REDACTED]
> > 06/08/2006 10:10 AM
> >
> > To
> > psims@eac.gov
> > cc
> > [REDACTED]
> > Subject
> > Re: Transcript & Teleconference
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> >
> > Can we make it 4 est? I have another meeting at
> 3.
> > ----- Original Message -----
> > From: <psims@eac.gov>
> > To: [REDACTED]
> > Cc: [REDACTED]
> > Sent: Thursday, June 08, 2006 9:55 AM
> > Subject: Re: Transcript & Teleconference
> >

>
>
> Hi, Whats going on? I have not received responses from either one of you
> in a week. I'd like to wrap this up in the next two weeks if we can. Did
> you get my recommendations? Thanks.
>
> Tova
>
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

06/09/2006 12:49 PM

To psims@eac.gov, "Job Serebrov"

cc

Subject more gao

Sorry, its 500 pages -- it also includes data on absentee fraud and voter intimidation

Tova Andrea Wang
Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

Visit our Web site, www.tcf.org, for the latest news, analysis, opinions, and events.

[Click here](#) to receive our weekly e-mail updates.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

06/12/2006 04:46 PM

To psims@eac.gov

cc

Subject RE: Will Call Later

Either between 9 and 10 or between 12 and 1:30 would be ideal, but I should be around most of the afternoon. Thanks Peg. Tova

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Monday, June 12, 2006 2:39 PM

To:

Subject: Will Call Later

I'll try to call you Wednesday. Is there a time that is best for you? Today has been too hectic.

013185

Tomorrow is primary election day in VA. Still no transcript. I have taken a look at the recommendations that you sent me, but have not yet heard from Job. --- Peg
----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims /EAC/GOV

06/12/2006 05:09 PM

To "Tova Wang" [REDACTED] GSAEXTERNAL
cc

Subject RE: Will Call Later [REDACTED]

How about 9:30 AM EST, Wednesday morning (6/14/06)?

"Tova Wang" [REDACTED]



"Tova Wang"

06/12/2006 04:46 PM

To psims@eac.gov

cc

Subject RE: Will Call Later

Either between 9 and 10 or between 12 and 1:30 would be ideal, but I should be around most of the afternoon. Thanks Peg. Tova

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Monday, June 12, 2006 2:39 PM

To: [REDACTED]

Subject: Will Call Later

I'll try to call you Wednesday. Is there a time that is best for you? Today has been too hectic. Tomorrow is primary election day in VA. Still no transcript. I have taken a look at the recommendations that you sent me, but have not yet heard from Job. --- Peg

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

06/14/2006 09:40 AM

To "Job Serebrov" [REDACTED]

cc psims@eac.gov

Subject teleconference

Hi Job,

Peg tells me that we should now be getting the transcript early next week. Regardless, we should talk about the organization and distribution of work on the final report and try to finally get it done. Would it be possible for you to do a call before you leave for work in the morning, say 8 am your time, on Wednesday? If not, could you do 6 pm your time on Wednesday? Thanks.

013186

Tova

Tova Andrea Wang
Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

06/12/2006 05:11 PM

To psims@eac.gov

cc

Subject RE: Will Call Later

Perfect. Thanks.

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Monday, June 12, 2006 4:09 PM

To: [REDACTED]

Subject: RE: Will Call Later

How about 9:30 AM EST, Wednesday morning (6/14/06)?

"Tova Wang" <[REDACTED]>

06/12/2006 04:46 PM

To psims@eac.gov

cc

Subject RE: Will Call Later

Either between 9 and 10 or between 12 and 1:30 would be ideal, but I should be around most of the afternoon. Thanks Peg. Tova

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

013187

Sent: Monday, June 12, 2006 2:39 PM
To: [REDACTED]
Subject: Will Call Later

I'll try to call you Wednesday. Is there a time that is best for you? Today has been too hectic. Tomorrow is primary election day in VA. Still no transcript. I have taken a look at the recommendations that you sent me, but have not yet heard from Job. --- Peg

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

[REDACTED]
06/05/2006 04:30 PM

To psims@eac.gov, [REDACTED]

cc

Subject recommendations

Here are my recommendations with the last one now included. Please let me know about the transcript and when you all want to talk about getting the final report done. Thanks. Tova

Tova Andrea Wang
Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

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[Click here to receive our weekly e-mail updates.](#)



future suggestions.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

[REDACTED]
06/09/2006 08:53 AM

To "Job Serebrov" [REDACTED] <[REDACTED]>, psims@eac.gov

cc

Subject RE: Transcript & Teleconference

What about during a lunch hour?

-----Original Message-----

From: Job Serebrov [mailto:serebrov@sbcglobal.net]
Sent: Thursday, June 08, 2006 9:42 PM
To: psims@eac.gov; wang@tcf.org
Subject: Re: Transcript & Teleconference

Peggy:

013188

I can't predict when I get home but it is between 5:30 and 6:30 my time. I know that is generally too late to have a teleconference.

I plan to review Tova's recommendations this weekend and work on my own as well as expanding the explanation of the case section.

Please see what your financial officer did with regards to my travel.

Thank you,

Job

--- psims@eac.gov wrote:

> What time do you arrive home from work? Perhaps we
> could talk then?
>
> Re your question on the mileage, I have approached
> our Financial Officer
> with a request that you receive full reimbursement
> on the grounds that
> your actual total travel costs are less than the
> estimated total travel
> costs if you had flown to DC, stayed in our more
> expensive hotels, and
> received the higher per diem for 3 days (instead of
> 1). I have not yet
> received a response from her and she has been out of
> the office much of
> this week, so I don't know what she decided to do.
> --- Peggy
>
>
>
>
> "Job Serebrov" <[REDACTED]>
> 06/08/2006 01:10 PM
>
> To
> psims@eac.gov, <[REDACTED]>
> cc
> serebrov@sbcglobal.net
> Subject
> Re: Transcript & Teleconference
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>
> Peg:
>
> I just arrived home for lunch. I can no longer take
> time during the work day for telephone conferences.
> As
> I told you I will need to finish this project after
> daily working hours. I am still getting things done
> from being out for ten days. I will review Tova's recommendations and

013189

> expand on mine this weekend.
>
> Also, I sent you an e-mail asking how you handled
> the
> mileage portion of my travel voucher?
>
> Job
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>
> --- psims@eac.gov wrote:
>
> > 4 PM EST is fine with me, if it works for Job.
> ---
> > Peggy
> >
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> >
> >
> > [REDACTED]
> > 06/08/2006 10:10 AM
> >
> > To
> > psims@eac.gov
> > cc
> > [REDACTED]
> > Subject
> > Re: Transcript & Teleconference
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> >
> > Can we make it 4 est? I have another meeting at
> > 3.
> > ----- Original Message -----
> > From: <psims@eac.gov>
> > To: [REDACTED]
> > Cc: [REDACTED]
> > Sent: Thursday, June 08, 2006 9:55 AM
> > Subject: Re: Transcript & Teleconference
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> > >
> > > I'll see how it comes in. I hope we receive an
> > > electronic copy. If we
> > > only receive a hard copy, we can pdf it and
> > > email
> > > it to the two of you.
> > > How about Monday afternoon at 3 PM EST for a
> > > brief
> > > teleconference? I
> > > really can't do it before then because of other
> > > commitments. --- Peggy
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> > > 06/08/2006 09:42 To
> > > AM

> > psims@eac.gov

> > > cc

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> > > Subject

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Re: Re:

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> > > How will you be getting it to us? Will it be
> > something you can email?

> > > And

> > >

> > > can we set up a call for some time in the next
> few

> > days? Thanks.

> > > ----- Original Message -----

> > > From: <psims@eac.gov>

> > > To: [REDACTED]

> > > Cc: [REDACTED]

> > > Sent: Thursday, June 08, 2006 9:35 AM

> > > Subject: Re:

> > >

> > >

> > >>

> > >> Sorry. We have been swamped with other program
> > activities and
> > preparations

> > >> for today's testimony before House Admin. We
> > have not yet received the

> > >> transcript of the Working Group session. Devon

> > >> checked with the court

> > >> reporter, who said it will be delivered today.

> > --- Peggy

> > >>

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> > >> 06/08/2006 09:15 To
> > >> AM

> > psims@eac.gov

> > >> cc

> > >>

"Job

> > Serebrov"

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> > >> Subject

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> > >> Hi, Whats going on? I have not received
> > responses from either one of
> > > you
> > >> in a week. I'd like to wrap this up in the next
> > two weeks if we can.
> > Did
> > >> you get my recommendations? Thanks.
> > >>
> > >> Tova
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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Job Serebrov"

[Redacted]
06/13/2006 09:10 AM

To psims@eac.gov, wang@tcf.org
cc

Subject Transcripts, Etc.

Peggy:

Any sign of the transcript? Will the other members of the working group get a copy? I have had questions from several about it.

If you want to talk I can do so this Friday at 6 pm your time.

Job

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



[REDACTED]
06/08/2006 03:30 PM

To "Job Serebrov" <[REDACTED]>, psims@eac.gov

cc [REDACTED]

Subject Re: Transcript & Teleconference

What time do you suggest talking?

----- Original Message -----

From: "Job Serebrov" <serebrov@sbcglobal.net>

To: <psims@eac.gov>; <wang@tcf.org>

Cc: <serebrov@sbcglobal.net>

Sent: Thursday, June 08, 2006 1:10 PM

Subject: Re: Transcript & Teleconference

> Peg:

>

> I just arrived home for lunch. I can no longer take
> time during the work day for telephone conferences. As
> I told you I will need to finish this project after
> daily working hours. I am still getting things done
> from being out for ten days. I will review Tova's
> recommendations and expand on mine this weekend.

>

> Also, I sent you an e-mail asking how you handled the
> mileage portion of my travel voucher?

>

> Job

>

>

>

> --- psims@eac.gov wrote:

>

>> 4 PM EST is fine with me, if it works for Job. ---

>> Peggy

>>

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>>

>> [REDACTED]
>> 06/08/2006 10:10 AM

>>

>> To

>> psims@eac.gov

>> cc

>> [REDACTED]

>> subject

>> Re: Transcript & Teleconference

>>

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>> Can we make it 4 est? I have another meeting at 3.

>> ----- Original Message -----

>> From: <psims@eac.gov>

013193

Can we make it 4 est? I have another meeting at 3.

----- Original Message -----

From: <psims@eac.gov>

To: [REDACTED]

Cc: [REDACTED]

Sent: Thursday, June 08, 2006 9:55 AM

Subject: Re: Transcript & Teleconference

>
> I'll see how it comes in. I hope we receive an electronic copy. If we
> only receive a hard copy, we can pdf it and email it to the two of you.
> How about Monday afternoon at 3 PM EST for a brief teleconference? I
> really can't do it before them because of other commitments. --- Peggy

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[REDACTED]
06/08/2006 09:42
AM

psims@eac.gov

To

cc

Subject

Re: Re:

> How will you be getting it to us? Will it be something you can email?
> And

> can we set up a call for some time in the next few days? Thanks.

> ----- Original Message -----

> From: <psims@eac.gov>

> To: [REDACTED]

> Cc: [REDACTED]

> Sent: Thursday, June 08, 2006 9:35 AM

> Subject: Re:

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013196

----- Original Message -----

From: <psims@eac.gov>

To: [REDACTED]

Cc: [REDACTED]

Sent: Thursday, June 08, 2006 9:55 AM

Subject: Re: Transcript & Teleconference

>

> I'll see how it comes in. I hope we receive an electronic copy. If we
> only receive a hard copy, we can pdf it and email it to the two of you.
> How about Monday afternoon at 3 PM EST for a brief teleconference? I
> really can't do it before then because of other commitments. --- Peggy

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06/08/2006 09:42 AM

psims@eac.gov

To

cc

Subject

Re: Re:

> How will you be getting it to us? Will it be something you can email?
> And

> can we set up a call for some time in the next few days? Thanks.

> ----- Original Message -----

> From: <psims@eac.gov>

> To: [REDACTED]

> Cc: [REDACTED]

> Sent: Thursday, June 08, 2006 9:35 AM

> Subject: Re:

>> Sorry. We have been swamped with other program activities and
>> preparations

>> for today's testimony before House Admin. We have not yet received the
>> transcript of the Working Group session. Devon checked with the court
>> reporter, who said it will be delivered today. --- Peggy

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013198

Job

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Job Serebrov"

06/08/2006 10:42 PM

To psims@eac.gov, wang@tcf.org

cc

Subject Re: Transcript & Teleconference

Peggy:

I can't predict when I get home but it is between 5:30 and 6:30 my time. I know that is generally too late to have a teleconference.

I plan to review Tova's recommendations this weekend and work on my own as well as expanding the explanation of the case section.

Please see what your financial officer did with regards to my travel.

Thank you,

Job

--- psims@eac.gov wrote:

> What time do you arrive home from work? Perhaps we
> could talk then?
>
> Re your question on the mileage, I have approached
> our Financial Officer
> with a request that you receive full reimbursement
> on the grounds that
> your actual total travel costs are less than the
> estimated total travel
> costs if you had flown to DC, stayed in our more
> expensive hotels, and
> received the higher per diem for 3 days (instead of
> 1). I have not yet
> received a response from her and she has been out of
> the office much of
> this week, so I don't know what she decided to do.
> --- Peggy
>
>
>
> "Job Serebrov"
> 06/08/2006 01:10 PM
>

013200

> To
> psims@eac.gov, [REDACTED]
> cc
> [REDACTED]
> Subject
> Re: Transcript & Teleconference
>
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>
> Peg:
>
> I just arrived home for lunch. I can no longer take
> time during the work day for telephone conferences.
> As
> I told you I will need to finish this project after
> daily working hours. I am still getting things done
> from being out for ten days. I will review Tova's
> recommendations and expand on mine this weekend.
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> mileage portion of my travel voucher?
>
> Job
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>
> --- psims@eac.gov wrote:
>
> > 4 PM EST is fine with me, if it works for Job.
> ---
> > Peggy
> >
> >
> >
> >
> > [REDACTED]
> > 06/08/2006 10:10 AM
> >
> > To
> > psims@eac.gov
> > cc
> > [REDACTED]
> > Subject
> > Re: Transcript & Teleconference
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> >
> > Can we make it 4 est? I have another meeting at
> > 3.
> > ----- Original Message -----
> > From: <psims@eac.gov>
> > To: [REDACTED]
> > Cc: [REDACTED]
> > Sent: Thursday, June 08, 2006 9:55 AM

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims /EAC/GOV

06/12/2006 03:39 PM

To Tova Andrea Wang

cc

Subject Will Call Later

I'll try to call you Wednesday. Is there a time that is best for you? Today has been too hectic. Tomorrow is primary election day in VA. Still no transcript. I have taken a look at the recommendations that you sent me, but have not yet heard from Job. --- Peg

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



[REDACTED]
06/14/2006 10:46 PM

To "Job Serebrov" [REDACTED], psims@eac.gov

cc

Subject Re: teleconference

Could you do Friday in the morning?

----- Original Message -----

From: "Job Serebrov" <[REDACTED]>

To: [REDACTED]; <psims@eac.gov>

Sent: wednesday, June 14, 2006 10:17 PM

Subject: Re: teleconference

> Tova:

>

> 5 pm EST is 4 pm Central. Peg would have to call at 7

013204

> pm EST to be 6 pm Central.
>
> Job
>
> --- [REDACTED] wrote:
>
>> Let's try to do that. Peg, you will call us 5 pm
>> EST?
>> ----- Original Message -----
>> From: "Job Serebrov" [REDACTED]
>> To: "Tova Wang" [REDACTED]
>> Sent: Wednesday, June 14, 2006 6:29 PM
>> Subject: Re: teleconference
>>
>>
>> > Wednesday next week? It would have to be 6 pm.
>> >
>> > --- Tova Wang [REDACTED] wrote:
>> >
>> >> Hi Job,
>> >>
>> >> Peg tells me that we should now be getting the
>> >> transcript early next week.
>> >> Regardless, we should talk about the organization
>> >> and distribution of work
>> >> on the final report and try to finally get it
>> >> done.
>> >> Would it be possible
>> >> for you to do a call before you leave for work in
>> >> the morning, say 8 am your
>> >> time, on Wednesday? If not, could you do 6 pm
>> >> your
>> >> time on Wednesday?
>> >> Thanks.
>> >>
>> >> Tova
>> >>
>> >> Tova Andrea Wang
>> >> Democracy Fellow
>> >> The Century Foundation
>> >> 41 East 70th Street - New York, NY 10021
>> >> phone: 212-452-7704 fax: 212-535-7534
>> >>
>> >> Visit our Web site, <<http://www.tcf.org/>>
>> >> www.tcf.org, for the latest news,
>> >> analysis, opinions, and events.
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>> >> <<mailto:join-tcfmain@mailhost.groundspring.org>>
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>> >> weekly e-mail updates.
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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Job Serebrov"
[REDACTED]

06/08/2006 01:10 PM

To psims@eac.gov, wang@tcf.org

cc [REDACTED]

Subject Re: Transcript & Teleconference

Peg:

I just arrived home for lunch. I can no longer take time during the work day for telephone conferences. As I told you I will need to finish this project after daily working hours. I am still getting things done from being out for ten days. I will review Tova's recommendations and expand on mine this weekend.

Also, I sent you an e-mail asking how you handled the mileage portion of my travel voucher?

Job

--- psims@eac.gov wrote:

> 4 PM EST is fine with me, if it works for Job. ---

> Peggy

>

>

>

>

> [REDACTED]
> 06/08/2006 10:10 AM

>

> To

> psims@eac.gov

> cc

> [REDACTED]

> Subject

> Re: Transcript & Teleconference

>

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>

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>

>

> Can we make it 4 est? I have another meeting at 3.

> ----- Original Message -----

> From: <psims@eac.gov>

> To: [REDACTED]

> Cc: [REDACTED]

> Sent: Thursday, June 08, 2006 9:55 AM

> Subject: Re: Transcript & Teleconference

13206

full reimbursement on the grounds that your actual total travel costs are less than the estimated total travel costs if you had flown to DC, stayed in our more expensive hotels, and received the higher per diem for 3 days (instead of 1). I have not yet received a response from her and she has been out of the office much of this week, so I don't know what she decided to do. --- Peggy

"Job Serebrov [redacted]"



"Job Serebrov"
[redacted]
06/08/2006 01:10 PM

To psims@eac.gov [redacted]
c [redacted]

Subject Re: Transcript & Teleconference

Peg:

I just arrived home for lunch. I can no longer take time during the work day for telephone conferences. As I told you I will need to finish this project after daily working hours. I am still getting things done from being out for ten days. I will review Tova's recommendations and expand on mine this weekend.

Also, I sent you an e-mail asking how you handled the mileage portion of my travel voucher?

Job

--- psims@eac.gov wrote:

> 4 PM EST is fine with me, if it works for Job. ---
> Peggy

>
>
>
>

> [redacted]
> 06/08/2006 10:10 AM

>
> To
> psims@eac.gov
> cc
> [redacted]

> Subject
> Re: Transcript & Teleconference

>
>
>
>
>

> Can we make it 4 est? I have another meeting at 3.

> ----- Original Message -----

> From: <psims@eac.gov>

> To: [redacted]

-----Original Message-----

From: Job Serebrov [mailto: [REDACTED]]
Sent: Friday, June 09, 2006 8:17 AM
To: Tova Wang
Subject: RE: Transcript & Teleconference

Normally I am not home for lunch.

--- Tova Wang [REDACTED] > wrote:

> What about during a lunch hour?

>

> -----Original Message-----

> From: Job Serebrov [mailto: [REDACTED]]
> Sent: Thursday, June 08, 2006 9:42 PM
> To: psims@eac.gov; [REDACTED]
> Subject: Re: Transcript & Teleconference

>

>

> Peggy:

>

> I can't predict when I get home but it is between
> 5:30
> and 6:30 my time. I know that is generally too late
> to
> have a teleconference.

>

> I plan to review Tova's recommendations this weekend
> and work on my own as well as expanding the
> explanation of the case section.

>

> Please see what your financial officer did with
> regards to my travel.

>

> Thank you,

>

> Job

>

> --- psims@eac.gov wrote:

>

> > What time do you arrive home from work? Perhaps
> we
> > could talk then?

> >

> > Re your question on the mileage, I have approached
> > our Financial Officer
> > with a request that you receive full reimbursement
> > on the grounds that
> > your actual total travel costs are less than the
> > estimated total travel
> > costs if you had flown to DC, stayed in our more
> > expensive hotels, and
> > received the higher per diem for 3 days (instead
> > of
> > 1). I have not yet
> > received a response from her and she has been out
> > of

013212

> > the office much of
> > this week, so I don't know what she decided to do.
> > --- Peggy

> >
> >
> >

> > "Job Serebrov" [REDACTED]
> > 06/08/2006 01:10 PM

> >
> > To
> > psims@eac.gov, wang@tcf.org
> > cc
> > [REDACTED]
> > Subject
> > Re: Transcript & Teleconference

> >
> >
> >
> >
> >

> > Peg:
> >
> > I just arrived home for lunch. I can no longer
> > take
> > time during the work day for telephone
> > conferences.
> > As
> > I told you I will need to finish this project
> > after
> > daily working hours. I am still getting things
> > done
> > from being out for ten days. I will review Tova's
> > recommendations and
> > expand on mine this weekend.
> >
> > Also, I sent you an e-mail asking how you handled
> > the
> > mileage portion of my travel voucher?

> >
> > Job

> >
> >

> > --- psims@eac.gov wrote:
> >
> > > 4 PM EST is fine with me, if it works for Job.

> > ---
> > > Peggy

> > >
> > >
> > >

> > > [REDACTED]
> > > 06/08/2006 10:10 AM

> > >
> > > To
> > > psims@eac.gov
> > > cc
> > > [REDACTED]

> EST?
> ----- Original Message -----
> From: "Job Serebrov" <serebrov@sbcglobal.net>
> To: "Tova Wang" <wang@tcf.org>
> Sent: Wednesday, June 14, 2006 6:29 PM
> Subject: Re: teleconference
>
>
> > Wednesday next week? It would have to be 6 pm.
> >
> > --- Tova Wang <wang@tcf.org> wrote:
> >
> >> Hi Job,
> >>
> >> Peg tells me that we should now be getting the
> >> transcript early next week.
> >> Regardless, we should talk about the organization
> >> and distribution of work
> >> on the final report and try to finally get it
> >> done.
> >> Would it be possible
> >> for you to do a call before you leave for work in
> >> the morning, say 8 am your
> >> time, on Wednesday? If not, could you do 6 pm
> >> your
> >> time on Wednesday?
> >> Thanks.
> >>
> >> Tova
> >>
> >> Tova Andrea Wang
> >> Democracy Fellow
> >> The Century Foundation
> >> 41 East 70th Street - New York, NY 10021
> >> phone: 212-452-7704 fax: 212-535-7534
> >>
> >> Visit our Web site, <<http://www.tcf.org/>>
> >> www.tcf.org, for the latest news,
> >> analysis, opinions, and events.
> >>
> >> _____
> >>
> >> <<mailto:join-tcfmain@mailhost.groundspring.org>>
> >> Click here to receive our
> >> weekly e-mail updates.
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>
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

06/21/2006 11:00 AM

To "Job Serebrov" [redacted]@sims@eac.gov
cc

013216



Subject nexis

Hi Peg and Job,

I don't know how we might be able to use these but here, finally, are the super-refined versions of the

nexis charts. Can we include them? Thanks. Tova absentee nexis chart 2FORMAT.xls



'dead' voters and multiple voting nexis chartFORMAT.xls intimidation and suppressionFORMAT.xls



voter registration fraud nexischartFORMAT.xls

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



06/15/2006 03:30 PM

To "Job Serebrov" [redacted], psims@eac.gov
cc

Subject Re: teleconference

fine

----- Original Message -----

From: "Job Serebrov" [redacted]

To: [redacted]; <psims@eac.gov>

Sent: Wednesday, June 14, 2006 10:17 PM

Subject: Re: teleconference

> Tova:

>

> 5 pm EST is 4 pm Central. Peg would have to call at 7
> pm EST to be 6 pm Central.

>

> Job

>

> --- wang@tcf.org wrote:

>

>> Let's try to do that. Peg, you will call us 5 pm
>> EST?

>> ----- Original Message -----

>> From: "Job Serebrov" [redacted]

>> To: "Tova Wang" [redacted]

>> Sent: Wednesday, June 14, 2006 6:29 PM

>> Subject: Re: teleconference

>>

>>

>> > Wednesday next week? It would have to be 6 pm.

>> >

>> > --- Tova Wang [redacted] wrote:

>> >

013217

>> >> Hi Job,
>> >>
>> >> Peg tells me that we should now be getting the
>> >> transcript early next week.
>> >> Regardless, we should talk about the organization
>> >> and distribution of work
>> >> on the final report and try to finally get it
>> >> done.
>> >> Would it be possible
>> >> for you to do a call before you leave for work in
>> >> the morning, say 8 am your
>> >> time, on Wednesday? If not, could you do 6 pm
>> >> your
>> >> time on Wednesday?
>> >> Thanks.
>> >>
>> >> Tova
>> >>
>> >> Tova Andrea Wang
>> >> Democracy Fellow
>> >> The Century Foundation
>> >> 41 East 70th Street - New York, NY 10021
>> >> phone: 212-452-7704 fax: 212-535-7534
>> >>
>> >> Visit our Web site, <<http://www.tcf.org/>>
>> >> www.tcf.org, for the latest news,
>> >> analysis, opinions, and events.
>> >>
>> >> _____
>> >> <<mailto:join-tcfmain@mailhost.groundspring.org>>
>> >> Click here to receive our
>> >> weekly e-mail updates.
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----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



06/21/2006 09:29 PM

To "Job Serebrov" [redacted] psims@eac.gov
cc

Subject Re: Teleconference

How about Monday at 6:30 or 7 est?

----- Original Message -----

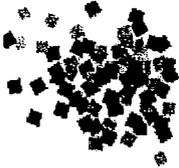
From: "Job Serebrov" [redacted]
To: <psims@eac.gov>; "Tova Andrea Wang" [redacted]
Sent: Wednesday, June 21, 2006 6:21 PM

013218

Subject: Re: Teleconference

> It will need to be early next week. What news of the
> transcript?
>
>
>
> --- psims@eac.gov wrote:
>
>>
>> I am sorry, but I have to postpone the
>> teleconference originally scheduled
>> for this evening. Is another day this week or early
>> next week good for you
>> two?
>> Peggy
>>
>> -----
>> Sent from my BlackBerry Wireless Handheld
>>
>>
>>
>
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



Devon E. Romig/EAC/GOV
06/22/2006 03:44 PM

To Margaret Sims/EAC/GOV@EAC
cc [REDACTED]
Subject Fw: May 18, 2006 Meeting

Good news!!! The transcript is finally here.

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov

----- Forwarded by Devon E. Romig/EAC/GOV on 06/22/2006 03:44 PM -----



"Carol J. Thomas Reporting "
[REDACTED]
06/22/2006 03:24 PM

To dromig@eac.gov
cc jwilson@eac.gov
Subject May 18, 2006 Meeting

Dear EAC,

Attached please note the ASCII file for the Voting Fraud-Voter Intimidation Meeting taken on Wednesday, May 18, 2006. Your transcript has been shipped to you.

ASCII file name: 051806.txt

Please let us know if you have any questions.



Timothy Brischler, Office Manager, 703.273.9221 051806.TXT
--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM ---



"Job Serebrov"
[REDACTED]

06/21/2006 06:21 PM

To psims@eac.gov, "Tova Andrea Wang" [REDACTED]

cc

Subject Re: Teleconference

It will need to be early next week. What news of the transcript?

--- psims@eac.gov wrote:

>
> I am sorry, but I have to postpone the
> teleconference originally scheduled
> for this evening. Is another day this week or early
> next week good for you
> two?
> Peggy
>
> -----
> Sent from my BlackBerry Wireless Handheld
>
>
>

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM ---



[REDACTED]
06/22/2006 10:29 AM

To psims@eac.gov

cc

Subject

Can I also get an answer on whether we can speak about the project publicly?

--- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM ---

013220

Margaret Sims /EAC/GOV
06/19/2006 12:19 PM

To [REDACTED]
cc "Job Serebrov" [REDACTED]
Subject Re: teleconference [REDACTED]

OK. I have marked my calendar for a 7 PM EST/6 PM CST teleconference for this Wednesday. Still no transcript. --- Peggy

[REDACTED]



06/15/2006 03:30 PM

To "Job Serebrov" [REDACTED] psims@eac.gov
cc
Subject Re: teleconference

fine

----- Original Message -----

From: "Job Serebrov" [REDACTED]
To: [REDACTED] <psims@eac.gov>
Sent: Wednesday, June 14, 2006 10:17 PM
Subject: Re: teleconference

> Tova:

>

> 5 pm EST is 4 pm Central. Peg would have to call at 7
> pm EST to be 6 pm Central.

>

> Job

>

> --- [REDACTED] wrote:

>

>> Let's try to do that. Peg, you will call us 5 pm
>> EST?

>> ----- Original Message -----

>> From: "Job Serebrov" [REDACTED]
>> To: "Tova Wang" [REDACTED]
>> Sent: Wednesday, June 14, 2006 6:29 PM
>> Subject: Re: teleconference

>>

>>

>> > Wednesday next week? It would have to be 6 pm.

>> >

>> > --- Tova Wang [REDACTED] wrote:

>> >

>> >> Hi Job,

>> >>

>> >> Peg tells me that we should now be getting the

>> >> transcript early next week.

>> >> Regardless, we should talk about the organization

013221

>> >> and distribution of work
>> >> on the final report and try to finally get it
>> done.
>> >> Would it be possible
>> >> for you to do a call before you leave for work in
>> >> the morning, say 8 am your
>> >> time, on Wednesday? If not, could you do 6 pm
>> your
>> >> time on Wednesday?
>> >> Thanks.
>> >>
>> >> Tova
>> >>
>> >> Tova Andrea Wang
>> >> Democracy Fellow
>> >> The Century Foundation
>> >> 41 East 70th Street - New York, NY 10021
>> >> phone: 212-452-7704 fax: 212-535-7534
>> >>
>> >> Visit our Web site, <<http://www.tcf.org/>>
>> >> www.tcf.org, for the latest news,
>> >> analysis, opinions, and events.
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>> >>
>> >> <<mailto:join-tcfmain@mailhost.groundspring.org>>
>> >> Click here to receive our
>> >> weekly e-mail updates.
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>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Job Serebrov"
[Redacted]
06/21/2006 09:34 PM

To [Redacted] psims@eac.gov
cc

Subject Re: Teleconference

Monday at 7 EST is ok with me. What about you Peg?

Job

-- [Redacted] wrote:

> How about Monday at 6:30 or 7 est?
> ----- Original Message -----
> From: "Job Serebrov" <serebrov@sbcglobal.net>

> To: <psims@eac.gov>; "Tova Andrea Wang"
> [REDACTED]
> Sent: Wednesday, June 21, 2006 6:21 PM
> Subject: Re: Teleconference
>
>
> > It will need to be early next week. What news of
> the
> transcript?
> >
> >
> >
> > --- psims@eac.gov wrote:
> >
> >>
> >> I am sorry, but I have to postpone the
> >> teleconference originally scheduled
> >> for this evening. Is another day this week or
> early
> >> next week good for you
> >> two?
> >> Peggy
> >>
> >> -----
> >> Sent from my BlackBerry Wireless Handheld
> >>
> >>
> >>
> >
> >
>
>
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims /EAC/GOV

06/22/2006 10:30 AM

To "Job Serebrov" [REDACTED] "Tova Andrea Wang" [REDACTED]
cc

Subject Re: Teleconference

OK. Next Monday (6-26) at 7 PM EST. I'll call you.
Peggy

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: "Job Serebrov" [REDACTED]

Sent: 06/21/2006 09:34 PM

To: [REDACTED] psims@eac.gov

Subject: Re: Teleconference

013223

Monday at 7 EST is ok with me. What about you Peg?

Job

--- [redacted] wrote:

> How about Monday at 6:30 or 7 est?
> ----- Original Message -----
> From: "Job Serebrov" [redacted]
> To: psims@eac.gov; "Tova Andrea Wang"
> [redacted]
> Sent: Wednesday, June 21, 2006 6:21 PM
> Subject: Re: Teleconference
>
>
> > It will need to be early next week. What news of
> the
> transcript?
> >
> >
> >
> > --- psims@eac.gov wrote:
> >
> >>
> >> I am sorry, but I have to postpone the
> >> teleconference originally scheduled
> >> for this evening. Is another day this week or
> early
> >> next week good for you
> >> two?
> >> Peggy
> >>
> >> -----
> >> Sent from my BlackBerry Wireless Handheld
> >>
> >>
> >>
> >
> >
>
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"
[redacted]
06/21/2006 12:25 PM

To psims@eac.gov, "Job Serebrov" [redacted]
cc
Subject RE: Teleconference

Anyday anytime except tomorrow is OK by me. Tova

-----Original Message-----
From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Wednesday, June 21, 2006 11:15 AM

To: Tova Andrea Wang; Job Serebrov
Subject: Teleconference

I am sorry, but I have to postpone the teleconference originally scheduled for this evening. Is another day this week or early next week good for you two? Peggy

Sent from my BlackBerry Wireless Handheld

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Job Serebrov"

06/22/2006 09:27 PM

To psims@eac.gov

cc

Subject Suggestions

Peggy:

When Tova sent me her suggestions I made some changes and additions. Tova later wrote to me and said she expected me to come up with my own list. Due to time constraints and at risk of duplication I rather go with the corrected suggestions.



Job RECOMMENDATIONS.doc

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Job Serebrov"

06/21/2006 06:25 PM

To "Tova Wang" psims@eac.gov

cc

Subject Re: nexis

I have no objection to amending the official findings/CD to add these.

--- Tova Wang wrote:

> Hi Peg and Job,
>
> I don't know how we might be able to use these but
> here, finally, are the
> super-refined versions of the nexis charts. Can we

013225

Tova Andrea Wang
Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

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[Click here](#) to receive our weekly e-mail updates.

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----

Margaret Sims/EAC/GOV
06/21/2006 12:15 PM

To "Tova Andrea Wang" [REDACTED], "Job Serebrov"
cc [REDACTED]
Subject Teleconference

I am sorry, but I have to postpone the teleconference originally scheduled for this evening. Is another day this week or early next week good for you two?
Peggy

Sent from my BlackBerry Wireless Handheld

013226

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Job Serebrov"
<serebrov@sbcglobal.net>
06/28/2006 06:40 PM

To "Tova Wang" [REDACTED] psims@eac.gov
cc

Subject Re: methodology

Agreed

--- Tova Wang [REDACTED] > wrote:

> As you may recall, the working group expressed
> interest in the risk analysis
> method. The recent report by the Brennan Center on
> voting machines employs
> this methodology. If you look at pp. 8-19 of the
> attached, it provides a
> potential model. I think it might be worth
> including this as an appendix or
> footnote in the methodology section. Please let me
> know what you think.
> Tova
>
> Tova Andrea Wang
> Democracy Fellow
> The Century Foundation
> 41 East 70th Street - New York, NY 10021
> phone: 212-452-7704 fax: 212-535-7534
>

013227

> analysis, opinions, and events.
>
> _____
>
> <mailto:join-tcfmain@mailhost.groundspring.org>
> Click here to receive our
> weekly e-mail updates.
>
>
>

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Job Serebrov"
[REDACTED]

07/02/2006 10:28 AM

To psims@eac.gov

cc

Subject Please Change This

Peggy:

In the transcript, there is one serious mistake that must be changed immediately. On page 5 it indicates that I helped review and draft changes to the election code of Libya. It should be Namibia not Libya. The reason this is so serious if it stands is that at the time I reviewed Namibia's Code it was illegal for Americans to deal with Libya. I need to know that this has been corrected any ALL parties who have seen the transcript notified.

Job

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"
[REDACTED]

06/23/2006 01:04 PM

To dromig@eac.gov, psims@eac.gov

cc [REDACTED]

Subject RE: May 18, 2006 Meeting

Wow, there are a lot of errors in this. But at least it gets at the substance. Will this be circulated to the commissioners?

-----Original Message-----

From: dromig@eac.gov [mailto:dromig@eac.gov]

Sent: Thursday, June 22, 2006 2:45 PM

To: psims@eac.gov

Cc: [REDACTED]

013228

Subject: Fw: May 18, 2006 Meeting

Good news!!! The transcript is finally here.

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov

----- Forwarded by Devon E. Romig/EAC/GOV on 06/22/2006 03:44 PM -----

"Carol J. Thomas Reporting" [REDACTED]

06/22/2006 03:24 PM

To dromig@eac.gov
cc jwilson@eac.gov
Subject May 18, 2006 Meeting

Dear EAC,

Attached please note the ASCII file for the Voting Fraud-Voter Intimidation Meeting taken on Wednesday, May 18, 2006. Your transcript has been shipped to you.

ASCII file name: 051806.txt

Please let us know if you have any questions.

Timothy Brischler, Office Manager, 703.273.9221

----- Forwarded by Margaret Sims/EAC/GOV on 11/29/2006 01:47 PM -----



"Tova Wang"

[REDACTED]
06/27/2006 12:26 PM

To psims@eac.gov, "Job Serebrov" [REDACTED]

cc

Subject outline of final report

Does this work for you?

Tova Andrea Wang
Democracy Fellow
The Century Foundation

013229

Thomas R. Wilkey/EAC/GOV
12/01/2006 01:31 PM

To "Tova Wang" <[REDACTED]>
cc
bcc
Subject Re: fraud and intimidation report [PDF]

I am still in Florida but it is supposed to be released next Thursday at our public meeting.
I would have Job and or you request advance copy from Julie who is putting the finishing touches on it.
We need to talk when I get back.
Thanks
Tom

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: wang
Sent: 12/01/2006 01:31 PM
To: Thomas Wilkey
Subject: fraud and intimidation report

Hi Tom, Any news? Any estimate of when it will be released and whether we will be able to see an embargoed copy ahead of time? Please let me know, I really don't want to be caught off guard on this. I'm on email and cell phone today and the weekend, in the office Monday.

I hope you are doing well and we can get together soon.

Tova

013230

Thomas R. Wilkey/EAC/GOV
10/12/2006 01:37 PM

To [REDACTED]
cc
bcc
Subject Re: usa today article [REDACTED]

We started doing that as soon as the article came out.

Thomas R. Wilkey
Executive Director
US Election Assistance Commission
1225 New York Ave, NW - Suite 1100
Washington, DC 20005
(202) 566-3109 phone
TWilkey@eac.gov
wang@tcf.org



wang@tcf.org
10/12/2006 10:31 AM

To twilkey@eac.gov
cc
Subject usa today article

----- Original Message -----

From: [REDACTED]
To: twilkey@eac.gov
Cc: [Tova Wang](#) ; [Job Serebrov](#)
Sent: Thursday, October 12, 2006 10:24 AM
Subject: usa today article

Hi Tom, Is anything going to be done to correct the record in the news reporting in USA Today and now numerous other media that this status report presented to the board of standards by Peg in May is NOT the report we submitted in July? I'm getting questions and don't know how to answer them. I feel compelled to tell people who ask that this is not our report. Our report still has not been released. Thanks.
Tova

013231

"Job Serebrov" [REDACTED]

11/03/2006 06:04 PM

To jhodgkins@eac.gov

cc

Subject Re: Please send me the summary

Julie:

You should have these as existing literature summaries.

Job

--- jhodgkins@eac.gov wrote:

> Juliet Thompson Hodgkins
> General Counsel
> United States Election Assistance Commission
> 1225 New York Ave., NW, Ste 1100
> Washington, DC 20005
> (202) 566-3100

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/01/2006 12:13 PM -----

"Job Serebrov" [REDACTED]

11/03/2006 06:08 PM

To jhodgkins@eac.gov

cc

Subject Re: Please send me the summary

More

013232

--- jhodgkins@eac.gov wrote:

> Juliet Thompson Hodgkins
> General Counsel
> United States Election Assistance Commission
> 1225 New York Ave., NW, Ste 1100
> Washington, DC 20005
> (202) 566-3100

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/01/2006 12:13 PM -----

"Tova Wang" [REDACTED]

11/09/2006 04:54 PM

To bbenavides@eac.gov, [REDACTED]
cc twilkey@eac.gov, jhodgkins@eac.gov
Subject RE: Conference call

Sounds good. I will come by the EAC since its literally a few feet from my office. I look forward to seeing you. Tova

Tova Andrea Wang, Democracy Fellow
The Century Foundation
1333 H Street, NW, Washington, D.C. 20005

Visit our Web site, www.tcf.org, for the latest news, analysis, opinions, and events.

From: bbenavides@eac.gov [mailto:bbenavides@eac.gov]
Sent: Thursday, November 09, 2006 4:21 PM
To: [REDACTED]
Cc: twilkey@eac.gov; jhodgkins@eac.gov; bbenavides@eac.gov
Subject: Conference call

Tova, Job -- I have scheduled 6:00 PM EST on Wednesday, November 15 for a conference call with Tom Wilkey and Julie Thompson-Hodgkins.

Conference call in # is 866-222-9044, Passcode [REDACTED]

Bert A. Benavides
Special Assistant to the Executive Director
U. S. Elections Assistance Commission
1225 New York Avenue, NW
Suite 1100

013233

Washington, DC 2005

  
202-566-3114 GAO_Report_JS_.doc indiana_litigation__official.doc Section_5_Recommendation_Memorandum_summary.doc
   
Securing_the_Vote.doc Shattering_the_Myth.doc South_Dakota_FINAL.doc Steal_this_Vote_Review_final.doc
   
The_Long_Shadow_of_Jim_Crow.doc The_New_Poll_Tax_JS_.doc Washington_FINAL.doc Wisconsin_Audit_Report.doc
   
Wisconsin_FINAL.doc Wisconsin_Vote_Fraud_IF.doc A_Funny_Thing_Review.doc American_Center_Report_FINAL.doc
  
Americas_Modern_Poll_Tax_JS_.doc Brennan_Analysis_Voter_Fraud_Report_FINAL.doc cb_summary.doc
   
Chandler_Davidson_summary__official.doc Crazy_Quilt.doc Deliver_the_Vote_Review.doc dnc_ohio.doc
  
DOJ_Public_Integrity_Reports_JS_.doc Donsanto_IFES_FINAL.doc Election_Protection_stories.doc
  
Existing_Literature_Reviewed.doc fooled_again_review.doc GA_litigation_summary2.doc

Juliet E. Hodgkins/EAC/GOV

11/03/2006 06:06 PM

To "Job Serebrov" [REDACTED]

cc

Subject Re: Please send me the summary [Link](#)

Thanks!

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: "Job Serebrov" [REDACTED]

Sent: 11/03/2006 06:04 PM

To: Juliet Hodgkins

Subject: Re: Please send me the summary

Julie:

You should have these as existing literature summaries.

Job

--- jhodgkins@eac.gov wrote:

> Juliet Thompson Hodgkins
> General Counsel
> United States Election Assistance Commission
> 1225 New York Ave., NW, Ste 1100
> Washington, DC 20005

013235

Juliet E. Hodgkins/EAC/GOV
12/01/2006 12:22 PM

To jlayson@eac.gov
cc
bcc
Subject More emails from Job

Juliet Thompson Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/01/2006 12:18 PM -----

"Job Serebrov" [REDACTED]

08/26/2005 03:35 PM

To klynndyson@eac.gov, sda@mit.edu, [REDACTED]
cc twilkey@eac.gov, nmortellito@eac.gov, jthompson@eac.gov
Subject Re: Kick off activities for the EAC Voting fraud/voter intimidation project

Karen:

Either day is fine for me.

Job

--- klynndyson@eac.gov wrote:

> All-
>
> Although Tom Wilkey and I are still working to
> process each of your
> contracts on this project, we would like to
> tentatively schedule an
> in-person meeting on September 12, here in
> Washington.
>
> In the meantime, I'd like to propose that we all
> have a short
> teleconference call next Wednesday or Thursday at
> 1:00 PM to begin to talk
> through the scope of this project and the respective
> roles and
> responsibilities each of you might take on.
>
> Could you let me know your availability for a 45
> minute call on August 31
> or September 1 at 1:00?
>

013236

Julie:

Just a reminder that we have a telephone conference for the vote fraud group at 4:00 today. You were going to see if you could talk to Commissioner Davidson before that time so I could know what the possibilities are for serving as her executive assistant. If this is even possible and if the Commission is willing to raise the salaries of the executive assistants, her time table could affect the vote fraud project time table.

Regards,

Job

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/01/2006 12:18 PM -----

"Job Serebrov" [REDACTED]

To twilkey@eac.gov, klynndyson@eac.gov, sda@mit.edu, [REDACTED]
jthompson@eac.gov

09/06/2005 11:42 AM

cc

Subject Draft Schedule Proposal for Vote Fraud Group

I have attached a draft proposed schedule of events for our discussion today. Please keep in mind that this is only a proposal but I thought that we needed somewhere to start from.

Regards,

Job

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/01/2006 12:18 PM -----

"Job Serebrov" [REDACTED]

To twilkey@eac.gov, klynndyson@eac.gov, sda@mit.edu, [REDACTED]
jthompson@eac.gov

09/06/2005 11:46 AM

cc

Subject Once again

I neglected to send the last attachment as a .doc. Please ignore it.

Job

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/01/2006 12:18 PM -----

013237

>
<<http://www.electionline.org/SignUp/tabid/88/Default.aspx>>
>
>
>

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/01/2006 12:18 PM -----
"Job Serebrov" [REDACTED]

09/30/2005 10:45 AM

To jthompson@eac.gov
cc
Subject Contracts

Julie:

Any luck finding the whereabouts of our contracts?
Also, I assume that we will not hear from Peg until
Monday.

Job

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/01/2006 12:18 PM -----
"Job Serebrov" [REDACTED]

10/21/2005 04:04 PM

To jthompson@eac.gov
cc
Subject No Contract Yet

Julie:

I see that I will have to drive folks up there crazy
Monday to make the Tuesday deadline for the signing
of our contracts so we get paid on time.

At this point, on Tuesday I just plan to e-mail a
standard invoice for this month.

Job

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/01/2006 12:18 PM -----

013238

Juliet E. Hodgkins/EAC/GOV
12/01/2006 12:24 PM

To jlayson@eac.gov
cc
bcc
Subject More emails from Tova

Juliet Thompson Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/01/2006 12:23 PM -----

"Tova Wang"

[REDACTED]

09/07/2005 05:14 PM

To klynndyson@eac.gov, twilkey@eac.gov
cc jthompson@eac.gov, nmortellito@eac.gov, sda@mit.edu, "Job Serebrov"

[REDACTED]

Subject work plan

Hi Karen and Tom,

As we discussed yesterday, attached is a preliminary work plan/division of labor for your review. Please let us know if this is sufficient for the present and if you have any comments or questions.

In terms of hours dedicated to the project, Job and Tova are able to commit to 15-20 hours per week assuming that includes reimbursed periodic travel. Steve can do approximately 2 hours per week. We have tentatively scheduled to meet at your offices in DC, if that is convenient for you, on September 20. We will be able to confirm that within the next day or so.

All of us are very eager to get started on this important work as soon as possible. However, because we also have other work related responsibilities, we are a bit reluctant to do so before having an opportunity to review our contracts. We look forward to receiving them so we can get going right away.

Thanks so much. Speak to you soon.

Tova, Job and Steve

-----Original Message-----

From: klynndyson@eac.gov [mailto:klynndyson@eac.gov]

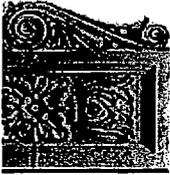
Sent: Friday, September 02, 2005 3:19 PM

To: klynndyson@eac.gov; nmortellito@eac.gov

Cc: jthompson@eac.gov; nmortellito@eac.gov; sda@mit.edu; Job Serebrov; twilkey@eac.gov;

[REDACTED]

013239



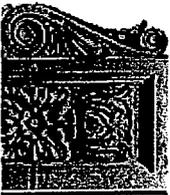
Bert A. Benavides/EAC/GOV
12/08/2006 10:42 AM

To Jeannie Layson/EAC/GOV
cc
bcc
Subject Fw: Conference call

For the FOIA request

Bert A. Benavides
Special Assistant to the Executive Director
U. S. Elections Assistance Commission
1225 New York Avenue, NW
Suite 1100
Washington, DC 20005
202-566-3114

----- Forwarded by Bert A. Benavides/EAC/GOV on 12/08/2006 10:40 AM -----



Bert A. Benavides/EAC/GOV
11/13/2006 08:45 AM

To "Job Serebrov"
cc [redacted] Thomas R. Wilkey/EAC/GOV@EAC, Juliet E. Thompson-Hodgkins/EAC/GOV
Subject Re: Conference call

Job,

I have changed the time, per your request, of the conference call scheduled for Wednesday, November 15 to 6:30 PM EST.

Bert A. Benavides
Special Assistant to the Executive Director
202-566-3114

"Job Serebrov" [redacted]



"Job Serebrov"
[redacted]
11/09/2006 06:33 PM

To bbenavides@eac.gov, [redacted]
cc
Subject Re: Conference call

6:00 pm will not work for me as I am in route home. It would have to be between 6:30 and 7:00 pm your time. Remember I am one hour behind.

Job

--- bbenavides@eac.gov wrote:

> Tova, Job -- I have scheduled 6:00 PM EST on
> Wednesday, November 15 for a
> conference call with Tom Wilkey and Julie

> Thompson-Hodgkins.
>
> Conference call in # is [REDACTED] asscode.
> [REDACTED]
>
>
>
> Bert A. Benavides
> Special Assistant to the Executive Director
> U. S. Elections Assistance Commission
> 1225 New York Avenue, NW
> Suite 1100
> Washington, DC 20005
> 202-566-3114

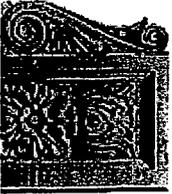


Bert A. Benavides/EAC/GOV
12/08/2006 10:44 AM

To Jeannie Layson/EAC/GOV
cc
bcc
Subject FOIA Request - Tova Wang

Bert A. Benavides
Special Assistant to the Executive Director
U. S. Elections Assistance Commission
1225 New York Avenue, NW
Suite 1100
Washington, DC 20005
202-566-3114

----- Forwarded by Bert A. Benavides/EAC/GOV on 12/08/2006 10:42 AM -----



Bert A. Benavides/EAC/GOV
11/13/2006 08:45 AM

To "Job Serebrov"
cc wang@tcf.org, Thomas R. Wilkey/EAC/GOV@EAC, Juliet E. Thompson-Hodgkins/EAC/GOV
Subject Re: Conference call

Job,

I have changed the time, per your request, of the conference call scheduled for Wednesday, November 15 to 6:30 PM EST.

Bert A. Benavides
Special Assistant to the Executive Director
202-566-3114

"Job Serebrov"



"Job Serebrov"

11/09/2006 06:33 PM

To bbenavides@eac.gov,
cc
Subject Re: Conference call

6:00 pm will not work for me as I am in route home. It would have to be between 6:30 and 7:00 pm your time. Remember I am one hour behind.

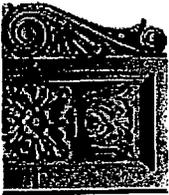
Job

--- bbenavides@eac.gov wrote:

> Tova, Job -- I have scheduled 6:00 PM EST on
> Wednesday, November 15 for a
> conference call with Tom Wilkey and Julie
> Thompson-Hodgkins.
>

> Conference call in # is 866-222-9044, Passcode
> [REDACTED]
>
>
> Bert A. Benavides
> Special Assistant to the Executive Director
> U. S. Elections Assistance Commission
> 1225 New York Avenue, NW
> Suite 1100
> Washington, DC 20005
> 202-566-3114

----- Forwarded by Bert A. Benavides/EAC/GOV on 12/08/2006 10:42 AM -----



Bert A. Benavides/EAC/GOV

11/15/2006 02:19 PM

To "Tova Wang" [REDACTED]
cc bbenavides@eac.gov
Subject RE: Conference call

Tova, due to the change in time, both Julie and Tom will be calling into the conference call from their respective residences. Thanks. Take care.

Bert A. Benavides
Special Assistant to the Executive Director
U. S. Elections Assistance Commission
1225 New York Avenue, NW
Suite 1100
Washington, DC 20005
202-566-3114

Tova Wang [REDACTED]



"Tova Wang"

11/09/2006 04:54 PM

To bbenavides@eac.gov, [REDACTED]
cc twilkey@eac.gov, jhodgkins@eac.gov
Subject RE: Conference call

Sounds good. I will come by the EAC since its literally a few feet from my office. I look forward to seeing you. Tova

Tova Andrea Wang, Democracy Fellow
The Century Foundation
1333 H Street, NW, Washington, D.C. 20005

Visit our Web site, www.tcf.org, for the latest news, analysis, opinions, and events.

013243

From: bbenavides@eac.gov [mailto:bbenavides@eac.gov]
Sent: Thursday, November 09, 2006 4:21 PM
To: [REDACTED]
Cc: twilkey@eac.gov; jhodgkins@eac.gov; bbenavides@eac.gov
Subject: Conference call

Tova, Job -- I have scheduled 6:00 PM EST on Wednesday, November 15 for a conference call with Tom Wilkey and Julie Thompson-Hodgkins.

Conference call in # is 866-222-9044, Passcode [REDACTED]

Bert A. Benavides
Special Assistant to the Executive Director
U. S. Elections Assistance Commission
1225 New York Avenue, NW
Suite 1100
Washington, DC 20005
202-566-3114

013244



Bert A. Benavides/EAC/GOV
12/08/2006 10:46 AM

To Jeannie Layson/EAC/GOV
cc
bcc
Subject FOIA Request - Tova Wang

Bert A. Benavides
Special Assistant to the Executive Director
U. S. Elections Assistance Commission
1225 New York Avenue, NW
Suite 1100
Washington, DC 20005
202-566-3114

----- Forwarded by Bert A. Benavides/EAC/GOV on 12/08/2006 10:44 AM -----



Bert A. Benavides/EAC/GOV
11/15/2006 02:19 PM

To "Tova Wang" [REDACTED]
cc bbenavides@eac.gov
Subject RE: Conference call [icon]

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Bert A. Benavides
Special Assistant to the Executive Director
U. S. Elections Assistance Commission
1225 New York Avenue, NW
Suite 1100
Washington, DC 20005
202-566-3114

"Tova Wang" <wang@tcf.org>



"Tova Wang"
[REDACTED]
11/09/2006 04:54 PM

To bbenavides@eac.gov, [REDACTED]
cc twilkey@eac.gov, jhodgkins@eac.gov
Subject RE: Conference call

Sounds good. I will come by the EAC since its literally a few feet from my office. I look forward to seeing you. Tova

Tova Andrea Wang, Democracy Fellow
The Century Foundation
1333 H Street, NW, Washington, D.C. 20005

Visit our Web site, www.tcf.org, for the latest news, analysis, opinions, and events.

Conference call in # [REDACTED] Passcode [REDACTED]

Bert A. Benavides
Special Assistant to the Executive Director
U. S. Elections Assistance Commission
1225 New York Avenue, NW
Suite 1100
Washington, DC 20005
202-566-3114



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW - Suite 1100
Washington, DC 20005

November 27, 2006

Mr. Ralph Neas
President
People for the American Way
2000 M Street, NW
Suite 400
Washington, DC 20036

Dear Mr. Neas:

Thank you for your Freedom of Information Act (FOIA) request regarding the U.S. Election Assistance Commission's research on voter fraud and intimidation. The document you requested on voter fraud and intimidation is protected from release under FOIA. Specifically, the responsive information is protected by the Deliberative Process Privilege and exempted from release under 5 U.S.C. §552(b)(5). As you may know, the Deliberative Process Privilege protects intra-agency documents that are (1) predecisional in nature and (2) part of the deliberative process. In other words, the documents must be part of a process that recommends or presents opinions on a policy matter before that matter is adopted. Such documents are exempt from release (1) to encourage open and frank discussions on policy matters between agency subordinates and superiors; (2) to protect against premature disclosure of proposed policies; and (3) to protect against public confusion that might result from disclosure of rationales that were not in fact the ultimate basis for agency action.

The report you have requested is an intra-agency document that is not yet complete and has not been reviewed and approved by the Commissioners (the relevant policy makers). An initial draft of the document was created by two contract employees with the support of EAC staff. The contract employees were hired pursuant EAC's authority to hire consultants and experts under 5 U.S.C. §3109 (See 42 U.S.C. §15324(b)). Individuals hired under this authority enter into an employment relationship with the EAC. The contract employees at issue were closely supervised by an EAC program director who participated directly in the project. For example, the supervisor approved, facilitated, scheduled and participated in interviews conducted for the project. Further, the contract employees were provided research materials and other support from EAC law clerks and staff. Communications with contract employees are intra-agency communications for the purposes of FOIA.¹ Work continues to proceed on the draft.

¹ Department of the Interior v. Klamath Water Users Protective Association, 532 U.S. 1, 9-11 (2001) and Hertzberg v. Veneman, 273 F. Supp. 2d 67, 76 n.2 (D.D.C. 2003).

Similarly, the document you have requested constitutes a recommendation on a policy matter. The purpose or subject of the draft report at issue is to make an EAC determination on how voter fraud should be studied by the Agency. This is to be done by (1) assessing the nature and quality of information that presently exists on the subject matter; (2) defining the terms and scope of EAC study as proposed under HAVA; (3) determining what is to be studied; and (4) determining how it is to be studied. Clearly, EAC's interpretation of HAVA and its determination of what it will study and how it will use its resources are matters of Agency policy. This policy can only be made by the EAC's duly appointed Commissioners. This has not yet been done. Thus, any draft created by staff is a proposal or recommendation on a policy matter and clearly both predecisional and deliberative.

For these reasons, the draft document you have requested is exempt from release. We expect the report to be made final and approved by the Commission in December. It will be made public at that time. Upon its release you may obtain a copy of it at www.eac.gov.

The EAC has decided to waive the processing fees for your request. If you interpret any portion of this response as an adverse action, you may appeal it to the Commission. Your appeal must be in writing and sent to the address noted on the above letterhead. Any appeal submitted must be postmarked no later than 60 calendar days from the date of this letter. Please include your reasons for reconsideration and attach a copy of this letter.

Sincerely,

Jeannie Layson
Director of Communications
U.S. Election Assistance Commission

**FAX COVER SHEET**

**To: JEANNIE LAYSON, Director of Communications, U.S. Election
Assistance Commission**

From: JUDITH E. SCHAEFFER, Deputy Legal Director

Date: October 27, 2006

Fax: 202-566-3127

No. of pages including cover sheet: 4

Phone: 202-467-4999 Fax: 202-293-2672

FOIA request attached

This transmission is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential or exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution or duplication of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited. If your receipt of this transmission is in error, please notify us immediately by collect call to (202) 467-4999, and send the original transmission to us by return mail at the below address.

**2000 M Street NW ♦ Suite 400 ♦ Washington, DC 20036
Phone 202.467.4999 ♦ Fax 202.293.2672 ♦ pfaw@pfaw.org ♦ www.pfaw.org**

013249



October 27, 2006

Via email and fax

Jeannie Layson
Director of Communications
United States Election Assistance Commission
1225 New York Avenue N.W.
Suite 1100
Washington, DC 20005

Re: FOIA Request

Dear Ms. Layson:

In accordance with the Freedom of Information Act, 5 U.S.C. § 552, I am writing on behalf of People For the American Way to request a copy of a study concerning voter fraud conducted by Tova Wang and Job Serebrov and presented to the EAC in report form sometime subsequent to May 2006.

As you may know, I wrote to the EAC on October 18, 2006 on behalf of People For the American Way Foundation, asking for a copy of the report of this study. On October 19, I received a letter from Paul S. DeGregorio, Chair of the EAC, denying the request. (A copy of Mr. DeGregorio's letter is attached.) According to Mr. DeGregorio, the report was a "draft" and would not be released. However, as even Mr. DeGregorio's letter underscores, the report we are seeking is not a "draft" but rather the *authors'* report of their study of voter fraud. That the Commission may, in the words of Mr. DeGregorio, "release a final report from this study" does not make the study itself a draft. In any event, the Commission should not, and in our view cannot, withhold from public disclosure this important study, which was funded by federal taxpayers.

In accordance with FOIA, I would appreciate your furnishing the requested report to us at your earliest convenience, and no later than 20 working days from today. If you deny this request in whole or in part, please cite the specific exemption(s) that you maintain allows the Commission to withhold the release of this report in whole or in part, and, as also required by law, please release any segregable portion of the report that remains after the exempted material has been deleted. We are willing to pay the statutory fee for the copying of this report.

FOIA Request
October 27, 2006
Page 2

Please do not hesitate to call our Deputy Legal Director, Judith E. Schaeffer, if you have any questions about this request. Thank you in advance for your assistance and cooperation.

Sincerely,

A handwritten signature in cursive script that reads "Ralph G. Neas".

Ralph G. Neas
President

Encl.



U.S. ELECTION ASSISTANCE COMMISSION
 1225 NEW YORK AVENUE, N.W., SUITE 1100
 WASHINGTON, D.C. 20005

OFFICE OF THE CHAIRMAN

October 19, 2006

Ralph G. Neas
 President, People for the American Way Foundation
 2000 M Street, NW
 Suite 400
 Washington, DC 20036

Via Facsimile Transmission ONLY
202-293-2672

RE: October 18, 2006 Letter

Dear Mr. Neas:

Your letter of October 18, 2006 requests the release of EAC's Voter Fraud and Intimidation Report. I would like to take this opportunity to clarify the purpose and status of this study.

In late 2005, EAC hired two consultants for the purpose of assisting EAC with two things: 1) developing a uniform definition of the phrase voter fraud, and 2) making recommendations on how to further study the existence, prosecution, and means of deterring such voter fraud. In May 2006, a status report on this study was given to the EAC Standards Board and EAC Board of Advisors during their public meetings. During the same week, a working group convened to react to and provide comment on the progress and potential conclusions that could be reached from the work of the two consultants.

The conversation at the working group meeting was lively on the very points that we were trying to accomplish as a part of this study, namely what is voter fraud and how do we pursue studying it. Many of the proposed conclusions that were suggested by the consultants were challenged by the working group members. As such, the consultants were tasked with reviewing the concerns expressed at the working group meeting, conducting additional research as necessary, and providing a draft report to EAC that took into account the working group's concerns and issues.

That draft report is currently being vetted by EAC staff. EAC will release a final report from this study after it has conducted a review of the draft provided by the consultants. However, it is important to remember the purpose of this study -- finding a uniform definition of voter fraud and making recommendations on how to study the existence, prosecution and deterrence of voter fraud -- as it will serve as the basis of the EAC report on this study.

Thank you for your letter. You can be assured that as soon as a final report on the fraud and intimidation study is available, a copy will be made available to the public.

Sincerely,

Paul S. DeGregorio
 Chairman

Tel: (202) 566-3100 www.eac.gov Fax: (202) 566-3189
 Toll free: 1 (866) 747-1471



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW - Suite 1100
Washington, DC 20005

December 12, 2006

Ms. Wendy R. Weiser
Deputy Director, Democracy Program
Brennan Center for Justice
161 Avenue of the Americas, 12th Floor
New York, NY 10013

Dear Ms. Weiser:

This letter is in response to your Freedom of Information Act (FOIA) request received by the U. S. Election Assistance Commission (EAC) on November 13, 2006. The request sought certain agency records concerning two agency draft reports, *The Voter Fraud and Intimidation Report* and *The Voter Identification Report*. Specifically, the request sought: (1) "the report on voter identification prepared by the Eagleton Institute of Politics and the Moritz College of Law," (2) "the report on voter fraud and voter intimidation prepared by Tova Wang and Job Serebrov," (3) The voter identification and voting fraud report requests for proposals and contracts, and (4) communications relating to the above reports between the EAC and Eagleton Institute of Politics, the Moritz College of Law, Ms. Tova Wang, Mr. Job Serebrov, or other third parties.

This letter is a partial response to your request and deals only with your request for documents consistent with items (1) – (3), above. With regard to item (4), we continue to search our files, e-mails and computers for all relevant communications. We expect to have all relevant, releasable documents collected, reviewed and sent to you within five working days. If you have any questions regarding this process, please contact the undersigned.

With regard to items (1) – (3) above, please find copies of all responsive contracts and request for proposals enclosed. Upon review of the records, you will find a few places where small portions of information have been redacted (in black). As required by FOIA exemption 6, the EAC has redacted certain pieces of personal information, including home addresses, telephone numbers, and personal e-mail addresses. The EAC has also redacted confidential commercial information as mandated by FOIA exemption 4. Specifically, the EAC has redacted information that can be used to calculate unit costs regarding a contractor's labor rates. With regard to your requests for "the report on voter identification prepared by the Eagleton Institute of Politics and the Moritz College of Law," and "the report on voter fraud and voter intimidation prepared by Tova Wang and Job Serebrov," these draft documents are predecisional drafts protected by the Deliberative Process Privilege and exempted from release under 5 U.S.C. §522(b)(5).

As you may know, the Deliberative Process Privilege protects intra-agency documents that are (1) predecisional in nature and (2) part of the deliberative process. In other words, the documents must be part of a process that recommends or presents opinions on a policy matter or governmental decision before that matter is finally decided. It is a well settled matter of law that the work of contract employees and

contractors (“consultants”) constitute intra-agency documents.¹ This is true even where the consultants are deemed to be independent contractors and are not subject to the degree of control that agency employment entails.² The courts have made this determination after recognizing that agencies have a special need for the opinions and recommendations of temporary consultants.³ Ultimately, deliberative documents are exempt from release (1) to encourage open and frank discussions on policy matters between agency subordinates and superiors, (2) to protect against premature disclosure of proposed policies and (3) to protect against public confusion that might result from disclosure of rationales that were not in fact the ultimate basis for agency action.⁴

In both cases, the reports you have requested are drafts, representing one phase of the deliberative process—before the document was vetted by staff, approved by the executive director and reviewed and approved by the Commissioners (the relevant policy makers). Ultimately, the draft documents were created by experts to aid the EAC’s Commissioners in their decisions. The consultants had no personal interest in their submissions and had no agency decision-making authority. Each was tasked with simply providing pre-decisional research and information to the EAC. Their efforts were limited to creating truthful and comprehensive draft reports. Finally, both reports when finalized would constitute an EAC decision or a policy determination.

These conclusions are born out in the facts surrounding the projects at issue, including the attached contract documents. First, the voter fraud and intimidation study you have requested is a draft of a final document that has already been released after being vetted by staff and approved by the EAC Commissioners. It is available in its final form on EAC’s website (www.eac.gov). The draft document at issue was created by two contract employees hired pursuant to 5 U.S.C. §3109 (see 42 U.S.C. §15324(b)). Individuals hired under this authority enter into an employment relationship with the EAC. The contract employees were supervised by an EAC program director who participated directly in the project. For example, the supervisor approved, facilitated, scheduled and participated in interviews conducted for the project. Further, the contract employees were provided research materials and other support from EAC law clerks and staff. As stated by their contract, these consultants were hired so that the EAC could “...obtain consulting services from an individual who can provide advice drawn from broad professional and technical experience in the area of voter fraud and intimidation.”⁵ Moreover, the contracts clearly forbid the consultants from releasing the draft they created consistent with the privilege the EAC is asserting. The contract states:

All research, information, documents, and any other intellectual property (including but not limited to policies, procedures, manuals, and other work created at the request or otherwise while laboring for the EAC) shall be owned exclusively by the EAC, including copyright. All such work product shall be turned over to the EAC upon completion of your appointment term or as directed by the EAC. The EAC shall have exclusive rights over this material. You may not release government information or documents without the express written permission of the EAC.⁶

¹ Department of the Interior v. Klamath Water Users Protective Association, 532 U.S. 1, 9-11 (2001) (Citing Harry E. Hoover v. Dept. of the Interior, 611 F.2d 1132, at 1138 (1980); Lead Industries Assn. v. OSHA, 610 F.2d 70, 83 (C.A.5 1980) (applying exemption 5 to draft reports prepared by contractors); and Government Land Bank v. GSA, 671 F.2d 663, 665 (CA1 1982)); See also Hertzberg v. Veneman, 273 F. Supp. 2d 67, 76 n.2 (D.D.C. 2003).

² Klamath, at 10.

³ Hoover, 611 F.2d at 1138.

⁴ NLRB v. Sears, Roebuck & Co., 41 U.S. at 151.

⁵ See the consultant contracts for Job Serebrov and Tova Wang, enclosed.

⁶ See *Id.*

Finally, the purpose or subject of the draft report at issue was to make an EAC determination on how voter fraud should be studied by the agency. This was to be done by (1) accessing the nature and quality of the information that presently exists on the subject matter, (2) defining the terms and scope of EAC study as proposed by HAVA, (3) determining what is to be studied and (4) determining how it is to be studied. EAC's interpretation of HAVA and its determination of what it will study and how it will use its resources to study it are matters of agency policy and decision.

With regard to the Voter Identification draft, it was created by Rutgers University in conjunction with the Moritz College of Law (Ohio State University) to "...provide research assistance to the EAC for the development of voluntary guidance on provisional voting and voting identification procedures."⁷ The stated objective of the contract was to:

...obtain assistance with the collection, analysis and interpretation of information regarding HAVA provisional voting and voter identification requirements for the purpose of drafting guidance on these topics... The anticipated outcome of this activity is the generation of concrete policy recommendations to be issued as voluntary guidance for States.⁸

As with the voter fraud and intimidation study mentioned above, the contractors were provided guidance, information, and were directed by EAC personnel. The final product they delivered (draft report sought) was identified as "a guidance document for EAC adoption." Clearly, as noted by the contract, the issuance of Federal guidance to states is a matter of government policy and limited to official EAC action.

The EAC has decided to waive the processing fees for your request. If you interpret any portion of this response as an adverse action, you will have an opportunity to appeal it to the Election Assistance Commission. However, as this letter is only partially responsive to your request, please hold any appeal until your request has been fully addressed. At that time, your appeal must be in writing and sent to the address noted on the above letterhead. Any appeal submitted, must be postmarked no later than 60 calendar days from the date of EAC's final response letter. Please include your reasons for reconsideration and attach a copy of this and subsequent EAC responses.

Sincerely,



Jeannie Layson
Director of Communications
U.S. Election Assistance Commission

Attachments:

1. Your Request Letter (dated November 8, 2006)
2. Responsive Documents

⁷ See EAC Contract, Act Number E4014127 (enclosed).

⁸ See *Id.*

COPY R-05

ORDER FOR SUPPLIES AND SERVICES

IMPORTANT: See Instructions on GSAR PAGE 91 PAGES 553.370-300-1 for distribution 1

1. DATE OF ORDER: 05/24/05
 2. ORDER NUMBER: [Blank]
 3. CONTRACT NUMBER: [Blank]
 4. [Blank] E4014127

5. ACCOUNTING CLASSIFICATION

FUND 8035	ORG CODE TZM9110	B/A CODE 10	O/C CODE 25
FUNC CODE 000	C/E CODE 516	PROJ./PROS. NO.	CC-A
W/ITEM	CC-B	PRT./CRFT	

6. FINANCE DIVISION

AC	SS	VENDOR NAME
MDL	FI	G/L DEBT
AI	LC	DISCOUNT

7. TO: CONTRACTOR (Name, address and zip code)
 Rutgers, The State University of New Jersey
 Office of Research and Sponsored Programs
 3 Rutgers Plaza
 New Brunswick, NJ 08901

Contact: Keith Osterhage [Redacted]

8. TYPE OF ORDER REFERENCE YOUR

A. PURCHASE

Please furnish the following on the terms specified on both sides of the order and the attached sheets, if any, including delivery as indicated.

B. DELIVERY
 This delivery order is subject to instructions contained on this side only of this form and is issued subject to the terms and conditions of the above numbered contract

C. MODIFICATION NO. AUTHORITY FOR ISSUING

9A. EMPLOYER'S IDENTIFICATION NUMBER: 22-600-1086 (NAICS 61131-Not for Profit Public Institution)

9B. CHECK, IF APPROP: WITHHOLD 20%

10A. CLASSIFICATION

A. SMALL BUSINESS
 B. OTHER THAN SMALL BUSINESS
 C. SMALL DISADVANTAGED
 D. SMALL WOMEN-OWNED

11. ISSUING OFFICE (Address, zip code, and telephone no.)
 Election Assistance Commission
 1225 New York Ave., NW, Suite 1100
 Washington, DC 20005
 (202) 566-3100

12. REMITTANCE ADDRESS (MANDATORY)
 Remittance via EFT

10B. TYPE OF BUSINESS ORGANIZATION

A. CORPORATION
 B. PARTNERSHIP
 C. SOLE SHIP

13. SHIP TO (Consignee address, zip code and telephone no.)
 Election Assistance Commission
 1225 New York Ave., NW, Suite 1100
 Washington, DC 20005
 (202) 566-3100

14. PLACE OF INSPECTION AND ACCEPTANCE: EAC, 1225 NY Ave., Suite 1100, Washington, DC 20005

15. REQUISITION OFFICE (Name, symbol and telephone no.): Election Assistance Commission

16. F.O.B. POINT: Destination

17. GOVERNMENT B/L NO.

18. DELIVERY F.O.B. POINT ON OR BEFORE: 05/26/05

19. PAYMENT/DISCOUNT TERMS: Net 30

20. SCHEDULE

ITEM NO. (A)	SUPPLIES OR SERVICES (B)	QUANTITY ORDERED (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	Under the authority of Public Law 107-252, dated October 29, 2002, establishing the U.S. Election Assistance Commission (EAC). Eagleton Institute of Politics proposal to provide research assistance to support development of guidelines on topics of provisional voting and voter identification procedures. See attached Eagleton proposal and EAC Statement of Work for description and details of specifics and requirements.				
	TOTAL COST OF CONTRACT: \$560,002.00				

21. RECEIVING OFFICE (Name, symbol and telephone no.): Gracia Hillman (202) 566-3100

22. SHIPPING POINT

23. GROSS SHIP WT.

TOTAL FROM 300-A(s)	560,002.00
GRAND TOTAL	560,002.00

24. MAIL INVOICE TO: (Include zip code)
 General Services Administration (FUND)
 Election Assistance Commission
 1225 New York Ave., NW, Suite 1100
 Washington, DC 20005

25A. FOR INQUIRIES REGARDING PAYMENT CONTACT: Diana Scott

25B. TELEPHONE NO.: (202) 566-3100

26A. NAME OF CONTRACTING/ORDERING OFFICER (Type): Gracia Hillman, Chair

26B. TELEPHONE NO.: (202) 566-3100

26C. SIGNATURE: [Signature]

PURCHASE ORDER TERMS AND CONDITIONS

29-70 FEDERAL, STATE, AND LOCAL TAXES (APR 1984)

contract price includes all applicable Federal, State, and local taxes. No adjustment will be made to cover taxes which may subsequently be imposed on this transaction or changes in the rates of currently applicable taxes. However, the Government will, upon the request of the Contractor, furnish evidence appropriate to establish the exemption from any tax from which the Government is exempt and which was not included in the contract price.

552.210-79 PACKING LIST (DEC 1989)

(a) A packing list or other suitable shipping document shall accompany each shipment and shall indicate (1) Name and address of consignor; (2) Name and address of consignee; (3) Government order or requisition number; (4) Government bill of lading number covering the shipment (if any); and (5) Description of the material shipped, including item number, quantity, number of containers, and package number (if any).

(b) When payment will be made by Government commercial credit card, in addition to the information in (a) above, the packing list or shipping document shall include: (1) Cardholder name and telephone number and (2) the term "Credit Card".

52.232-1 PAYMENTS (APR 1984)

The Government shall pay the Contractor, upon the submission of proper invoices or vouchers, the prices stipulated in this contract for supplies delivered and accepted or services rendered and accepted, less any deductions provided in this contract. Unless otherwise specified in this contract, payment shall be made on partial deliveries accepted by the Government if: (a) The amount due on the deliveries warrants it; or (b) The Contractor requests it and the amount due on the deliveries is at least \$1,000 or 50 percent of the total contract price.

52.232-8 DISCOUNTS FOR PROMPT PAYMENT (APR 1989)

(a) Discounts for prompt payment will not be considered in the evaluation of offers. However, any offered discount will form a part of the award, and will be taken if payment is made within the discount period indicated in the offer by the offeror. As an alternative to offering a prompt payment discount in conjunction with the offer, offerors awarded contracts may include prompt payment discounts on individual invoices.

(b) In connection with any discount offered for prompt payment, time shall be computed from the date of the invoice. For the purpose of computing the discount earned, payment shall be considered to have been made on the date which appears on the payment check or the date on which an electronic funds transfer was made.

PROMPT PAYMENT

Prompt Payment clause 52.232-25 is incorporated in this contract by reference. The clause contains information on payment due date, invoice requirements, constructive acceptance and interest penalties. Certain portions of the clause regarding payment due date, invoice requirements, and constructive acceptance have been extracted for your convenience. All days referred to in the extracts below are calendar days.

(a)(2) . . . The due date for making invoice payments by the designated payment office shall be the later of the following two events:

- (i) The 30th day after the designated billing office has received a proper invoice from the Contractor.
- (ii) The 30th day after Government acceptance of supplies delivered or services performed by the Contractor . . .

(a)(4) . . . An invoice shall be prepared and submitted to the designated billing office specified in the contract. A proper invoice must include the items listed in . . . (i) through . . . (viii) . . . If the invoice does not comply with these requirements, then the Contractor will be notified of the defect within 7 days after receipt of the invoice at the designated billing office . . . Untimely notification will be taken into account in the computation of any interest penalty owed the Contractor . . .

- (i) Name and address of the Contractor.
- (ii) Invoice date.
- (iii) Contract number or other authorization for supplies delivered or services performed (including order number and contract line item number).
- (iv) Description, quantity, unit of measure, unit price, and extended price of supplies delivered or services performed.
- (v) Shipping and payment terms (e.g., shipment number and date of shipment, prompt payment discount terms), Bill of lading number and weight of shipment will be shown for shipments on Government bills of lading.
- (vi) Name and address of Contractor official to whom payment is to be sent (must be the same as that in the contract or in a proper notice of assignment).
- (vii) Name (where practicable), title, phone number, and mailing address of person to be notified in event of a defective invoice.

NOTE: Invoices must include the ACN number (block 29) and shall be submitted in original only, unless otherwise specified in the billing office designated in block 29 for receive invoices. The invoice address must correspond to the purchase address in block 52.

(a)(8)(i) For the sole purpose of computing an interest penalty that might be due the Contractor, Government acceptance shall be deemed to have occurred non-tradingly on the 21st day (unless otherwise specified in block 20) after the Contractor delivered the supplies or performed the service in accordance with the terms and conditions of the contract, unless there is a disagreement over quantity, quality, or contractor compliance with a contract provision.

52.222-40 SERVICE CONTRACT ACT OF 1965, AS AMENDED CONTRACTS OF \$2,500 OR LESS (MAY 1989)

Except to the extent that an exception, variation, or tolerance would apply if this contract were in excess of \$2,500, the Contractor and any subcontractor shall pay all employees working on the contract not less than the minimum wage specified under Section 8 (a) (1) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201-208); Regulations and Interpretations of the Service Contract Act of 1965 are contained in 29 CFR Part 4.

52.222-41 SERVICE CONTRACT ACT OF 1965, AS AMENDED (MAY 1989)

52.222-42 STATEMENT OF EQUIVALENT RATES FOR FEDERAL HIRES (MAY 1989)

(52.222-41 and 52.222-42 apply to service contracts when the amount exceeds \$2,500).

The GSA Form 2166, Service Contract Act of 1965 and Statement of Equivalent Rates for Federal Hires is attached hereto and made a part hereof.

52.252-2 CLAUSES INCORPORATED BY REFERENCE (JUN 1988)

This contract incorporates the following clauses by reference with the same force and effect as if they were given in full text. Upon request the Contracting Officer will make their full text available:

FEDERAL ACQUISITION REGULATION (48 CFR CHAPTER 1) CLAUSES

Applicable to purchase orders for supplies or services:

- 52.203-1 Officials Not to Benefit (APR 84)
- 52.203-3 Gratuities (APR 84)
- 52.203-5 Covenant Against Contingent Fees (APR 84)
- 52.203-6 Restriction on Subcontractor Sales to the Government (JUL 85)
- 52.203-7 Anti-Kickback Procedures (OCT 88)
- 52.212-9 Variation in Quantity (APR 84)
(In the preceding clause, the permissible variations are stated in the schedule.)
- 52.222-3 Convict Labor (APR 84)
- 52.222-26 Equal Opportunity (APR 84)(Applies when amount exceeds \$10,000.)
- 52.222-35 Affirmative Action for Special Disabled and Vietnam Era Veterans (APR 84)(Applies when amount exceeds \$10,000.)
- 52.222-36 Affirmative Action for Handicapped Workers (APR 84)(Applies when amount exceeds \$2,500.)
- 52.222-37 Employment Reports on Special Disabled Veterans and Veterans of the Vietnam Era (JAN 88)(Applies whenever clause 52.222-35 is included.)
- 52.223-8 Drug Free Workplace (JUL 90)(Applies if contract is awarded to an individual.)
- 52.225-3 Buy American Act - Supplies (JAN 89)
- 52.225-11 Restrictions on Certain Foreign Purchases (MAY 92)
- 52.232-25 Prompt Payment (SEP 92)
- 52.233-1 Disputes (DEC 91)
- 52.233-3 Protest After Award (AUG 89)
- 52.246-1 Contractor Inspection Requirements (APR 84)
- 52.249-8 Default (Fixed-Price Supply and Service)(APR 84)

Applicable to purchase orders for supplies:

- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR 86)(Applies when amount is between \$2,500 and \$10,000.)
- 52.222-20 Walsh-Healey Public Contracts Act (APR 84)(Applies when amount exceeds \$10,000.)
- 52.243-1 Changes - Fixed Price (AUG 87)
- 52.249-1 Termination for Convenience of the Government (Fixed Price)(Short Form)(APR 84)

Applicable to purchase orders for services:

- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR 86)(Applies when amount exceeds \$2,500.)
- 52.243-1 Changes - Fixed Price (APR 84) - Alt. II
- 52.249-4 Termination for Convenience of the Government (Services)(Short Form)(APR 84)

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COPY

ORDER FOR SUPPLIES AND SERVICES

NOTE: MARK ALL PACKAGES WITH ORDER NUMBER/CONTRACT NUMBER

1. DATE OF ORDER 05/24/05
2. ORDER NUMBER
3. CONTRACT NUMBER
4. ACT NUMBER E4014127

IMPORTANT:

- This form is not to be used as an invoice. See reverse for invoice requirements and payment information.
The invoice remit to address must be the same as Block 12. Notify the contracting/ordering officer if the information in Block 12 is incorrect.
Failure to show the ACT number (Block 4) on invoice will delay payment and render the invoice improper.
Failure to mail invoice to address in Block 24 will delay payment.
Failure of service contractors to provide information in Block 9A will result in 20% of payment being withheld (26 U.S.C. 3406(a)).

7. TO: CONTRACTOR (Name, address and zip code) Rutgers, The State University of New Jersey Office of Research and Sponsored Programs 3 Rutgers Plaza New Brunswick, NJ 08901
Contact: Keith Osterhage
8. TYPE OF ORDER: [X] A. PURCHASE
REFERENCE YOUR:
Please furnish the following on the terms specified on both sides of the order and the attached sheets, if any, including:
B. DELIVERY: This delivery order is subject to instructions contained on this side only of this form and is issued subject to the terms and conditions of the above numbered contract.
C. MODIFICATION NO. AUTHORITY FOR ISSUING

9A. EMPLOYER'S IDENTIFICATION NUMBER 22-600-1086 (NAICS 61131-Not for Profit Public Institution)
9B. CHECK, IF APPROP: [] WITHHOLD 20%
10A. CLASSIFICATION: [] A. SMALL BUSINESS, [X] B. OTHER THAN SMALL BUSINESS, [] C. SMALL DISADVANTAGED, [] D. SMALL WOMEN-OWNED
10B. TYPE OF BUSINESS ORGANIZATION: [] A. CORPORATION, [] B. PARTNER-SHIP, [] C. SOLE
11. ISSUING OFFICE (Address, zip code and telephone no.) Election Assistance Commission 1225 New York Ave., NW, Suite 1100 Washington, DC 20005 (202) 566-3100
12. REMITTANCE ADDRESS (MANDATORY) Remittance via EFT
13. SHIP TO (Consignee address, zip code and telephone no.) Election Assistance Commission 1225 New York Ave., NW, Suite 1100 Washington, DC 20005 (202) 566-3100
14. PLACE OF INSPECTION AND ACCEPTANCE EAC, 1225 NY Ave., Suite 1100, Washington, DC 20005
15. REQUISITION OFFICE (Name, symbol and telephone no.) Election Assistance Commission
16. F.O.B. POINT Destination
17. GOVERNMENT B/L NO.
18. DELIVERY F.O.B. POINT ON OR BEFORE 05/26/05
19. PAYMENT/DISCOUNT TERMS Net 30

20. SCHEDULE table with columns: ITEM NO. (A), SUPPLIES OR SERVICES (B), QUANTITY ORDERED (C), UNIT (D), UNIT PRICE (E), AMOUNT (F). Row 1: Under the authority of Public Law 107-252, dated October 29, 2002, establishing the U.S. Election Assistance Commission (EAC). Eagleton Institute of Politics proposal to provide research assistance to support development of guidelines on topics of provisional voting and voter identification procedures. See attached Eagleton proposal and EAC Statement of Work for description and details of specifics and requirements. TOTAL COST OF CONTRACT: \$560,002.00

21. RECEIVING OFFICE (Name, symbol and telephone no.) Gracia Hillman (202) 566-3100
22. SHIPPING POINT
23. GROSS SHIP WT.
24. MAIL INVOICE TO: (include zip code) General Services Administration (FUND) Election Assistance Commission 1225 New York Ave., NW, Suite 1100 Washington, DC 20005
25A. FOR INQUIRIES REGARDING PAYMENT CONTACT: Diana Scott
25B. TELEPHONE NO. (202) 566-3100
26A. NAME OF CONTRACTING/ORDERING OFFICER (Type) Gracia Hillman, Chair
26B. TELEPHONE NO. (202) 566-3100
26C. SIGNATURE [Signature]

PURCHASE ORDER TERMS AND CONDITIONS

552.229-79 FEDERAL, STATE, AND LOCAL TAXES (APR 1984)

The contract price includes all applicable Federal, State, and local taxes. No adjustment will be made to cover taxes which may subsequently be imposed on this transaction or changes in the rates of currently applicable taxes. However, the Government will, upon the request of the Contractor, furnish evidence appropriate to establish exemption from any tax from which the Government is exempt and which was not included in the contract price.

552.210-79 PACKING LIST (DEC 1989)

(a) A packing list or other suitable shipping document shall accompany each shipment and shall indicate (1) Name and address of consignor; (2) Name and address of consignee; (3) Government order or requisition number; (4) Government bill of lading number covering the shipment (if any); and (5) Description of the material shipped, including item number, quantity, number of containers, and package number (if any).

(b) When payment will be made by Government commercial credit card, in addition to the information in (a) above, the packing list or shipping document shall include: (1) Cardholder name and telephone number and (2) the term "Credit Card".

52.232-1 PAYMENTS (APR 1984)

The Government shall pay the Contractor, upon the submission of proper invoices or vouchers, the prices stipulated in this contract for supplies delivered and accepted or services rendered and accepted, less any deductions provided in this contract. Unless otherwise specified in this contract, payment shall be made on partial deliveries accepted by the Government if: (a) The amount due on the deliveries warrants it; or (b) The Contractor requests it and the amount due on the deliveries is at least \$1,000 or 50 percent of the total contract price.

52.232-8 DISCOUNTS FOR PROMPT PAYMENT (APR 1989)

(a) Discounts for prompt payment will not be considered in the evaluation of offers. However, any offered discount will form a part of the award, and will be taken if payment is made within the discount period indicated in the offer by the offeror. As an alternative to offering a prompt payment discount in conjunction with the offer, offerors awarded contracts may include prompt payment discounts on individual invoices.

(b) In connection with any discount offered for prompt payment, time shall be computed from the date of the invoice. For the purpose of computing the discount earned, payment shall be considered to have been made on the date which appears on the payment check or the date on which an electronic funds transfer was made.

PROMPT PAYMENT

Prompt Payment clause 52.232-25 is incorporated in this contract by reference. The clause contains information on payment due date, invoice requirements, constructive acceptance and interest penalties. Certain portions of the clause regarding payment due date, invoice requirements, and constructive acceptance have been extracted for your convenience. All days referred to in the extracts below are calendar days.

(a)(2) . . . The due date for making invoice payments by the designated payment office shall be the later of the following two events:

- (i) The 30th day after the designated billing office has received a proper invoice from the Contractor.
- (ii) The 30th day after Government acceptance of supplies delivered or services performed by the Contractor . . .

(a)(4) . . . An invoice shall be prepared and submitted to the designated billing office specified in the contract. A proper invoice must include the items listed in . . . (i) through . . . (viii) . . . If the invoice does not comply with these requirements, then the Contractor will be notified of the defect within 7 days after receipt of the invoice at the designated billing office . . . Untimely notification will be taken into account in the computation of any interest penalty owed the Contractor . . .

(i) Name and address of the Contractor.

(ii) Invoice date.

(iii) Contract number or other authorization for supplies delivered or services performed (including order number and contract line item number).

(iv) Description, quantity, unit of measure, unit price, and extended price of supplies delivered or services performed.

(v) Shipping and payment terms (e.g., shipment number and date of shipment, prompt payment discount terms), Bill of lading number and weight of shipment will be shown for shipments on Government bills of lading.

(vi) Name and address of Contractor official to whom payment is to be sent (must be the same as that in the contract or in a proper notice of assignment).

(vii) Name (where practicable), title, phone number, and mailing address of person to be notified in event of a defective invoice.

NOTE: Invoices must include the ACP number (block 4) and shall be submitted in an original only, unless otherwise specified, to the billing office designated in block 24 to receive invoices. The "remitt to" address must correspond to the remittance address in block 12.

(a)(8)(i) For the sole purpose of computing an interest penalty that might be due the Contractor, Government acceptance shall be deemed to have occurred constructively on the 7th day (unless otherwise specified in block 20) after the Contractor delivered the supplies or performed the services in accordance with the terms and conditions of the contract, unless there is a disagreement over quantity, quality or contractor compliance with a contract provision . . .

52.222-40 SERVICE CONTRACT ACT OF 1966, AS AMENDED - - CONTRACTS OF \$2,500 OR LESS (MAY 1989)

Except to the extent that an exception, variation, or tolerance would apply if this contract were in excess of \$2,500, the Contractor and any subcontractor shall pay all employees working on the contract not less than the minimum wage specified under Section 8. a) (1) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201-206). Regulations and interpretations of the Service Contract Act of 1966 are contained in 29 CFR Part 4.

52.222-41 SERVICE CONTRACT ACT OF 1966, AS AMENDED (MAY 1989)

52.222-42 STATEMENT OF EQUIVALENT RATES FOR FEDERAL HIRES (MAY 1989)
(52.222-41 and 52.222-42 apply to service contracts when the amount exceeds \$2,500).

The GSA Form 2166, Service Contract Act of 1966 and Statement of Equivalent Rates for Federal Hires is attached hereto and made a part hereof.

52.252-2 CLAUSES INCORPORATED BY REFERENCE (JUN 1988)

This contract incorporates the following clauses by reference with the same force and effect as if they were given in full text. Upon request the Contracting Officer will make their full text available:

FEDERAL ACQUISITION REGULATION (48 CFR CHAPTER 1) CLAUSES

Applicable to purchase orders for supplies or services:

- 52.203-1 Officials Not to Benefit (APR 84)
- 52.203-3 Gratuities (APR 84)
- 52.203-5 Covenant Against Contingent Fees (APR 84)
- 52.203-8 Restriction on Subcontractor Sales to the Government (JUL 85)
- 52.203-7 Anti-Kickback Procedures (OCT 88)
- 52.212-9 Variation in Quantity (APR 84)
(In the preceding clause, the permissible variations are stated in the schedule.)
- 52.222-3 Convict Labor (APR 84)
- 52.222-26 Equal Opportunity (APR 84)(Applies when amount exceeds \$10,000.)
- 52.222-35 Affirmative Action for Special Disabled and Vietnam Era Veterans (APR 84)(Applies when amount exceeds \$10,000.)
- 52.222-36 Affirmative Action for Handicapped Workers (APR 84)(Applies when amount exceeds \$2,500.)
- 52.222-37 Employment Reports on Special Disabled Veterans and Veterans of the Vietnam Era (JAN 88)(Applies whenever clause 52.222-35 is included.)
- 52.223-6 Drug Free Workplace (JUL 90)(Applies if contract is awarded to an individual.)
- 52.225-3 Buy American Act - Supplies (JAN 89)
- 52.225-11 Restrictions on Certain Foreign Purchases (MAY 92)
- 52.232-25 Prompt Payment (SEP 92)
- 52.233-1 Disputes (DEC 91)
- 52.233-3 Protest After Award (AUG 89)
- 52.246-1 Contractor Inspection Requirements (APR 84)
- 52.249-8 Default (Fixed-Price Supply and Service)(APR 84)

Applicable to purchase orders for supplies:

- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR 86)(Applies when amount is between \$2,500 and \$10,000.)
- 52.222-20 Walsh-Healey Public Contracts Act (APR 84)(Applies when amount exceeds \$10,000.)
- 52.243-1 Changes - Fixed Price (AUG 87)
- 52.249-1 Termination for Convenience of the Government (Fixed Price)(Short Form)(APR 84)

Applicable to purchase orders for services:

- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR 86)(Applies when amount exceeds \$2,500.)
- 52.243-1 Changes - Fixed Price (APR 84) - Alt. II
- 52.249-4 Termination for Convenience of the Government (Services)(Short Form)(APR 84)

013259



U.S. ELECTION ASSISTANCE COMMISSION
1225 NEW YORK AVENUE, N.W., SUITE 1100
WASHINGTON, D.C. 20005

May 24, 2005

Mr. Keith Osterhage, Director
Office of Research and Sponsored Programs
Rutgers, The State University of New Jersey
3 Rutgers Plaza
New Brunswick, New Jersey 08901

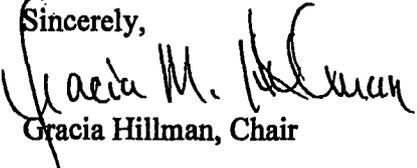
Dear Mr. Osterhage:

Enclosed is a signed contract in the amount of \$560,002.00 for the provision of research assistance to the U.S. Election Assistance Commission (EAC) for the development of voluntary guidance on provisional voting and voter identification procedures. The EAC has accepted the basic proposal submitted by the Eagleton Institute of Politics and has also elected to include the optional survey of local election officials. This proposal was evaluated as providing the best value to the government through a competitive source selection process. The proposal is incorporated by reference into the contract.

The U.S. Election Assistance Commission (EAC) was created by the Help America Vote Act of 2002 (HAVA) and is charged with assisting the States in meeting the election reform requirements mandated by this legislation. One of the EAC's principal tasks is to provide guidance to the States on the interpretation of HAVA and its requirements. The provisional voting and voter identification effort that will be supported by this contract is a major element of EAC's Fiscal Year 2005 research agenda. The objective of this work is to develop guidance on these topics that States can utilize in the 2006 election cycle.

To acknowledge your receipt and acceptance of this contract, please countersign and date below and return one copy of this letter to the attention of Carol A. Paquette, Interim Executive Director.

We look forward to working with Rutgers University and the Eagleton Institute on this very important research effort.

Sincerely,

Gracia Hillman, Chair

Keith Osterhage
Rutgers, The State University of New Jersey

May 24, 2005

CONTRACT TO PROVIDE RESEARCH ASSISTANCE TO THE EAC FOR THE DEVELOPMENT OF VOLUNTARY GUIDANCE ON PROVISIONAL VOTING AND VOTER IDENTIFICATION PROCEDURES

0.0 Background: Sec. 302(a) of HAVA requires that all States allow the casting of provisional ballots in instances where a voter declares their eligibility to vote but their name does not appear on the official list of eligible voters, or an election official asserts that a voter is not eligible to vote. This section describes several requirements for implementation of provisional voting, but the States have considerable latitude in specifying how to carry out these requirements. The EAC seeks to examine how provisional voting was implemented in the 2004 general election and to prepare guidance for the States on this topic for the 2006 Federal elections.

HAVA Sec. 303(b) mandates that first time voters who register by mail are required to show proof of identity before being allowed to cast a ballot. The law prescribes certain requirements concerning this section, but also leaves considerable discretion to the States for its implementation. The EAC seeks to examine how these voter identification requirements were implemented in the 2004 elections and to prepare guidance on this topic for the 2006 elections.

One of the remedies for a voter not having an acceptable proof of identity is to allow the voter to cast a provisional ballot, either at the polling place or by mail. This linkage between these two HAVA sections provides a rationale for conducting research on these topics in parallel. However, it is anticipated that two separate guidance documents will result.

1.0 Objective: The objective of this contract is for EAC to obtain assistance with the collection, analysis and interpretation of information regarding HAVA provisional voting and voter identification requirements for the purpose of drafting guidance on these topics in time for implementation for the 2006 Federal elections. The anticipated outcome of this activity is the generation of concrete policy recommendations to be issued as voluntary guidance for States.

2.0 Scope: In general the Contractor shall be responsible for all research and analysis activities, including the conduct of public hearings for fact finding and public comment purposes. However, in light of the need to get started on this work, the EAC conducted a public hearing on provisional voting on February 23, 2005.

An initial framework for provisional voting policy has been set by the court decisions rendered on the election procedures utilized in the 2004 election. The 6th Circuit decision, in particular, has drawn some boundaries which must be given

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due regard in the course of considering future policy alternatives for provisional voting.

Notice of public meetings and hearings is required to be published in the Federal Register. The Contractor shall be responsible for preparing the notice documents, and the EAC will submit the notices and cover the cost of publication. In addition, draft guidance documents must be published in the Federal Register to obtain public comment prior to their adoption. Again, the Contractor will work with the EAC to prepare the draft documents for publication, which the EAC will submit and pay for the cost of publication. Comments received will be provided to the Contractor for analysis and incorporation into the final guidance documents, as appropriate.

3.0 Specific Tasks

For ease of reference, following task 3.3 the remaining tasks are listed separately under the headings of Provisional Voting and Voter Identification Requirements. It is anticipated that the work on these two topics will be conducted essentially concurrently.

- 3.1 Update the project work plan, as required. The Contractor shall update and deliver the Project Plan not later than 10 days after contract award. This plan shall describe how the Contractor will accomplish each of the project tasks, including a timeline indicating major milestones. A single document will be prepared to include both provisional voting and voter identification tasks. The updated Project Plan shall be formally briefed to the EAC Project Manager and lead Commissioner.
- 3.2 Submit monthly progress reports. The Contractor shall submit a monthly progress report within 2 weeks of the end of each month. This report shall provide a brief summary of activities performed and indicate progress against the timeline provided in the Project Plan. Any issues that could adversely affect schedule should be identified for resolution. Budget status shall also be provided.
- 3.3 Conduct periodic briefings for the EAC. The Contractor shall periodically meet with the EAC Project Manager and the lead Commissioner for this work to discuss research findings and progress. The Project Plan should make allowance for this activity. The number and frequency of briefings will be determined by the Contractor Project Manager and the EAC Project Manager as the work progresses. The Contractor may also be required to periodically brief the full Commission on their work.

Provisional Voting

- 3.4 Collect and analyze State legislation, administrative procedures, and court cases. An understanding of the disparities and similarities of how provisional voting was implemented around the country will provide a baseline for the consideration of future approaches. Seventeen States never had provisional voting before HAVA was enacted, while many other States did. A State-by-State compendium of the legislation, procedures, and litigation reviewed shall be delivered along with the analysis results.

Topics of particular interest include the following:

- How did States prepare for the onset of the HAVA provisional ballot requirement?
- How did this vary between States that had previously had some form of provisional ballots and those that did not?
- How did litigation affect the implementation?
- How effective was provisional voting in enfranchising qualified voters?
- Did State and local processes provide for consistent counting of provisional ballots?
- Did local election officials have a clear understanding of how to implement provisional voting?

- 3.5 Recommend alternative approaches for future implementation of provisional voting. The Contractor shall conduct a literature review to identify other research results and data available on this topic. The EAC Election Day Survey, for example, contained several questions on provisional voting. The EAC will make these survey data available to the Contractor. Based on their analysis of available research and the results of Task 4.5, the Contractor shall diagnose the problems and challenges of provisional voting implementation and hypothesize alternative approaches.

The Contractor shall assess the efficacy of these alternatives in relation to the following inter-related policy objectives: (1) enabling the maximum number of eligible voters to cast ballots that will be counted; (2) providing procedural simplicity for voters, poll workers, and election officials; (3) minimizing opportunity for voter fraud; and (4) maintaining a reasonable workload for election officials and poll workers. Additional policy considerations may be identified in the course of this research effort. The Contractor shall document and brief these alternatives to the Commission.

- 3.6 Prepare preliminary draft guidance document. Based on the feedback received from the Commission, the Contractor shall prepare a draft guidance document for review and comment by the EAC Board of Advisors and Standards Board. EAC will convene a meeting or teleconference of the Boards for the discussion of this document. The Contractor shall provide the document in advance and participate in the meeting to answer questions and

record comments.

- 3.7 Revise draft guidance for publication in the Federal Register. The Contractor shall revise the guidance document as appropriate to reflect the comments of the EAC, the Board of Advisors and the Standards Board and prepare the draft guidance for publication in the Federal Register by the EAC.
- 3.8 Arrange one public hearing for receiving public comment on draft guidance. This hearing should be scheduled 30 days after the initial publication date. The Contractor shall select the location in consultation with the EAC. EAC will handle publicity for the meeting.
- 3.9 Prepare final guidance document for EAC adoption. Review all comments received in response to Federal Register publication and at public hearing and revise guidance document as appropriate. Provide final version to EAC for adoption.

Voter Identification Requirements

- 3.10 Collect and analyze State legislation, administrative procedures, and court cases. It is assumed that the collection of information for analysis of voter identification requirements will be performed concurrently with the research for Task 4.5. An understanding of the disparities and similarities of how voter identification requirements were implemented around the country will provide a baseline for the consideration of future approaches. A State-by-State compendium of the legislation, procedures, and litigation reviewed shall be delivered along with the analysis results.
- 3.11 Convene a half day public hearing on the topic of voter identification requirements. This hearing should occur early in the research process as an informational hearing where all points of view on this topic can be aired. The Contractor shall be responsible for all aspects of planning and conducting this hearing in consultation with the EAC. The Contractor shall identify three panels of three to four speakers each. The Contractor shall arrange for speaker attendance to include travel and per diem expenses. The EAC will provide publicity for the hearing. The Contractor shall prepare a document summarizing the proceedings and containing all testimony provided.
- 3.12 Recommend alternative approaches for future implementation of HAVA voter identification requirements. The Contractor shall conduct a literature review to identify other research results and data available on this topic. Based on their analysis of available research and the results of Task 4.11, the Contractor shall diagnose the problems and challenges of voter identification and hypothesize alternative approaches. The Contractor shall

coordinate with the EAC to identify appropriate policy objectives by which to assess these alternatives. The Contractor shall document and brief these alternatives to the Commission.

- 3.13 Prepare preliminary draft guidance document. Based on the feedback received from the Commission, the Contractor shall prepare a draft guidance document for review and comment by the EAC Board of Advisors and Standards Board. EAC will convene a meeting or teleconference of the Boards for the discussion of this document. The Contractor shall provide the document in advance and participate in the Board meeting to answer questions and record comments.
- 3.14 Revise draft guidance for publication in the Federal Register. The Contractor shall revise the guidance document as appropriate to reflect the comments of the EAC, the Board of Advisors and the Standards Board and prepare the draft guidance for publication in the Federal Register by the EAC.
- 3.15 Arrange a second public hearing for receiving public comment on the draft guidance. This hearing should be scheduled 30 days after the initial publication date. The Contractor shall select the location in consultation with the EAC. EAC will handle publicity for the hearing.
- 3.16 Prepare final guidance document for EAC adoption. Review all comments received in response to Federal Register publication and at public hearing and revise guidance document as appropriate. Provide final version to EAC for adoption.
- 4.0 Contract Type. The contract type will be Time and Materials in the amount of \$560,002.00.
- 5.0 Place of performance. The principal place of performance will be the Contractor's place of business. Meetings and occasional work efforts may be performed at the EAC offices. Some travel will be required.
- 6.0 Period of Performance. The period of performance is from date of award until December 30, 2005.
- 7.0 Schedule of Deliverables:
1. Updated project plan – 10 days after contract award
 2. Progress reports – monthly
 3. Briefings – as required
 4. Analysis report on provisional voting, including compendium of legislation, procedures and litigation - TBD
 5. Alternatives report on provisional voting – TBD

6. Preliminary draft guidance on provisional voting - TBD
7. Draft guidance on provisional voting for publication – 9/2005
8. Public hearing on draft guidance – 30 days after publication
9. Final guidance on provisional voting for EAC adoption – 10/2005
10. Analysis report on voter identification requirements, including compendium of legislation, procedures and litigation – TBD
11. Public hearing on voter identification requirements – TBD
12. Summary of voter identification requirements hearing - TBD
13. Alternatives report on voter identification requirements - TBD
14. Preliminary draft guidance on voter identification requirements - TBD
15. Draft guidance on voter identification requirements for publication – 11/2005
16. Public hearing on draft guidance – 30 days after publication
17. Final guidance on voter identification requirements to EAC for adoption – 12/2005

8.0 Inspection and Acceptance Criteria. Final inspection and acceptance of all work performed, reports, and other deliverables will be performed at the offices of the EAC. The Contracting Officer's Representative for this effort will be Karen Lynn-Dyson. She will review and approve all work on behalf of the Commission.

9.0 Invoicing. Invoices may be submitted monthly using Standard Form 1034, Public Voucher for Purchases and Services Other Than Personal. Invoices shall be mailed to the attention of Ms. Diana Scott, Administrative Officer, U.S. Election Assistance Commission, 1225 New York Avenue, N.W., Suite 1100, Washington D.C. 20005.

10.0 Accounting and Appropriation Data: Funds in the amount of \$560,002.00 are available for this task order.

11.0 General Provisions:

11.1 *Proposal Incorporated.* The Contractor's proposal is incorporated by reference into the statement of work.

11.2 *Inspection/Acceptance.* The Contractor shall only tender for acceptance those items that conform to the requirements of this contract. The EAC reserves the right to inspect and review any products or services that have been tendered for acceptance. The EAC may require correction or re-performance of nonconforming items at no increase in contract price. The EAC must exercise its post-acceptance rights within ten (10) days after the defect was discovered or should have been discovered.

11.3 *Contract Terms.* Should there be a conflict between the contract clauses included in this document and the "Purchase Order Terms and Conditions" on the back of GSA Form 300, which is used to record contract financial.

data, the contract clauses in this document shall take precedence.

11.4 *Changes.* Changes in the terms and conditions of this Contract may be made only by written agreement signed by authorized representatives of both parties.

11.5 *Disputes.* This Contract is subject to the Contract Disputes Act of 1978, as amended (41 U.S.C. 601-613). The Contractor shall proceed diligently with performance of this Contract, pending final resolution of any dispute arising under the Contract.

11.6 *Excusable Delays.* The Contractor shall be liable for default unless nonperformance is caused by an occurrence beyond the reasonable control of the Contractor and without its fault or negligence such as, acts of God or the public enemy, acts of the Government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, unusually severe weather, and delays of common carriers. The Contractor shall notify the EAC, in writing, as soon as possible after the beginning of an excusable delay. The Contractor shall explain the basis for the excusable delay, and correct the problem as soon as possible. The Contractor shall notify the EAC, in writing, at the end of the delay.

11.7 *Other compliances.* The Contractor shall comply with all applicable Federal, State and local laws, executive orders, rules and regulations applicable to its performance under this contract.

11.8 *Compliance with laws unique to Government contracts.* The Contractor agrees to comply with 31 U.S.C. 1352 relating to limitations on the use of appropriated funds to influence certain Federal contracts; 18 U.S.C. 431 relating to officials not to benefit; 40 U.S.C. 327 *et seq.*, Contract Work Hours and Safety Standards Act; 41 U.S.C. 51-58, Anti-Kickback Act of 1986; 41 U.S.C. 265 and 10 U.S.C. 2409, relating to whistle blower protections; 49 U.S.C. 40118, Fly American, and 41 U.S.C. 423 relating to procurement integrity.

11.9 *Limitation of Government Liability.* The Contractor is not authorized to make expenditures or incur obligations exceeding the total amount allocated to the contract. The Contractor is required to notify the Contracting Officer's Representative when 75% of funding has been obligated.

11.10 *Termination for convenience.* The EAC, by written notice, may terminate this contract without fault, in whole or in part, when it is in the best interest of the government. In the event of contract termination for convenience, the rights, duties, and obligations of the parties, including compensation to the Contractor, shall be in accordance with Part 49 of the Federal Acquisition Regulations in effect on the date of this contract.

FY06 - No Cost Amend

ORDER FOR SUPPLIES AND SERVICES

1. DATE OF ORDER: 02/23/06
 2. ORDER NUMBER: [Blank]
 3. CONTRACT NUMBER: 553.370-300-1 for distribution
 4. ACT NUMBER: 1
 E4014127A

5. ACCOUNTING CLASSIFICATION

FUND: 8035	ORG CODE: TZM9110	B/A CODE: 10	O/C CODE: 25
FUNC CODE: 000	C/E CODE: 516	PROJ./PROS. NO.:	CC-A:
W/ITEM:	CC-B:	PRT./CRFT:	

6. FINANCE DIVISION

AC	SS	VENDOR NAME
MDL	FI	G/L DEBT
AI	LC	DISCOUNT

7. TO: CONTRACTOR (Name, address and zip code)
 Rutgers, The State University of New Jersey
 Office of Research and Sponsored Programs
 3 Rutgers Plaza
 New Brunswick, NJ 08901
 Contact: Keith Osterhage [Redacted]

8. TYPE OF ORDER: A. PURCHASE
 REFERENCE YOUR: [Blank]
 Please furnish the following on the terms specified on both sides of the order and the attached sheets, if any, including delivery as indicated.
 B. DELIVERY
 This delivery order is subject to instructions contained on this side only of this form and is issued subject to the terms and conditions of the above numbered contract

A. EMPLOYER'S IDENTIFICATION NUMBER: 2-600-1086 (NAICS 61131-Not for Profit Public Institution)
 9B. CHECK, IF APPROP: WITHHOLD 20%
 9A. CLASSIFICATION:
 A. SMALL BUSINESS
 B. OTHER THAN SMALL BUSINESS
 C. SMALL DISADVANTAGED
 D. SMALL WOMEN-OWNED
 11. ISSUING OFFICE (Address, zip code, and telephone no.):
 Election Assistance Commission
 225 New York Ave., NW, Suite 1100
 Washington, DC 20005
 (202) 566-3100
 12. REMITTANCE ADDRESS (MANDATORY):
 Remittance via EFT

C. MODIFICATION NO.: 01
 AUTHORITY FOR ISSUING: FAR 43.103(a)(3)
 Except as provided herein, all terms and conditions of the original order, as heretofore modified, remain unchanged.
 10B. TYPE OF BUSINESS ORGANIZATION:
 A. CORPORATION
 B. PARTNER-SHIP
 C. SOLE
 13. SHIP TO (Consignee address, zip code and telephone no.):
 Election Assistance Commission
 1225 New York Ave., NW, Suite 1100
 Washington, DC 20005
 (202) 566-3100

14. PLACE OF INSPECTION AND ACCEPTANCE: AC, 1225 NY Ave., Suite 1100, Washington, DC 20005
 15. REQUISITION OFFICE (Name, symbol and telephone no.): Election Assistance Commission
 16. F.O.B. POINT: Destination
 17. GOVERNMENT B/L NO.: [Blank]
 18. DELIVERY F.O.B. POINT ON OR BEFORE: 01/26/06
 19. PAYMENT/DISCOUNT TERMS: Net 30

20. SCHEDULE

ITEM NO. (A)	SUPPLIES OR SERVICES (B)	QUANTITY ORDERED (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	Under the authority of Public Law 107-252, dated October 29, 2002, establishing the U.S. Election Assistance Commission (EAC). Eagleton Institute of Politics proposal to provide research assistance to support development of guidelines on topics of provisional voting and voter identification procedures. See attached for description of this no-cost extension amendment.				
	TOTAL COST OF CONTRACT: \$560,002.00				

RECEIVING OFFICE (Name, symbol and telephone no.): Election Assistance Commission (202) 566-3100
 SHIPPING POINT: [Blank]
 23. GROSS SHIP WT.: [Blank]
 25A. FOR INQUIRIES REGARDING PAYMENT CONTACT: Diana Scott
 25B. TELEPHONE NO.: (202) 566-3100
 26A. NAME OF CONTRACTING/ORDERING OFFICER (Type): Thomas R. Wilkey, Executive Director
 26B. TELEPHONE NO.: (202) 566-3100
 26C. SIGNATURE: [Signature]

PURCHASE ORDER TERMS AND CONDITIONS

~~552.210-79 FEDERAL, STATE, AND LOCAL TAXES (APR 1984)~~

The contract price includes all applicable Federal, State, and local taxes. No adjustment will be made to cover taxes which may subsequently be imposed on this transaction or changes in the rates of currently applicable taxes. However, the Government will, upon the request of the Contractor, furnish evidence appropriate to establish exemption from any tax from which the Government is exempt and which was not included in the contract price.

552.210-79 PACKING LIST (DEC 1989)

(a) A packing list or other suitable shipping document shall accompany each shipment and shall indicate (1) Name and address of consignor; (2) Name and address of consignee; (3) Government order or requisition number; (4) Government bill of lading number covering the shipment (if any); and (5) Description of the material shipped, including item number, quantity, number of containers, and package number (if any).

(b) When payment will be made by Government commercial credit card, in addition to the information in (a) above, the packing list or shipping document shall include: (1) Cardholder name and telephone number and (2) the term "Credit Card".

52.232-1 PAYMENTS (APR 1984)

The Government shall pay the Contractor, upon the submission of proper invoices or vouchers, the prices stipulated in this contract for supplies delivered and accepted or services rendered and accepted, less any deductions provided in this contract. Unless otherwise specified in this contract, payment shall be made on partial deliveries accepted by the Government if: (a) The amount due on the deliveries warrants it; or (b) The Contractor requests it and the amount due on the deliveries is at least \$1,000 or 50 percent of the total contract price.

52.232-8 DISCOUNTS FOR PROMPT PAYMENT (APR 1989)

(a) Discounts for prompt payment will not be considered in the evaluation of offers. However, any offered discount will form a part of the award, and will be taken if payment is made within the discount period indicated in the offer by the offeror. As an alternative to offering a prompt payment discount in conjunction with the offer, offerors awarded contracts may include prompt payment discounts on individual invoices.

(b) In connection with any discount offered for prompt payment, time shall be computed from the date of the invoice. For the purpose of computing the discount earned, payment shall be considered to have been made on the date which appears on the payment check or the late on which an electronic funds transfer was made.

PROMPT PAYMENT

Prompt Payment clause 52.232-25 is incorporated in this contract by reference. The clause contains information on payment due date, invoice requirements, constructive acceptance and interest penalties. Certain portions of the clause regarding payment due date, invoice requirements, and constructive acceptance have been extracted for our convenience. All days referred to in the extracts below are calendar days.

(2) . . . The due date for making invoice payments by the designated payment office shall be the later of the following two events:

- (i) The 30th day after the designated billing office has received a proper invoice from the Contractor.
- (ii) The 30th day after Government acceptance of supplies delivered or services performed by the Contractor . . .

(4) . . . An invoice shall be prepared and submitted to the designated billing office specified in the contract. A proper invoice must include the items listed in . . . (i) through . . . (viii) . . . If the invoice does not comply with these requirements, then the Contractor will be notified of a defect within 7 days after receipt of the invoice at the designated billing office . . . Untimely notification will be taken into account in the computation of any interest penalty owed the Contractor . . .

(i) Name and address of the Contractor.

(ii) Invoice date.

(iii) Contract number or other authorization for supplies delivered or services performed (including order number and contract line item number).

(iv) Description, quantity, unit of measure, unit price, and extended price of supplies delivered or services performed.

(v) Shipping and payment terms (e.g., shipment number and date of shipment, prompt payment discount terms), Bill of lading number and weight of shipment will be shown for shipments on Government bills of lading.

(vi) Name and address of Contractor official to whom payment is to be sent (must be the same as that in the contract or in a proper notice of assignment).

(vii) Name (where practicable), title, phone number, and mailing address of person to be notified in event of a defective invoice.

NOTE: Invoices must include the ACT number (block 4) and shall be submitted in an original only, unless otherwise specified, to the billing office designated in block 24 to receive invoices. The "remittance to" address must correspond to the remittance address in block 12.

(a)(6)(i) For the sole purpose of computing an interest penalty that might be due the Contractor, Government acceptance shall be deemed to have occurred constructively on the 7th day (unless otherwise specified in block 20) after the Contractor delivered the supplies or performed the services in accordance with the terms and conditions of the contract, unless there is a disagreement over quantity, quality or contractor compliance with a contract provision . . .

52.222-40 SERVICE CONTRACT ACT OF 1965, AS AMENDED - - CONTRACTS OF \$2,500 OR LESS (MAY 1989)

Except to the extent that an exception, variation, or tolerance would apply if this contract were in excess of \$2,500, the Contractor and any subcontractor shall pay all employees working on the contract not less than the minimum wage specified under Section 6 a) (1) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201-208). Regulations and Interpretations of the Service Contract Act of 1965 are contained in 29 CFR Part 4.

52.222-41 SERVICE CONTRACT ACT OF 1965, AS AMENDED (MAY 1989)

52.222-42 STATEMENT OF EQUIVALENT RATES FOR FEDERAL HIRES (MAY 1989)
(52.222-41 and 52.222-42 apply to service contracts when the amount exceeds \$2,500).

The GSA Form 2166, Service Contract Act of 1965 and Statement of Equivalent Rates for Federal Hires is attached hereto and made a part hereof.

52.252-2 CLAUSES INCORPORATED BY REFERENCE (JUN 1988)

This contract incorporates the following clauses by reference with the same force and effect as if they were given in full text. Upon request the Contracting Officer will make their full text available:

FEDERAL ACQUISITION REGULATION (48 CFR CHAPTER 1) CLAUSES

Applicable to purchase orders for supplies or services:

- 52.203-1 Officials Not to Benefit (APR 84)
- 52.203-3 Gratuities (APR 84)
- 52.203-5 Covenant Against Contingent Fees (APR 84)
- 52.203-8 Restriction on Subcontractor Sales to the Government (JUL 85)
- 52.203-7 Anti-Kickback Procedures (OCT 88)
- 52.212-9 Variation in Quantity (APR 84)
(In the preceding clause, the permissible variations are stated in the schedule.)
- 52.222-3 Convict Labor (APR 84)
- 52.222-26 Equal Opportunity (APR 84)(Applies when amount exceeds \$10,000.)
- 52.222-35 Affirmative Action for Special Disabled and Vietnam Era Veterans (APR 84)(Applies when amount exceeds \$10,000.)
- 52.222-36 Affirmative Action for Handicapped Workers (APR 84)(Applies when amount exceeds \$2,500.)
- 52.222-37 Employment Reports on Special Disabled Veterans and Veterans of the Vietnam Era (JAN 88)(Applies whenever clause 52.222-35 is included.)
- 52.223-6 Drug Free Workplace (JUL 90)(Applies if contract is awarded to an individual.)
- 52.225-3 Buy American Act - Supplies (JAN 89)
- 52.225-11 Restrictions on Certain Foreign Purchases (MAY 92)
- 52.232-25 Prompt Payment (SEP 92)
- 52.233-1 Disputes (DEC 91)
- 52.233-3 Protest After Award (AUG 89)
- 52.246-1 Contractor Inspection Requirements (APR 84)
- 52.249-8 Default (Fixed-Price Supply and Service)(APR 84)

Applicable to purchase orders for supplies:

- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR 86)(Applies when amount is between \$2,500 and \$10,000.)
- 52.222-20 Walsh-Healey Public Contracts Act (APR 84)(Applies when amount exceeds \$10,000.)
- 52.243-1 Changes - Fixed Price (AUG 87)
- 52.249-1 Termination for Convenience of the Government (Fixed Price)(Short Form)(APR 84)

Applicable to purchase orders for services:

- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR 86)(Applies when amount exceeds \$2,500.)
- 52.243-1 Changes - Fixed Price (APR 84) - Alt. II
- 52.249-4 Termination for Convenience of the Government (Services)(Short Form)(APR 84)

013269

ORDER FOR SUPPLIES AND SERVICES

ORDER NUMBER/CONTRACT NUMBER: 1
 3. CONTRACT NUMBER: E4014127A
 4. ACT NUMBER: E4014127A

1. DATE OF ORDER: 02/23/06
 2. ORDER NUMBER:

IMPORTANT:

- * This form is not to be used as an invoice. See reverse for invoice requirements and payment information.
- * The invoice remit to address must be the same as Block 12. Notify the contracting/ordering officer if the information in Block 12 is incorrect.
- * Failure to show the ACT number (Block 4) on invoice will delay payment and render the invoice improper.
- * Failure to mail invoice to address in Block 24 will delay payment.
- * Failure of service contractors to provide information in Block 9A will result in 20% of payment being withheld (26 U.S.C. 3406(a)).

7. TO: CONTRACTOR (Name, address and zip code)

Rutgers, The State University of New Jersey
 Office of Research and Sponsored Programs
 3 Rutgers Plaza
 New Brunswick, NJ 08901

Contact: Keith Osterhage

B. TYPE OF ORDER REFERENCE YOUR
 A. PURCHASE
 B. DELIVERY
 C. MODIFICATION NO. AUTHORITY FOR ISSUING
 01 FAR 43.103(a)(3)

Please furnish the following on the terms specified on both sides of the order and the attached sheets, if any, including:

IA. EMPLOYER'S IDENTIFICATION NUMBER: 22-600-1086 (NAICS 61131-Not for Profit Public Institution)
 9B. CHECK, IF APPROPRIATE, WITHHOLD 20%:

OA. CLASSIFICATION
 A. SMALL BUSINESS
 B. OTHER THAN SMALL BUSINESS
 C. SMALL DISADVANTAGED
 D. SMALL WOMEN-OWNED

1. ISSUING OFFICE (Address, zip code and telephone no.): Election Assistance Commission, 225 New York Ave., NW, Suite 1100, Washington, DC 20005, (202) 566-3100
 12. REMITTANCE ADDRESS (MANDATORY): Remittance via EFT

10B. TYPE OF BUSINESS ORGANIZATION
 A. CORPORATION
 B. PARTNER-SHIP
 C. SOLE

13. SHIP TO (Consignee address, zip code and telephone no.): Election Assistance Commission, 1225 New York Ave., NW, Suite 1100, Washington, DC 20005, (202) 566-3100

14. PLACE OF INSPECTION AND ACCEPTANCE: AC, 1225 NY Ave., Suite 1100, Washington, DC 20005
 15. REQUISITION OFFICE (Name, symbol and telephone no.): Election Assistance Commission

16. F.O.B. POINT OF ORIGIN: destination
 17. GOVERNMENT B/L NO.:
 18. DELIVERY F.O.B. POINT ON OR BEFORE: 01/26/06
 19. PAYMENT/DISCOUNT TERMS: Net 30

ITEM NO. (A)	SUPPLIES OR SERVICES (B)	QUANTITY ORDERED (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	Under the authority of Public Law 107-252, dated October 29, 2002, establishing the U.S. Election Assistance Commission (EAC). Eagleton Institute of Politics proposal to provide research assistance to support development of guidelines on topics of provisional voting and voter identification procedures. See attached for description of this no-cost extension amendment.				
TOTAL COST OF CONTRACT: \$560,002.00					

RECEIVING OFFICE (Name, symbol and telephone no.): Election Assistance Commission (202) 566-3100
 SHIPPING POINT: 23. GROSS SHIP WT.
 TOTAL FROM 300-A(s): 560,002.00
 GRAND TOTAL: 560,002.00

MAIL INVOICE TO: (Include zip code) Federal Services Administration (FUND) Election Assistance Commission, 1225 New York Ave., NW, Suite 1100, Washington, DC 20005
 25A. FOR INQUIRIES REGARDING PAYMENT CONTACT: Diana Scott
 25B. TELEPHONE NO.: (202) 566-3100
 26A. NAME OF CONTRACTING/ORDERING OFFICER (Type): Thomas R. Wilkey, Executive Director
 26B. TELEPHONE NO.: (202) 566-3100
 26C. SIGNATURE: [Signature]

PURCHASE ORDER TERMS AND CONDITIONS

52.220-70 FEDERAL, STATE, AND LOCAL TAXES (APR 1984)

The contract price includes all applicable Federal, State, and local taxes. No adjustment will be made to cover taxes which may subsequently be imposed on this transaction or changes in the rates of currently applicable taxes. However, the Government will, upon the request of the Contractor, furnish evidence appropriate to establish exemption from any tax from which the Government is exempt and which was not included in the contract price.

52.210-79 PACKING LIST (DEC 1989)

(a) A packing list or other suitable shipping document shall accompany each shipment and shall indicate (1) Name and address of consignor; (2) Name and address of consignee; (3) Government order or requisition number; (4) Government bill of lading number covering the shipment (if any); and (5) Description of the material shipped, including item number, quantity, number of containers, and package number (if any).

(b) When payment will be made by Government commercial credit card, in addition to the information in (a) above, the packing list or shipping document shall include: (1) Cardholder name and telephone number and (2) the term "Credit Card".

52.232-1 PAYMENTS (APR 1984)

The Government shall pay the Contractor, upon the submission of proper invoices or vouchers, the prices stipulated in this contract for supplies delivered and accepted or services rendered and accepted, less any deductions provided in this contract. Unless otherwise specified in this contract, payment shall be made on partial deliveries accepted by the Government if: (a) The amount due on the deliveries warrants it; or (b) The Contractor requests it and the amount due on the deliveries is at least \$1,000 or 60 percent of the total contract price.

52.232-8 DISCOUNTS FOR PROMPT PAYMENT (APR 1989)

(a) Discounts for prompt payment will not be considered in the evaluation of offers. However, any offered discount will form a part of the award, and will be taken if payment is made within the discount period indicated in the offer by the offeror. As an alternative to offering a prompt payment discount in conjunction with the offer, offerors awarded contracts may include prompt payment discounts on individual invoices.

(b) In connection with any discount offered for prompt payment, time shall be computed from the date of the invoice. For the purpose of computing the discount earned, payment shall be considered to have been made on the date which appears on the payment check or the late on which an electronic funds transfer was made.

PROMPT PAYMENT

Prompt Payment clause 52.232-25 is incorporated in this contract by reference. The clause contains information on payment due date, invoice requirements, constructive acceptance and interest penalties. Certain portions of the clause regarding payment due date, invoice requirements, and constructive acceptance have been extracted for our convenience. All days referred to in the extracts below are calendar days.

(1) . . . The due date for making invoice payments by the designated payment office shall be the later of the following two events:

- (i) The 30th day after the designated billing office has received a proper invoice from the Contractor.
- (ii) The 30th day after Government acceptance of supplies delivered or services performed by the Contractor . . .

(4) . . . An invoice shall be prepared and submitted to the designated billing office specified in the contract. A proper invoice must include the items listed in . . . (i) through . . . (viii) . . . If the invoice does not comply with these requirements, then the Contractor will be notified of the defect within 7 days after receipt of the invoice at the designated billing office . . . Untimely notification will be taken into account in the computation of any interest penalty owed the Contractor . . .

(i) Name and address of the Contractor.

(ii) Invoice date.

(iii) Contract number or other authorization for supplies delivered or services performed (including order number and contract line item number).

(iv) Description, quantity, unit of measure, unit price, and extended cost of supplies delivered or services performed.

(v) Shipping and payment terms (e.g., shipment number and date of payment, prompt payment discount terms), Bill of lading number and weight of shipment will be shown for shipments on Government bills of lading.

(vi) Name and address of Contractor official to whom payment is to be sent (must be the same as that in the contract or in a proper notice assignment).

(vii) Name (where practicable), title, phone number, and mailing address of person to be notified in event of a defective invoice.

NOTE: Invoices must include the ACT number (block 4) and shall be submitted in an original only, unless otherwise specified, to the billing office designated in block 24 to receive invoices. The "remit to" address must correspond to the remittance address in block 12.

(a)(6)(i) For the sole purpose of computing an interest penalty that might be due the Contractor, Government acceptance shall be deemed to have occurred constructively on the 7th day (unless otherwise specified in block 20) after the Contractor delivered the supplies or performed the services in accordance with the terms and conditions of the contract, unless there is a disagreement over quantity, quality or contractor compliance with a contract provision . . .

52.222-40 SERVICE CONTRACT ACT OF 1965, AS AMENDED - - CONTRACTS OF \$2,500 OR LESS (MAY 1989)

Except to the extent that an exception, variation, or tolerance would apply if this contract were in excess of \$2,500, the Contractor and any subcontractor shall pay all employees working on the contract not less than the minimum wage specified under Section 6 a) (1) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201-206). Regulations and interpretations of the Service Contract Act of 1965 are contained in 29 CFR Part 4.

52.222-41 SERVICE CONTRACT ACT OF 1965, AS AMENDED (MAY 1989)

52.222-42 STATEMENT OF EQUIVALENT RATES FOR FEDERAL HIRES (MAY 1989)

(52.222-41 and 52.222-42 apply to service contracts when the amount exceeds \$2,500).

The GSA Form 2166, Service Contract Act of 1965 and Statement of Equivalent Rates for Federal Hires is attached hereto and made a part hereof.

52.252-2 CLAUSES INCORPORATED BY REFERENCE (JUN 1988)

This contract incorporates the following clauses by reference with the same force and effect as if they were given in full text. Upon request the Contracting Officer will make their full text available:

FEDERAL ACQUISITION REGULATION (48 CFR CHAPTER 1) CLAUSES

Applicable to purchase orders for supplies or services:

- 52.203-1 Officials Not to Benefit (APR 84)
- 52.203-3 Gratuities (APR 84)
- 52.203-5 Covenant Against Contingent Fees (APR 84)
- 52.203-6 Restriction on Subcontractor Sales to the Government (JUL 85)
- 52.203-7 Anti-Kickback Procedures (OCT 88)
- 52.212-9 Variation in Quantity (APR 84)
(In the preceding clause, the permissible variations are stated in the schedule.)
- 52.222-3 Convict Labor (APR 84)
- 52.222-26 Equal Opportunity (APR 84)(Applies when amount exceeds \$10,000.)
- 52.222-35 Affirmative Action for Special Disabled and Vietnam Era Veterans (APR 84)(Applies when amount exceeds \$10,000.)
- 52.222-36 Affirmative Action for Handicapped Workers (APR 84)(Applies when amount exceeds \$2,500.)
- 52.222-37 Employment Reports on Special Disabled Veterans and Veterans of the Vietnam Era (JAN 88)(Applies whenever clause 52.222-35 is included.)
- 52.223-6 Drug Free Workplace (JUL 90)(Applies if contract is awarded to an individual.)
- 52.225-3 Buy American Act - Supplies (JAN 89)
- 52.226-11 Restrictions on Certain Foreign Purchases (MAY 92)
- 52.232-25 Prompt Payment (SEP 92)
- 52.233-1 Disputes (DEC 91)
- 52.233-3 Protest After Award (AUG 89)
- 52.248-1 Contractor Inspection Requirements (APR 84)
- 52.249-8 Default (Fixed-Price Supply and Service)(APR 84)

Applicable to purchase orders for supplies:

- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR 86)(Applies when amount is between \$2,500 and \$10,000.)
- 52.222-20 Walsh-Healey Public Contracts Act (APR 84)(Applies when amount exceeds \$10,000.)
- 52.243-1 Changes - Fixed Price (AUG 87)
- 52.249-1 Termination for Convenience of the Government (Fixed Price)(Short Form)(APR 84)

Applicable to purchase orders for services:

- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR 86)(Applies when amount exceeds \$2,500.)
- 52.243-1 Changes - Fixed Price (APR 84) - Alt. II
- 52.249-4 Termination for Convenience of the Government (Services)(Short Form)(APR 84)

013271



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW – Suite 1100
Washington, DC 20005

January 24, 2005

MEMORANDUM FOR THE RECORD

Background

On May 24, 2005 the U.S. Election Assistance Commission awarded an eight month contract (December 30, 2005) in the amount of \$560,002.00 to the Eagleton Institute of Politics (Rutgers, The State University of New Jersey) to provide research assistance to support development of guidelines on the topics of provisional voting and voter identification procedures.

Contractor's Request for a No-Cost Extension

On November 15, 2005, John Weingart, Associate Director of the Eagleton Institute of Politics, requested via e-mail, a no-cost extension on this contract (E4014127). Mr. Weingart had requested an extension to complete the work of this contract to February 28, 2006.

In response to EAC's requests for additional information related to the no-cost extension, in a January 13, 2006 e-mail, Mr. Weingart revised the request for the extension to March 31, 2006. Mr. Weingart did note that he would still like to conclude the project's work by the end of February.

In various correspondences, Mr. Weingart notes the following reasons for the request:

"The original work schedule called for EAC to publish in mid-October, voluntary guidance and/or recommended best practices for provisional voting, based on Eagleton's research. In making that time estimate, we did not provide sufficient time for the EAC to review and consider the draft reports that would form the basis for that publication..... The additional time required to complete the work on provisional voting has delayed the completion of our analysis of Voter Identification issues. The draft report of that topic will be submitted to the EAC in mid-January".

"Our request for a no-cost, reallocation of resources is based on (a) the fact that our personnel costs have already been higher than we anticipated and (b) the reality that keeping the project operating for at least nine months, instead of the seven as planned,

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will require the participants to devote more time than anticipated. While we are not producing more product than originally promised, the time involved in our work continues to increase... We anticipate this research monitoring and revising to continue for the months added to the project, necessitating significantly more hours by all members of the project team than anticipated”.

The contractor anticipates reallocating funds primarily from the public hearings line item (\$81,120) and spending approximately \$33,750 more than originally budgeted on personnel, \$23,171 more on the subcontract with Ohio State and \$20,250 more on consultants. The EAC elected to not hold public hearings on the topics of provisional voting and voter identification.

Specifics of the Extension

The contractor has provided the following breakdown and explanation of the personnel and consultant costs, associated with this extension.

1. *Eagleton Institute of Politics personnel:*

Original budgeted project personnel costs-\$110,695 (May-December)
Revised project personnel costs- \$144,444 (May-February)

2. *Consultant Services:*

Original budgeted costs: \$79,500 (May-December)
Revised costs -\$99,750 (May-February)

3. *Moritz School of Law personnel and overhead:*

Original budgeted costs: \$84,744 (May-December)
Revised costs- \$107,915 (May-February)

Total project budget:

Original budgeted costs: \$560,002 (May- December)
Revised project cost: \$549,831 (May-February)

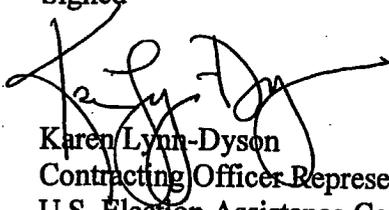
EAC Staff Recommendation

Karen Lynn-Dyson, the EAC's Contracting Officer Representative assigned to this contract has reviewed this request, the rationale and authority for it (FAR 43.103(a)(3)) and finds it to be appropriate. To date the Eagleton Institute has consistently met its deadlines for major project deliverables and stayed within the project's overall budget.

Based upon the work products provided to the EAC, thus far, the additional personnel expenses which the contractor has incurred appear to be reasonable. To grant the Eagleton Institute a three-month extension on this contract in order to obtain the necessary feedback on major documents it has produced will be within the best interests of the Election Assistance Commission, and therefore, the federal government.

EAC's Contracting Officer Representative finds that to grant the Eagleton Institute a no-cost extension for the modification of its contract with the EAC is within the scope of the original agreement and is recommending that this modification to the contract be made.

Signed



Karen Lynn-Dyson
Contracting Officer Representative
U.S. Election Assistance Commission



Thomas R. Wilkey
Executive Director
U.S. Election Assistance Commission

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT

1. CONTRACT ID CODE E4014127		PAGE OF PAGES	
2. AMENDMENT/MODIFICATION NO	3. EFFECTIVE DATE 01/24/2006	4. REQUISITION/PURCHASE REQ. NO.	5. PROJECT NO. (if applicable)
6. ISSUED BY U.S. Election Assistance Commission 1225 New York Avenue Suite 1100 Washington, DC 20006	CODE	7. ADMINISTERED BY (if other than item 6)	CODE

8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code) Rutgers, Office of Research and Sponsored Programs 3 Rutgers Plaza New Brunswick, NJ 08901	<input checked="" type="checkbox"/> 9A. AMENDMENT OF SOLICITATION NO
	9B. DATE (SEE ITEM 11)
	10A. MODIFICATION OF CONTRACT/ORDER NO E4014127
	10B. DATE (SEE ITEM 11)
CODE	FACILITY CODE
	05/24/2005

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers is extended, is not extended. Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods:

(a) By completing Items 9 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. **FAR 101.116 (F) YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER.** If by virtue of this amendment your desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROBATION DATA (if required)

13. THIS ITEM ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

CHECK ONE	A. THIS STANDARD ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
x	FAR 43.103(a)(3)
	B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).
	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:
	D. OTHER (Specify type of modification and authority)

E. IMPORTANT: Contractor is not, is required to sign this document and return 1 copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)
Pursuant to the terms of the above-referenced contract, the contractor was to present the EAC with draft reports that would form the basis for recommended best practices for provisional voting. The documents were to be published in mid-October after EAC review. The contractor did not receive EAC comments on the draft document until October, 2005. As a result, additional time is required to complete the work on provisional voting and analysis of Voter Identification Issues. The extension will entail additional personnel time, but no additional funds to complete the work. The contractor anticipates that it will be able to complete its work during the week of March 31, 2006.

Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print) Constance J. Bornheimer Accounting Manager	15A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Thomas R Wilkey, Executive Director
15B. CONTRACTOR OFFICIAL Constance J. Bornheimer (Signature of person authorized to sign)	15C. DATE SIGNED 02/06/06
15B. UNITED STATES OF AMERICA 	15C. DATE SIGNED 2-22-06
	Signature of Contracting Officer

INSTRUCTIONS

Instructions for items other than those that are self-explanatory, are as follows:

(a) Item 1 (Contract ID Code). Insert the contract type identification code that appears in the title block of the contract being modified.

(b) Item 3 (Effective date).

(1) For a solicitation amendment, change order, or administrative change, the effective date shall be the issue date of the amendment, change order, or administrative change.

(2) For a supplemental agreement, the effective date shall be the date agreed to by the contracting parties.

(3) For a modification issued as an initial or confirming notice of termination for the convenience of the Government, the effective date and the modification number of the confirming notice shall be the same as the effective date and modification number of the initial notice.

(4) For a modification converting a termination for default to a termination for the convenience of the Government, the effective date shall be the same as the effective date of the termination for default.

(5) For a modification confirming the contracting officer's determination of the amount due in settlement of a contract termination, the effective date shall be the same as the effective date of the initial decision.

) Item 6 (Issued By). Insert the name and address of the issuing office. If applicable, insert the appropriate issuing office code in the code block.

) Item 8 (Name and Address of Contractor). For modifications to a contract or order, enter the contractor's name, address, and code as shown in the original contract or order, unless changed by this or a previous modification.

) Item 9, (Amendment of Solicitation No. - Dated), and 10, (Modification of Contract/Order No. - Dated). Check the appropriate box and in the corresponding blanks insert the number and date of the original solicitation, contract, or order.

Item 12 (Accounting and Appropriation Data). When appropriate, indicate the impact of the modification on each affected accounting classification by inserting one of the following entries.

(1) Accounting classification
Net increase \$ _____

(2) Accounting classification
Net decrease \$ _____

NOTE: If there are changes to multiple accounting classifications that cannot be placed in block 12, insert an asterisk and the words "See continuation sheet".

(g) Item 13. Check the appropriate box to indicate the type of modification. Insert in the corresponding blank the authority under which the modification is issued. Check whether or not contractor must sign this document. (See FAR 43.103.)

(h) Item 14 (Description of Amendment/Modification).

(1) Organize amendments or modifications under the appropriate Uniform Contract Format (UCF) section headings from the applicable solicitation or contract. The UCF table of contents, however, shall not be set forth in this document

(2) Indicate the impact of the modification on the overall total contract price by inserting one of the following entries:

(i) Total contract price increased by \$ _____

(ii) Total contract price decreased by \$ _____

(iii) Total contract price unchanged.

(3) State reason for modification.

(4) When removing, reinstating, or adding funds, identify the contract items and accounting classifications.

(5) When the SF 30 is used to reflect a determination by the contracting officer of the amount due in settlement of a contract terminated for the convenience of the Government, the entry in Item 14 of the modification may be limited to --

(i) A reference to the letter determination; and

(ii) A statement of the net amount determined to be due in settlement of the contract.

(6) Include subject matter or short title of solicitation/contract where feasible.

(i). Item 16B. The contracting officer's signature is not required on solicitation amendments. The contracting officer's signature is normally affixed last on supplemental agreements.

**Eagleton Institute of Politics, Rutgers The State University of New Jersey
US Election Assistance Commission Project Budget (3/22/05)**

Description	Budget	
Personnel		
Eagleton faculty/senior staff	35,000	Mandel, Weingart, Reed, Linky (various percentages)
Eagleton staff: logistics/administrative/clerical	15,000	(various percentages)
Fringe (32.5%)	16,250	
	66,250	
Hourly Personnel		
Research Coordinator	21,250	
Logistics/Admin Coordinator	12,325	
Research assistants	7,200	
Fringe on Hourly (9%)	3,670	
	44,445	
Subtotal Personnel		
Honoraria		
Honoraria for Peer Review Group	10,000	
Public Hearings (3 in 3 cities)		
Public Hearings	75,000	
2 Hearings in DC- train, ground, lodging, meals*	3,480	attended by 3 staff
1 Hearings in St. Louis- air, ground, lodging, meals**	2,640	attended by 3 staff
	81,120	
Briefings/Meetings with EAC		
Train, ground, lodging, meals***	5,200	5 briefings in DC, attended by 2 staff
General Operations		
Office supplies, software, telephone, copying, postage	10,000	
Desktop computers, laptop, printer	10,000	
	20,000	
Subcontract		
Project Director- O'Neill	79,500	
Ohio State University- Legal Analysis	84,744	Partner Institution, Moritz College of Law, OSU
Subtotal Non Personnel Expenses		
Subtotal All Direct Cost	391,259	
Modified Total Direct Cost \$277,015****		
F&A on Modified Total Direct Cost (55.5%)	153,743	Rutgers University federally approved rate.
Total Project Budget		
Optional Surveys		
State Election Officials	15,000	Eagleton
Young Voters	25,000	Eagleton
Provisional Voting, 1st state	116,000	OSU Political Science
Provisional Voting, 1st additional state	75,000	OSU Political Science
Provisional Voting, 2nd additional state	60,000	OSU Political Science
Total Optional Surveys (no F&A)	\$291,000	

* Travel and lodging to two hearings in DC includes \$260 for train fare to DC, \$200 for hotel/lodging, and \$60 per day for two days for meals= \$580 per person per trip for three people.

** Travel and lodging to one hearing in St. Louis includes \$500 airfare to St. Louis, 2 nights hotel/lodging at \$100, and \$60 per day for three days for meals= \$880 per person for three people.

*** Travel and lodging to five Briefings/Meetings with EAC includes \$260 for train fare to DC, \$200 for hotel/lodging, and \$60 for meals= \$520 per person per trip for two people.

**** Modified total direct cost is equivalent to total direct cost except for two items - F&A included only on first \$25K of subcontract with Project Director (\$79,500) and first \$25K of subcontract with OSU (\$84,744).

F706 - NO cost Amend

ORDER FOR SUPPLIES AND SERVICES

IMPORTANT: See instructions in GSAR 553.370-300-1 for distribution

PAGE 1 OF 1 PAGES

1. DATE OF ORDER: 04/26/06
 2. ORDER NUMBER: [Blank]
 3. CONTRACT NUMBER: [Blank]
 4. ACT NUMBER: E4014127B

5. ACCOUNTING CLASSIFICATION

FUND: 8035	ORG CODE: TZM9110	B/A CODE: 10	O/C CODE: 25
FUNC CODE: 000	C/E CODE: 516	PROJ./PROS. NO.:	CC-A:
W/ITEM:	CC-B:	PRT./CRFT:	

6. FINANCE DIVISION

AC:	SS:	VENDOR NAME:
MDL:	FI:	G/L DEBT:
AI:	LC:	DISCOUNT:

7. TO: CONTRACTOR (Name, address and zip code)
 Rutgers, The State University of New Jersey
 Office of Research and Sponsored Programs
 3 Rutgers Plaza
 New Brunswick, NJ 08901
 Contact: Kelth Osterhage [Redacted]

8. TYPE OF ORDER REFERENCE YOUR

A. PURCHASE

Please furnish the following on the terms specified on both sides of this form and the attached sheets, if any, including delivery as indicated.

B. DELIVERY
 This delivery order is subject to instructions contained on this side only of this form and is issued subject to the terms and conditions of the above numbered contract

C. MODIFICATION NO. AUTHORITY FOR ISSUING
 02 FAR 43.103(a)(3)

A. EMPLOYER'S IDENTIFICATION NUMBER [Blank]

9B. CHECK, IF APPROPRIATE, WITHHOLD 20%

10A. CLASSIFICATION

A. SMALL BUSINESS
 B. OTHER THAN SMALL BUSINESS
 C. SMALL DISADVANTAGED
 D. SMALL WOMEN-OWNED

11. ISSUING OFFICE (Address, zip code, and telephone no.)
 Election Assistance Commission
 225 New York Ave., NW, Suite 1100
 Washington, DC 20005
 (202) 566-3100

12. REMITTANCE ADDRESS (MANDATORY)
 Remittance via EFT

10B. TYPE OF BUSINESS ORGANIZATION

A. CORPORATION
 B. PARTNER-SHIP
 C. SOLE

13. SHIP TO (Consignee address, zip code and telephone no.)
 Election Assistance Commission
 1225 New York Ave., NW, Suite 1100
 Washington, DC 20005
 (202) 566-3100

14. PLACE OF INSPECTION AND ACCEPTANCE
 AC, 1225 NY Ave., Suite 1100, Washington, DC 20005

15. REQUISITION OFFICE (Name, symbol and telephone no.)
 Election Assistance Commission

16. F.O.B. POINT
 Destination

17. GOVERNMENT B/L NO. [Blank]

18. DELIVERY F.O.B. POINT ON OR BEFORE 01/26/06

19. PAYMENT/DISCOUNT TERMS
 Net 30

20. SCHEDULE

ITEM NO. (A)	SUPPLIES OR SERVICES (B)	QUANTITY ORDERED (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
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	TOTAL COST OF CONTRACT: \$560,002.00				

RECEIVING OFFICE (Name, symbol and telephone no.)
 S. Election Assistance Commission (202) 566-3100

SHIPPING POINT

23. GROSS SHIP WT. [Blank]

TOTAL FROM 300-A(s) 560,002.00

GRAND TOTAL 560,002.00

MAIL INVOICE TO: (Include zip code)
 Federal Services Administration (FUND)
 Election Assistance Commission
 25 New York Ave., NW, Suite 1100
 Washington, DC 20005

25A. FOR INQUIRIES REGARDING PAYMENT CONTACT:
 Diana Scott

25B. TELEPHONE NO.
 (202) 566-3100

26A. NAME OF CONTRACTING/ORDERING OFFICER (Type)
 Thomas P Wilkey, Executive Director

26B. TELEPHONE NO.
 (202) 566-3100

26C. SIGNATURE [Signature]

PURCHASE ORDER TERMS AND CONDITIONS

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(b) In connection with any discount offered for prompt payment, time shall be computed from the date of the invoice. For the purpose of computing the discount earned, payment shall be considered to have been made on the date which appears on the payment check or the date on which an electronic funds transfer was made.

PROMPT PAYMENT

Prompt Payment clause 52.232-25 is incorporated in this contract by reference. The clause contains information on payment due date, invoice requirements, constructive acceptance and interest penalties. Certain portions of the clause regarding payment due date, invoice requirements, and constructive acceptance have been extracted for your convenience. All days referred to in the extracts below are calendar days.

(1) . . . The due date for making invoice payments by the designated payment office shall be the later of the following two events:

- (i) The 30th day after the designated billing office has received a proper invoice from the Contractor.
- (ii) The 30th day after Government acceptance of supplies delivered or services performed by the Contractor . . .

(4) . . . An invoice shall be prepared and submitted to the designated billing office specified in the contract. A proper invoice must include the items listed in . . . (i) through . . . (viii) . . . If the invoice does not comply with these requirements, then the Contractor will be notified of a defect within 7 days after receipt of the invoice at the designated billing office . . . Untimely notification will be taken into account in the computation of any interest penalty owed the Contractor . . .

(i) Name and address of the Contractor.

(ii) Invoice date.

(iii) Contract number or other authorization for supplies delivered or services performed (including order number and contract line item number).

(iv) Description, quantity, unit of measure, unit price, and extended price of supplies delivered or services performed.

(v) Shipping and payment terms (e.g., shipment number and date of shipment, prompt payment discount terms), Bill of lading number and weight of shipment will be shown for shipments on Government bills of lading.

(vi) Name and address of Contractor official to whom payment is to be sent (must be the same as that in the contract or in a proper notice assignment).

(vii) Name (where practicable), title, phone number, and mailing address of person to be notified in event of a defective invoice.

NOTE: Invoices must include the ACT number (block 4) and shall be submitted in an original only, unless otherwise specified, to the billing office designated in block 24 to receive invoices. The "remittance address" must correspond to the remittance address in block 12.

(a)(6)(i) For the sole purpose of computing an interest penalty that might be due the Contractor, Government acceptance shall be deemed to have occurred constructively on the 7th day (unless otherwise specified in block 20) after the Contractor delivered the supplies or performed the services in accordance with the terms and conditions of the contract, unless there is a disagreement over quantity, quality or contractor compliance with a contract provision . . .

52.222-40 SERVICE CONTRACT ACT OF 1965, AS AMENDED - - CONTRACTS OF \$2,500 OR LESS (MAY 1989)

Except to the extent that an exception, variation, or tolerance would apply if this contract were in excess of \$2,500, the Contractor and any subcontractor shall pay all employees working on the contract not less than the minimum wage specified under Section 6 a) (1) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201-208). Regulations and interpretations of the Service Contract Act of 1965 are contained in 29 CFR Part 4.

52.222-41 SERVICE CONTRACT ACT OF 1965, AS AMENDED (MAY 1989)

52.222-42 STATEMENT OF EQUIVALENT RATES FOR FEDERAL HIRES (MAY 1989)
(52.222-41 and 52.222-42 apply to service contracts when the amount exceeds \$2,500).

The GSA Form 2166, Service Contract Act of 1965 and Statement of Equivalent Rates for Federal Hires is attached hereto and made a part hereof.

52.252-2 CLAUSES INCORPORATED BY REFERENCE (JUN 1988)

This contract incorporates the following clauses by reference with the same force and effect as if they were given in full text. Upon request the Contracting Officer will make their full text available:

FEDERAL ACQUISITION REGULATION (48 CFR CHAPTER 1) CLAUSES

Applicable to purchase orders for supplies or services:

- 52.203-1 Officials Not to Benefit (APR 84)
- 52.203-3 Gratuities (APR 84)
- 52.203-5 Covenant Against Contingent Fees (APR 84)
- 52.203-6 Restriction on Subcontractor Sales to the Government (JUL 85)
- 52.203-7 Anti-Kickback Procedures (OCT 88)
- 52.212-9 Variation in Quantity (APR 84)
(In the preceding clause, the permissible variations are stated in the schedule.)
- 52.222-3 Convict Labor (APR 84)
- 52.222-26 Equal Opportunity (APR 84)(Applies when amount exceeds \$10,000.)
- 52.222-35 Affirmative Action for Special Disabled and Vietnam Era Veterans (APR 84)(Applies when amount exceeds \$10,000.)
- 52.222-36 Affirmative Action for Handicapped Workers (APR 84)(Applies when amount exceeds \$2,500.)
- 52.222-37 Employment Reports on Special Disabled Veterans and Veterans of the Vietnam Era (JAN 88)(Applies whenever clause 52.222-35 is included.)
- 52.223-6 Drug Free Workplace (JUL 90)(Applies if contract is awarded to an individual.)
- 52.225-3 Buy American Act - Supplies (JAN 89)
- 52.225-11 Restrictions on Certain Foreign Purchases (MAY 92)
- 52.232-25 Prompt Payment (SEP 92)
- 52.233-1 Disputes (DEC 91)
- 52.233-3 Protest After Award (AUG 89)
- 52.248-1 Contractor Inspection Requirements (APR 84)
- 52.249-8 Default (Fixed-Price Supply and Service)(APR 84)

Applicable to purchase orders for supplies:

- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR 86)(Applies when amount is between \$2,500 and \$10,000.)
- 52.222-20 Walsh-Healey Public Contracts Act (APR 84)(Applies when amount exceeds \$10,000.)
- 52.243-1 Changes - Fixed Price (AUG 87)
- 52.249-1 Termination for Convenience of the Government (Fixed Price)(Short Form)(APR 84)

Applicable to purchase orders for services:

- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR 86)(Applies when amount exceeds \$2,500.)
- 52.243-1 Changes - Fixed Price (APR 84) - Alt. II
- 52.249-4 Termination for Convenience of the Government (Services)(Short Form)(APR 84)

013279



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW - Suite 1100
Washington, DC 20005

To: File
From: Tamar Nedzar, Law Clerk
Date: April 21, 2006
Re: No-Cost Extension to contract number E4014127 with the Eagleton
Institute of Politics at Rutgers University

Background:

Contract E4014127 with the Eagleton Institute of Politics at Rutgers University ("contractor") was originally scheduled to be concluded on March 31, 2006. The contract's final products include a report on Voter Identification and a report on Provisional Voting. The contractor has vetted the reports with a Peer Review Group, pursuant to the terms of the contract.

Justification for No-Cost Extension:

The EAC wishes to supplement the contractor's Peer Review of the reports by adding another review process with some of the EAC's key stakeholders. The EAC proposes to assemble a panel of researchers during the week of May 8th to conduct the second review.

Following the second review, the contractor will revise its draft reports based on the comments it receives. The contractor will present its draft reports on Provisional Voting and Voter Identification to the EAC Advisory Board at its May 25th meeting in Washington, DC. The contractor will revise both draft reports, taking into account the EAC's Advisory Board's comments and submit the final reports to the EAC toward the end of June.

Recommendation:

The EAC recommends that contract E4014127 be modified at no cost to allow the contractor to complete their work by June 30, 2006.

013280

Obligated FY05

ORDER FOR SUPPLIES AND SERVICES

IMPORTANT: See instructions in GSAR 553.370-300-1 for distribution

PAGE 1 OF 1 PAGES

1. DATE OF ORDER
11/08/05

2. ORDER NUMBER

3. CONTRACT NUMBER
EAC 05-67

4. A

E4019698

5. ACCOUNTING CLASSIFICATION

6. FINANCE DIVISION

FOR GOVERNMENT USE ONLY

FUND 8035	ORG CODE TZM91100	B/A CODE 10	O/C CODE 25
FUNC CODE 000	C/E CODE 516	PROJ./PROS. NO.	CC-A
W/ITEM	CC-B	PRT./CRFT	

AC	SS	VENDOR NAME
MDL	FI	G/L DEBT
AI	LC	DISCOUNT

7. TO: CONTRACTOR (Name, address and zip code)

Job Serebrov

Contact: Job Serebrov

8. TYPE OF ORDER REFERENCE YOUR
 A. PURCHASE

Please furnish the following on the terms specified on both sides of the order and the attached sheets, if any, including delivery as indicated.

B. DELIVERY
This delivery order is subject to instructions contained on this side only of this form and is issued subject to the terms and conditions of the above numbered contract

C. MODIFICATION NO. AUTHORITY FOR ISSUING

9A. EMPLOYER'S IDENTIFICATION NUMBER

114647486

9B. CHECK, IF APPROP
 WITHHOLD 20%

Except as provided herein, all terms and conditions of the original order, as heretofore modified, remain unchanged.

10A. CLASSIFICATION

A. SMALL BUSINESS B. OTHER THAN SMALL BUSINESS C. SMALL DISADVANTAGED D. SMALL WOMEN-OWNED

10B. TYPE OF BUSINESS ORGANIZATION

A. CORPORATION B. PARTNER-SHIP C. SOLE

11. ISSUING OFFICE (Address, zip code, and telephone no.)

Election Assistance Commission
225 New York Ave., N.W., Suite 1100
Washington, DC 20005

12. REMITTANCE ADDRESS (MANDATORY)

Job Serebrov
2110 South Spring Street
Little Rock, AR 72206

13. SHIP TO (Consignee address, zip code and telephone no.)

Same as block 11

14. PLACE OF INSPECTION AND ACCEPTANCE

EAC, 1225 New York Ave., NW, #1100, Wash. DC 20005

15. REQUISITION OFFICE (Name, symbol and telephone no.)

Election Assistance Commission

F.O.B. POINT

Destination

17. GOVERNMENT B/L NO.

18. DELIVERY F.O.B. POINT ON OR BEFORE
09/01/05

19. PAYMENT/DISCOUNT TERMS

Net 30

20. SCHEDULE

ITEM NO. (A)	SUPPLIES OR SERVICES (B)	QUANTITY ORDERED (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	Under the authority of Public Law 107-252, dated October 29, 2002, establishing the U.S. Election Assistance Commission (EAC). Request to provide consulting services to the EAC to assist in the development of a Voting Fraud and Voter Intimidation Project. See the attached statement work for a description of the specifics. LABOR COST: \$50,000.00 TRAVEL COST: \$5,000.00 TOTAL COST OF CONTRACT: \$55,000.00				

21. RECEIVING OFFICE (Name, symbol and telephone no.)

S. Election Assistance Commission (202) 566-3100

TOTAL FROM 300-A(s)

\$55,000.00

SHIPPING POINT

23. GROSS SHIP WT.

GRAND TOTAL

55,000.00

MAIL INVOICE TO: (Include zip code)

General Services Administration (FUND)
Election Assistance Commission
225 New York Ave., NW Suite 1100
Washington, DC 20005

25A. FOR INQUIRIES REGARDING PAYMENT CONTACT:

Diana Scott

26B. TELEPHONE NO.

202-566-3100

28A. NAME OF CONTRACTING/ORDERING OFFICER (Type)

Gracia Hillman, Chair

26B. TELEPHONE NO.

202-566-3100

28C. SIGNATURE

GENERAL SERVICES ADMINISTRATION

1. PAYING OFFICE

GSA FORM 300 (REV. 2-93)

013282

PURCHASE ORDER TERMS AND CONDITIONS

552.229-70 FEDERAL, STATE, AND LOCAL TAXES (APR 1984)

The contract price includes all applicable Federal, State, and local taxes. No adjustment will be made to cover taxes which may subsequently be imposed on this transaction or changes in the rates of currently applicable taxes. However, the Government will, upon the request of the Contractor, furnish evidence appropriate to establish exemption from any tax from which the Government is exempt and which was not included in the contract price.

552.210-79 PACKING LIST (DEC 1989)

(a) A packing list or other suitable shipping document shall accompany each shipment and shall indicate (1) Name and address of consignor; (2) Name and address of consignee; (3) Government order or requisition number; (4) Government bill of lading number covering the shipment (if any); and (5) Description of the material shipped, including item number, quantity, number of containers, and package number (if any).

(b) When payment will be made by Government commercial credit card, in addition to the information in (a) above, the packing list or shipping document shall include: (1) Cardholder name and telephone number and (2) the term "Credit Card".

52.232-1 PAYMENTS (APR 1984)

The Government shall pay the Contractor, upon the submission of proper invoices or vouchers, the prices stipulated in this contract for supplies delivered and accepted or services rendered and accepted, less any deductions provided in this contract. Unless otherwise specified in this contract, payment shall be made on partial deliveries accepted by the Government if: (a) The amount due on the deliveries warrants it; or (b) The Contractor requests it and the amount due on the deliveries is at least \$1,000 or 50 percent of the total contract price.

52.232-8 DISCOUNTS FOR PROMPT PAYMENT (APR 1989)

(a) Discounts for prompt payment will not be considered in the evaluation of offers. However, any offered discount will form a part of the award, and will be taken if payment is made within the discount period indicated in the offer by the offeror. As an alternative to offering a prompt payment discount in conjunction with the offer, offerors awarded contracts may include prompt payment discounts on individual invoices.

(b) In connection with any discount offered for prompt payment, time shall be computed from the date of the invoice. For the purpose of computing the discount earned, payment shall be considered to have been made on the date which appears on the payment check or the date on which an electronic funds transfer was made.

PROMPT PAYMENT

Prompt Payment clause 52.232-25 is incorporated in this contract by reference. The clause contains information on payment due date, invoice requirements, constructive acceptance and interest penalties. Certain portions of the clause regarding payment due date, invoice requirements, and constructive acceptance have been extracted for your convenience. All days referred to in the extracts below are calendar days.

(a)(2) . . . The due date for making invoice payments by the designated payment office shall be the later of the following two events:

- (i) The 30th day after the designated billing office has received a proper invoice from the Contractor.
- (ii) The 30th day after Government acceptance of supplies delivered or services performed by the Contractor . . .

(a)(4) . . . An invoice shall be prepared and submitted to the designated billing office specified in the contract. A proper invoice must include the items listed in . . . (i) through . . . (viii) . . . If the invoice does not comply with these requirements, then the Contractor will be notified of the defect within 7 days after receipt of the invoice at the designated billing office . . . Untimely notification will be taken into account in the computation of any interest penalty owed the Contractor . . .

- (i) Name and address of the Contractor.
- (ii) Invoice date.
- (iii) Contract number or other authorization for supplies delivered or services performed (including order number and contract line item number).
- (iv) Description, quantity, unit of measure, unit price, and extended price of supplies delivered or services performed.
- (v) Shipping and payment terms (e.g., shipment number and date of shipment, prompt payment discount terms), Bill of lading number and weight of shipment will be shown for shipments on Government bills of lading.

(vi) Name and address of Contractor official to whom payment is to be sent (must be the same as that in the contract or in a proper notice of assignment).

(vii) Name (where practicable), title, phone number, and mailing address of person to be notified in event of a defective invoice.

NOTE: Invoices must include the ACT number (block 4) and shall be submitted in an original only, unless otherwise specified, to the billing office designated in block 24 to receive invoices. The "remitt to" address must correspond to the remittance address in block 12.

(a)(6)(i) For the sole purpose of computing an interest penalty that might be due the Contractor, Government acceptance shall be deemed to have occurred constructively on the 7th day (unless otherwise specified in block 20) after the Contractor delivered the supplies or performed the services in accordance with the terms and conditions of the contract, unless there is a disagreement over quantity, quality or contractor compliance with a contract provision . . .

52.222-40 SERVICE CONTRACT ACT OF 1965, AS AMENDED - - CONTRACTS OF \$2,500 OR LESS (MAY 1989)

Except to the extent that an exception, variation, or tolerance would apply if this contract were in excess of \$2,500, the Contractor and any subcontractor shall pay all employees working on the contract not less than the minimum wage specified under Section 8 a) (1) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201-206). Regulations and interpretations of the Service Contract Act of 1965 are contained in 29 CFR Part 4.

52.222-41 SERVICE CONTRACT ACT OF 1965, AS AMENDED (MAY 1989)

52.222-42 STATEMENT OF EQUIVALENT RATES FOR FEDERAL HIRES (MAY 1989)
(52.222-41 and 52.222-42 apply to service contracts when the amount exceeds \$2,500).

The GSA Form 2166, Service Contract Act of 1965 and Statement of Equivalent Rates for Federal Hires is attached hereto and made a part hereof.

52.252-2 CLAUSES INCORPORATED BY REFERENCE (JUN 1988)

This contract incorporates the following clauses by reference with the same force and effect as if they were given in full text. Upon request the Contracting Officer will make their full text available:

FEDERAL ACQUISITION REGULATION (48 CFR CHAPTER 1) CLAUSES

Applicable to purchase orders for supplies or services:

- 52.203-1 Officials Not to Benefit (APR 84)
- 52.203-3 Gratuities (APR 84)
- 52.203-5 Covenant Against Contingent Fees (APR 84)
- 52.203-6 Restriction on Subcontractor Sales to the Government (JUL 85)
- 52.203-7 Anti-Kickback Procedures (OCT 88)
- 52.212-9 Variation in Quantity (APR 84)
(In the preceding clause, the permissible variations are stated in the schedule.)
- 52.222-3 Convict Labor (APR 84)
- 52.222-26 Equal Opportunity (APR 84)(Applies when amount exceeds \$10,000.)
- 52.222-35 Affirmative Action for Special Disabled and Vietnam Era Veterans (APR 84)(Applies when amount exceeds \$10,000.)
- 52.222-36 Affirmative Action for Handicapped Workers (APR 84)(Applies when amount exceeds \$2,500.)
- 52.222-37 Employment Reports on Special Disabled Veterans and Veterans of the Vietnam Era (JAN 88)(Applies whenever clause 52.222-35 is included.)
- 52.223-6 Drug Free Workplace (JUL 90)(Applies if contract is awarded to an individual.)
- 52.225-3 Buy American Act - Supplies (JAN 89)
- 52.225-11 Restrictions on Certain Foreign Purchases (MAY 92)
- 52.232-25 Prompt Payment (SEP 92)
- 52.233-1 Disputes (DEC 91)
- 52.233-3 Protest After Award (AUG 89)
- 52.246-1 Contractor Inspection Requirements (APR 84)
- 52.249-8 Default (Fixed-Price Supply and Service)(APR 84)

Applicable to purchase orders for supplies:

- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR 86)(Applies when amount is between \$2,500 and \$10,000.)
- 52.222-20 Walsh-Healey Public Contracts Act (APR 84)(Applies when amount exceeds \$10,000.)
- 52.243-1 Changes - Fixed Price (AUG 87)
- 52.249-1 Termination for Convenience of the Government (Fixed Price)(Short Form)(APR 84)

Applicable to purchase orders for services:

- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR 86)(Applies when amount exceeds \$2,500.)
- 52.243-1 Changes - Fixed Price (APR 84) - Alt. II
- 52.249-4 Termination for Convenience of the Government (Services)(Short Form)(APR 84)

013283

ACT NUMBER E4019698; EAC CONTRACT NUMBER 05-67

Consulting Services to Assist EAC in the Development of a Voting Fraud and Voter Intimidation Project

Background

Section 241 of HAVA lists a number of election administration topics on which the U.S. Election Assistance Commission may elect to do research. In particular, Section 241(b) (6) and (7) state the two topics of nationwide statistics and methods of identifying, deterring and investigating voting fraud in elections for Federal offices; and identifying, deterring and investigating methods of voter intimidation. The EAC Board of Advisors has recommended that the EAC make research on these topics a high priority.

The EAC seeks to obtain consulting services from an individual who can provide advice drawn from broad professional and technical experience in the area of voter fraud and intimidation. The EAC needs this consultant to conduct a preliminary examination of these topics to determine if a larger research project might be warranted. If so, the consultant would also be tasked to define the scope of the project and prepare a Statement of Work for the EAC to use for a subsequent competitive procurement. To promote a balanced and non-partisan approach to this effort, EAC is contracting with two consultants, who will work jointly to perform the work described below.

Nature of the Appointment

The EAC enters into this contract pursuant to its authority to contract for consultants under 5 U.S.C. §3109 (See 42 U.S.C. §15324(b)). As such this contract is for personal services and creates a limited employment relationship. (See 5 C.F.R. §304). As a result of this unique relationship, and pursuant to this agreement, you are required to follow all Federal laws and regulations as they relate to the release of agency documents and information, travel and conduct. All research, information, documents and any other intellectual property, (including but not limited to policies, procedures, manuals, and other work created at the request or otherwise while laboring for the EAC) shall be owned exclusively by the EAC, including copyright. All such work product shall be turned over to the EAC upon completion of your appointment term or as directed by the EAC. The EAC shall have exclusive rights over this material. You may not release government information or documents without the express permission of the EAC.

Supervision and Management.

The EAC Project Manager for this effort is Margaret Sims, EAC Research Specialist. Ms. Sims will provide taskings, and supervise, review and approve all work and performance.

Period of Appointment, Compensation and Travel.

The period of appointment under this contract is estimated at six months. The appointment shall constitute intermittent appointment (without a regularly scheduled tour of duty) per 5 C.F.R. §340.401(b). The consultant shall not incur overtime. The consultants shall not receive automatic adjustments of pay based upon 5 U.S.C. 5303. The consultants are not eligible for sick and annual leave, nor compensation for work performed on federal holidays. The Consultant is expected to work 450 hours during the estimated six month appointment period. These hours must be distributed evenly over the period so that the Consultant is working approximately, but no more than 20 hours per week. The consultant shall be paid at a rate of \$111 per hour. The dates of performance are flexible but shall be based upon the needs of the project and the EAC. The project at issue is sought to be completed within the sixth month period. The period of appointment shall continue until the project, outlined below, is completed.

Consultant's duty station shall be his/her home or place of business. The consultant has access to and shall supply common office equipment to include telecommunications, internet, a computer, office supplies, facsimile machine and common workplace software (including Microsoft Word and Excel). Other resources will be provided by the EAC as needed and at its discretion.

The Consultant is required to travel on a periodic, as needed basis, throughout the duration of their appointment. All travel must be pre-approved by the EAC per Federal Travel Regulations and EAC policy. The Consultant will be reimbursed, at the Federal government rates, for hotel and ground transportation costs, proper incidental expenses, and per diem while on official, pre-approved EAC travel.

Areas of Responsibility

1. Develop a comprehensive description of what constitutes voting fraud and voter intimidation in the context of Federal elections.
2. Using the description developed above, perform background research, including both Federal and State administrative and case law review, and a summation of current activities of key government agencies, civic and advocacy organizations regarding these topics. Deliver a written summary of this research and all source documentation.
3. Work in consultation with other EAC staff and the Commissioners to identify a working group of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation. The Working Group will be provided with the results of Tasks 1 and 2 as background information. The consultant will be responsible for developing a discussion agenda and convene the Working Group with the objective of identifying promising avenues for future research by EAC.

4. The consultant shall be responsible for creating a report summarizing the findings of this preliminary research effort and Working Group deliberations. This report should include any recommendations for future research resulting from this effort.
5. Should the EAC decide to pursue one or more of the recommendations made in the report noted above, the consultant will be responsible for defining the appropriate project scope(s) and preparing Statement(s) of Work sufficient for use in a competitive procurement.

Compensation Procedures

Compensation shall be made for work done by submitting invoices. Invoices shall be submitted on a monthly basis. These invoices shall state the number of labor hours that have been expended. Invoices shall be delivered to Ms. Margaret Sims for review and Ms. Diana Scott, Administrative Officer, U.S. Election Assistance Commission, 1225 New York Avenue, N.W., Suite 1100, Washington DC 20005. Compensation for travel shall be submitted by travel voucher consistent with federal travel regulation and EAC requirements.

Termination

This consultant contract can be terminated without cause in advance of the current end date by two weeks' notice in writing by either of the parties.

Estimated Project Timetable.

Deliverable	Due Date
Project work plan	10 days after contract award
Progress reports	monthly
Description of voting fraud and voter intimidation	October 2005
Summary of background research and associated source documentation	January 2006
Convene working group	February 2006
Summary report describing findings and recommendations for future EAC research	March 2006
Statement(s) of Work for future research project(s)	TBD

FY 06

ORDER FOR SUPPLIES AND SERVICES		IMPORTANT: See Instructions in GSAR 553.370-300-1 for distribution	PAGE 1 OF 1 PAGES
1. DATE OF ORDER 02/24/06	2. ORDER NUMBER	3. CONTRACT NUMBER EAC 06-05	4. ACT E4019905

FOR GOVERNMENT USE ONLY	5. ACCOUNTING CLASSIFICATION				6. FINANCE DIVISION		
	FUND 8036	ORG CODE TZM91100	B/A CODE 10	O/C CODE 25	AC	SS	VENDOR NAME
	FUNC CODE 000	C/E CODE 516	PROJ./PROS. NO.	CC-A	MDL	FI	G/L DEBT
	W/ITEM	CC-B	PRT./CRFT		AI	LC	DISCOUNT

7. TO: CONTRACTOR (Name, address and zip code)

Job Serebrov
[REDACTED]

Contact: Job Serebrov [REDACTED]

8. TYPE OF ORDER REFERENCE YOUR

A. PURCHASE

B. DELIVERY

Please furnish the following on the terms specified on both sides of the order and the attached sheets, if any, including delivery as indicated.

This delivery order is subject to instructions contained on this side only of this form and is issued subject to the terms and conditions of the above numbered contract

C. MODIFICATION NO. AUTHORITY FOR ISSUING

9A. EMPLOYER'S IDENTIFICATION NUMBER
144-64-7486

9B. CHECK, IF APPROPRIATE
 WITHHOLD 20%

10A. CLASSIFICATION

A. SMALL BUSINESS B. OTHER THAN SMALL BUSINESS C. SMALL DISADVANTAGED D. SMALL WOMEN-OWNED

11. ISSUING OFFICE (Address, zip code, and telephone no.)
Election Assistance Commission
1225 New York Ave, NW Suite - 1100
Washington, DC 20005

12. REMITTANCE ADDRESS (MANDATORY)
Job Serebrov
2110 South Spring Street
Little Rock, AR 72206

Except as provided herein, all terms and conditions of the original order, as heretofore modified, remain unchanged.

10B. TYPE OF BUSINESS ORGANIZATION
 A. CORPORATION B. PARTNER-SHIP C. SOLE

13. SHIP TO (Consignee address, zip code and telephone no.)
Same as block 11

4. PLACE OF INSPECTION AND ACCEPTANCE
J.S. EAC, 1225 NY Ave., NW, Suite 1100, Wash., DC 20005

15. REQUISITION OFFICE (Name, symbol and telephone no.)
U.S. Election Assistance Commission

6. F.O.B. POINT
Destination

17. GOVERNMENT B/L NO.

18. DELIVERY F.O.B. POINT ON OR BEFORE
2/26/06

19. PAYMENT/DISCOUNT TERMS
Net 30

ITEM NO. (A)	SUPPLIES OR SERVICES (B)	QUANTITY ORDERED (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
1	Under the authority of Public Law 107-252, dated October 29, 2002, establishing the U.S. Election Assistance Commission (EAC). Request to provide consulting services to the EAC to assist in the development of a Voting Fraud and Voter Intimidation Project. See the attached statement work for a description of the specifics. Labor: \$24,975.00 Travel: \$3,500.00 TOTAL COST OF CONTRACT: \$28,475.00				

RECEIVING OFFICE (Name, symbol and telephone no.)
S. Election Assistance Commission (202) 566-3100

SHIPPING POINT

23. GROSS SHIP WT.	TOTAL FROM 300-A(s)	\$28,475.00
	GRAND TOTAL	28,475.00

MAIL INVOICE TO: (Include zip code)
General Services Administration (FUND)
Election Assistance Commission
1225 New York Avenue, NW, Suite 1100
Washington, DC 20005

25A. FOR INQUIRIES REGARDING PAYMENT CONTACT:
Diana M. Scott

25B. TELEPHONE NO.
(202) 566-3100

26A. NAME OF CONTRACTING/ORDERING OFFICER (Type)
Thomas F. Wilkey, Executive Director

26B. TELEPHONE NO.
(202) 566-3100

26C. SIGNATURE

013287

PURCHASE ORDER TERMS AND CONDITIONS

52.229-70 FEDERAL, STATE, AND LOCAL TAXES (APR 1984)

The contract price includes all applicable Federal, State, and local taxes. No adjustment will be made to cover taxes which may subsequently be imposed on this transaction or changes in the rates of currently applicable taxes. However, the Government will, upon the request of the Contractor, furnish evidence appropriate to establish exemption from any tax from which the Government is exempt and which was not included in the contract price.

52.210-79 PACKING LIST (DEC 1989)

a) A packing list or other suitable shipping document shall accompany each shipment and shall indicate (1) Name and address of consignor; (2) Name and address of consignee; (3) Government order or acquisition number; (4) Government bill of lading number covering the shipment (if any); and (5) Description of the material shipped, including item number, quantity, number of containers, and package number (if any).

b) When payment will be made by Government commercial credit card, in addition to the information in (a) above, the packing list or shipping document shall include: (1) Cardholder name and telephone number and (2) the term "Credit Card".

2.232-1 PAYMENTS (APR 1984)

The Government shall pay the Contractor, upon the submission of proper invoices or vouchers, the prices stipulated in this contract for supplies delivered and accepted or services rendered and accepted, less any deductions provided in this contract. Unless otherwise specified in this contract, payment shall be made on partial deliveries accepted by the Government if: (a) The amount due on the deliveries warrants it; or (b) The Contractor requests it and the amount due on the deliveries is at least \$1,000 or 50 percent of the total contract price.

2.232-8 DISCOUNTS FOR PROMPT PAYMENT (APR 1989)

i) Discounts for prompt payment will not be considered in the valuation of offers. However, any offered discount will form a part of the award, and will be taken if payment is made within the discount period indicated in the offer by the offeror. As an alternative to offering a prompt payment discount in conjunction with the offer, offerors awarded contracts may include prompt payment discounts on individual invoices.

ii) In connection with any discount offered for prompt payment, time shall be computed from the date of the invoice. For the purpose of computing the discount earned, payment shall be considered to have been made on the date which appears on the payment check or the date on which an electronic funds transfer was made.

PROMPT PAYMENT

The prompt payment clause 52.232-25 is incorporated in this contract by reference. The clause contains information on payment due date, invoice requirements, constructive acceptance and interest penalties. Certain portions of the clause regarding payment due date, invoice requirements, and constructive acceptance have been extracted for your convenience. All days referred to in the extracts below are calendar days.

(1) . . . The due date for making invoice payments by the designated payment office shall be the later of the following two events:

- (i) The 30th day after the designated billing office has received a proper invoice from the Contractor.
- (ii) The 30th day after Government acceptance of supplies delivered or services performed by the Contractor . . .

(4) . . . An invoice shall be prepared and submitted to the designated billing office specified in the contract. A proper invoice must include the items listed in . . . (i) through . . . (viii) . . . If the invoice does not comply with these requirements, then the Contractor will be notified of a defect within 7 days after receipt of the invoice at the designated billing office . . . Untimely notification will be taken into account in the computation of any interest penalty owed the Contractor . . .

(i) Name and address of the Contractor.

(ii) Invoice date.

(iii) Contract number or other authorization for supplies delivered or services performed (including order number and contract line item number).

(iv) Description, quantity, unit of measure, unit price, and extended price of supplies delivered or services performed.

(v) Shipping and payment terms (e.g., shipment number and date of shipment, prompt payment discount terms), Bill of lading number and date of shipment will be shown for shipments on Government bills of lading.

(vi) Name and address of Contractor official to whom payment is to be sent (must be the same as that in the contract or in a proper notice assignment).

(vii) Name (where practicable), title, phone number, and mailing address of person to be notified in event of a defective invoice.

NOTE: Invoices must include the ACT number (block 4) and shall be submitted in an original only, unless otherwise specified, to the billing office designated in block 24 to receive invoices. The "remittance" address must correspond to the remittance address in block 12.

(a)(6)(i) For the sole purpose of computing an interest penalty that might be due the Contractor, Government acceptance shall be deemed to have occurred constructively on the 7th day (unless otherwise specified in block 20) after the Contractor delivered the supplies or performed the services in accordance with the terms and conditions of the contract, unless there is a disagreement over quantity, quality or contractor compliance with a contract provision . . .

52.222-40 SERVICE CONTRACT ACT OF 1965, AS AMENDED - - CONTRACTS OF \$2,500 OR LESS (MAY 1989)

Except to the extent that an exception, variation, or tolerance would apply if this contract were in excess of \$2,500, the Contractor and any subcontractor shall pay all employees working on the contract not less than the minimum wage specified under Section 6 a) (1) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201-208). Regulations and Interpretations of the Service Contract Act of 1965 are contained in 29 CFR Part 4.

52.222-41 SERVICE CONTRACT ACT OF 1965, AS AMENDED (MAY 1989)

52.222-42 STATEMENT OF EQUIVALENT RATES FOR FEDERAL HIRES (MAY 1989)
(52.222-41 and 52.222-42 apply to service contracts when the amount exceeds \$2,500).

The GSA Form 2166, Service Contract Act of 1965 and Statement of Equivalent Rates for Federal Hires is attached hereto and made a part hereof.

52.252-2 CLAUSES INCORPORATED BY REFERENCE (JUN 1988)

This contract incorporates the following clauses by reference with the same force and effect as if they were given in full text. Upon request the Contracting Officer will make their full text available:

FEDERAL ACQUISITION REGULATION (48 CFR CHAPTER 1) CLAUSES

Applicable to purchase orders for supplies or services:

- 52.203-1 Officials Not to Benefit (APR 84)
- 52.203-3 Gratuities (APR 84)
- 52.203-5 Covenant Against Contingent Fees (APR 84)
- 52.203-6 Restriction on Subcontractor Sales to the Government (JUL 85)
- 52.203-7 Anti-Kickback Procedures (OCT 88)
- 52.212-9 Variation in Quantity (APR 84)
(In the preceding clause, the permissible variations are stated in the schedule.)
- 52.222-3 Convict Labor (APR 84)
- 52.222-26 Equal Opportunity (APR 84)(Applies when amount exceeds \$10,000.)
- 52.222-35 Affirmative Action for Special Disabled and Vietnam Era Veterans (APR 84)(Applies when amount exceeds \$10,000.)
- 52.222-36 Affirmative Action for Handicapped Workers (APR 84)(Applies when amount exceeds \$2,500.)
- 52.222-37 Employment Reports on Special Disabled Veterans and Veterans of the Vietnam Era (JAN 88)(Applies whenever clause 52.222-35 is included.)
- 52.223-6 Drug Free Workplace (JUL 90)(Applies if contract is awarded to an individual.)
- 52.226-3 Buy American Act - Supplies (JAN 89)
- 52.226-11 Restrictions on Certain Foreign Purchases (MAY 92)
- 52.232-25 Prompt Payment (SEP 92)
- 52.233-1 Disputes (DEC 91)
- 52.233-3 Protest After Award (AUG 89)
- 52.246-1 Contractor Inspection Requirements (APR 84)
- 52.249-8 Default (Fixed-Price Supply and Service)(APR 84)

Applicable to purchase orders for supplies:

- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR 86)(Applies when amount is between \$2,500 and \$10,000.)
- 52.222-20 Walsh-Healey Public Contracts Act (APR 84)(Applies when amount exceeds \$10,000.)
- 52.243-1 Changes - Fixed Price (AUG 87)
- 52.249-1 Termination for Convenience of the Government (Fixed Price)(Short Form)(APR 84)

Applicable to purchase orders for services:

- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR 86)(Applies when amount exceeds \$2,500.)
- 52.243-1 Changes - Fixed Price (APR 84) - Alt. II
- 52.249-4 Termination for Convenience of the Government (Services)(Short Form)(APR 84)

013288

ORDER FOR SUPPLIES AND SERVICES

NOTE: MARK ALL PACKAGES WITH ORDER NUMBER/CONTRACT NUMBER

PAGE 1 OF 1 PAGES

1. DATE OF ORDER: 12/24/06
 2. ORDER NUMBER: [REDACTED]
 3. CONTRACT NUMBER: EAC 06-05
 4. ACT NUMBER: E4019905

IMPORTANT:

- * This form is not to be used as an invoice. See reverse for invoice requirements and payment information.
- * The invoice remit to address must be the same as Block 12. Notify the contracting/ordering officer if the information in Block 12 is incorrect.
- * Failure to show the ACT number (Block 4) on invoice will delay payment and render the invoice improper.
- * Failure to mail invoice to address in Block 24 will delay payment.
- * Failure of service contractors to provide information in Block 9A will result in 20% of payment being withheld (26 U.S.C. 3406(a)).

TO: CONTRACTOR (Name, address and zip code)
 Job Serebrov
 [REDACTED]

B. TYPE OF ORDER REFERENCE YOUR
 A. PURCHASE

Please furnish the following on the terms specified on both sides of the order and the attached sheets, if any, including

B. DELIVERY
 This delivery order is subject to instructions contained on this side only of this form and is issued subject to the terms and conditions of the above numbered contract

C. MODIFICATION NO. AUTHORITY FOR ISSUING

V. EMPLOYER'S IDENTIFICATION NUMBER
 44-64-7486

9B. CHECK, IF APPROPRIATE
 WITHHOLD 20%

Except as provided herein, all terms and conditions of the original order, as heretofore modified, remain unchanged.

JA. CLASSIFICATION
 A. SMALL BUSINESS
 B. OTHER THAN SMALL BUSINESS
 C. SMALL DISADVANTAGED
 D. SMALL WOMEN-OWNED

10B. TYPE OF BUSINESS ORGANIZATION
 A. CORPORATION
 B. PARTNER-SHIP
 C. SOLE

11. ISSUING OFFICE (Address, zip code and telephone no.)
 Election Assistance Commission
 1225 New York Ave, NW Suite - 1100
 Washington, DC 20005

12. REMITTANCE ADDRESS (MANDATORY)
 Job Serebrov
 2110 South Spring Street
 Little Rock, AR 72206

13. SHIP TO (Consignee address, zip code and telephone no.)
 Same as block 11

14. PLACE OF INSPECTION AND ACCEPTANCE
 U.S. EAC, 1225 NY Ave., NW, Suite 1100, Wash., DC 20005

15. REQUISITION OFFICE (Name, symbol and telephone no.)
 U.S. Election Assistance Commission

16. F.O.B. POINT
 Destination

17. GOVERNMENT B/L NO.

18. DELIVERY F.O.B. POINT ON OR BEFORE
 2/26/06

19. PAYMENT/DISCOUNT TERMS
 Net 30

20. SCHEDULE

ITEM NO. (A)	SUPPLIES OR SERVICES (B)	QUANTITY ORDERED (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	Under the authority of Public Law 107-252, dated October 29, 2002, establishing the U.S. Election Assistance Commission (EAC). Request to provide consulting services to the EAC to assist in the development of a Voting Fraud and Voter Intimidation Project. See the attached statement work for a description of the specifics. Labor: \$24,975.00 Travel: \$3,500.00 TOTAL COST OF CONTRACT: \$28,475.00	1			

RECEIVING OFFICE (Name, symbol and telephone no.)
 U.S. Election Assistance Commission (202) 566-3100

TOTAL FROM 300-A(s) \$28,475.00

SHIPPING POINT

23. GROSS SHIP WT.

GRAND TOTAL 28,475.00

MAIL INVOICE TO: (Include zip code)
 Federal Services Administration (FUND)
 Election Assistance Commission
 225 New York Avenue, NW, Suite 1100
 Washington, DC 20005

25A. FOR INQUIRIES REGARDING PAYMENT CONTACT:
 Diana M. Scott

25B. TELEPHONE NO.
 (202) 566-3100

26A. NAME OF CONTRACTING/ORDERING OFFICER (Type)
 Thomas R. Wilkey, Executive Director

26B. TELEPHONE NO.
 (202) 566-3100

26C. SIGNATURE

013289

PURCHASE ORDER TERMS AND CONDITIONS

52.229-70 FEDERAL, STATE, AND LOCAL TAXES (APR 1984)

The contract price includes all applicable Federal, State, and local taxes. No adjustment will be made to cover taxes which may subsequently be imposed on this transaction or changes in the rates of currently applicable taxes. However, the Government will, upon the request of the Contractor, furnish evidence appropriate to establish exemption from any tax from which the Government is exempt and which was not included in the contract price.

52.210-79 PACKING LIST (DEC 1989)

a) A packing list or other suitable shipping document shall accompany each shipment and shall indicate (1) Name and address of consignor; (2) Name and address of consignee; (3) Government order or requisition number; (4) Government bill of lading number covering the shipment (if any); and (5) Description of the material shipped, including item number, quantity, number of containers, and package number (if any).

b) When payment will be made by Government commercial credit card, in addition to the information in (a) above, the packing list or shipping document shall include: (1) Cardholder name and telephone number and (2) the term "Credit Card".

52.232-1 PAYMENTS (APR 1984)

The Government shall pay the Contractor, upon the submission of proper invoices or vouchers, the prices stipulated in this contract for supplies delivered and accepted or services rendered and accepted, less any deductions provided in this contract. Unless otherwise specified in this contract, payment shall be made on partial deliveries accepted by the Government if: (a) The amount due on the deliveries warrants it; or (b) The Contractor requests it and the amount due on the deliveries is at least \$1,000 or 50 percent of the total contract price.

52.232-8 DISCOUNTS FOR PROMPT PAYMENT (APR 1989)

a) Discounts for prompt payment will not be considered in the valuation of offers. However, any offered discount will form a part of the award, and will be taken if payment is made within the discount period indicated in the offer by the offeror. As an alternative to offering a prompt payment discount in conjunction with the offer, offerors awarded contracts may include prompt payment discounts on individual invoices.

b) In connection with any discount offered for prompt payment, time shall be computed from the date of the invoice. For the purpose of computing the discount earned, payment shall be considered to have been made on the date which appears on the payment check or the date on which an electronic funds transfer was made.

PROMPT PAYMENT

Prompt Payment clause 52.232-25 is incorporated in this contract by reference. The clause contains information on payment due date, invoice requirements, constructive acceptance and interest penalties. Certain portions of the clause regarding payment due date, invoice requirements, and constructive acceptance have been extracted for our convenience. All days referred to in the extracts below are calendar days.

a)(2) . . . The due date for making invoice payments by the designated payment office shall be the later of the following two events:

- (i) The 30th day after the designated billing office has received a proper invoice from the Contractor.
- (ii) The 30th day after Government acceptance of supplies delivered or services performed by the Contractor . . .

a)(4) . . . An invoice shall be prepared and submitted to the designated billing office specified in the contract. A proper invoice must include the items listed in . . . (i) through . . . (viii) . . . If the invoice does not comply with these requirements, then the Contractor will be notified of the defect within 7 days after receipt of the invoice at the designated billing office . . . Untimely notification will be taken into account in the computation of any interest penalty owed the Contractor . . .

(i) Name and address of the Contractor.

(ii) Invoice date.

(iii) Contract number or other authorization for supplies delivered or services performed (including order number and contract line item number).

(iv) Description, quantity, unit of measure, unit price, and extended price of supplies delivered or services performed.

(v) Shipping and payment terms (e.g., shipment number and date of shipment, prompt payment discount terms), Bill of lading number and weight of shipment will be shown for shipments on Government bills of lading.

(vi) Name and address of Contractor official to whom payment is to be sent (must be the same as that in the contract or in a proper notice of assignment).

(vii) Name (where practicable), title, phone number, and mailing address of person to be notified in event of a defective invoice.

NOTE: Invoices must include the ACT number (block 4) and shall be submitted in an original only, unless otherwise specified, to the billing office designated in block 24 to receive invoices. The "remit to" address must correspond to the remittance address in block 12.

(a)(6)(i) For the sole purpose of computing an interest penalty that might be due the Contractor, Government acceptance shall be deemed to have occurred constructively on the 7th day (unless otherwise specified in block 20) after the Contractor delivered the supplies or performed the services in accordance with the terms and conditions of the contract, unless there is a disagreement over quantity, quality or contractor compliance with a contract provision . . .

52.222-40 SERVICE CONTRACT ACT OF 1965, AS AMENDED - - CONTRACTS OF \$2,500 OR LESS (MAY 1989)

Except to the extent that an exception, variation, or tolerance would apply if this contract were in excess of \$2,500, the Contractor and any subcontractor shall pay all employees working on the contract not less than the minimum wage specified under Section 6 a) (1) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201-208). Regulations and interpretations of the Service Contract Act of 1965 are contained in 29 CFR Part 4.

52.222-41 SERVICE CONTRACT ACT OF 1965, AS AMENDED (MAY 1989)

52.222-42 STATEMENT OF EQUIVALENT RATES FOR FEDERAL HIRES (MAY 1989)
(52.222-41 and 52.222-42 apply to service contracts when the amount exceeds \$2,500).

The GSA Form 2166, Service Contract Act of 1965 and Statement of Equivalent Rates for Federal Hires is attached hereto and made a part hereof.

52.252-2 CLAUSES INCORPORATED BY REFERENCE (JUN 1988)

This contract incorporates the following clauses by reference with the same force and effect as if they were given in full text. Upon request the Contracting Officer will make their full text available:

FEDERAL ACQUISITION REGULATION (48 CFR CHAPTER 1) CLAUSES

Applicable to purchase orders for supplies or services:

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- 52.203-5 Covenant Against Contingent Fees (APR 84)
- 52.203-8 Restriction on Subcontractor Sales to the Government (JUL 85)
- 52.203-7 Anti-Kickback Procedures (OCT 88)
- 52.212-9 Variation in Quantity (APR 84)
(In the preceding clause, the permissible variations are stated in the schedule.)
- 52.222-3 Convict Labor (APR 84)
- 52.222-26 Equal Opportunity (APR 84)(Applies when amount exceeds \$10,000.)
- 52.222-35 Affirmative Action for Special Disabled and Vietnam Era Veterans (APR 84)(Applies when amount exceeds \$10,000.)
- 52.222-36 Affirmative Action for Handicapped Workers (APR 84)(Applies when amount exceeds \$2,500.)
- 52.222-37 Employment Reports on Special Disabled Veterans and Veterans of the Vietnam Era (JAN 88)(Applies whenever clause 52.222-35 is included.)
- 52.223-6 Drug Free Workplace (JUL 90)(Applies if contract is awarded to an individual.)
- 52.225-3 Buy American Act - Supplies (JAN 89)
- 52.225-11 Restrictions on Certain Foreign Purchases (MAY 92)
- 52.232-25 Prompt Payment (SEP 92)
- 52.233-1 Disputes (DEC 91)
- 52.233-3 Protest After Award (AUG 89)
- 52.248-1 Contractor Inspection Requirements (APR 84)
- 52.249-8 Default (Fixed-Price Supply and Service)(APR 84)

Applicable to purchase orders for supplies:

- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR 86)(Applies when amount is between \$2,500 and \$10,000.)
- 52.222-20 Walsh-Healey Public Contracts Act (APR 84)(Applies when amount exceeds \$10,000.)
- 52.243-1 Changes - Fixed Price (AUG 87)
- 52.249-1 Termination for Convenience of the Government (Fixed Price)(Short Form)(APR 84)

Applicable to purchase orders for services:

- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR 86)(Applies when amount exceeds \$2,500.)
- 52.243-1 Changes - Fixed Price (APR 84) - Alt. II
- 52.249-4 Termination for Convenience of the Government (Services)(Short Form)(APR 84)

013290

ACT NUMBER E4019905; EAC CONTRACT NUMBER 06-05
Personal Services Contract for Interim Expert Services

Background

Section 241 of HAVA lists a number of election administration topics on which the U.S. Election Assistance Commission may elect to do research. In particular, Section 241(b) (6) and (7) state the two topics of nationwide statistics and methods of identifying, deterring and investigating voting fraud in elections for Federal offices; and identifying, deterring and investigating methods of voter intimidation. The EAC Board of Advisors has recommended that the EAC make research on these topics a high priority.

The EAC seeks to obtain consulting services from an individual who can provide advice drawn from broad professional and technical experience in the area of voter fraud and intimidation. The EAC needs this expert to conduct a preliminary examination of these topics to determine if a larger research project might be warranted. To promote a balanced and non-partisan approach to this effort, EAC is contracting with two experts, who will work jointly to perform the work described below. This contract is a follow-on agreement to EAC Contract Number 05-67. That agreement for non-severable services expires February 25, 2006, without completion of the project. The originally estimated labor hours for the project were insufficient. As such, the EAC seeks to continue the work started in the previous contract but has changed the scope (or duties) of the contractor to limit project costs. This change is reflected in the scope of work section, below.

Nature of the Appointment

The EAC enters into this contract pursuant to its authority to contract for consultants and experts under 5 U.S.C. §3109 (See 42 U.S.C. §15324(b)). As such, this contract is for personal services and creates a limited employment relationship. (See 5 C.F.R. §304). The initial appointment under this agreement shall be for the intermittent employment of an expert as defined by 5 C.F.R. §304.102(d) and (e). The expert (hereinafter "contractor") shall work as required by the EAC, without a regularly scheduled tour of duty. Under no circumstances may contractor work more than 225 hours during the term of this agreement (5 C.F.R. §304.103(c)(2)(i)).

Supervision and Management.

The EAC Manager and Contracting Officer's Representative (COR) for this effort is Peggy Sims. Ms. Sims will provide taskings, and authorize, supervise, review and approve all work and performance. She will also approve all labor hours on invoices and travel vouchers submitted for compensation under this agreement.

Period of Appointment.

The appointment under this contract is temporary and shall be for a period of up to four months. The contract period shall begin February 26, 2006. The contract may be extended and contractor reappointed for an additional period (not exceed one year) upon agreement of both parties. (See 5 C.F.R. §304.103(c)).

Compensation

The consultant shall be paid at a rate of \$111 per hour. Contractor shall perform the services prescribed by this agreement as directed by the COR on an intermittent basis. **However, in any event, the contractor shall not work more that [41 hours] in either of the 2 two week periods that make up each four week pay period.** Further, as aforementioned, the contractor may not work more than 225 hours during the term of this agreement. The dates of performance are flexible but shall be based upon the needs of the project and the EAC. COR shall provide contractor notice and authorization when performance under this agreement is required.

The consultant shall not incur overtime and is not eligible for premium pay under subchapter V of chapter 55 of title 5, United States Code. (5 C.F.R. §304.106(b)). The contractor, as an intermittent appointee, is also not entitled to sick or annual leave. Contractor will not receive compensation for Federal holidays when no work is performed. (5 C.F.R. §304.106(b)). The contractor shall **not** receive automatic adjustments of pay based upon 5 U.S.C. §5303. Contractor's pay rate may be increased at the sole discretion of the Contracting Officer, consistent with Federal regulations. Contractor may be reimbursed for other costs, such as local travel, consistent with this agreement if approved by the COR and submitted in writing via invoice.

Travel

The contractor may be required to travel on a periodic, as needed basis, throughout the duration of their appointment. All travel must be pre-approved by the EAC COR. The contractor will be reimbursed for hotel and ground transportation costs, proper incidental expenses, and per diem while on official, pre-approved EAC travel. Compensation for travel shall be made in accordance with the rates set forth in the Federal Travel Regulation. The amount reimbursed for travel shall not exceed \$3,500 in Federal Fiscal Year 2006.

Release of Information

As a result of the limited employment relationship created by this agreement, and pursuant to this agreement, you are required to follow all Federal laws and regulations as they relate to the release of agency documents and information. All research, information, documents and any other intellectual property (including but not limited to policies, procedures, manuals, and other work created at the request or otherwise while laboring for the EAC) shall be owned exclusively by the EAC, including copyright. All

such work product shall be turned over to the EAC upon completion of your appointment term or as directed by the EAC. The EAC shall have exclusive rights over this material. You may not release government information or documents without the express written permission of the EAC.

Compensation Procedures

Compensation shall be made for work done (labor hours) by submitting invoices. Invoices shall be submitted every four weeks from the date of award. A week shall be from Sunday to Saturday. The first pay period shall begin February 26, 2006. Invoices must be submitted every 4 weeks when compensable work under this contract has been performed. The COR will provide the contractor with an invoice schedule, identifying each of the invoice periods, and model invoice forms. Invoices shall be delivered to the COR for review and approval. Each invoice shall:

- (1) Identify each day (by date) that work was performed and the number of labor hours performed that day. Briefly describe the nature of the work performed for that day;
- (2) State the total number of labor hours that have been expended under the agreement for the invoice period;
- (3) State the total number of hours worked for each of the two week periods that make up the total invoice time;
- (4) Provide a cumulative total of hours worked during the entire contract performance period (one year);
- (5) Submit, as a separate line item, all reimbursable travel costs for approval. The submission must provide dates of travel, receipts and other information as required by the Federal Travel Regulation.
- (6) Include the contractor's signature, affirming that information contained in the invoice is accurate.

Duty Location

Contractor's duty station shall be his/her home or place of business. The contractor has access to and shall supply common office equipment to include telecommunications, internet access, a computer, office supplies, facsimile machine and common workplace software (including Microsoft Word, Project and Excel). All other resources will be provided by the EAC as needed and at its discretion.

Notices

Any notice, given by any of the parties hereunder, shall be sufficient only if in writing and delivered in person or sent by telegraph, telegram, registered, or regular mail as follows:

To EAC: 1225 New York Avenue, Suite 1100, Washington, DC 20005,
Attention: Contracting Officer Representative, Peggy Sims.

To Contractor: At EAC and at the Contractor's address shown on the Cover Page of this contract or to such other address as either of such parties shall designate by notice given as herein required. Notices hereunder shall be effective in accordance with this clause or on the effective date of the notice whichever is later.

Areas of Responsibility (Statement of Work)

1. Submit a revised work plan reflecting revised due dates for deliverables.
2. Develop a comprehensive description of what constitutes voting fraud and voter intimidation in the context of Federal elections.
3. Using the description developed for 2 above, perform background research, including both Federal and State administrative and case law review, and a summation of current activities of key government agencies, civic and advocacy organizations regarding these topics. Deliver a written summary of this research and all source documentation.
4. Work in consultation with other EAC staff and the Commissioners to identify a working group of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation. The Working Group will be provided with the results of the consultant's research (discussed in 2 and 3, above) as background information. The consultant will be responsible for developing a discussion agenda and convene the Working Group with the objective of identifying promising avenues for future research by EAC.
5. The consultant shall be responsible for creating a report summarizing the findings of this preliminary research effort and Working Group deliberations. This report should include any recommendations for future EAC research resulting from this effort.

Terms and Conditions

The following additional terms and conditions shall apply to this personal services contract:

a. Federal Acquisition Regulation Clauses Incorporated by Reference:

This contract incorporates the following clauses by reference with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. These clauses may be obtained on the internet at <http://farsite.hill.af.mil/>.

52.203-7 Anti-Kickback Procedures (JUL 1995)

52.203-12 Limitation on Payments to Influence Certain Federal Transactions (Sept 2005)

52.215-2	Audit and Records -- Negotiation (Jun 1999)
52.224-1	Privacy Act Notification (APR 1984)
52.224-2	Privacy Act (APR 1984)
52.232-17	Interest (JUN 1996)
52.246-25	Limitation of Liability-Services (FEB 1997)
52.252-4	Alterations in Contract (APR 1984)

b. Federal Acquisition Regulation Clauses in Full Text:

Contract Termination (FAR 52.249-12)

The Government may terminate this contract at any time upon at least 15 days' written notice by the Contracting Officer to the Contractor. The Contractor, with the written consent of the Contracting Officer, may terminate this contract upon at least 15 days' written notice to the Contracting Officer. (End of Clause)

Site Visit (FAR 52.237-1)

Offerors or quoters are urged and expected to inspect the site where services are to be performed and to satisfy themselves regarding all general and local conditions that may affect the cost of contract performance, to the extent that the information is reasonably obtainable. In no event shall failure to inspect the site constitute grounds for a claim after contract award. (End of Clause)

Protection of Government Buildings, Equipment, and Vegetation (FAR 52.237-2)

The Contractor shall use reasonable care to avoid damaging existing buildings, equipment, and vegetation on the Government installation. If the Contractor's failure to use reasonable care causes damage to any of this property, the Contractor shall replace or repair the damage at no expense to the Government as the Contracting Officer directs. If the Contractor fails or refuses to make such repair or replacement, the Contractor shall be liable for the cost, which may be deducted from the contract price. (End of Clause)

Covenant Against Contingent Fees (FAR 52.203-5)

(a) The Contractor warrants that no person or agency has been employed or retained to solicit or obtain this contract upon an agreement or understanding for a contingent fee, except a bona fide employee or agency. For breach or violation of this warranty,

the Government shall have the right to annul this contract without liability or, in its discretion, to deduct from the contract price or consideration, or otherwise recover, the full amount of the contingent fee.

(b) "Bona fide agency," as used in this clause, means an established commercial or selling agency, maintained by a contractor for the purpose of securing business, that neither exerts nor proposes to exert improper influence to solicit or obtain Government contracts nor holds itself out as being able to obtain any Government contract or contracts through improper influence.

"Bona fide employee," as used in this clause, means a person, employed by a contractor and subject to the contractor's supervision and control as to time, place, and manner of performance, who neither exerts nor proposes to exert improper influence to solicit or obtain Government contracts nor holds itself out as being able to obtain any Government contract or contracts through improper influence.

"Contingent Fee," as used in this clause, means any commission, percentage, brokerage, or other fee that is contingent upon the success that a person or concern has in securing a Government contract.

"Improper influence," as used in this clause, means any influence that induces or tends to induce a Government employee or officer to give consideration or to act regarding a Government contract on any basis other than the merits of the matter.
(End of Clause)

Disputes (FAR 52.233-1), Alternate I

(a) This contract is subject to the Contract Disputes Act of 1978, as amended (41 U.S.C. 601-613).

(b) Except as provided in the Act, all disputes arising under or relating to this contract shall be resolved under this clause.

(c) "Claim," as used in this clause, means a written demand or written assertion by one of the contracting parties seeking, as a matter of right, the payment of money in a sum certain, the adjustment or interpretation of contract terms, or other relief arising under or relating to this contract. However, a written demand or written assertion by the Contractor seeking the payment of money exceeding \$100,000 is not a claim under the Act until certified. A voucher, invoice, or other routine request for payment that is not in dispute when submitted is not a claim under the Act. The submission may be converted to a claim under the Act, by complying with the submission and certification requirements of this clause, if it is disputed either as to liability or amount or is not acted upon in a reasonable time.

(d) (1) A claim by the Contractor shall be made in writing and, unless otherwise stated in this contract, submitted within 6 years after accrual of the claim to the Contracting Officer for a written decision. A claim by the Government against the Contractor shall be subject to a written decision by the Contracting Officer.

(2)

(i) The contractor shall provide the certification specified in paragraph (d)(2)(iii) of this clause when submitting any claim exceeding \$100,000.

(ii) The certification requirement does not apply to issues in controversy that have not been submitted as all or part of a claim.

(iii) The certification shall state as follows: "I certify that the claim is made in good faith; that the supporting data are accurate and complete to the best of my knowledge and belief; that the amount requested accurately reflects the contract adjustment for which the Contractor believes the Government is liable; and that I am duly authorized to certify the claim on behalf of the Contractor."

(3) The certification may be executed by any person duly authorized to bind the Contractor with respect to the claim.

(e) For Contractor claims of \$100,000 or less, the Contracting Officer must, if requested in writing by the Contractor, render a decision within 60 days of the request. For Contractor-certified claims over \$100,000, the Contracting Officer must, within 60 days, decide the claim or notify the Contractor of the date by which the decision will be made.

(f) The Contracting Officer's decision shall be final unless the Contractor appeals or files a suit as provided in the Act.

(g) If the claim by the Contractor is submitted to the Contracting Officer or a claim by the Government is presented to the Contractor, the parties, by mutual consent, may agree to use alternative dispute resolution (ADR). If the Contractor refuses an offer for ADR, the Contractor shall inform the Contracting Officer, in writing, of the Contractor's specific reasons for rejecting the offer.

(h) The Government shall pay interest on the amount found due and unpaid from

(1) the date that the Contracting Officer receives the claim (certified, if required); or

(2) the date that payment otherwise would be due, if that date is later, until the date of payment.

With regard to claims having defective certifications, as defined in FAR 33.201, interest shall be paid from the date that the Contracting Officer initially receives the claim. Simple interest on claims shall be paid at the rate, fixed by the Secretary of the Treasury as provided in the Act, which is applicable to the period during which the Contracting Officer receives the claim and then at the rate applicable for each 6-month period as fixed by the Treasury Secretary during the pendency of the claim.

(i) The Contractor shall proceed diligently with performance of this contract, pending final resolution of any request for relief, claim, appeal, or action arising under or relating to the contract, and comply with any decision of the Contracting Officer.
(End of Clause)

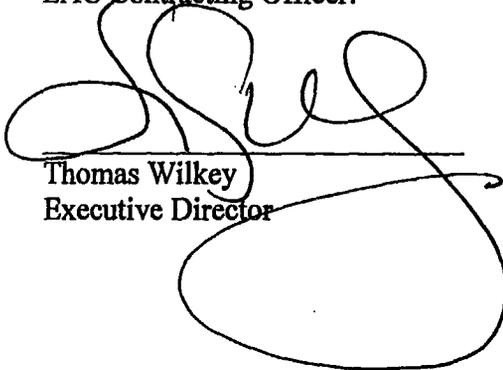
By signing below, contractor agrees to furnish the personal services set forth or otherwise identified, above, consistent with the conditions noted above and for the consideration stated herein.

Contractor:



Job Serebrov

EAC Contracting Officer:



Thomas Wilkey
Executive Director

F-106

ORDER FOR SUPPLIES AND SERVICES

IMPORTANT: See instructions in GSAR 553.370-300-1 for distribution

PAGE 1 OF 1 PAGES

3. CONTRACT NUMBER: EAC 06-04

4. E4019904

1. DATE OF ORDER: 02/24/06

2. ORDER NUMBER:

5. ACCOUNTING CLASSIFICATION			
FUND 8036	ORG CODE TZM91100	B/A CODE 10	O/C CODE 25
FUNC CODE 000	C/E CODE 516	PROJ./PROS. NO.	CC-A
W/ITEM	CC-B	PRT./CRFT	

6. FINANCE DIVISION		
AC	SS	VENDOR NAME
MDL	FI	G/L DEBT
AI	LC	DISCOUNT

TO: CONTRACTOR (Name, address and zip code)

Tova Wang

Contact: Tova Wang

8. TYPE OF ORDER REFERENCE YOUR

A. PURCHASE

B. DELIVERY

9. AUTHORITY FOR ISSUING

11. EMPLOYER'S IDENTIFICATION NUMBER: 19-70-1137

9B. CHECK, IF APPROPRIATE: WITHHOLD 20%

10A. CLASSIFICATION

A. SMALL BUSINESS

B. OTHER THAN SMALL BUSINESS

C. SMALL DISADVANTAGED

D. SMALL WOMEN-OWNED

11. ISSUING OFFICE (Address, zip code, and telephone no.)

Election Assistance Commission
25 New York Ave, NW Suite - 1100
Washington, DC 20005

12. REMITTANCE ADDRESS (MANDATORY)

Tova Wang
201 West 74th Street, Apt. 11F
New York, NY 10023

10B. TYPE OF BUSINESS ORGANIZATION

A. CORPORATION

B. PARTNER-SHIP

C. SOLE

13. SHIP TO (Consignee address, zip code and telephone no.)

Same as block 11

14. PLACE OF INSPECTION AND ACCEPTANCE

S. EAC, 1225 NY Ave., NW, Suite 1100, Wash., DC 20005

15. REQUISITION OFFICE (Name, symbol and telephone no.)

U.S. Election Assistance Commission

16. F.O.B. POINT OF ORIGIN

17. GOVERNMENT B/L NO.

18. DELIVERY F.O.B. POINT ON OR BEFORE 2/26/06

19. PAYMENT/DISCOUNT TERMS

Net 30

20. SCHEDULE					
ITEM NO. (A)	SUPPLIES OR SERVICES (B)	QUANTITY ORDERED (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	Under the authority of Public Law 107-252, dated October 29, 2002, establishing the U.S. Election Assistance Commission (EAC). Request to provide consulting services to the EAC to assist in the development of a Voting Fraud and Voter Intimidation Project. See the attached statement work for a description of the specifics.				
	Labor: \$24,975.00 Travel: \$3,448.34 TOTAL COST OF CONTRACT: \$28,423.34				

11. RECEIVING OFFICE (Name, symbol and telephone no.)

Election Assistance Commission (202) 566-3100

TOTAL FROM 300-A(s) \$28,423.34

GRAND TOTAL 28,423.34

11. SHIPPING POINT

MAIL INVOICE TO: (Include zip code)

Services Administration (FUND)

Election Assistance Commission

5 New York Avenue, NW, Suite 1100

Washington, DC 20005

23. GROSS SHIP WT.

25A. FOR INQUIRIES REGARDING PAYMENT CONTACT:
Diana M. Scott

25B. TELEPHONE NO. (202) 566-3100

26A. NAME OF CONTRACTING/ORDERING OFFICER (Type)
Thomas R. Wilkey, Executive Director

26B. TELEPHONE NO. (202) 566-3100

26C. SIGNATURE

PURCHASE ORDER TERMS AND CONDITIONS

552.229-70 FEDERAL, STATE, AND LOCAL TAXES (APR 1984)

The contract price includes all applicable Federal, State, and local taxes. No adjustment will be made to cover taxes which may subsequently be imposed on this transaction or changes in the rates of currently applicable taxes. However, the Government will, upon the request of the Contractor, furnish evidence appropriate to establish exemption from any tax from which the Government is exempt and which was not included in the contract price.

552.210-79 PACKING LIST (DEC 1989)

(a) A packing list or other suitable shipping document shall accompany each shipment and shall indicate (1) Name and address of consignor; (2) Name and address of consignee; (3) Government order or requisition number; (4) Government bill of lading number covering the shipment (if any); and (5) Description of the material shipped, including item number, quantity, number of containers, and package number (if any).

(b) When payment will be made by Government commercial credit card, in addition to the information in (a) above, the packing list or shipping document shall include: (1) Cardholder name and telephone number and (2) the term "Credit Card".

52.232-1 PAYMENTS (APR 1984)

The Government shall pay the Contractor, upon the submission of proper invoices or vouchers, the prices stipulated in this contract for supplies delivered and accepted or services rendered and accepted, less any deductions provided in this contract. Unless otherwise specified in this contract, payment shall be made on partial deliveries accepted by the Government if: (a) The amount due on the deliveries warrants it; or (b) The Contractor requests it and the amount due on the deliveries is at least \$1,000 or 50 percent of the total contract price.

2.232-8 DISCOUNTS FOR PROMPT PAYMENT (APR 1989)

a) Discounts for prompt payment will not be considered in the valuation of offers. However, any offered discount will form a part of the award, and will be taken if payment is made within the discount period indicated in the offer by the offeror. As an alternative to offering a prompt payment discount in conjunction with the offer, offerors awarded contracts may include prompt payment discounts on individual invoices.

b) In connection with any discount offered for prompt payment, time shall be computed from the date of the invoice. For the purpose of computing the discount earned, payment shall be considered to have been made on the date which appears on the payment check or the date on which an electronic funds transfer was made.

PROMPT PAYMENT

Prompt Payment clause 52.232-25 is incorporated in this contract by reference. The clause contains information on payment due date, invoice requirements, constructive acceptance and interest penalties. Certain portions of the clause regarding payment due date, invoice requirements, and constructive acceptance have been extracted for your convenience. All days referred to in the extracts below are calendar days.

(2) . . . The due date for making invoice payments by the designated payment office shall be the later of the following two events:

(i) The 30th day after the designated billing office has received a copy invoice from the Contractor.
(ii) The 30th day after Government acceptance of supplies delivered services performed by the Contractor . . .

(4) . . . An invoice shall be prepared and submitted to the designated billing office specified in the contract. A proper invoice must include items listed in . . . (i) through . . . (viii) . . . If the invoice does not comply with these requirements, then the Contractor will be notified of defect within 7 days after receipt of the invoice at the designated billing office . . . Untimely notification will be taken into account in the computation of any interest penalty owed the Contractor . . .

i) Name and address of the Contractor.

ii) Invoice date.

iii) Contract number or other authorization for supplies delivered or services performed (including order number and contract line item number).

v) Description of quantity, unit of measure, unit price, and extended price of supplies delivered or services performed.

v) Shipping and payment terms (e.g., shipment number and date of payment, prompt payment discount terms), Bill of lading number and weight of shipment will be shown for shipments on Government bills of lading.

vi) Name and address of Contractor official to whom payment is to be sent (must be the same as that in the contract or in a proper notice assignment).

vii) Name (where practicable), title, phone number, and mailing address of person to be notified in event of a defective invoice.

NOTE: Invoices must include the ACT number (block 4) and shall be submitted in an original only, unless otherwise specified, to the billing office designated in block 24 to receive invoices. The "remittance to" address must correspond to the remittance address in block 12.

(a)(6)(ii) For the sole purpose of computing an interest penalty that might be due the Contractor, Government acceptance shall be deemed to have occurred constructively on the 7th day (unless otherwise specified in block 20) after the Contractor delivered the supplies or performed the services in accordance with the terms and conditions of the contract, unless there is a disagreement over quantity, quality or contractor compliance with a contract provision . . .

52.222-40 SERVICE CONTRACT ACT OF 1965, AS AMENDED - - CONTRACTS OF \$2,500 OR LESS (MAY 1989)

Except to the extent that an exception, variation, or tolerance would apply if this contract were in excess of \$2,500, the Contractor and any subcontractor shall pay all employees working on the contract not less than the minimum wage specified under Section 6 a) (1) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201-208). Regulations and interpretations of the Service Contract Act of 1965 are contained in 29 CFR Part 4.

52.222-41 SERVICE CONTRACT ACT OF 1965, AS AMENDED (MAY 1989)

52.222-42 STATEMENT OF EQUIVALENT RATES FOR FEDERAL HIRES (MAY 1989)
(52.222-41 and 52.222-42 apply to service contracts when the amount exceeds \$2,500).

The GSA Form 2166, Service Contract Act of 1965 and Statement of Equivalent Rates for Federal Hires is attached hereto and made a part hereof.

52.252-2 CLAUSES INCORPORATED BY REFERENCE (JUN 1988)

This contract incorporates the following clauses by reference with the same force and effect as if they were given in full text. Upon request the Contracting Officer will make their full text available:

FEDERAL ACQUISITION REGULATION (48 CFR CHAPTER 1) CLAUSES

Applicable to purchase orders for supplies or services:

- 52.203-1 Officials Not to Benefit (APR 84)
- 52.203-3 Gratuities (APR 84)
- 52.203-5 Covenant Against Contingent Fees (APR 84)
- 52.203-8 Restriction on Subcontractor Sales to the Government (JUL 85)
- 52.203-7 Anti-Kickback Procedures (OCT 88)
- 52.212-9 Variation in Quantity (APR 84)
(In the preceding clause, the permissible variations are stated in the schedule.)
- 52.222-3 Convict Labor (APR 84)
- 52.222-26 Equal Opportunity (APR 84)(Applies when amount exceeds \$10,000.)
- 52.222-35 Affirmative Action for Special Disabled and Vietnam Era Veterans (APR 84)(Applies when amount exceeds \$10,000.)
- 52.222-36 Affirmative Action for Handicapped Workers (APR 84)(Applies when amount exceeds \$2,500.)
- 52.222-37 Employment Reports on Special Disabled Veterans and Veterans of the Vietnam Era (JAN 88)(Applies whenever clause 52.222-35 is included.)
- 52.223-8 Drug Free Workplace (JUL 90)(Applies if contract is awarded to an individual.)
- 52.225-3 Buy American Act - Supplies (JAN 89)
- 52.225-11 Restrictions on Certain Foreign Purchases (MAY 92)
- 52.232-25 Prompt Payment (SEP 92)
- 52.233-1 Disputes (DEC 91)
- 52.233-3 Protest After Award (AUG 89)
- 52.246-1 Contractor Inspection Requirements (APR 84)
- 52.249-8 Default (Fixed-Price Supply and Service)(APR 84)

Applicable to purchase orders for supplies:

- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR 86)(Applies when amount is between \$2,500 and \$10,000.)
- 52.222-20 Walsh-Healey Public Contracts Act (APR 84)(Applies when amount exceeds \$10,000.)
- 52.243-1 Changes - Fixed Price (AUG 87)
- 52.249-1 Termination for Convenience of the Government (Fixed Price)(Short Form)(APR 84)

Applicable to purchase orders for services:

- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR 86)(Applies when amount exceeds \$2,500.)
- 52.243-1 Changes - Fixed Price (APR 84) - Alt. II
- 52.249-4 Termination for Convenience of the Government (Services)(Short Form)(APR 84)

013300

ORDER FOR SUPPLIES AND SERVICES

NOTE: MARK ALL PACKAGES WITH ORDER NUMBER/CONTRACT NUMBER

PAGE 1 OF 1 PAGES

DATE OF ORDER

2. ORDER NUMBER

3. CONTRACT NUMBER

4. ACT NUMBER

2/24/06

EAC 06-04

E4019904

IMPORTANT:

- * This form is not to be used as an invoice. See reverse for invoice requirements and payment information.
- * The invoice remit to address must be the same as Block 12. Notify the contracting/ordering officer if the information in Block 12 is incorrect.
- * Failure to show the ACT number (Block 4) on invoice will delay payment and render the invoice improper.
- * Failure to mail invoice to address in Block 24 will delay payment.
- * Failure of service contractors to provide information in Block 9A will result in 20% of payment being withheld (26 U.S.C. 3406(a)).

TO: CONTRACTOR (Name, address and zip code)

Tova Wang

Contact: Tova Wang

8. TYPE OF ORDER

REFERENCE YOUR

A. PURCHASE

Please furnish the following on the terms specified on both sides of the order and the attached sheets, if any, including

B. DELIVERY

This delivery order is subject to instructions contained on this side only of this form and is issued subject to the terms and conditions of the above numbered contract

C. MODIFICATION NO.

AUTHORITY FOR ISSUING

9. EMPLOYER'S IDENTIFICATION NUMBER

19-70-1137

9B. CHECK, IF APPROP

WITHHOLD 20%

Except as provided herein, all terms and conditions of the original order, as heretofore modified, remain unchanged.

10. CLASSIFICATION

A. SMALL BUSINESS

B. OTHER THAN SMALL BUSINESS

C. SMALL DISADVANTAGED

D. SMALL WOMEN-OWNED

10B. TYPE OF BUSINESS ORGANIZATION

A. CORPORATION

B. PARTNER-SHIP

C. SOLE

11. ISSUING OFFICE (Address, zip code and telephone no.)

Election Assistance Commission
25 New York Ave, NW Suite - 1100
Washington, DC 20005

12. REMITTANCE ADDRESS (MANDATORY)

Tova Wang
201 West 74th Street, Apt. 11F
New York, NY 10023

13. SHIP TO (Consignee address, zip code and telephone no.)

Same as block 11

14. PLACE OF INSPECTION AND ACCEPTANCE

S. EAC, 1225 NY Ave., NW, Suite 1100, Wash., DC 20005

15. REQUISITION OFFICE (Name, symbol and telephone no.)

U.S. Election Assistance Commission

16. F.O.B. POINT

Destination

17. GOVERNMENT B/L NO.

18. DELIVERY F.O.B. POINT ON OR BEFORE

2/26/06

19. PAYMENT/DISCOUNT TERMS

Net 30

20. SCHEDULE

ITEM NO. (A)	SUPPLIES OR SERVICES (B)	QUANTITY ORDERED (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	Under the authority of Public Law 107-252, dated October 29, 2002, establishing the U.S. Election Assistance Commission (EAC). Request to provide consulting services to the EAC to assist in the development of a Voting Fraud and Voter Intimidation Project. See the attached statement work for a description of the specifics. Labor: \$24,975.00 Travel: \$3,448.34 TOTAL COST OF CONTRACT: \$28,423.34				

RECEIVING OFFICE (Name, symbol and telephone no.)

Election Assistance Commission (202) 566-3100

TOTAL FROM 300-A(s)

\$28,423.34

SHIPPING POINT

23. GROSS SHIP WT.

GRAND TOTAL

28,423.34

MAIL INVOICE TO: (Include zip code)

Federal Services Administration (FUND)
Election Assistance Commission

25 New York Avenue, NW, Suite 1100
Washington, DC 20005

25A. FOR INQUIRIES REGARDING PAYMENT CONTACT:

Diana M. Scott

25B. TELEPHONE NO.

(202) 566-3100

26A. NAME OF CONTRACTING/ORDERING OFFICER (Type)

Thomas R. Wilkey, Executive Director

26B. TELEPHONE NO.

(202) 566-3100

26C. SIGNATURE

013301

PURCHASE ORDER TERMS AND CONDITIONS

552.229-70 FEDERAL, STATE, AND LOCAL TAXES (APR 1984)

The contract price includes all applicable Federal, State, and local taxes. No adjustment will be made to cover taxes which may subsequently be imposed on this transaction or changes in the rates of currently applicable taxes. However, the Government will, upon the request of the Contractor, furnish evidence appropriate to establish exemption from any tax from which the Government is exempt and which was not included in the contract price.

552.210-79 PACKING LIST (DEC 1989)

(a) A packing list or other suitable shipping document shall accompany each shipment and shall indicate (1) Name and address of consignor; (2) Name and address of consignee; (3) Government order or requisition number; (4) Government bill of lading number covering the shipment (if any); and (5) Description of the material shipped, including item number, quantity, number of containers, and package number (if any).

(b) When payment will be made by Government commercial credit card, in addition to the information in (a) above, the packing list or shipping document shall include: (1) Cardholder name and telephone number and (2) the term "Credit Card".

52.232-1 PAYMENTS (APR 1984)

The Government shall pay the Contractor, upon the submission of proper invoices or vouchers, the prices stipulated in this contract for supplies delivered and accepted or services rendered and accepted, less any deductions provided in this contract. Unless otherwise specified in this contract, payment shall be made on partial deliveries accepted by the Government if: (a) The amount due on the deliveries warrants it; or (b) The Contractor requests it and the amount due on the deliveries is at least \$1,000 or 50 percent of the total contract price.

52.232-8 DISCOUNTS FOR PROMPT PAYMENT (APR 1989)

(a) Discounts for prompt payment will not be considered in the valuation of offers. However, any offered discount will form a part of the award, and will be taken if payment is made within the discount period indicated in the offer by the offeror. As an alternative to offering a prompt payment discount in conjunction with the offer, offerors awarded contracts may include prompt payment discounts on individual invoices.

(b) In connection with any discount offered for prompt payment, time shall be computed from the date of the invoice. For the purpose of computing the discount earned, payment shall be considered to have been made on the date which appears on the payment check or the date on which an electronic funds transfer was made.

PROMPT PAYMENT

Prompt Payment clause 52.232-25 is incorporated in this contract by reference. The clause contains information on payment due date, invoice requirements, constructive acceptance and interest penalties. Certain portions of the clause regarding payment due date, invoice requirements, and constructive acceptance have been extracted for your convenience. All days referred to in the extracts below are calendar days.

(1) . . . The due date for making invoice payments by the designated payment office shall be the later of the following two events:

- (i) The 30th day after the designated billing office has received a proper invoice from the Contractor.
- (ii) The 30th day after Government acceptance of supplies delivered or services performed by the Contractor . . .

(4) . . . An invoice shall be prepared and submitted to the designated billing office specified in the contract. A proper invoice must include the items listed in . . . (i) through . . . (viii) . . . If the invoice does not comply with these requirements, then the Contractor will be notified of the defect within 7 days after receipt of the invoice at the designated billing office . . . Untimely notification will be taken into account in the computation of any interest penalty owed the Contractor . . .

- (i) Name and address of the Contractor.
- (ii) Invoice date.
- (iii) Contract number or other authorization for supplies delivered or services performed (including order number and contract line item number).
- (iv) Description, quantity, unit of measure, unit price, and extended price of supplies delivered or services performed.
- (v) Shipping and payment terms (e.g., shipment number and date of shipment, prompt payment discount terms), Bill of lading number and date of shipment will be shown for shipments on Government bills of lading.
- (vi) Name and address of Contractor official to whom payment is to be sent (must be the same as that in the contract or in a proper notice assignment).
- (vii) Name (where practicable), title, phone number, and mailing address of person to be notified in event of a defective invoice.

NOTE: Invoices must include the ACT number (block 4) and shall be submitted in an original only, unless otherwise specified, to the billing office designated in block 24 to receive invoices. The "remittance to" address must correspond to the remittance address in block 12.

(a)(6)(i) For the sole purpose of computing an interest penalty that might be due the Contractor, Government acceptance shall be deemed to have occurred constructively on the 7th day (unless otherwise specified in block 20) after the Contractor delivered the supplies or performed the services in accordance with the terms and conditions of the contract, unless there is a disagreement over quantity, quality or contractor compliance with a contract provision . . .

52.222-40 SERVICE CONTRACT ACT OF 1965, AS AMENDED - - CONTRACTS OF \$2,500 OR LESS (MAY 1989)

Except to the extent that an exception, variation, or tolerance would apply if this contract were in excess of \$2,500, the Contractor and any subcontractor shall pay all employees working on the contract not less than the minimum wage specified under Section 8 a) (1) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201-206). Regulations and interpretations of the Service Contract Act of 1965 are contained in 29 CFR Part 4.

52.222-41 SERVICE CONTRACT ACT OF 1965, AS AMENDED (MAY 1989)

52.222-42 STATEMENT OF EQUIVALENT RATES FOR FEDERAL HIRES (MAY 1989)

(52.222-41 and 52.222-42 apply to service contracts when the amount exceeds \$2,500).

The GSA Form 2166, Service Contract Act of 1965 and Statement of Equivalent Rates for Federal Hires is attached hereto and made a part hereof.

52.252-2 CLAUSES INCORPORATED BY REFERENCE (JUN 1988)

This contract incorporates the following clauses by reference with the same force and effect as if they were given in full text. Upon request the Contracting Officer will make their full text available:

FEDERAL ACQUISITION REGULATION (48 CFR CHAPTER 1) CLAUSES

Applicable to purchase orders for supplies or services:

- 52.203-1 Officials Not to Benefit (APR 84)
- 52.203-3 Gratuities (APR 84)
- 52.203-6 Covenant Against Contingent Fees (APR 84)
- 52.203-8 Restriction on Subcontractor Sales to the Government (JUL 85)
- 52.203-7 Anti-Kickback Procedures (OCT 88)
- 52.212-9 Variation in Quantity (APR 84)
(in the preceding clause, the permissible variations are stated in the schedule.)
- 52.222-3 Convict Labor (APR 84)
- 52.222-26 Equal Opportunity (APR 84)(Applies when amount exceeds \$10,000.)
- 52.222-35 Affirmative Action for Special Disabled and Vietnam Era Veterans (APR 84)(Applies when amount exceeds \$10,000.)
- 52.222-36 Affirmative Action for Handicapped Workers (APR 84)(Applies when amount exceeds \$2,500.)
- 52.222-37 Employment Reports on Special Disabled Veterans and Veterans of the Vietnam Era (JAN 88)(Applies whenever clause 52.222-35 is included.)
- 52.223-8 Drug Free Workplace (JUL 90)(Applies if contract is awarded to an individual.)
- 52.226-3 Buy American Act - Supplies (JAN 89)
- 52.226-11 Restrictions on Certain Foreign Purchases (MAY 92)
- 52.232-25 Prompt Payment (SEP 92)
- 52.233-1 Disputes (DEC 91)
- 52.233-3 Protest After Award (AUG 89)
- 52.246-1 Contractor Inspection Requirements (APR 84)
- 52.249-8 Default (Fixed-Price Supply and Service)(APR 84)

Applicable to purchase orders for supplies:

- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR 88)(Applies when amount is between \$2,500 and \$10,000.)
- 52.222-20 Walsh-Healey Public Contracts Act (APR 84)(Applies when amount exceeds \$10,000.)
- 52.243-1 Changes - Fixed Price (AUG 87)
- 52.249-1 Termination for Convenience of the Government (Fixed Price)(Short Form)(APR 84)

Applicable to purchase orders for services:

- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR 88)(Applies when amount exceeds \$2,500.)
- 52.243-1 Changes - Fixed Price (APR 84) - Alt. II
- 52.249-4 Termination for Convenience of the Government (Services)(Short Form)(APR 84)

013302

ACT NUMBER E4019904; EAC CONTRACT NUMBER 06-04
Personal Services Contract for Interim Expert Services

Background

Section 241 of HAVA lists a number of election administration topics on which the U.S. Election Assistance Commission may elect to do research. In particular, Section 241(b) (6) and (7) state the two topics of nationwide statistics and methods of identifying, deterring and investigating voting fraud in elections for Federal offices; and identifying, deterring and investigating methods of voter intimidation. The EAC Board of Advisors has recommended that the EAC make research on these topics a high priority.

The EAC seeks to obtain consulting services from an individual who can provide advice drawn from broad professional and technical experience in the area of voter fraud and intimidation. The EAC needs this expert to conduct a preliminary examination of these topics to determine if a larger research project might be warranted. To promote a balanced and non-partisan approach to this effort, EAC is contracting with two experts, who will work jointly to perform the work described below. This contract is a follow-on agreement to EAC Contract Number 05-66. That agreement for non-severable services expires February 15, 2006, without completion of the project. The originally estimated labor hours for this project were insufficient. As such, the EAC seeks to continue the work started in this previous contract but has changed the scope (or duties) of the contractor to limit project costs. This change is reflected in the scope of work section, below.

Nature of the Appointment

The EAC enters into this contract pursuant to its authority to contract for consultants and experts under 5 U.S.C. §3109 (See 42 U.S.C. §15324(b)). As such, this contract is for personal services and creates a limited employment relationship. (See 5 C.F.R. §304). The initial appointment under this agreement shall be for the intermittent employment of an expert as defined by 5 C.F.R. §304.102(d) and (e). The expert (hereinafter "contractor") shall work as required by the EAC, without a regularly scheduled tour of duty. Under no circumstances may contractor work more than 225 hours during the term of this agreement (5 C.F.R. §304.103(c)(2)(i)).

Supervision and Management.

The EAC Manager and Contracting Officer's Representative (COR) for this effort is Peggy Sims. Ms Sims will provide taskings, and authorize, supervise, review and approve all work and performance. She will also approve all labor hours on invoices and travel vouchers submitted for compensation under this agreement.

013303

Period of Appointment.

The appointment under this contract is temporary and shall be for a period of up to four months. The contract period shall begin February 26, 2006. The contract may be extended and contractor reappointed for an additional period (not exceed one year) upon agreement of both parties. (See 5 C.F.R. §304.103(c)).

Compensation

The consultant shall be paid at a rate of \$111 per hour. Contractor shall perform the services prescribed by this agreement as directed by the COR on an intermittent basis. However, in any event, the contractor shall not work more than [41 hours] in either of the 2 two week periods that make up each four week pay period. Further, as aforementioned, the contractor may not work more than 225 hours during the term of this agreement. The dates of performance are flexible but shall be based upon the needs of the project and the EAC. COR shall provide contractor notice and authorization when performance under this agreement is required.

The consultant shall not incur overtime and is not eligible for premium pay under subchapter V of chapter 55 of title 5, United States Code. (5 C.F.R. §304.106(b)). The contractor, as an intermittent appointee, is also not entitled to sick or annual leave. Contractor will not receive compensation for Federal holidays when no work is performed. (5 C.F.R. §304.106(b)). The contractor shall not receive automatic adjustments of pay based upon 5 U.S.C. §5303. Contractor's pay rate may be increased at the sole discretion of the Contracting Officer, consistent with Federal regulations. Contractor may be reimbursed for other costs, such as local travel, consistent with this agreement if approved by the COR and submitted in writing via invoice.

Travel

The contractor may be required to travel on a periodic, as needed basis, throughout the duration of their appointment. All travel must be pre-approved by the EAC COR. The contractor will be reimbursed for hotel and ground transportation costs, proper incidental expenses, and per diem while on official, pre-approved EAC travel. Compensation for travel shall be made in accordance with the rates set forth in the Federal Travel Regulation. The amount reimbursed for travel shall not exceed \$6,500 in Federal Fiscal Year 2006.

Release of Information

As a result of the limited employment relationship created by this agreement, and pursuant to this agreement, you are required to follow all Federal laws and regulations as they relate to the release of agency documents and information. All research, information, documents and any other intellectual property (including but not limited to policies, procedures, manuals, and other work created at the request or otherwise while laboring for the EAC) shall be owned exclusively by the EAC, including copyright. All

such work product shall be turned over to the EAC upon completion of your appointment term or as directed by the EAC. The EAC shall have exclusive rights over this material. You may not release government information or documents without the express written permission of the EAC.

Compensation Procedures

Compensation shall be made for work done (labor hours) by submitting invoices. Invoices shall be submitted every four weeks from the date of award. A week shall be from Sunday to Saturday. The first pay period shall begin February 26, 2006. Invoices must be submitted every 4 weeks when compensable work under this contract has been performed. The COR will provide the contractor with an invoice schedule, identifying each of the invoice periods, and model invoice forms. Invoices shall be delivered to the COR for review and approval. Each invoice shall:

- (1) Identify each day (by date) that work was performed and the number of labor hours performed that day. Briefly describe the nature of the work performed for that day;
- (2) State the total number of labor hours that have been expended under the agreement for the invoice period;
- (3) State the total number of hours worked for each of the two week periods that make up the total invoice time;
- (4) Provide a cumulative total of hours worked during the entire contract performance period (one year);
- (5) Submit, as a separate line item, all reimbursable travel costs for approval. The submission must provide dates of travel, receipts and other information as required by the Federal Travel Regulation.
- (6) Include the contractor's signature, affirming that information contained in the invoice is accurate.

Duty Location

Contractor's duty station shall be his/her home or place of business. The contractor has access to and shall supply common office equipment to include telecommunications, internet access, a computer, office supplies, facsimile machine and common workplace software (including Microsoft Word, Project and Excel). All other resources will be provided by the EAC as needed and at its discretion.

Notices

Any notice, given by any of the parties hereunder, shall be sufficient only if in writing and delivered in person or sent by telegraph, telegram, registered, or regular mail as follows:

To EAC: 1225 New York Avenue, Suite 1100, Washington, DC 20005,
Attention: Contracting Officer Representative, Peggy Sims.

To Contractor: At EAC and at the Contractor's address shown on the Cover Page of this contract or to such other address as either of such parties shall designate by notice given as herein required. Notices hereunder shall be effective in accordance with this clause or on the effective date of the notice whichever is later.

Areas of Responsibility (Statement of Work)

1. Submit a revised work plan reflecting revised due dates for deliverables.
2. Develop a comprehensive description of what constitutes voting fraud and voter intimidation in the context of Federal elections.
3. Using the description developed for 2 above, perform background research, including both Federal and State administrative and case law review, and a summation of current activities of key government agencies, civic and advocacy organizations regarding these topics. Deliver a written summary of this research and all source documentation.
4. Work in consultation with other EAC staff and the Commissioners to identify a working group of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation. The Working Group will be provided with the results of the consultant's research (discussed in 2 and 3, above) as background information. The consultant will be responsible for developing a discussion agenda and convene the Working Group with the objective of identifying promising avenues for future research by EAC.
5. The consultant shall be responsible for creating a report summarizing the findings of this preliminary research effort and Working Group deliberations. This report should include any recommendations for future EAC research resulting from this effort.

Terms and Conditions

The following additional terms and conditions shall apply to this personal services contract:

a. Federal Acquisition Regulation Clauses Incorporated by Reference:

This contract incorporates the following clauses by reference with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. These clauses may be obtained on the internet at <http://farsite.hill.af.mil/>.

52.203-7 Anti-Kickback Procedures (JUL 1995)

52.203-12 Limitation on Payments to Influence Certain Federal Transactions (Sept 2005)

- 52.215-2 Audit and Records -- Negotiation (Jun 1999)
 52.224-1 Privacy Act Notification (APR 1984)
 52.224-2 Privacy Act (APR 1984)
 52.232-17 Interest (JUN 1996)
 52.246-25 Limitation of Liability-Services (FEB 1997)
 52.252-4 Alterations in Contract (APR 1984)

b. Federal Acquisition Regulation Clauses in Full Text:

Contract Termination (FAR 52.249-12)

The Government may terminate this contract at any time upon at least 15 days' written notice by the Contracting Officer to the Contractor. The Contractor, with the written consent of the Contracting Officer, may terminate this contract upon at least 15 days' written notice to the Contracting Officer. (End of Clause)

Site Visit (FAR 52.237-1)

Offerors or quarters are urged and expected to inspect the site where services are to be performed and to satisfy themselves regarding all general and local conditions that may affect the cost of contract performance, to the extent that the information is reasonably obtainable. In no event shall failure to inspect the site constitute grounds for a claim after contract award. (End of Clause)

Protection of Government Buildings, Equipment, and Vegetation (FAR 52.237-2)

The Contractor shall use reasonable care to avoid damaging existing buildings, equipment, and vegetation on the Government installation. If the Contractor's failure to use reasonable care causes damage to any of this property, the Contractor shall replace or repair the damage at no expense to the Government as the Contracting Officer directs. If the Contractor fails or refuses to make such repair or replacement, the Contractor shall be liable for the cost which may be deducted from the contract price. (End of Clause)

Covenant Against Contingent Fees (FAR 52.203-5)

(a) The Contractor warrants that no person or agency has been employed or retained to solicit or obtain this contract upon an agreement or understanding for a contingent fee, except a bona fide employee or agency. For breach or violation of this warranty,

the Government shall have the right to annul this contract without liability or, in its discretion, to deduct from the contract price or consideration, or otherwise recover, the full amount of the contingent fee.

(b) "Bona fide agency," as used in this clause, means an established commercial or selling agency, maintained by a contractor for the purpose of securing business, that neither exerts nor proposes to exert improper influence to solicit or obtain Government contracts nor holds itself out as being able to obtain any Government contract or contracts through improper influence.

"Bona fide employee," as used in this clause, means a person, employed by a contractor and subject to the contractor's supervision and control as to time, place, and manner of performance, who neither exerts nor proposes to exert improper influence to solicit or obtain Government contracts nor holds itself out as being able to obtain any Government contract or contracts through improper influence.

"Contingent Fee," as used in this clause, means any commission, percentage, brokerage, or other fee that is contingent upon the success that a person or concern has in securing a Government contract.

"Improper influence," as used in this clause, means any influence that induces or tends to induce a Government employee or officer to give consideration or to act regarding a Government contract on any basis other than the merits of the matter.
(End of Clause)

Disputes (FAR 52.233-1), Alternate I

(a) This contract is subject to the Contract Disputes Act of 1978, as amended (41 U.S.C. 601-613).

(b) Except as provided in the Act, all disputes arising under or relating to this contract shall be resolved under this clause.

(c) "Claim," as used in this clause, means a written demand or written assertion by one of the contracting parties seeking, as a matter of right, the payment of money in a sum certain, the adjustment or interpretation of contract terms, or other relief arising under or relating to this contract. However, a written demand or written assertion by the Contractor seeking the payment of money exceeding \$100,000 is not a claim under the Act until certified. A voucher, invoice, or other routine request for payment that is not in dispute when submitted is not a claim under the Act. The submission may be converted to a claim under the Act, by complying with the submission and certification requirements of this clause, if it is disputed either as to liability or amount or is not acted upon in a reasonable time.

(d) (1) A claim by the Contractor shall be made in writing and, unless otherwise stated in this contract, submitted within 6 years after accrual of the claim to the Contracting Officer for a written decision. A claim by the Government against the Contractor shall be subject to a written decision by the Contracting Officer.

(2)

(i) The contractor shall provide the certification specified in paragraph (d)(2)(iii) of this clause when submitting any claim exceeding \$100,000.

(ii) The certification requirement does not apply to issues in controversy that have not been submitted as all or part of a claim.

(iii) The certification shall state as follows: "I certify that the claim is made in good faith; that the supporting data are accurate and complete to the best of my knowledge and belief; that the amount requested accurately reflects the contract adjustment for which the Contractor believes the Government is liable; and that I am duly authorized to certify the claim on behalf of the Contractor."

(3) The certification may be executed by any person duly authorized to bind the Contractor with respect to the claim.

(e) For Contractor claims of \$100,000 or less, the Contracting Officer must, if requested in writing by the Contractor, render a decision within 60 days of the request. For Contractor-certified claims over \$100,000, the Contracting Officer must, within 60 days, decide the claim or notify the Contractor of the date by which the decision will be made.

(f) The Contracting Officer's decision shall be final unless the Contractor appeals or files a suit as provided in the Act.

(g) If the claim by the Contractor is submitted to the Contracting Officer or a claim by the Government is presented to the Contractor, the parties, by mutual consent, may agree to use alternative dispute resolution (ADR). If the Contractor refuses an offer for ADR, the Contractor shall inform the Contracting Officer, in writing, of the Contractor's specific reasons for rejecting the offer.

(h) The Government shall pay interest on the amount found due and unpaid from

(1) the date that the Contracting Officer receives the claim (certified, if required); or

(2) the date that payment otherwise would be due, if that date is later, until the date of payment.

With regard to claims having defective certifications, as defined in FAR 33.201, interest shall be paid from the date that the Contracting Officer initially receives the claim. Simple interest on claims shall be paid at the rate, fixed by the Secretary of the Treasury as provided in the Act, which is applicable to the period during which the Contracting Officer receives the claim and then at the rate applicable for each 6-month period as fixed by the Treasury Secretary during the pendency of the claim.

Obligated FPO5

ORDER FOR SUPPLIES AND SERVICES

IMPORTANT: See Instructions in GSAR 553.370-300-1 for distribution

PAGE 1 OF 1 PAGES

1. DATE OF ORDER: 11/08/05
 2. ORDER NUMBER: [Redacted]
 3. CONTRACT NUMBER: EAC 05-66
 4. AC: E4019697

5. ACCOUNTING CLASSIFICATION

FUND: 8035	ORG CODE: TZM91100	B/A CODE: 10	O/C CODE: 25
FUNC CODE: 000	C/E CODE: 516	PROJ./PROS. NO.	CC-A
W/ITEM	CC-B	PRT./CRFT	

6. FINANCE DIVISION

AC	SS	VENDOR NAME
MDL	FI	G/L DEBT
AI	LC	DISCOUNT

7. TO: CONTRACTOR (Name, address and zip code)

Tova Wang
 [Redacted]
 [Redacted]

Contact: Tova Wang [Redacted]

8. TYPE OF ORDER REFERENCE YOUR

A. PURCHASE
 B. DELIVERY

Please furnish the following on the terms specified on both sides of the order and the attached sheets, if any, including delivery as indicated.

This delivery order is subject to instructions contained on this side only of this form and is issued subject to the terms and conditions of the above numbered contract

C. MODIFICATION NO. AUTHORITY FOR ISSUING

9A. EMPLOYER'S IDENTIFICATION NUMBER: 119701137

9B. CHECK, IF APPROPRIATE WITHHOLD 20%

10A. CLASSIFICATION

A. SMALL BUSINESS
 B. OTHER THAN SMALL BUSINESS
 C. SMALL DISADVANTAGED
 D. SMALL WOMEN-OWNED

11. ISSUING OFFICE (Address, zip code, and telephone no.)
 Election Assistance Commission
 225 New York Ave., N.W., Suite 1100
 Washington, DC 20005

12. REMITTANCE ADDRESS (MANDATORY)
 Tova Wang
 201 West 74th Street, Apt. 11F
 New York, NY 10023

Except as provided herein, all terms and conditions of the original order, as heretofore modified, remain unchanged.

10B. TYPE OF BUSINESS ORGANIZATION

A. CORPORATION
 B. PARTNER-SHIP
 C. SOLE

13. SHIP TO (Consignee address, zip code and telephone no.)
 Same as block 11

4. PLACE OF INSPECTION AND ACCEPTANCE: AC, 1225 New York Ave., NW, #1100, Wash. DC 20005

15. REQUISITION OFFICE (Name, symbol and telephone no.)
 Election Assistance Commission

17. GOVERNMENT B/L NO.

18. DELIVERY F.O.B. POINT ON OR BEFORE: 09/01/05

19. PAYMENT/DISCOUNT TERMS: Net 30

20. SCHEDULE

ITEM NO. (A)	SUPPLIES OR SERVICES (B)	QUANTITY ORDERED (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	Under the authority of Public Law 107-252, dated October 29, 2002, establishing the U.S. Election Assistance Commission (EAC). Request to provide consulting services to the EAC to assist in the development of a Voting Fraud and Voter Intimidation Project. See the attached statement work for a description of the specifics. LABOR COST: \$50,000.00 TRAVEL COST: \$5,000.00 TOTAL COST OF CONTRACT: \$55,000.00				

RECEIVING OFFICE (Name, symbol and telephone no.)
 Election Assistance Commission (202) 566-3100

SHIPPING POINT

23. GROSS SHIP WT.

25A. FOR INQUIRIES REGARDING PAYMENT CONTACT:
 Diana Scott

25B. TELEPHONE NO.
 202-566-3100

26A. NAME OF CONTRACTING/ORDERING OFFICER (Type)
 Gracia Hillman, Chair

26B. TELEPHONE NO.
 202-566-3100

28C. SIGNATURE

MAIL INVOICE TO: (Include zip code)
 Federal Services Administration (FUND)
 Election Assistance Commission
 225 New York Ave., NW Suite 1100
 Washington, DC 20005

TOTAL FROM 300-A(s)	\$55,000.00
GRAND TOTAL	55,000.00

PURCHASE ORDER TERMS AND CONDITIONS

552.229-70 FEDERAL, STATE, AND LOCAL TAXES (APR 1984)

The contract price includes all applicable Federal, State, and local taxes. No adjustment will be made to cover taxes which may subsequently be imposed on this transaction or changes in the rates of currently applicable taxes. However, the Government will, upon the request of the Contractor, furnish evidence appropriate to establish exemption from any tax from which the Government is exempt and which was not included in the contract price.

552.210-79 PACKING LIST (DEC 1989)

(a) A packing list or other suitable shipping document shall accompany each shipment and shall indicate (1) Name and address of consignor; (2) Name and address of consignee; (3) Government order or requisition number; (4) Government bill of lading number covering the shipment (if any); and (5) Description of the material shipped, including item number, quantity, number of containers, and package number (if any).

(b) When payment will be made by Government commercial credit card, in addition to the information in (a) above, the packing list or shipping document shall include: (1) Cardholder name and telephone number and (2) the term "Credit Card".

52.232-1 PAYMENTS (APR 1984)

The Government shall pay the Contractor, upon the submission of proper invoices or vouchers, the prices stipulated in this contract for supplies delivered and accepted or services rendered and accepted, less any deductions provided in this contract. Unless otherwise specified in this contract, payment shall be made on partial deliveries accepted by the Government if: (a) The amount due on the deliveries warrants it; or (b) The Contractor requests it and the amount due on the deliveries is at least \$1,000 or 50 percent of the total contract price.

52.232-8 DISCOUNTS FOR PROMPT PAYMENT (APR 1989)

(a) Discounts for prompt payment will not be considered in the evaluation of offers. However, any offered discount will form a part of the award, and will be taken if payment is made within the discount period indicated in the offer by the offeror. As an alternative to offering a prompt payment discount in conjunction with the offer, offerors awarded contracts may include prompt payment discounts on individual invoices.

(b) In connection with any discount offered for prompt payment, time shall be computed from the date of the invoice. For the purpose of computing the discount earned, payment shall be considered to have been made on the date which appears on the payment check or the date on which an electronic funds transfer was made.

PROMPT PAYMENT

Prompt Payment clause 52.232-25 is incorporated in this contract by reference. The clause contains information on payment due date, invoice requirements, constructive acceptance and interest penalties. Certain portions of the clause regarding payment due date, invoice requirements, and constructive acceptance have been extracted for your convenience. All days referred to in the extracts below are calendar days.

(a)(2) . . . The due date for making invoice payments by the designated payment office shall be the later of the following two events:

- (i) The 30th day after the designated billing office has received a proper invoice from the Contractor.
- (ii) The 30th day after Government acceptance of supplies delivered or services performed by the Contractor . . .

(a)(4) . . . An invoice shall be prepared and submitted to the designated billing office specified in the contract. A proper invoice must include the items listed in . . . (i) through . . . (viii) . . . If the invoice does not comply with these requirements, then the Contractor will be notified of the defect within 7 days after receipt of the invoice at the designated billing office . . . Untimely notification will be taken into account in the computation of any interest penalty owed the Contractor . . .

(i) Name and address of the Contractor.

(ii) Invoice date.

(iii) Contract number or other authorization for supplies delivered or services performed (including order number and contract line item number).

(iv) Description, quantity, unit of measure, unit price, and extended price of supplies delivered or services performed.

(v) Shipping and payment terms (e.g., shipment number and date of shipment, prompt payment discount terms), Bill of lading number and weight of shipment will be shown for shipments on Government bills of lading.

(vi) Name and address of Contractor official to whom payment is to be sent (must be the same as that in the contract or in a proper notice assignment).

(vii) Name (where practicable), title, phone number, and mailing address of person to be notified in event of a defective invoice.

NOTE: Invoices must include the ACT number (block 4) and shall be submitted in an original only, unless otherwise specified, to the billing office designated in block 24 to receive invoices. The "remittance to" address must correspond to the remittance address in block 12.

(a)(6)(i) For the sole purpose of computing an interest penalty that might be due the Contractor, Government acceptance shall be deemed to have occurred constructively on the 7th day (unless otherwise specified in block 20) after the Contractor delivered the supplies or performed the services in accordance with the terms and conditions of the contract, unless there is a disagreement over quantity, quality or contractor compliance with a contract provision . . .

52.222-40 SERVICE CONTRACT ACT OF 1965, AS AMENDED - CONTRACTS OF \$2,500 OR LESS (MAY 1989)

Except to the extent that an exception, variation, or tolerance would apply if this contract were in excess of \$2,500, the Contractor and any subcontractor shall pay all employees working on the contract not less than the minimum wage specified under Section 8 a) (1) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201-208). Regulations and interpretations of the Service Contract Act of 1965 are contained in 29 CFR Part 4.

52.222-41 SERVICE CONTRACT ACT OF 1965, AS AMENDED (MAY 1989)

52.222-42 STATEMENT OF EQUIVALENT RATES FOR FEDERAL HIRES (MAY 1989)
(52.222-41 and 52.222-42 apply to service contracts when the amount exceeds \$2,500).

The GSA Form 2166, Service Contract Act of 1965 and Statement of Equivalent Rates for Federal Hires is attached hereto and made a part hereof.

52.252-2 CLAUSES INCORPORATED BY REFERENCE (JUN 1988)

This contract incorporates the following clauses by reference with the same force and effect as if they were given in full text. Upon request the Contracting Officer will make their full text available:

FEDERAL ACQUISITION REGULATION (48 CFR CHAPTER 1) CLAUSES

Applicable to purchase orders for supplies or services:

- 52.203-1 Officials Not to Benefit (APR 84)
- 52.203-3 Gratuities (APR 84)
- 52.203-5 Covenant Against Contingent Fees (APR 84)
- 52.203-6 Restriction on Subcontractor Sales to the Government (JUL 85)
- 52.203-7 Anti-Kickback Procedures (OCT 88)
- 52.212-9 Variation in Quantity (APR 84)
(In the preceding clause, the permissible variations are stated in the schedule.)
- 52.222-3 Convict Labor (APR 84)
- 52.222-26 Equal Opportunity (APR 84)(Applies when amount exceeds \$10,000.)
- 52.222-35 Affirmative Action for Special Disabled and Vietnam Era Veterans (APR 84)(Applies when amount exceeds \$10,000.)
- 52.222-36 Affirmative Action for Handicapped Workers (APR 84)(Applies when amount exceeds \$2,500.)
- 52.222-37 Employment Reports on Special Disabled Veterans and Veterans of the Vietnam Era (JAN 88)(Applies whenever clause 52.222-35 is included.)
- 52.223-6 Drug Free Workplace (JUL 90)(Applies if contract is awarded to an individual.)
- 52.225-3 Buy American Act - Supplies (JAN 89)
- 52.225-11 Restrictions on Certain Foreign Purchases (MAY 92)
- 52.232-25 Prompt Payment (SEP 92)
- 52.233-1 Disputes (DEC 91)
- 52.233-3 Protest After Award (AUG 89)
- 52.246-1 Contractor Inspection Requirements (APR 84)
- 52.249-8 Default (Fixed-Price Supply and Service)(APR 84)

Applicable to purchase orders for supplies:

- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR 86)(Applies when amount is between \$2,500 and \$10,000.)
- 52.222-20 Walsh-Healey Public Contracts Act (APR 84)(Applies when amount exceeds \$10,000.)
- 52.243-1 Changes - Fixed Price (AUG 87)
- 52.249-1 Termination for Convenience of the Government (Fixed Price)(Short Form)(APR 84)

Applicable to purchase orders for services:

- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR 86)(Applies when amount exceeds \$2,500.)
- 52.243-1 Changes - Fixed Price (APR 84) - Alt. II
- 52.249-4 Termination for Convenience of the Government (Services)(Short Form)(APR 84)

013312

ACT NUMBER E4019697; EAC CONTRACT NUMBER 05-66

Consulting Services to Assist EAC in the Development of a Voting Fraud and Voter Intimidation Project

Background

Section 241 of HAVA lists a number of election administration topics on which the U.S. Election Assistance Commission may elect to do research. In particular, Section 241(b) (6) and (7) state the two topics of nationwide statistics and methods of identifying, deterring and investigating voting fraud in elections for Federal offices; and identifying, deterring and investigating methods of voter intimidation. The EAC Board of Advisors has recommended that the EAC make research on these topics a high priority.

The EAC seeks to obtain consulting services from an individual who can provide advice drawn from broad professional and technical experience in the area of voter fraud and intimidation. The EAC needs this consultant to conduct a preliminary examination of these topics to determine if a larger research project might be warranted. If so, the consultant would also be tasked to define the scope of the project and prepare a Statement of Work for the EAC to use for a subsequent competitive procurement. To promote a balanced and non-partisan approach to this effort, EAC is contracting with two consultants, who will work jointly to perform the work described below.

Nature of the Appointment

The EAC enters into this contract pursuant to its authority to contract for consultants under 5 U.S.C. §3109 (See 42 U.S.C. §15324(b)). As such this contract is for personal services and creates a limited employment relationship. (See 5 C.F.R. §304). As a result of this unique relationship, and pursuant to this agreement, you are required to follow all Federal laws and regulations as they relate to the release of agency documents and information, travel and conduct. All research, information, documents and any other intellectual property, (including but not limited to policies, procedures, manuals, and other work created at the request or otherwise while laboring for the EAC) shall be owned exclusively by the EAC, including copyright. All such work product shall be turned over to the EAC upon completion of your appointment term or as directed by the EAC. The EAC shall have exclusive rights over this material. You may not release government information or documents without the express permission of the EAC.

Supervision and Management.

The EAC Project Manager for this effort is Margaret Sims, EAC Research Specialist. Ms. Sims will provide taskings, and supervise, review and approve all work and performance.

Period of Appointment, Compensation and Travel.

The period of appointment under this contract is estimated at six months. The appointment shall constitute intermittent appointment (without a regularly scheduled tour of duty) per 5 C.F.R. §340.401(b). The consultant shall not incur overtime. The consultants shall not receive automatic adjustments of pay based upon 5 U.S.C. 5303. The consultants are not eligible for sick and annual leave, nor compensation for work performed on federal holidays. The Consultant is expected to work 450 hours during the estimated six month appointment period. These hours must be distributed evenly over the period so that the Consultant is working approximately, but no more than 20 hours per week. The consultant shall be paid at a rate of \$111 per hour. The dates of performance are flexible but shall be based upon the needs of the project and the EAC. The project at issue is sought to be completed within the sixth month period. The period of appointment shall continue until the project, outlined below, is completed.

Consultant's duty station shall be his/her home or place of business. The consultant has access to and shall supply common office equipment to include telecommunications, internet, a computer, office supplies, facsimile machine and common workplace software (including Microsoft Word and Excel). Other resources will be provided by the EAC as needed and at its discretion.

The Consultant is required to travel on a periodic, as needed basis, throughout the duration of their appointment. All travel must be pre-approved by the EAC per Federal Travel Regulations and EAC policy. The Consultant will be reimbursed, at the Federal government rates, for hotel and ground transportation costs, proper incidental expenses, and per diem while on official, pre-approved EAC travel.

Areas of Responsibility

1. Develop a comprehensive description of what constitutes voting fraud and voter intimidation in the context of Federal elections.
2. Using the description developed above, perform background research, including both Federal and State administrative and case law review, and a summation of current activities of key government agencies, civic and advocacy organizations regarding these topics. Deliver a written summary of this research and all source documentation.
3. Work in consultation with other EAC staff and the Commissioners to identify a working group of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation. The Working Group will be provided with the results of Tasks 1 and 2 as background information. The consultant will be responsible for developing a discussion agenda and convene the Working Group with the objective of identifying promising avenues for future research by EAC.

4. The consultant shall be responsible for creating a report summarizing the findings of this preliminary research effort and Working Group deliberations. This report should include any recommendations for future research resulting from this effort.
5. Should the EAC decide to pursue one or more of the recommendations made in the report noted above, the consultant will be responsible for defining the appropriate project scope(s) and preparing Statement(s) of Work sufficient for use in a competitive procurement.

Compensation Procedures

Compensation shall be made for work done by submitting invoices. Invoices shall be submitted on a monthly basis. These invoices shall state the number of labor hours that have been expended. Invoices shall be delivered to Ms. Margaret Sims for review and Ms. Diana Scott, Administrative Officer, U.S. Election Assistance Commission, 1225 New York Avenue, N.W., Suite 1100, Washington DC 20005. Compensation for travel shall be submitted by travel voucher consistent with federal travel regulation and EAC requirements.

Termination

This consultant contract can be terminated without cause in advance of the current end date by two weeks' notice in writing by either of the parties.

Estimated Project Timetable.

Deliverable	Due Date
Project work plan	10 days after contract award
Progress reports	monthly
Description of voting fraud and voter intimidation	October 2005
Summary of background research and associated source documentation	January 2006
Convene working group	February 2006
Summary report describing findings and recommendations for future EAC research	March 2006
Statement(s) of Work for future research project(s)	TBD

PROPOSAL TO THE U.S. ELECTION ASSISTANCE COMMISSION

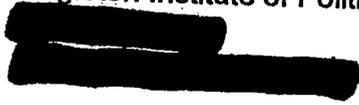
**Eagleton Institute of Politics, Rutgers, The State University of New Jersey
With the Moritz College of Law, The Ohio State University**

**Providing Research Assistance to the Election Assistance Commission for the
development of voluntary guidance on Provisional Voting and Voter Identification
Procedures**

March 22, 2005

CONTACT

**Ruth B. Mandel, Director
Principal Investigator
Eagleton Institute of Politics**



CONTENTS OF THE PROPOSAL PACKAGE

Technical Proposal, including Project Workplan

- Attachment 1 -- Preliminary Gantt Chart**
- Attachment 2 -- Matrix of Personnel**
- Attachment 3 -- Qualifications of the Principal Investigator**
- Attachment 4 -- Comparable Projects of Eagleton Institute**
- Attachment 5 -- Risks for Successful Completion of Provisional Voting**
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- Attachment 7 -- Reasons the Project Team is the Best Qualified**
- Attachment 8 -- Resumes of Project Team**
- Separate File -- Cost Proposal**

The Eagleton Institute of Politics at Rutgers, The State University of New Jersey, together with the Moritz College of Law and the Department of Political Science at The Ohio State University have formed a consortium to respond to the U.S. Election Assistance Commission's Request for Proposals to support the development of voluntary guidance on Provisional Voting and Voter Identification Procedures. These institutions have a record of accomplishment in this and closely related fields and are pleased to have this opportunity to contribute to the nationally significant research agenda proposed by the Commission. The consortium offers an independent, objective team of scholars and researchers whose experience and previous contributions to the field will facilitate the completion of the ambitious research agenda in the compressed time established in the RFP.

The research described follows the Commission's Resolution of October 12, 2004 that made the following points:

- Provisional Voting should ensure that all voters who are --or believe they are-- registered can cast a ballot in federal elections with the knowledge that a fair process will be followed to determine if the provisional ballot should be counted;
- Election officials have a duty to make certain that provisional balloting is administered fairly and effectively;
- Just before the election, the public was unclear about Provisional Voting procedures;

The Consortium

THE EAGLETON INSTITUTE

The Eagleton Institute explores state and national politics through research, education, and public service, linking the study of politics with its day-to-day practice. It focuses attention on how contemporary political systems work, how they change, and how they might work better. Eagleton offers a range of education programs, including an undergraduate certificate, graduate fellowships, research internships, and opportunities to interact with political practitioners. Eagleton's unusual experience in combining scholarly work with the practice of politics means that the Commission will receive information, analysis and recommendations that are credible, practical, and effective.

The Institute regularly undertakes projects to enhance political understanding and involvement, often in collaboration with government agencies, the media, non-profit groups, and other academic institutions. Its faculty, centers and programs specialize in fields that are directly relevant to the Commission's needs, including the study of: state legislatures; minority and immigrant political behavior; campaigns, elections and political parties; and civic education. The Institute is well known for its Eagleton Poll, a survey research center, which may contribute to this project if the EAC elects to include the optional surveys of young voters (who face particular hurdles as first-time registrants and voters) and of local election officials across the country. These surveys are described in this proposal as possible supplements to the research outlined specifically in the Commission's RFP.

THE MORITZ COLLEGE OF LAW

The College of Law has served the citizens of Ohio and the nation since its establishment in 1891. It has played a leading role in the legal profession through countless contributions made by graduates and faculty. It offers a broad and deep curriculum of approximately 145 courses, covering nearly every area of the law. Its contributions to election law have become well known through its Election Law @ Moritz website. *Election Law @ Moritz* illuminates public understanding of election law and its role in our nation's democracy. Moritz's role in the research may be enhanced by the inclusion of the OSU Department of Political Science, which is prepared to undertake an in-depth survey of provisional voting and voter identification requirements in one to three states if EAC elects to include that optional research in its contract.

Design and Management of the Project

The Consortium's work will be directed by a Project Team. Dr. Ruth B. Mandel, Director of the Eagleton Institute of Politics and Board of Governors Professor of Politics at Rutgers, chairs the Project Team, and will be the Principal Investigator. Project Team members are:

Edward B. Foley, Robert M. Duncan/Jones Day Designated Professor of Law at the Moritz College of Law and Director of Election Law @ Moritz

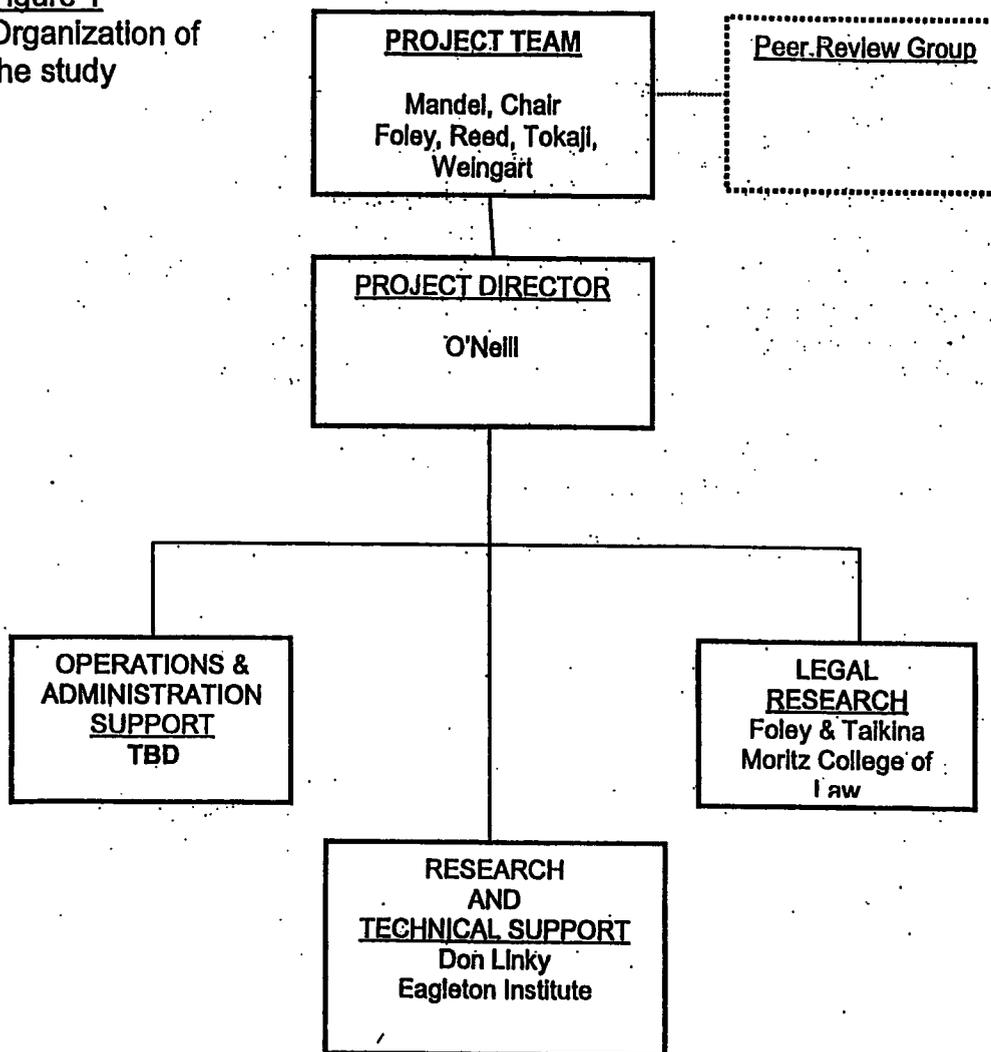
Ingrid Reed, Director of the New Jersey Project at the Eagleton Institute of Politics. Reed's work has focused on campaigns and elections from the point of view of the citizen.

Daniel P. Tokaji, Assistant Professor of Law at the Moritz College of Law. His areas of expertise include voting rights, civil rights, freedom of speech, disability rights, and civil procedure.

John Weingart, Associate Director of the Eagleton Institute of Politics, whose publications focus on government process and citizen involvement

To manage the project, Eagleton has retained Thomas O'Neill. He has long experience in leading and managing complex research and analysis projects. For the past 20 years, O'Neill served as President of The Partnership for New Jersey and led its Leadership New Jersey, diversity management and education improvement programs. Previously he was Executive Director of The Center for Analysis of Public Issues in Princeton, which, among other research, analyzed campaigns and elections. He served for several years as election night analyst for New Jersey Network Television and for WNET-Channel 13 in New York. The team he leads will include a research administrator and support staff necessary for the timely completion of all tasks specified in the RFP. The work will benefit from review by an advisory group of senior scholars and a bi-partisan group of practitioners to provide peer review of draft reports. The peer review group will broaden the viewpoints reflected in the work and lend depth to the Project Team.

Figure 1
Organization of
the study



The Peer Review Group is now in formation. Both Eagleton and Moritz are connected to a wide, national network of academics, authorities, and activists involved in elections and election law. Upon award of the contract, we will activate that network to recruit 8 to 10 outstanding men and women to constitute the Peer Review Group. Those listed below have not been approached yet, but they represent the range and caliber we intend to recruit for the Peer Review Group.

- Kim Alexander, California Voter Foundation, a nonpartisan organization she founded in 1994 to advance new technologies to improve elections.
- William Baroni, an attorney, Republican member of the New Jersey General Assembly, who specializes in election law.
- Mickey Edwards, former Oklahoma Congressman and faculty member at Harvard's Kennedy School who taught courses on Congress, political leadership, issue advocacy, election strategies, conservative political theory, and the constitutional separation of

powers. Now at the Princeton University's Woodrow Wilson School of Public and International Affairs.

- Elaine Jones, former president and director-counsel of the NAACP Legal Defense Fund.
- Richard C. Leone, President, The Century Foundation, which sponsors an active project on election law. Former New Jersey Treasurer and candidate for the U. S. Senate.
- Frank Reiche, an attorney in private practice, chaired the Federal Election Commission during the Administration of George H. W. Bush.
- Trevor Potter, President, Campaign Legal Center and former member of the FEC. The Campaign Legal Center is a nonpartisan, nonprofit organization which works in campaign finance, and elections. Advisor to Senator John McCain.
- Peter Veniero, an attorney in private practice, former Justice of the New Jersey Supreme Court, who provided election-related legal advice to former Governor Christine Todd Whitman during her first campaign.
- Alan Rosenthal, Professor of Public Policy, Rutgers, the State University, whose research focuses on state legislatures.

The Peer Review Group will bring a wide range of thinking and informed opinion to the project. Its members will broaden and deepen the Project Team's consideration of how provisional voting and the voter identification regime affect access to the ballot while preserving the integrity of the election process. The Peer Review Group will comment on an early draft of the analysis called for in Tasks 3.4 and 3.10 and in the development of alternative approaches called for in Tasks 3.5 and 3.12.

Approach to the Research and Analysis

The Commission's resolution of October 12 (Resolution 2004-02) provided guidance for election administrators in the states on how to achieve the goals of the Help America Vote Act. The research proposed here should determine the degree to which that guidance was followed in the case of Provisional Voting and in the intertwined topic of Voter Identification Requirements. Through research, interviews, survey analysis and hearings, we will develop information on key questions about the 2004 election, including:

- Did the States have in place clear and uniform written procedures, guidelines and/or instructions to govern the casting and counting of provisional ballots?
- Did local procedures reflect the state's uniform procedures?
- Did all States and election jurisdictions make these procedures available to the public, political parties and candidates before the election;
- To what extent were poll workers appropriately trained on how to administer provisional ballots, including establishing the identity of the potential voter seeking a provisional ballot?
- How were Federal funds under the Help America Vote Act used to educate voters about their rights to cast a provisional ballot, as well as where such provisional ballots must be cast in order to be counted?
- In States where a provisional ballot had to be cast at the voter's assigned polling place or precinct, was information available to poll workers to allow them to determine the voter's assigned precinct and polling place?
- Do states have mechanisms in place to inform voters casting provisional ballots whether or not their vote was counted, and whether or not they are now registered for subsequent elections?

The answers to these questions will reveal the nationwide response to HAVA and to the Commission's guidance in its Resolution 2004-02. They will also help the Project Team develop recommendations to improve the Commission's ability to tailor its guidance document to the needs of voters and election officials. The Commission will gain the knowledge needed to provide a clear basis for practical action by those responsible for administering elections, and thereby move closer to the goals of the Help America Vote Act. It will determine the degree to which Provisional Voting provides a "fail-safe" ballot for those who would otherwise be disenfranchised by confusion or administrative error. This work is important.

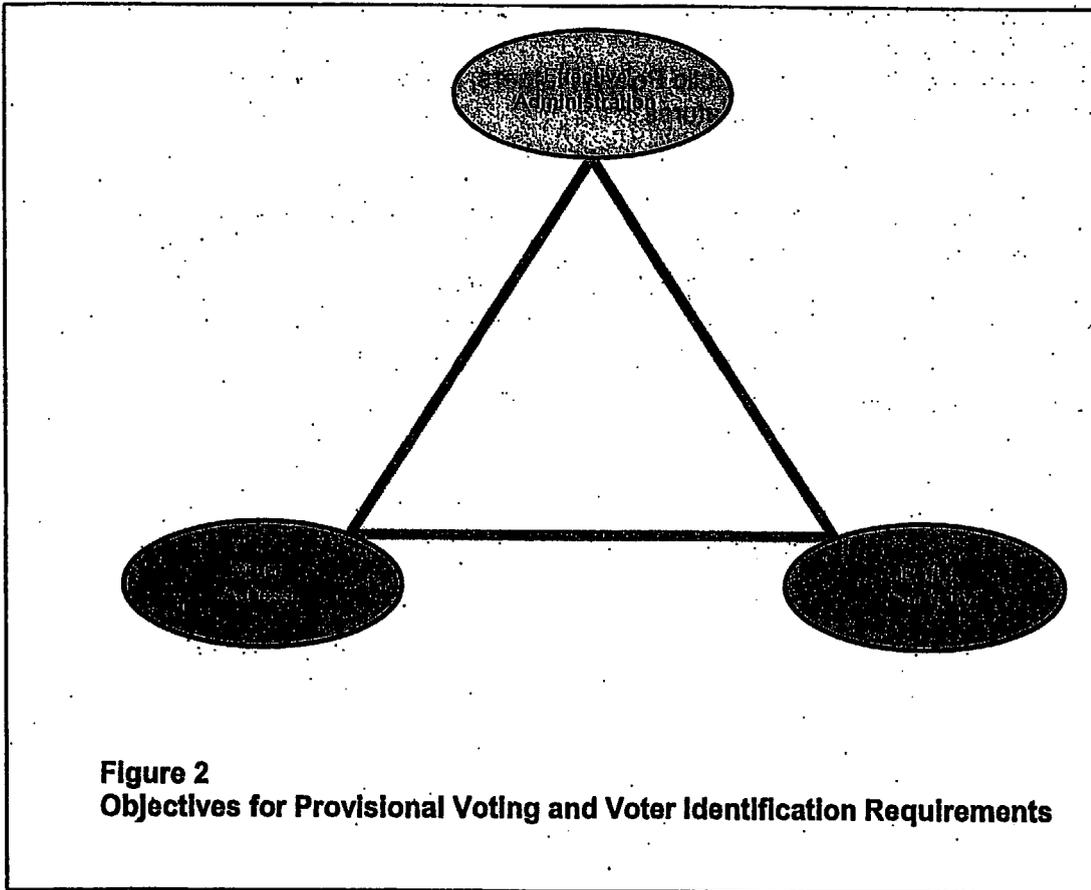


Figure 2
Objectives for Provisional Voting and Voter Identification Requirements

A critical area of inquiry throughout this study will be the balance between ballot access and ballot integrity. Striking that balance requires well-trained election administrators who can make fine distinctions under pressure. Figure 2 shows the interplay among the three goals of voter access, ballot security, and administrative clarity, illustrating that tradeoffs must be made in pursuing these important goals. The balance among these goals was one issue at stake in *Spencer v. Blackwell*, which raised the central issue of discrimination against African-American voters by poll challengers in Ohio. Just before the 2004 election, the U.S. Court Of Appeals for the Sixth Circuit in *Summit County Democratic Central and Executive Committee v. Blackwell* described the tension

between the conflicting goals of ballot access and ballot integrity, concerns that apply to assessing the effects of provisional voting:

There is a strong public interest in allowing every registered voter to vote freely. There is also a strong public interest in permitting legitimate statutory processes to operate to preclude voting by those who are not entitled to vote. Finally, there is a strong public interest in smooth and effective administration of the voting laws that militates against changing the rules in the hours immediately preceding the election.

We will pay particular attention to these tensions. The study will weigh questions of open access, administrative practicality, equitable treatment of all voters, the role of technology in extending the boundaries of the possible, and the realities of reliance on state and local entities to devise and administer election law in compliance with constitutional protections within a framework of federalism.

We will reach out to organizations, such as those listed below, with an interest in HAVA and in issues surrounding Provisional Voting and Voter Identification to gather information and invite their comments, suggestions, and recommendations:

- American Enterprise Institute [www.aei.org]
- Brennan Center for Justice at NYU School of Law [www.brennancenter.org]
- Center for Digital Government
- The Century Foundation [www.tcf.org]
- The Constitution Project
- DEMOS-USA [www.demos-usa.org]
- The Election Center [www.votewatch.us]
- Election Reform Information Project [www.electionline.org]
- Leadership Conference on Civil Rights [www.civilrights.org]
- League of Women Voters [www.lwv.org]
- National Association of State Election Directors [www.nased.org]
- People for the American Way [www.pfaw.org]
- Secretaries of State Association [www.nass.org]

The information and perspectives held by these organizations will provide leads for further research and analysis. For example, DEMOS-USA, a New York-based NGO, undertook a 50-state survey of plans for provisional ballots. Published as "Placebo Ballots—Will Fall Safe Voting Fall", its findings suggest areas for further inquiry:

- Officials were asked the circumstances under which provisional ballots would be offered, which races the ballots would include, and how they would be determined valid and subsequently counted. The responses differed widely among states. At times, different elections officials within the same state offered different answers.
- Idaho and Minnesota do not offer provisional ballots to first-time, newly registered voters who cannot show identification.
- Ten other states do not allow these individuals a chance to substantiate their identity after Election Day or verify their eligibility through other means. Instead, they will automatically invalidate provisional ballots cast by these "voters."

- At least fifteen other states require provisional voters to return to the election clerk's office after Election Day to present identification. Poll worker error is likely to have a particularly strong effect on provisional voters. Many voters will likely leave the polling place without understanding that they must return with identification sometime later for their provisional ballot to count.
- Twenty-three states provide provisional ballots and verify voters' eligibility without requiring them to present identification subsequent to Election Day.

WORK PLAN

Figure 4, attached, is a preliminary Gantt chart of the project. Please refer to it in conjunction with the following narrative. The chart projects a start date of April 4, 2005, with completion by the end of October 2005, for a duration of 7 months.

PROVISIONAL VOTING

Task 3.1 (By April 14)

We will submit an updated work plan and more detailed Gantt chart. The updated work plan will contain additional detail on the approach and methods we will apply to each task and will provide a more precise estimate of the time required for completion of those tasks. The Project Director and selected members of the Project Team will brief the EAC Project Manager and lead Commissioner as required. Before April 14 we expect to know from the Project Manager if the EAC wishes us to undertake the optional surveys described in this proposal as supplements to the research.

Task 3.2 (By middle of each month, May – October)

The Project Director will submit progress reports that summarize activities, indicate progress, report preliminary results and conclusions, identify problems to be resolved, and track the budget.

Task 3.3 (Periodically, May – October)

The Project Team will brief the EAC as desired. The work plan provides for as many as 6 briefings at appropriate milestones (see Gantt chart). Some of these would be by conference call, others would take place at the EAC's offices.

Task 3.4 Collect and Analyze (April -- May)

The analysis of variation in the administration of Provisional Voting across the country is the keystone of this phase of the research. With the research team and advisory group in place, we will begin immediately to collect and analyze state legislation, administrative procedures, and court cases to understand variations in implementation across the country. The compendium of statutes, case law and procedural guidance collected will provide a valuable continuing resource for the EAC. The analysis of that material—and, we hope, of the optional surveys described below—will provide the basis for possible alternative approaches to Provisional Voting called for in Task 3.5 that we and the EAC will consider in drafting the preliminary guidance document called for in Task 3.6.

- In 2004, according to Electionline, more than 1.6 million provisional ballots were cast, with nearly 1.1 million (68 percent) counted. In Florida and Ohio alone, this meant nearly 200,000 voters who would have been turned away from polling places if their names could not be found in 2000 had a chance to cast a ballot in 2004. Election Line's work points to the critical importance of different procedures state-by-state across the country in the implementation of Provisional Voting.¹ It found that: "Provisional vote-counting varied widely among states, from a national high of 97 percent counted in Alaska to a low of 6 percent counted in Delaware. The report found a national average of 68 percent counted. While lacking any concrete data of the reasons for accepting or declining the votes, anecdotal reports from state and local election officials indicate some people were confused into thinking that provisional ballots could be used in lieu of registration. Those ballots were not counted." "State rules had an impact on the percentage of provisional ballots counted. States that allowed voters to cast ballots outside of their correct precinct but inside of their jurisdiction counted an average of 70 percent of provisional ballots. States that disqualified any provisional ballots counted outside of a voter's correct precinct counted 60 percent of the ballots."
- "The national mandate for provisional voting did not mean national uniformity. In fact, we found that whether a voter had his or her provisional ballot counted relied nearly as much on where they cast it as their actual registration status. Had the election been closer, this would have been a flashpoint for controversy... The debate over provisional ballots is far from over."

Our goal in this project is to provide the EAC with the information and analysis needed to move that debate closer to resolution.

The Project Director and staff at Eagleton, working with one or more graduate assistants, will undertake a comprehensive survey of the literature on Provisional Voting and of news and government reports in the experience with Provisional Voting in the November 2004 election.

If the Commission elects to fund the optional survey of local election officials, the work will also include producing reliable and valid data on how these officials conducted themselves and how they evaluate the clarity of the instructions and guidance they received. The sampling of the view of these officials, whose responsibilities are critical to the effective implementation of Provisional Voting, will provide information more reliable and thorough than the anecdotal reports available through a literature search.

Accepted
CP
1/24/2005

The Commission may also elect to fund the optional survey of provisional voters in 1 – 3 states that is described below. It will enrich the study by providing valid and reliable, non-anecdotal information on the experience of those who cast a provisional ballot.

¹ ElectionLine.Org, *Solution or Problem? Provisional Ballots in 2004*, March 2005
<http://electionline.org/site/docs/pdf/ERB.10.Provisional.Voting.3.17.2005.a.pdf>

Optional Survey of Provisional Voters

A survey of provisional voters would provide rare, reliable information about the process of casting a provisional ballot as reported by the voters themselves. The OSU Department of Political Science will design a survey instrument and commission a survey of a sample of those casting provisional ballots in one to three states (including at least one of the 17 states where Provisional Voting was new in 2004).

The survey would reveal the voters' understanding about why they had to cast a provisional ballot. Was this due to their changing residences before the election, faulty voter identification, or other reasons? It would gauge their reactions to the provisional ballot process. The results of this survey would enrich the research and provide a new dimension of the EAC's understanding of the provisional voting process.

Learning how the process worked for provisional voters is important. We lack systematic information about how citizens view casting a provisional ballot. Is the experience positive or negative for them? Did they expect their vote would be counted, or did they believe that being asked to cast a provisional ballot implied that their vote would be discarded? The survey will summarize voters' reports about whether they were informed that their ballot was or was not counted. Demographic questions will ascertain the correlates of provisional voting: if it was more common among racial and ethnic minorities in some areas, among young voters, etc.

The OSU team will begin the survey by constructing a sample of 3,000 provisional voters with names and addresses. It will obtain the list of provisional voters, write the survey questions, verify the programming of the questionnaire, analyze the data, and write up the data. In writing the survey, the OSU political scientists will reflect the results of the EAC's ElectionDay Survey.

OSU plans to subcontract the actual administration of the survey instrument to Knowledge Networks (www.knowledgenetworks.com), which has conducted Internet surveys funded by several federal agencies, including the NSF and the EPA. Knowledge Networks will send letters to the provisional voters in the sample to notify them of the study. Of the 3,000 provisional voters, 2,400 will receive directions to complete the interview on a website. Knowledge Networks will conduct 10-minute phone interviews with 200 of those who do not complete the web interview. It will also conduct telephone interviews with 200 of the 600 people not assigned to the web interviews.

The interview process, including the mailing and programming, pretest, revisions, field period, and file construction, will require 56 days. Consequently the survey of provisional voters should begin at the very start of the project so that its results can be considered in drafting the guidance document on Provisional Voting.

Optional Survey of Young Voters

Eagleton's Center for Public Interest Polling (the Eagleton Poll) has won a grant from the Carnegie Foundation to survey the experience of young voters as a result of their participation in the 2004 election. Young voters are one of the groups most likely to encounter difficulties in registration, identifying themselves, finding the proper polling place, and other topics relevant to this research. This proposal offers the Commission the option of funding the addition of questions to this survey to highlight issues faced by

young, often first-time voters. The additional questions could determine, with measurable reliability, the frequency with which young voters cast provisional ballots, their impressions of the process by which they voted provisionally, and their experience with identifying themselves at the polls. Answers to these questions would deepen the analysis of these issues and provide results more reliable than those produced by the collection of anecdotal evidence.

At the same time, the researchers at Moritz will undertake a thorough collection and analysis of legislation and litigation to reveal how each of the 50 states approached HAVA's mandates. They will analyze the effect of litigation on that implementation and of the continuing influence of case law on the interpretation of HAVA. We will merge the legal analysis with the political and procedural analysis to illuminate the key questions posed by the RFP.

The merged analysis will increase understanding of the range of approaches to implementing Provisional Voting across the country. It will permit us to categorize the states by the nature of their Provisional Voting regimes, which will produce insights into the strengths and weaknesses of different approaches to implementing HAVA. The goal of the new guidance document, of course, is to build on the strengths and correct the weaknesses.

Our analysis will consider the variation in experience between those states that previously provided for provisional voting and the 17 where provisional voting was new in 2004.

Developing answers to three key questions poses a challenge.

1. Ideally, gauging the effectiveness of provisional voting in enfranchising qualified voters requires an examination that goes beyond calculating the percentage of provisional ballots cast counted. That number alone does not reveal the subjective experience of those who voted by provisional ballot. Did they feel enfranchised, or did they harbor doubts that their votes would count? The optional survey described above would assess that dimension of the question, which is important to understand the credibility of the provisional ballot, particularly in a closely contested election.
2. Measuring the consistency of counting of provisional ballots also poses significant challenges. The literature search will reveal anecdotal reports from various jurisdictions, but the optional survey of local election officials could provide results that are more revealing from the observations of those in the best position to answer this question.
3. Assessing how well local election officials understood how to implement provisional voting will be difficult. The optional survey by the Eagleton Poll would tap the opinions of a national sample of local election officials to assess their self-reports about their level of understanding and their evaluation of the training and explanatory materials provided to them.

Deliverables

1. Indexed database of major articles on Provisional Voting and related topics
2. Summary of case law on Provisional Voting
3. Compendium of states' legislation, procedures, and litigation.
4. Summary of the Election Day Study –a narrative of the nation's experience with Provisional Voting in 2004.
5. Analysis of disparities and similarities of how provisional voting was implemented around the country, which will be critiqued by the Peer Review Group.
6. [Optional] Survey results of local election officials' experience in interpreting guidance from the EAC and state election officials by the Eagleton Poll.
7. [Optional] Survey report on the experience of provisional voters in 1 – 3 selected states by the OSU Department of Political Science.
8. [Optional] Survey report on the experience of young voters by the Eagleton Poll.

Task 3.5 Analysis and Alternative Approaches (June)

We see this task as the heart of the project: to assess the potential, problems, and challenges of provisional voting and develop alternative means to achieve the goals of provisional voting.

The first step in this task is to undertake a thorough analysis of the information developed in the first phase of the project (Task 3.4). The Project Team and its staff will merge the legal analysis, review of case law, study of procedures, and, if the optional surveys are included in the project, the information gleaned from the reports of provisional voters and local election officials. Our work will take the following approach:

1. Review the facts and opinions revealed in the Columbus hearing, in the Commission's Election Day Study, the literature review, and the optional surveys (if undertaken) to prepare a written summary of the experience with Provisional Voting.
2. Clarify the additional policy considerations involved in improving the processes of Provisional Voting, such as the relationship between the Provisional Voting regime and the approach to voter registration and voter identification.
3. Summarize the views of the groups with a stake in Provisional Voting and related issues,
4. Analyze the tensions among the triangle of competing forces that connect the three major objectives for Provisional Voting: enabling maximum number of eligible voters to cast ballots that will be counted; establishing procedural simplicity for voters with a reasonable workload for election officials; minimizing the opportunity for voter fraud.
5. Describe and evaluate alternative ways to achieve the goals of HAVA through Provisional Voting.

6. Tap the views of the members of the Peer Review in preparation for briefing for the Commission on our preliminary conclusions and recommendations.
7. Also during this period, the Project Director, in consultation with EAC staff, will select a location and make preliminary arrangements for a public hearing on the Provisional Voting Guidance Document to take place in September.

Deliverables

1. Written analysis of the experience of Provisional Voting across the country in 2004 based on all available sources and original research.
2. Report of alternatives to existing practices and procedures for Provisional Voting and voter identification and assess which objectives or values each alternative favors.
3. Recommendations for best practices
4. Briefing documents for Peer Review Group.
5. Briefing for the Commission

Task 3.6 Preliminary Guidance Document (July – early August)

In this phase of the project, we will develop policy recommendations based on the research and analysis performed in the previous task. Successful completion of this task will require the closest coordination on a continuing basis with EAC staff.

Based on the Commission's reaction to the briefing at the conclusion of Task 3.4 the Project Team will draft a preliminary guidance document for review by the EAC Board of Advisors and the Standards Board at a meeting to be convened by the Commission. The meeting will take place in early August.

The Project Team will:

1. Outline major findings, flesh out preferred alternative approaches, and review with EAC staff.
2. Develop draft Preliminary Guidance Document (PGD)
3. Submit the PGD to the Peer Review Group and revise based on its comments.
4. Prepare final draft of PGD for review by Commission staff; revise
5. Distribute document to EAC Board of Advisors and Standards Board 5 – 7 days before the meeting or teleconference.
6. Project Director and selected members of the Project Team will brief and respond to questions and comments during the meeting or teleconference.
7. Prepare summary of issues raised by members of the EAC Board of Advisors and Standards Board at the meeting or teleconference.

Deliverables

1. Draft Preliminary Guidance Document
2. Briefing for EAC Board and Advisors and Standards Board
3. Summary of comments from Board of Advisors and Standards Board

Task 3.7 Revise Guidance Document for Publication (August)

Based on the comments from the EAC, the Board of Advisors and the Standards Board, the Project Team will revise the PGD to prepare it for publication in the Federal Register. The target for publication will be the week of August 22.

Deliverable

Revised PGD suitable for publication in Federal Register

Task 3.8 Arrange Public Hearing (August)

The target date for the hearing is the third week of September, 30 days after publication of the draft Guidance Document in the Federal Register during the week of August 22.

The Project Director will have made preliminary arrangements for the public hearing – selection of city and reserving a venue, for example – earlier in consultation with EAC staff. Arrangements will be finalized in June and July, with retention of a transcription service and provision of day staff to register those testifying. The Project Team will begin to review and summarize written comments as they arrive.

Deliverables

Contract for use of venue for public hearing

Contract with transcription service for coverage of hearing

Contract with office temp agency for admin support of hearing

Task 3.9 Final Guidance Document for Adoption (late September)

In the week following the hearing, the Project Team will review the comments and testimony received, summarize that material for discussion with the EAC staff, and revise the Guidance Document as appropriate. The EAC will receive the final Guidance Document in time to adopt it before the end of September.

Deliverable

Final Guidance Document

VOTER IDENTIFICATION REQUIREMENTS

Voter identification requirements are intertwined with provisional voting issues. Understanding the connections between the two parts of this research will be critical in achieving the goals of the project.

Ferment is bubbling in the states over voter identification issues. The sharp debate over voter identification makes this work more immediately relevant. Legislatures are now wrestling with the very issues to be analyzed in these tasks. The current edition of

*Democracy Dispatches*², for example, highlights recent developments and contentious debates that the Guidance Document on this subject may help resolve.

- In Indiana the Republican-controlled House Elections Committee reported out a bill by a 7-5 margin that would require most people to show government-issued ID before voting. Opponents argue that the legislation will discourage people from voting. "It is very clear who is being disenfranchised," said a poll worker quoted in the newsletter. "It's people of color, it's the poor, it's the elderly."
- African American lawmakers in the Georgia State Legislature led a walkout by Democrats after the passage of a bill in both Houses that would require Georgia voters to show photographic identification. "What's happening today is just an updated form of Jim Crow," said one senator from Atlanta. "You may be more polite about it... but we know who's going to be disenfranchised."
- In New Mexico, House Republicans attacked Democrats for not including more stringent voter ID requirements in their election reform bills. After several House Republicans left an elections committee meeting on March 13, one representative accused them of planning a walkout to prevent his bill's passage.
- In Texas, new bills would require voters to show proof of citizenship before registering to vote for the first time. A spokesman for People For the American Way is quoted as saying that "this type of legislation will be just as burdensome for U.S. -born voters who move from state to state, or from county for county, as for naturalized citizens."

Authoritative research on the effect of different voter ID regimes on electoral participation, including registering and turnout, particularly turnout by minority voters, promises to raise the level of the debate across the nation.

Advocates on voter ID issues are divided into two, polarized camps. Some seek to minimize identification requirements in order to maximize the number of potential voters who register and cast a ballot. Advocates of this position fear that minority and immigrant voters, young voters, and elderly voters will lack convenient access to the required ID documents, or that they will be more fearful of submitting their ID documents to official scrutiny. On the other side of this debate are people and groups that seek to maximize the security of the franchise, prevent multiple voting or voting by those who are not citizens, and ensure that only those legally entitled to vote do so, and do so once only for each election. Each position pursues legitimate and important goals, but the tradeoffs between them have not been clarified.

The debate between these two positions is rich in assertion, but poor in evidence. We propose to test the hypothesis that more stringent voter ID requirements depress voter participation in general or for the poor, minorities and older voters in particular. We will also search for evidence of a change in the frequency of voter fraud under different requirements for Voter Identification. This research appears practical because the 50 states can be classified into 4 broad, different Voter ID regimes --from requiring ID at every election to merely signing in without verification. We plan to include in our

² Demos Democracy Dispatches

research a statistical analysis of voter turnout in the jurisdictions, with special attention to participation by minority voters, using the variety of Voter ID requirements that existed before HAVA as a controlling variable.

A study by The Constitution Project, published by Electionline.org in 2002³ found "a wide variety of practices around the country – from procedures requiring nothing more than voters stating their names to rules ordering voters to produce picture identification before casting ballots." In the pre-HAVA era it found the following distribution of practices, which provides a potentially rich mine of data to compare voter participation in states with different Voter ID regimes:

- 11 states required in-person voters to present documentary information; local jurisdictions and/or poll workers in 4 more states can choose to require identification.
- 18 states required only that voters sign in at the polls.
- 9 states required the signatures to be matched against other signed documents.
- 9 states only required voters to announce their names at the polls.

Performing this analysis will strengthen the factual basis on which the commission proposes new guidance on Voter Identification Requirements.

Task 3.10 Collect and Analyze (April – May)

We will perform this task in conjunction with Task 3.4. The material we gather on Voter ID legislation, administrative procedures and case law will be included in the compendium to be delivered at the end of June. While the Project Team and staff collect and begin the analysis of the material, the Project Director will plan the public hearing on Voter ID issues that will take place in early June.

Our research staff will begin the statistical study of voter participation under various Voter ID regimes, with the aim of completing that work in time for its results to be considered in drafting the Preliminary Guidance Document to be delivered to the EAC in mid July.

Deliverables

1. Indexed database of major articles on Voter ID Requirements and related topics
2. Summary of case law on Voter ID issues
3. Compendium of states' legislation, procedures, and litigation.
4. Analysis of voter participation and vote fraud under various Voter ID regimes to be reviewed by the the Peer Review Group.

Task 3.11 Conduct Public Hearing (June)

The Project Director will consult closely with EAC staff on planning for the half-day, informational public hearing, including on questions of site selection, development of

³ The Constitution Project, "Election Reform Briefing –Voter Identification," 2002, <http://www.electionline.org/index.jsp?page=Publications>

topics to be covered by panels, and the recruitment of panelists with contrasting views and information on those topics. The target for invitations to panelists will be no later than early May. The information and perspectives gleaned at the hearing will be included in the analysis of Voter ID issues that shapes the drafting of the Preliminary Guidance Document.

Deliverables

1. Outline of topics for 3 panels
2. List of 9 – 12 panelists
3. Invitations to panelists
4. Hearing announcement
5. Hearing transcript
6. Hearing summary

Task 3.12 Alternative Approaches (late June)

Following the hearing, the Project Team will review its compilation of materials from the states, the results of its research on voter participation and vote fraud under different Voter ID regimes, its literature search, and the information from the public hearing to assess the problems and challenges of Voter Identification procedures and devise a range of alternative policy measures to respond to those problems and challenges. The Project Director will work closely with the EAC and its staff to identify policy objectives with which to assess the alternatives, using the triangle of contending forces as an organizing principle to categorize objectives.

The Peer Review Group will be kept informed of the progress of this work and its comments will be sought on an early draft of the Analysis and Alternative Approaches paper. The comments of the Peer Review Group will help shape our briefing for the Commission on this critical task. The Project Director and members of the Project Team will conduct that briefing in late June, just as the Commission receives the Draft Report and Compendium of materials on Provisional Voting (Task 3.4)

During this time period, the Project Director, in consultation with the EAC, will select a site and make preliminary arrangements for the public hearing on the draft guidance document, which will be held in early October.

Deliverables

Draft analysis and alternatives for Peer Review Group
Briefing on analysis and alternatives for EAC

Task 3.12 Preliminary Guidance Document (July – August)

Based on comments by the EAC on the briefing, particularly the discussion of alternatives, as well as the evidence, and criteria for evaluation, the Project Team will draft the Preliminary Guidance Document. The draft will be distributed to the EAC Board of Advisors and the Standards Board for a meeting in mid August (just as the draft

Guidance Document on Provisional Voting is delivered to the EAC for publication in the Federal Register). The Project Director and selected members of the Project Team will participate in the Board meeting to present the document for discussion and respond to questions and comments. It will record comments for review in revising the document.

Deliverables

1. Draft Guidance Document
2. Briefing for EAC Board of Advisors and Standards Board
3. Summary of comments from Boards

Task 3.14 Revise Guidance Document for Publication (Late August)

The Project Team will review on the comments by the Peer Review Group, EAC, the Board of Advisors, and the Standards Board and reflect their views in the Guidance Document. The target is to deliver it to the EAC for publication before the end of August.

Deliverable

Draft Guidance Document for publication

Task 3.15 Public Hearing (October)

The Project Director will have completed arrangements for the hearing (city, venue, transcription service, etc.) by late July. The hearing will take place in the first two weeks of October, 30 days after publication of the draft in the Federal Register.

Deliverables

1. Public hearing
2. Transcript
3. Summary of comments

Task 3.16 Final Guidance Document (late October)

In the week following the hearing, the Project Team will review the comments and testimony received, summarize that material for discussion with the EAC staff, and revise the Guidance Document as appropriate. The EAC will receive the final Guidance Document in time to adopt it before the end of October.

Deliverable

Final Guidance Document

TASK	RESPONSIBLE	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER
<u>Management</u>	Project Director	Update Work Plan Prog. Rpt.		▶▶ Prog. Rpt. EAC	▶ Prog. Rpt. EAC Finalize PV Hearing	▶ Prog. Rpt. EAC Finalize VID Hearing	▶ Prog. Rpt. EAC
		EAC Recruit PRG/Arrange Pub Hearings					
<u>Provisional Voting</u>	Moritz	Compile Legal Materials					
	Eagleton	Compile Procedures		Draft An & AIts			
	OSU Poll Scl	State PV Survey					
	Eagleton Poll	Young Voter Survey		PRG coms Draft	Draft GD to EAC		
	Eagleton Poll	Election Official Survey		Report and compendium to EAC.	EAC Comment	Meet EAC BOA	Revise & Adopt Hearing
				Revise	Revise GD Draft GD to EAC for publication		
				Submit Draft GD			
<u>Voter ID</u>	Moritz	Compile Legal Materials		Draft Alternatives Brief to EAC	Draft PGD To	BOA Meet EAC	Pub
	Eagleton	Compile Procedures			EAC Rev		
	Eagleton			Hearing Summary			

TASK	PERFORMED BY	COMMENT
<u>Provisional Voting</u>		
3.4 Collect and analyze State legislation, procedures, and court cases	Legislation and cases –MCL Team led by Foley Procedures – EIP Team led by PI with Reed, O'Neill, and Linky	Graduate students and EIP Research Coordinator will also participate.
3.5 Recommend alternative approaches	Steering Committee ⁴ with O'Neill directing staff	Graduate students and EIP Research Coordinator will also participate
3.6 Prepare preliminary draft guidance document ⁵	Steering Committee with O'Neill directing staff	This task may include derived from the optional surveys described in the proposal: <i>Optional Survey of Election Officials</i> – TBD <hr/> <i>Optional Survey of</i> <i>Young Voters— TBD</i> <i>Optional Survey of Ohio Provisional</i> <i>Ballots – TBD</i>
3.7 Revise draft guidance for publication	Steering Committee with O'Neill directing staff	
3.8 Arrange public hearing on draft guidance	O'Neill and Admin Coordinator	
3.9 Prepare final guidance document for EAC adoption	Steering Committee with O'Neill directing staff	
<u>Voter Identification Requirements</u>		
3.10 Collect and analyze State legislation, procedures, and court cases.	Legislation and cases –MCL Team led by Foley Procedures – EIP Team led by PI with Reed, O'Neill, and Linky	
3.11 Convene informational public hearing	O'Neill and Admin Coordinator	
3.12 Recommend alternative approaches	Steering Committee with O'Neill directing staff	
3.13 Prepare preliminary draft guidance document.	Steering Committee with O'Neill directing staff	

⁴ The Steering Committee for the project is responsible for the completion of all tasks. Chaired by Dr. Ruth Mandel, Director of the Eagleton Institute of Politics of Rutgers, its members of the Committee are Professor Edward Foley of the Moritz College of Law, Ohio State University, Ingrid W. Reed, Director of the New Jersey Project of the Eagleton Institute of Politics, Professor Dan Tokaji of the Moritz College of Law, Ohio State University, and John Weingart, Associate Director of The Eagleton Institute of Politics. Thomas O'Neill, a consultant to the Eagleton Institute of Politics, directs the staff overseen by the Committee.

⁵ The preliminary guidance documents for both the Provisional Voting and for Voter Identification Requirements will be reviewed by a Peer Review Group appointed by the Steering Committee and may be revised as a result of that review before being submitted to the EAC. Members of the Peer Review Group are listed in a separate appendix to this proposal.

⁶ The surveys would provide additional and valid and reliable data on which to base the conclusions reflected in the draft preliminary guidance document.

3.14 Revise draft guidance for publication	Steering Committee with O'Neill directing staff	
3.15 Arrange public hearing on draft guidance	O'Neill and Admin Coordinator	
3.16 Prepare final guidance document for EAC adoption	Steering Committee with O'Neill directing staff	

Attachment 3: Principal Investigator

The principal investigator, Dr. Ruth B. Mandel, is director of the Eagleton Institute of Politics and Board of Governors Professor of Politics. As Institute director, she is responsible for general direction and oversight of all programs and projects at Eagleton. Under Mandel's leadership, the Institute has been successfully completed dozens projects under federal, state and foundation grants and contracts, many of which address topics related to voters and voting, civic engagement and political participation, and representative democracy.

Three projects in which she has played a significant and direct substantive role are described below: the New Jersey Initiative: Building Management Capacity in New Jersey Municipalities; the Young Elected Leaders Project; and the New Jersey Civic Education Consortium.

a) *The New Jersey Initiative: Building Management Capacity in New Jersey Municipalities*

Sponsoring Organizations: The Pew Charitable Trusts and the

NJ Department of Community Affairs

Project Managers:

Dale Jones, Syracuse University [REDACTED]

Mark Pfeiffer, NJ Department of Community Affairs,
[REDACTED]

Period of Performance: 5/01 to 11/02

Value of Award: \$90,000 to Eagleton Institute of Politics

Mandel oversaw the implementation of the New Jersey Initiative, which was conducted as a partnership between the Alan K. Campbell Public Affairs Institute of the Maxwell School of Citizenship and Public Affairs at Syracuse University and the Eagleton Institute of Politics. Mandel guided the formation of the collaboration, the identification of the tasks, including issues related to selecting the case studies, and dissemination of the recommendations and results.

The overall goal of the New Jersey Initiative was to provide opportunities for municipalities and other levels of government, educational institutions, non-profit organizations and individuals to learn about public management systems, how they might be improved, and how they can better meet the needs of those in leadership positions and the needs of citizens. Recommendations for state policy and municipal administration were included.

Seven New Jersey municipal governments volunteered to participate in the Initiative – Brick Township, Elizabeth City, Franklin Township, Irvington Township, Old Bridge Township, Paterson City, and Trenton City. Through their involvement, the project examined the five core management system areas that comprise management capacity – financial management, capital management, human resources management, information technology management, and managing for results. Much was learned about management capacity at the municipal level in New Jersey and the role of the state government in municipal management.

The project resulted in two published monographs: *The New Jersey Initiative: Building Management Capacity in New Jersey Municipalities* and *Summary of The New Jersey Initiative: Building Management Capacity in New Jersey Municipalities*.

b) Young Elected Leaders Project

Sponsoring Organization: The Pew Charitable Trusts
Project Managers: Tobi Walker, Program Officer, Civic Life Initiatives;
[REDACTED]

Period of Performance: January, 2002 - June, 2004

Value of Award: \$211,000

Mandel led the project team that conducted a pioneering national study of young officeholders. Under her direction, Eagleton identified and surveyed elected officials age 35 and under in three categories: federal (members of Congress); state (statewide elected officials and state legislators); and local (mayors and municipal council members from cities with populations of 30,000 or more). In May 2003, Eagleton convened *Political Generation Next: America's Young Elected Leaders*, the first national conference for young elected leaders, an occasion to explore issues raised in the research and discuss the challenges of public leadership facing the next generation.

Mandel was centrally involved in every phase of the project, providing the vision that resulted in the successful proposal to Pew, contributing both to the ideas guiding the project and the actual day-to-day management. She played a key role in the design of the survey administered to young elected leaders, in the selection of conference participants, and in the planning of the conference agenda and presenters, as well as at the conference itself. She co-authored the final report provided to the funder and issued to the general public, also titled *Political Generation Next: America's Young Elected Leaders*, and she led dissemination efforts, speaking at public programs and to the media about the findings from the research and conference.

c) New Jersey Civic Education Consortium

Sponsoring Organization: The Geraldine R. Dodge Foundation

Project Manager: David Grant, [REDACTED]

Period of Performance: March, 2000 - May, 2001

Value of Award: [REDACTED]

The New Jersey Civic Education Consortium was created by the Eagleton Institute of Politics as a statewide partnership of educators, schools, nonprofit organizations, corporations, and political leaders committed to expanding and strengthening civic education and political participation in New Jersey. Sponsored and hosted by Eagleton, the Consortium seeks to promote partnerships among schools, community organizations, and public servants to educate and encourage a citizenry informed about and engaged in the practice of a democratic society. More than 100 organizations,

agencies and school districts signed on as Consortium partners, and more than 125 individuals in the education, non-profit, and political communities served on Consortium work groups. The Consortium came into existence to strengthen the state's infrastructure to educate and encourage a citizenry informed about and engaged in the practice of a democratic society. It seeks to leverage limited resources through partnerships and information-sharing and by increasing public awareness.

With support from the Dodge Foundation, the Consortium hosted a statewide conference to highlight best practices, exchange ideas, and explore how to use the 2001 gubernatorial election as an educational opportunity. Approximately 90 people gathered at the New Jersey Law Center in New Brunswick to share ideas, make connections, and find new ways of improving civic education in New Jersey. The conference included: a poster session highlighting some of the best practices in civic education from across the state; panels of educators, government, academia, the media, and the non-profit community; and a keynote speaker, Professor Alan Rosenthal, discussing democracy and youth civic engagement.

The Consortium also awarded mini-grants for exemplary programs and engaged the public sector in civic education through a pilot project to bring public officials into the classroom. Some of the grantees presented their work at the Consortium's conference. Under a related grant from the Schumann Fund for New Jersey, the Consortium developed a toolkit with educational resources and suggested activities to assist public officials in working with students.

Mandel worked on the original plan for Eagleton to convene the Consortium and directed Institute staff in shaping the mission and direction of the Consortium. She has been actively involved in development of the Consortium's activities and materials.

Dr. Mandel's current resume is provided in Attachment 8 – Resumes of the Project Team.

Attachment 4: Comparable Projects Performed by the Eagleton Institute of Politics

a) Seminar Series: The Challenge of Implementing the Help America Vote Act

Sponsoring Organization: The Fund for New Jersey

Project Manager: Mark Murphy, Executive Director, [REDACTED]

Grant: \$5,000 for direct expenses of speakers.

This project demonstrates Eagleton's continuing interest in the implementation of HAVA and knowledge of implementation issues. It shows the Institute's knowledge of implementation issues and its ability to achieve productive results by identifying competencies in other states and making contact with key leaders, summarizing information in useful formats and engaging individuals with diverse perspectives on election administration.

In the fall of 2003, the Eagleton Institute of Politics presented a series of three seminars, organized by Ingrid W. Reed, Director of the Institute's New Jersey Project, designed to give New Jersey an opportunity to gain perspectives from six states – New Mexico, Maryland, Michigan, Pennsylvania, Georgia and California – on election reform and implementation of the then-new federal Help America Vote Act. The seminars were held at Eagleton on the Rutgers University campus in New Brunswick, New Jersey.

Each seminar featured speakers from two states where election administration initiatives are underway and addressed one of three areas – state administration, statewide voter registration lists, and communication and education. The programs also included extensive discussion periods with individuals from New Jersey's state and county governments, academic institutions and non-profit organizations interested in election reform, as well as members of the New Jersey HAVA planning committee. The seminars were supported in part by a grant from the Fund for New Jersey.

The first seminar, on September 25, 2003 focused on state administration of elections and plans for implementing HAVA. Presentations were made by Rebecca Vigil-Giron, New Mexico Secretary of State and president-elect of the Association of Secretaries of State, and Linda Lamone, the State Administrator of the Maryland State Board of Elections. They focused on how states are working with counties to provide state-coordinated management practices.

The second seminar on October 28, 2003 focused on HAVA requirements to create a statewide voter registration list. Presentations were made by Christopher Thomas, Director of the Bureau of Elections in the Michigan Department of State who headed his state's efforts to create a statewide voter data base that began in the mid-1990's before HAVA, and Ted Koval, project manager for the Statewide Uniform Registry of Electors (SURE) in the Pennsylvania Department of State who leads the development of his state's registration list in the post-HAVA period. Thomas and Koval discussed state initiatives for addressing a key provision of HAVA which involves application of information technology and new approaches to inter-governmental relations.

The third seminar, on November 20, 2003 focused on the HAVA requirement to provide voter information and education. Presentations were made by Alison Bracewell McCullick, Statewide Voter Education Coordinator for the Georgia Department of State where she oversees 12 voter education coordinators around the state, and Conny G. McCormack, County Clerk for Los Angeles County who has responsibility for conducting elections with over 4 million voters and 5,000 voting places. Bracewell McCullick and McCormack presented examples of communications approaches reaching different audiences through diverse media.

As a follow-up to the seminars, a summary of specific key points from the presentations of each of the speakers was prepared and mailed and e-mailed to staff members in the to New Jersey partisan and non-partisan legislative staff offices to help inform new legislation New Jersey would need to implement the requirements of HAVA. The summary was also provided to the election administration staffs in each of New Jersey's 21 counties and to the leadership of the municipal clerks organization in order to give them a sense of what other states have done in working with county and local leadership to implement HAVA. As a direct result of Eagleton's work, New Jersey election officials subsequently visited the State of Michigan election office and are now modeling New Jersey effort to create a statewide voter list on Michigan's. In addition, the summary has been useful to organizations who have advocated for changes in the election system and who are acting as watch dogs of New Jersey's progress on implementation. The summary is posted on the Eagleton Institute web site.

b) Second HAVA Seminar Series

Subsequent to the HAVA seminar series focusing on other states, the Eagleton Institute of Politics supported the subsequent seminars as part of the Institute's public service mission. This series was directed by Ingrid Reed of Eagleton and included the following:

July 24, 2004 - The Chairman of the U.S. Election Assistance Commission, Dr. DeForest B. Soaries, Jr., spoke about "Implementing HAVA: Perspectives from the Federal Level." The program also included Attorney General Peter C. Harvey, New Jersey's Chief Election Official.

October 8, 2004 - The topic was "Implementing HAVA: Can We Alleviate Risk and Improve Public Confidence When Using New DRE Voting Systems?" Eric Lazarus, lead developer of the report "Recommendations for Improving Reliability of Direct Recording Electronic Voting Systems" issued by the Brennan Center for Justice at NYU Law School and the Leadership Conference on Civil Rights, discussed how and why these recommendations were made for the 2004 election and how election officials were asked to respond to them. New Jersey election officials then discussed how these recommendations were being addressed, which measures should be considered for the future and which measures appeared irrelevant for New Jersey.

January 5, 2004 - The topic was "Next Steps for HAVA Implementation in 2006 Based on 2004 - and what it means for the New Jersey Election in 2005." The session used the Election Official Report Card 2004 developed by the Brennan Center as a starting point for a discussion to set an agenda for evaluating the next elections. Bonnie Blader of NJ Appleseed reported on her inspections and discussions about security matters in several counties. Deborah Goldberg, Program Director of the Democracy Project of Brennan Center for Justice at NYU Law School discussed the use of the Election 2004 Report Card and Eric Lazarus presented plans for assessing what information is needed to make decisions about voting systems.

c) *The 2001 New Jersey Election, A Century Foundation Report (issued October, 2002)*

Sponsoring Organization: The Century Foundation

Project Manager: Tova Wang, [REDACTED]

Period of Performance: 2001-2002

Value of Award: \$6,000

This project illustrates the Eagleton Institute's early interest in issues related to HAVA and its ability to conduct applied research, analyze data and information, work with election officials, craft recommendations and contribute to state-by-state comparison of election issues.

The Century Foundation requested Ingrid Reed, director of the Eagleton New Jersey Project, to prepare one of four studies of 2001 elections designed to assess the extent to which problems evident in Florida and elsewhere in 2000 persisted in the absence of fundamental reform throughout most of the country. Reed provided a study with recommendation of the New Jersey gubernatorial election. The other three were the governor's race in Virginia, and mayoral races in New York City and Los Angeles.

The Century Foundation reports were released and discussed at the National Press Club, Washington D.C. on October 15, at a program, "Does the Federal Election Bill Fix The Problem?" moderated by Juan Williams, senior correspondent for National Public Radio's *Morning Edition*.

Overall, the reports show that election problems were much less pervasive in Virginia and Los Angeles -- which have long-standing voting laws and practices that parallel the reforms that Congress enacted -- than in New Jersey and New York City, where there have been more scattershot approaches to election reform. The reports can be found on www.reformelections.com.

The Overview of the Century Foundation Report (p. xxxiv) notes that in New Jersey, "structural flaws in the system reduce responsibility for carrying out elections effectively and leave local and county administration unaccountable." The report notes that in the 2001 election, the number of uncounted votes rose -- usually New Jersey hovers around the national average -- despite the fact that the state replaced its punch card ballot machines. It also notes that New Jersey uses a wide variety of voting machines, and

despite official reports, election observers and voting advocates report polling sites and systems remain inaccessible for the disabled.

The report on the 2001 New Jersey Election points out that New Jersey's decentralized, county-based election system is very similar to Florida's and lacks transparency and accountability.

The first part of the New Jersey report gives a the context for the 2001 elections and describes initiatives taken in 2000 such as eliminating punch card machines and increasing poll worker pay. It discusses how the process worked by looking at four places where specific election problems arose -- Atlantic City, Cumberland County, Passaic County, and Mercer County. It also presents results of an informal survey conducted by Eagleton with the assistance of two research fellows of election administrators about the 2001 election that showed that the increase in poll worker pay successfully addressed the need for workers. It also makes recommendations for improving future elections (p.39): They include:

- define a state leadership role in managing elections
- set county standards for streamlined administration
- address the needs of citizens with disabilities
- examine role of absentee ballots
- improve services for bilingual voters
- upgrade and standardize voting equipment
- consider practices in other states for such initiatives as statewide voter lists, mail ballots, shorter registration deadlines
- use modern communications to promote elections
- recognize outstanding achievements in election administration at the county and local level

Reed concludes the report noting that "the challenge is to find a way to address the systemic issues about election administration in order to assure that the more specific issues are implemented fairly and efficiently and not simply added on to an already complex, overburdened structure.... Leadership from the governor and the legislature will be required to define the expectations for reform and to engage, not ignore, the many individuals and entities already involved in the election process to craft a new system."

Reed added that the new federal election reform act will be catalyst for addressing many of the problems with New Jersey's system and provides funds to make improvements in voting equipment.

d) *RU Voting*

Sponsoring Organization: Rutgers University
Project Manager: Greg Blimling, Vice President, [REDACTED]

Period of Performance: Fall 2004

Value of Award: \$20,000

The Eagleton Institute initiated and managed a project to register and educate Rutgers University students and get them out to vote. Helping to form and mobilize a non-partisan association of staff, faculty, and student groups, Eagleton assistant research professor Susan Sherr served as faculty advisor for a project led by a recent Rutgers graduate. The coalition collected approximately 11,000 registration forms for students registering for the first time, seeking absentee ballots or filing address changes. The group also sponsored a website providing information for student voters.

The election-day experience of this project is particularly relevant to this proposal to the EAC. While thousands of Rutgers students headed to the polls, apparently because of the huge influx of new voter registrations, many found their names had not been added to the rolls. While they were able to vote by provisional ballot, many found this frustrating and disappointing, and contacted Eagleton. Several Eagleton faculty and staff members spent much of election day in contact with area local election officials, reporters and students trying to determine exactly what the problem was and what solutions could be found quickly. The difficulty of making these determinations along with the wild rumors the problems generated were sobering and instructive for considering how to improve the use of provisional ballots in particular.

e) *Public Interest Polling*

Sponsoring Organization: NJ Motor Vehicles Commission
Project Manager: Sharon Harrington, Director [REDACTED]

Period of Performance: 2003-2005

Value of Awards: \$160,000

The fifth comparable project is the survey research work performed by the Eagleton Institute's Center for Public Interest Polling, also known as the Eagleton Poll. Whether or not the EAC chooses to fund the optional polls described in this proposal, the work done by the Eagleton Poll is relevant both for helping the project team understand the value and limits of polling as a gauge of public opinion and because the prominence of the Poll has contributed to public knowledge and respect for the Institute as a whole.

The Eagleton Poll, established in 1971, was one of the first, and most respected academic-based state survey research organizations in the country. The Center engages with approximately 25 government or non-profit agencies each year to conduct polls and focus groups. One client has been the New Jersey Motor Vehicles Commission which has hired Eagleton twice over the last three years to conduct

customer satisfaction surveys. The current contract also calls for convening of focus groups to probe issues more deeply and an assessment of Motor Vehicles employee attitudes and impressions.

In addition, Eagleton collaborates with New Jersey's largest newspaper, The Star-Ledger, to conduct the *Star-Ledger/Eagleton-Rutgers Poll*. Conducted five to six times a year, this is the most prominent and oldest survey of public opinion in the states.

Attachment 5 –Risks re Provisional Voting

The research proposed to develop the guidance document for Provisional Voting involves a contentious political and policy debate, requires the use of a large mass of information to varying reliability, and requires aiming at a moving target because considerable action is underway across the country based on the experiences with the 2004 election. Each of these factors could undermine the credibility and utility of the work, but reasonable precautions can moderate that risk.

Polarized Political and Policy Debate

The debate over Provisional Voting has resulted in a clash over policy with a distinct partisan tinge. Republicans and Democrats are at odds over the proper role for Provisional Voting in the electoral system, election officials are exposed to a more stringent scrutiny that had been the norm, and the federal role in what had previously been a state and local responsibility is controversial in some quarters. All of these conditions make Provisional Voting a controversial topic and will put the analysis and recommendations of this project not just under a microscope but one illuminated by a harsh light.

The most effective way to moderate the risk that controversy could undermine credibility of the project is to turn to independent institutions with a strong reputation and the credentials that inspire confidence. We believe that the Eagleton Institute of Rutgers, The State University of New Jersey and the Moritz College of Law of the Ohio State University have that reputation and that their scholarly, policy-relevant work has created a reputation that inspires confidence.

Data Analysis

The volume and types of information related to Provisional Voting nationwide is staggering. Relying on narratives in the press or from the organizations that have sprung up in the last several years to monitor election reform is appropriate for much of the work proposed. But judging the validity and reliability of that information can frequently be problematic. Unreliable data will produce unreliable conclusions, which, in the present contentious political atmosphere, will quickly undermine the project.

This proposal addresses that problem by supplementing the available sources of data with survey research, the reliability and validity of which is measurable. The proposed survey of provisional voters would go beyond the anecdotal to provide statistically significant measures of their subjective experiences. The survey of local election officials would tap systematically their assessment of the clarity of the guidance they received in 2004 more reliable than the anecdotal reports frequently found in the existing literature.

The Moving Target

The states are not sitting back waiting for instructions on how to proceed in improving the process of Provisional Voting. This project to provide them guidance, which they may or not accept, is aimed at a moving target.

The best way to ensure the relevance of the guidance when published is to conduct the project in a way that provides information too good to ignore. The thorough nationwide search for best practices, clear-eyed analysis, independent review of the experience in 2004, and clear objectives will make the guidance document useful to all jurisdictions.

Attachment 6 – Risks re Voter Identification

The research proposed to develop the guidance document for Voter Identification Requirements and Procedures comes at a time of particularly sharp debate. That debate reveals a racial dimension as well as a partisan dimension, and it is taking place in state houses across the country. The vocabulary of the controversy is richer in invective and allegation than it is in information and analysis. As with the project on Provisional Voting, we are aiming at a moving target as the states grapple with how to modify their requirements for Voter Identification at a pace that may be faster than the schedule for publication of the Commission's guidance on this topic.

Polarized Debate

The debate over Provisional Voting has resulted in a clash over policy with a distinct partisan tinge. Republicans tend to favor more demanding Voter Identification procedures to increase the security of the ballot. Democrats advocate for a more open system, fearing that stringent requirements would reduce the electoral participation of the poor, the elderly, African-Americans and immigrants, and other groups. Stepping into the middle of this conflict is inherently risky because motives and intentions will be called into question.

The most effective way to moderate the risk that controversy could undermine credibility of the project is to provide information that is not now found in the debate. The analysis of the effects of different Voter Identification regimes on voter participation will bring new information to the debate. If our intentions are realized—and they should be—the analysis will yield a clearer understanding of what tradeoffs may exist between various Voter Identification regimes. This kind of good data will not end the debate, but it should raise it to a higher level, and that would be no small achievement in this case. A higher level of debate will likely make the Commission's guidance more influential.

Quality of the data

Raising the quality of the debate by providing information both sides can find useful carries its own risk. The time available for this work is limited. To fail to produce the information as needed in the workplan is real because the work is demanding. But we believe that careful management and the resources of the two institutions will make it possible to develop the analysis in time to be useful in shaping the guidance document.

The Moving Target

The states are moving ahead to change their Voter Identification Procedures. This project to provide them guidance, which they may or not accept, is aimed at a moving target.

As with the Provisional Voting Project, The best way to ensure the relevance of the guidance when published is to conduct the project in a way that provides information too good to ignore. The thorough nationwide search for best practices, clear-eyed analysis of the tradeoffs between Voter ID procedures, and clear objectives will make the guidance document useful across the country.

Attachment 7 – Five Top Reasons Eagleton/Moritz is the best qualified candidate

1. This project involves subjects in sharp debate. The Eagleton Institute of Politics of Rutgers, the State University of New Jersey, and the Moritz College of Law of the Ohio State University are well-respected, independent academic institutions whose work will lend credibility to the research and the resulting Guidance Documents.
2. Eagleton and Moritz have an active and admirable record of involvement in election analysis, inter-governmental relations, election law and related topics. This experience not only enhances their reputations, it provides them with a rare, if not unique, perspective on the issues that will be apparent in the quality of the work produced.
3. The partnership in this project between an Institute of Politics and a College of Law will enrich the analysis. The synergies derived from focusing two different perspectives and ways of thinking on the issues will strengthen the conclusions. The guidance documents that result will rest on a platform both broad and strong.
4. The Peer Review Group created for this project in the proposal will enlarge even further the perspectives and experience focused on improving the process of Provisional Voting and assessing Voter Identification Requirements. The Peer Review Group's comments will strengthen the analysis so that it can survive the scrutiny it is sure to receive in the current, contentious climate.
5. Both Eagleton and Moritz have strong record of obtaining and analyzing information from governments and interest groups and involving them in the interpretation of the data. They are truly independent: neither is a vendor or contractor involved in elections. Their work will be –and will be seen to be– objective and thorough.

Qualifications and Resumes for Project Team

QUALIFICATIONS

Jeffrey Levine - Director of Eagleton's Center for Public Interest Polling

Levine has written extensively on political behavior. He is author or co-author of chapters in three forthcoming books: *The Social Logic of Politics: Family, Friends, Neighbors, and Workmates as Contexts for Political Behavior* (Alan Zuckerman, editor), *The Behavioral Study of Political Ideology and Policy Formulation* (Carl Grafton and Anne Permaloff, editors), and *The Persistence of Political Disagreement among Citizens: How Disagreement Survives within Communication Networks* (Robert Huckfeldt, Paul Johnson, and John Sprague, authors). Levine's research has also been published in a variety of academic journals, including *Public Opinion Quarterly*, *American Political Science Review*, and *American Journal of Political Science*. Currently, he is engaged in an ongoing research project that examines the incidence and nature of informal political debate and deliberation in the American electorate.

Before his appointment as Director of the Center for Public Interest Polling in 2004, Levine was Managing Director of a commercial research firm, where he directed hundreds of quantitative and qualitative research studies for a range of corporate, non-profit, and political clients. He has also provided public opinion analysis on MSNBC and the FOX News Channel.

Levine earned his B.A. in Political Science from University of Rochester and his M.A. and Ph.D. in Political Science from Indiana University.

DON LINKY - Director, Electronic Government Project

Linky is focusing on how electronic technology is affecting government, politics and public affairs. He also continues as president of the Public Affairs Research Institute of New Jersey, a corporate-supported nonprofit founded in 1930 that monitors New Jersey economic, demographic and fiscal trends, and as president of Joshua Communications, a for-profit publishing and information consulting firm.

During the administration of New Jersey Governor Brendan T. Byrne, Linky served as chief counsel to the governor and director of the Governor's office of policy and planning. He had key roles in the development of such programs as the Pinelands Protection Act, the Spill Compensation and Protection Act, the Community Development Bond Act, the Enterprise Zone program, and the creation of New Jersey Transit.

He is the editor or co-editor of the reference books *The New Jersey Directory: The Insider Guide to New Jersey Leaders*; *The New Jersey Almanac*; and *The New Jersey Municipal Almanac*, and serves on the editorial board of *The New Jersey Encyclopedia*. A native of Asbury Park, he now resides in Princeton.

Linky received a BA from Dartmouth College in 1968 and a JD from Harvard Law School in 1972. He also attended the London School of Economics and Political Science.

RUTH B. MANDEL - Director, Eagleton Institute of Politics, Rutgers University
and Board of Governors Professor of Politics,
Eagleton Institute of Politics, Rutgers University

From 1971 through 1994, Ruth B. Mandel directed Eagleton's Center for American Women and Politics (CAWP), where she remains affiliated as a Senior Scholar. Mandel teaches and writes about women and leadership, with emphasis on U.S. women's political history, women as political candidates and officeholders, women's political networks, and the "gender gap." She is the author of numerous publications about women's changing political roles. Recently, she headed an Eagleton team in developing the Young Elected Leaders Project, a new area of study focused on elected officials age thirty-five and under.

Mandel's public service includes a presidential appointment on the governing board of the U.S. Holocaust Memorial Museum in Washington, D.C. She has served as Vice Chairperson of the board since being named by President Bill Clinton in 1993 and reappointed by President George Bush in 2002. Mandel is a member of the Museum's Executive Committee, its Academic Committee, and chairs its Education Committee. She chaired the task group charged with proposing a governing structure for the new Museum. In the 1990's, she led the process to create the Museum's Committee on Conscience, which was established in 1996 with Mandel as its founding chair.

Professor Mandel is a member of the board of the Charles H. Revson Foundation. Her service has also included membership on the board of the National Council for Research on Women; the National Commission for the Renewal of American Democracy; Princeton University's Center for Jewish Life; the Mercer County Commission on the Status of Women; and various editorial boards for scholarly journals and academic publishers.

Awards include: Woodrow Wilson Public Service Award given in the Governor's Pride of New Jersey Awards (1992); Gloria Steinem Women of Vision Award presented by the Ms. Foundation (1996); Twenty-First Century Leadership Award, presented by the President of the National Women's Hall of Fame; Breaking the Glass Ceiling Award from Women Executives in State Government (1998); honorary Doctor of Public Service degree from Chatham College (1998); Award for Distinguished Policy Leadership and Advancement of Women in Public Life from the Women Legislators and College Presidents of Maryland (2002); Salute to the Policy Makers award from Executive Women of New Jersey (2004).

As an observer and analyst of American politics and emerging trends in leadership, she lectures and speaks frequently to a wide range of community, civic and academic audiences.

Ruth B. Mandel holds a B.A. in English from Brooklyn College and an M.A. and Ph.D. in American Literature from the University of Connecticut.

THOMAS M. O'NEILL -Project Director

. For the past 20 years, O'Neill served as President of The Partnership for New Jersey and led its Leadership New Jersey, diversity management and education improvement programs. Previously he was Executive Director of The Center for Analysis of Public Issues in Princeton, which, among other research, analyzed campaigns and elections. He served for several years as election night analyst for New Jersey Network Television and for WNET-Channel 13 in New York.

INGRID W. REED - Director, New Jersey Project, Eagleton Institute of Politics, Rutgers University

Ingrid W. Reed directs the Eagleton New Jersey Project, an initiative designed to reinforce and expand the contributions of Rutgers' Eagleton Institute of Politics to the governance and politics of its home state. Among its initiatives are programs on campaign and election activity, women and politics, welfare reform, and governance issues.

Recently Reed's work has focused on campaigns and elections from the point of view of the citizen. She is the co-author with Professor Gerald Pomper of a report with recommendations about the 1998 New Jersey Congressional Campaigns, *Not Bad But Not Enough*. She has conducted similar studies for the 2000 congressional campaigns, for the 2001 and 2003 for the New Jersey gubernatorial and legislative races, and 2002 U.S. Senate and House races. She is the author of *The 2001 New Jersey Election*, one of four reports prepared for The Century Foundation assessing the extent to which problems in the 2000 Florida election persisted in 2001. In March 2004, she presented a paper at Rutgers's Center for Government Services Policy Seminar Series on "Issues in Voter Participation: Do We Know What They Are? If We Know, What Can We Do About Them?" In partnership with Eagleton's Center for American Women and Politics, she organizes the Bi-Partisan Coalition for Women's Appointments. In 2001-2002, Reed was associate director for a pilot project funded by The Pew Charitable Trusts and the NJ Department of Community Affairs, conducted collaboratively with Syracuse University's Maxwell School for Citizenship and Public Administration, that resulted in a report, *The New Jersey Initiative: Building Management Capacity in New Jersey Municipalities*.

Before joining the Eagleton Institute, Reed served as assistant dean of Princeton University's Woodrow Wilson School of Public and International Affairs where she also

directed the Rockefeller Public Service Awards Program, and as vice president for public affairs and corporate secretary of The Rockefeller University in New York City.

Reed has written op-ed columns on politics for the *Home News and Tribune* (central New Jersey), *The Times of Trenton*, *New Jersey Law Journal*, the *Philadelphia Inquirer* and *The Record*; as well as authored pieces on public administration, urban redevelopment, welfare reform and municipal management. She is frequently interviewed for analyses of New Jersey politics by state, national and international media.

In her public service activities, Reed has a wide range of experiences in state politics and planning, governance and community affairs. She has chaired the Capital City (Trenton) Redevelopment Corporation, a state agency, since it began in 1988. She is a founder and board member of New Jersey Future, the organization advocating the implementation of the State Development and Redevelopment Act, and she was on the board of the New Jersey Conservation Foundation and is currently on the Regional Plan Association, New Jersey Committee. She was elected to the board of the Community Foundation of New Jersey in April 2000.

Reed is a member of the board of the Institute of Public Administration (NYC). In 1993, she was elected a fellow of the National Academy of Public Administration and served on its special panel on Civic Trust and Citizen Responsibility. From 1983 to 1986, she held a Kellogg Foundation National Leadership Fellowship.

She is a Phi Beta Kappa graduate of the University of Pennsylvania.

JOHN WEINGART - Associate Director, Eagleton Institute of Politics,
Rutgers University

John Weingart is the associate director of the Eagleton Institute of Politics at Rutgers University. He also chairs two state commissions: the Highlands Water Protection and Planning Council and the Delaware and Raritan Canal Commission.

John's publications include the Eagleton Institute study, "Another Government Success Story: Citizen Volunteers on New Jersey State Boards and Commissions" (2004); *Waste Is A Terrible Thing To Mind: Risk, Radiation, and Distrust of Government* (described at www.WasteIsATerribleThingToMind.com), and *Reform of Undergraduate Education* (written with Arthur E. Levine) which was named "Book Of The Year" by the American Council on Education.

Before coming to Eagleton, John served in New Jersey state government for 23 years during the administrations of two Democratic and two Republican governors. He worked at the New Jersey Department of Environmental Protection from 1975 to 1994 where his posts included director of the Division of Coastal Resources and Assistant

Commissioner for Environmental Regulation. He then spent four years as Executive Director of the state's Low-Level Radioactive Waste Disposal Facility Siting Board.

John holds a B.A. in Sociology from Brandeis University and a Master's in Public Affairs from Princeton University's Woodrow Wilson School.

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RUTH B. MANDEL

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Rutgers, The University of New Jersey

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Home

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EDUCATION

B.A. 1960, Brooklyn College, English; Ph.D. 1969, M.A. 1962, University of Connecticut, English/American Literature

PROFESSIONAL EXPERIENCE

Board of Governors Professor of Politics, Rutgers University, since 1994

Professor, Eagleton Institute of Politics, Rutgers University, 1985-94; Associate Professor, 1978-85; Assistant Professor, 1971-78.

Director, Eagleton Institute of Politics, Rutgers University, since January 1995

Established in 1956, the Eagleton Institute of Politics at Rutgers University explores state and national politics through research, education, and public service activities, linking the study of politics with its day-to-day practice. Eagleton offers graduate fellowship programs and an undergraduate certificate program for Rutgers students. The Institute's faculty and programs specialize in the study of: state legislatures; public opinion polling and survey research; women's participation in politics; minority and immigrant political participation; campaigns, elections and political parties; civic education and engagement; electronic democracy; and New Jersey politics.

Director, Center for American Women and Politics (CAWP), a unit of the Eagleton Institute of Politics, 1971-95

Built a research, education, and public service program to promote greater understanding of women's relationship to politics and government and to develop a body of knowledge about women's public leadership. Co-Director of CAWP, 1971-73; Educational Coordinator, 1971. CAWP was established in 1971.

Senior Scholar, CAWP, since 1995

Affiliated Faculty, Department of American Studies, since 2002

Affiliated Faculty, Department of Women's and Gender Studies, since 2001

Fellow, Douglass College, Rutgers University, since 1982

Member, Faculty of Arts and Sciences, Rutgers University, since 1981

Visiting Assistant Professor, Department of English, Rider College, 1970-71

Lecturer, Department of English, University of Pittsburgh, 1968-70

Part-time Instructor, Department of English, University of Connecticut, 1960-66

Teaching at Rutgers

Department of Political Science: Women and Political Leadership (graduate); Eagleton Seminar in American Politics (graduate);
Women and American Politics (undergraduate); Becoming A Public Citizen (undergraduate)
Department of Women's and Gender Studies: Leadership Scholar's Seminar (undergraduate)
Department of English: Autobiographies of American Women; Women and Contemporary Problems; Women in Modern America and England; Politics and Fiction

PRESIDENTIAL APPOINTMENT

Vice Chairperson, U.S. Holocaust Memorial Council, the governing board of the U.S. Holocaust Memorial Museum

Appointed Vice Chairperson in 1993 by President Clinton. Originally appointed to Council by President Bush (Council term 1991-1996); reappointed twice by President Clinton (1996-2001, 2001-2006).

Committees: Search Committees for Director of the US Holocaust Memorial Museum, 1992, 1995, 1998; Executive Committee (Vice Chair); Compensation Committee; Long Range Planning Committee; Development Committee; Academic Committee; Committee on Collections and Acquisitions; Chair, Task Force on Governance; Chair, Exploratory Group for A Committee on Conscience, 1994-96; Founding Chair, Committee on Conscience, 1996-97, 1999-2000; Chair, Strategic Planning Committee; Chair, Education Committee, 2003-04.

HONORS/AWARDS

Awards/Honors

Honoree, "Salute the Policy Makers—Awards Dinner Honoring Women of Achievement," Executive Women in New Jersey, New Brunswick, NJ, May 6, 2004.

Honoree, as one of three Founders of the national Public Leadership Education Network on the occasion of its 25th Anniversary Celebration, National Museum of Women in the Arts, Washington, D.C., February 26, 2004.

Honoree, "Women of Distinction" award, American Association of University Women, June 2002

Honoree, Women Legislators and Women College Presidents of Maryland, Maryland Independent College and University Association, Annapolis, Maryland, January 2002

Honoree, The Section for Women in Public Administration, American Society for Public Administration, March 2001

Honoree, "Women Who Make a Difference," Myrtle Wreath Annual Award, Hadassah Southern New Jersey Region, November 2000

Honorary Doctor of Public Service degree, Chatham College, Pittsburgh, PA, May 1998

Breaking the Glass Ceiling Award for a Person in the Public Sector, Women Executives in State Government, January 1998

Mary Louise Smith Chair in Women and Politics, Iowa State University, 1997-98

Twenty-First Century Leadership Award, presented by the President of the National Women's Hall of Fame, October 1996

Gloria Steinem Woman of Vision Award, presented by the Ms. Foundation for Women, May 1996

The League of Women Voters of New Jersey 75th Anniversary Achievement Award, May 1996

Honoree, YWCA of Central Jersey, March 1993

Faculty Merit Awards, Rutgers University, 1982, 1988, 1993

Recipient of the Governor of New Jersey's Woodrow Wilson Public Service Award in the 1992 Governor's Pride of New Jersey Awards Program

Designated "Jerseyan of the Week" by the *Sunday Star-Ledger*, October 18, 1992, January 8, 1995

The Barbara Boggs Sigmund Award: Leaders With Vision — Women in Politics, presented by the Women's Political Caucus of New Jersey, October 1992

Awarded The Douglass Medal by Douglass College of Rutgers University, June 1989

Named 1984 Ralph Bates Lecturer by the Chatham Board of Education, Chatham, NJ
Named one of 33 New Jersey Women of Achievement by *New Jersey Monthly*, October 1983

Who's Who of American Women, 1979-80

Nominee, Woman of the Year in Political Life, *Ladies' Home Journal*, 1977

US Office of Education Fellow, "Crisis: Women in Higher Education," July 1971

Research and teaching fellowships, University of Connecticut Graduate School, 1960-68

PUBLICATIONS

Books, Monographs, Book Chapters, Professional Journals

Political Generation Next: America's Young elected Leaders, Ruth B. Mandel and Katherine E. Kleeman (Eagleton Institute of Politics, Rutgers University, 2004).

"A Question About Women and the Leadership Option," in *The Difference "Difference" Makes*, ed. Deborah L. Rhode (Stanford University Press, 2003).

"Women's Leadership in American Politics: The Legacy and the Promise," in *The American Woman 2001-2001: Getting to the Top*, eds. Cynthia B. Costello and Ann J. Stone (New York: W.W. Norton & Co., 2001).

"Susan Berresford," "Anna Quindlen," "Patricia Schroeder," "Christine Todd Whitman," interviews with Mary S. Hartman, editor, in *Talking Leadership: Conversations with Powerful Women* (New Brunswick, NJ: Rutgers University Press, 1999).

"Moving Forward Together—Women in Politics in the U.S.A.," in *Mehr Frauen für Mehr Demokratie: Festschrift zu Ehren von Professor Dr. Barbara Schaeffer-Hegel*, ed. Ulla Weber (Berlin, Germany: Centaurus-Verlagsgesellschaft Pfaffenweiler, 1998).

"Politics and Persuasion," in *We Are Listening: Report of the Vital Voices, Women In Democracy Conference* (Vienna, Austria: USIA Regional Program Office, 1998).

"Madeleine May Kunin," with Katherine E. Kleeman in *Jewish Women in America: An Historical Encyclopedia*, eds. Paula E. Hyman and Deborah Dash Moore (New York: Routledge, Inc., 1997).

Introduction to *American Women Speak: Voices of American Women in Public Life*, eds. Doris Earnshaw and Maria Elena Raymond, (California: Alta Vista Press, 1996).

Voices, Views, Votes: The Impact of Women in the 103rd Congress, with D. Dodson, S.J. Carroll, K.E. Kleeman, R. Schreiber and D. Liebowitz, monograph report from a research project (New Brunswick, NJ: Rutgers University, Eagleton Institute of Politics, 1995).

"A Generation of Change for Women in Politics," in *Women: A Feminist Perspective*, ed. Jo Freeman (Palo Alto: Mayfield, 1995).

"Doing It Whose Way? Women in Leadership," in *Our Vision and Values: Women Shaping the 21st Century*, ed. Frances C. Hutner (Westport, CT: Praeger, 1994).

"The Political Woman," in *American Women in the Nineties*, ed. Sherri Matteo (Boston: Northeastern University Press, 1993). Earlier version in *The American Woman 1988-89*, ed. Sara E. Rix (New York: W. W. Norton & Co., 1988).

"Do Women Officeholders Make a Difference?" with Debra L. Dodson, in *The American Woman 1992-93*, eds. Paula Ries and Anne J. Stone (New York: W.W. Norton & Co., 1992).

"'No Striving for Glory Here': An Essay on Women and Leadership in the USSR," *Frontiers*, Vol. IX, No. 2 (Spring 1987), 16-22.

The Impact of Women in Public Office: An Overview, with Susan J. Carroll and Debra L. Dodson, monograph in a research series (New Brunswick, NJ: Rutgers University, Eagleton Institute of Politics, 1991).

"Women Officials: A Singular Bond," with Katherine E. Kleeman in *The Women's Economic Justice Agenda: Ideas for the States* (Washington, DC: The National Center for Policy Alternatives, 1987).

"Comparative Reflections," in *Women in Leadership*, section III, *Soviet Studies Series: Women in the Soviet Union* (Washington, DC: The Committee for National Security, 1985).

In the Running: The New Woman Candidate (New York: Ticknor and Fields, 1981). Paperback: Beacon Press, 1983. Excerpted in "Race, Gender, and State and Local Politics," in *State and Local Government in an Urban Society*, Richard D. Bingham (New York: Random House, 1986). Excerpted in *Women Leaders in American Politics*, James David Barber and Barbara Kellerman, eds. (Englewood, NJ: Prentice-Hall, 1986). Excerpted in "In the Running," *National Business Woman* (BPW: The National Federation of Business and Professional Women's Clubs, October/November 1983). Excerpted in "Women Candidates: The Beginning of a Difference," *Graduate Woman*, Vol. 76, No.4 (AAUW, July/August 1982).

"Educating Political People: Familiarity Breeds Familiarity," in *Resocializing Sex Roles: A Guide for Educators*, eds. by Elinor B. Waters and Jane Goodman. Monograph of the National Vocational Guidance Association, 1980.

Educating Women for Public Life: Report from the Visiting Program in Practical Politics (New Brunswick, NJ: Rutgers University, Eagleton Institute of Politics, 1974).

"The Two Mystery Stories in Benito Cereno," *Texas Studies in Literature and Language*, XIV (Winter 1973), 631-642.

The Assistant and A New Life: Ironic Affirmation," *Critique*, VII (Winter 1964-65), 110-122; reprinted in *Bernard Malamud and the Critics*, eds. by L.A. Field and J.W. Field (New York, 1971).

Magazines and Other Writing

"The Coin Has Two Sides," for *Women's Leadership: Collective Endeavor or Individual Mission?* National Dialogue on Educating Women for Leadership, a monograph series of the Institute for Women's Leadership, Rutgers University (forthcoming 2003).

"Memory Alone Does Not Suffice," prepared for Days of Remembrance ceremonies, Washington, DC, April 2001 and published in: *Together*, publication of the American Gathering of Jewish Holocaust Survivors, Vol. 15, No. 2 (New York); and in *Update*, publication of the U.S. Holocaust Memorial Museum, Summer 2001 (Washington, DC).

"The Power of a Woman's Voice," review of *Living a Political Life* by Madeleine Kunin, *The Boston Sunday Globe*, April 10, 1994.

"The Year of the Woman?" *Rutgers Magazine*, Vol. 72, No. 2, Summer 1993.

Foreword, *Women in Office: Getting There and Staying There*, Joanne Rajoppi (Westport, CT: Bergin & Garvey, 1993).

"Success for Women in 1992," *CAWP News & Notes*, Vol. 9, No. 1, Winter 1993.

"Year of the Woman: A Note of Caution," with Irwin N. Gertzog, *CAWP News & Notes*, Vol. 8, No. 3, Fall 1992.

"Building Women's Institutions," *CAWP News & Notes*, Vol. 8, No. 2, Spring 1992, pp. 15-16.

"1990 Election Credits and a Preview of Coming Attractions," *CAWP News & Notes*, Vol. 8, No. 1, Winter 1991.

Foreword, *Who's Who of Women in World Politics* (London and New York: Bowker-Saur, 1991).

"Women in Politics: Goals and Gains," *CAWP News & Notes*, Vol. 7, No. 3, Summer 1990.

"View From Our Bridge," with Katherine E. Kleeman, *SCAN*, Vol. 1, No. 6 (Washington, DC: Council for Liberal Learning of the Association of American Colleges, Sept./Oct. 1986).

"Old Myths Are Finally Getting Buried this Year," Guest Column, *USA Today*, September 22, 1986.

"Furthering Women in Political Leadership," with Katherine E. Kleeman, *Voice for Girls*, Vol. 29, No. 1 (Girls Clubs of America, Fall 1984).

"A Pioneering Decade," *Commemorative Journal* (California Elected Women's Association for Education and Research, Winter 1984).

"Bringing More Women into Public Office — A Prefatory Note," in *Women Make a Difference*, report in a research series (New Brunswick, NJ: Rutgers University, Eagleton Institute of Politics, 1983).

"The Power of the Women's Vote," *Working Woman*, April 1983.

"How Women Vote: The New Gender Gap," *Working Woman*, September 1982.

"Winning With Women," *Women's Political Times* (National Women's Political Caucus, Winter 1982). Reprinted in *Bridging the Gap*, a publication of the American Society for Public Administration, March 1982.

"Networks of Women in Politics," *Networking* (American Council on Education, National Identification Program, Winter-Spring 1981-82).

"Women and Political Leadership: The Road Ahead," *State Legislatures* (National Conference of State Legislatures, January 1982).

"The Trouble with Women Candidates," *Ms*, May 1981.

Foreword, *The Women's Movement in Community Politics in the US*, Debra W. Stewart (New York: Pergamon Press, 1980).

"Introduction," Nancy Becker, *Lobbying in New Jersey* (New Brunswick, NJ: Rutgers University, Eagleton Institute of Politics, 1978).

Foreword, *Women in Public Office 1977*, Center for the American Woman and Politics (Metuchen, NJ: The Scarecrow Press, 1978).

"Women," *Encyclopedia Americana: Year Book for 1976* (New York: Grolier, 1977).

Foreword, *Women in Public Office 1975*, Center for the American Woman and Politics (New York: R.R. Bowker, 1976).

"Women in Elected Office: Some Bad News, and Some Good," *Women's Political Times* (National Women's Political Caucus, Summer 1976).

SELECTED PROFESSIONAL ACTIVITIES

Grants (since 2000)

Principal Investigator with Debbie Walsh and Susan Sherr, The Pew Charitable Trusts (2001-2004), Young Elected Leaders Project (\$211,000).

Co-Principal Investigator with Mary S. Hartman and Marianne Gaunt, SROA grant (2000-2001), Women in Leadership Multimedia Oral History Project (\$25,000).

Co-Principal Investigator with Tobi Walker, The Schumann Fund for New Jersey (2000), Public Officials in the Classroom Project (\$15,472).

Co-Principal Investigator with Ingrid Reed, The Robert Wood Johnson Foundation (2000), Election 2000 Campaign Research and Public Service Program (\$41,000).

Co-Principal Investigator with Tobi Walker, The Dodge Foundation (2000), New Jersey Civic Education Consortium (\$75,000).

The Center for American Women and Politics was established in 1971 with \$50,000 from the Ford Foundation. Since that time, CAWP has raised funds from foundations, corporations and government. Selected grants during (or resulting from) my tenure as CAWP's director include:

Charles H. Revson Foundation (1993-1995) for study of the impact of women in Congress; an assessment of research about women in office; and expansion of a database about elected women (\$458,000)

Charles H. Revson Foundation (1987-1991) for study of the impact of women in public office (\$450,000)

Charles H. Revson Foundation (1980-1985) for study of the routes women take to elective and appointive offices (\$220,000)

W.K. Kellogg Foundation (1990-1994) public leadership education for college-age women (\$962,000)

Ford Foundation (1997) for *Good Housekeeping* Award for Women in Government (\$326,000)

Ford Foundation (1996) for a study of women in the 104th Congress (\$75,000)

Ford Foundation (1993-94) for a conference to develop a research agenda for the study of women and American politics into the 21st century (\$75,000)

Ford Foundation (1991) for assessing the feasibility of developing a women officials' policy network (\$55,000)

Ford Foundation (1989) for research about the abortion issue's impact on elections (\$35,000)

Ford Foundation (1989) for meeting of representatives of national organizations of women officials (\$39,000)

Ford Foundation (1971-80) for general support and for two research grants programs: to study women's voluntary activities; and to study women and local government

Carnegie Corporation of New York (1981-88) for program for women state legislators (\$447,000)

Carnegie Corporation of New York (1978-84) for developing a public leadership education network of women's colleges (\$72,000)

Carnegie Corporation of New York (1975) for study of women's campaigns (\$38,000)

Carnegie Corporation of New York (1972) for a conference and study of women state legislators (\$86,000)

American Express Foundation (1983-1993) for program for women state legislators (\$139,408)

Robert Wood Johnson Foundation (1991) for program for women state legislators (\$19,800)

NJ Historical Commission (1994) Equality Deferred: Women Candidates for the New Jersey Assembly, 1920-1993 (\$3,000)

New Jersey Division on Women (1994) Equality Deferred: Women Candidates for the New Jersey Assembly, 1920-1993 (\$3,000)

Rockefeller Foundation (1989) for research about the abortion issue's impact on elections (\$35,000)

Robert Sterling Clark Foundation (1989, 1992) for research about the abortion issue's impact on elections (\$75,000)

The Huber Foundation (1989, 1990, 1992) for research about the abortion issue's impact on elections (\$70,000)

John Merck Fund (1989-92) for research about the abortion issue's impact on elections (\$125,990)

South Branch Foundation (1989) for research about the abortion issue's impact on elections (\$20,000)

777 Women Fund/Tides Foundation (1992) for research about the abortion issue's impact on elections (\$20,000)

Helena Rubinstein Foundation (1981-84) for data bank on women in public office

Mobil Foundation, Inc. (1971, 1975, 1976, 1978) for general support

Prudential Foundation (1972-1993) for general support and research

Mary Reynolds Babcock Foundation, Inc. (1973) for research grants program

US Department of Housing and Urban Development, Office of Policy Development and Research (1978-81) for research on women in public service (\$440,000)

US Office of Personnel Management (1979) for evaluation research (\$15,000)

National Institute of Education (1977) for research about school boards (\$44,948)

Chase Manhattan Bank (1973) for developing a model education program

Research

2001-2004: a national study of young elected officials (age 35 and under) serving at federal, state, county and municipal levels, which includes developing a national data base, conducting an on-line and mail survey of officeholders, and convening a conference to extend and deepen survey findings. The study has resulted in a report and analysis summarizing demographic characteristics, backgrounds, attitudes, ideology and ambitions of the population of young elected leaders holding office at the beginning of the new century.

Since 2000: a multi-year study of U.S. women's leadership in collaboration with Professor Mary Hartman. The project currently involves a series of videotaped interviews with women who contributed in significant ways, primarily on the national level, during the last quarter of the 20th century to the social change movement that reshaped women's roles, status, aspirations and opportunities in the United States.

1996-97: study comparing the impact of women serving in the 104th Congress with that of women in the 103rd Congress

1993-95: study of the impact of women serving in the 103rd Congress

1993-95: assessment of the findings of two decades of research about women in public office, and development of an agenda to guide future research on women and politics

1989, 90, 92: studies of the politics of the abortion issue in campaigns for state and national offices

1987-91: first national study of the impact of women in public office based on nationally representative samples of women and men elected to state legislatures

1987-91: designed grants program and awarded stipends for eleven small-scale studies examining the impact of women serving in different types and levels of public office

1981-83: national survey comparing women and men in elected office, focusing on the factors which facilitate and impede women's entry into public office

1981-83: first study of women appointed to high-level positions in a presidential administration

1981-83: first nationwide study of women appointed to high-level positions in state cabinets

1978-80: study of women in municipal management

1978-80: study of the development of organizations of women public officials

1977-79: study of women on school boards

1977-78: second national survey of women officeholders, collecting and analyzing data about women's social backgrounds, political experiences, organizational ties, perceptions and policy attitudes

1976: study of proportions of women serving on state boards and commissions in 39 states

1976: study of the campaign experiences of female candidates for elective office

1976: designed grants program and awarded stipends to six scholars for studies of women and local government

1975-76: first ever national survey of women serving in elective office at local, county, state and federal levels

1974: developed grants program and awarded stipends to six scholars for study of the nature and political impact of women's voluntary activities

Data Bank on Candidates and Officeholders

Since 1975 CAWP has developed a computerized database on women in elective office at municipal, county, state legislative, statewide and federal levels. The Center also regularly collects pre- and post-election data on female candidates in congressional, statewide and state legislative races. The data bank serves a variety of constituencies (from students and scholars to activists and journalists) as a national resource for current and historical information about women in politics.

Program for Women State Legislators

1995, 1991, 1987, 1983: Planned and organized the *National Forum for Women State Legislators*, the largest meetings of elected women ever convened. Held in San Diego, California, each Forum has attracted close to 1000 participants, including hundreds of legislators, as well as scholars, issues experts, organization leaders, political party officials, and journalists. The agenda has focused on several themes emerging from CAWP's studies of women legislators and from various related research and education programs:

(1) the impact of elected women on public policy, and the ways in which female officials may respond differently from men to policy issues; (2) the barriers and opportunities for increasing the numbers and influence of women in public office, particularly in state legislatures; (3) the movement of women into positions of legislative leadership.

1990: Co-convened a midwest regional seminar for women state legislators with the Institute for Policy Leadership at the University of Missouri — St. Louis.

1989: Convened a national educational forum for newly elected women state legislators, with veteran women lawmakers serving as core faculty.

1985: Convened a national Conference for Women in Legislative Leadership to explore ways in which women in leadership affect the legislative institution and the public policy agenda.

1982: Convened the Conference for Women State Legislators to examine and assess the prospects for women as elected lawmakers and the progress which had been made since CAWP's first Conference for Women State Legislators held ten years earlier (Pocono conference, May 1972).

National Education for Women's Leadership (NEW Leadership)

Conceived and developed a national program of summer institutes to teach college women leadership theory and skills as well as women's political history. Initially funded by the W.K. Kellogg Foundation, the program became a model for subsequent regional CAWP programs in New Jersey, the South, the Midwest, and later throughout the country at colleges and universities that became part of CAWP's NEW Leadership Development Network.

Public Leadership Education Network (PLEN)

A founder of the Public Leadership Education Network (1978). PLEN is a consortium of eighteen women's colleges working to educate their students about women in policymaking and

public leadership. PLEN maintains a national office in Washington, DC. CAWP has been a consulting organization to PLEN.

Documentary Film

Executive Producer of a one-hour documentary film examining the progress made by women and the obstacles they encountered during more than a decade of increasing involvement in political life. Entitled *Not One of the Boys*, the film aired nationally on *Frontline* (PBS), October 1984.

Editing

Oversaw the publication of books, monographs, and reports resulting from studies and related projects conducted by the Center for American Women and Politics (CAWP) and issued by commercial publishers or through the Eagleton Institute of Politics at Rutgers University. These include publications about: the backgrounds, issue orientations, political experience, ambitions and impact of women and men in public office; the networks and organizations of political women which have developed across the country since the mid-1970s; women in public management positions in urban government; women in state legislatures; studies of the barriers facing male and female office seekers and the routes they have taken to elected and appointed positions; studies of the impact of women in public office.

Editorial Board, *Women and Politics Series*, Rutgers University Press, 1996-2003.

Editorial Board, *Women & Politics: Journal of Research and Policy Studies*, 1986-2003.

Advisory Council, *The Douglass Series on Women's Lives and the Meaning of Gender*, Rutgers University Press, 1983-1990.

General Editor (with Professor Rita Mae Kelly), Praeger series of scholarly books by political scientists in the field of women and politics (1982-1987).

Editorial Board, *Signs: Journal of Women in Culture and Society*, 1975-1980.

Manuscript Reviewer/Advisor for *Have You Considered Government and Politics?* (Career Options Series for Undergraduate Women) and *Government and Politics* (Career Opportunities Series for Post-College Women). New York: Catalyst, 1976.

Media

Interviewed and quoted regularly in major newspapers, wire service stories, popular magazines and news magazines. Press conferences and scores of interview and call-in programs for national and local television and radio. Selected television appearances include: *Washington Journal*, C-Span; *Lehrer News Hour*, PBS; *Nightline*, ABC-TV; *Charlie Rose*, PBS; *CBS Evening News*; *Nightly Business Report*, PBS; *Sonya Live*, CNN; *Good Morning America*, ABC-TV; *Today*, NBC-TV; *Not for Women Only*, WNBC-TV; *In Your Corner*, New Jersey Network; *Take Two*, Cable News Network; *Straight Talk*, WOR-TV; *Caucus New Jersey*, WNET, New York public television; *Word Is Out*, Philadelphia TV; *Today in New York*, WNBC-TV; *New Jersey Nightly News*; Bloomberg Television; Rutgers Forum; *News 12 New Jersey*. National radio interviews and commentary include: NPR's *Talk of the Nation*, *All Things Considered*, *Morning Edition*, and *Radio Times*.

SERVICE

Rutgers University (selected)

Presidential Search Committee, Rutgers University, New Brunswick, New Jersey, 2002

Member, Alexander Library, D1 Subcommittee on Collections, Women's and Gender Archival Collections, 2002-present

Speaker, Faculty Service Recognition Program, May 2002

Interviewer, "Shirley Chisholm," for Circle of Excellence, Rutgers University Honorary Degree Recipients series for Rutgers Television, May 2002.

Judge, "What's your Point?" Rutgers Academic Challenge, Rutgers University, New Brunswick, New Jersey, May 2001

Search Committees, Social Studies Education, Graduate School of Education, Rutgers University, 2000-01, 2001-02

Advisory Committee, 2001 Forum for Women State Legislators, CAWP, Eagleton Institute of Politics, 2000-2001

Planning Committee, The Margery Somers Foster Center at Douglass Library: A Research Network and Digital Archives for Gender and Women's Studies, 1999-Present

Advisory Committee, Holocaust Resource Center, Allen and Joan Bildner Center for the Study of Jewish Life, since 1999

Rutgers Council on Government Relations, 1995-1997

Advisory Committee, Center for Government Services, Edward J. Bloustein School of Planning and Public Policy, since 1996

Board of Directors, Institute for Women's Leadership, since 1995

Strategic Plan Implementation Committee for Public Policy and Law, 1996, 1998, 1999, 2000

Advisory Selection Committee, "Women in the Public Sphere: Power, Practice, Agency," a faculty/graduate student seminar for 1997-1998, Institute for Research on Women, 1996-97, 1997-98

Strategic Plan Implementation Committee for Gender Studies, 1995-96

Provost's Advisory Committee on Academic Development, 1994-96

Search Committee for the Provost/Dean of the Graduate School, 1993

Presidential Search Committee, Rutgers University, 1990

Faculty Committee on Honorary Degrees, 1992-95

Provost's Faculty Council Budget and Planning Committee, 1990-96

Advisory Board, Hispanic Women Leadership Institute, 1989-93

Policy and Planning Committee, Center for Women's Global Leadership, Douglass College, since 1986

Advisory Board, Laurie New Jersey Chair in Women's Studies, Douglass College, 1986-96

Advisory Committee, Women's Archives, Douglass College, 1985-95

Advisory Committee, Institute for Research on Women, 1982-present; Executive Committee, 1983-87

Advisory and Planning Group, Douglass College Program for the Public Leadership Education Network, since 1980

Eagleton Fellowship Program Selection Committee, Eagleton Institute, since 1972

Faculty Supplemental Salary Adjustment Committee, Eagleton Institute of Politics, 1983-84; chairperson 1984-86, 1992-93

Provost's Committee on Administrative Restructuring, 1990-91

Douglass Fellows Policy Committee, 1987-91

Provost's Faculty Budget and Planning Committee, 1988-90

Committee on Appointments and Promotions, Department of Journalism and Mass Media, School of Communication, Information and Library Studies, 1989

Search Committee, Dean of the Faculty of Planning, 1988-89

Douglass Fellows Opportunity Committee, 1986-88

Search Committees, Eagleton Institute of Politics, 1987-88, 1988-89

Co-Convenor, with Douglass Dean Mary Hartman, planning Conference on Women in International Leadership, April 1987

Search Committee, Department of Political Science, 1986-87

Search Committees, Laurie New Jersey Chair in Women's Studies, Douglass College, 1983-84, 1986-87

Search Committees, Eagleton Institute of Politics and Department of Political Science: 1976-77, 1978-79 (co-chairperson), 1980-81, 1986-87

Search Committee, Eagleton Institute of Politics and Graduate School of Education, 1986-87

Co-Chair, Search Committee for Director of the Women's Studies Program at Rutgers University, 1986

Rutgers University Commencement Colloquium Committee, 1985-86

Provost's Committee on Social and Public Policy, 1985

Provost's Committee on Political Oppression, 1985

Research Council Advisory Panels on the Social Sciences, Rutgers University, 1982-85

Eagleton Institute Standing Committees on Personnel, Education, Services, 1975-85

President's Advisory Commission on the Arts, Humanities and Social Sciences in an Era of High Technology, 1983-84

Chairperson, Seminar Series on American Politics and Public Policy, Eagleton Institute, 1983

Rutgers University Senate, 1976-77, Academic Personnel Committee, 1976-77

Chairperson, By-Laws Committee, Eagleton Institute, 1975-76

Manuscript Reviewer, Rutgers University Press

National, State, and Misc. Service (selected)

Ranking Official, Delegation of the U.S. Holocaust Memorial Museum, Republic of Poland Dedication Ceremonies for *The Belzec Memorial Place*, Warsaw and Belzec, June 3-4, 2004.

Member, U.S. Holocaust Memorial Council, since 1991; Vice Chairperson, since 1993

Member, Board of Directors, Charles H. Revson Foundation, since 1998; member, Board Nominating Committee, since 1998

Advisory Board, Center for Information and Research on Civic Learning and Engagement (CIRCLE), School of Public Affairs, University of Maryland, since 2001

Judge, National Panel of Judges for the National Women's Hall of Fame Awards, since 2000

"Spirit of Trenton" Council, appointed by Governor James McGreevey, April 2002

Advisory Board, United Leaders, a new organization for identifying and training young men and women for careers in political service; housed at the JFK School of Government, Harvard University, Cambridge, MA, since 2001

Co-Chair, Selection Committees, National Ballot for Women Presidential Candidates (1999) and Women Vice Presidential Candidates (2000), The White House Project

National Advisory Committee and National Consultation Participant, Forum 98: Setting a Course for Women into the New Century, co-sponsored by Hobart and William Smith Colleges and University of Rochester, 1998

Diversity in Action Advisory Committee, New Jersey Network, since 1997

Review Board, *New Jersey Medicine*, 1995-1999

National Advisory Council, Center for Women Policy Studies, 1989-2000

Honorary Committee, Preserving Paulsdale, Alice Paul Centennial Foundation, 1989-95

Selection Panel, "Breaking the Glass Ceiling," awards program of Women Executives in State Government, 1993

National Commission for the Renewal of American Democracy (appointed by the National Association of Secretaries of State for *Project Democracy*) 1992-93

Board of Directors, National Council for Research on Women, 1985-92; Vice-Chair, 1989-91; Chair, Board Committee on the Future, 1988-89

Organizer, National Hispana Leadership Initiative, New Brunswick, NJ, April 1988

Fifteenth Anniversary Honorary Committee, "9 to 5," National Association of Working Women, 1988

Program Committee, "Women and the Constitution: A Bicentennial Perspective," a national symposium sponsored by The Carter Center of Emory University and convened by former First Ladies Carter, Ford, Nixon and Johnson, 1988

National Advisory Committee to the California Joint Select Task Force on the Changing Family, 1988

NJ State Planning Committee, American Council on Education, National Identification Program for Women in Higher Education Administration, 1979-1987

Nominating Committee, Women's Caucus for Political Science, 1985-86

Planning Committee, The Women's Dialogue — US/USSR, The Rockefeller Foundation, 1984-85. Member of US delegation of eleven women invited to the USSR (December 1984) for a seminar with Soviet women leaders on the theme of "Women and Community Leadership"

Mercer County Commission on the Status of Women, 1977-1984

Appointed by the Governor of New Jersey to the Commission to Study the Need and Necessary Fiscal Commitments for Creating a Chair of Women's Studies at Douglass College (Chairperson, Committee on Academic Needs), 1982

Advisory Committee, Women's Leadership Conference, the Committee for National Security, 1982

Final Selection Judge, Coro Foundation Fellowship Program, 1977; Public Affairs Training Program for Women, 1981

Member, Search Committee for Executive Director, National Women's Education Fund, Washington, DC, 1979

Board of Judges, Catherine L. O'Brien Award, Competition for Achievement in Women's Interest Newspaper Reporting, 1978-79

Member, Planning Committee, Conference on Technical Assistance Needs of Women Officeholders, Aspen Institute, 1977

Appointed by President's National Commission on the Observance of International Women's Year to State Coordinating Committee for New Jersey's IWY Conference, 1976; Co-chairperson, Nominating Committee, New Jersey IWY State Conference, 1977; Elected Delegate from New Jersey to US National Women's Conference, Houston, TX, 1977

Consultant, Women in Power Committee, National Commission on the Observance of International Women's Year, 1975 (testified for Committee hearing on women's participation in the political process, 1976)

Convener, Task Force on Fair Representation and Participation in the Political Process, US National Women's Agenda, a program of the Women's Action Alliance, 1975-76

Program Coordinator and Conference Moderator, Evaluation Conference, "Women in the Political Process — Multi-National Views," US Department of State, Bureau of Educational and Cultural Affairs, New Brunswick, NJ, October 1976

Educational Program Consultant, Finch College, "Preparation of Women for Political Leadership: A Transnational Approach," New York, 1974

PUBLIC PRESENTATIONS

Many lectures, speeches, panels and workshops each year. Below is a sample of presentations between 1987 and 2004.

Selected Guest Lectures and Conference Participation—Colleges and Universities

Faculty Commencement Speaker, 83rd Commencement convocation at Douglass College, Rutgers University, May 2004.

Speaker, Inaugural Mandel Fellows Conference, U.S. Holocaust Memorial Museum in collaboration with the Allen and Joan Bildner Center for the Study of Jewish Life, Rutgers University, New Brunswick, NJ, February 2004.

Discussion Leader, Series of "Conversations With New Leaders," Eagleton Institute of Politics, Rutgers, Spring 2004.

Moderator, "Networking Nationally With Fellow Legislators," Forum for Newly Elected Women State Legislators, Center for American Women and Politics, Rutgers University, Washington, D.C., November 2003.

Moderator, "Seminar on the Future of Democratic Politics," Walt Whitman Center for the Culture and Politics of Democracy, Rutgers University, New Brunswick, NJ, May 2002.

Panelist, Women's Leadership: Collective Endeavor or Individual Mission? National Dialogue on Educating Women for Leadership, Institute for Women's Leadership, Rutgers University, NJ, May 2002.

Discussant and Advisor; "Instituting Gender," Yale University, New Haven, CT, March 2002.

Participant, Invitational Symposium on "Islam and America in a Global World," New York University, NY, January 2002.

Speaker, "Women Legislators and Women College Presidents of Maryland," Maryland Independent College and University Association, Annapolis, MD, January 2002.

Speaker, Program on "University-Community Relations in Estonia, Latvia, and Lithuania," Center for Russian, Central and East European Studies, Rutgers University, NJ, December 2001.

Moderator and Panelist, "Women's Future Political Prospects," for program on Women in Politics: Research and Debate, National Forum for Women State Legislators, convened by the Center for American Women and Politics, Dana Point, CA, November 2001.

Panelist, "The Future of Democratic Politics," Walt Whitman Center for the Culture and Politics of Democracy, Rutgers University, New Brunswick, NJ, September 2001.

Participant, "Breakthrough Strategies for Women Leaders," Institute for Women's Leadership and Center for Women and Work, Rutgers University, New Brunswick, NJ, September 2001.

Moderator, "Balancing Public and Private Lives," CAWP NEW Leadership Summer Institute, Rutgers University, New Brunswick, NJ, June 2001.

Panelist, "What Difference Does Difference Make?," Women's Leadership Summit, American Bar Association and the Kennedy School of Government, Cambridge, MA, April 2001.

Guest Lecturer, "Political Women in the U.S.," Leadership Scholars Seminar, Institute for Women's Leadership and Program in Women's Studies, Rutgers University, New Brunswick, NJ, March 2001.

Panelist, Faculty Roundtable on Election Campaign 2000, Eagleton Institute, New Brunswick, NJ, February 2001.

Interviewee, *By the Book*, Rutgers University Television Network, January 2001.

Participant, "Ready to Run," Center for American Women and Politics, New Brunswick, NJ, March 2000.

Speaker, "The Practice of Politics," Undergraduate Associates Program, Eagleton Institute, New Brunswick, NJ, April 2000.

Participant, "Term Limits and Women in State Legislatures," Center for American Women and Politics, New Brunswick, NJ, November 1999.

Speaker, "From Holocaust History to Memory: Germany, Jews and the Future," Princeton University, April 1999.

Moderator, "Private Life, Public Life, Professional Life," Ready to Run Conference, Center for American Women and Politics, Rutgers University, December 1998.

Speaker, "Remembering the Holocaust in the Twenty-First Century: Memoirs, Oral History and Video Archives," Allen and Joan Bildner Center for the Study of Jewish Life, Rutgers University, November 1998.

Moderator, "Making a Difference: Women in Politics," Center for Leadership and Public Interest Advocacy, Mount Holyoke College, October 1998.

Speaker, "From Suffrage to Liberation: Women in the Public Sphere in New Jersey, 1920-1970," Special Collections and University Archives, Alexander Library, Rutgers University, September 1998.

Speaker, "New Directions in Politics," ACE-NIP, Rutgers University, April 1998.

Speaker, "Moving Forward Together: A Women's Political Movement," Mary Louise Smith Chair in Women and Politics, Carrie Chapman Catt Center for Women and Politics, Iowa State University, April 1998.

Speaker, "Incrementalism Versus the Ketchup Bottle: Women's Progression in Politics," Mary Louise Smith Chair in Women and Politics, Carrie Chapman Catt Center for Women and Politics, Iowa State University, October 1997.

Speaker, Women in Public Life: Past Perspectives, Future Challenges, co-sponsored by the John F. Kennedy Library and Museum and the Center for Women in Politics and Public Policy of the McCormack Institute of Public Affairs, University of Massachusetts, October 1997.

Workshop Leader, First International Women's Leadership Conference, John F. Kennedy School of Government, Harvard University, May 1997.

Participant, Conference on Genocide, Religion, and Modernity, sponsored by the U.S. Holocaust Memorial Museum, Rutgers University Center for Historical Analysis and Center for the Study of Jewish Life, Washington, DC, May 1997.

Moderator, War and Gender Relations, sponsored by The Center for Study of Jewish Life and The Women's Studies Program, Rutgers University, April 1997.

Panelist, Women's Studies Program, University of Philadelphia, November 1996.

Speaker, Rutgers University 1996 Alumni College, Cape Cod, MA, October 1996.

Keynote Speaker, "Women and the Vote," 1996 Elizabeth Cady Stanton/Susan B. Anthony Conversations on Contemporary Issues, University of Rochester, October 1996.

Panelist, Democracy in America: Does It Still Work?, Brown University, February 1996.

Speaker, Politics '96, Knight Center for Specialized Journalism, University of Maryland, October 1995.

Speaker, "Can Democracy Survive?" Raritan Valley Community College, Somerville, NJ, October 1995.

Participant, "Women and Public Discourse," Radcliffe Public Policy Institute, Radcliffe College, Cambridge, MA, April 1995.

Participant, The Women Leaders' Roundtable, sponsored by Queen's College, Avon Products, Inc., and American Council on Education, New York, June 1994.

Panelist, "In the Company of Women: Agendas for Change," Simmons College Graduate School of Management Alumnae Association, May 1994.

Moderator, "Political Practitioners Discuss Research Needs," CAWP conference about Research on Women and American Politics: Agenda Setting for the 21st Century, Rutgers University, April 1994.

Speaker, "Candidates, Voters and Voting Patterns: Women in the Political Process," Institute of Politics, Kennedy School of Government, Harvard University, October 1993.

Moderator and Participant, Roundtable: Women Running for Political Office, Ninth Berkshire Conference on the History of Women, Vassar College, June 1993.

Lecturer, "Women in American Politics," CAWP NEW Leadership Summer Institute, Rutgers University, June 1993.

Moderator, "Balancing Public and Private Lives," CAWP NEW Leadership Summer Institute, Rutgers University, 1991-2000.

Keynote Speaker, Conference on Southern Women in Public Service, John C. Stennis Center for Public Service and Mississippi University for Women, Atlanta, GA, May 1993.

Moderator and Panelist, "Women Lawmakers," Conference on the Scholar and the Feminist, Barnard College, April 1993.

Panelist, "Women in Leadership: A Breakthrough in the 1990s?" The Institute for Women's Leadership at Douglass College, Rutgers University, December 1992.

Speaker, "More Women in Politics... Why Bother?" Newcomb College Center for Research on Women, Tulane University, October 1992.

Speaker, "The Politics of Gender," Women and Social Policy in Comparative Perspective, Italian Academy for Advanced Studies in America, Columbia University and Italian Cultural Institute of New York, Kellogg Center, Columbia University, October 1992.

Speaker, Stanford University Institute for Research on Women and Gender, NY Area Associates Group, NYC, September 1992.

Lecturer, "Women in US Electoral Politics," CAWP NEW Leadership Summer Institute, Rutgers University, June 1992.

Speaker, Hispanic Women's Leadership Institute, Rutgers University, February 1992.

Moderator and Panelist, "Reshaping the Agenda: The Impact of Women in Public Office," CAWP Forum for Women State Legislators, San Diego, November 1991.

Moderator, Roundtable Discussion on Sexual Harassment and Policymaking, CAWP Forum for Women State Legislators, San Diego, November 1991.

Chair and panelist, "Women Candidates for Gubernatorial and Congressional Offices," annual meeting American Political Science Association, Washington, DC, September 1991.

Lecturer, "Early Feminism and Women's Political History," CAWP NEW Leadership Summer Institute, Rutgers University, June 1991.

Lecturer, "Women in Contemporary American Politics," CAWP NEW Leadership Summer Institute, Rutgers University, June 1991.

Speaker, "Women in Leadership," Women Presidents' Summit, American Council on Education, Washington, DC, December 1990.

Speaker, "Women in State Legislatures," Woodrow Wilson School, Princeton University, November 1989.

Moderator, "Advice from Legislative Leaders," CAWP Forum for Newly Elected Women State Legislators, Princeton, November 1989.

Speaker, "Strategic Leadership '90," Women's Campaign Research Fund and Institute of Politics, Kennedy School of Government, Harvard University, October 1989.

Keynote Address, "Outside/Inside: The Tradition of American Women's Political Leadership," delivered at The Radcliffe Conferences — Meeting the Challenge: Women as Leaders, Radcliffe College, May 1989.

Speaker, "Women and Politics '88," Skidmore College, October 1988.

Speaker, "Women Public Leaders and the Electoral Process: Impacts and Implications," The Public Management Seminar Series, University of Southern California, School of Public Administration, Washington Public Affairs Center, Washington, DC, June 1988.

Speaker, "Through the Magnifying Glass: Women and the Presidential Election of 1988," Allegheny College, May 1988.

Moderator, "Women Political Leaders Reflect on the Constitution," Mini Plenary, Women and the Constitution: A Bicentennial Perspective, a symposium sponsored by The Carter Center of Emory University, Atlanta, February 1988.

Selected Professional Meetings and Public Speeches

Speaker, "The Power to Name, the Will to Act," prepared for *For Justice and Humanity*, the 2004 National Commemoration of the Days of Remembrance, U.S. Capitol Rotunda, Washington, D.C., April 22, 2004.

Lecturer, "Jewish Women in American Politics," JCC Middlesex County, Edison, NJ, May 2004.

Presenter and Participant, *Launching the Second Decade: A Tribute to Donors*, U.S. Holocaust Memorial Museum, Washington, D.C., April 2004.

Panelist, "American Politics: Is the System Working?" The Peddie School, Hightstown, NJ, April 2004.

Workshop Leader and Speaker, "Why Won't Sally Run? The Frustrating Search for Young, Female, and Minority Leaders," The Peddie School, Hightstown, NJ, April 2004.

Presenter, *The Barbara Boggs Sigmund Award for Women's Political Leadership*, Women's Political Caucus of NJ, Princeton, NJ, March 2004.

Speaker, "America's Young Elected Leaders," Emerging Practitioners in Philanthropy, Boston, MA, November 2003.

Speaker, "Financing and Political Participation of Women in the Western Hemisphere: North America, Latin America and the Caribbean," Seminar on Political Party and Campaign Financing convened by the Organization of American States, Inter-American Forum on Political Parties of the Unit for the Promotion of Democracy, Washington, D.C., December 2003.

Speaker, "Comfort in Community," *Tribute to Holocaust Survivors: Reunion of a Special Family*, U.S. Holocaust Memorial Museum, Washington, D.C., November 2003.

Moderator, "Genocide Prevention, Morality, and the National Interest," Symposium of the Committee on Conscience, U.S. Holocaust Memorial Museum, Washington, D.C., May 2002.

Participant, "The National Women's Leadership Summit," sponsored by The White House Project and Brinsights, Washington, D.C., May 2002.

Speaker, "Memories of Courage," National Commemoration of the Days of Remembrance, U.S. Capitol Rotunda, Washington, D.C., April 2002.

Panelist, "Twenty Years of Charting the Future," The National Council for Research on Women, Fourth Annual Women Who Make A Difference Awards Program, NY, February 2002.

Speaker, "Women in Politics Thirty Years Later," Pennswood Village, Newtown, PA, January 2002.

Speaker, "The Participation of Jewish Women in American Politics—Then and Now," Monroe Hadassah, Monroe, NJ, May 2001.

Speaker, "Remembering the Past for the Sake of the Future," National Commemoration of the Days of Remembrance, U.S. Capitol Rotunda, Washington, D.C., April 2001.

Participant, "Women in Leadership Working Group," Winds of Change Foundation, San Francisco, California, April 2001.

Witness Testimony, Panel on "The Federal Election System: Historical Perspectives," National Commission on Federal Election Reform, the Carter Center, Atlanta, GA, March 2001.

Participant, *The Campaign of 2000-Debriefing Seminar*, The Annenberg School for Communication, University of Pennsylvania, Philadelphia, February 2001.

Panelist, "Issues in *The American Woman 2001-2002: Getting to the Top*," National Press Club, Washington, D.C. February 2001.

Participant, "Workshop on Issues of Governance in the United States," program of the Ford Foundation, New York, NY, January 2001.

Keynote Speaker, "Making a Difference," Annual Awards Dinner and Program of the Institute for Holocaust and Genocide Studies, Raritan Community College, Somerville, NJ, November 2000.

Panelist, "Beyond Elections 2000," Annual Conference of the National Council for Research on Women, New York, NY, October 2000.

Speaker, "Where Have All the Women Gone?" Princeton Adult School, Princeton, NJ, October 2000.

Speaker, "Jewish Women and Politics," Jewish Historical Society of Central Jersey, New Brunswick, NJ, November 2000.

Keynote Speaker, "Telling Our Stories/Telling Political Women's Story," program on Bridging the Past, Present and Future, Women's Network, annual conference of the National Conference of State Legislatures, Chicago, June 2000.

Keynote Speaker, "Leadership for the 21st Century," annual conference of the Women's Transportation Seminar, New York, NY, May 2000.

Speaker, "An Evening of Tribute to the President's Commission on the Holocaust," program of the United States Holocaust Memorial Museum, Washington, D.C., May 2000.

Speaker, "The Holocaust and the New Century: The Imperative to Remember," National Commemoration of the Days of Remembrance, U.S. Capitol Rotunda, Washington, D.C., May 2000.

Moderator, "After Liberation," conference on "Life Reborn: Jewish Displaced Person 1945-51," U.S. Holocaust Memorial Council and the Second Generation Advisory Group, Washington, D.C., January 2000.

Moderator, "Balancing the Personal and Political," Christine Todd Whitman Excellence in Public Service Series, New Brunswick, NJ, December 1999.

Panelist, "Choosing to Lead: Women's and Girl's Visions for the Next Century," annual conference of the National Council for Research on Women, New York, New York, December 1999.

Participant, "Civic Education After the NAEP Civic Assessment: What Next?," conference of the Institute for Philosophy and Public Policy, Brookings Institute, November 1999.

Panelist, "Legacies: Crafting Women's History, Writing Women's Lives," annual conference of the Head Mistresses Association of the East, Princeton, New Jersey, November 1999.

Moderator and Panelist, "Service and Responsible Citizenship," Citizens Serving Together: Idealism in Action in the 21st Century, annual meeting Grantmaker Forum on Community and National Service, Berkeley, California, November 1999.

Keynote Speaker, "2000 Leadership University," conference of the UJA-Federation of New York, New York City, September 1999.

Speaker, "Women and Presidential Politics," annual meeting of the Journalism and Women Symposium, Sundance, UT, September 1999.

Panelist, "Ms. President? Electing a Woman to the White House," American Political Science Association, Atlanta, GA, September 1999.

Keynote Speaker, "The Voyage of the Saint Louis," National Commemoration of the Days of Remembrance, U.S. Capitol Rotunda, Washington, DC, April 1999.

Panelist, "From Seneca Falls to Beijing +5: U.S. Women and NGOs in Action," program of U.S. Women Connect at United Nations Headquarters, New York City, March 1999.

Moderator, "Balancing Public and Private Life," Christine Todd Whitman Excellence in Public Service Series, New Brunswick, NJ, January 1999.

Moderator, "Genocide and Crimes Against Humanity: Early Warning and Prevention," conference of the Committee on Conscience, United States Holocaust Memorial Council, Washington, DC, December 1998.

Panelist, "Women's Participation: A 1998 Post-Election Review," Northeastern Political Science Association, Boston, MA, November 1998.

Panelist, "Women, Politics, and the White House," program of the Ms. Foundation for Women, New York City, October 1998.

Moderator, "What Difference Does It Make?: Why More Women Should Get Ready to Run-For Office," Governor's Conference on Women: Economic Pathways to Power, Atlantic City, NJ, October 1998.

Speaker, New Jersey Association for Elected Women Officials, Princeton, NJ, March 1998.

Speaker, "Women in Leadership," Riker, Danzig, Scherer, Hyland & Perretti, Florham Park, NJ, September 1997.

Rapporteur, Vital Voices: Women in Democracy, an international conference convened by the US Department of State, Vienna, Austria, July 1997.

Panelist, New Jersey Democratic State Committee 1997 Statewide Conference, Long Branch, NJ, May 1997.

Speaker, Women Administrators in Higher Education and Capital Area Women in Education, Washington, DC, May 1997.

Speaker, "Varieties of Jewish Experiences: Readings and Discussions with Local Scholars," The American Jewish Committee, Princeton, NJ, February 1997.

Speaker, New Jersey Association of Women Business Owners, Piscataway, NJ, February 1997.

Participant, "Healing Wounded People--War Crimes Tribunals and Truth Commissions," United States Holocaust Memorial Museum, January 27, 1997.

Moderator, "Visions of the 21st Century," Program of the United States Holocaust Memorial Museum for the Presidential Inauguration, January 1997.

Speaker, Johnson & Johnson Executive Luncheon Series, New Brunswick, NJ, November 1996.

Speaker, "More Women for More Democracy, A Colloquium in Honor of Professor Barbara Schaeffer-Hegel," Technische Universitat Berlin, Berlin, Germany, November 1996.

Speaker, "Women Influencing Public Policy," Women Working in Philanthropy, Delaware Valley Grantmakers, Philadelphia, PA, October 1996.

Participant, The Governor's Leadership Summit on Diversity, Basking Ridge, NJ, October 1996.

Participant, The Image of Feminism in the Public Eye, NOW Legal Defense and Education Fund, New York, April 1996.

Speaker, Women Lawyers Section of the Middlesex County Bar Association, New Brunswick, NJ, March 1996.

Participant, Leadership Issues for Women and Girls, U.S. Department of Education, Washington, DC, February 1996.

Speaker, New Jersey Commission on Holocaust Education, Rutgers University, New Brunswick, NJ, February 1996.

Speaker, "Whose America Is It?" Annual Lecture Series of the Jewish Congregation of Rossmoor, Jamesburg, NJ, October 1995.

Speaker, Volunteer Appreciation Night, United States Holocaust Memorial Museum, Washington, DC, June 1995.

Participant, The Governor's Leadership Summit on Diversity, New Brunswick, NJ, May 1995.

Keynote Speaker, 75th Anniversary Gala, League of Women Voters of New Jersey, New Brunswick, NJ, May 1995.

Keynote Speaker, Women's Political Caucus of New Jersey, Annual Conference, Princeton, NJ, May 1995.

Participant, National Roundtable on Women in Public and Nonprofit Leadership, Corporation for National Service, White House Conference Center, Washington, DC, May 1995.

Participant, Post-Election Roundtable, The Ford Foundation, New York, January 1995.

Speaker, "Women in 20th Century American Politics," The Women's Campaign School, Yale University, June 1994.

Participant, "Women and Leadership," Sara Lee Corporation Women's Roundtable, Washington, DC, May 1994.

Speaker, "Women in Politics — Past, Present, and Future," by the Pennsylvania Women's Campaign Fund, Philadelphia, PA, April 1994.

Speaker, "The State of Women in Politics," Nassau Club, Princeton, NJ, February 1994.

Chair, "Multiple Voices: Ideology, Exclusion, and Coercion," panel at *The Holocaust: An International Scholars' Conference on the Known, the Unknown, the Disputed, and the Reexamined*, opening conference of the United States Holocaust Research Institute, Washington, DC, December 1993.

Moderator and Panelist, "American Women in Political Campaigns: Obstacles and Successes," Wellesley Club of NJ, William Patterson College, NJ, October 1993.

Moderator and Panelist, "Which Way Are the Political Winds Blowing? National Convention of the National Women's Political Caucus, Los Angeles, CA, July 1993.

Speaker, "Women as Leaders," Ninth Annual Seminar, The Washington Center, Washington, DC, May 1993.

Moderator and Speaker, "Transforming Government," opening plenary session, Annual Meeting, National Council for Research on Women, Washington, DC, May 1993.

Speaker, "Women in Politics: Its Meaning For the Future," The Smithsonian Campus on the Mall, Washington, DC, April 1993.

Speaker, Women in Municipal Government Annual Meeting, National League of Cities, Washington, DC, March 1993.

Speaker, "Women as Candidates and Elected Officials," Women's Program Forum, The Ford Foundation, New York City, March 1993.

Speaker, "The Role of Women in Transforming Government," Symposium '93, American Society for Public Administration, NJ Chapter, Princeton, NJ, March 1993.

Speaker, Post-Election Debriefing and Analysis for Women State Legislators, conference sponsored by the National Women's Political Caucus, Washington, DC, November 1992.

Speaker, "In the Eye of the Storm: Feminist Research and Action in the '90s" annual meeting National Council for Research on Women, Radcliffe College, Cambridge, MA, June 1992.

Speaker, "If Women Ran America," Invitational Forum, sponsored by *LIFE* magazine, New York City, June 1992.

Speaker, Women's City Club of New York, Inc., New York City, March 1992.

Speaker, "Changing Times — Changing Challenges," program of the American Association of Retired Persons, Washington, DC, March 1992.

Speaker, National Order of Women Legislators, Annual Meeting, Mackinac Island, Michigan, August 1991.

Speaker, "It's Better to be Present: Women in Leadership," Conference on A New Decade of Leadership: Women State Legislators, CAWP and Institute for Policy Leadership, University of Missouri-St. Louis, November 1990.

Panelist, "Political Participation and Women's Leadership," National Council for Research on Women, Annual Meeting, New York City, June 1990.

Moderator and Panelist, "The Gender Gap: The 1988 Election and Beyond," program of the Charles H. Revson Foundation and the Women's Program Forum of the Ford Foundation, New York City, January 1989.

Moderator and Panelist, "Shaping Institutions in the Future: Women Making a Difference," Council on Foundations, Annual Meeting, Los Angeles, CA, April 1988.

Moderator and Panelist, "Women's Leadership in the Institutional Environment," Conference on Educating Women for Leadership, Wingspread Conference Center, Racine, WI, March 1988.

Keynote Speaker, Minnesota Women's Political Assembly, Minneapolis, MN, January 1987.

Keynote Speaker, "Women in Government," The New Jersey Department of Higher Education, Princeton, NJ, January 1987.

Speaker, Women in Municipal Government seminar at the Congressional-City Conference of the National League of Cities, Washington, DC, February 1987.

Participant, The First Eleanor Roosevelt International Caucus of Women Political Leaders, sponsored by the National Democratic Institute for International Affairs, San Francisco, CA, March 1987.

Moderator and Panelist, "Current Status of Women in Politics: Taking Stock," Conference on Women and Political Power in the United States convened by the John F. Kennedy Library, Boston, MA, May 1987.

Janet Stuart Lecturer, "She Knows Where She's Going — Today's Political Woman," Stuart Country Day School of the Sacred Heart, Princeton, NJ, October 1987.

07/04

013376



Thomas M. O'Neill

Experience

2005

Thomas O'Neill Consultant
Pennington, New Jersey

Consultant

Founded new consulting practice in public policy, organizational and leadership development. Initial clients include Rutgers University and Volunteers of America/Delaware Valley

1984–2005

The Partnership for New Jersey
New Brunswick, New Jersey

President

- Founded and led association of corporate and non-profit CEOs dedicated to making New Jersey a better place to live and work. Responsible for raising annual budget of \$500,000 – \$750,000 and funds for restricted programs
- Developed and led leadership development programs (Leadership New Jersey, Leadership Newark, Leadership Trenton) that has created a statewide network of civic leaders of more than 1,000 outstanding men and women.
- Created and led educational improvement initiatives including the Invest in Children Coalition that expanded preschool programs, NetDay that wired 10,000 classrooms across the state for Internet connections, Institute for School Innovation that developed and advocated measures to improve the efficiency of public schools.
- Organized and led diversity initiatives that doubled the number of corporations with formal diversity programs. Managed The Governor's Leadership Summit on Diversity to demonstrate the value of the state's increasing diversity and recommend programs to increase that value. Designed and managed first statewide survey of public attitudes on race and inter-group relations.

1977 – 1984

Center for Analysis of Public Issues
Princeton, New Jersey

President

- Led major studies on campaign finance, lobbying disclosure, foster care, government integrity, and related topics. Wrote or edited reports on these studies.
- Founded and edited award-winning magazine analyzing public policy and politics, *New Jersey Reporter*. Created and published annual *New Jersey Political Almanac*.
- Commentator and election analyst for NJ Public Television and hosted weekly public affairs program on WNET-Channel 13.

1975-1977

Center for Environmental Studies
Princeton University

Research Staff and Lecturer

- Member of research team on energy policy, environmental management and land use controls.
- Developed and taught upper level course, "Environmental Policy Making," Engineering 303.

1970 - 1975

Department of Environmental Protection
Trenton, New Jersey

Chief of Staff

- Member of the Commissioner's staff responsible for the organization of this new department of state government, for legislative initiatives, program review and assessment, and direction of review of major proposed projects.
- Director of the Division of Marine Resources, first administrator of new coastal land use controls and responsible for the NJ Marine Police, wetlands regulation, and control of ocean dumping.
- Director, Governor's Task Force on Energy. Led emergency task force to respond to the 1973 oil embargo and craft a plan to improve the state's capacity to conserve energy and regulate supply.
- Executive Director, Governor's Advisory Council on the Future of New Jersey. Formed and led panel to assess trends shaping New Jersey's economy and environment and develop a strategy for shaping land use controls to assure a high quality of life.

- Wesleyan University, BA with Honors in Government, 1968
- Princeton University, Woodrow Wilson School of Public and International Affairs, Masters program in Public Affairs, 1968 - 1970

Education

Military Service

U. S. Army Intelligence Corps, Berlin Station, 1962 -- 1965

Civic Activities

Director, Merrill Lynch Bank & Trust, 1993 -- present

Trustee, Citizens for the Public Good 2001 -- present
Founding Trustee, New Jersey Future, 1984 -- present
American Littoral Society, Trustee, 2003 -- present
Trustee, Thomas Edison State College, 1996 -- 2004
Founding Chair, NJ Institute for School Innovation, 1999 -- 2001
Founding Chair, Early Childhood Facilities Fund, 1996 - 1999
Trustee, Regional Planning Partnership, 1976 -- 2001
Trustee, The Nature Conservancy, 1998 -- 2003
Chair and trustee, Center for Analysis of Public Issues, 1984 -- 2001
Member, Pennington Borough Council, 1976 -- 1979

JOHN WEINGART

Sergeantsville (Hunterdon County), New Jersey

(609) 397-

CURRENT EMPLOYMENT:

Associate Director
EAGLETON INSTITUTE OF POLITICS
RUTGERS UNIVERSITY
New Brunswick, NJ (February 2000 to present)

CURRENT ACTIVITIES:

Chairman
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING
COUNCIL
Appointed by Governor and confirmed by State Senate to 5-year term

Chairman
DELAWARE AND RARITAN CANAL COMMISSION
Appointed by Governor and confirmed by State Senate to second 5-year term

Producer and Host
Music You Can't Hear On The Radio
Weekly radio program of folk music and bluegrass on WPRB-FM and WPRB.com, Princeton, NJ

PAST EMPLOYMENT:

Senior Fellow
CENTER FOR ANALYSIS OF PUBLIC ISSUES
Princeton, NJ (September 1998 to February 2000)

Wrote a book analyzing New Jersey's attempt to encourage municipalities to volunteer to host a disposal facility for low-level radioactive waste, viewing this program as a lens through which to examine risk communication, community involvement in decision-making and state government. Secured funding from the U.S. Department of Energy. Published in 2001.

Executive Director
NJ LOW-LEVEL RADIOACTIVE WASTE DISPOSAL FACILITY SITING BOARD
Trenton, NJ (September 1994-July 1998)

Directed an innovative effort to encourage New Jersey municipalities to consider volunteering to host a disposal facility for low-level radioactive waste. Included communicating about risk and science, confronting public distrust of government, and fostering effective community processes for decision-making. Managed a staff of seven with an annual budget of \$1 million, and reported to an 11-member board.

John Weingart - page 2

PAST EMPLOYMENT (continued)

013379

Assistant Commissioner for Environmental Regulation
NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
Trenton, NJ (1991-1994)

Directed most of the Department's planning and permitting programs for both land use and industrial facilities. Managed a staff of 650 with an annual budget of \$11 million in federal and state funds. Worked with the Legislature, local governments, permit applicants and citizen groups, with the goal of developing mechanisms to improve planning and regulatory programs and link them together for more comprehensive environmental protection and greater common sense and efficiency.

Director, Division of Coastal Resources
NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
Trenton, NJ (1982-1991)

Administered a State agency with a staff of 300 and budget of \$5 million responsible for land use planning and regulation along New Jersey's ocean shore and urban waterfronts, and in flood plains and wetlands. Had lead responsibility for federal Coastal Zone Management grant. Also, responsible for capital projects for shore protection, dredging and flood control.

Various staff positions
NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
Trenton, NJ (1975-1982)

Joined DEP in 1975 as Public Participation Coordinator for the Office of Coastal Zone Management; then served as Assistant Chief of the Office, Chief of the Bureau of Coastal Planning and Development, and Deputy Director, all within the Division of Coastal Resources.

Also, served as **Staff Director for the Governor's Hudson Waterfront Study, Planning and Development Commission** from 1979 to 1981. Initiated and fostered the planning and development of the Hudson River Walkway to increase public access and urban revitalization.

Project Co-Director

UNDERGRADUATE CURRICULUM EVALUATION
Waltham, MA (1970-1973)

Co-designed and directed a study evaluating the implementation of curricular reforms at 26 colleges. Received funding from private foundations and the U.S. Office of Education. Study resulted in the two books listed below.

OTHER ACTIVITIES:

Board Member, *Delaware River Mill Society*, 1996 to present.
(Vice-President from 1999 to 2002).

Board Member, *Hudson Waterfront Conservancy*, 1999-present.

Trustee, *Delaware and Raritan Greenway*, November 1999-November 2002.

Visiting Associate, *Eagleton Institute*, Rutgers University, 1999-2000.

Board Member, *Regional Planning Partnership*, 1999-2004.

Member, *NJ Alzheimer's Association Public Policy Committee*, 1999-2000.

Elected Member, *Delaware Township School Board*, 1996-1999.

EDUCATION:

Graduate of Leadership New Jersey Program;
Partnership for New Jersey (1989).

Masters in Public Affairs, Woodrow Wilson School of Public and
International Affairs, Princeton University, Princeton, NJ (1975).

Bachelor of Arts, Brandeis University; Waltham, MA (1970);
major in sociology; President of the Student Body.

**PUBLICATIONS:
BOOKS**

**ANOTHER GOVERNMENT SUCCESS STORY:
CITIZEN VOLUNTEERS ON NEW JERSEY STATE BOARDS
AND COMMISSIONS;** Eagleton Institute of Politics;
New Brunswick, NJ 08901; 2004.

**WASTE IS A TERRIBLE THING TO MIND:
RISK, RADIATION, AND DISTRUST OF GOVERNMENT;**
Princeton, NJ; Center for Analysis of Public Issues; 2001.

**NEW JERSEY'S VOLUNTARY SITING PROCESS FOR A LOW-LEVEL
RADIOACTIVE WASTE DISPOSAL FACILITY; A HISTORY AND
PERSPECTIVE,** National Low-Level Waste Management Program,
Idaho Falls, Idaho, July 2000.

REFORM OF UNDERGRADUATE EDUCATION, co-author with
Arthur E. Levine (San Francisco: Jossey Bass; 1973).

UNDERGRADUATE CURRICULUM EVALUATION, co-author with
Arthur E. Levine (Washington, D.C.; Education Resources
Information Center, 1972).

ARTICLES:

Government

- "Harmony for an Official State Song: A Proposal for Rotation, Marketing and Term Limits," *The New York Times*, New Jersey Section Op Ed page, [November 24, 2002].
- "Time Can Change Everything: Low-Level Radioactive Waste Amid Changing Realities," *Radwaste Solutions*, [May/June 2001].
- "A Prayer For The City," book review, *The New Jersey Reporter* (March 1998).
- "Bump In The Night," commentary on the New Jersey Civil Service system, *The New Jersey Reporter* (July 1996).
- "CAFRA Amendments: A Surprising Year For Progress," *New Jersey Conference of Mayors Quarterly Magazine*, (Autumn 1993).
- "What Voters Don't Know Can Hurt Them," *The New Jersey Reporter*, (June 1985).
- "Senate Appointment: A Dead End?", *The New York Times*, (September 27, 1981).

Environment

- "Low-Level Waste and You: Perfect Together," *The Star-Ledger*, (December 29, 1995).
- "It's Our Waste; Why Not Our Backyard?", *New Jersey Environment*, (Winter 1996).
- "Wanted: A Site For A \$100 Million Development," *New Jersey Conference of Mayors Quarterly Magazine*, (Winter 1995).
- "The Low-Level Radioactive Waste Facility Siting Process," *New Jersey Planners' Journal*, (Fall 1995).
- "The State's Reaction To Sea Level Rise," *The Bulletin of the New Jersey Academy of Science*, (Fall 1986).
- "Regional Planning for the Urban Waterfront," *Coastal Zone '80: Proceedings of the Second Symposium on Coastal and Ocean Management*, (November 1980).
- "The Unforeseen Path to Regional Management of the New Jersey Pinelands," *Proceedings of the Cooperative Management of Coastal Ecosystems Workshop*, Georgia Conservancy (November 1980).
- "Urban Coastal Management, The New Jersey Experience," *Resource Allocation Issues in the Coastal Environment*, The Coastal Society, (November 1979).
- "CAFRA and Coastal Zone Management," *New Jersey Outdoors*, (October 1975).

Education

- "The Need For Environmental Education," *Humanistic Judaism*, (Spring 1993).

HONORS

Volunteer of the Year Award, Delaware River Mill Society (March, 2005)

*Fifteen Years of Leadership Award, Leadership New Jersey
(December 2001).*

*Frank Oliver Earth Day Award, New Jersey Environmental Lobby,
“for outstanding service to the citizens of New Jersey as a
responsible public servant protecting the state’s environment and
health,” [April 2000]*

*The Citizen Award, New Jersey Society of Municipal Engineers
(November 1994).*

*New Jersey Folk Festival Award for Distinguished Service to the Traditional Arts
(May 1993).*

Man of the Year Award, North Bergen Action Group, (November 1985).

*Book of the Year Award (for Reform of Undergraduate Education),
American Council On Education (October 1974).*

March 2005

Donald Linky
Director, Electronic Government Project
Eagleton Institute of Politics, Rutgers, the State University of New Jersey

Don Linky is director of the Electronic Government Project at the Eagleton Institute of Politics at Rutgers, the State University of New Jersey. He also coordinates the Rutgers Ethics Initiative, a joint project of the Eagleton Institute and the Prudential Business Ethics Center at the Rutgers Business School.

He also continues as president of Joshua Communications, Inc., a publishing and information services firm in Princeton, and edits reference books published by Joshua, including *The New Jersey Directory: The Insider Guide to New Jersey Leaders*; *The New Jersey Almanac*; and *New Jersey Fast Facts*. He is a former president of the Public Affairs Research Institute of New Jersey, a corporate-supported nonprofit founded in 1930 that monitored New Jersey economic, demographic and fiscal trends.

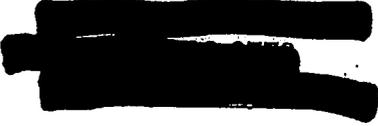
During the Administration of New Jersey Governor Brendan T. Byrne, Don served as chief counsel to the governor and director of the governor's office of policy and planning. He had key roles in the development of such programs as the Spill Compensation and Protection Act, which served as the model for the federal Superfund program, the Pinelands Protection Act, the Community Development Bond Act, the Urban Enterprise Zone program, the creation of New Jersey Transit and school finance reform.

He has been the editor of *The New Jersey Municipal Almanac*, and served on the editorial board of *The New Jersey Encyclopedia*. He also has been a monthly columnist for the magazines *New Jersey Reporter*, *New Jersey Business* and the *Business Journal of New Jersey*. He has served as a member of the governing boards of New Jersey Future, the Council of State Planning Agencies, Directory Publishers Forum North America and other organizations.

Don is a graduate of Harvard Law School and Dartmouth College, and attended the London School of Economics and Political Science. A native of Asbury Park, he now resides in Princeton.

Contact:

Eagleton Institute of Politics
Rutgers, the State University of New Jersey
191 Ryders Lane
New Brunswick, NJ 08901



Experience:

2001-

Visiting Professor and Director, Electronic Government Project
Eagleton Institute of Politics, Rutgers, the State University of New Jersey
New Brunswick, New Jersey

1994-2001

President, Public Affairs Research Institute of New Jersey
Princeton, New Jersey

1989-

President, Joshua Communications, Inc.
Princeton, New Jersey

1986-90

Counsel, Hill Wallack (law firm)
Princeton, New Jersey

1982-86

Senior Vice President and General Counsel,
New Jersey Business and Industry Association, Inc.
Trenton, New Jersey

1981-82

Chief Counsel to the Governor of New Jersey
Trenton, New Jersey

1978-82

Director, Governor's Office of Policy & Planning
Trenton, New Jersey

1975-78

Deputy Counsel and Assistant Counsel to the Governor of New Jersey

1973-75

Attorney, Hannoch, Weisman, Stern & Besser
Newark, New Jersey

1972-73

Law Clerk, Supreme Court of New Jersey

Education:

J.D., Harvard Law School 1972

B.A., Dartmouth College 1968

London School of Economics and Political Science 1966-67

Publications:

Reference Books

The New Jersey Directory: The Insider Guide to New Jersey Leaders (8 editions: Joshua Communications)

The New Jersey Almanac (3 editions: Joshua Communications 2005; Center for Analysis of Public Issues 1999, 2001)

The New Jersey Municipal Almanac (Center for Analysis of Public Issues 2000)

Selected Articles and Reports

New Jersey Health & Wellness by the Numbers (*New Jersey Monthly Magazine* October 2005; January 2004)

An Evaluation of New Jersey State Government Web Sites: Design, Content and Usability
(New Jersey Office of Information Technology April 2004)

Best Practices in Government Web Publishing (Eagleton Institute of Politics, April 2004)

Online Resources for Teaching Civics, Government and the Law (Eagleton Institute of Politics, March 2002)

New Jersey State Government Web Report Cards (Eagleton Institute of Politics, September 2002)

No Free Lunch: School Construction and Accountability (*New Jersey Reporter Magazine*, April 2001)

Digital Democracy: Are We There Yet? (*New Jersey Reporter Magazine*, December 2000)

New Jersey at the Millennium: Where Do We Go from Here? (*New Jersey Reporter Magazine*, January 2000)

INGRID W. REED

Office:

**Eagleton Institute of Politics,
Rutgers, The State University
191 Ryders Lane
New Brunswick, NJ 08901**

Home:

[REDACTED]
[REDACTED]
[REDACTED]

Professional Experience

- Eagleton Institute of Politics. Director, Eagleton New Jersey Project, January 1996-.
- The Rockefeller University. Vice President for Public Affairs and Corporate Secretary, May 1992-December 1995. Consultant, 1996-2001.
- Woodrow Wilson School of Public and International Affairs, Princeton University, Director, Rockefeller Public Service Awards, 1975-81; Assistant Dean, September 1975-May 1992;
Lecturer, 1989;
- New Jersey Department of Environmental Protection, Assistant for Special Projects to the Deputy Commissioner, 1975.
- Educational Testing Service. Assistant to the Controller, 1960-61.

Current Public Service Activities

- American Society for Public Administration, NJ Chapter Governing Council, 1996-.
- Capital City (Trenton) Redevelopment Corporation (a State agency), Chair of the Board, 1988-.
- Community Foundation of New Jersey, Board Member, 2000-
- Institute for Public Administration (NYC), Board Member, 1988-.
- National Public Service Awards Selection Committee, 1988- and executive committee member, 2001-.
- New Jersey Department of Human Services Work First N.J. Program, Task Force member, 1997-.
- New Jersey Future (coalition for state planning), Board Member, founder, former Board Chair, 1986-.
- Regional Plan Association, New Jersey Committee, 1997-. (Formerly New York Committee and Committee on the Third Plan, 1992-96.)
- Sandra Starr Foundation (Princeton, N.J.), Vice Chair of the Board, 1998-.

Publications

- "Crisis in Regional Planning," Regional Planning, G. Lim, editor, Allanheld Osmun, 1983.
- "The Life and Death of UDAG: An Assessment Based on Eight Projects in Five New Jersey Cities," PUBLIUS, Summer, 1989.
- "The New Information Technology: The Promise and the Challenge for U.S. Women in Politics,"
presented at an invitational conference of the Center for Korean Women and Politics, Seoul, Korea, November 18-20, 1996.
- "Navigating Welfare Reforms," with Carl E. Van Horn, State Government News, April 1997, p. 25-27.

DRAFT

- "Better Campaigns for Better Governance: A Challenge to Public Administration," Institute for Public Administration Report, Spring 1998.
- "N.J. Congressional Campaigns in 1998: Not Bad but Not Enough: A Report of the Research Project," with Professor Gerald M. Pomper. Featured in New Jersey Reporter, November 1999.
- Columnist on political matters, Op-ed Section, *Home News and Tribune*, New Brunswick, 1996-, *The Times*, Trenton, 1999-, *NJBiz*, 2005-. Also *New Jersey Law Journal*, *Philadelphia Inquirer*, *The Record*.
- "The New Jersey Initiative: Building Management Capacity in New Jersey Municipalities," associate director of a report of a pilot project conducted in partnership with Syracuse University's Maxwell School of Citizenship and Public Administration. August 2002.
- "The 2001 New Jersey Election," A Century Foundation Report, October 2002.
- "Issues in Voter Participation", a paper commissioned by the Center for Government Services, Rutgers, for its Making Democracy Work Roundtable, March 2004.

Awards

- Elected fellow, National Academy of Public Administration, 1993.
- New Jersey Chapter, American Society for Public Administration Achievement Award, 1990.
- Kellogg National Leadership Fellowship, 1983-86.
- Phi Beta Kappa, 1958.

Education

- University of Pennsylvania, A.B.(economics), College for Women, 1958.

DRAFT

Karen Lynn-Dyson/EAC/GOV
06/28/2006 11:45 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV
cc
bcc
Subject Fw: Please provide me with a hard copy of the Eagleton cost proposal, when you can

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 11:43 AM -----

 Nicole
Mortellito/CONTRACTOR/EA
C/GOV
01/20/2006 02:01 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc
Subject Re: Please provide me with a hard copy of the Eagleton cost proposal, when you can 



EAC Eagleton Institute Budget 3-22-05-1.xls

Regards,

Nicole K. Mortellito
Special Projects
U.S. Election Assistance Commission
1225 New York Avenue - Suite 1100
Washington, DC
202.566.2209 phone
202.566.3128 fax
Karen Lynn-Dyson/EAC/GOV

Karen Lynn-Dyson/EAC/GOV
01/20/2006 12:54 PM

To Nicole Mortellito/CONTRACTOR/EAC/GOV@EAC
cc
Subject Please provide me with a hard copy of the Eagleton cost proposal, when you can

Thanks

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100

013390

Washington, DC 20005
tel:202-566-3123

013391

Eagleton Institute of Politics, Rutgers The State University of New Jersey
US Election Assistance Commission Project Budget (3/22/05)

Description	Budget	
Personnel		
Eagleton faculty/senior staff	35,000	Mandel, Weingart, Reed, Linky (various percentages)
Eagleton staff: logistics/administrative/clerical	15,000	(various percentages)
Fringe (32.5%)	16,250	
	66,250	
Hourly Personnel		
Research Coordinator	21,250	1250 hours at \$17 per hour
Logistics/Admin Coordinator	12,325	725 hours at \$17 per hour
Research assistants	7,200	300 hours at \$12 per hour for two researchers
Fringe on Hourly (9%)	3,670	
	44,445	
Subtotal Personnel Expenses		
	\$110,695	
Honoraria		
Honoraria for Peer Review Group	10,000	10 at \$1,000
Public Hearings (3 in 3 cities)		
Public Hearings	75,000	3 hearings at \$25K per EAC figures
2 Hearings in DC- train, ground, lodging, meals*	3,480	attended by 3 staff
1 Hearings in St. Louis- air, ground, lodging, meals**	2,640	attended by 3 staff
	81,120	
Briefings/Meetings with EAC		
Train, ground, lodging, meals***	5,200	5 briefings in DC, attended by 2 staff
General Operations		
Office supplies, software, telephone, copying, postage	10,000	
Desktop computers, laptop, printer	10,000	
	20,000	
Subcontract		
Project Director- O'Neill	79,500	80% time April - Aug., 60% Sept. - Oct.
Ohio State University- Legal Analysis	84,744	Partner institution, Moritz College of Law, OSU
Subtotal Non Personnel Expenses		
	\$280,564	
Subtotal All Direct Cost		
	391,259	
Modified Total Direct Cost \$277,015****		
F&A on Modified Total Direct Cost (55.5%)	153,743	Rutgers University federally approved rate.
TOTAL Project Budget	\$545,002	
Optional Surveys		
State Election Officials	15,000	Eagleton
Young Voters	25,000	Eagleton
Provisional Voting, 1st state	116,000	OSU Political Science
Provisional Voting, 1st additional state	75,000	OSU Political Science
Provisional Voting, 2nd additional state	60,000	OSU Political Science
Total Optional Surveys (no F&A)	\$291,000	

* Travel and lodging to two hearings in DC includes \$260 for train fare to DC, \$200 for hotel/lodging, and \$60 per day for two days for meals= \$580 per person per trip for three people.

** Travel and lodging to one hearing in St. Louis includes \$500 airfare to St. Louis, 2 nights hotel/lodging at \$100, and \$60 per day for three days for meals= \$880 per person for three people.

*** Travel and lodging to five Briefings/Meetings with EAC includes \$260 for train fare to DC, \$200 for hotel/lodging, and \$60 for meals= \$520 per person per trip for two people.

**** Modified total direct cost is equivalent to total direct cost except for two items - F&A included only on first \$25K of subcontract with Project Director (\$79,500) and first \$25K of subcontract with OSU (\$84,744).

013392

Karen Lynn-Dyson/EAC/GOV
06/28/2006 11:44 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV
cc
bcc
Subject Fw: No Cost Extension Request

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 11:43 AM -----



"John Weingart"
<john.weingart@rutgers.edu>
01/13/2006 01:15 PM
Please respond to
john.weingart@rutgers.edu

To "Karen Lynn-Dyson" <klynndyson@eac.gov>
cc "Lucy Baruch" <baruch@rci.rutgers.edu>
Subject No Cost Extension Request

Karen - I am attaching a spreadsheet providing the information you have requested (Attachment 1), but I want to highlight a few points which may not be immediately self-evident.

First, the original budget (Attachment 2) we submitted to the EAC, dated March 22nd, did not itemize personnel expenses by each person. In addition, when we actually began work two months after submitting that budget, we decided to reallocate more time to people within Eagleton and hire fewer outside hourlies.

Second, in the figures I sent you in late December we tried to account for all the expenses and projections but overlooked a few things including neglecting to include the honoraria for our peer review team. Hence, the figures we're now sending are different than what I sent in December.

Lastly, we originally discussed a no-cost extension through February, but since we don't yet have the EAC comments on our draft Provisional Voting material nor an estimate of when they are likely to be ready, I think it is prudent to extend the no-cost extension through March 31st. We would still like to conclude by the end of February, but if you can approve the extension for another month we could avoid going through this process again if everything is not complete six weeks from now.

It is my understanding that Rutgers will soon be sending our December invoice. At this time, I would also like to request that we combine January and February an invoice the EAC once for that time period.

As you can see, we are currently projecting an ending balance of approximately \$10,000. If additional expenses are incurred beyond what is currently projected, we're confident they will not exceed the original budget of \$560,002.

Thanks and I look forward to hearing from you.

013393

--
-- John Weingart, Associate Director
Eagleton Institute of Politics
(732) 932-9384, x.290

013304

Karen Lynn-Dyson/EAC/GOV
06/28/2006 11:44 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV
cc
bcc
Subject Fw: No Cost Extension Request

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 11:42 AM -----



"John Weingart"
<john.weingart@rutgers.edu>

To klynndyson@eac.gov

11/30/2005 04:47 PM

cc "Tom O'Neill" [REDACTED]

Please respond to
john.weingart@rutgers.edu

Subject No Cost Extension Request



Extension Justification.doc Karen - I am attaching the documentation for our request.
Please let me
know if you require the material in a different format and/or further
information.

Thanks very much, John

-- John Weingart, Associate Director
Eagleton Institute of Politics
(732) 932-9384, x.290

klynndyson@eac.gov wrote:

>
> John-
>
> Thanks ever so much for forwarding this message on to Connie.
>
> I'm awaiting your language describing why you are requiring a no-cost
> extension on the contract, and for what period of time you wish to
> extend the contract.
>
> I'm told this is a very simple process on this end, and I've prepared
> the necessary form and a memo.
>
> Karen Lynn-Dyson
> Research Manager
> U.S. Election Assistance Commission
> 1225 New York Avenue , NW Suite 1100

013395

EAGLETON INSTITUTE OF POLITICS

Request to the U.S. Election Assistance Commission for a No-Cost Extension and Reallocation of Funds

November 30, 2005

Why we need a no -cost extension

The original work schedule called for EAC to publish in mid-October voluntary guidance and/or recommended best practices for provisional voting based on our research. In making that time estimate, we did not provide sufficient time for the EAC to review and consider the draft reports that would form the basis for that publication. The draft was complete in August, but the EAC's schedule did not permit us to brief the commissioners and staff until early September. We did not receive EAC comments until October, making it impossible to complete the work on the original schedule. Taking account of those comments and guidance from EAC required several weeks. The EAC did not receive our final draft report and recommendations for best practices until late November. We are now awaiting the EAC's comments on that final draft, which we have been told to expect in January.

The additional time required to complete the work on provisional voting has delayed the completion of our analysis of Voter Identification issues. The draft report on that topic will be submitted to the EAC in mid January.

Because the EAC has decided to issue recommendations for best practices on these topics, rather than voluntary guidance, we will finish the work within two months of the original completion date since the adoption process will be shorter. Note that meeting this schedule is dependent on the time needed by the EAC to review our work.

This extension will entail additional personnel time but, since no public hearings on "best practices" are required, if the EAC does not object, funds originally allocated for the hearings would be available for transfer to support the additional staff and consultant time necessary to complete the work.

When will work be completed and funds fully expended?

As shown on the attached schedule, work on this contract will be completed in three phases. The EAC will receive our final report and recommendations for best practices in provisional voting during the week of January 23, 2006 (assuming that we receive the EAC's comments on the draft report submitted on November 28 by January 9).

We will submit our draft report, alternative approaches, and compendium of statutes, regulations, and litigation on Voter Identification Issues during the week of January 16, 2006. If the EAC is able to return comments to us no later than the week of January 30, we will have submit the final report and recommendations for best practices on Voter Identification to the EAC during the week of February 13.

The total project budget is \$560,002. As of October 31st, the EAC has been invoiced for \$259,081.79; the balance remaining is \$399,920.21. We anticipate that the project will be complete and the balance of funds fully expended by February 28, 2006. The final invoice for the contract will be submitted to the EAC within 75 days of the close of the project.

013396

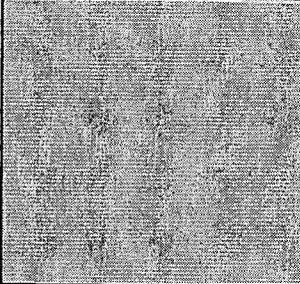
REVISED SCHEDULE FOR
 November 2005 - February 2006
 November 10, 2005
 Assumes no guidance document, only analysis and recommended best practices

DATE	Project Management	Provisional Voting	Voter ID
Week of 10/31		Review draft report to EAC (Team) Submit comments on report (Team)	Voter ID Research to TV
Week of 11/7	Status reports to JD for October tasks (all)	Redraft report (TON) Review and approve report (Team) Final draft report (TON)	Research continues (TV)
Week of 11/14	Submit monthly progress report (JD)	Submit report to Project Team for comments (TON)	Research continues (TV)

013397

Week of 11/21		Project team comments received Submit report to EAC for review and to PRG for information (TON, JW)	Complete data collection for Voter ID analysis. (TV)
Week of 11/28		EAC review	Draft report on Voter ID analysis (TV)
Week of 12/5	Status reports to JD for November tasks (all)	EAC review	Internal review (PT)
Week of 12/12	Submit monthly progress report (JD)	EAC review	Revise draft (TV) Draft alternatives (TON) Review and comment on alternatives (PT)
Week of 12/19		EAC review	Complete draft report and alternatives (TV, TON)
Week of 12/26		EAC review	Review draft report and alternatives (PT)

Week of 1/2/06	Status reports to JD for December tasks (all)	EAC review	Report and alternatives to PRG for review
Week of 1/9/06		Receive comments from EAC and revise report as needed	PRG meets and comments Revise (TV & TON)
Week of 1/16/06	Submit monthly progress report (JD)	Project team reviews and approves revised report	Submit draft report, alternatives and compendium to EAC EAC reviews
Week of 1/23/06		Finalize analysis and best practices and submit to EAC for publication and further action as appropriate	EAC review continues
Week of 1/30/06			Comments from EAC Revise (TV & TON)

Week of 2/6/06	Status reports to JD for January tasks (all)		Review and approve revised report and recommendations for best practices (PT)
Week of 2/13/06	Submit monthly progress report (JD)		Submit report and best practices to EAC for publication and further action as appropriate
Week of 2/20/06	<p>FINAL status reports to JD for all tasks (all)</p> <p>Final project and fiscal report to EAC</p> <p>PROJECT ENDS</p>		

013400

Karen Lynn-Dyson/EAC/GOV
06/28/2006 11:54 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV
cc
bcc
Subject Fw: No-Cost Extension Request

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 11:52 AM -----

Tamar Nedzar/EAC/GOV
04/21/2006 03:30 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc
Subject Fw: No-Cost Extension Request

Ooops. Here's the attachment.

Tamar Nedzar
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
(202) 566-2377
<http://www.eac.gov>
TNedzar@eac.gov



Rutgers Memo.tif

----- Forwarded by Tamar Nedzar/EAC/GOV on 04/21/2006 03:28 PM -----

Tamar Nedzar/EAC/GOV
04/21/2006 03:13 PM

To Karen Lynn-Dyson/EAC/GOV
cc
Subject Re: No-Cost Extension Request 

Hey Karen,

Once John signs and faxes back the document, we need to get it to Tom with the memo to file (attached) for his signature. I believe that is all we need to do for the no-cost modification.

Thanks,

Tamar Nedzar
Law Clerk

013401

U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
(202) 566-2377
<http://www.eac.gov>
TNedzar@eac.gov
Karen Lynn-Dyson/EAC/GOV

Karen Lynn-Dyson/EAC/GOV

04/21/2006 10:10 AM

To john.weingart@rutgers.edu

cc "Tom O'Neill" <[REDACTED]>

Subject Re: No-Cost Extension Request 

Thanks, John.

I'm passing this on to our legal staff , who will be preparing the documents.

Will let you know if I need additional information and/or clarification.

Regards-
Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"John Weingart" <john.weingart@rutgers.edu>



"John Weingart"
<john.weingart@rutgers.edu>

04/21/2006 09:52 AM

Please respond to
john.weingart@rutgers.edu

To klynndyson@eac.gov

cc "Tom O'Neill" <[REDACTED]>

Subject No-Cost Extension Request

Karen - We are requesting a no-cost extension on the EAC contract to the Eagleton Institute of Politics at Rutgers University to have the contract's concluding date move from March 31, 2006 to June 30, 2006. As I indicated earlier, it would be very helpful if we could receive approval of this request no later than April 28th.

This extension is necessary to enable the following activities:

1. The EAC has informed us that it will assemble a panel of researchers the week of May 8th to review the Eagleton/Moritz draft background report on Voter Identification. The EAC wishes to supplement the review of this draft already conducted by the Peer Review Group called for in the contract. The Eagleton/Moritz research team, as well as at least some of the Peer Review Group will participate in the conference call or meeting of the

013402

EAC's reviewers;

2. Eagleton/Moritz will revise the draft Voter Identification report based upon comments made by the two sets of reviewers, and distribute the revised report to the EAC and its Advisory Board in mid-May.
3. Eagleton/Moritz will present its draft reports on Provisional Voting and Voter Identification to the EAC Advisory Board at its May 25th meeting in Washington, D.C.;
4. Eagleton/Moritz will revise both draft reports to take into account comments made by the EAC Advisory Board, and submit printed final reports to the EAC before June 23rd. Eagleton/Moritz will also prepare a PowerPoint presentation for both reports.
5. Eagleton/Moritz will present both reports at the EAC public meeting in Washington, D.C. on June 23rd, thus concluding its work under this contract.

Please let me know if you need any additional information.

Thanks,

John

--

-- John Weingart, Associate Director
Eagleton Institute of Politics
(732) 932-9384, x.290

013403

Karen Lynn-Dyson/EAC/GOV
06/28/2006 11:53 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV
cc
bcc
Subject label this EAC Peer Review panel for Eagleton research study

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 11:51 AM -----



"Mike Alvarez"
<rma@hss.caltech.edu>
04/05/2006 07:39 PM

To klynndyson@eac.gov
cc
Subject

Hi -- nice to meet you in person, finally!

And thanks for inviting me to your gathering, I enjoyed it and hope I was helpful. Of course, any time you want anything, you do know where to track me down.

As to the potential reviewers of the Eagleton Voter ID study, here are my suggestions, in order:
Jonathan Nagler, New York University
Jan Leighley, University of Arizona
Ben Highton, UC-Davis
Adam Berinsky, MIT
Bernard Grofman, UC-Irvine

All have worked with the CPS turnout/registration data, and are very familiar with this research literature.

If these don't work, or you want more recommendations, let me know.

--

R. Michael Alvarez (O)
626-395-4089
Professor of Political Science (F)
626-405-9841
Caltech/MIT Voting Technology Project
California Institute of Technology
Pasadena, CA 91125
rma@hss.caltech.edu

Contributor to Election Updates,
<http://electionupdates.caltech.edu/blog.html>

013404



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW - Suite 1100
Washington, DC 20005

To: File
From: Tamar Nedzar, Law Clerk
Date: April 21, 2006
Re: No-Cost Extension to contract number E4014127 with the Eagleton
Institute of Politics at Rutgers University

Background:

Contract E4014127 with the Eagleton Institute of Politics at Rutgers University ("contractor") was originally scheduled to be concluded on March 31, 2006. The contract's final products include a report on Voter Identification and a report on Provisional Voting. The contractor has vetted the reports with a Peer Review Group, pursuant to the terms of the contract.

Justification for No-Cost Extension:

The EAC wishes to supplement the contractor's Peer Review of the reports by adding another review process with some of the EAC's key stakeholders. The EAC proposes to assemble a panel of researchers during the week of May 8th to conduct the second review.

Following the second review, the contractor will revise its draft reports based on the comments it receives. The contractor will present its draft reports on Provisional Voting and Voter Identification to the EAC Advisory Board at its May 25th meeting in Washington, DC. The contractor will revise both draft reports, taking into account the EAC's Advisory Board's comments and submit the final reports to the EAC toward the end of June.

Recommendation:

The EAC recommends that contract E4014127 be modified at no cost to allow the contractor to complete their work by June 30, 2006.

013405

Karen Lynn-Dyson/EAC/GOV
06/28/2006 11:41 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV
cc
bcc
Subject Fw: New Peer Review Group Member

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 11:39 AM -----



"Tom O'Neill"

09/02/2005 04:48 PM

To tokaji.1@osu.edu, ireed@rutgers.edu,
john.weingart@rutgers.edu, foley.33@osu.edu,
rmandel@rci.rutgers.edu, rmandel@rci.rutgers.edu
cc klyndyson@eac.gov

Subject New Peer Review Group Member

Tim O'Rourke, Dean of the Fulton School of Liberal Arts at Salisbury University in Maryland, has agreed to serve on the Peer Review Committee.

Tom O'Neill

013406

Karen Lynn-Dyson/EAC/GOV
06/28/2006 11:09 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV
cc
bcc
Subject Fw: Peer Review Group

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 11:07 AM -----



"Tom O'neill"



08/19/2005 02:20 PM

To klyndyson@eac.gov
cc
Subject Peer Review Group

Karen,

Attached is a report on the status of recruitment of members of the Peer Review Group. We extended 9 invitations. We have four confirmed members, one reluctant turn-down, one who has yet to respond to an initial inquiry, and are awaiting confirmation from 3 others who initially agreed. Please let me know if you need additional information.

Tom O'Neill



RecruitmentStatus.doc

013407

STATUS OF PEER REVIEW GROUP RECRUITMENT

(As of August 17, 2005)

R. Michael Alvarez, Ph.D. Professor of Political Science California Institute of Technology	YES/CONFIRMED
Guy-Uriel Charles Associate Professor, School of Law University of Minnesota 612-626-9154	YES*
Brad Clark Professor of Law George Washington University School of Law	NO
Pamela Susan Karlan Montgomery Professor of Public Interest Law Stanford Law School 650-725-4851	YES
Martha E. Kropf, Ph.D. Assistant Professor of Political Science University of Missouri-Kansas City 816-235-5948; KropfM@umkc.edu	YES/CONFIRMED
Daniel H. Lowenstein Professor of Law UCLA 310-825-4841	YES
John F. Manning Professor Harvard Law School	NO RESPONSE
Tim Storey Program Principal Legislative Management Program National Conference of State Legislatures	YES/CONFIRMED
Peter G. Verniero, Esq. Counsel Sills, Cummis, Epstein and Gross, PC (Former NJ Attorney General and Supreme Court Justice)	YES/CONFIRMED

013408

Karen Lynn-Dyson/EAC/GOV
06/28/2006 11:00 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV
cc
bcc

Subject Fw: July 12 and Peer Review Group

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 10:58 AM -----



"Tom O'Neill"

~~cton~~

06/27/2005 09:52 AM

To klynndyson@eac.gov
cc

Subject July 12 and Peer Review Group

Karen:

The Eagleton project team usually meets on Tuesdays from 9:30 -- 11. At tomorrow's meeting I'll confirm with the group that we will meet on July 12, if that will fit your schedule. If that is a bad time for you, we have moved our meeting time before and can do so again if we can align participants' calendars. This week for the first time, Laura Williams --representing Moritz-- will join the session by telephone. For the meeting on the 12th I'll try to arrange for Ned Foley and Dan Tokaji to participate as well.

On the Peer Review Group

Your request to include the election officials on the group caused us to think anew about its purpose and composition. We agreed that election officials would add a useful dose of real world experience to the research. One of them could be Peter Veniero, who as AG (where he served before appointment to our Supreme Court) was New Jersey's chief election official. We would like Tom Wilkey to suggest a couple of former, senior election officials who could contribute to the PRG's work. While the PRG needs the experience of election administrators, we believe that perspective can be conveyed best by a senior, former official who is not appointed to represent a group of such officials --only to represent him or herself. We believe the group's advice would be most useful if came from people with the perspective provided by now being some distance from the daily fray.

This analysis emerged from a Friday conference call in which Ingrid Reed, Ned Foley, Laura Williams and I rethought the composition of the PRG. We concluded that the group should not, after all, include members from organizations that have taken advocacy positions on the issues we are researching. We agreed that the PRG should focus on methodologies and research findings rather than debate policy outcomes. PRG members should be free to represent themselves, rather than argue from an existing institutional position on policy. The PRG is not an advisory committee or a group of stakeholders to vet and take some ownership of policy recommendations. We'll consult the stakeholders separately, beginning with the list of groups in the proposal.

To replace those from advocacy organizations, we believe it would be preferable to add more members from academia and the law, such as Pam Karlan, Guy-Uriel Charles, or Dan Lowenstein, whose CVs are summarized on the attachment. Finally, I will draft a mission statement for the PRG. Attached is a revised

013409

list of proposed PRG members, showing 2 slots to be filled by senior, former election officials.

Hope you have received the Gantt chart by now and that it fits your needs.

Ingrid Reed and I will attend the meeting in New York on Thursday and look forward to seeing you there.

Tom

-----Original Message-----

From: klynndyson@eac.gov [mailto:klynndyson@eac.gov]

Sent: Friday, June 24, 2005 6:36 PM

To: [REDACTED]

Cc: twilkey@eac.gov

Subject: RE: Peer Review Group

Tom-

I'd like to schedule a conference call among EAC and Eagleton staff for sometime the early part of the week of July 11. Please let me know dates and times on your end and I'll coordinate with staff here.

During the call we can review your monthly report and cover any problems, challenges, needs, etc. that the Eagleton team may have.

Thanks

K
Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

*Tom O'Neill [REDACTED]

06/23/2005 02:43 PM

To klynndyson@eac.gov
cc
Subject RE: Peer Review Group

Thanks, Karen.

013410

Tom

-----Original Message-----

From: klynndyson@eac.gov [mailto:klynndyson@eac.gov]

Sent: Thursday, June 23, 2005 2:24 PM

To: tom_oneill@verizon.net

Subject: Re: Peer Review Group

Tom-

I will be back to you early next week with EAC's feedback on this.

Our initial reaction is that the group needs to include some local and/or state-level election officials, who have first-hand experience with these issues.

We will get you additional names and reactions by mid-week next week.

Thanks

K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'Neill" 

06/22/2005 03:29 PM

To klynndyson@eac.gov
cc
Subject Peer Review Group

Karen,

As you probably recall, one of the features of our proposal was the creation of a Peer Review Group to look over our findings, conclusions and draft reports before we prepare final drafts for the EAC's review. The EAC asked that before recruiting members of the PRG we submit names for EAC's review. The aim, course, is to assemble a panel that is experienced, informed, and

013411

balanced.

Attached is a list of potential PRG members drawn from academia, the law, and non-profit organizations with interests in this area. Please look it over.

We may conclude that the PRG should also include two or three former government officials now in academia or related fields. We have a conference call with our partners at Moritz planned for tomorrow or Friday to decide a) if former officials should be included in the PRG and b) if so, who they should be. I'll keep you informed of our thinking as it develops.



Tom PROPOSED MEMBERS OF PRGREV.doc

013412

Karen Lynn-Dyson/EAC/GOV
06/28/2006 10:59 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV
cc
bcc
Subject Fw: Peer Review Group

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 10:57 AM -----



"Tom O'Neill"

[REDACTED]

06/22/2005 03:29 PM

To klynndyson@eac.gov
cc

Subject Peer Review Group

Karen,

As you probably recall, one of the features of our proposal was the creation of a Peer Review Group to look over our findings, conclusions and draft reports before we prepare final drafts for the EAC's review. The EAC asked that before recruiting members of the PRG we submit names for EAC's review. The aim, course, is to assemble a panel that is experienced, informed, and balanced.

Attached is a list of potential PRG members drawn from academia, the law, and non-profit organizations with interests in this area. Please look it over.

We may conclude that the PRG should also include two or three former government officials now in academia or related fields. We have a conference call with our partners at Moritz planned for tomorrow or Friday to decide a) if former officials should be included in the PRG and b) if so, who they should be. I'll keep you informed of our thinking as it develops.

Tom



PROPOSED MEMBERS OF PEER REVIEW GROUP.doc

013413

PROPOSED MEMBERS OF PEER REVIEW GROUP

R. Michael Alvarez, Ph.D.

Professor of Political Science
California Institute of Technology
rma@hss.caltech.edu
626-395-4422

Alvarez has taught political science at Caltech since 1992. He received his B.A. in political science from Carleton College; his M.A. and Ph.D. from Duke University. Alvarez focuses on the study of electoral politics. He has published many articles on electoral behavior and public opinion. Support for his research has come from the National Science Foundation, The IBM Corporation, the Carnegie Corporation, of New York, and the Knight Foundation. Alvarez edits the Analytical Methods for Social Research book series and is on the editorial boards of a number of academic journals. He is Co-Director of the Caltech-MIT Voting Technology Project

Deborah Goldberg, Ph.D

Program Director, Democracy Program
Brennan Center for Justice at NYU School of Law
161 Avenue Of The Americas, 12th Floor
New York, NY 10013
212-998-6730

Goldberg supervises the Democracy Program's litigation, scholarship, and public education. She was the principal author of *Writing Reform: A Guide to Drafting State & Local Campaign Finance Laws*, and was lead counsel to the intervenor in the Supreme Court case *Nixon v. Shrink Missouri Government PAC*. She serves on the Steering Committee of a coalition to restore voting rights to persons with past felony convictions. Goldberg is a graduate of Harvard Law School. Before joining the Brennan Center, she was in private practice. She holds a Ph.D. in philosophy and taught ethics at Columbia University.

Martha E. Kropf, Ph.D.

Assistant Professor of Political Science
University of Missouri-Kansas City
816-235-5948; KropfM@umkc.edu

Kropf has been on the faculty at Missouri since 1999. She received her BA Summa Cum Laude, Phi Beta Kappa from Kansas State University and her PhD in Political Science from American University. Her work concentrates on Research Methods, Urban Politics, American Government, and Political Behavior. Before joining the faculty at Missouri, she was Project Coordinator at the University of Maryland Survey Research Center. She has published recent on undervoting in presidential elections, and on invalidated ballots in the 1996 presidential election, and on the incremental process of election reform in Missouri.

Wade Henderson, Esq.

Executive Director
Leadership Conference on Civil Rights
1629 K Street, NW, 10th Floor
Washington, DC 20006

Wade Henderson is the Executive Director of the LCCR and Counsel to the Leadership Conference on Civil Rights Education Fund (LCCREF), and leads the organizations' work on issues involving nationwide election reform. He is a graduate of Howard University and the Rutgers University School of Law. During its over 50 years of existence, LCCR has worked to redefine civil rights issues in broad and inclusive ways. Today, it includes over 180 national organizations. Previously Henderson served as Washington Bureau Director of the NAACP. He began his career as a legislative counsel of the ACLU.

Kay Maxwell

President
League of Women Voters of the U.S.
1730 M Street NW, Suite 1000

013414

Washington, DC 20036-4508
202-429-1965

Kay J. Maxwell has been a member of the League since 1976. She attended Smith College and earned a B.A. in International Relations from the University of Pennsylvania. She has conducted civic participation training for women leaders in Bosnia, Israel, the West Bank, Rwanda, Kuwait and Jamaica. She has also served as vice president at the International Executive Service Corps (IESC), an international economic development organization. She is a board member of DC Vote, and the New Voters Project.

Tim Storey

Program Principal
Legislative Management Program
National Conference of State Legislatures
7700 East First Place
Denver, CO 80230
303-364-7700
or
444 North Capitol Street, N.W., Suite 515
Washington, D.C. 20001
202-624-5400

Peter G. Veniero, Esq.

Counsel
Sills, Cummis, Epstein and Gross, PC
One Riverfront Plaza
Newark, New Jersey 07102
Tel: 973- 643-7000

Verniero chairs the firm's Appellate Practice Group. He earned his B.A. at Drew University, Phi Beta Kappa, and his J.D. (with honors) at the Duke University School of Law. In 1999, he was appointed a justice of the New Jersey Supreme Court, where he served for 7 years before re-entering private practice. Before his appointment to the Supreme Court, he served as New Jersey's Attorney General, and in that capacity oversaw the state's election laws. He also served as Chief of Staff and Chief Counsel to Governor Christine Todd Whitman.

013415

Karen Lynn-Dyson/EAC/GOV
06/28/2006 10:53 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV
cc
bcc
Subject Fw: Notification to Bidders

Electionline.org unsuccessful bidder de-brief.

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 10:51 AM -----



"Doug Chapin"
<dchapin@electionline.org>
06/06/2005 07:56 AM

To nmortellito@eac.gov
cc cpaquette@eac.gov, klynndyson@eac.gov
Subject RE: Notification to Bidders

Let's do the afternoon of June 16th. I'll pencil it in for 2pm but feel free to adjust to your schedule(s).

Thanks.

Doug Chapin

From: nmortellito@eac.gov [mailto:nmortellito@eac.gov]
Sent: Friday, June 03, 2005 4:52 PM
To: Doug Chapin
Cc: cpaquette@eac.gov; klynndyson@eac.gov
Subject: RE: Notification to Bidders

Mr Chapin:

Carol has time to do a debrief with you on the afternoon of the 15th, the afternoon of the 16th or any time on the 17th of June. Please advise as to your availability.

Regards,

Nicole K. Mortellito
Assistant to the Interim Executive Director
U.S. Election Assistance Commission
1225 New York Avenue - Suite 1100
Washington, DC
202.566.3114 phone

013416

202.566.3127 fax

"Doug Chapin" <dchapin@electionline.org>

06/03/2005 02:21 PM

To cpaquette@eac.gov
CC nmortellito@eac.gov
Subject RE: Notification to Bidders

I would like a debrief on this procurement.

Doug Chapin
Director, electionline.org

From: nmortellito@eac.gov [mailto:nmortellito@eac.gov]
Sent: Friday, June 03, 2005 2:12 PM
To: Doug Chapin
Subject: Notification to Bidders

Notification to bidders

You are hereby advised that the U.S. Election Assistance Commission (EAC) has competitively awarded a contract to the Eagleton Institute of Politics at Rutgers, The State University of New Jersey for research assistance to support the development of guidance on the two topics of provisional voting and voter identification procedures. Eagleton is partnering with the Moritz College of Law of Ohio State University for this work effort. The amount of this award is \$560,002.

EAC appreciates the interest you have expressed in supporting our research agenda by submitting a proposal for this work. Should you wish to receive a de-brief on this procurement, please contact Carol A. Paquette, Interim Executive Director, by email at cpaquette@eac.gov.

Regards,

Nicole K. Mortellito
Assistant to the Interim Executive Director
U.S. Election Assistance Commission
1225 New York Avenue - Suite 1100
Washington, DC

013417

202.566.3114 phone

202.566.3127 fax

013418

Karen Lynn-Dyson/EAC/GOV
06/28/2006 10:43 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV
cc
bcc
Subject Fw: Voter ID Paper --Final Draft

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 10:42 AM -----

Thomas R. Wilkey/EAC/GOV
04/28/2006 12:50 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc
Subject Re: Voter ID Paper --Final Draft

Karen,
Was this part of the contract. I thought their was a peer review group in place,

Sent from my BlackBerry Wireless Handheld
Karen Lynn-Dyson

From: Karen Lynn-Dyson
Sent: 04/28/2006 12:44 PM
To: Tom O'neill" <tom_oneill@verizon.net/@GSAEXTERNAL
Cc: arapp@rci.rutgers.edu; davander@eden.rutgers.edu;
dlinky@rci.rutgers.edu; foley.33@osu.edu; ireed@rutgers.edu; 'Johanna
Dobrich'" <jdobrich@eden.rutgers.edu>; joharris@eden.rutgers.edu;
john.weingart@rutgers.edu; lauracw@columbus.rr.com; rmandel@rci.rutgers.edu;
Tim Vercellotti" <tim.vercellotti@rutgers.edu>; tokaji.1@osu.edu
Subject: Re: Voter ID Paper --Final Draft

Tim, Tom, John, et.al--

The EAC has identified three academics who are going to serve as peer reviewers of the Eagleton Voter ID paper and research.

They are Jonathan Nagler of New York University, Jan Leighley, University of Arizona, and Adam Berinsky of MIT.

They are ready to review the documents as soon as they are available.

I would like to them one week to review the material and then have a joint conference call on Thursday, May 11, in which we would all have an opportunity to discuss the research methodology and statistical analysis, along with general comments and suggestions.

If you are able to get to me the paper and the supporting data analysis, I will distribute to the documents ASAP.

Also let me know, if you would, your availability on May 11 to do this conference all.

013419

I anticipate that it will last approximately 90 minutes.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

013420

Karen Lynn-Dyson/EAC/GOV
06/28/2006 10:32 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV
cc
bcc
Subject Fw: Request for No-Cost Extension-corrected

This e-mail should be a part of the no -cost extension file and/or the financial file you create for the Eagleton contract.

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 10:29 AM -----



"John Weingart"
<john.weingart@rutgers.edu>
12/16/2005 01:25 PM

To klynndyson@eac.gov
cc

Please respond to
john.weingart@rutgers.edu

Subject Re: Request for No-Cost Extension-corrected

Karen - At this time, we anticipate reallocating funds primarily from the public hearings line item and spending approximately \$35,500 more than originally budgeted on personnel, \$23,250 more on the subcontract with Ohio State and \$20,250 more on consultants. There are other additional variances but they are not significant (e.g. less on honoraria, less on travel, and more on general operations such as phone expenses). Let me know if you need additional detail or information.

Thanks, John

-- John Weingart, Associate Director
Eagleton Institute of Politics
(732)932-9384, x.290

klynndyson@eac.gov wrote:

>
> John-
>
>
> Quick question-
>
> How much money do you anticipate will be re-allocated from the
> original line items outlined in the contract to other project costs?
>

013421

Karen Lynn-Dyson/EAC/GOV
06/28/2006 10:29 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV
cc
bcc
Subject Fw: Request for No-Cost Extension-corrected

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 10:27 AM -----



"John Weingart"
<john.weingart@rutgers.edu>

11/30/2005 05:05 PM

Please respond to
john.weingart@rutgers.edu

To "Karen Lynn-Dyson" <klynndyson@eac.gov>
cc "Tom O'Neill" [REDACTED]
Subject Request for No-Cost Extension-corrected



ExtensionJustification.doc Karen - There were two typos on the copy I just sent. Please use the attached instead. To minimize confusion, I dated this document December 1st (the first one says November 30). Thanks, John

--
-- John Weingart, Associate Director
Eagleton Institute of Politics
(732) 932-9384, x.290

013423

EAGLETON INSTITUTE OF POLITICS

Request to the U.S. Election Assistance Commission for a No-Cost Extension and Reallocation of Funds

December 1, 2005

Why we need a no -cost extension

The original work schedule called for EAC to publish in mid-October voluntary guidance and/or recommended best practices for provisional voting based on our research. In making that time estimate, we did not provide sufficient time for the EAC to review and consider the draft reports that would form the basis for that publication. The draft was complete in August, but the EAC's schedule did not permit us to brief the commissioners and staff until early September. We did not receive EAC comments until October, making it impossible to complete the work on the original schedule. Taking account of those comments and guidance from EAC required several weeks. The EAC did not receive our final draft report and recommendations for best practices until late November. We are now awaiting the EAC's comments on that final draft, which we have been told to expect in January.

The additional time required to complete the work on provisional voting has delayed the completion of our analysis of Voter Identification issues. The draft report on that topic will be submitted to the EAC in mid January.

Because the EAC has decided to issue recommendations for best practices on these topics, rather than voluntary guidance, we will finish the work within two months of the original completion date since the adoption process will be shorter. Note that meeting this schedule is dependent on the time needed by the EAC to review our work.

This extension will entail additional personnel time but, since no public hearings on "best practices" are required, if the EAC does not object, funds originally allocated for the hearings would be available for transfer to support the additional staff and consultant time necessary to complete the work.

When will work be completed and funds fully expended?

As shown on the attached schedule, work on this contract will be completed in three phases. The EAC will receive our final report and recommendations for best practices in provisional voting during the week of January 23, 2006 (assuming that we receive the EAC's comments on the draft report submitted on November 28 by January 9).

We will submit our draft report, alternative approaches, and compendium of statutes, regulations, and litigation on Voter Identification Issues during the week of January 16, 2006. If the EAC is able to return comments to us no later than the week of January 30, we will have submit the final report and recommendations for best practices on Voter Identification to the EAC during the week of February 13.

The total project budget is \$560,002. As of October 31st, the EAC has been invoiced for \$259,081.79; the balance remaining is \$300,920.21. We anticipate that the project will be complete and the balance of funds fully expended by February 28, 2006. The final invoice for the contract will be submitted to the EAC within 75 days of the close of the project.

013424

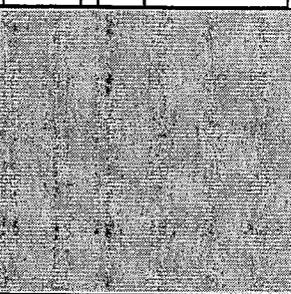
REVISED SCHEDULE FOR
 November 2005 – February 2006
 November 10, 2005
 Assumes no guidance document, only analysis and recommended best practices

DATE	Project Management	Provisional Voting	Voter ID
Week of 10/31		Review draft report to EAC (Team) Submit comments on report (Team)	Voter ID Research to TV
Week of 11/7	Status reports to JD for October tasks (all)	Redraft report (TON) Review and approve report (Team) Final draft report (TON)	Research continues (TV)
Week of 11/14	Submit monthly progress report (JD)	Submit report to Project Team for comments (TON)	Research continues (TV)

Week of 11/21		Project team comments received Submit report to EAC for review and to PRG for information (TON, JW)	Complete data collection for Voter ID analysis. (TV)
Week of 11/28		EAC review	Draft report on Voter ID analysis (TV)
Week of 12/5	Status reports to JD for November tasks (all)	EAC review	Internal review (PT)
Week of 12/12	Submit monthly progress report (JD)	EAC review	Revise draft (TV) Draft alternatives (TON) Review and comment on alternatives (PT)
Week of 12/19		EAC review	Complete draft report and alternatives (TV, TON)
Week of 12/26		EAC review	Review draft report and alternatives (PT)

Week of 1/2/06	Status reports to JD for December tasks (all)	EAC review	Report and alternatives to PRG for review
Week of 1/9/06		Receive comments from EAC and revise report as needed	PRG meets and comments Revise (TV & TON)
Week of 1/16/06	Submit monthly progress report (JD)	Project team reviews and approves revised report	Submit draft report, alternatives and compendium to EAC EAC reviews
Week of 1/23/06		Finalize analysis and best practices and submit to EAC for publication and further action as appropriate	EAC review continues
Week of 1/30/06			Comments from EAC Revise (TV & TON)

013427

Week of 2/6/06	Status reports to JD for January tasks (all)		Review and approve revised report and recommendations for best practices (PT)
Week of 2/13/06	Submit monthly progress report (JD)		Submit report and best practices to EAC for publication and further action as appropriate
Week of 2/20/06	<p>FINAL status reports to JD for all tasks (all)</p> <p>Final fiscal report/invoice to EAC 75 days later</p> <p>PROJECT ENDS</p>		

013428

Karen Lynn-Dyson/EAC/GOV
06/28/2006 10:22 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV
cc
bcc
Subject Fw: Peer Review Group

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 10:21 AM -----



"Tom O'Neill"

<[REDACTED]>

07/08/2005 03:41 PM

To "Paquette, Carol" <cpaquette@eac.gov>
cc "Laura Williams" <lauracw@columbus.rr.com>, "Weingart, John" <john.weingart@rutgers.edu>, "reed, ingrid" <ireed@rutgers.edu>, "Mandel, Ruth" <rmandel@rci.rutgers.edu>, "Lynn-Dyson, Karren" <klyndyson@eac.gov>, "Foley, Ned" <foley.33@osu.edu>
Subject Peer Review Group

Carol,

After our discussion in New York, you asked me to put in writing our response to the EAC's suggestions for expanding the number and kinds of groups that would review and comment on our work. I hope after your review of this response, we will be able to quickly recruit a balanced Peer Review Group (PRG) and move ahead as the schedule in our work plan indicates. Attached is a revised list of the members we propose for appointment to the PRG. We will probably not be able to persuade all of them to serve, but the number and range of views included on the proposed list should ensure that the resulting group is well-balanced.

Tom

RESPONSE TO EAC RECOMMENDATIONS FOR ADDITIONAL REVIEW GROUPS

EAC's Recommendations for the PRG

Karen Lynn-Dyson reported this response from the EAC commissioners to our proposal for the composition of the PRG.

1. Not sufficient conservative representation on the PRG
2. Create a "tiered process" of review in which:
 - A. The PRG will prepare a dispassionate analysis of the issues and draw some tentative conclusions.
 - B. PRG's analysis would be vetted by a defined/select group of local election officials.
 - C. A defined/select group of advocacy organizations would review the

013429

comments of the local election officials

D. Empanel a final focus group of local election officials, advocates and academics for an overall, interactive reaction to the analysis and recommendations.

Project Team Response

Creating three new committees to the review process to supplement the work of the Peer Review Group (PRG) is possible, but would add at least 8 weeks –and possibly 12 weeks-- to our completion of the guidance document on provisional voting. We believe this delay would risk limiting the value of this project for the 2006 election. In addition, the change would add at least \$30,000 to the cost of our work. (See the attached table showing the possible effect on our work plan, and note the optimistic assumptions such as the ability to hold a hearing the week after Christmas.) If the same groups were to be engaged in reviewing our work on Voter ID, the time for that work would also have to be stretched at a similar increased cost.

This additional cost and the added time might be worthwhile. . . if the new layers of review were to produce a consensus on how to strengthen the research, sharpen the analysis, and increase the relevance of the Guidance Document. Our team concluded, however, that additional review groups were unlikely to achieve these results.

PRG focuses on quality of research

We believe that our research would be strengthened by a balanced Peer Review Group that will focus on the design of the research and our conduct of it. Based on the EAC's recommendation, we have revised the composition of the PRG to include additional, well-recognized authorities in the field whose perspective is generally agreed to be conservative.

The PRG will focus on the strength of the research design and the quality of our analysis, not on the politics of our recommendations for the guidance document. The PRG will critique the research design and suggest how to strengthen it. Members of the group will review the quality of our analysis so that we can fill holes and correct errors before we make policy recommendations to the EAC. The PRG may or may not meet as a group. The likelihood is that most comments will come in writing from individual members, most of whose schedules would not permit attendance at meetings. In any case, the PRG members will not gather around a table to come to consensus on the study's recommendations.

While using the PRG as a forum to reach consensus on the knotty issues involved does not appear practical, the EAC can benefit from the work of other groups in this regard. It is not necessary for this project to duplicate the deliberative processes of the Carter-Baker Commission, the Century Foundation and the Election Center. The EAC itself as well as the project team can get the benefit of these reports without duplicating this "policy evaluation board" structure as part of this contract.

Project Team focuses on analysis and recommendations

Karen reported that the Commissioners believed that the PRG would "prepare a dispassionate analysis of the issues and draw some tentative conclusions." As we see it, the PRG will neither analyze data nor draw conclusions, tentative or otherwise. Its members will review and comment on how the Project Team has designed and carried out the research. Analysis, conclusions and recommendations are the responsibility of the Project Team. We have all seen in the preface to books or articles a sentence or two that read something like this, "The author

013430

thanks Mr. X, Ms. Y, and Dr. Z for their review and comment on the manuscript. Their analysis has strengthened the work, but they are in no way responsible for errors or for my conclusions." That is the way we think about the Peer Review Group.

In short, the PRG will help ensure that EAC's Guidance Document is founded on a solid base of data and analysis. The review and comment on the Preliminary Guidance Document by the EAC's Board of Advisors and Standards Board will provide participation by important stakeholder groups without the need for the other review committees. This Board is broad-based and represents a key stakeholder group. It also enjoys a significant advantage over a "defined/select" group we might empanel. Any group we define will be open to criticism or charges of bias by representatives of interest groups not represented.

The criticism and charges of bias might be tolerable, but only if we could expect consensus from the "defined/select" group we would appoint. We believe that consensus would be elusive. In empanelling a "defined/select" group, we would naturally look for balance and would appoint members to represent a point of view or an institutional interest. As representatives they would likely feel that they had little choice but to be strong advocates. They would have little incentive to compromise. Our research, as opposed to our policy recommendations, would be better served by the analysis of scholars than by the advocacy of interests.

Policy judgments

We regard the EAC itself as responsible for the policy judgments involved in shaping the Guidance Document. We plan, of course, to respond to the EAC's comments on our preliminary draft, so that the EAC's comments will shape the Preliminary Guidance Document before it is released for public comment. And further revision will follow the public hearing and comments. The EAC and individual Commissioners can always seek comment informally on our analysis or recommendations. That course appears to us preferable to the creation of a new, more elaborate review process.



PROPOSED MEMBERSJuly6.doc

013431

**REVISED
PROPOSED MEMBERS OF PEER REVIEW GROUP**
July 6, 2005

Role of the Peer Review Group

Members of the Peer Review Group will review the research design for the project, including the survey of local election officials, the analysis of Voter ID regime on turnout, the state-by-state narrative of developments in provisional voting and voter identification, and the compilation and analysis of statutes, administrative regulations, and case law affecting provisional voting and voter identification. They will also review the report on Analysis and Alternatives. They may review the draft of the Preliminary Guidance Document before it goes to the Board of Advisors for comment.

Members of the group will be respected authorities in their fields and represent a range of opinions and perspectives, although their views on policy will be less important to the study than their views on the quality of the research on which policy recommendations are based.

Ideally, the group would meet once, but even that may not be possible to arrange given the tight time period for the project, the demanding schedules of the members, and their wide dispersal across the county. They will function largely by reviewing written work and making written comments on it. The timing of their involvement is indicated on the work plan.

R. Michael Alvarez, Ph.D.

Professor of Political Science
California Institute of Technology
rma@hss.caltech.edu
626-395-4422

Alvarez has taught political science at Caltech since 1992. He received his B.A. in political science from Carleton College, his M.A. and Ph.D. from Duke University. Alvarez focuses on the study of electoral politics. He has published many articles on electoral behavior and public opinion. Support for his research has come from the National Science Foundation, The IBM Corporation, the Carnegie Corporation, of New York, and the Knight Foundation. Alvarez edits the Analytical Methods for Social Research book series and is on the editorial boards of a number of academic journals. He is Co-Director of the Caltech-MIT Voting Technology Project

Guy-Uriel E. Charles

Associate Professor
School of Law
University of Minnesota
342 Mondale Hall
229-19th Avenue South
Minneapolis, MN 55455
612-626-9154
gcharles@umn.edu

Charles teaches and writes on election law, law and politics, and race. He received his B.A. degree in Political Science, cum laude from Spring Arbor University and his J.D. from the University of Michigan Law School, where he was Editor-in-Chief of the Michigan Journal of Race & Law. He is completing a PhD in political science from the University of Michigan.

013432

Brad Clark

Professor of Law
George Washington University School of Law

Clark received his B.A. in Political Science from Florida State University and his J.D. from Columbia Law School in 1985. He served as a law clerk to the Judge Robert H. Bork on the US Court of Appeals and went on to clerk for Justice Antonin Scalia on the Supreme Court. He has been on the faculty at George Washington University Law School for 12 years, where he has taught Constitutional Law, Federal Courts, and Civil Procedure.

Pamela Susan Karlan

Montgomery Professor of Public Interest Law
Stanford Law School
559 Nathan Abbott Way
Stanford, CA 94305-8610
(650) 725-4851
karlan@stanford.edu

Karlan's principal subjects include legal regulation of the political process. She earned her BA, MA, and JD at Yale University, and was previously a Professor at the University of Virginia. She serves on the California Fair Political Practices Commission and is a Cooperating Attorney with the NAACP Legal Defense and Education Fund. She has also been a lecturer at the FBI National Academy. Among her publications, she is a co-author of *When Elections Go Bad: The Law of Democracy and the Presidential Election of 2000*.

Martha E. Kropf, Ph.D.

Assistant Professor of Political Science
University of Missouri-Kansas City
816-235-5948; KropfM@umkc.edu

Kropf has been on the faculty at Missouri since 1999. She received her BA Summa Cum Laude, Phi Beta Kappa from Kansas State University and her PhD in Political Science from American University. Her work concentrates on Research Methods, Urban Politics, American Government, and Political Behavior. Before joining the faculty at Missouri, she was Project Coordinator at the University of Maryland Survey Research Center. She has published recent on undervoting in presidential elections, and on invalidated ballots in the 1996 presidential election, and on the incremental process of election reform in Missouri.

Daniel H. Lowenstein

Professor of Law
School of Law
University of California, Los Angeles
Box 951476
Los Angeles, CA 90095-1476
(310) 825-4841

Among other courses, Lowenstein teaches Election Law. His textbook, *Election Law* has become a standard in the field. He earned his A.B. at Yale and his LL.B. at Harvard. While working for California's Secretary of State he was the main drafter of the *Political Reform Act* in 1971. He was the first chair of the Fair Political Practices Commission. He has served on the national governing board of Common Cause. He has written on such topics as campaign finance, redistricting, bribery, initiative elections, and political parties.

John F. Manning

Professor
Harvard Law School

Formatted

Deleted: Deborah Goldberg, Ph.D. Program Director, Democracy Program. Brennan Center for Justice at NYU School of Law. 161 Avenue Of The Americas, 12th Floor. New York, NY 10013. 212-998-6730. Goldberg supervises the Democracy Program's litigation, scholarship, and public education. She was the principal author of *Writing Reform: A Guide to Drafting State & Local Campaign Finance Laws*, and was lead counsel to the intervenor in the Supreme Court case *Nixon v. Shrink Missouri Government PAC*. She serves on the Steering Committee of a coalition to restore voting rights to persons with past felony convictions. Goldberg is a graduate of Harvard Law School. Before joining the Brennan Center, she was in private practice. She holds a Ph.D. in philosophy and taught ethics at Columbia University.

013433

Now at Harvard, Manning was appointed Assistant Attorney General for the Office of Legal Counsel by President Bush in 2001. He had been Professor of Law at Columbia Law School. Had had served as Assistant to the Solicitor General of the United States and was an Attorney-Adviser in the Office of Legal Counsel at the Department of Justice during the administrations of President George H. W. Bush and President Reagan. He is a graduate of Harvard College and Harvard Law School.

Tim Storey

Program Principal
Legislative Management Program
National Conference of State Legislatures
7700 East First Place
Denver, CO 80230
303-364-7700
or
444 North Capitol Street, N.W., Suite 515
Washington, D.C. 20001
202-624-5400

Peter G. Veniero, Esq.

Counsel
Sills, Cummis, Epstein and Gross, PC
One Riverfront Plaza
Newark, New Jersey 07102
Tel: 973- 643-7000

Verniero chairs the firm's Appellate Practice Group. He earned his B.A. at Drew University, Phi Beta Kappa, and his J.D. (with honors) at the Duke University School of Law. In 1999, he was appointed a justice of the New Jersey Supreme Court, where he served for 7 years before re-entering private practice. Before his appointment to the Supreme Court, he served as New Jersey's Attorney General, and in that capacity oversaw the state's election laws. He also served as Chief of Staff and Chief Counsel to Governor Christine Todd Whitman.

Plus one or two former, senior election officials to be suggested by the EAC

Deleted: Wade Henderson, Esq.¶
Executive Director¶
Leadership Conference on Civil Rights ¶
1629 K Street, NW, 10th Floor¶
Washington, DC 20006¶
Wade Henderson is the Executive Director of the LCCR and Counsel to the Leadership Conference on Civil Rights Education Fund (LCCREF), and leads the organizations' work on issues involving nationwide election reform. He is a graduate of Howard University and the Rutgers University School of Law. During its over 50 years of existence, LCCR has worked to redefine civil rights issues in broad and inclusive ways. Today, it includes over 180 national organizations. Previously Henderson served as Washington Bureau Director of the NAACP. He began his career as a legislative counsel of the ACLU. ¶

¶
Kay Maxwell¶
President¶
League of Women Voters of the U.S.¶
1730 M Street NW, Suite 1000¶
Washington, DC 20036-4508 ¶
202-429-1965¶

Kay J. Maxwell has been a member of the League since 1976. She attended Smith College and earned a B.A. in International Relations from the University of Pennsylvania. She has conducted civic participation training for women leaders in Bosnia, Israel, the West Bank, Rwanda, Kuwait and Jamaica. She has also served as vice president at the International Executive Service Corps (IESC), an international economic development organization. She is a board member of DC Vote, and the New Voters Project. ¶

Deleted: ¶

Karen Lynn-Dyson/EAC/GOV
06/28/2006 11:53 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV
cc
bcc

Subject label this EAC Peer Review panel for Eagleton research study

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 11:51 AM -----



"Mike Alvarez"
<rma@hss.caltech.edu>
04/05/2006 07:39 PM

To klynndyson@eac.gov
cc

Subject

Hi -- nice to meet you in person, finally!

And thanks for inviting me to your gathering, I enjoyed it and hope I was helpful. Of course, any time you want anything, you do know where to track me down.

As to the potential reviewers of the Eagleton Voter ID study, here are my suggestions, in order:
Jonathan Nagler, New York University
Jan Leighley, University of Arizona
Ben Highton, UC-Davis
Adam Berinsky, MIT
Bernard Grofman, UC-Irvine

All have worked with the CPS turnout/registration data, and are very familiar with this research literature.

If these don't work, or you want more recommendations, let me know.

--

R. Michael Alvarez (O)
626-395-4089
Professor of Political Science (F)
626-405-9841
Caltech/MIT Voting Technology Project
California Institute of Technology
Pasadena, CA 91125
rma@hss.caltech.edu

Contributor to Election Updates,
<http://electionupdates.caltech.edu/blog.html>

013435

Karen Lynn-Dyson/EAC/GOV
06/28/2006 11:45 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV
cc
bcc
Subject Fw: Please provide me with a hard copy of the Eagleton cost proposal, when you can

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 11:43 AM -----



Nicole
Mortellito/CONTRACTOR/EA
C/GOV
01/20/2006 02:01 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc
Subject Re: Please provide me with a hard copy of the Eagleton cost proposal, when you can 



EAC Eagleton Institute Budget 3-22-05-1.xls

Regards,

Nicole K. Mortellito
Special Projects
U.S. Election Assistance Commission
1225 New York Avenue - Suite 1100
Washington, DC
202.566.2209 phone
202.566.3128 fax
Karen Lynn-Dyson/EAC/GOV

Karen Lynn-Dyson/EAC/GOV
01/20/2006 12:54 PM

To Nicole Mortellito/CONTRACTOR/EAC/GOV@EAC
cc
Subject Please provide me with a hard copy of the Eagleton cost proposal, when you can

Thanks

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100

013438

Eagleton Institute of Politics, Rutgers The State University of New Jersey
US Election Assistance Commission Project Budget (3/22/05)

Description	Budget	
Personnel		
Eagleton faculty/senior staff	35,000	Mandel, Weingart, Reed, Linky (various percentages)
Eagleton staff: logistics/administrative/clerical	15,000	(various percentages)
Fringe (32.5%)	16,250	
	66,250	
Hourly Personnel		
Research Coordinator	21,250	1250 hours at \$17 per hour
Logistics/Admin Coordinator	12,325	725 hours at \$17 per hour
Research assistants	7,200	300 hours at \$12 per hour for two researchers
Fringe on Hourly (9%)	3,670	
	44,445	
Subtotal Personnel Expenses		
	\$110,695	
Honoraria		
Honoraria for Peer Review Group	10,000	10 at \$1,000
Public Hearings (3 in 3 cities)		
Public Hearings	75,000	3 hearings at \$25K per EAC figures
2 Hearings in DC- train, ground, lodging, meals*	3,480	attended by 3 staff
1 Hearings in St. Louis- air, ground, lodging, meals**	2,640	attended by 3 staff
	81,120	
Briefings/Meetings with EAC		
Train, ground, lodging, meals***	5,200	5 briefings in DC, attended by 2 staff
General Operations		
Office supplies, software, telephone, copying, postage	10,000	
Desktop computers, laptop, printer	10,000	
	20,000	
Subcontract		
Project Director- O'Neill	79,500	80% time April – Aug., 60% Sept. – Oct.
Ohio State University- Legal Analysis	84,744	Partner institution, Moritz College of Law, OSU
Subtotal Non Personnel Expenses		
	\$280,564	
Subtotal All Direct Cost		
	391,259	
Modified Total Direct Cost \$277,015****		
F&A on Modified Total Direct Cost (55.5%)	153,743	Rutgers University federally approved rate.
TOTAL Project Budget	\$545,002	
Optional Surveys		
State Election Officials	15,000	Eagleton
Young Voters	25,000	Eagleton
Provisional Voting, 1st state	116,000	OSU Political Science
Provisional Voting, 1st additional state	75,000	OSU Political Science
Provisional Voting, 2nd additional state	60,000	OSU Political Science
Total Optional Surveys (no F&A)	\$291,000	

* Travel and lodging to two hearings in DC includes \$260 for train fare to DC, \$200 for hotel/lodging, and \$60 per day for two days for meals= \$580 per person per trip for three people.

** Travel and lodging to one hearing in St. Louis includes \$500 airfare to St. Louis, 2 nights hotel/lodging at \$100, and \$60 per day for three days for meals= \$880 per person for three people.

*** Travel and lodging to five Briefings/Meetings with EAC includes \$260 for train fare to DC, \$200 for hotel/lodging, and \$60 for meals= \$520 per person per trip for two people.

**** Modified total direct cost is equivalent to total direct cost except for two items - F&A included only on first \$25K of subcontract with Project Director (\$79,500) and first \$25K of subcontract with OSU (\$84,744).

013437

Karen Lynn-Dyson/EAC/GOV
06/28/2006 11:44 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV
cc
bcc
Subject Fw: No Cost Extension Request

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 11:42 AM -----



"John Weingart"
<john.weingart@rutgers.edu>

To klynndyson@eac.gov

11/30/2005 04:47 PM

cc "Tom O'Neill" <[REDACTED]>

Please respond to
john.weingart@rutgers.edu

Subject No Cost Extension Request



Extension Justification.doc Karen - I am attaching the documentation for our request. Please let me know if you require the material in a different format and/or further information.

Thanks very much, John

-- John Weingart, Associate Director
Eagleton Institute of Politics
(732) 932-9384, x.290

klynndyson@eac.gov wrote:

>
> John-
>
> Thanks ever so much for forwarding this message on to Connie.
>
> I'm awaiting your language describing why you are requiring a no-cost
> extension on the contract, and for what period of time you wish to
> extend the contract.
>
> I'm told this is a very simple process on this end, and I've prepared
> the necessary form and a memo.
>
> Karen Lynn-Dyson
> Research Manager
> U.S. Election Assistance Commission
> 1225 New York Avenue , NW Suite 1100

013498

> Washington, DC 20005
> tel:202-566-3123

013439

EAGLETON INSTITUTE OF POLITICS

Request to the U.S. Election Assistance Commission for a No-Cost Extension and Reallocation of Funds

November 30, 2005

Why we need a no -cost extension

The original work schedule called for EAC to publish in mid-October voluntary guidance and/or recommended best practices for provisional voting based on our research. In making that time estimate, we did not provide sufficient time for the EAC to review and consider the draft reports that would form the basis for that publication. The draft was complete in August, but the EAC's schedule did not permit us to brief the commissioners and staff until early September. We did not receive EAC comments until October, making it impossible to complete the work on the original schedule. Taking account of those comments and guidance from EAC required several weeks. The EAC did not receive our final draft report and recommendations for best practices until late November. We are now awaiting the EAC's comments on that final draft, which we have been told to expect in January.

The additional time required to complete the work on provisional voting has delayed the completion of our analysis of Voter Identification issues. The draft report on that topic will be submitted to the EAC in mid January.

Because the EAC has decided to issue recommendations for best practices on these topics, rather than voluntary guidance, we will finish the work within two months of the original completion date since the adoption process will be shorter. Note that meeting this schedule is dependent on the time needed by the EAC to review our work.

This extension will entail additional personnel time but, since no public hearings on "best practices" are required, if the EAC does not object, funds originally allocated for the hearings would be available for transfer to support the additional staff and consultant time necessary to complete the work.

When will work be completed and funds fully expended?

As shown on the attached schedule, work on this contract will be completed in three phases. The EAC will receive our final report and recommendations for best practices in provisional voting during the week of January 23, 2006 (assuming that we receive the EAC's comments on the draft report submitted on November 28 by January 9).

We will submit our draft report, alternative approaches, and compendium of statutes, regulations, and litigation on Voter Identification Issues during the week of January 16, 2006. If the EAC is able to return comments to us no later than the week of January 30, we will have submit the final report and recommendations for best practices on Voter Identification to the EAC during the week of February 13.

The total project budget is \$560,002. As of October 31st, the EAC has been invoiced for \$259,081.79; the balance remaining is \$399,920.21. We anticipate that the project will be complete and the balance of funds fully expended by February 28, 2006. The final invoice for the contract will be submitted to the EAC within 75 days of the close of the project.

013440

REVISED SCHEDULE FOR
 November 2005 – February 2006
 November 10, 2005
 Assumes no guidance document, only analysis and recommended best practices

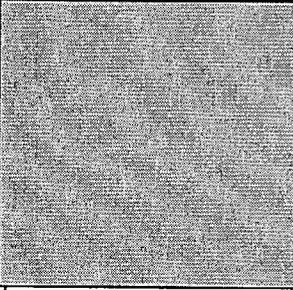
DATE	Project Management	Provisional Voting	Voter ID
Week of 10/31		Review draft report to EAC (Team) Submit comments on report (Team)	Voter ID Research to TV
Week of 11/7	Status reports to JD for October tasks (all)	Redraft report (TON) Review and approve report (Team) Final draft report (TON)	Research continues (TV)
Week of 11/14	Submit monthly progress report (JD)	Submit report to Project Team for comments (TON)	Research continues (TV)

013441

Week of 11/21		Project team comments received Submit report to EAC for review and to PRG for information (TON, JW)	Complete data collection for Voter ID analysis. (TV)
Week of 11/28		EAC review	Draft report on Voter ID analysis (TV)
Week of 12/5	Status reports to JD for November tasks (all)	EAC review	Internal review (PT)
Week of 12/12	Submit monthly progress report (JD)	EAC review	Revise draft (TV) Draft alternatives (TON) Review and comment on alternatives (PT)
Week of 12/19		EAC review	Complete draft report and alternatives (TV, TON)
Week of 12/26		EAC review	Review draft report and alternatives (PT)

Week of 1/2/06	Status reports to JD for December tasks (all)	EAC review	Report and alternatives to PRG for review
Week of 1/9/06		Receive comments from EAC and revise report as needed	PRG meets and comments Revise (TV & TON)
Week of 1/16/06	Submit monthly progress report (JD)	Project team reviews and approves revised report	Submit draft report, alternatives and compendium to EAC EAC reviews
Week of 1/23/06		Finalize analysis and best practices and submit to EAC for publication and further action as appropriate	EAC review continues
Week of 1/30/06			Comments from EAC Revise (TV & TON)

013443

Week of 2/6/06	Status reports to JD for January tasks (all)		Review and approve revised report and recommendations for best practices (PT)
Week of 2/13/06	Submit monthly progress report (JD)		Submit report and best practices to EAC for publication and further action as appropriate
Week of 2/20/06	<p>FINAL status reports to JD for all tasks (all)</p> <p>Final project and fiscal report to EAC</p> <p>PROJECT ENDS</p>		

Karen Lynn-Dyson/EAC/GOV
06/28/2006 11:09 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV
cc
bcc
Subject Fw: Peer Review Group

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 11:07 AM -----



"Tom O'neill"

[REDACTED]

08/19/2005 02:20 PM

To klynndyson@eac.gov
cc
Subject Peer Review Group

Karen,

Attached is a report on the status of recruitment of members of the Peer Review Group. We extended 9 invitations. We have four confirmed members, one reluctant turn-down, one who has yet to respond to an initial inquiry, and are awaiting confirmation from 3 others who initially agreed. Please let me know if you need additional information.

Tom O'Neill



RecruitmentStatus.doc

013446

STATUS OF PEER REVIEW GROUP RECRUITMENT

(As of August 17, 2005)

R. Michael Alvarez, Ph.D. Professor of Political Science California Institute of Technology	YES/CONFIRMED
Guy-Uriel Charles Associate Professor, School of Law University of Minnesota 612-626-9154	YES
Brad Clark Professor of Law George Washington University School of Law	NO
Pamela Susan Karlan Montgomery Professor of Public Interest Law Stanford Law School 650-725-4851	YES
Martha E. Kropf, Ph.D. Assistant Professor of Political Science University of Missouri-Kansas City 816-235-5948; KropfM@umkc.edu	YES/CONFIRMED
Daniel H. Lowenstein Professor of Law UCLA 310-825-4841	YES
John F. Manning Professor Harvard Law School	NO RESPONSE
Tim Storey Program Principal Legislative Management Program National Conference of State Legislatures	YES/CONFIRMED
Peter G. Verniero, Esq. Counsel Sills, Cummis, Epstein and Gross, PC (Former NJ Attorney General and Supreme Court Justice)	YES/CONFIRMED

Karen Lynn-Dyson/EAC/GOV
06/28/2006 11:04 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV
cc
bcc

Subject Fw: Survey Cover Letter and Questionnaire

This is an important e-mail (for audit purposes) related to the large survey of election officials which Eagleton did.

By law, the EAC could not do this survey without going through a lengthy OMB approval process. Eagleton was free to do this survey as long as it was for their clarification purposes and they did not seek our advice on the survey.

K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 10:59 AM -----



"Tom O'Neill"

~~tom.oneill@american.net~~
07/07/2005 11:19 AM

To klyndyson@eac.gov
cc

Subject Re: Survey Cover Letter and Questionnaire

Karen,

We share the understanding expressed below. Attached is the revised cover letter to local election officials.

Thanks,

Tom

----- Original Message -----

From: klyndyson@eac.gov

To: ~~tom.oneill@american.net~~

Cc: cpaquette@eac.gov

Sent: Thursday, July 07, 2005 11:14 AM

Subject: Re: Survey Cover Letter and Questionnaire

Tom-

A review of the EAC's Statement of Work for Research Assistance to develop Voluntary Guidance on

013448

Provisional Voting and Voting Identification procedures, does not require that a survey of the elections community, regarding their experiences with provisional voting or voter identification be conducted. Therefore, the EAC is not required to review or approve such a survey.

Should Eagleton elect to conduct such a survey to further educate and inform their work on these topics, they may conduct such a survey on their behalf only.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'Neill" [REDACTED]

07/06/2005 11:11 AM

To klyndyson@eac.gov
cc

Subject Survey Cover Letter and Questionnaire

Karen,

Attached are the two documents we just discussed. The cover letter will go to 2800+ election officials around the country. It alerts the recipients that they may be called to participate in a survey as a part of our research for the EAC. The survey will, in fact, interview only 400 of the local election officials, but notifying them all is necessary because the selection of those called will be random, and, if the surveyors cannot reach the first county drawn for the sample, they will move on to the next. The need to have your review of the letter is the most urgent. Unless it goes to SBRI, the survey firm that will make the actual calls, today, we will fall behind an already tight schedule.

The questionnaire would also benefit from your review. As you know, question wording is an art. A good question elicits the information sought without biasing the response. Your review, however, can help ensure that the survey elicits information that EAC will find useful. We will rely on the results to draw conclusions about provisional voting as experienced by county-level election officials. It inquires about the quality and timeliness of information and training they may have received from state-level officials and about the information and training that they, in turn, passed on to poll workers. I don't believe this information is available anywhere else. We are over-sampling officials in states that did not offer provisional ballots before 2004 so that we can draw some inferences about the difference between their experience and the experience of officials for whom provisional voting was more familiar. These inferences may provide helpful in shaping the guidance the EAC offers the states for the 2006 election.

013443

Your comments on the questionnaire are also needed urgently, but I believe we can hold SBRI at bay on this document until tomorrow.

As I mentioned, my computer died on Monday, so I have only sporadic access to email. I will have access until about 2 today and then won't be back on-line until early evening. You can always reach me by phone at [REDACTED]. If you would like to send a fax, that number is [REDACTED].

Thanks,



Tom RevisedFinal cover letter 070607.doc

013450



**Deliberative Process
Privilege**

Eagleton Institute of Politics
191 Ryders Lane, New Brunswick NJ 08901

DATE

NAME

TITLE

ADDRESS

CITY STATE ZIP

Dear NAME,

Rutgers, The State University of New Jersey, is conducting a national survey of elections officials' experiences with provisional voting in the 2004 national election. Through this survey we will learn the perspective of those who administer elections. It will improve our understanding of the process as we complete a broad research project on provisional voting in the context of effective election administration, voter access, and ballot security. The findings of the project will be the basis for recommendations to the U. S. Election Assistance Commission (EAC) to consider in the development of its guidance to the states in 2006.

The EAC was established by the Help America Vote Act (HAVA) of 2002. It is an independent, bipartisan, federal agency that provides federal funds to states to upgrade voting systems and improve election administration. The EAC publishes voluntary guidelines for the states and serves as a national clearinghouse of information regarding election administration. The EAC is funding the research project.

Participants in this study will be selected randomly and asked to share their experiences administering the provisional voting process in the 2004 election. The study will be conducted July 18th through August 5th. During that period a survey researcher may call you if you are, in fact, chosen at random from a national list of election officials. The researcher will ask you questions about your experience with provisional voting, your evaluation of the process, and your recommendations to improve it. The survey will take approximately 10-15 minutes. All of your answers will be completely confidential, and no statement or comment you make will be ascribed to you.

At the conclusion of the research project, we will present a report to the EAC including analysis of provisional voting procedures as well as recommendations for future practices and procedures. The guidance document based on our research will be published by the EAC in the Federal Register for public review and comment, and the EAC will hold a hearing on the guidance document this fall before adopting it.

Your participation in the survey will assure that we understand the views of election officials who have direct experience with provisional voting. We hope you will participate if called. Thank you for your time.

Sincerely,

[scanned signature]

Ruth B. Mandel
Director and Board of Governors Professor of Politics

013451

Karen Lynn-Dyson/EAC/GOV
06/28/2006 11:00 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV
cc
bcc
Subject Fw: July 12 and Peer Review Group

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 10:58 AM -----



"Tom O'Neill"

~~tom.oneill@eac.gov~~
06/27/2005 09:52 AM

To klynndyson@eac.gov
cc

Subject July 12 and Peer Review Group

Karen:

The Eagleton project team usually meets on Tuesdays from 9:30 -- 11. At tomorrow's meeting I'll confirm with the group that we will meet on July 12, if that will fit your schedule. If that is a bad time for you, we have moved our meeting time before and can do so again if we can align participants' calendars. This week for the first time, Laura Williams --representing Moritz-- will join the session by telephone. For the meeting on the 12th I'll try to arrange for Ned Foley and Dan Tokaji to participate as well.

On the Peer Review Group

Your request to include the election officials on the group caused us to think anew about its purpose and composition. We agreed that election officials would add a useful dose of real world experience to the research. One of them could be Peter Veniero, who as AG (where he served before appointment to our Supreme Court) was New Jersey's chief election official. We would like Tom Wilkey to suggest a couple of former, senior election officials who could contribute to the PRG's work. While the PRG needs the experience of election administrators, we believe that perspective can be conveyed best by a senior, former official who is not appointed to represent a group of such officials --only to represent him or herself. We believe the group's advice would be most useful if came from people with the perspective provided by now being some distance from the daily fray.

This analysis emerged from a Friday conference call in which Ingrid Reed, Ned Foley, Laura Williams and I rethought the composition of the PRG. We concluded that the group should not, after all, include members from organizations that have taken advocacy positions on the issues we are researching. We agreed that the PRG should focus on methodologies and research findings rather than debate policy outcomes. PRG members should be free to represent themselves, rather than argue from an existing institutional position on policy. The PRG is not an advisory committee or a group of stakeholders to vet and take some ownership of policy recommendations. We'll consult the stakeholders separately, beginning with the list of groups in the proposal.

To replace those from advocacy organizations, we believe it would be preferable to add more members(from academia and the law, such as Pam Karlan, Guy-Uriel Charles, or Dan Lowenstein, whose CVs are summarized on the attachment. Finally, I will draft a mission statement for the PRG. Attached is a revised

013452

list of proposed PRG members, showing 2 slots to be filled by senior, former election officials.

Hope you have received the Gantt chart by now and that it fits your needs.

Ingrid Reed and I will attend the meeting in New York on Thursday and look forward to seeing you there.

Tom

-----Original Message-----

From: klynndyson@eac.gov [mailto:klynndyson@eac.gov]

Sent: Friday, June 24, 2005 6:36 PM

To: tom_oneill@verizon.net

Cc: twilkey@eac.gov

Subject: RE: Peer Review Group

Tom-

I'd like to schedule a conference call among EAC and Eagleton staff for sometime the early part of the week of July 11. Please let me know dates and times on your end and I'll coordinate with staff here.

During the call we can review your monthly report and cover any problems, challenges, needs, etc. that the Eagleton team may have.

Thanks

K
Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'Neill" [redacted]

06/23/2005 02:43 PM

To klynndyson@eac.gov

cc

Subject RE: Peer Review Group

Thanks, Karen.

013453

Tom

-----Original Message-----

From: klynndyson@eac.gov [mailto:klynndyson@eac.gov]

Sent: Thursday, June 23, 2005 2:24 PM

To: [REDACTED]

Subject: Re: Peer Review Group

Tom-

I will be back to you early next week with EAC's feedback on this.

Our initial reaction is that the group needs to include some local and/or state-level election officials, who have first-hand experience with these issues.

We will get you additional names and reactions by mid-week next week.

Thanks

K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'Neill" [REDACTED]

06/22/2005 03:29 PM

To klynndyson@eac.gov

cc

Subject Peer Review Group

Karen,

As you probably recall, one of the features of our proposal was the creation of a Peer Review Group to look over our findings, conclusions and draft reports before we prepare final drafts for the EAC's review. The EAC asked that before recruiting members of the PRG we submit names for EAC's review. The aim, course, is to assemble a panel that is experienced, informed, and

013454

balanced.

Attached is a list of potential PRG members drawn from academia, the law, and non-profit organizations with interests in this area. Please look it over.

We may conclude that the PRG should also include two or three former government officials now in academia or related fields. We have a conference call with our partners at Moritz planned for tomorrow or Friday to decide a) if former officials should be included in the PRG and b) if so, who they should be. I'll keep you informed of our thinking as it develops.



Tom PROPOSED MEMBERS OF PRGREV.doc

013455

PROPOSED MEMBERS OF PEER REVIEW GROUP

R. Michael Alvarez, Ph.D.

Professor of Political Science
California Institute of Technology
rma@hss.caltech.edu
626-395-4422

Alvarez has taught political science at Caltech since 1992. He received his B.A. in political science from Carleton College; his M.A. and Ph.D. from Duke University. Alvarez focuses on the study of electoral politics. He has published many articles on electoral behavior and public opinion. Support for his research has come from the National Science Foundation, The IBM Corporation, the Carnegie Corporation, of New York, and the Knight Foundation. Alvarez edits the Analytical Methods for Social Research book series and is on the editorial boards of a number of academic journals. He is Co-Director of the Caltech-MIT Voting Technology Project

Deborah Goldberg, Ph.D

Program Director, Democracy Program
Brennan Center for Justice at NYU School of Law
161 Avenue Of The Americas, 12th Floor
New York, NY 10013
212-998-6730

Goldberg supervises the Democracy Program's litigation, scholarship, and public education. She was the principal author of *Writing Reform: A Guide to Drafting State & Local Campaign Finance Laws*, and was lead counsel to the intervenor in the Supreme Court case *Nixon v. Shrink Missouri Government PAC*. She serves on the Steering Committee of a coalition to restore voting rights to persons with past felony convictions. Goldberg is a graduate of Harvard Law School. Before joining the Brennan Center, she was in private practice. She holds a Ph.D. in philosophy and taught ethics at Columbia University.

Martha E. Kropf, Ph.D.

Assistant Professor of Political Science
University of Missouri-Kansas City
816-235-5948; KropfM@umkc.edu

Kropf has been on the faculty at Missouri since 1999. She received her BA Summa Cum Laude, Phi Beta Kappa from Kansas State University and her PhD in Political Science from American University. Her work concentrates on Research Methods, Urban Politics, American Government, and Political Behavior. Before joining the faculty at Missouri, she was Project Coordinator at the University of Maryland Survey Research Center. She has published recent on undervoting in presidential elections, and on invalidated ballots in the 1996 presidential election, and on the incremental process of election reform in Missouri.

Wade Henderson, Esq.

Executive Director
Leadership Conference on Civil Rights
1629 K Street, NW, 10th Floor
Washington, DC 20006

Wade Henderson is the Executive Director of the LCCR and Counsel to the Leadership Conference on Civil Rights Education Fund (LCCREF), and leads the organizations' work on issues involving nationwide election reform. He is a graduate of Howard University and the Rutgers University School of Law. During its over 50 years of existence, LCCR has worked to redefine civil rights issues in broad and inclusive ways. Today, it includes over 180 national organizations. Previously Henderson served as Washington Bureau Director of the NAACP. He began his career as a legislative counsel of the ACLU.

Kay Maxwell

President
League of Women Voters of the U.S.
1730 M Street NW, Suite 1000

013457

Washington, DC 20036-4508
202-429-1965

Kay J. Maxwell has been a member of the League since 1976. She attended Smith College and earned a B.A. in International Relations from the University of Pennsylvania. She has conducted civic participation training for women leaders in Bosnia, Israel, the West Bank, Rwanda, Kuwait and Jamaica. She has also served as vice president at the International Executive Service Corps (IESC), an international economic development organization. She is a board member of DC Vote, and the New Voters Project.

Tim Storey

Program Principal
Legislative Management Program
National Conference of State Legislatures
7700 East First Place
Denver, CO 80230
303-364-7700

or
444 North Capitol Street, N.W., Suite 515
Washington, D.C. 20001
202-624-5400

Peter G. Verniero, Esq.

Counsel
Sills, Cummis, Epstein and Gross, PC
One Riverfront Plaza
Newark, New Jersey 07102
Tel: 973- 643-7000

Verniero chairs the firm's Appellate Practice Group. He earned his B.A. at Drew University, Phi Beta Kappa, and his J.D. (with honors) at the Duke University School of Law. In 1999, he was appointed a justice of the New Jersey Supreme Court, where he served for 7 years before re-entering private practice. Before his appointment to the Supreme Court, he served as New Jersey's Attorney General, and in that capacity oversaw the state's election laws. He also served as Chief of Staff and Chief Counsel to Governor Christine Todd Whitman.

Karen Lynn-Dyson/EAC/GOV
06/28/2006 10:49 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV
cc
bcc
Subject Fw: project kickoff meeting with EAgleton Institute

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 10:47 AM -----

Carol A. Paquette/EAC/GOV
05/17/2005 06:34 PM

To Gracia Hillman/EAC/GOV@EAC, Paul
DeGregorio/EAC/GOV@EAC, Raymundo
Martinez/EAC/GOV@EAC
cc Karen Lynn-Dyson/EAC/GOV@EAC, Jeannie
Layson/EAC/GOV@EAC, Juliet E.
Thompson/EAC/GOV@EAC, Sheila A.
Banks/EAC/GOV@EAC, Adam Ambrogi/EAC/GOV@EAC
Subject project kickoff meeting with EAgleton Institute

Commissioners -

We have tentatively scheduled May 26 at 2:30 for a kickoff meeting here with Eagleton Institute. What will happen at this meeting is Eagleton will introduce their key people and make a brief presentation on their approach to performing the provisional voting and voter ID studies. It will be an opportunity to ask questions, raise any concerns, and/or provide guidance as they begin this work. Please advise if you wish to attend this meeting. I expect it will last about an hour.

Carol A. Paquette
Interim Executive Director
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov

013459

Karen Lynn-Dyson/EAC/GOV
06/28/2006 10:43 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV
cc
bcc
Subject Fw: Voter ID Paper --Final Draft

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 10:42 AM -----

Thomas R. Wilkey/EAC/GOV
04/28/2006 12:50 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc
Subject Re: Voter ID Paper --Final Draft

Karen,
Was this part of the contract. I thought their was a peer review group in place,

Sent from my BlackBerry Wireless Handheld
Karen Lynn-Dyson

From: Karen Lynn-Dyson
Sent: 04/28/2006 12:44 PM
To: Tom O'Neill" [REDACTED]@GSAEXTERNAL
Cc: arapp@rci.rutgers.edu; davander@eden.rutgers.edu;
dlinky@rci.rutgers.edu; foley.33@osu.edu; ireed@rutgers.edu; 'Johanna
Dobrich'" <jdobrich@eden.rutgers.edu>; joharris@eden.rutgers.edu;
john.weingart@rutgers.edu; lauracw@columbus.rr.com; rmandel@rci.rutgers.edu;
Tim Vercellotti" <tim.vercellotti@rutgers.edu>; tokaji.1@osu.edu
Subject: Re: Voter ID Paper --Final Draft

Tim, Tom, John, et.al--

The EAC has identified three academics who are going to serve as peer reviewers of the Eagleton Voter ID paper and research.

They are Jonathan Nagler of New York University, Jan Leighley, University of Arizona, and Adam Berinsky of MIT.

They are ready to review the documents as soon as they are available.

I would like to them one week to review the material and then have a joint conference call on Thursday, May 11, in which we would all have an opportunity to discuss the research methodology and statistical analysis, along with general comments and suggestions.

If you are able to get to me the paper and the supporting data analysis, I will distribute to the documents ASAP.

Also let me know, if you would, your availability on May 11 to do this conference all.

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I anticipate that it will last approximately 90 minutes.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

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Karen Lynn-Dyson/EAC/GOV
07/06/2006 01:24 PM

To john.weingart@rutgers.edu
cc "Lucy Baruch" <baruch@rci.rutgers.edu>, "Tom O'Neill"
<Tom_Oneill@verizon.net>
bcc Darrell D. Lee/CONTRACTOR/EAC/GOV@EAC; Diana
Scott/EAC/GOV@EAC; Bola Olu/EAC/GOV@EAC;
wilkey@eac.gov; Bert A. Benavides/EAC/GOV@EAC
Subject Re: Rutgers Contract Close

Thanks , John.

Indeed, with the receipt of the missing monthly reports, I believe we have all of the necessary contract deliverables.

The EAC anticipates receiving your final invoice for this contract prior to the conclusion of the Federal fiscal year which is September 30, 2006.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
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"John Weingart" <john.weingart@rutgers.edu>



"John Weingart"
<john.weingart@rutgers.edu>
07/06/2006 01:12 PM
Please respond to
john.weingart@rutgers.edu

To klynndyson@eac.gov
cc "Lucy Baruch" <baruch@rci.rutgers.edu>, "Tom O'Neill"
Subject Rutgers Contract Close

Karen - I am writing to summarize our phone conversation initiated by me yesterday in response to receipt of Tom Wilkey's June 29th letter. To close out the contract, we will do the following:

1. Prepare separate monthly reports for April, May and June which each briefly summarize our activities under the contract during that month. These reports, which will not include financial information, will be sent to you by email no later than July 24th.

2. Submit a final invoice for the project no later than September 16th, which is 75 days from the close of the contract rather than the 30 days specified in the June 29th letter. I am attaching our previously-submitted "December 1, 2005 Request for a No-Cost Extension" which noted, at the bottom of page 1, the need for a 75-day closeout period.

3. In my January 13, 2006 letter regarding our No-Cost Extension through February 28th (also attached), I had indicated that we expected to have a closing balance of approximately \$10,000. As we discussed

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yesterday, you appreciate that, with the subsequent No-Cost Extension through June 30th, we have spent the entire contract amount, and you expect us to submit invoices accordingly that will document our use of all remaining funds from the \$560,002 contract award.

Please let me know if I have left out any remaining tasks or you have a different interpretation of them. I trust you have by now received all our final work products that were FedExed to you late last week.

Thanks,

John

--

-- John Weingart, Associate Director
Eagleton Institute of Politics
(732)932-9384, x.290



Extension Justification.doc NoCostExt011306.doc

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EAGLETON INSTITUTE OF POLITICS

Request to the U.S. Election Assistance Commission for a No-Cost Extension and Reallocation of Funds

December 1, 2005

Why we need a no -cost extension

The original work schedule called for EAC to publish in mid-October voluntary guidance and/or recommended best practices for provisional voting based on our research. In making that time estimate, we did not provide sufficient time for the EAC to review and consider the draft reports that would form the basis for that publication. The draft was complete in August, but the EAC's schedule did not permit us to brief the commissioners and staff until early September. We did not receive EAC comments until October, making it impossible to complete the work on the original schedule. Taking account of those comments and guidance from EAC required several weeks. The EAC did not receive our final draft report and recommendations for best practices until late November. We are now awaiting the EAC's comments on that final draft, which we have been told to expect in January.

The additional time required to complete the work on provisional voting has delayed the completion of our analysis of Voter Identification issues. The draft report on that topic will be submitted to the EAC in mid January.

Because the EAC has decided to issue recommendations for best practices on these topics, rather than voluntary guidance, we will finish the work within two months of the original completion date since the adoption process will be shorter. Note that meeting this schedule is dependent on the time needed by the EAC to review our work.

This extension will entail additional personnel time but, since no public hearings on "best practices" are required, if the EAC does not object, funds originally allocated for the hearings would be available for transfer to support the additional staff and consultant time necessary to complete the work.

When will work be completed and funds fully expended?

As shown on the attached schedule, work on this contract will be completed in three phases. The EAC will receive our final report and recommendations for best practices in provisional voting during the week of January 23, 2006 (assuming that we receive the EAC's comments on the draft report submitted on November 28 by January 9).

We will submit our draft report, alternative approaches, and compendium of statutes, regulations, and litigation on Voter Identification Issues during the week of January 16, 2006. If the EAC is able to return comments to us no later than the week of January 30, we will have submit the final report and recommendations for best practices on Voter Identification to the EAC during the week of February 13.

The total project budget is \$560,002. As of October 31st, the EAC has been invoiced for \$259,081.79; the balance remaining is \$300,920.21. We anticipate that the project will be complete and the balance of funds fully expended by February 28, 2006. The final invoice for the contract will be submitted to the EAC within 75 days of the close of the project.

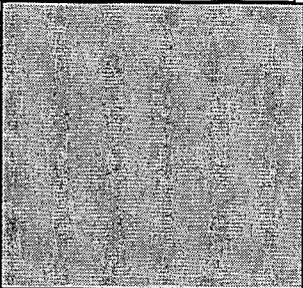
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REVISED SCHEDULE FOR November 2005 – February 2006 November 10, 2005 Assumes no guidance document, only analysis and recommended best practices			
DATE	Project Management	Provisional Voting	Voter ID
Week of 10/31		Review draft report to EAC (Team) Submit comments on report (Team)	Voter ID Research to TV
Week of 11/7	Status reports to JD for October tasks (all)	Redraft report (TON) Review and approve report (Team) Final draft report (TON)	Research continues (TV)
Week of 11/14	Submit monthly progress report (JD)	Submit report to Project Team for comments (TON)	Research continues (TV)

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Week of 11/21		Project team comments received Submit report to EAC for review and to PRG for information (TON, JW)	Complete data collection for Voter ID analysis. (TV)
Week of 11/28		EAC review	Draft report on Voter ID analysis (TV)
Week of 12/5	Status reports to JD for November tasks (all)	EAC review	Internal review (PT)
Week of 12/12	Submit monthly progress report (JD)	EAC review	Revise draft (TV) Draft alternatives (TON) Review and comment on alternatives (PT)
Week of 12/19		EAC review	Complete draft report and alternatives (TV, TON)
Week of 12/26		EAC review	Review draft report and alternatives (PT)

Week of 1/2/06	Status reports to JD for December tasks (all)	EAC review	Report and alternatives to PRG for review
Week of 1/9/06		Receive comments from EAC and revise report as needed	PRG meets and comments Revise (TV & TON)
Week of 1/16/06	Submit monthly progress report (JD)	Project team reviews and approves revised report	Submit draft report, alternatives and compendium to EAC EAC reviews
Week of 1/23/06		Finalize analysis and best practices and submit to EAC for publication and further action as appropriate	EAC review continues
Week of 1/30/06			Comments from EAC Revise (TV & TON)

Week of 2/6/06	Status reports to JD for January tasks (all)		Review and approve revised report and recommendations for best practices (PT)
Week of 2/13/06	Submit monthly progress report (JD)		Submit report and best practices to EAC for publication and further action as appropriate
Week of 2/20/06	<p>FINAL status reports to JD for all tasks (all)</p> <p>Final fiscal report/invoice to EAC 75 days later</p> <p>PROJECT ENDS</p>		

January 13, 2006

Karen - I am attaching a spreadsheet providing the information you have requested (Attachment 1), but I want to highlight a few points which may not be immediately self-evident.

First, the original budget (Attachment 2) we submitted to the EAC, dated March 22nd, did not itemize personnel expenses by each person. In addition, when we actually began work two months after submitting that budget, we decided to reallocate more time to people within Eagleton and hire fewer outside hourly.

Second, in the figures I sent you in late December we tried to account for all the expenses and projections but overlooked a few things including neglecting to include the honoraria for our peer review team. Hence, the figures we're now sending are different than what I sent in December.

Lastly, we originally discussed a no-cost extension through February, but since we don't yet have the EAC comments on our draft Provisional Voting material nor an estimate of when they are likely to be ready, I think it is prudent to extend the no-cost extension through March 31st. We would still like to conclude by the end of February, but if you can approve the extension for another month we could avoid going through this process again if everything is not complete six weeks from now.

It is my understanding that Rutgers will soon be sending our December invoice. At this time, I would also like to request that we combine January and February an invoice the EAC once for that time period.

As you can see, we are currently projecting an ending balance of approximately \$10,000. If additional expenses are incurred beyond what is currently projected, we're confident they will not exceed the original budget of \$560,002.

Thanks and I look forward to hearing from you.

--

-- John Weingart, Associate Director
Eagleton Institute of Politics
(732)932-9384, x.290

013489

Karen Lynn-Dyson/EAC/GOV
06/28/2006 11:09 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV
cc
bcc
Subject Fw: Peer Review Group

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
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tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 11:07 AM -----



"Tom O'Neill"

[REDACTED]
08/19/2005 02:20 PM

To klynndyson@eac.gov
cc
Subject Peer Review Group

Karen,

Attached is a report on the status of recruitment of members of the Peer Review Group. We extended 9 invitations. We have four confirmed members, one reluctant turn-down, one who has yet to respond to an initial inquiry, and are awaiting confirmation from 3 others who initially agreed. Please let me know if you need additional information.

Tom O'Neill



RecruitmentStatus.doc

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STATUS OF PEER REVIEW GROUP RECRUITMENT

(As of August 17, 2005)

R. Michael Alvarez, Ph.D. Professor of Political Science California Institute of Technology	YES/CONFIRMED
Guy-Uriel Charles Associate Professor, School of Law University of Minnesota 612-626-9154	YES*
Brad Clark Professor of Law George Washington University School of Law	NO
Pamela Susan Karlan Montgomery Professor of Public Interest Law Stanford Law School 650-725-4851	YES
Martha E. Kropf, Ph.D. Assistant Professor of Political Science University of Missouri-Kansas City 816-235-5948; KropfM@umkc.edu	YES/CONFIRMED
Daniel H. Lowenstein Professor of Law UCLA 310-825-4841	YES
John F. Manning Professor Harvard Law School	NO RESPONSE
Tim Storey Program Principal Legislative Management Program National Conference of State Legislatures	YES/CONFIRMED
Peter G. Verniero, Esq. Counsel Sills, Cummis, Epstein and Gross, PC (Former NJ Attorney General and Supreme Court Justice)	YES/CONFIRMED

013471

Karen Lynn-Dyson/EAC/GOV
06/28/2006 10:22 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV
cc
bcc
Subject Fw: Peer Review Group

Karen Lynn-Dyson
Research Manager
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1225 New York Avenue , NW Suite 1100
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tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 10:21 AM -----



"Tom O'Neill"

07/08/2005 03:41 PM

To "Paquette, Carol" <cpaquette@eac.gov>
cc "Laura Williams" <lauracw@columbus.rr.com>, "Weingart, John" <john.weingart@rutgers.edu>, "reed, ingrid" <ireed@rutgers.edu>, "Mandel, Ruth" <rmandel@rci.rutgers.edu>, "Lynn-Dyson, Karren" <klyndyson@eac.gov>, "Foley, Ned" <foley.33@osu.edu>
Subject Peer Review Group

Carol,

After our discussion in New York, you asked me to put in writing our response to the EAC's suggestions for expanding the number and kinds of groups that would review and comment on our work. I hope after your review of this response, we will be able to quickly recruit a balanced Peer Review Group (PRG) and move ahead as the schedule in our work plan indicates. Attached is a revised list of the members we propose for appointment to the PRG. We will probably not be able to persuade all of them to serve, but the number and range of views included on the proposed list should ensure that the resulting group is well-balanced.

Tom

RESPONSE TO EAC RECOMMENDATIONS FOR ADDITIONAL REVIEW GROUPS

EAC's Recommendations for the PRG

Karen Lynn-Dyson reported this response from the EAC commissioners to our proposal for the composition of the PRG.

1. Not sufficient conservative representation on the PRG
2. Create a "tiered process" of review in which:
 - A. The PRG will prepare a dispassionate analysis of the issues and draw some tentative conclusions.
 - B. PRG's analysis would be vetted by a defined/select group of local election officials.
 - C. A defined/select group of advocacy organizations would review the

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comments of the local election officials

D. Empanel a final focus group of local election officials, advocates and academics for an overall, interactive reaction to the analysis and recommendations.

Project Team Response

Creating three new committees to the review process to supplement the work of the Peer Review Group (PRG) is possible, but would add at least 8 weeks –and possibly 12 weeks-- to our completion of the guidance document on provisional voting. We believe this delay would risk limiting the value of this project for the 2006 election. In addition, the change would add at least \$30,000 to the cost of our work. (See the attached table showing the possible effect on our work plan, and note the optimistic assumptions such as the ability to hold a hearing the week after Christmas.). If the same groups were to be engaged in reviewing our work on Voter ID, the time for that work would also have to be stretched at a similar increased cost.

This additional cost and the added time might be worthwhile. . . if the new layers of review were to produce a consensus on how to strengthen the research, sharpen the analysis, and increase the relevance of the Guidance Document. Our team concluded, however, that additional review groups were unlikely to achieve these results.

PRG focuses on quality of research

We believe that our research would be strengthened by a balanced Peer Review Group that will focus on the design of the research and our conduct of it. Based on the EAC's recommendation, we have revised the composition of the PRG to include additional, well-recognized authorities in the field whose perspective is generally agreed to be conservative.

The PRG will focus on the strength of the research design and the quality of our analysis, not on the politics of our recommendations for the guidance document. The PRG will critique the research design and suggest how to strengthen it. Members of the group will review the quality of our analysis so that we can fill holes and correct errors before we make policy recommendations to the EAC. The PRG may or may not meet as a group. The likelihood is that most comments will come in writing from individual members, most of whose schedules would not permit attendance at meetings. In any case, the PRG members will not gather around a table to come to consensus on the study's recommendations.

While using the PRG as a forum to reach consensus on the knotty issues involved does not appear practical, the EAC can benefit from the work of other groups in this regard. It is not necessary for this project to duplicate the deliberative processes of the Carter-Baker Commission, the Century Foundation and the Election Center. The EAC itself as well as the project team can get the benefit of these reports without duplicating this "policy evaluation board" structure as part of this contract.

Project Team focuses on analysis and recommendations

Karen reported that the Commissioners believed that the PRG would "prepare a dispassionate analysis of the issues and draw some tentative conclusions." As we see it, the PRG will neither analyze data nor draw conclusions, tentative or otherwise. Its members will review and comment on how the Project Team has designed and carried out the research. Analysis, conclusions and recommendations are the responsibility of the Project Team. We have all seen in the preface to books or articles a sentence or two that read something like this, "The author

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thanks Mr. X, Ms. Y, and Dr. Z for their review and comment on the manuscript. Their analysis has strengthened the work, but they are in no way responsible for errors or for my conclusions.” That is the way we think about the Peer Review Group.

In short, the PRG will help ensure that EAC’s Guidance Document is founded on a solid base of data and analysis. The review and comment on the Preliminary Guidance Document by the EAC’s Board of Advisors and Standards Board will provide participation by important stakeholder groups without the need for the other review committees. This Board is broad-based and represents a key stakeholder group. It also enjoys a significant advantage over a “defined/select” group we might empanel. Any group we define will be open to criticism or charges of bias by representatives of interest groups not represented.

The criticism and charges of bias might be tolerable, but only if we could expect consensus from the “defined/select” group we would appoint. We believe that consensus would be elusive. In empanelling a “defined/select” group, we would naturally look for balance and would appoint members to represent a point of view or an institutional interest. As representatives they would likely feel that they had little choice but to be strong advocates. They would have little incentive to compromise. Our research, as opposed to our policy recommendations, would be better served by the analysis of scholars than by the advocacy of interests.

Policy judgments

We regard the EAC itself as responsible for the policy judgments involved in shaping the Guidance Document. We plan, of course, to respond to the EAC’s comments on our preliminary draft, so that the EAC’s comments will shape the Preliminary Guidance Document before it is released for public comment. And further revision will follow the public hearing and comments. The EAC and individual Commissioners can always seek comment informally on our analysis or recommendations. That course appears to us preferable to the creation of a new, more elaborate review process.



PROPOSED MEMBERSJuly6.doc

REVISED
PROPOSED MEMBERS OF PEER REVIEW GROUP
July 6, 2005

Role of the Peer Review Group

Members of the Peer Review Group will review the research design for the project, including the survey of local election officials, the analysis of Voter ID regime on turnout, the state-by-state narrative of developments in provisional voting and voter identification, and the compilation and analysis of statutes, administrative regulations, and case law affecting provisional voting and voter identification. They will also review the report on Analysis and Alternatives. They may review the draft of the Preliminary Guidance Document before it goes to the Board of Advisors for comment.

Members of the group will be respected authorities in their fields and represent a range of opinions and perspectives, although their views on policy will be less important to the study than their views on the quality of the research on which policy recommendations are based.

Ideally, the group would meet once, but even that may not be possible to arrange given the tight time period for the project, the demanding schedules of the members, and their wide dispersal across the county. They will function largely by reviewing written work and making written comments on it. The timing of their involvement is indicated on the work plan.

R. Michael Alvarez, Ph.D.

Professor of Political Science
California Institute of Technology
rma@hss.caltech.edu
626-395-4422

Alvarez has taught political science at Caltech since 1992. He received his B.A. in political science from Carleton College, his M.A. and Ph.D. from Duke University. Alvarez focuses on the study of electoral politics. He has published many articles on electoral behavior and public opinion. Support for his research has come from the National Science Foundation, The IBM Corporation, the Carnegie Corporation, of New York, and the Knight Foundation. Alvarez edits the Analytical Methods for Social Research book series and is on the editorial boards of a number of academic journals. He is Co-Director of the Caltech-MIT Voting Technology Project

Guy-Uriel E. Charles

Associate Professor
School of Law
University of Minnesota
342 Mondale Hall
229-19th Avenue South
Minneapolis, MN 55455
612-626-9154
gcharles@umn.edu

Charles teaches and writes on election law, law and politics, and race. He received his B.A. degree in Political Science, *cum laude* from Spring Arbor University and his J.D. from the University of Michigan Law School, where he was Editor-in-Chief of the *Michigan Journal of Race & Law*. He is completing a PhD in political science from the University of Michigan.

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Brad Clark

Professor of Law
George Washington University School of Law

Clark received his B.A. in Political Science from Florida State University and his J.D. from Columbia Law School in 1985. He served as a law clerk to the Judge Robert H. Bork on the US Court of Appeals and went on to clerk for Justice Antonin Scalia on the Supreme Court. He has been on the faculty at George Washington University Law School for 12 years, where he has taught Constitutional Law, Federal Courts, and Civil Procedure.

Pamela Susan Karlan

Montgomery Professor of Public Interest Law
Stanford Law School
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karlan@stanford.edu

Formatted

Karlan's principal subjects include legal regulation of the political process. She earned her BA, MA, and JD at Yale University, and was previously a Professor at the University of Virginia. She serves on the California Fair Political Practices Commission and is a Cooperating Attorney with the NAACP Legal Defense and Education Fund. She has also been a lecturer at the FBI National Academy. Among her publications, she is a co-author of *When Elections Go Bad: The Law of Democracy and the Presidential Election of 2000*.

Martha E. Kropf, Ph.D.

Assistant Professor of Political Science
University of Missouri-Kansas City
816-235-5948; KropfM@umkc.edu

Kropf has been on the faculty at Missouri since 1999. She received her BA Summa Cum Laude, Phi Beta Kappa from Kansas State University and her PhD in Political Science from American University. Her work concentrates on Research Methods, Urban Politics, American Government, and Political Behavior. Before joining the faculty at Missouri, she was Project Coordinator at the University of Maryland Survey Research Center. She has published recent on undervoting in presidential elections, and on invalidated ballots in the 1996 presidential election, and on the incremental process of election reform in Missouri.

Deleted: Deborah Goldberg, Ph.D. Program Director, Democracy Program. Brennan Center for Justice at NYU School of Law. 161 Avenue Of The Americas, 12th Floor. New York, NY 10013. 212-998-6730. Goldberg supervises the Democracy Program's litigation, scholarship, and public education. She was the principal author of *Writing Reform: A Guide to Drafting State & Local Campaign Finance Laws*, and was lead counsel to the intervenor in the Supreme Court case *Nixon v. Shrink Missouri Government PAC*. She serves on the Steering Committee of a coalition to restore voting rights to persons with past felony convictions. Goldberg is a graduate of Harvard Law School. Before joining the Brennan Center, she was in private practice. She holds a Ph.D. in philosophy and taught ethics at Columbia University.

Daniel H. Lowenstein

Professor of Law
School of Law
University of California, Los Angeles
Box 951476,
Los Angeles, CA 90095-1476
(310) 825-4841

Among other courses, Lowenstein teaches Election Law. His textbook, *Election Law* has become a standard in the field. He earned his A.B. at Yale and his LL.B. at Harvard. While working for California's Secretary of State he was the main drafter of the *Political Reform Act* in 1971. He was the first chair of the Fair Political Practices Commission. He has served on the national governing board of Common Cause. He has written on such topics as campaign finance, redistricting, bribery, initiative elections, and political parties.

John F. Manning

Professor
Harvard Law School

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Now at Harvard, Manning was appointed Assistant Attorney General for the Office of Legal Counsel by President Bush in 2001. He had been Professor of Law at Columbia Law School. Had had served as Assistant to the Solicitor General of the United States and was an Attorney-Adviser in the Office of Legal Counsel at the Department of Justice during the administrations of President George H. W. Bush and President Reagan. He is a graduate of Harvard College and Harvard Law School.

Tim Storey

Program Principal
Legislative Management Program
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7700 East First Place
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Peter G. Veniero, Esq.

Counsel
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One Riverfront Plaza
Newark, New Jersey 07102
Tel: 973- 643-7000

Veniero chairs the firm's Appellate Practice Group. He earned his B.A. at Drew University, Phi Beta Kappa, and his J.D. (with honors) at the Duke University School of Law. In 1999, he was appointed a justice of the New Jersey Supreme Court, where he served for 7 years before re-entering private practice. Before his appointment to the Supreme Court, he served as New Jersey's Attorney General, and in that capacity oversaw the state's election laws. He also served as Chief of Staff and Chief Counsel to Governor Christine Todd Whitman.

Plus one or two former, senior election officials to be suggested by the EAC

Deleted: Wade Henderson, Esq. ¶
Executive Director ¶
Leadership Conference on Civil Rights ¶
1629 K Street, NW, 10th Floor ¶
Washington, DC 20006 ¶
Wade Henderson is the Executive Director of the LCCR and Counsel to the Leadership Conference on Civil Rights Education Fund (LCCREF), and leads the organizations' work on issues involving nationwide election reform. He is a graduate of Howard University and the Rutgers University School of Law. During its over 50 years of existence, LCCR has worked to redefine civil rights issues in broad and inclusive ways. Today, it includes over 180 national organizations. Previously Henderson served as Washington Bureau Director of the NAACP. He began his career as a legislative counsel of the ACLU. ¶

¶
Kay Maxwell ¶
President ¶
League of Women Voters of the U.S. ¶
1730 M Street NW, Suite 1000 ¶
Washington, DC 20036-4508 ¶
202-429-1965 ¶
Kay J. Maxwell has been a member of the League since 1976. She attended Smith College and earned a B.A. in International Relations from the University of Pennsylvania. She has conducted civic participation training for women leaders in Bosnia, Israel, the West Bank, Rwanda, Kuwait and Jamaica. She has also served as vice president at the International Executive Service Corps (IESC), an international economic development organization. She is a board member of DC Vote, and the New Voters Project. ¶

Deleted: ¶

013477

Karen Lynn-Dyson/EAC/GOV
04/27/2006 12:25 PM

To "Mike Alvarez" <rma@hss.caltech.edu>@GSAEXTERNAL
cc
bcc
Subject Re: 

Hi-

Well, I've managed to secure one of the folks on your list- Jan Leighley. As you might imagine, she is very interested in the topic (voter id) and glad to help. Ben Highton is having a baby this week or next so is unavailable. I haven't heard back from the others whom I've called and left detailed messages.

I need to line up at least two others. Perhaps you would be willing to prod your colleagues (I see Nagler is a long- time colleague of yours). Alternatively, do you have a few other names you might offer?

My world has been one of economists and sociologists, not political scientists. So, I'm not able to line up the types of folks you were able to suggest. I think the list you gave me is outstanding, so I'd like folks of this caliber.

The plan is to do the review May 5- May 11 and to do a conference call with Eagleton (including the peer review folks) on or about Friday, May 12.

As always, Mike, I'm grateful for your advice and guidance.

K
Karen Lynn-Dyson
Research Director
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Mike Alvarez" <rma@hss.caltech.edu>



"Mike Alvarez"
<rma@hss.caltech.edu>
04/07/2006 12:54 AM

To klynndyson@eac.gov
cc
Subject Re:

Glad to help. I don't want to step on toes, but I'd recommend that you think about some sort of single-blind peer review, of the sort that is employed by many research journals and other organizations (like the NSF or National Academies of Science). I think that if you offer them a modest honoraria (perhaps \$100) I think you'll find that the folks on that list would be likely to provide quick and thorough feedback to you.

Again, let me know if there is more that I can do to help.

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I'm also willing to do a review for you myself. The issue is that I feel somewhat conflicted, given that I'm on their "peer review" panel. But on the other hand that does mean that I'm very well aware of the background of this project. I'd leave it up to you as to whether you think that a review from me would be appropriate or not.

Mike

On Thu, 6 Apr 2006 klynndyson@eac.gov wrote:

> Mike- Nice to finally meet you in person, as well. Indeed ,as discussed,
> I am likely to confer with your peers on a number of matters related to
> research methodology and statistical analyses,

>
> Thanks again for providing these names.

>
>
> K
> Karen Lynn-Dyson
> Research Manager
> U.S. Election Assistance Commission
> 1225 New York Avenue , NW Suite 1100
> Washington, DC 20005
> tel:202-566-3123

>
>
>
> "Mike Alvarez" <rma@hss.caltech.edu>
> 04/05/2006 07:39 PM

> To
> klynndyson@eac.gov
> cc

> Subject

> Hi -- nice to meet you in person, finally!

>
> And thanks for inviting me to your gathering, I enjoyed
> it and hope I was helpful. Of course, any time you want
> anything, you do know where to track me down.

>
> As to the potential reviewers of the Eagleton Voter ID
> study, here are my suggestions, in order:

> Jonathan Nagler, New York University
> Jan Leighley, University of Arizona
> Ben Highton, UC-Davis
> Adam Berinsky, MIT
> Bernard Grofman, UC-Irvine

>
> All have worked with the CPS turnout/registration data, and

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> are very familiar with this research literature.
>
> If these don't work, or you want more recommendations, let me know.
>
>

--

R. Michael Alvarez (O)
626-395-4089
Professor of Political Science (F)
626-405-9841
Caltech/MIT Voting Technology Project
California Institute of Technology
Pasadena, CA 91125
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Contributor to Election Updates,
<http://electionupdates.caltech.edu/blog.html>

Karen Lynn-Dyson/EAC/GOV
03/28/2006 04:07 PM

To john.weingart@rutgers.edu
cc
bcc
Subject Re: no-cost extension 

Hi John-

Could you check with Connie Bornheimer and confirm that one invoice in the amount of \$91,787.92 is still forthcoming.

I assume that invoice will be marked as the final payment on the contract.

Thanks

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

013481



U.S. Election Assistance Commission
1225 New York Ave. – Suite 1100
Washington, DC 20005

DATE!!!!!!

EAC Advisory 2005-006: Provisional Voting and Identification Requirements

The U.S. Election Assistance Commission (EAC) has recently received an inquiry regarding whether a state may impose an identification requirement that would limit a potential voter's access to a provisional ballot to which he or she is otherwise entitled under Section 302 of the Help America Vote Act (HAVA) (42 U.S.C. §15482). After consideration of the matter, EAC has concluded that Section 302 of HAVA creates a voter right. Specifically, the section creates the right for a potential voter to utilize a provisional ballot in the event their name does not appear on the registration list or the voter's eligibility is challenged by an election official. While States may create voter identification standards that exceed those laid out in HAVA and effect whether a provisional ballot is counted, States may not take action that limits a voter's right to receive and submit a provisional ballot. In explaining this position, this advisory reviews the plain language of HAVA Section 302, examines the differences between traditional and provisional ballots and analyzes the implementation of provisional voting under HAVA Section 303(b). This advisory also addresses the impact of a state's authority to create stricter standards than prescribed by HAVA upon HAVA's provisional voting requirements.¹

Plain Language of HAVA Section 302. The right to cast a provisional ballot is created in Section 302 of HAVA. Pursuant to HAVA, when an individual declares that he or she is a registered and eligible voter in a federal election, that individual "shall be permitted to cast a provisional ballot" if (1) their name does not appear on the official list of eligible voters or (2) "an election official asserts that the individual is not eligible to vote." (Section 302(a)). This right to receive a provisional ballot is contingent upon only one thing (per Section 302(a)(2)), the individual's execution of a written affirmation that he or she is both a registered and eligible voter for the election at issue.² See also, Sandusky County Democratic Party v. Blackwell, 387 F.3d 565, 574 (6th Cir. 2004). However, notwithstanding the above, HAVA goes on to recognize that the right to submit a provisional ballot constitutes neither a means to avoid State imposed voter eligibility requirements nor a vote. Instead, HAVA requires election officials at a polling place to

¹ The EAC is the Federal agency charged with the administration of HAVA. While the EAC does not have rulemaking authority in the area of provisional voting, HAVA does require the Commission to draft guidance to assist states in their implementation of HAVA's provisional voting requirements. Although EAC's administrative interpretations do not have the force of law associated with legislative rules, the Supreme Court has long held that the interpretations of agencies charged with the administration of a statute are to be given deferential treatment by Courts when faced with issues of statutory construction. York v. Secretary of Treasury, 774 F. 2d 417, 419 – 420 (10th Cir. 1985) (citing Compensation Commission of Alaska v. Aragon, 329 U.S. 143, 153 – 154 (1963)) See also Christian v. Harris County, 529 U.S. 576 (2000); Edelman v. Lynchburg College, 122 S. Ct. 1145 (2002).

² Moreover, a potential voter determined not to be eligible must be informed of their provisional voting rights per Section 302(a)(1) of HAVA.

transmit a provisional ballot (or information associated with the written affirmation) to appropriate election officials for verification. (Section 302(a)(4) of HAVA). These election officials ultimately determine the voter's eligibility based upon information presented to or gathered by it, in accordance with State law. In this way, the State determines whether any provisional ballot submitted will be counted as a vote. Id.

In simplest terms, provisional voting represents the right of an individual (whose eligibility to vote has been challenged), to reserve their right to vote and postpone the voter eligibility determination to a time when more perfect or complete information may be provided. See Sandusky County Democratic Party, 387 F.3d at 570 and Florida Democratic Party v. Hood, 342 F.Supp 1073, 1079-1080 (N.D. Fla. 2004). A provisional ballot does not represent a different way to vote, nor does it serve as a bypass to State laws governing voter eligibility. Rather, it is designed to prevent an individual from losing his or her right to vote due to the fact that a poll worker did not have all the information available or needed to accurately assess voter eligibility. Thus, based upon the plain language of Section 302(a) of HAVA, a challenge to an individual's eligibility to vote (such as a challenge based upon identification requirements) cannot serve as a bar to the receipt of a provisional ballot, because it is the election official's challenge that triggers the provisional ballot procedure in the first place. To hold otherwise would defeat the purpose of provisional voting. In the end, to understand this concept one must understand the differences between traditional and provisional ballots.

Traditional vs. Provisional Ballots. The nature and procedures associated with a provisional ballot are wholly distinct from those of a traditional ballot. Because of this fact, the two processes must be treated differently. While voter identification requirements may serve as a bar to the casting of a traditional ballot, they may not prevent the submission of a provisional ballot.

First, the nature and purpose of traditional and provisional ballots are essentially different. The purpose of a traditional ballot is to allow a confirmed, eligible voter to cast a vote. The purpose of a provisional ballot is to allow individuals whose voter eligibility is challenged to reserve the right to vote by memorializing both their intent to vote and their proposed vote. This is evident by the HAVA processes discussed above. The bottom line is that the casting of a proper, traditional ballot constitutes a vote, while the casting or submission of a provisional ballot does not. A traditional ballot is cast only after voter eligibility has been determined by the State. Hence, the moment it is cast, it becomes an individual's vote. On the other hand, the submission or casting of a provisional ballot is not a vote. Rather, it is a claim that the potential voter who submitted it has the right to vote and reserves that right. As the Sixth Circuit Court of Appeals stated:

[T]he primary purpose of HAVA was to prevent on-the-spot denials of provisional ballots to voters deemed ineligible to vote by poll workers. Under HAVA, the only permissible requirement that may be imposed upon a would-be voter before permitting that voter to cast a provisional ballot is the affirmation contained in [42 U.S.C.] §15482(a): that the voter is a registered voter in the jurisdiction in which he or she desires to vote, and that the voter is eligible to vote in an election for federal office. Sandusky County Democratic Party, 387 F.3d at 574.

This goes to the very heart of provisional voting. If provisional voting is a right triggered by an election official's determination that an individual has not met a voter eligibility requirement, how

can such a requirement also serve as a bar to that right? The concept of provisional voting works only if the right is always available when the application of voter eligibility requirements is in question.

Second, consistent with the differences in purpose between traditional and provisional ballots, the other major distinction between the two lies in the application of voter eligibility requirements. This difference is primarily one of procedural timing. States have the right to create voter eligibility requirements and these requirements must be applied to both traditional and provisional ballots. In casting a traditional ballot, one must meet all eligibility requirements prior to receiving the ballot. However, in the provisional process, the potential voter has already failed to meet these preliminary requirements and the application of State law must occur after the ballot has been received. State voter eligibility requirements should be applied after the provisional ballot and/or supporting affirmation has been transmitted pursuant to Section 302(a)(3) of HAVA. Provisional ballots are counted as votes only after election officials have determined that the individual can meet voter eligibility standards consistent with state law. Again, the purpose of the process is to allow election officials more time, so that they may have more perfect information when making a decision about voter eligibility. Provisional ballots are subject to the full effect of State law regarding the eligibility to vote and the opportunity the law provides provisional voters to supply additional information. Provisional ballots do not escape state or federal voter eligibility requirements, those provisional ballots that do not meet State standards will not be counted.

Provisional Voting Under HAVA Section 303(b). Congress provided an example of how provisional voting works by applying the right to a specific circumstance. Section 303(b)(2)(B) of HAVA, entitled *Fail-Safe Voting*, provides that when a first-time voter who registered by mail is required by HAVA Section 303(b) to show identification, that person must be given a provisional ballot if he or she fails to provide such identification at the polling place. This section is important as it clarifies Congressional intent regarding how provisional voting should function.

The *Fail-Safe Voting* provision of Section 303(b)(2)(B) grants clear insight into how provisional voting should be implemented. While Section 303(b) deals with a specific subset of voters (first-time voters who registered by mail), its application of Section 302(a) supports the concept that a provisional ballot must be given to a voter who is determined (at the polling place) not to meet voter identification requirements. A review of the section shows that in the one area where HAVA set a Federal voter identification requirement Congress made clear that an individual's failure to meet this eligibility requirement triggered the statute's provisional voting section. Congress saw no difference between an individual's failure to meet the voter identification requirements it issued in Section 303(b) and the failure to meet eligibility requirements which trigger provisional voting under Section 302. Section 303(b) makes it clear that Congress did not intend voter identification requirements to limit access to provisional voting. Instead, Congress viewed provisional voting as a right, or more specifically, as a fail-safe. The EAC strongly believes that HAVA provisions must be interpreted to bring about consistent and evenly applied results. In this case, if individuals who fail to meet Federal identification standards have the right to a provisional ballot, so must individuals who fail to meet similar State standards.

Stricter Eligibility Standards and Provisional Voting. HAVA specifically provides that States may create stricter voter eligibility standards than provided in HAVA.³ Arizona's "Proposition 200" identification requirements are a prime example of this authority. However, the HAVA authority to create stricter eligibility standards does not grant the state authority to create standards that bar access to a provisional ballot. To interpret HAVA otherwise (i.e. allowing stricter state identification standards to bar access to provisional ballots) would render HAVA's provisional voting mandate (Section 302) void and meaningless. HAVA cannot be read to grant both (1) the right to a provisional ballot if an individual's voting eligibility is challenged by a State and, (2) the right of that State to deny an individual a provisional ballot if they do not meet voter eligibility standards. These concepts are mutually exclusive. HAVA cannot be interpreted to allow a State to create voter eligibility standards that bar the Section 302 right to cast a provisional ballot without nullifying the effect and intent of that provision. Any such interpretation of HAVA would run afoul of both HAVA Section 304 and longstanding principles of statutory construction.

First, HAVA notes in Section 304 that while States may create standards that are stricter than those established under HAVA, this authority is limited to the extent "such State requirements are not inconsistent with the Federal requirements under [HAVA]." Clearly, provisional voting is a requirement under HAVA. Section 302(a) notes that qualified individuals "shall be permitted to cast a provisional ballot." (Emphasis added). In this way, States may not create standards that are inconsistent or interfere with the provisional voting mandate.

Furthermore, long established principles of statutory construction further prohibit an interpretation of HAVA that would render any of its provisions meaningless. It is "'a cardinal principle of statutory construction' that 'a statute ought, upon the whole, to be so construed that, if it can be prevented, no clause, sentence, or word shall be superfluous, void, or insignificant.'" TRW Inc. v. Andrews, 534 U.S. 19, 31, 122 S.Ct. 441, 151 L.Ed.2d 339 (2001), (quoting Duncan v. Walker, 533 U.S. 167, 174, 121 S.Ct. 2120, 150 L.Ed.2d 251 (2001)).

A Stricter Provisional Voting Standard. As discussed above, States' have the right to impose stricter requirements than those laid out in HAVA. The EAC has already made it clear, above, that a stricter voter eligibility requirement cannot be read to bar an individual's right to a provisional ballot. However, could a stricter requirement regarding provisional voting serve to limit access to such ballots? No. A stricter State requirement for provisional voting would be a standard that enhances a person's access to a provisional ballot. As the Sixth Circuit noted, "HAVA is quintessentially about being able to cast a provisional ballot." Sandusky County Democratic Party, 387 F.3d at 576. "HAVA's requirements 'are minimum requirements' permitting deviation from its provisions provided that such deviation is 'more strict than the requirements established under' HAVA (in terms of encouraging provisional voting)...." Id., (quoting 42 U.S.C. §15484, emphasis added). Thus, in terms of provisional voting, a stricter standard is one that serves to further encourage provisional voting. When passing laws affecting provisional voting, States must ensure that their provisions are consistent with HAVA or otherwise serve to further an individual's access to a provisional ballot. EAC concludes that any policy asserting that States may pass laws limiting access to provisional ballots conflicts with HAVA.

³ See 42 U.S.C. §§15485 – 15485, entitled *Minimum Requirements and Methods of Implementation Left to Discretion of State*, respectively.

Conclusion. A state may not impose an identification requirement that would limit a potential voter's access to and submission of a provisional ballot. However, such requirements (when coupled with a state's provisional ballot procedures) may prevent a provisional ballot from being counted.

Gracia Hillman
Chair

Paul DeGregario
Vice Chairman

Ray Martinez III
Commissioner

Donetta Davidson
Commissioner

013486

Karen Lynn-Dyson/EAC/GOV
08/23/2006 12:00 PM

To Elieen L. Collver/EAC/GOV@EAC
cc Peter Schulleri/EAC/GOV@EAC
bcc Bert A. Benavides/EAC/GOV@EAC
Subject Re: marked up copy 

Elle-

As I am now in the middle of the contracts award process, I am going to ask Peter to work with you on preparing this final draft for the Commissioner's review tomorrow.

Peter, please work with Elle to create an acceptable version of this draft by COB today.

Thanks

K
Karen Lynn-Dyson
Research Director
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

Elieen L. Collver/EAC/GOV



Elieen L. Collver/EAC/GOV
08/22/2006 05:28 PM

To klynndyson@eac.gov@EAC
cc
Subject marked up copy

Karen,

Here are our changes....it might seem a little hard to understand since Eagleton gave us a pdf instead of a word doc. It's a little convoluted in parts and the formatting is totally off. But if there is any trouble, I can go over the copy that we marked up and get it onto the most recent copy.

Let me know what you think...

Thanks,
Elle



EAC Guidance on Provisional Voting EC.rtf

Elle L.K Collver
U.S. Election Assistance Commission
1225 New York Avenue, Suite 1100
Washington, D.C. 20005
office: (202) 566-2256

013487

blackberry: [REDACTED]
www.eac.gov

BACKGROUND

On September 13, 2005 the U.S. Election Assistance Commission issued an advisory (2005-006) and, after consideration of the matter, EAC concluded that Section 302 of HAVA creates a voter right. Specifically, the section creates the right for a potential voter to utilize a provisional ballot in the event his or her name does not appear on the registration list or the voter's eligibility is challenged by an election official. While States may create voter identification standards that exceed those laid out in HAVA and effect whether a provisional ballot is counted, States may not take action that limits a voter's right to receive and submit a provisional ballot.

The right to cast a provisional ballot is created in Section 302 of HAVA. Pursuant to HAVA, when an individual declares that he or she is a registered and eligible voter in a federal election, that individual "shall be permitted to cast a provisional ballot" if (1) their name does not appear on the official list of eligible voters or (2) "an election official asserts that the individual is not eligible to vote." (Section 302(a)). This right to receive a provisional ballot is contingent upon only one thing (per Section 302(a)(2)), the individual's execution of a written affirmation that he or she is both a registered and eligible voter for the election at issue.¹

In simplest terms, provisional voting represents the right of an individual (whose eligibility to vote has been challenged), to reserve his or her right to vote and postpone the voter eligibility determination to a time when more perfect or complete information may be provided. A provisional ballot does not represent a different way to vote, nor does it serve as a bypass to State laws governing voter eligibility. Rather, it is designed to prevent an individual from losing his or her right to vote due to the fact that a poll worker did not have all the information available or needed to accurately assess voter eligibility. Thus, based upon the plain language of Section 302(a) of HAVA, a challenge to an individual's eligibility to vote (such as a challenge based upon identification requirements) cannot serve as a bar to the receipt of a provisional ballot, because it is the election official's challenge that triggers the provisional ballot procedure in the first place. To hold otherwise would defeat the purpose of provisional voting. In the end, to understand this concept one must understand the differences between traditional and provisional ballots.

The nature and procedures associated with a provisional ballot are wholly distinct from those of a traditional ballot. Because of this fact, the two processes must be treated differently. While voter identification requirements may serve as a bar to the casting of a traditional ballot, they may not prevent the submission of a provisional ballot.

First, the nature and purpose of traditional and provisional ballots are essentially different. The purpose of a traditional ballot is to allow a confirmed, eligible voter to cast a vote. The purpose of a provisional ballot is to allow individuals whose voter eligibility is challenged to reserve the right to vote by memorializing both their intent to vote and their proposed vote. This is evident by the HAVA processes discussed above. The bottom line is that the casting of a proper, traditional ballot constitutes a vote, while the casting or submission of a provisional ballot does not. A traditional ballot is cast only after voter eligibility has been determined by the State. Hence, the moment it is cast, it becomes an individual's vote. On the other hand, the submission or casting of a provisional ballot is not a vote. Rather, it is a claim that the potential voter who submitted it has the right to vote and reserves that right.

¹ Moreover, a potential voter determined not to be eligible must be informed of their provisional voting rights per Section 302(a)(1) of HAVA.

This goes to the very heart of provisional voting. If provisional voting is a right triggered by an election official's determination that an individual has not met a voter eligibility requirement, how can such a requirement also serve as a bar to that right? The concept of provisional voting works only if the right is always available when the application of voter eligibility requirements is in question.

Section 303(b)(2)(B) of HAVA, entitled *Fail-Safe Voting*, provides that when a first-time voter who registered by mail is required by HAVA Section 303(b) to show identification, that person must be given a provisional ballot if he or she fails to provide such identification at the polling place. This section is important as it clarifies Congressional intent regarding how provisional voting should function.

The *Fail-Safe Voting* provision of Section 303(b)(2)(B) grants clear insight into how provisional voting should be implemented. While Section 303(b) deals with a specific subset of voters (first-time voters who registered by mail), its application of Section 302(a) supports the concept that a provisional ballot must be given to a voter who is determined (at the polling place) not to meet voter identification requirements. Congress saw no difference between an individual's failure to meet the voter identification requirements it issued in Section 303(b) and the failure to meet eligibility requirements which trigger provisional voting under Section 302. Section 303(b) makes it clear that Congress did not intend voter identification requirements to limit access to provisional voting. Instead, Congress viewed provisional voting as a right, or more specifically, as a fail-safe. The EAC strongly believes that HAVA provisions must be interpreted to bring about consistent and evenly applied results. In this case, if individuals who fail to meet Federal identification standards have the right to a provisional ballot, so must individuals who fail to meet similar State standards.

HAVA notes in Section 304 that while States may create standards that are stricter than those established under HAVA, this authority is limited to the extent "such State requirements are not inconsistent with the Federal requirements under [HAVA]." Clearly, provisional voting is a requirement under HAVA. Section 302(a) notes that qualified individuals "shall be permitted to cast a provisional ballot." (Emphasis added). In this way, States may not create standards that are inconsistent or interfere with the provisional voting mandate.

States' have the right to impose stricter requirements than those laid out in HAVA. The EAC has made it clear, that a stricter voter eligibility requirement cannot be read to bar an individual's right to a provisional ballot. However, could a stricter requirement regarding provisional voting serve to limit access to such ballots? No. A stricter State requirement for provisional voting would be a standard that enhances a person's access to a provisional ballot. A state may not impose an identification requirement that would limit a potential voter's access to and submission of a provisional ballot. However, such requirements (when coupled with a state's provisional ballot procedures) may prevent a provisional ballot from being counted.

OVERVIEW OF RECOMMENDATIONS FOR SUCCESSFUL PRACTICES

The wide variation in the implementation of provisional voting among and particularly within states suggests that EAC can help states strengthen their processes. Research-based recommendations for best, or at least better, practices based on the experience gained in the 2004 election can be useful in states' efforts to achieve greater consistency in the administration of provisional voting.

Self-evaluation of Provisional Voting -4 Key Questions

The first step to achieving greater consistency within each state is to think about provisional voting systematically. As legislators, election officials, and citizens in the states prepare for the 2006 election, they should ask themselves these questions about their provisional voting systems.

1. Does the provisional voting system distribute, collect, record, and tally provisional ballots with sufficient accuracy to be seen as procedurally legitimate by both supporters and opponents of the winning candidate? Does the tally include all votes cast by properly registered voters who correctly completed the steps required?
2. Is the provisional voting system sufficiently robust to perform well under the pressure of a close election when ballot evaluation will be under scrutiny and litigation looms?
3. Do the procedural requirements of the system permit cost-efficient operation? Are the administrative demands of the system reasonably related to the staff and other resource requirements available?
4. How great is the variation in the use of provisional voting in counties or equivalent levels of voting jurisdiction within the state? Is the variation great enough to cause concern that the system may not be administered uniformly across the state?

If the answers to these questions leave room for doubt about the effectiveness of the system or some of its parts, the EAC's recommendation of sound practices should provide the starting point for a state's effort to improve its provisional voting system.

SUMMARY OF RECOMMENDATIONS FOR Sound PRACTICES

State efforts to improve the provisional voting process have been underway since the 2004 election. By recommending best practices, the EAC will offer informed advice while respecting diversity among the states.

Take a Quality-improvement approach

Defining what constitutes a successful provisional voting system is difficult. Defining quality requires a broad perspective about how well the system works, how open it is to error recognition and correction, and how well provisional voting processes are connected to the registration and voter identification regimes. A first step is for states to recognize that improving quality begins with seeing the provisional voting process as a system and taking a systems approach to regular evaluation through standardized metrics with explicit goals for performance. EAC can facilitate action by the states by recommending as a best practice that:

- Each state collect data systematically on the provisional voting process to permit evaluation of its voting system and assess changes from one election to the next. The data collected should include: provisional votes cast and counted by county; reasons why provisional ballots were not counted, measures of variance among jurisdictions, and time required to evaluate ballots by jurisdiction

Emphasize the importance of clarity

Above all else, the EAC should emphasize the importance of clarity in the rules by which each state governs provisional voting. As state legislators and election officials prepare for the 2006 election, answers to the questions listed in the recommendations section of this report could be helpful. Among those questions are:

ional voting system distribute, collect, record, and tally provisional
efficient accuracy to be seen as procedurally legitimate by both supporters
of the winning candidate?
ral requirements of the system permit cost-efficient operation?
e variation in the use of provisional voting in counties or equivalent levels of
ion within the state? Is the variation great enough to cause concern that the
be administered uniformly across the state?

suggest areas for action

ions following the 2004 election also suggest procedures for states to
their procedures for provisional voting. EAC should recommend to the

ur standards for evaluating provisional ballots, and provide training for the
ill apply those standards.

re materials to be used by local jurisdictions in training poll workers on such
ow to locate polling places for potential voters who show up at the wrong

the only permissible requirement to obtain a provisional ballot is an
the voter is registered in the jurisdiction and eligible to vote in an election for
oll workers need appropriate training to understand their duty to give such
onal ballot.

re of the provisional voting process

suggested by court decisions, states should assess each stage of the
cess. They can begin by assessing the utility and clarity of the information
sites and by considering what information might be added to sample ballots
elections. The better voters understand their rights and obligations, the
re to manage, and the more legitimate the appearance of the process.

olling place will allow more voters to cast a regular ballot and all others who
visional ballot. Our recommendations for best practices to avoid error at the

staffing of the multi-precinct polling place is important. States should
ing materials distributed to every jurisdiction make poll workers familiar
available to voters.

ballot should be of a design or color sufficiently different from a regular
confusion over counting and include take-away information for the voter on
ballot evaluation process.

onal ballots offer a fail-safe, supplies of the ballots at each polling place
ient for all the potential voters likely to need them. Best practice for states
guidelines (as do Connecticut and Delaware) to estimate the supply of
ots needed at each polling place.

or evaluating voter eligibility is critical to a sound process for deciding
visional ballots should be counted.

regulations should define a reasonable period for voters who lack the
d ID or other information bearing on their eligibility to provide it in order
state's ability to verify that the person casting the provisional ballot is the
egistered. At least 11 states allow voters to provide ID or other information
fter voting. Kansas allows voters to proffer their ID by electronic means or
as in person.

ill voters have their ballots counted in those states that count ballots cast
ect precinct. While HAVA arguably leaves this decision up to the states,
effect of the narrower definition on the portion of ballots counted could be
tes in deciding this question. States should be aware, however, of the
n placed on the ballot-evaluation process when out-of-precinct ballots, are
l tradeoffs are involved if out-of-precinct voters are unable to vote for the
t might appear on the ballot in their district of residence.

quire voters to appear at their assigned precinct, where the same polling site

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than one precinct, a voter's provisional ballot should count so long as the voter cast that ballot at the correct polling site even if at the wrong precinct within that location. While the best practice might be for poll workers to direct the voter to correct precinct poll workers' advice is not always correct, and the voter should be protected against ministerial error.

- Officials should follow a written procedure, and perhaps a checklist, to identify the reason why a provisional ballot is rejected. Colorado's election rules offer particularly clear guidance to the official evaluating a provisional ballot.

In verifying provisional ballots, the time by which election officials must make their eligibility determinations is particularly important in presidential elections because of the need to certify electors to the Electoral College. Our research did not identify an optimum division of the five weeks available.

- The best practice here is for states to consider the issue and make a careful decision about how to complete all steps in the evaluation of ballots and challenges to those determinations within the five weeks available.

After the election, timely information to voters about the disposition of their provisional ballot can enable voters to determine if they are registered for future elections and, if not, what they need to do to become registered.

- Best practice for the states is to establish mechanisms to ensure that voters casting provisional ballots are informed whether they are now registered for future elections and, if not, what they need to do to become registered.

Final observation

The detailed examination of each stage in the provisional voting process can lay the foundation each state needs to improve its system. Efforts to improve provisional voting may be most effective as part of a broader effort by state and local election officials to strengthen their systems. Collecting and analyzing data about those systems will enable states to identify which aspects of the registration and electoral system are most important in shunting voters into the provisional ballot process. Responsible officials can then look to their registration system, identification requirements or poll worker training as ways to reduce the need for voters to cast their ballots provisionally.

Best Practices For Each Step In The Process

We examined each step of the provisional voting process to identify specific areas where the states should focus their attention to reduce the inconsistencies noted in our analysis. We offer recommendations in each area appropriate to the responsibilities that HAVA assigns the EAC for the proper functioning of the provisional voting process.

The Importance of Clarity

The EAC should emphasize above all else the importance of clarity in the rules governing every stage of provisional voting. As the Century Foundation's recent report observed, "Close elections increasingly may be settled in part by the evaluating and counting of provisional ballots ... To avoid post election disputes over provisional ballots--disputes that will diminish public confidence in the accuracy and legitimacy of the result-- well in advance of the election, states should establish, announce, and publicize clear statewide standards for every aspect of the provisional ballot process, from who is entitled to receive a provisional ballot to which ones are counted."²⁶

Litigation surrounding the 2004 election resulted in decisions that, if reflected in state statutes or regulations and disseminated in effective training for poll workers, can increase the clarity of provisional ballot procedures, increase predictability, and bolster confidence in the system. By taking the following steps, states can incorporate those court rulings into their procedures.

- Promulgate, ideally by legislation, clear standards for evaluating provisional ballots, and provide training for the officials who will apply those standards. For example, in Washington State, the court determined that an election official's failure in evaluating ballots to do a complete check against all signature records is an error serious enough to warrant re-canvassing.²⁷ Clear direction by regulation or statute on what records to use in evaluating ballots could have saved precious time and effort and increased the reliability of the provisional voting system.
- States should provide standard information resources for the training of poll workers by local jurisdictions. Training materials might include, for example, maps or databases with instruction on how to locate polling places for potential voters who show up at the wrong place. Usable and useful information in the hands of poll workers can protect voters from being penalized by ministerial errors at the polling place.²⁸
- State training materials provided to local jurisdictions should make clear that the only permissible requirement to obtain a provisional ballot is an affirmation that the voter is registered in the jurisdiction and eligible to vote in an election for federal office. ²⁹ Recent legislation in Arizona indicates that recommendations should emphasize HAVA's requirement that persons appearing at the polling place claiming to be registered voters cannot be denied a ballot because they do not have identification with them. Poll

²⁶ The Century Foundation, *Balancing Access and Integrity*, Report of the Working Group on State Implementation of Election Reforms, July 2005.

²⁷ See *Washington State Republican Party v. King County Division of Records*, 103 P3d 725, 727-728 (Wash. 2004) ²⁸ See *Panio v. Sunderland* 824 N.E.2d 488, 490 (NY, 2005) See also Order, *Hawkins v. Blunt*, NO.04-4177-CV-CRED (W.D. Mo. October 12, 2004). While rejecting the notion that all ballots cast in the wrong precinct should be counted, the court ruled that provisional votes cast in the wrong precinct should be thrown out provided that the voter had been directed to the correct precinct. This meant that provisional votes cast in the wrong precinct (and even the wrong polling place) would count if there were no evidence that the voter had been directed to a different polling place. The court placed a duty upon election officials to make sure the voters were in the correct locations. Note that this question would not arise in a state that counted ballots cast in the wrong polling place but within the correct county.

²⁹ *Sandusky County Democratic Party v. Blackwell*, 387 F.3d 565, 774 (6th Cir. 2004)



U.S. Election Assistance Commission
1225 New York Ave. – Suite 1100
Washington, DC 20005

On September 13, 2005 the U.S. Election Assistance Commission issued an advisory (2005-006) and, after consideration of the matter EAC concluded that Section 302 of HAVA creates a voter right. Specifically, the section creates the right for a potential voter to utilize a provisional ballot in the event his or her name does not appear on the registration list or the voter's eligibility is challenged by an election official. While States may create voter identification standards that exceed those laid out in HAVA and effect whether a provisional ballot is counted, States may not take action that limits a voter's right to receive and submit a provisional ballot.

The right to cast a provisional ballot is created in Section 302 of HAVA. Pursuant to HAVA, when an individual declares that he or she is a registered and eligible voter in a federal election, that individual "shall be permitted to cast a provisional ballot" if (1) their name does not appear on the official list of eligible voters or (2) "an election official asserts that the individual is not eligible to vote." (Section 302(a)). This right to receive a provisional ballot is contingent upon only one thing (per Section 302(a)(2)), the individual's execution of a written affirmation that he or she is both a registered and eligible voter for the election at issue.¹

In simplest terms, provisional voting represents the right of an individual (whose eligibility to vote has been challenged), to reserve their right to vote and postpone the voter eligibility determination to a time when more perfect or complete information may be provided. A provisional ballot does not represent a different way to vote, nor does it serve as a bypass to State laws governing voter eligibility. Rather, it is designed to prevent an individual from losing his or her right to vote due to the fact that a poll worker did not have all the information available or needed to accurately assess voter eligibility. Thus, based upon the plain language of Section 302(a) of HAVA, a challenge to an individual's eligibility to vote (such as a challenge based upon identification requirements) cannot serve as a bar to the receipt of a provisional ballot, because it is the election official's challenge that triggers the provisional ballot procedure in the first place. To hold otherwise would defeat the purpose of provisional voting. In the end, to understand this concept one must understand the differences between traditional and provisional ballots.

The nature and procedures associated with a provisional ballot are wholly distinct from those of a traditional ballot. Because of this fact, the two processes must be treated differently. While voter identification requirements may serve as a bar to the casting of a traditional ballot, they may not prevent the submission of a provisional ballot.

First, the nature and purpose of traditional and provisional ballots are essentially different. The purpose of a traditional ballot is to allow a confirmed, eligible voter to cast a vote. The purpose of a provisional ballot is to allow individuals whose voter eligibility is challenged to reserve the right to vote by memorializing both their intent to vote and their proposed vote. This is

¹ Moreover, a potential voter determined not to be eligible must be informed of their provisional voting rights per Section 302(a)(1) of HAVA.

evident by the HAVA processes discussed above. The bottom line is that the casting of a proper, traditional ballot constitutes a vote, while the casting or submission of a provisional ballot does not. A traditional ballot is cast only after voter eligibility has been determined by the State. Hence, the moment it is cast, it becomes an individual's vote. On the other hand, the submission or casting of a provisional ballot is not a vote. Rather, it is a claim that the potential voter who submitted it has the right to vote and reserves that right.

This goes to the very heart of provisional voting. If provisional voting is a right triggered by an election official's determination that an individual has not met a voter eligibility requirement, how can such a requirement also serve as a bar to that right? The concept of provisional voting works only if the right is always available when the application of voter eligibility requirements is in question.

Section 303(b)(2)(B) of HAVA, entitled *Fail-Safe Voting*, provides that when a first-time voter who registered by mail is required by HAVA Section 303(b) to show identification, that person must be given a provisional ballot if he or she fails to provide such identification at the polling place. This section is important as it clarifies Congressional intent regarding how provisional voting should function.

The *Fail-Safe Voting* provision of Section 303(b)(2)(B) grants clear insight into how provisional voting should be implemented. While Section 303(b) deals with a specific subset of voters (first-time voters who registered by mail), its application of Section 302(a) supports the concept that a provisional ballot must be given to a voter who is determined (at the polling place) not to meet voter identification requirements. Congress saw no difference between an individual's failure to meet the voter identification requirements it issued in Section 303(b) and the failure to meet eligibility requirements which trigger provisional voting under Section 302. Section 303(b) makes it clear that Congress did not intend voter identification requirements to limit access to provisional voting. Instead, Congress viewed provisional voting as a right, or more specifically, as a fail-safe. The EAC strongly believes that HAVA provisions must be interpreted to bring about consistent and evenly applied results. In this case, if individuals who fail to meet Federal identification standards have the right to a provisional ballot, so must individuals who fail to meet similar State standards.

First, HAVA notes in Section 304 that while States may create standards that are stricter than those established under HAVA, this authority is limited to the extent "such State requirements are not inconsistent with the Federal requirements under [HAVA]." Clearly, provisional voting is a requirement under HAVA. Section 302(a) notes that qualified individuals "**shall** be permitted to cast a provisional ballot." (Emphasis added). In this way, States may not create standards that are inconsistent or interfere with the provisional voting mandate.

States' have the right to impose stricter requirements than those laid out in HAVA. The EAC has already made it clear, above, that a stricter voter eligibility requirement cannot be read to bar an individual's right to a provisional ballot. However, could a stricter requirement regarding provisional voting serve to limit access to such ballots? No. A stricter State requirement for provisional voting would be a standard that enhances a person's access to a provisional ballot. A state may not impose an identification requirement that would limit a potential voter's access to and submission of a provisional ballot. However, such requirements (when coupled with a state's provisional ballot procedures) may prevent a provisional ballot from being counted.

013496



"John Weingart"
<john.weingart@rutgers.edu>

01/13/2006 01:15 PM

Please respond to
john.weingart@rutgers.edu

To "Karen Lynn-Dyson" <klynndyson@eac.gov>

cc "Lucy Baruch" <baruch@rci.rutgers.edu>

bcc

Subject No Cost Extension Request

History:

☞ This message has been replied to and forwarded.

Karen - I am attaching a spreadsheet providing the information you have requested (Attachment 1), but I want to highlight a few points which may not be immediately self-evident.

First, the original budget (Attachment 2) we submitted to the EAC, dated March 22nd, did not itemize personnel expenses by each person. In addition, when we actually began work two months after submitting that budget, we decided to reallocate more time to people within Eagleton and hire fewer outside hourlies.

Second, in the figures I sent you in late December we tried to account for all the expenses and projections but overlooked a few things including neglecting to include the honoraria for our peer review team. Hence, the figures we're now sending are different than what I sent in December.

Lastly, we originally discussed a no-cost extension through February, but since we don't yet have the EAC comments on our draft Provisional Voting material nor an estimate of when they are likely to be ready, I think it is prudent to extend the no-cost extension through March 31st. We would still like to conclude by the end of February, but if you can approve the extension for another month we could avoid going through this process again if everything is not complete six weeks from now.

It is my understanding that Rutgers will soon be sending our December invoice. At this time, I would also like to request that we combine January and February an invoice the EAC once for that time period.

As you can see, we are currently projecting an ending balance of approximately \$10,000. If additional expenses are incurred beyond what is currently projected, we're confident they will not exceed the original budget of \$560,002.

Thanks and I look forward to hearing from you.

--

-- John Weingart, Associate Director
Eagleton Institute of Politics
(732) 932-9384, x.290

013497

Gavin S. Gilmour/EAC/GOV
12/19/2005 10:37 AM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc
bcc
Subject Re: Fw: Request for No-Cost Extension-corrected

History:

This message has been replied to.

Karen,

I am not sure what this means.

GG

Gavin S. Gilmour
Associate General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100
Karen Lynn-Dyson/EAC/GOV

Karen Lynn-Dyson/EAC/GOV

12/19/2005 09:56 AM

To Gavin S. Gilmour/EAC/GOV@EAC
cc
Subject Fw: Request for No-Cost Extension-corrected

G-

FYI-

See response below.

K
Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 12/18/2005 09:54 AM -----



"John Weingart"
<john.weingart@rutgers.edu>
12/16/2005 01:25 PM
Please respond to
john.weingart@rutgers.edu

To klynndyson@eac.gov
cc
Subject Re: Request for No-Cost Extension-corrected

013408

Karen - At this time, we anticipate reallocating funds primarily from the public hearings line item and spending approximately \$35,500 more than originally budgeted on personnel, \$23,250 more on the subcontract with Ohio State and \$20,250 more on consultants. There are other additional variances but they are not significant (e.g. less on honoraria, less on travel, and more on general operations such as phone expenses). Let me know if you need additional detail or information.

Thanks, John

-- John Weingart, Associate Director
Eagleton Institute of Politics
(732)932-9384, x.290

klynndyson@eac.gov wrote:

>
> John-
>
>
> Quick question-
>
> How much money do you anticipate will be re-allocated from the
> original line items outlined in the contract to other project costs?
>
> Thanks
>
> Karen Lynn-Dyson
> Research Manager
> U.S. Election Assistance Commission
> 1225 New York Avenue , NW Suite 1100
> Washington, DC 20005
> tel:202-566-3123
>
>
>
> *"John Weingart" <john.weingart@rutgers.edu>*
>
> 11/30/2005 05:05 PM
> Please respond to
> john.weingart@rutgers.edu
>
>
>
> To
> "Karen Lynn-Dyson" <klynndyson@eac.gov>
> cc
> "Tom O'Neill" <[REDACTED]>
> Subject
> Request for No-Cost Extension-corrected
>
>
>
>
>
>
>
>
>
>

013499

>
> Karen - There were two typos on the copy I just sent. Please use the
> attached instead. To minimize confusion, I dated this document December
> 1st (the first one says November 30). Thanks, John
>
> --
> -- John Weingart, Associate Director
> Eagleton Institute of Politics
> (732) 932-9384, x.290
>
>
>



"John Weingart"
<john.weingart@rutgers.edu>

12/14/2005 05:40 PM

Please respond to
john.weingart@rutgers.edu

To klynndyson@eac.gov

cc

bcc

Subject Re: Request for No-Cost Extension-corrected

History: This message has been replied to.

Karen - Sorry for the delay. I'll get this information to you by Friday.
Thanks.1

-- John Weingart, Associate Director
Eagleton Institute of Politics
(732) 932-9384, x.290

klynndyson@eac.gov wrote:

>
> John-
>
> Quick question-
>
> How much money do you anticipate will be re-allocated from the
> original line items outlined in the contract to other project costs?
>
> Thanks
>
> Karen Lynn-Dyson
> Research Manager
> U.S. Election Assistance Commission
> 1225 New York Avenue , NW Suite 1100
> Washington, DC 20005
> tel:202-566-3123
>
>
>
> *"John Weingart" <john.weingart@rutgers.edu>*
>
> 11/30/2005 05:05 PM
> Please respond to
> john.weingart@rutgers.edu
>
>
>
> To
> "Karen Lynn-Dyson" <klynndyson@eac.gov>
> cc
> "Tom O'Neill" <[REDACTED]>
> Subject
> Request for No-Cost Extension-corrected
>
>
>



"John Weingart"
<john.weingart@rutgers.edu>

12/05/2005 04:44 PM

Please respond to
john.weingart@rutgers.edu

To klynndyson@eac.gov

cc

bcc

Subject Re: No Cost Extension Request

History:

✉ This message has been replied to.

Thanks for letting me know. This may well extend all the dates in the proposed revised schedule we sent accordingly. When do you think we will hear about the no-cost extension and budget reallocations? Thanks, John

-- John Weingart, Associate Director
Eagleton Institute of Politics
(732)932-9384, x.290

klynndyson@eac.gov wrote:

>
> John-
> Just wanted to let you know that we've had to push back, by a week,
> the review of Eagleton's Best Practices document.
>
> EAC staff are very focused on the release of the Voting Systems
> Guidelines; this will be completed by mid-week next week. I'm told
> that the Commissioners will turn their attention to the Best Practices
> document, immediately following this.
>
> Regards-
>
> Karen Lynn-Dyson
> Research Manager
> U.S. Election Assistance Commission
> 1225 New York Avenue , NW Suite 1100
> Washington, DC 20005
> tel:202-566-3123

013503

Tamar Nedzar/EAC/GOV
12/05/2005 02:04 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc
bcc
Subject SF 30 Form

In case you need to modify anything.

[http://contacts.gsa.gov/webforms.nsf/0/0B25C456DA47961385256A1F005A981D/\\$file/sf30.pdf](http://contacts.gsa.gov/webforms.nsf/0/0B25C456DA47961385256A1F005A981D/$file/sf30.pdf)

Tamar Nedzar
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
(202) 566-2377
<http://www.eac.gov>
TNedzar@eac.gov

013594



"John Weingart"
<john.weingart@rutgers.edu>

11/30/2005 04:47 PM

Please respond to
john.weingart@rutgers.edu

To klynndyson@eac.gov

cc "Tom O'Neill" <Tom [REDACTED]>

bcc

Subject No Cost Extension Request

History:

ⓧ This message has been replied to and forwarded.

Karen - I am attaching the documentation for our request. Please let me know if you require the material in a different format and/or further information.

Thanks very much, John

-- John Weingart, Associate Director
Eagleton Institute of Politics
(732) 932-9384, x.290

klynndyson@eac.gov wrote:

>
> John-
>
> Thanks ever so much for forwarding this message on to Connie.
>
> I'm awaiting your language describing why you are requiring a no-cost
> extension on the contract, and for what period of time you wish to
> extend the contract.
>
> I'm told this is a very simple process on this end, and I've prepared
> the necessary form and a memo.
>
> Karen Lynn-Dyson
> Research Manager
> U.S. Election Assistance Commission
> 1225 New York Avenue , NW Suite 1100
> Washington, DC 20005
> tel:202-566-3123



Extension Justification.doc

013505

Gavin S. Gilmour/EAC/GOV
11/22/2005 01:29 PM

To klynndyson@eac.gov
cc Gaylin Vogel/EAC/GOV@EAC, Juliet E.
Thompson/EAC/GOV@EAC, Diana Scott/EAC/GOV@EAC,
Thomas R. Wilkey/EAC/GOV@EAC
bcc

Subject Re: Process to be followed to request a no-cost extension--
for the Eagleton Institute

Karen,

Allow me to provide you some guidance (i am just that kind of guy).

First, go to FAR Part 43 (it is short and provides you an outline of the process. Given the lack of FAR clauses in the original contract, you will want to perform a bilateral modification (must be agreed to and signed by both parties). This is the most conservative way to proceed. You can find the FAR on-line.

You will use Standard Form 30 (you will find it in the FAR). I have a hard copy with some notes on it that I will provide you. It will have to be signed by both parties. The CO will have to sign for the EAC (chair?)

The form will require you to describe the modification. There are instructions to guide you.

I also recommend a memo for record signed by you and the chair (I concur). Memorializing some facts and findings. The memo should address:

- background regarding the action, a description of the action and authority (FAR 43.103 (a)(3)).
- Clearly identify the benefit this action provides the government.
- Notes/explains (presumably) that this action is within the scope of the original agreement.
- State (presumably) that there is no cost for the modification.
- recommend modification
- place document in file.

GG

Gavin S. Gilmour
Associate General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

Diana Scott/EAC/GOV

11/22/2005 10:30 AM

To klynndyson@eac.gov@EAC
cc Gavin S. Gilmour/EAC/GOV@EAC, Gaylin Vogel/EAC/GOV@EAC, Juliet E.

013506

Thompson/EAC/GOV@EAC

Subject Re: Process to be followed to request a no-cost extension-- for the Eagleton Institute [Link](#)

Since we are trying to get our "contracts" house in order, I'll defer to Legal on this. (In the past an amendment would be prepared).

Diana M. Scott
Administrative Officer
U.S. Election Assistance Commission
(202) 566-3100 (office)
(202) 566-3127 (fax)
dscott@eac.gov

Karen Lynn-Dyson/EAC/GOV

11/21/2005 05:15 PM

To Diana Scott/EAC/GOV@EAC, Juliet E. Thompson/EAC/GOV@EAC
cc Gaylin Vogel/EAC/GOV@EAC, Gavin S. Gilmour/EAC/GOV@EAC
Subject Process to be followed to request a no-cost extension-- for the Eagleton Institute

Folks-

I'm not certain what process must be followed in order for a contractor to request a no-cost extension.

Eagleton Institute is requesting one to extend their contract beyond the December 31 deadline. It's my understanding that EAC did one for the National Academy of Sciences, although I wasn't a part of that process and therefore not aware of how that one was handled.

013507

Thanks for your guidance.

K
Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

013508



"Tom O'Neill"

07/15/2005 04:21 PM

To klynndyson@eac.gov

cc

bcc

Subject RE: Request for reallocation within existing budget

Thanks, Karen.

Tom O'Neill

-----Original Message-----

From: klynndyson@eac.gov [mailto:klynndyson@eac.gov]

Sent: Friday, July 15, 2005 3:54 PM

To: [REDACTED]

Cc: dscott@eac.gov; cpaquette@eac.gov

Subject: Re: Request for reallocation within existing budget

Tom-

EAC contract staff indicate that the reallocation you propose can occur and that all other such reallocations that are made from your project budget for this contract budget can be done at your own discretion.

From a contractual standpoint, EAC's only concern is that Eagleton is able to accomplish all of the activities and provide all of the deliverables that have been set forth in your contract.

Regards-

Karen Lynn-Dyson
Research manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

013509



"Tom O'Neill"
[Redacted]
07/14/2005 02:33 PM

To klynndyson@eac.gov
cc
bcc

Subject Request for reallocation within existing budget

History: This message has been replied to.

Karen:

As we discussed on Tuesday morning in the teleconference, we would like to reallocate within the current budget \$9,500 to the survey of local election officials. This will raise the budget for the survey to \$24,500 from \$15,000.

The additional funding will permit us to double the sample of local election officials from 200 to 400. The larger sample will allow more detailed comparisons between the experience of local election officials in states that offered some form of provisional ballot before HAVA and those that did not. This comparison is a topic of special interest identified in the contract.

The increase of \$9,500 is based on an estimate made by SRBI, the contractor that will actually administer the interviews. I can furnish you with a copy of the estimate if you like. We believe the additional funds will improve significantly our ability to provide relevant analysis to EAC on this important issue.

Tom O'Neill

013570



"Tom O'Neill"
[Redacted]
07/14/2005 02:31 PM

To klynndyson@eac.gov
cc arapp@rci.rutgers.edu
bcc
Subject

History:  This message has been replied to.

Karen:

As we discussed on Tuesday morning in the teleconference, we would like to reallocate within the current budget \$9,500 to the survey of local election officials. This will raise the budget for the survey to \$24,500 from \$15,000.

The additional funding will permit us to double the sample of local election officials from 200 to 400. The larger sample will allow more detailed comparisons between the experience of local election officials in states that offered some form of provisional ballot before HAVA and those that did not. This comparison is a topic of special interest identified in the contract.

The increase of \$9,500 is based on an estimate made by SRBI, the contractor that will actually administer the interviews. I can furnish you with a copy of the estimate if you like. We believe the additional funds will improve significantly our ability to provide relevant analysis to EAC on this important issue.

Tom O'Neill

THIS MESSAGE IS FOR ITS INTENDED RECIPIENT ONLY. IT IS A PRIVILEGED DOCUMENT AND SHALL NOT BE RELEASED TO A THIRD PARTY WITHOUT THE CONSENT OF THE SENDER.

013513

Jeannie Layson/EAC/GOV
03/22/2007 02:23 PM

To Gracia Hillman/EAC/GOV@EAC
cc Karen Lynn-Dyson/EAC/GOV@EAC
bcc
Subject Re: Project allotments

\$560,002

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov
Gracia Hillman/EAC/GOV



Gracia Hillman/EAC/GOV
03/22/2007 01:17 PM

To Jeannie Layson/EAC/GOV@EAC
cc Karen Lynn-Dyson/EAC/GOV@EAC
Subject Re: Project allotments

What is the (total) dollar amount of the contract?

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Jeannie Layson
Sent: 03/22/2007 10:59 AM EDT
To: Gracia Hillman
Cc: Karen Lynn-Dyson
Subject: Project allotments

Commissioner,

Per your question about how much of the contract was actually spent on voter ID research vs provisional voting... I have yet to find the answer. I have reviewed the RFP and the invoices, but so far, it does not appear that these tasks were tracked separately. Karen and I continue to look into this, but I wanted to let you know what we've found so far.

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100

013514



"John Weingart"
<john.weingart@rutgers.edu>

07/05/2006 01:08 PM

Please respond to
john.weingart@rutgers.edu

To klynndyson@eac.gov

cc

bcc

Subject Wilkey letter

Karen - I received Tom Wilkey's letter this morning and would like to discuss how best to respond. Are you available to talk either before 2:30 today or sometime tomorrow, Thursday? Thanks, John

--

-- John Weingart, Associate Director
Eagleton Institute of Politics
(732) 932-9384, x.290

013516



"Thomas O'Neill"

06/19/2006 05:22 PM

To bbenavides@eac.gov

cc klynndyson@eac.gov

bcc

Subject RE: Prov Voting and Voter ID Reports

Mr. Benavides Thanks for the advance copy of Tom Wilkey's letter.

Tom O'Neill

From: bbenavides@eac.gov [mailto:bbenavides@eac.gov]

Sent: Monday, June 19, 2006 5:09 PM

To: klynndyson@eac.gov

Cc: Thomas O'Neill; twilkey@eac.gov

Subject: RE: Prov Voting and Voter ID Reports

Importance: High

Karen, by copy I am attaching the referenced letter sent to Peter Weingart on 6-15-06.

Karen Lynn-Dyson/EAC/GOV

06/19/2006 04:51 PM

To: "Thomas O'Neill" [redacted]@GSAEXTERNAL

cc Bert A. Benavides/EAC/GOV@EAC

Subject RE: Prov Voting and Voter ID Reports [Link](#)

Tom-

Will ask Tom's office to get you a copy.

Regards-

013517

K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Thomas O'Neill" [REDACTED]

06/19/2006 04:30 PM

To: klynndyson@eac.gov
cc

Subject: RE: Prov Voting and Voter ID Reports

Karen,

I have not heard from Tom Wilkey. If he signed the letter you drafted for him last Tuesday, could you email me a copy while we await the arrival of the hard copy by mail. I probably don't need to remind you that we have only 11 days left on this contract and need to know how we should move ahead to complete it.

Tom O'Neill

From: klynndyson@eac.gov [mailto:klynndyson@eac.gov]
Sent: Friday, June 16, 2006 9:33 AM
To: [REDACTED]
Subject: Re: Prov Voting and Voter ID Reports

Tom-

On Tuesday I drafted a letter for the Executive Director's signature.

013518

He should be in touch today or Monday at the latest.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Thomas O'Neill" [REDACTED]

06/16/2006 08:49 AM

To: klynndyson@eac.gov
cc

Subject: Prov Voting and Voter ID Reports

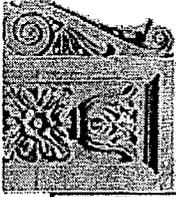
Karen,

Could you please give me your reading of the status of a response to our letter last week that raised some issues for resolution by the Commission on the completion of our work during the final few weeks of the contract period. The Team needs to know how to proceed during the remaining 2 weeks of the project.

Thanks,

Tom O'Neill

013519



Bert A. Benavides/EAC/GOV
06/19/2006 05:08 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc "Thomas O'Neill" [REDACTED], Thomas R. Wilkey/EAC/GOV@EAC
bcc
Subject RE: Prov Voting and Voter ID Reports

History: This message has been forwarded.

Karen, by copy I am attaching the referenced letter sent to Peter Weingart on 6-15-06.



Eagleton - Weingart, 6-16-06.doc

Karen Lynn-Dyson/EAC/GOV

Karen Lynn-Dyson/EAC/GOV
06/19/2006 04:51 PM

To "Thomas O'Neill" [REDACTED]@GSAEXTERNAL
cc Bert A. Benavides/EAC/GOV@EAC
Subject RE: Prov Voting and Voter ID Reports

Tom-

Will ask Tom's office to get you a copy.

Regards-

K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Thomas O'Neill" [REDACTED]



"Thomas O'Neill"
[REDACTED]
06/19/2006 04:30 PM

To klynndyson@eac.gov
cc
Subject RE: Prov Voting and Voter ID Reports

Karen,

013520

**Deliberative Process
Privilege**



U. S. ELECTION ASSISTANCE COMMISSION
OFFICE OF THE EXECUTIVE DIRECTOR
1225 New York Avenue, NW, Suite 1100
Washington, DC. 20005

June 15, 2006

Mr. John Weingart, Associate Director
Eagleton Institute of Politics
Rutgers University
191 Ryders Lane
New Brunswick NJ 08901-8557

Dear Mr. Weingart:

During a recent briefing by staff, the EAC discussed and reviewed possible next steps with the provisional voting and voter identification studies as well as the Eagleton contract which is scheduled to conclude on June 30, 2006.

We were in agreement that Eagleton's work on the EAC contract should conclude, as scheduled, by June 30, 2006. In preparation for this conclusion, the EAC requests that the comments and suggestions which were noted during the EAC's recent Board of Advisors and Standards Boards meeting (and were described in Mr. O'Neil's June 8, 2006 letter to Chairman DeGregorio) be included in the final draft report on provisional voting which Eagleton will deliver to the EAC on or about June 30, 2006. The Commissioners have determined that they will take this final draft report and, from it, may develop guidance and best practice recommendations that will be presented to the Board of Advisors and Standards Boards for further review.

The EAC Commissioners have also reviewed and considered next steps with the voter identification draft report which Eagleton has prepared. While the final disposition of the results and findings of this study, on the part of the EAC, are still unclear, the Commissioners have asked that the final draft report of this study also be prepared and submitted to the EAC not later than June 30, 2006.

We look forward to receiving these reports. On behalf of the EAC thank you for the considerable time and energy which the Eagleton/Moritz team has devoted to these critical election issues.

Sincerely,

Thomas R. Wilkey

013521

I have not heard from Tom Wilkey. If he signed the letter you drafted for him last Tuesday, could you email me a copy while we await the arrival of the hard copy by mail. I probably don't need to remind you that we have only 11 days left on this contract and need to know how we should move ahead to complete it.

Tom O'Neill

From: klynndyson@eac.gov [mailto:klynndyson@eac.gov]
Sent: Friday, June 16, 2006 9:33 AM
To: tom_oneill@verizon.net
Subject: Re: Prov Voting and Voter ID Reports

Tom-

On Tuesday I drafted a letter for the Executive Director's signature. He should be in touch today or Monday at the latest.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Thomas O'Neill" 

06/16/2006 08:49 AM

To: klynndyson@eac.gov
cc:

Subject: Prov Voting and Voter ID Reports

Karen,

Could you please give me your reading of the status of a response to our letter last week that raised some issues for resolution by the Commission on the completion of our work during the final few weeks of the contract period. The Team needs to know how to proceed during the remaining 2 weeks of the project.

Thanks,

013522

Tom O'Neill

45

013523



"Thomas O'Neill"

06/19/2006 04:30 PM

To klynndyson@eac.gov

cc

bcc

Subject RE: Prov Voting and Voter ID Reports

History:

 This message has been replied to.

Karen,

I have not heard from Tom Wilkey. If he signed the letter you drafted for him last Tuesday, could you email me a copy while we await the arrival of the hard copy by mail. I probably don't need to remind you that we have only 11 days left on this contract and need to know how we should move ahead to complete it.

Tom O'Neill

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Sent: Friday, June 16, 2006 9:33 AM

To: tom_oneill@verizon.net

Subject: Re: Prov Voting and Voter ID Reports

Tom-

On Tuesday I drafted a letter for the Executive Director's signature. He should be in touch today or Monday at the latest.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Thomas O'Neill" 

06/16/2006 08:49 AM

To klynndyson@eac.gov

cc

Subject Prov Voting and Voter ID Reports

013524

Karen,

Could you please give me your reading of the status of a response to our letter last week that raised some issues for resolution by the Commission on the completion of our work during the final few weeks of the contract period. The Team needs to know how to proceed during the remaining 2 weeks of the project.

Thanks,

Tom O'Neill

013525

Tamar Nedzar/EAC/GOV
04/28/2006 11:47 AM

To John.Weingart@rutgers.edu
cc Karen Lynn-Dyson/EAC/GOV@EAC
bcc
Subject Re: No-Cost Extension Request

Mr. Weingart,

I faxed a copy of the signed extension this morning.

Thank you,

Tamar Nedzar
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
(202) 566-2377
<http://www.eac.gov>
TNedzar@eac.gov
"John Weingart" <Johnwein@rci.rutgers.edu>



"John Weingart"
<Johnwein@rci.rutgers.edu>

04/27/2006 10:32 AM

Please respond to
John.Weingart@rutgers.edu

To tnedzar@eac.gov

cc

Subject Re: No-Cost Extension Request

That's wonderful news. If you can fax a copy of the approval to me at [REDACTED] that would be most helpful. Thanks, John

> Mr. Weingart, The Executive Director signed everything he needs to sign,
> so as far as I know, it is already approved. Thanks,
> Tamar Nedzar
> Law Clerk
> U.S. Election Assistance Commission
> 1225 New York Avenue, NW Suite 1100
> Washington, DC 20005
> (202) 566-2377
> <http://www.eac.gov>
> TNedzar@eac.gov
>
> -----"John Weingart" wrote: -----
>
> To: tnedzar@eac.gov
> From: "John Weingart"
> Date: 04/26/2006 04:19PM
> cc: klynndyson@eac.gov
> Subject: Re: No-Cost Extension Request
>
> Tamar - Do you know if this request can be approved by this Friday. If
> that is possible, it would greatly ease our internal path at Rutgers.
> Thanks, John

013526

>
> -- John Weingart, Associate Director
> Eagleton Institute of Politics
> (732)932-9384, x.290
>
>
>
>
> tnedzar@eac.gov wrote:
>
>>
>> Mr. Weingart,
>>
>> Just sent the form again. Please let me know if you do not receive it
>> today.
>>
>> Thanks,
>>
>> Tamar Nedzar
>> Law Clerk
>> U.S. Election Assistance Commission
>> 1225 New York Avenue, NW Suite 1100
>> Washington, DC 20005
>> (202) 566-2377
>> <http://www.eac.gov>
>> TNedzar@eac.gov
>>
>>
>> *"John Weingart" *
>>
>> 04/21/2006 04:47 PM
>> Please respond to
>> john.weingart@rutgers.edu
>>
>>
>>
>> To
>> tnedzar@eac.gov
>> cc
>>
>> Subject
>> Re: No-Cost Extension Request
>>
>>
>>
>>
>>
>>
>>
>>
>>
>> Not yet received. Please send again with a cover sheet with my name to
>> (732) 932-6778. Thanks.
>>
>> -- John Weingart, Associate Director
>> Eagleton Institute of Politics
>> (732)932-9384, x.290
>>
>>
>>
>>

013527

>> tnedzar@eac.gov wrote:

>>

>> >

>> > Mr. Weingart,

>> >

>> > I just faxed the document we need you to sign before our Executive

>> > Director can approve the no-cost extension.

>> >

>> > Please call if you have any questions.

>> >

>> > Thank you,

>> >

>> > Tamar Nedzar

>> > Law Clerk

>> > U.S. Election Assistance Commission

>> > 1225 New York Avenue, NW Suite 1100

>> > Washington, DC 20005

>> > (202) 566-2377

>> > <http://www.eac.gov>

>> > TNedzar@eac.gov

>> >

>> >

>> > *Karen Lynn-Dyson/EAC/GOV*

>> >

>> > 04/21/2006 10:10 AM

>> >

>> >

>> > To

>> > john.weingart@rutgers.edu

>> > cc

>> > "Tom O'Neill"

>> > Subject

>> > Re: No-Cost Extension RequestLink

>> >

>>

Notes:///85256FFC007A9D7C/38D46BF5E8F08834852564B500129B2C/CFBC950B4682EC0E862
57157004C6064>

>>

>> >

>> >

>> >

>> >

>> >

>> >

>> >

>> >

>> >

>> >

>> > Thanks, John.

>> >

>> > I'm passing this on to our legal staff , who will be preparing the

>> > documents.

>> >

>> > Will let you know if I need additional information and/or

>> > clarification.

>> >

>> > Regards-

>> > Karen Lynn-Dyson

>> > Research Manager

>> > U.S. Election Assistance Commission

>> > 1225 New York Avenue , NW Suite 1100

>> > Washington, DC 20005

013528

>> > tel:202-566-3123
>> >
>> >
>> >
>> > *"John Weingart" *
>> >
>> > 04/21/2006 09:52 AM
>> > Please respond to
>> > john.weingart@rutgers.edu
>> >
>> >
>> >
>> > To
>> > klynndyson@eac.gov
>> > cc
>> > "Tom O'Neill"
>> > Subject
>> > No-Cost Extension Request
>> >
>> >
>> >
>> >
>> >
>> >
>> >
>> >
>> > Karen - We are requesting a no-cost extension on the EAC contract to
>> > the
>> > Eagleton Institute of Politics at Rutgers University to have the
>> > contract's concluding date move from March 31, 2006 to June 30, 2006.
>> > As
>> > I indicated earlier, it would be very helpful if we could receive
>> > approval of this request no later than April 28th.
>> >
>> > This extension is necessary to enable the following activities:
>> >
>> > 1. The EAC has informed us that it will assemble a panel of
>> > researchers
>> > the week of May 8th to review the Eagleton/Moritz draft background
>> > report on Voter Identification. The EAC wishes to supplement the
>> > review
>> > of this draft
>> > already conducted by the Peer Review Group called for in the contract.
>> > The Eagleton/Moritz research team, as well as at least some of the
>> > Peer
>> > Review Group will participate in the conference call or meeting of the
>> > EAC's reviewers;
>> >
>> > 2. Eagleton/Moritz will revise the draft Voter Identification report
>> > based upon comments made by the two sets of reviewers, and distribute
>> > the revised report to the EAC and its Advisory Board in mid-May.
>> >
>> > 3. Eagleton/Moritz will present its draft reports on Provisional
>> > Voting
>> > and Voter Identification to the EAC Advisory Board at its May 25th
>> > meeting in Washington, D.C.;
>> >
>> > 4. Eagleton/Moritz will revise both draft reports to take into account
>> > comments made by the EAC Advisory Board, and submit printed final
>> > reports to the EAC before June 23rd. Eagleton/Moritz will also prepare

013529



"John Weingart"
<john.weingart@rutgers.edu>

04/21/2006 09:52 AM

Please respond to
john.weingart@rutgers.edu

To klynndyson@eac.gov

cc "Tom O'Neill" [REDACTED]

bcc

Subject No-Cost Extension Request

History:

✉ This message has been replied to and forwarded.

Karen - We are requesting a no-cost extension on the EAC contract to the Eagleton Institute of Politics at Rutgers University to have the contract's concluding date move from March 31, 2006 to June 30, 2006. As I indicated earlier, it would be very helpful if we could receive approval of this request no later than April 28th.

This extension is necessary to enable the following activities:

1. The EAC has informed us that it will assemble a panel of researchers the week of May 8th to review the Eagleton/Moritz draft background report on Voter Identification. The EAC wishes to supplement the review of this draft already conducted by the Peer Review Group called for in the contract. The Eagleton/Moritz research team, as well as at least some of the Peer Review Group will participate in the conference call or meeting of the EAC's reviewers;
2. Eagleton/Moritz will revise the draft Voter Identification report based upon comments made by the two sets of reviewers, and distribute the revised report to the EAC and its Advisory Board in mid-May.
3. Eagleton/Moritz will present its draft reports on Provisional Voting and Voter Identification to the EAC Advisory Board at its May 25th meeting in Washington, D.C.;
4. Eagleton/Moritz will revise both draft reports to take into account comments made by the EAC Advisory Board, and submit printed final reports to the EAC before June 23rd. Eagleton/Moritz will also prepare a PowerPoint presentation for both reports.
5. Eagleton/Moritz will present both reports at the EAC public meeting in Washington, D.C. on June 23rd, thus concluding its work under this contract.

Please let me know if you need any additional information.

Thanks,

John

--

-- John Weingart, Associate Director
Eagleton Institute of Politics
(732) 932-9384, x.290

013501

Karen Lynn-Dyson/EAC/GOV
08/04/2005 05:44 PM

To Paul DeGregorio/EAC/GOV@EAC
cc
bcc

Subject Re: List of centrist/conservative groups

Thanks for this list, Vice Chair. I've passed it along to Eagleton

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

013532

Karen Lynn-Dyson/EAC/GOV

To [REDACTED]

08/04/2005 06:08 PM

cc

bcc

Subject Fw: List of centrist/conservative groups

Tom-

Here is a list that can be included in your outreach efforts.

K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 08/03/2005 06:08 PM -----

Paul DeGregorio/EAC/GOV

08/04/2005 01:29 PM

To Juliet E. Thompson/EAC/GOV, Karen Lynn-Dyson/EAC/GOV

cc Gavin S. Gilmour/EAC/GOV@EAC

Subject List of centrist/conservative groups



Here's a list of centist/conservative groups involved in voting issues that Grant prepared for me. I thought it would be helpful to you.

Paul

Sent from my BlackBerry Wireless Handheld
Grant T. Gelner

From: Grant T. Gelner
Sent: 08/04/2005 01:11 PM
To: Paul DeGregorio
Subject: Re: Excel file

Here is the updated excel file. Sorry I didn't get it to you earlier, but I had a four hour front desk shift this



morning and was unable to check email from there. Enjoy the cool Oregon weather. Conservative+Orgs.xls

Grant Gelner
U.S. Election Assistance Commission
1225 New York Ave. N.W., Suite 1100
Washington DC, 20005
(202) 566-2377

013533

013504

Deliberative Process
Privilege

Phone	Webpage	Address	Contact / Email	About Org
770-386-8372	http://www.theadvocates.org/about-us.html	The Liberty Building 213 South Erwin Street Cartersville, GA 30120	http://www.theadvocates.org/contact-us.html	The Advocates for Self-Government is a non-profit, non-partisan libertarian educational organization. Founded in 1985 by Marshall Fritz, our current president is Sharon Harris. The American Center For Voting Rights (ACVR) was founded in February 2005 to protect the election process and zealously guard the constitutional right of all citizens to participate in deciding elections in a fair and equal manner free from discrimination, intimidation and fraud. The American Conservative Union is the nation's oldest conservative lobbying organization.
202.962.0311	http://www.ac4vr.com/	1300 Eye Street, NW, Suite 1050 Washington DC, 20005	http://www.ac4vr.com/contact/default.html	The Advocates for Self-Government is a non-profit, non-partisan libertarian educational organization. Founded in 1985 by Marshall Fritz, our current president is Sharon Harris. The American Center For Voting Rights (ACVR) was founded in February 2005 to protect the election process and zealously guard the constitutional right of all citizens to participate in deciding elections in a fair and equal manner free from discrimination, intimidation and fraud. The American Conservative Union is the nation's oldest conservative lobbying organization.
703-836-8602	http://www.conservative.org/	1007 Cameron Street Alexandria, VA 22314	http://www.conservative.org/about/directors.asp	The Advocates for Self-Government is a non-profit, non-partisan libertarian educational organization. Founded in 1985 by Marshall Fritz, our current president is Sharon Harris. The American Center For Voting Rights (ACVR) was founded in February 2005 to protect the election process and zealously guard the constitutional right of all citizens to participate in deciding elections in a fair and equal manner free from discrimination, intimidation and fraud. The American Conservative Union is the nation's oldest conservative lobbying organization.
202-785-0266	http://www.atr.org/	1920 L Street NW Suite 200 Washington, DC 20036	http://www.atr.org/home/about/staff.html	We believe in a system in which taxes are simpler, fairer, flatter, more visible, and lower than they are today.

662-844-5036 <http://www.afa.net/>

P.O. Drawer 2440
Tupelo, MS 38803

We are a non-profit (501(c)(3)) organization founded in 1977 by Don Wildmon. The American Family Association represents and stands for traditional family values, focusing primarily on the influence of television and other media – including pornography – on our society.

202-842-0200 <http://www.cato.org/>

1000 Massachusetts
Ave. NW
Washington DC, 20001

<http://www.cato.org/people/staff.html>

The Cato Institute seeks to broaden the parameters of public policy debate to allow consideration of the traditional American principles of limited government, individual liberty, free markets and peace.

202-479-6900 <http://www.cc.org/>

P.O. Box 37030
Washington DC, 20013

Coalition@cc.org

Christian Coalition of America is a political organization, made up of pro-family Americans who care deeply about becoming active citizens for the purpose of guaranteeing that government acts in ways that strengthen, rather than threaten, families.

202-955-5500 <http://www.clubforgrowth.org/>

2001 L Street, Suite
600, Washington DC,
20036

<http://www.clubforgrowth.org/staff.php>

The Club for Growth is a national network of over 30,000 men and women, from all walks of life, who believe that prosperity and opportunity come through economic freedom.

888.765.3564	http://www.crnc.org/ www.commonconservative.com	600 Pennsylvania Ave., SE Suite 215 Washington, DC 20003 info@crnc.org	Organizes College Students who support the Republican Party
(202) 331-1010	http://www.cei.org/	1001 Connecticut Avenue, NW, Suite 1250 Washington DC, 20036 http://www.cei.org/pages/contact.cfm	The Competitive Enterprise Institute is a non-profit public policy organization dedicated to advancing the principles of free enterprise and limited government.
	http://www.cofcc.org/	cofcc@cofcc.org	A christian organization that believes in a strong defense department
505.842.8288	http://rightweb.irc-online.org/org/empower.php	PO Box 2178 Silver City NM 88062 http://rightweb.irc-online.org/contact.php	Regarding national security issues, "Empower America remains committed to a strong and proactive -- but distinctively American -- foreign policy, one that rejects both short-sighted isolationism and imprudent multilateralism.
202/393-2100	https://www.frc.org/index.cfm	Family Research Council 801 G Street, NW Washington DC, 20001	FRC shapes public debate and formulates public policy that values human life and upholds the institutions of marriage and the family.
202-822-8138	http://www.fed-soc.org/	1015 18th Street, NW Suite 425 Washington, DC 20036 http://www.fed-soc.org/staff.htm	The Federalist Society for Law and Public Policy Studies is a group of conservatives and libertarians interested in the current state of the legal order.

010506
009310

202-783-3870 <http://www.cse.org/>

1775 Pennsylvania
Avenue NW, 11th Floor, <http://www.freedomworks.org/know/staff.php>
Washington, DC 20006

FreedomWorks fights for lower taxes, less government and more economic freedom for all Americans

703-934-6101 <http://www.fff.org/>

11350 Random Hills
Road Suite 800 Fairfax, <http://www.fff.org/aboutUs/staff.asp>
Virginia 22030

The mission of The Future of Freedom Foundation is to advance freedom by providing an uncompromising moral and economic case for individual liberty, free markets, private property, and limited government.

312.377.4000 <http://www.heartland.org/>

19 South LaSalle Street
Suite 903 Chicago, IL
60603
Contact: Pam Mathis

<http://www.heartland.org/FAQArticle.cfm?faqId=5>

Heartland's mission is to help build social movements in support of ideas that empower people. Such ideas include parental choice in education, choice and personal responsibility in health care, market-based approaches to environmental protection, privatization of public services, and deregulation in areas where property rights and markets do a better job than government bureaucracies.

013597

202.546.4400 <http://www.heritage.org/>

214 Massachusetts Ave
NE Washington DC
20002

<http://www.heritage.org/About/Staff/index.cfm>

Founded in 1973, The Heritage Foundation is a research and educational institute - a think tank - whose mission is to formulate and promote conservative public policies based on the principles of free enterprise, limited government, individual freedom, traditional American values, and a strong national defense.

650-723-1754 <http://www-hoover.stanford.edu/>

Stanford University
Stanford, California
94305

<http://www-hoover.stanford.edu/hila/staff.htm>

The principles of individual, economic, and political freedom; private enterprise; and representative government were fundamental to the vision of the Institution's founder.

<http://www.humaneventsonline.com/>

One Massachusetts
Avenue N.W. Washington,
DC 20001

John Gizzi

It looks at events through eyes that favor limited constitutional government, local self-government, private enterprise and individual freedom.

707-746-8796 <http://www.isil.org/>

836-B Southamton
Rd., #299 Benicia, CA
94510

isil@isil.org

Welcome to the International Society for Individual Liberty (ISIL). ISIL is one of the major pioneers in the creation of the worldwide libertarian movement – today's fastest-growing philosophical/political movement.

972-874-5139 <http://www.ipi.org/>

1660 S. Stemmons
Freeway Suite 475,
Lewisville, TX 75067

ipi@ipi.org

IPI's focus is on approaches to governing that harness the strengths of individual liberty, limited government, and free markets.

60509
02509

202-462-2101 <http://www.iwp.edu/>

1521 16th Street, NW
Washington, DC 20036 info@iwp.edu

The Institute of World Politics is a graduate school of statecraft and national security affairs, dedicated to helping develop leaders with a sound understanding of international realities and the ethical conduct of statecraft -- i.e., the use of the various instruments of power in service of national interests and purposes -- based on knowledge and appreciation of American political philosophy and the Western moral tradition.

888-JW-ETHIC <http://www.judicialwatch.org/>

P.O. Box 96234
Washington, DC 20077 info@judicialwatch.org

Judicial Watch, Inc. was established in 1994 to serve as an ethical and legal "watchdog" over our government, legal, and judicial systems and to promote a return to ethics and morality in our nation's public life.

(202) 347-5306 <http://online.logcabin.org/>

1607 17th St N.W.
Washington, DC 20009 <http://online.logcabin.org/contact/>

Log Cabin Republicans courageously stand on the front lines of today's most important battleground for gay and lesbian civil rights. We are the nation's leading voice for fairness, inclusion, and tolerance in the GOP.

703-247-2000 <http://www.leadershipinstitute.org/>

1101 North
Highland Street Arlington, VA 22201
<http://www.leadershipinstitute.org/08-CONTACTUS/staffdirectory.cfm>

The Leadership Institute is the premier training ground for tomorrow's conservative leaders.

703-934-6934 <http://www.thelockeinstitute.org/>

703-683-9733 <http://www.mediaresearch.org/>

703.548.9688 <http://www.nfrw.org/>

<http://www.nra.org/>

4084 University Drive,
Suite 103 Fairfax, VA
22030

325 S. Patrick Street
Alexandria, VA 22314

124 N. Alfred Street
Alexandria, VA 22314
Contact: Borah Van
Dormolen

11250 Waples Mill Road
Fairfax, VA 22030

info@TheLockeInstitute.org

mrc@mediaresearch.org

<http://www.nfrw.org/contact.htm>

The Locke Institute seeks to promote a greater understanding of natural rights, its implications for constitutional democracy and for modern society's economic organization. To that end, The Institute encourages theoretical research in the areas of property rights, public choice, law and economics, and the new institutional economics. Concerned with liberal bias in the media.

The National Federation of Republican Women is a national grassroots political organization with about 1,800 local units in 50 states, the District of Columbia, Puerto Rico, Guam and the Virgin Islands.

committed to preserving the right of all law-abiding individuals to purchase, possess and use firearms for legitimate purposes as guaranteed by the Second Amendment to the U.S. Constitution.

202-626-8800 <http://www.nrlc.org/>

512 10th St.
NW Washington, DC
20004

NRLC@nrlc.org

The National Right to Life Committee was founded in 1973 in response to a United States Supreme Court decision released on January 22 of that year, legalizing the practice of human abortion in all 50 states, throughout the entire nine months of pregnancy.

800-325-7892 <http://www.nrtwc.org/home.php3>

8001 Braddock Road,
Suite 500 Springfield,
VA 22160

These citizens agree that federal labor law should not promote coercive union power -- and support the protection and enactment of additional state Right to Work laws until the federal sanction for compulsory unionism is eliminated.

703.683.5700 <http://www.ntu.org/main/>

108 North Alfred St.
Alexandria VA 22314

<http://www.ntu.org/main/staff.php>

NTU was established in 1969 to educate taxpayers, the media, and elected officials on a non-partisan basis on the merits of limited government and low taxes. NTU uses a variety of means to accomplish our work including direct mail, research papers, public speaking, email, advertising, the Internet, and lobbying.

013541

202-543-4110
x106 <http://www.project21.org/P21Index.html>

202-289-
8928 <http://www.pff.org/>

202.638.6688 <http://www.rjchq.org/>

1444 Eye Street, NW |
Suite 500 | Washington,
DC 20005

<http://www.pff.org/about/staff.html>

50 F St., NW, Suite 100
Washington, DC 20001

ric@rjchq.org

Project 21 is an initiative of The National Center for Public Policy Research to promote the views of African-Americans whose entrepreneurial spirit, dedication to family and commitment to individual responsibility has not traditionally been echoed by the nation's civil rights establishment.

The Progress & Freedom Foundation is a market-oriented think tank that studies the digital revolution and its implications for public policy. Its mission is to educate policymakers, opinion leaders and the public about issues associated with technological change, based on a philosophy of limited government, free markets and individual sovereignty.

The RJC is the national organization of Jewish Republicans. Its mandates is to represent the views of our members to Republican decision makers at all levels of government and to articulate Republican ideas in the Jewish community.

013542

(866) RLC-
Liberty [752-
5423] <http://www.rlc.org/>

44 Summerfield Street;
Thousand Oaks,
California 91360

<http://www.rlc.org/?p=NatComm>

The Republican Liberty Caucus (RLC) is a grassroots, nationwide organization affiliated with the Republican Party (GOP). The goal of the RLC is to elect pro-liberty individuals to office.

375510

202-558-5477 <http://www.rnha.org/>

1717 Pennsylvania Ave
NW, Ste 650,
Washington, DC 20006

info@rnha.org

an organization to foster the principles of the Republican Party in the Hispanic Community, to provide Hispanic Americans with a forum to play an influential role in local, state and national party activities, and to increase the number of Republican Hispanic elected officials.

202-608-1423 <http://www.republicansabroad.org/>

1275 K Street, NW,
Suite 102 Washington
DC, 20005

mobilizes the support of Americans overseas to support Republican candidates in US elections.

310-391-2245 <http://www.reason.org/>

3415 S. Sepulveda
Blvd., Suite 400 Los
Angeles, CA 90034

<http://www.reason.org/bios.html>

The mission of Reason Foundation is to advance a free society by developing, applying, and promoting libertarian principles, including free markets, individual liberty, and the rule of law. We use journalism and public policy to change the frameworks and actions of policymakers, journalists, and opinion leaders.

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Center 110 Elden Street
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yaf@yaf.org

202-785-0238 <http://www.sbsc.org/>

202-675-6509 <http://www.townhall.com/>

800-USA-
1776

<http://reaganranch.yaf.org/yaf/young.htm>
<http://www.youngrepublicans.com/>

Karen Lynn-Dyson/EAC/GOV

08/15/2005 04:43 PM

To Thomas R. Wilkey/EAC/GOV@EAC, Adam
Ambrogi/EAC/GOV@EAC, Juliet E.
Thompson/EAC/GOV@EAC
cc Raymundo Martinez/EAC/GOV@EAC

bcc

Subject Fw: Eagleton Institute of Politics - July 2005 - Monthly
Progress Report

FYI-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

— Forwarded by Karen Lynn-Dyson/EAC/GOV on 08/14/2005 04:42 PM —



"Lauren Vincelli"
<Vincelli@rutgers.edu>

08/15/2005 03:01 PM

Please respond to
Vincelli@rutgers.edu

To klynndyson@eac.gov

cc "Tom O'Neill" [REDACTED]
rmandel@rci.rutgers.edu, john.weingart@rutgers.edu

Subject Eagleton Institute of Politics - July 2005 - Monthly Progress
Report

Ms. Dyson,

Attached please find the July 2005 Progress Report for the project entitled, "Contract to Provide Research Assistance to the EAC for the Development of Voluntary Guidance on Provisional Voting and Voter Identification Procedures." If you have any questions regarding any part of this document please contact Tom O'Neill at: [REDACTED]

The financial reporting for this project is performed by the Division of Grant and Contract Accounting at Rutgers University. A copy of this report was not made available to us in an electronic format. Hard copies of the Progress Report and Financial Report have been Fedex'ed to you this afternoon and should arrive to your attention tomorrow morning. Please let me know if you do not receive this package by tomorrow afternoon.

Thank you for your time, have a great evening.

Best,
Lauren Vincelli

Lauren Vincelli
Business Assistant, Eagleton Center for Public Interest Polling
Eagleton Institute of Politics, Rutgers University
Carriage House, 185 Ryders Lane

013545

New Brunswick, NJ 08901
Phone: (732) 932-9384, ext. 237
Fax: (732) 932-1551



ProgressReport_JULY2005_EagletonInst.pdf

013546

MEMORANDUM FOR THE RECORD

On May 24, 2005 the U.S. Election Assistance Commission awarded an eight month contract (December 30, 2005) in the amount of \$560,002.00 to the Eagleton Institute of Politics (Rutgers, The State University of New Jersey) to provide research assistance to support development of guidelines on the topics of provisional voting and voter identification procedures.

On November 15, 2005, John Weingart, Associate Director of the Eagleton Institute of Politics, requested via e-mail, a no-cost extension on this contract (E4014127). Mr. Weingart has requested an extension to complete the work of this contract to February 28, 2006.

In subsequent correspondence, Mr. Weingart notes the following as the reason for the request:

“The original work schedule called for EAC to publish in mid-October, voluntary guidance and/or recommended best practices for provisional voting, based on Eagleton’s research. In making that time estimate, we did not provide sufficient time for the EAC to review and consider the draft reports that would form the basis for that publication.... The additional time required to complete the work on provisional voting has delayed the completion of our analysis of Voter Identification issues. The draft report of that topic will be submitted to the EAC in mid-January”.

He further notes:

“If EAC does not object, funds originally allocated for the hearings would be available for transfer to support the additional staff and consultant time necessary to complete the work....

“The total project budget is \$560,002. As of October 31st, the EAC has been invoiced for \$259,081.79; the balance remaining is \$300,920.21. We anticipate that the project will be complete and the balance of funds fully expended by February 28, 2006. The final invoice for the contract will be submitted to the EAC within 75 days of the close of the project”.

013547

Karen Lynn-Dyson, the EAC's Contracting Officer Representative assigned to this contract has reviewed this request, the rationale and authority for it (FAR 43.103(a)(3)) and finds it to be appropriate. To-date the Eagleton Institute has consistently met its deadlines for major project deliverables and stayed within the project budget. To grant the Eagleton Institute a two month extension on this contract in order to obtain the necessary feedback on major documents it has produced will be within the best interests of the Election Assistance Commission, and thus, the federal government.

EAC's Contracting Officer Representative finds that to grant the Eagleton Institute a no-cost extension for the modification of its contract with the EAC is within the scope of the original agreement and is recommending that this modification to the contract be made.

Signed

Karen Lynn-Dyson
Contracting Officer Representative
U.S. Election Assistance Commission

Gracia Hillman
Chair
U.S. Election Assistance Commission

013548

Karen Lynn-Dyson/EAC/GOV
12/12/2005 04:49 PM

To Gavin S. Gilmour/EAC/GOV@EAC
cc Tamar Nedzar/EAC/GOV@EAC, Nicole
Mortellito/CONTRACTOR/EAC/GOV@EAC
bcc
Subject Re: Fw: No Cost Extension Request

Gavin-

See quote in attached Memorandum for the Record, regarding re-allocation of funds.

Will also send you his e-mail with the full explanation.

Nicole and Tamar-

Please provide Gavin with the paperwork which has been prepared for the Chair's signature

Thanks

K
Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

Gavin S. Gilmour/EAC/GOV

Gavin S. Gilmour/EAC/GOV
12/12/2005 04:41 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc
Subject Re: Fw: No Cost Extension Request

Karen,

I am not sure I understand what is meant by the term "re-allocation of funds." Any insight?? He seems to be referencing some other request?

Also, I have not seen the paperwork regarding this no cost extension.

GG

Gavin S. Gilmour
Associate General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100
Karen Lynn-Dyson/EAC/GOV

013549

Karen Lynn-Dyson/EAC/GOV

12/12/2005 04:31 PM

To Gavin S. Gilmour/EAC/GOV@EAC

cc

Subject Fw: No Cost Extension Request

Gavin-

Is it correct to say that this paperwork that has just gone to the Chair includes an approval of the re-allocation of funds?

Thanks

K



Eagleton no-cost extension.doc Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 12/11/2005 04:28 PM -----



"John Weingart"
<john.weingart@rutgers.edu>

To klynndyson@eac.gov

12/12/2005 03:07 PM

cc

Please respond to
john.weingart@rutgers.edu

Subject Re: No Cost Extension Request

Karen - Does that also include the request to reallocate funds or is that just something that doesn't require EAC approval? Thanks, John

-- John Weingart, Associate Director
Eagleton Institute of Politics
(732) 932-9384, x.290

klynndyson@eac.gov wrote:

>
> John-
>
> The no-cost extension materials have gone to the Chair for signature
> and review.
>

013550

> The process should be complete within the week.
>
> Also, EAC staff will be turning their attention to the provisional
> voting best practices document after Wednesday of this week.
>
> As always, thanks for your patience.
>
>
> K
>
> Karen Lynn-Dyson
> Research Manager
> U.S. Election Assistance Commission
> 1225 New York Avenue , NW Suite 1100
> Washington, DC 20005
> tel:202-566-3123

013551

Karen Lynn-Dyson/EAC/GOV

To Gavin S. Gilmour/EAC/GOV@EAC

12/12/2005 04:50 PM

cc

bcc

Subject Fw: Request for No-Cost Extension-corrected

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 12/11/2005 04:49 PM -----



"John Weingart"
<john.weingart@rutgers.edu>

To "Karen Lynn-Dyson" <klynndyson@eac.gov>

11/30/2005 05:05 PM

cc "Tom O'Neill" <[REDACTED]>

Please respond to
john.weingart@rutgers.edu

Subject Request for No-Cost Extension-corrected

Karen - There were two typos on the copy I just sent. Please use the attached instead. To minimize confusion, I dated this document December 1st (the first one says November 30). Thanks, John

--

-- John Weingart, Associate Director
Eagleton Institute of Politics
(732) 932-9384, x.290



Extension Justification.doc

013552

Karen Lynn-Dyson/EAC/GOV
12/13/2005 10:23 AM

To Gavin S. Gilmour/EAC/GOV@EAC
cc
bcc
Subject Re: Fw: Request for No-Cost Extension-corrected

Yes all of your assumptions are correct.

Should these somehow be stated in the Memorandum for the Record?

K
Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

Gavin S. Gilmour/EAC/GOV

Gavin S. Gilmour/EAC/GOV
12/13/2005 09:58 AM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc
Subject Re: Fw: Request for No-Cost Extension-corrected

Karen,

I am assuming that there original proposal included an estimate for public hearing proposals and that they want to shift money from this expense to labor.

Thus I am assuming that you have determined that there will be no public hearing and therefore this shift is appropriate.

Are these assumption correct? Perhaps a quick explanation regarding this processes would be helpful.

GG

Gavin S. Gilmour
Associate General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100
Karen Lynn-Dyson/EAC/GOV

Karen Lynn-Dyson/EAC/GOV

12/12/2005 04:50 PM

To Gavin S. Gilmour/EAC/GOV@EAC
cc
Subject Fw: Request for No-Cost Extension-corrected

013553

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 12/11/2005 04:49 PM -----



"John Weingart"
<john.weingart@rutgers.edu>

11/30/2005 05:05 PM

Please respond to
john.weingart@rutgers.edu

To "Karen Lynn-Dyson" <klynndyson@eac.gov>

cc "Tom O'Neill" [REDACTED]

Subject Request for No-Cost Extension-corrected

Karen - There were two typos on the copy I just sent. Please use the attached instead. To minimize confusion, I dated this document December 1st (the first one says November 30). Thanks, John

--
-- John Weingart, Associate Director
Eagleton Institute of Politics
(732) 932-9384, x.290



Extension Justification.doc

013554

Karen Lynn-Dyson/EAC/GOV

To Gavin S. Gilmour/EAC/GOV@EAC

12/19/2005 09:56 AM

cc

bcc

Subject Fw: Request for No-Cost Extension-corrected

G-

FYI-

See response below.

K

Karen Lynn-Dyson
Research Manager

U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

--- Forwarded by Karen Lynn-Dyson/EAC/GOV on 12/18/2005 09:54 AM ----



"John Weingart"
<john.weingart@rutgers.edu>

To klynndyson@eac.gov

12/16/2005 01:25 PM

cc

Please respond to
john.weingart@rutgers.edu

Subject Re: Request for No-Cost Extension-corrected

Karen - At this time, we anticipate reallocating funds primarily from the public hearings line item and spending approximately \$35,500 more than originally budgeted on personnel, \$23,250 more on the subcontract with Ohio State and \$20,250 more on consultants. There are other additional variances but they are not significant (e.g. less on honoraria, less on travel, and more on general operations such as phone expenses). Let me know if you need additional detail or information.

Thanks, John

-- John Weingart, Associate Director
Eagleton Institute of Politics
(732)932-9384, x.290

klynndyson@eac.gov wrote:

>

> John-

>

>

> Quick question-

>

> How much money do you anticipate will be re-allocated from the

013555

> original line items outlined in the contract to other project costs?

> Thanks

> Karen Lynn-Dyson
> Research Manager
> U.S. Election Assistance Commission
> 1225 New York Avenue , NW Suite 1100
> Washington, DC 20005
> tel:202-566-3123

> *"John Weingart" <john.weingart@rutgers.edu>*

> 11/30/2005 05:05 PM
> Please respond to
> john.weingart@rutgers.edu

> To "Karen Lynn-Dyson" <klynndyson@eac.gov>
> cc "Tom O'Neill" [REDACTED]
> Subject Request for No-Cost Extension-corrected

> Karen - There were two typos on the copy I just sent. Please use the
> attached instead. To minimize confusion, I dated this document December
> 1st (the first one says November 30). Thanks, John

> --
> -- John Weingart, Associate Director
> Eagleton Institute of Politics
> (732)932-9384, x.290

013556

Karen Lynn-Dyson/EAC/GOV
12/19/2005 12:26 PM

To Gavin S. Gilmour/EAC/GOV@EAC
cc
bcc
Subject Re: Fw: Request for No-Cost Extension-corrected

Gavin-

Just spoke with John Weingart- he explains that it will be the same work and tasks (no new or additional products) and merely work that will now extend for an additional two months rather than ending December 31.

K
Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

013557

Karen Lynn-Dyson/EAC/GOV
12/20/2005 04:27 PM

To john.weingart@rutgers.edu
cc "Tom O'Neill" [REDACTED]
bcc Gaylin Vogel/EAC/GOV@EAC; Juliet E.
Thompson/EAC/GOV@EAC
Subject Re: No Cost Extension Request 

John-

I just had a more detailed conversation with our Deputy General Counsel about Eagleton's no-cost extension.

He indicates that we need a bit more information that will accompany the material we will send to the Commissioners for a vote (hopefully next week)

We need to know the number of labor hours, the labor costs and a brief description of the tasks to be performed by each of the staff who will be working on the EAC contract until its completion.

Since we have eliminated the public hearing (a major contract deliverable) it is unclear why staff labor hours and costs will continue at the same level and rate.

As always, thanks for your patience and prompt response.

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

013558

Karen Lynn-Dyson/EAC/GOV
12/22/2005 05:48 PM

To john.weingart@rutgers.edu
cc "Tom O'Neill" [REDACTED]
bcc Gavin S. Gilmour/EAC/GOV@EAC
Subject Re: No Cost Extension Request

Thanks for providing this explanation, John.

Once I've had a chance to review it with our contracting folks, I'll be back in touch.

Best wishes for a restful holiday-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"John Weingart" <john.weingart@rutgers.edu>



"John Weingart"
<john.weingart@rutgers.edu>

12/22/2005 05:26 PM

Please respond to
john.weingart@rutgers.edu

To klynndyson@eac.gov
cc "Tom O'Neill" [REDACTED]
Subject Re: No Cost Extension Request

Karen - Our request for a no-cost, reallocation of resources is based on (a) the fact that our personnel costs have already been higher than we anticipated and (b) the reality that keeping the project operating for at least nine months, instead of seven as planned, will require the participants to devote more time than anticipated. While we are not producing more product than originally promised, the time involved in our work continues to increase. Both Provisional Voting and Voter ID have proved to be very dynamic topics requiring us to continually monitor developments and update our data, analysis and evolving work products as we learn of new or revised information. As a result, despite the extension of the schedule, the staff and consultants on this project have had no "down" time. We anticipate this research, monitoring and revising to continue for the months added to the project, necessitating significantly more hours by all members of the project team than anticipated.

Our request asks for changes to three line items which I will address below on the assumption that the EAC response to our already-submitted Provisional Voting draft and to-be-submitted Voter ID draft will be sufficiently timely to enable us to complete our work on both topics by the end of February.

1. Eagleton Institute of Politics personnel: We originally budgeted \$110,695 (\$15,813 average per month) for Eagleton faculty, staff and graduate student assistants for the seven-month project from May 24,

013559

2005-December 31, 2005. Our actual costs have been approximately \$14,500 more than that. In addition, we are anticipating needing another \$21,000 for personnel costs in January and February, calculated on the basis of 2/3 of the original monthly estimate. Therefore, we are asking to raise this line item from \$110,695 to approximately \$146,000.

2. Consultant Services: We originally budgeted \$79,50 (\$11,357 average per month) for consultant services which we have used to engage Tom O'Neill as the project manager. We anticipate no additional cost for the original contract period of May 24, 2005-December 31, 2005, but do anticipate needing his services during January and February at a slightly reduced rate of \$10,125 per month or \$20,250 total additional. Therefore, we are asking to raise this line item from \$79,500 to \$99,750.

3. Moritz School of Law: We originally budgeted \$84,744 (\$12,106 average per month) for staff and overhead for the May 24, 2005-December 31, 2005 period. We anticipate needing an additional \$23,171 (\$11,585 average per month) to support their time on this project in January and February. Therefore, we are asking to raise this line item from \$84,744 to \$107,915.

With these revisions, approximately \$22,000 of the EAC contract award to Eagleton would remain not yet allocated, primarily because the cost for the public hearings would have incurred Rutgers University overhead whereas the additional expenditures for consultants and the subcontract with Moritz do not.

I hope this provides you the information you need. While Rutgers is shutting down until January 3rd, I will be checking email at least every day or two.

-- John Weingart, Associate Director
Eagleton Institute of Politics
(732)932-9384, x.290

klynndyson@eac.gov wrote:

>
> John-
>
> I just had a more detailed conversation with our Deputy General
> Counsel about Eagleton's no-cost extension.
>
> He indicates that we need a bit more information that will accompany
> the material we will send to the Commissioners for a vote (hopefully
> next week)
>
> We need to know the number of labor hours, the labor costs and a brief
> description of the tasks to be performed by each of the staff who will
> be working on the EAC contract until its completion.
>
> Since we have eliminated the public hearing (a major contract
> deliverable) it is unclear why staff labor hours and costs will
> continue at the same level and rate.
>
> As always, thanks for your patience and prompt response.
>
>
>

013560

>
> Karen Lynn-Dyson
> Research Manager
> U.S. Election Assistance Commission
> 1225 New York Avenue , NW Suite 1100
> Washington, DC 20005
> tel:202-566-3123

013581

Karen Lynn-Dyson/EAC/GOV
01/03/2006 01:13 PM

To John.Weingart@rutgers.edu
cc Bornheim@rci.rutgers.edu
bcc Raymundo Martinez/EAC/GOV@EAC; Juliet E.
Thompson/EAC/GOV@EAC
Subject Re: No Cost Extension Request

Happy New Year, John-

Connie needs to provide the breakdown of staff costs starting with the November invoice which was submitted. She will need to re-submit this invoice.

For the purposes of the no-cost extension document I need the information from January forward.

I'm told that EAC senior management will be turning their attention to the Provisional Voting Best Practices document this week.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"John Weingart" <Johnwein@rci.rutgers.edu>



"John Weingart"
<Johnwein@rci.rutgers.edu>

12/29/2005 12:19 PM

Please respond to
John.Weingart@rutgers.edu

To klynndyson@eac.gov
cc
Subject Re: No Cost Extension Request

Karen - Turns out I could locate Connie's email though most likely she won't see mail until Tuesday: Bornheim@rci.rutgers.edu.

To clarify your phone message, do you need us to provide the number of hours for each staff person and consultant going forward from January 1st onward or going back to the start of the project?

Thanks.

> John-
>
> A quick request- May I get Connie Bornheimer e-mail address (again). You
> may recall I had an incorrect one.
>
> I have received the invoice for November services and cannot process it
> until it has the breakdown of salaries for particular personnel.
>
> This request is along the lines of that I have requested from you in order

013582

> to extend the contract.
>
> Thanks
>
> Karen Lynn-Dyson
> Research Manager
> U.S. Election Assistance Commission
> 1225 New York Avenue , NW Suite 1100
> Washington, DC 20005
> tel:202-566-3123
>

--
John Weingart, Associate Director
Eagleton Institute of Politics
(732) 932-9384, x.290

013563

Karen Lynn-Dyson/EAC/GOV
01/06/2006 02:10 PM

To John.Weingart@rutgers.edu
cc
bcc
Subject Re: No Cost Extension Request 

John-

Attached please find a copy of a portion of the memo that is part of the paperwork related to the no-cost extension.

While I am the Contracting Officer Representative on this project, I never received your project's cost proposal, and am unable to locate a copy. Otherwise, I would have completed more of the chart.

Please, take a moment to fill in the information on the attached chart, and, if you could, have one of the Eagleton staff send me the cost proposal which originally accompanied the technical proposal.

Thanks so much.

Regards-

K



Eagleton revised budget.doc
Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

013564

Mr. Weingart further notes:

“We anticipate reallocating funds primarily from the public hearings line items and spending approximately \$35,500 more than originally budgeted on personnel, \$23,250 more on the subcontract with Ohio State and \$20,250 more on consultants”.

Specifics of the Extension

The contractor has provided the following breakdown and explanation of the personnel and consultant costs, associated with this extension.

Original Project Personnel costs- \$195,439 (May-December)

Original Project labor hours-xxxxx (May-December)

Projected Project Personnel costs -\$253,915 (January-February)

Projected Project labor hours-xxxxx (January-February)

	Original Budget	Projected Budget
<i>Eagleton Institute of Politics</i>		
Project Director		
Project Manager		
Xxxx		
Xxxx		
Xxxx		
Overhead		
Total	\$110,695	\$146,000
<i>Moritz School of Law</i>		
Xxxx		
Xxxx		
Xxxx		
Overhead		
Total	\$84,744	\$107,915

Karen Lynn-Dyson/EAC/GOV
01/23/2006 12:20 PM

To john.weingart@rutgers.edu
cc
bcc
Subject Re: no-cost extension status 

As we speak- I'm writing up the final memo for the Chairman's signature. Things got a bit complicated since your original proposal did not provide labor hours and costs for the project staff.

Am working through this issue, however.
Will keep you posted.

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

013506

Karen Lynn-Dyson/EAC/GOV

09/25/2006 12:20 PM

To twilkey@eac.gov, Juliet E. Hodgkins/EAC/GOV@EAC

cc Sheila A. Banks/EAC/GOV@EAC

bcc Jeannie Layson/EAC/GOV@EAC; Bryan
Whitener/EAC/GOV@EAC

Subject Distribution of Voter ID Report Appendices to Tom Hicks

Commissioner Hillman has asked a follow-up question regarding the sharing of EAC's information, on the Eagleton study on Voter ID requirements, with Tom Hicks.

I have given Sheila the following appendices for possible distribution to Tom Hicks:

1. Summary of Voter ID Requirements by State
2. Court Decisions and Literature on Voter Identification and Related Issues Court decisions
3. Annotated bibliography on Voter Identification Issues

I have **not** given Sheila, for distribution, these Appendices or parts of the report:

1. Analysis of Effects of Voter ID Requirements on Turnout
2. The Executive Summary and Recommendations
3. Summary of Research
4. State Statutes and Regulations Affecting Voter Identification (electronic version only)

****You'll also recall that I'm awaiting Tom's approval to send to Mike McDonald, various appendices from the Eagleton Provisional Voting report**

Thanks

Karen Lynn-Dyson
Research Director
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

013567

MEMORANDUM FOR THE RECORD

On May 24, 2005 the U.S. Election Assistance Commission awarded an eight month contract (December 30, 2005) in the amount of \$560,002.00 to the Eagleton Institute of Politics (Rutgers, The State University of New Jersey) to provide research assistance to support development of guidelines on the topics of provisional voting and voter identification procedures.

On November 15, 2005, John Weingart, Associate Director of the Eagleton Institute of Politics, requested via e-mail, a no-cost extension on this contract (E4014127). Mr. Weingart has requested an extension to complete the work of this contract to February 28, 2006.

In subsequent correspondence, Mr. Weingart notes the following as the reason for the request:

“The original work schedule called for EAC to publish in mid-October, voluntary guidance and/or recommended best practices for provisional voting, based on Eagleton’s research. In making that time estimate, we did not provide sufficient time for the EAC to review and consider the draft reports that would form the basis for that publication..... The additional time required to complete the work on provisional voting has delayed the completion of our analysis of Voter Identification issues. The draft report of that topic will be submitted to the EAC in mid-January”.

He further notes:

“If EAC does not object, funds originally allocated for the hearings would be available for transfer to support the additional staff and consultant time necessary to complete the work....

“The total project budget is \$560,002. As of October 31st, the EAC has been invoiced for \$259,081.79; the balance remaining is \$300,920.21. We anticipate that the project will be complete and the balance of funds fully expended by February 28, 2006. The final invoice for the contract will be submitted to the EAC within 75 days of the close of the project”.

013568

Karen Lynn-Dyson, the EAC's Contracting Officer Representative assigned to this contract has reviewed this request, the rationale and authority for it (FAR 43.103(a)(3)) and finds it to be appropriate. To-date the Eagleton Institute has consistently met its deadlines for major project deliverables and stayed within the project budget. To grant the Eagleton Institute a two month extension on this contract in order to obtain the necessary feedback on major documents it has produced will be within the best interests of the Election Assistance Commission, and thus, the federal government.

EAC's Contracting Officer Representative finds that to grant the Eagleton Institute a no-cost extension for the modification of its contract with the EAC is within the scope of the original agreement and is recommending that this modification to the contract be made.

Signed

Karen Lynn-Dyson
Contracting Officer Representative
U.S. Election Assistance Commission

Gracia Hillman
Chair
U.S. Election Assistance Commission

013569



"John Weingart"
<john.weingart@rutgers.edu>

12/22/2005 05:26 PM

Please respond to
john.weingart@rutgers.edu

To klynndyson@eac.gov

cc "Tom O'Neill" [REDACTED]

bcc

Subject Re: No Cost Extension Request

History: This message has been replied to and forwarded

Karen - Our request for a no-cost, reallocation of resources is based on (a) the fact that our personnel costs have already been higher than we anticipated and (b) the reality that keeping the project operating for at least nine months, instead of seven as planned, will require the participants to devote more time than anticipated. While we are not producing more product than originally promised, the time involved in our work continues to increase. Both Provisional Voting and Voter ID have proved to be very dynamic topics requiring us to continually monitor developments and update our data, analysis and evolving work products as we learn of new or revised information. As a result, despite the extension of the schedule, the staff and consultants on this project have had no "down" time. We anticipate this research, monitoring and revising to continue for the months added to the project, necessitating significantly more hours by all members of the project team than anticipated.

Our request asks for changes to three line items which I will address below on the assumption that the EAC response to our already-submitted Provisional Voting draft and to-be-submitted Voter ID draft will be sufficiently timely to enable us to complete our work on both topics by the end of February.

1. Eagleton Institute of Politics personnel: We originally budgeted \$110,695 (\$15,813 average per month) for Eagleton faculty, staff and graduate student assistants for the seven-month project from May 24, 2005-December 31, 2005. Our actual costs have been approximately \$14,500 more than that. In addition, we are anticipating needing another \$21,000 for personnel costs in January and February, calculated on the basis of 2/3 of the original monthly estimate. Therefore, we are asking to raise this line item from \$110,695 to approximately \$146,000.
2. Consultant Services: We originally budgeted \$79,500 (\$11,357 average per month) for consultant services which we have used to engage Tom O'Neill as the project manager. We anticipate no additional cost for the original contract period of May 24, 2005-December 31, 2005, but do anticipate needing his services during January and February at a slightly reduced rate of \$10,125 per month or \$20,250 total additional. Therefore, we are asking to raise this line item from \$79,500 to \$99,750.
3. Moritz School of Law: We originally budgeted \$84,744 (\$12,106 average per month) for staff and overhead for the May 24, 2005-December 31, 2005 period. We anticipate needing an additional \$23,171 (\$11,585 average per month) to support their time on this project in January and February. Therefore, we are asking to raise this line item from \$84,744 to \$107,915.

With these revisions, approximately \$22,000 of the EAC contract award to Eagleton would remain not yet allocated, primarily because the cost for the public hearings would have incurred Rutgers University overhead whereas the additional expenditures for consultants and the subcontract with Moritz do not.

013570

I hope this provides you the information you need. While Rutgers is shutting down until January 3rd, I will be checking email at least every day or two.

-- John Weingart, Associate Director
Eagleton Institute of Politics
(732)932-9384, x.290

klynndyson@eac.gov wrote:

>
> John-
>
> I just had a more detailed conversation with our Deputy General
> Counsel about Eagleton's no-cost extension.
>
> He indicates that we need a bit more information that will accompany
> the material we will send to the Commissioners for a vote (hopefully
> next week)
>
> We need to know the number of labor hours, the labor costs and a brief
> description of the tasks to be performed by each of the staff who will
> be working on the EAC contract until its completion.
>
> Since we have eliminated the public hearing (a major contract
> deliverable) it is unclear why staff labor hours and costs will
> continue at the same level and rate.
>
> As always, thanks for your patience and prompt response.
>
>
>
> Karen Lynn-Dyson
> Research Manager
> U.S. Election Assistance Commission
> 1225 New York Avenue , NW Suite 1100
> Washington, DC 20005
> tel:202-566-3123

013571



"John Weingart"
<john.weingart@rutgers.edu>

12/16/2005 01:25 PM

Please respond to
john.weingart@rutgers.edu

To klynndyson@eac.gov

cc

bcc

Subject Re: Request for No-Cost Extension-corrected

History: This message has been forwarded

Karen - At this time, we anticipate reallocating funds primarily from the public hearings line item and spending approximately \$35,500 more than originally budgeted on personnel, \$23,250 more on the subcontract with Ohio State and \$20,250 more on consultants. There are other additional variances but they are not significant (e.g. less on honoraria, less on travel, and more on general operations such as phone expenses). Let me know if you need additional detail or information.

Thanks, John

-- John Weingart, Associate Director
Eagleton Institute of Politics
(732) 932-9384, x.290

klynndyson@eac.gov wrote:

>
> John-
>
>
> Quick question-
>
> How much money do you anticipate will be re-allocated from the
> original line items outlined in the contract to other project costs?
>
> Thanks
>
> Karen Lynn-Dyson
> Research Manager
> U.S. Election Assistance Commission
> 1225 New York Avenue , NW Suite 1100
> Washington, DC 20005
> tel:202-566-3123
>
>
>
> *"John Weingart" <john.weingart@rutgers.edu>*
>
> 11/30/2005 05:05 PM
> Please respond to
> john.weingart@rutgers.edu
>
>
>
> To
> "Karen Lynn-Dyson" <klynndyson@eac.gov>
> cc

013572

> "Tom O'Neill" [REDACTED]
> Subject Request for No-Cost Extension-corrected

>
>
>
>
>
>
>
>
>
>
>
>

> Karen - There were two typos on the copy I just sent. Please use the
> attached instead. To minimize confusion, I dated this document December
> 1st (the first one says November 30). Thanks, John

> --
> -- John Weingart, Associate Director
> Eagleton Institute of Politics
> (732)932-9384, x.290

>
>
>



"John Weingart"
<john.weingart@rutgers.edu>

07/06/2006 01:12 PM

Please respond to
john.weingart@rutgers.edu

To klynndyson@eac.gov

cc "Lucy Baruch" <baruch@rci.rutgers.edu>, "Tom O'Neill"

bcc [REDACTED]

Subject Rutgers Contract Close

History: This message has been replied to.

Karen - I am writing to summarize our phone conversation initiated by me yesterday in response to receipt of Tom Wilkey's June 29th letter. To close out the contract, we will do the following:

1. Prepare separate monthly reports for April, May and June which each briefly summarize our activities under the contract during that month. These reports, which will not include financial information, will be sent to you by email no later than July 24th.
2. Submit a final invoice for the project no later than September 16th, which is 75 days from the close of the contract rather than the 30 days specified in the June 29th letter. I am attaching our previously-submitted "December 1, 2005 Request for a No-Cost Extension" which noted, at the bottom of page 1, the need for a 75-day closeout period.
3. In my January 13, 2006 letter regarding our No-Cost Extension through February 28th (also attached), I had indicated that we expected to have a closing balance of approximately \$10,000. As we discussed yesterday, you appreciate that, with the subsequent No-Cost Extension through June 30th, we have spent the entire contract amount, and you expect us to submit invoices accordingly that will document our use of all remaining funds from the \$560,002 contract award.

Please let me know if I have left out any remaining tasks or you have a different interpretation of them. I trust you have by now received all our final work products that were FedExed to you late last week.

Thanks,

John

--

-- John Weingart, Associate Director
Eagleton Institute of Politics
(732) 932-9384, x.290



Extension Justification.doc NoCostExt011306.doc

013574



"John Weingart"
<Johnwein@rci.rutgers.edu>
07/20/2006 11:36 AM

To klyndyson@eac.gov
cc [REDACTED]
bcc

Please respond to
John.Weingart@rutgers.edu

Subject EAC Progress Report-May

History: This message has been replied to.

Karen - Attached should be the May Progress Report, completing your collection. I hope they are all now present and accounted for. Sorry for the confusion. -
John

> Karen - I am attaching our final monthly Progress Reports for April, May
> and June 2006. Please confirm that they have arrived safely, and let me
> know if they meet the EAC's needs. Thanks, John
>
>
> --
> John Weingart, Associate Director
> Eagleton Institute of Politics
> (732) 932-9384, x.290

--
John Weingart, Associate Director
Eagleton Institute of Politics



(732) 932-9384, x.290 May2006_ProgressReport.pdf



EAGLETON INSTITUTE OF POLITICS

*Contract to Provide Research Assistance to the EAC For
the Development of Voluntary Guidance on Provisional
Voting and Voter Identification Procedures*

MONTHLY PROGRESS REPORT
May 2006

For
UNITED STATES ELECTION ASSISTANCE COMMISSION
1225 New York Avenue N.W., Suite - 1100
Washington, DC 20005

July 2006

Prepared by:
Eagleton Institute of Politics
Rutgers, The State University of New Jersey
191 Ryders Lane
New Brunswick, NJ 08901-8557

013576

OUTLINE OF SUMMARY REPORT

- Introduction
- Provisional Voting
- Voter Identification Requirements
- Project Management
- Financial Report

INTRODUCTION

This report summarizes our progress from May 1, 2006 through May 31, 2006. It includes brief descriptions of key tasks and progress made.

This Monthly Progress Report is divided into 3 sections: Provisional Voting, Voter Identification Requirements, and Project Management. Each section references specific tasks described in paragraph 3 of the contract. The Financial Report will be sent separately by the Rutgers Division of Grant and Contract Accounting. Please direct questions or comments about this report to john.weingart@rutgers.edu or by telephone at (732) 932-9384, ext. 290.

PROVISIONAL VOTING

We prepared and delivered a briefing on provisional voting to EAC Advisory Boards on May 23 and 24. We continued revising the provisional voting analysis based on comments made by the Advisory Boards.

VOTER IDENTIFICATION REQUIREMENTS

We continued to review and revise the voter identification requirement analysis. We also completed a new statistical analysis in response to Peer Review Group comments.

PROJECT MANAGEMENT

COORDINATION AND INFORMATION MANAGEMENT

Collecting and merging information and data from myriad sources is a demanding requirement of this research. We have developed two principal mechanisms to facilitate the analysis of the material collected or created in the project: an information system and an internal website for easy access to drafts and reports.

INFORMATION SYSTEM

Description: The statutory data and reports prepared by the Moritz College of Law is being merged with the political and procedural data and analysis prepared by the Eagleton Institute of Politics to provide a cohesive final product to the EAC, which will include a compendium of case law and statutes regarding Provisional Voting and voter identification.

Projections: The entire project team continues to use the Information System which contains the above referenced research, in working toward the preparation for our final reports to the EAC.

INTRANET

Description: All project team members have signed on to the Intranet site, and regularly post drafts, completed materials and spreadsheets online for internal review. The Intranet facilitates the exchange of information and collaboration among project participants.

FINANCIAL REPORT

The financial reporting for this project is supervised and prepared by the Division of Grant and Contract Accounting (DGCA) at Rutgers. The contact at DGCA is: Constance Bornheimer, (732) 932-6103, [REDACTED]. A combined final invoice will be submitted by September 15, 2006.



"John Weingart"
<Johnwein@rci.rutgers.edu>

07/20/2006 11:33 AM

Please respond to
John.Weingart@rutgers.edu

To klynndyson@eac.gov [REDACTED]

cc

bcc

Subject EAC Progress Report-April

History:

 This message has been replied to.

Here, I hope, is the April Progress Report that I gather was not attached to my previous email. I will send the May report shortly. - John

> Karen - I am attaching our final monthly Progress Reports for April, May
> and June 2006. Please confirm that they have arrived safely, and let me
> know if they meet the EAC's needs. Thanks, John

>

>

> --

> John Weingart, Associate Director
> Eagleton Institute of Politics

> [REDACTED]

--

John Weingart, Associate Director
Eagleton Institute of Politics



[REDACTED]2006_ProgressReport.pdf

013579



EAGLETON INSTITUTE OF POLITICS

*Contract to Provide Research Assistance to the EAC For
the Development of Voluntary Guidance on Provisional
Voting and Voter Identification Procedures*

MONTHLY PROGRESS REPORT
April 2006

For
UNITED STATES ELECTION ASSISTANCE COMMISSION
1225 New York Avenue N.W., Suite - 1100
Washington, DC 20005

July 2006

Prepared by:
Eagleton Institute of Politics
Rutgers, The State University of New Jersey
191 Ryders Lane
New Brunswick, NJ 08901-8557

013580

OUTLINE OF SUMMARY REPORT

- Introduction
- Provisional Voting
- Voter Identification Requirements
- Project Management
- Financial Report

INTRODUCTION

This report summarizes our progress from April 1, 2006 through April 30, 2006. It includes brief descriptions of key tasks and progress made.

This Monthly Progress Report is divided into 3 sections: Provisional Voting, Voter Identification Requirements, and Project Management. Each section references specific tasks described in paragraph 3 of the contract. The Financial Report will be sent separately by the Rutgers Division of Grant and Contract Accounting. Please direct questions or comments about this report to john.weingart@rutgers.edu or by telephone at [REDACTED]

PROVISIONAL VOTING

We completed preparing a briefing on Provisional Voting for presentation to EAC on April 3. Comments made by the Peer Review Group were taken into account in the briefing development.

VOTER IDENTIFICATION REQUIREMENTS

We briefed the EAC in Washington on April 3 regarding our Provisional Voting report and the analysis of Voter Identification Requirements. Subsequent to this briefing and to a meeting with Peer Review Group, we have made revisions to the Voter Identification analysis.

PROJECT MANAGEMENT

COORDINATION AND INFORMATION MANAGEMENT

Collecting and merging information and data from myriad sources is a demanding requirement of this research. We have developed two principal mechanisms to facilitate the analysis of the material collected or created in the project: an information system and an

013581

internal website for easy access to drafts and reports. We have also continued weekly team-conference calls among at least lead project staff at Eagleton and Moritz.

INFORMATION SYSTEM

Description: The statutory data and reports prepared by the Moritz College of Law is being merged with the political and procedural data and analysis prepared by the Eagleton Institute of Politics to provide a cohesive final product to the EAC, which will include a compendium of case law and statutes regarding Provisional Voting and voter identification.

Projections: The entire project team continues to use the Information System which contains the above referenced research, in working toward the preparation for our final reports to the EAC.

INTRANET

Description: All project team members have signed on to the Intranet site, and regularly post drafts, completed materials and spreadsheets online for internal review. The Intranet facilitates the exchange of information and collaboration among project participants.

FINANCIAL REPORT

The financial reporting for this project is supervised and prepared by the Division of Grant and Contract Accounting (DGCA) at Rutgers. The contact at DGCA is: Constance Bornheimer, (609) 952-6100, ~~bornheimer@rutgers.edu~~. In May, DGCA submitted an invoice for the period from March 1, 2006 to April 30, 2006.



"John Weingart"
<Johnwein@rci.rutgers.edu>

07/19/2006 06:01 PM

Please respond to
John.Weingart@rutgers.edu

To klyndyson@eac.gov

cc [REDACTED]

bcc

Subject

History: This message has been replied to.

Karen - I am attaching our final monthly Progress Reports for April, May and June 2006. Please confirm that they have arrived safely, and let me know if they meet the EAC's needs. Thanks, John

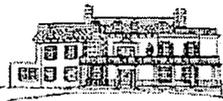
--

John Weingart, Associate Director
Eagleton Institute of Politics



[REDACTED] June2006_ProgressReport.pdf

013583



EAGLETON INSTITUTE OF POLITICS

*Contract to Provide Research Assistance to the EAC For
the Development of Voluntary Guidance on Provisional
Voting and Voter Identification Procedures*

MONTHLY PROGRESS REPORT
June 2006

For
UNITED STATES ELECTION ASSISTANCE COMMISSION
1225 New York Avenue N.W., Suite - 1100
Washington, DC 20005

July 2006

Prepared by:
Eagleton Institute of Politics
Rutgers, The State University of New Jersey
191 Ryders Lane
New Brunswick, NJ 08901-8557

013584

OUTLINE OF SUMMARY REPORT

- Introduction
- Provisional Voting
- Voter Identification Requirements
- Project Management
- Financial Report

INTRODUCTION

This report summarizes our progress from June 1, 2006 through June 30, 2006. It includes brief descriptions of key tasks and progress made.

This Monthly Progress Report is divided into 3 sections: Provisional Voting, Voter Identification Requirements, and Project Management. Each section references specific tasks described in paragraph 3 of the contract. The Financial Report will be sent separately by the Rutgers Division of Grant and Contract Accounting. Please direct questions or comments about this report to john.weingart@rutgers.edu or by telephone at [REDACTED]

PROVISIONAL VOTING

Revision of Provisional Voting report continued. We participated in a teleconference on June 6 with EAC on Provisional Voting and Voter ID issues. The final Provisional Voting report was completed. It was submitted to EAC with appendices and supplementary materials on June 28, 2006. This concluded our contract with EAC.

VOTER IDENTIFICATION REQUIREMENTS

We completed the final Voter ID report and submitted it to EAC with appendices and supplementary materials on June 28, 2006. This was our final work product required under our contract with the EAC.

PROJECT MANAGEMENT

COORDINATION AND INFORMATION MANAGEMENT

As we have completed and submitted our final work products to the EAC, the project team has continued to communicate via frequent conference calls and group emails.

013505

INFORMATION SYSTEM

Description: The statutory data and reports prepared by the Moritz College of Law was merged with the political and procedural data and analysis prepared by the Eagleton Institute of Politics to provide a cohesive final product to the EAC, which includes a compendium of case law and statutes regarding Provisional Voting and voter identification.

FINANCIAL REPORT

The financial reporting for this project is supervised and prepared by the Division of Grant and Contract Accounting (DGCA) at Rutgers. The contact at DGCA is: Constance Bornheimer, [REDACTED]. A combined final invoice will be submitted by September 15, 2006.

Guess we better agree on the contents of the letter to Eagleton SOON

Thomas R. Wilkey
Executive Director
US Election Assistance Commission
1225 New York Ave, NW - Suite 1100
Washington, DC 20005
(202) 566-3109 phone
TWilkey@eac.gov

----- Forwarded by Thomas R. Wilkey/EAC/GOV on 08/28/2006 09:37 AM -----



"Michael McDonald"
<mmcdon@gmu.edu>
08/28/2006 09:25 AM

To aambrogi@eac.gov, twilkey@eac.gov
cc "Daniel Tokaji" <tokaji.1@osu.edu>
Subject Data request from provisional ballot report

Tom and Adam,

Attached are two papers from Rutgers that appear to use data drawn from the EAC's grant to Rutgers and Ohio State for reports on provisional balloting (from a paper presented at the Midwest Political Science Association Conference in April) and voter identification (from a paper to be presented at the upcoming American Political Science Association Conference this week). My check of the EAC's website this morning shows that these EAC commissioned reports have not been publicly released.

My requests for the basic legal data contained in these reports' appendices have been refused. It is unfair that Rutgers researchers are allowed to publish scholarly work from this data while it is being held by the EAC. When I worked on the Election Day Survey; at the EAC's direction, Kim Brace and I did not publish or make these data publicly available until our report was publicly released. Either the same standard must apply to all persons working under EAC grants or, if a new policy is in place, I would request again that these data be released to me for my research on provisional balloting. If not, it gives the appearance and has the effect that the data are being withheld so that Rutgers scholars can publish their EAC subsidized research in scholarly outlets before others like myself have a chance to do so.

Best regards,

-Mike

Dr. Michael P. McDonald
Assistant Professor, George Mason University
Visiting Fellow, Brookings Institution

013587

Jeannie Layson/EAC/GOV
03/30/2007 08:33 PM

To "Donetta Davidson" <ddavidson@eac.gov>, "Gracia Hillman" <ghillman@eac.gov>, Rosemary E. Rodriguez/EAC/GOV@EAC, Caroline C. Wilkey <twilkey@eac.gov>, "Karen Lynn-Dyson" <klynndyson@eac.gov>, "Julie Thompson" <jthompson@eac.gov>

bcc

Subject Hinchey statement

Hinchey Statement on U.S. Election Assistance Commission's

Release of Report on Voter Identification Issues

Washington, DC - Congressman Maurice Hinchey (D-NY) today released the following report in response to the U.S. Election Assistance Commission's (EAC) release of a report on voter identification issues that was submitted to them by Rutgers, the State University of New Jersey, through its Eagleton Institute of Politics, and Ohio State University's Moritz College of Law. Hinchey directly requested the release of the report when EAC Chairwoman Donetta Davidson appeared earlier this month before the House Appropriations Subcommittee on Financial Services, of which the congressman is a member. Davidson told Hinchey at the hearing that she would provide the subcommittee with the report that is being released to the public today. Hinchey also requested the release of a separate report on voter fraud and intimidation. The Help America Vote Act (HAVA) requires the EAC to conduct and make available to the public studies regarding certain voting issues.

"I am very pleased that following Chairwoman Davidson's appearances before Congress the EAC decided to do the right thing and make public the Eagleton Institute of Politics study on voter identification issues. I hope that this decision signals a new day of transparency and sets a precedent for all future and previous studies and reports submitted to the EAC.

"When Chairwoman Davidson came before our subcommittee a few weeks ago, I also requested that the EAC make public another report about voter fraud and voter intimidation submitted to them by two outside consultants. It is my hope they will release this report to the public as well. The EAC has the responsibility to keep the public informed on any findings it has with regards to voter fraud, intimidation, and any other electoral issues.

"As we work to increase voter turnout and make our democracy function more effectively, it is imperative that potential voters are assured that they will be able to cast their votes fairly and in an environment free of intimidation. To achieve that goal, the EAC must be open with the information it receives in order to help identify voting problems and make recommendations on fixing them."

Sent from my BlackBerry Wireless Handheld

013588

Rosemary E.
Rodriguez/EAC/GOV
04/17/2007 05:31 PM

To Gavin S. Gilmour/EAC/GOV@EAC, Donetta L.
Davidson/EAC/GOV@EAC, Gracia
Hillman/EAC/GOV@EAC, Caroline C.
cc Sheila A. Banks/EAC/GOV@EAC, Juliet E.
Hodgkins/EAC/GOV@EAC, Elieen L.
Kuala/EAC/GOV@EAC, Jeannie Layson/EAC/GOV@EAC,
bcc
Subject Re: FYI--Letter from Serrano

Dear all,

I wonder how many more requests like this are waiting in the wings? Is there any way we can anticipate these requests? How many reports are completed and outstanding? May I request a briefing?

Thanks.

RER

Gavin S. Gilmour
----- Original Message -----

From: Gavin S. Gilmour
Sent: 04/17/2007 05:27 PM EDT
To: Donetta Davidson; Gracia Hillman; Caroline Hunter; Rosemary Rodriguez;
Thomas Wilkey
Cc: Sheila Banks; Juliet Hodgkins; Elieen Kuala; Jeannie Layson; Karen
Lynn-Dyson; fms.eacfabre@yahoo.com
Subject: FYI--Letter from Serrano

All,

Today we received a faxed copy of a letter signed by Jose Serrano as Chair of the Financial Services and General Government Appropriations Subcommittee. The Chairman urges the EAC to publicly release the full draft version of the Provisional Voting report prepared by Eagleton. The letter states that the Congressman was pleased with our decision to engage our Inspector General and to release the draft version of the Voter ID study (though he was disappointed that we did not adopt it).

Chairman stated in his letter that if we do not decide to release the draft report, he would like an update regarding the study's status, time line for release and a statement regarding why the EAC would deviate from the "precedent" it has now set in releasing draft studies.

It is my understanding that this report was made public at the Board of Advisor and Standards Board meetings in May 2006. I do not know if any changes were made to the document after that time. Perhaps Karen can provide additional information regarding this concern. It is also my understanding that this document has been released to third parties upon request under FOIA. Additionally, I believe a best practices document was created by the EAC based on the research. That document is on our website. Also, Stephanie informed me (and Karen confirmed) that the study is posted on Eagleton's website.

A copy of Serrano's letter is attached.

GG

[attachment "Serrano Letter.pdf" deleted by Rosemary E. Rodriguez/EAC/GOV]

Gavin S. Gilmour
Deputy General Counsel

013589

United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

THIS MESSAGE IS FOR ITS INTENDED RECIPIENT ONLY. IT IS A PRIVILEGED DOCUMENT AND SHALL NOT BE RELEASED TO A THIRD PARTY WITHOUT THE CONSENT OF THE SENDER.

013530

Gavin S. Gilmour/EAC/GOV
04/17/2007 05:27 PM

To Donetta L. Davidson/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC, Caroline C. Hunter/EAC/GOV@EAC, Rosemary E. cc Sheila A. Banks/EAC/GOV@EAC, Juliet E. Hodgkins/EAC/GOV@EAC, Elieen L. Kuala/EAC/GOV@EAC, Jeannie Layson/EAC/GOV, Karen
bcc
Subject FYI--Letter from Serrano

All,

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A copy of Serrano's letter is attached.

GG



Serrano Letter.pdf

Gavin S. Gilmour
Deputy General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

THIS MESSAGE IS FOR ITS INTENDED RECIPIENT ONLY. IT IS A PRIVILEGED DOCUMENT AND SHALL NOT BE RELEASED TO A THIRD PARTY WITHOUT THE CONSENT OF THE SENDER.

013591



leighley@email.arizona.edu
05/11/2006 03:05 PM

To klynndyson@eac.gov
cc
bcc

Subject Re: Many thanks for your active participation

History: This message has been replied to.

Thanks, Karen . . . am very interested in any future projects you have (well, most, I'm sure . . .).

Jan

Quoting klynndyson@eac.gov:

> Dr. Leighley-
>
> On behalf of the EAC our sincere thanks for your willingness to review the
> Eagleton paper on Voter Identification. Your insights and critique were
> extremely helpful and provided our agency with just the type of input which
> was needed.
>
> I'm please to know of your work and hope that I may be able to call upon
> your expertise at some point in the near future.
>
> Regards-
>
> Karen
> Karen Lynn-Dyson
> Research Manager
> U.S. Election Assistance Commission
> 1225 New York Avenue , NW Suite 1100
> Washington, DC 20005
> tel:202-566-3123

013592



leighley@email.arizona.edu
05/11/2006 11:38 AM

To klynndyson@eac.gov, abarrington@eac.gov
cc jonathan.nagler@nyu.edu

bcc

Subject conference call full?

History:

This message has been replied to.

Hi,

I'm trying to access the conference call but the system says it's full. I will keep trying for a few minutes.

Perhaps this is a problem because I was given two different times for conference calls?

I am currently at [REDACTED] and [REDACTED] if anyone is able to respond.

Jan

013593



leighley@email.arizona.edu

To klynndyson@eac.gov

05/09/2006 04:05 PM

cc

bcc

Subject Re: Materials for Thursday's 11:30 conference call

History:

This message has been forwarded.

That's fine--but I spoke to Aletha a couple hours ago and she said it was at 11.

I will go with 11:30 unless I hear otherwise.

Jan

Quoting klynndyson@eac.gov:

> Greetings-

>

> Please note that Thursday's call is at 11:30 EDT.

>

> Thanks

>

> Karen Lynn-Dyson

> Research Manager

> U.S. Election Assistance Commission

> 1225 New York Avenue , NW Suite 1100

> Washington, DC 20005

> tel:202-566-3123

>

>

>

> Karen Lynn-Dyson/EAC/GOV

> 05/09/2006 09:54 AM

>

> To

> berinsky@mit.edu, leighley@email.arizona.edu, jonathan.nagler@nyu.edu,

> tom_oneill@verizon.net

> cc

> Aletha Barrington/CONTRACTOR/EAC/GOV@EAC

> Subject

> Materials for Thursday's 11:30 conference call

>

>

>

>

> All-

>

> Attached please find the complete packet of materials that will serve as

> the basis for our conference call on Thursday. You have already received

> the statistical analysis; the voter ID report was submitted this morning.

>

> The Eagleton staff have noted that you may find the material contained in

> Appendix A useful to your review; the other appendices are likely to be

> less germane .

>

> The call in information for Thursday:

013584

>
> 1-866-222-9044
> Passcode 62209#
>
> Thank you again for your assistance.
>
> Regards-
>
> Karen Lynn-Dyson
>
> Research Manager
> U.S. Election Assistance Commission
> 1225 New York Avenue , NW Suite 1100
> Washington, DC 20005
> tel:202-566-3123

Aletha
Barrington/CONTRACTOR/EA
C/GOV

05/08/2006 04:05 PM

To Karen Lynn-Dyson/EAC/GOV@EAC

cc

bcc

Subject Re: Verification that Voter ID paper was received 

Karen,

I got a response back from everyone but Jay Leighley about their availability for the conference call, do you have a contact number for him?

Aletha Barrington
Contracts Assistant
U.S. Election Assistance Commission
(202) 566-2209 (office)
(202) 566-3128 (fax)

Karen Lynn-Dyson/EAC/GOV

Karen Lynn-Dyson/EAC/GOV

05/08/2006 03:12 PM

To Aletha Barrington/CONTRACTOR/EAC/GOV@EAC

cc

Subject Verification that Voter ID paper was received

I assume you got verification from Jonathan Nagler, Adam Berinsky and Jan Leighley that they received the paper last Friday.

Also assume you will have a conference call in number to them and to Tom O'Neill by tomorrow, latest.

Thanks

K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

013596

Aletha
Barrington/CONTRACTOR/EA
C/GOV

05/05/2006 10:13 AM

To tanisha.johnsoncampbell@nyu.edu

cc jonathan.nagler@nyu.edu, Karen
Lynn-Dyson/EAC/GOV@EAC

bcc

Subject Revised Voter ID Analysis

Good morning Tanisha,

To my understanding Dr. Nagler is out of the office today and I been informed to contact you with any information for him. I am attaching a copy of the Revised Voter ID Analysis. Will you please see that he receives it today? If you have any questions regarding this document feel free to contact me.

Thanks!

Aletha Barrington
Contracts Assistant
U.S. Election Assistance Commission
(202) 566-2209 (office)
(202) 566-3128 (fax)



VoterIDAnalysis VercRev0504.doc

013597



"Tom O'Neill"

05/04/2006 05:00 PM

To klynndyson@eac.gov

cc tokaji.1@osu.edu, foley.33@osu.edu,
lauracw@columbus.rr.com, "Tim Vercellotti"
<tim.vercellotti@rutgers.edu>, arapp@rci.rutgers.edu,
bcc

Subject Revised Voter ID Analysis

History:

This message has been forwarded.

Karen,

Attached is Tim Vercellotti's Voter ID analysis revised to use Citizen Voting Age population as the base for turnout calculations and to take account of comments or issues raised by the EAC and our Peer Review Group. This draft is for distribution to the reviewers who will meet by teleconference on May 11, at, we understand, 11:30 a.m.

You are receiving this at the same time that it is being distributed to the Eagleton-Moritz team so that the new reviewers will have a week to prepare for our conversation on the 11th. Early next week you will receive a revised summary paper on Voter ID that incorporates the new data and findings in Tim's revised analysis. That too will be for distribution to the new reviewers.

Tom O'Neill



VoterIDAnalysis VercRev0504.doc

013538

Aletha
Barrington/CONTRACTOR/EA
C/GOV

05/04/2006 04:36 PM

To berinsky@mit.edu, johnathan.nagler@nyu.edu,
leighley@email.arizona.edu, [REDACTED]
cc Karen Lynn-Dyson/EAC/GOV@EAC

bcc

Subject Conference Call/ Eagleton Institute

Good afternoon everyone,

This is to inform you of a time set-up for the conference call on May 11, 2006 regarding Eagleton Institute/Voter Identification Research Project: it will be at 11:30 am, if everyone is available for this time then its a go, if not please contact me at your earliest convenience.

Thanks!

Aletha Barrington
Contracts Assistant
U.S. Election Assistance Commission
(202) 566-2209 (office)
(202) 566-3128 (fax)

013599



"Adam Berinsky"
<berinsky@MIT.EDU>
05/03/2006 05:31 PM

To klynndyson@eac.gov
cc
bcc

Subject Re: Review of EAC research on Voter Identification

History: This message has been replied to.

I just got your phone message. I will still do the review, but I should note that I won't be able to do a full 90 minute phone call on the 11th -- perhaps we could schedule 30 minutes or so for me to be on the phone call.

At 05:36 PM 5/1/2006, you wrote:

Dr. Berinsky-

On behalf of the U.S. Election Assistance Commission (EAC), thank you in advance for agreeing to assist us with the review of research conducted by the Eagleton Institute of Politics on voter identification. By **Friday, May 5, 2006**, you will receive, in electronic form, the research paper and relevant data analysis which supports the paper's findings. Through this independent review by a small group of experts familiar with elections data and research we are seeking feedback on:

- The research methodology which was used to support the paper's conclusions
- The specific statistical applications which were used to analyze the data and arrive at various conclusions

If there are alternate methodological and statistical approaches to analyzing the data on voter identification, and if there is other data on voter identification that you think should have been included in the analysis, please be certain to note this in your comments.

On **May 11, 2006** EAC will conduct a 60-90 minute phone call with key Eagleton Institute staff responsible for the research, members of Eagleton's peer review group and the EAC-identified reviewers who have been asked to consider the research. Through this dialogue EAC hopes to gather varying perspectives and insights on the research strategies and methods that were employed by Eagleton. As a result of this conversation, EAC anticipates that some revisions will be made to the Eagleton research paper. This paper is scheduled to be presented to EAC's Board of Advisors and Standards Boards in late May.

While we are unable to offer financial compensation for your review of this research we greatly appreciate your willingness to assist us with this important task. We believe that the research findings we will provide on voter identification are important and will most certainly be enhanced by your insights and expertise.

013600

Sincerely,

Karen Lynn-Dyson
Research Director
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

Adam J. Berinsky
Associate Professor
Department of Political Science
Massachusetts Institute of Technology
77 Massachusetts Avenue
Cambridge, MA 02139 E53-459
Tel: (617) 253-8190
Fax: (617) 258-6164
E-mail: berinsky@mit.edu
Web Page: <http://web.mit.edu/berinsky/www/>

013601



"Tom O'neill"

05/03/2006 03:29 PM

To klynndyson@eac.gov

cc

bcc

Subject May 11 teleconference

Karen,

Do you have a time for the May 11 teleconference? We're working to arrange the participation of members of our Peer Review Group and that is the key missing piece of information.

Thanks,

Tom O'Neill

013602

Juliet E.
Thompson-Hodgkins/EAC/GO
V
05/01/2006 04:49 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc Thomas R. Wilkey/EAC/GOV@EAC
bcc
Subject Re: E-mail to Voter ID peer reviewers

I am concerned about the statement that EAC policy precludes us paying them. It is an issue of correctly soliciting and entering into a contract for the procurement of services. Perhaps there is a better way to phrase this, or is it even necessary

Juliet Thompson Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100
Karen Lynn-Dyson/EAC/GOV

Karen Lynn-Dyson/EAC/GOV
05/01/2006 02:58 PM

To Thomas R. Wilkey/EAC/GOV@EAC, Juliet E.
Thompson-Hodgkins/EAC/GOV@EAC
cc
Subject E-mail to Voter ID peer reviewers

Tom and Julie-

Please take a look at this draft e-mail and let me know if it captures all that it needs to.

Would like to get this out ASAP- appreciate your feedback..

Dear Jonathan Nagler
Dear Jan Leighley
Dear Adam Berinsky

On behalf of the U.S. Election Assistance Commission (EAC), thank you in advance for agreeing to assist us with the review of research conducted by the Eagleton Institute of Politics on voter identification. By **Friday, May 5, 2006**, you will receive, in electronic form, the research paper and relevant data analysis which supports the paper's findings. Through this independent review by a small group of experts familiar with elections data and research we are seeking feedback on:

- The research methodology which was used to support the paper's conclusions
- The specific statistical applications which were used to analyze the data and arrive at various conclusions

013603

If there are alternate methodological and statistical approaches to analyzing the data on voter identification, and if there is other data on voter identification that you think should have been included in the analysis, please be certain to note this in your comments.

On **May 11, 2006** EAC will conduct a 60-90 minute phone call with key Eagleton Institute staff responsible for the research, members of Eagleton's peer review group and the EAC-identified reviewers who have been asked to consider the research. Through this dialogue EAC hopes to gather varying perspectives and insights on the research strategies and methods that were employed by Eagleton. As a result of this conversation, EAC anticipates that some revisions will be made to the Eagleton research paper. This paper is scheduled to be presented to EAC's Board of Advisors and Standards Boards in late May.

While EAC agency policy does not allow us to provide you with financial compensation for your review of this research we greatly appreciate your willingness to assist us with this important task. We believe that the research findings we will provide on voter identification are important and will most certainly be enhanced by your insights and expertise.

Sincerely,

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

013604

Thomas R. Wilkey/EAC/GOV
05/01/2006 04:07 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc
bcc
Subject Re: E-mail to Voter ID peer reviewers

Then we are good to good

Sent from my BlackBerry Wireless Handheld
Karen Lynn-Dyson

From: Karen Lynn-Dyson
Sent: 05/01/2006 03:03 PM
To: Thomas Wilkey
Cc: Juliet Thompson-Hodgkins
Subject: Re: E-mail to Voter ID peer reviewers

It's my understanding that Julie thinks we are "good to go" as long as we don't pay them.

Correct?

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

Thomas R. Wilkey/EAC/GOV

Thomas R. Wilkey/EAC/GOV
05/01/2006 03:00 PM

To Karen Lynn-Dyson/EAC/GOV@EAC, Juliet E.
Thompson-Hodgkins/EAC/GOV
cc
Subject Re: E-mail to Voter ID peer reviewers

Did we resolve the contact issues on this?

Sent from my BlackBerry Wireless Handheld
Karen Lynn-Dyson

From: Karen Lynn-Dyson
Sent: 05/01/2006 02:58 PM
To: Thomas Wilkey; Juliet Thompson-Hodgkins
Subject: E-mail to Voter ID peer reviewers

Tom and Julie-

Please take a look at this draft e-mail and let me know if it captures all that it needs to.

013605

Would like to get this out ASAP- appreciate your feedback..

-c-

Dear Jonathan Nagler

Dear Jan Leighley

Dear Adam Berinsky

On behalf of the U.S. Election Assistance Commission (EAC), thank you in advance for agreeing to assist us with the review of research conducted by the Eagleton Institute of Politics on voter identification. By **Friday, May 5, 2006**, you will receive, in electronic form, the research paper and relevant data analysis which supports the paper's findings. Through this independent review by a small group of experts familiar with elections data and research we are seeking feedback on:

- The research methodology which was used to support the paper's conclusions
- The specific statistical applications which were used to analyze the data and arrive at various conclusions

If there are alternate methodological and statistical approaches to analyzing the data on voter identification, and if there is other data on voter identification that you think should have been included in the analysis, please be certain to note this in your comments.

On **May 11, 2006** EAC will conduct a 60-90 minute phone call with key Eagleton Institute staff responsible for the research, members of Eagleton's peer review group and the EAC-identified reviewers who have been asked to consider the research. Through this dialogue EAC hopes to gather varying perspectives and insights on the research strategies and methods that were employed by Eagleton. As a result of this conversation, EAC anticipates that some revisions will be made to the Eagleton research paper. This paper is scheduled to be presented to EAC's Board of Advisors and Standards Boards in late May.

While EAC agency policy does not allow us to provide you with financial compensation for your review of this research we greatly appreciate your willingness to assist us with this important task. We believe that the research findings we will provide on voter identification are important and will most certainly be enhanced by your insights and expertise.

Sincerely,

013606

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

013607

Juliet E.
Thompson-Hodgkins/EAC/GO
V

05/01/2006 03:56 PM

To Karen Lynn-Dyson/EAC/GOV@EAC

cc Thomas R. Wilkey/EAC/GOV@EAC

bcc

Subject Re: E-mail to Voter ID peer reviewers

As long as we don't pay them, there is no contract issue.

Juliet Thompson Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

013608



"Mike Alvarez"
<rma@hss.caltech.edu>
04/05/2006 07:39 PM

To klynndyson@eac.gov
cc
bcc
Subject

History: This message has been replied to and forwarded.

Hi -- nice to meet you in person, finally!

And thanks for inviting me to your gathering, I enjoyed it and hope I was helpful. Of course, any time you want anything, you do know where to track me down.

As to the potential reviewers of the Eagleton Voter ID study, here are my suggestions, in order:
Jonathan Nagler, New York University
Jan Leighley, University of Arizona
Ben Highton, UC-Davis
Adam Berinsky, MIT
Bernard Grofman, UC-Irvine

All have worked with the CPS turnout/registration data, and are very familiar with this research literature.

If these don't work, or you want more recommendations, let me know.

--

R. Michael Alvarez (O)
626-395-4089
Professor of Political Science (F)
626-405-9841
Caltech/MIT Voting Technology Project
California Institute of Technology
Pasadena, CA 91125
rma@hss.caltech.edu

Contributor to Election Updates,
<http://electionupdates.caltech.edu/blog.html>



"Tom O'Neill"

03/16/2006 10:27 AM

To klynndyson@eac.gov

cc

bcc

Subject RE: Voter ID Paper --Final Draft

History: This message has been forwarded.

Karen,

Glad the paper arrived. Sorry it was a bit later than promised, but we reworked the statistical analysis on the basis of some insightful suggestions by the Peer Review Group. . .that took a few extra days (and nights). Looking back at my email to you, I realize the full statistical analysis was not attached as it should have been. It is appendix to the paper that will be of interest to those who want the details of our methodology. It is attached to this email.

I will be away, without access to email, until late Monday afternoon, but if you need to, you can reach me by cell phone at [REDACTED]

Tom O'Neill

-----Original Message-----

From: klynndyson@eac.gov [mailto:klynndyson@eac.gov]

Sent: Thursday, March 16, 2006 9:00 AM

To: [REDACTED]

Subject: Re: Voter ID Paper --Final Draft

Tom-

Thanks for getting this to me. I've forwarded it on to the Commissioners.

Will try to see if I can get feedback next week.

Regards-

K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005



tel:202-566-3123 Vercellotti314.doc

013610



Amie J. Sherrill/EAC/GOV
02/17/2006 02:28 PM

To Karen Lynn-Dyson/EAC/GOV
cc
bcc
Subject working group

History

 This message has been replied to

is there a working group for the provisional voting/voter id project?

Amie J. Sherrill
Special Assistant to Chairman Paul S. DeGregorio
U.S. Election Assistance Commission
1225 New York NW - Suite 1100
Washington, DC 20005
(202) 566 3106

013611



"Tom O'Neill"

09/02/2005 04:48 PM

To tokaji.1@osu.edu, ireed@rutgers.edu,
john.weingart@rutgers.edu, foley.33@osu.edu,
rmandel@rci.rutgers.edu, rmandel@rci.rutgers.edu
cc klynndyson@eac.gov

bcc

Subject New Peer Review Group Member

History:

 This message has been forwarded.

Tim O'Rourke, Dean of the Fulton School of Liberal Arts at Salisbury University in Maryland, has agreed to serve on the Peer Review Committee.

Tom O'Neill

013612



"Tom O'Neill"

09/01/2005 04:13 PM

To klynndyson@eac.gov
cc
bcc
Subject O'Rourke Bio

Karen:

I received the fax and will pass it around the team. Thanks,

Tom O'Neill

013613



"Tom O'neill"

09/01/2005 03:34 PM

To klynndyson@eac.gov

cc

bcc

Subject Peer Review Group member

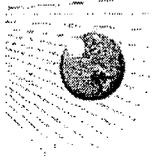
Karen,

I haven't received the fax about the potential new recruit for the Peer Review Group that you mentioned to me yesterday.

We have now completed the materials to be distributed to those attending the meeting at the EAC on September 6. You will receive a hard copy of all the material by express delivery tomorrow. The most important material to get to those attending in advance is the document with the answers to the 6 questions about topics of special interest on provisional voting outlined in our contract. The bulk of the material is backup to this summary report.

Tom O'Neill

013614



Paul DeGregorio/EAC/GOV
08/30/2005 02:31 PM

To Karen Lynn-Dyson/EAC/GOV
cc Thomas R. Wilkey/EAC/GOV
bcc
Subject Eagleton Peer Review Group

Karen,

I have reviewed the Eagleton Peer Review Group recruitment list that you recently provided. Based on what I or Amie can determine from the bio's provided or an Internet search, it appears that at least 4 of the 7 people who have said yes to be on the group seem to have a liberal perspective, or have had a history of working on that side of the political spectrum. I could only identify one as being a Republican, and a moderate one at that (Verniero). Mike Alvarez has conducted a lot of research into election issues and generally seems to do it in a neutral way. I have been unable to obtain a bio or background information on Tim Storey, who is not an academic. The only person that I could identify on their list as being conservative was Brad Clark, who has declined to participate.

Therefore, based on this information regarding the Peer Review Group, I am not satisfied that they will provide Eagleton with the balanced review that I thought they would receive from such a group. I would urge you to ask them to seek the input of more conservative academics so that whatever study we receive from them will have the benefit of a balanced review. I am going to have Amie provide you with the background sheet on Professor Tim O'Rourke of Salisbury University in Maryland, whom they may want to consider for this panel. We have some calls into others who could suggest some conservative academics for this review panel.

Thanks.

Paul DeGregorio
Vice Chairman
US Election Assistance Commission
1225 New York Ave, NW
Suite 1100
Washington, DC 20005
1-866-747-1471 toll-free
202-566-3100
202-566-3127 (FAX)
pdegregorio@eac.gov
www.eac.gov

013615



Amie J. Sherrill/EAC/GOV
08/19/2005 03:55 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc
bcc
Subject Re: Peer Review Group

History: This message has been replied to.

I only got the original email on the September 6th meeting. Was this meeting confirmed by the commissioners?

Amie J. Sherrill
Special Assistant to Vice Chairman Paul S. DeGregorio
U.S. Election Assistance Commission
1225 New York NW - Suite 1100
Washington, DC 20005
(202) 566 3106
Karen Lynn-Dyson/EAC/GOV

Karen Lynn-Dyson/EAC/GOV
08/19/2005 03:41 PM

To "Tom O'neill" [REDACTED]@GSAEXTERNAL
cc
Subject Re: Peer Review Group

Tom-

Thank you for sharing this list of your Peer Review Group members, to-date. I will share this list with the Commissioners and will be certain to let your know of their feedback, if any.

I will also be back in touch regarding Eagleton's research around voter fraud and the research project EAC will be undertaking, this fall, around voting fraud and voter intimidation. The EAC is presently in the process of finalizing a work and staff plan for this project and once it is completed, I will be certain to brief you on it.

In the meantime, EAC staff and several of the Commissioners looks forward to meeting with the Eagleton/Moritz team on September 6 at 1:30 PM.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'neill" <[REDACTED]>



"Tom O'neill"
[REDACTED]
08/19/2005 02:20 PM

To klyndyson@eac.gov
cc

Subject Peer Review Group



Karen,

Attached is a report on the status of recruitment of members of the Peer Review Group. We extended 9 invitations. We have four confirmed members, one reluctant turn-down, one who has yet to respond to an initial inquiry, and are awaiting confirmation from 3 others who initially agreed. Please let me know if you need additional information.

Tom O'Neill



RecruitmentStatus.doc

013617



"Tom O'Neill"

08/19/2005 02:20 PM

To klynndyson@eac.gov

cc

bcc

Subject Peer Review Group

History:

 This message has been replied to and forwarded.

Karen,

Attached is a report on the status of recruitment of members of the Peer Review Group. We extended 9 invitations. We have four confirmed members, one reluctant turn-down, one who has yet to respond to an initial inquiry, and are awaiting confirmation from 3 others who initially agreed. Please let me know if you need additional information.

Tom O'Neill



RecruitmentStatus.doc

013618

STATUS OF PEER REVIEW GROUP RECRUITMENT

(As of August 17, 2005)

R. Michael Alvarez, Ph.D. Professor of Political Science California Institute of Technology	YES/CONFIRMED
Guy-Uriel Charles Associate Professor, School of Law University of Minnesota 612-626-9154	YES
Brad Clark Professor of Law George Washington University School of Law	NO
Pamela Susan Karlan Montgomery Professor of Public Interest Law Stanford Law School 650-725-4851	YES
Martha E. Kropf, Ph.D. Assistant Professor of Political Science University of Missouri-Kansas City 816-235-5948; KropfM@umkc.edu	YES/CONFIRMED
Daniel H. Lowenstein Professor of Law UCLA 310-825-4841	YES
John F. Manning Professor Harvard Law School	NO RESPONSE
Tim Storey Program Principal Legislative Management Program National Conference of State Legislatures	YES/CONFIRMED
Peter G. Verniero, Esq. Counsel Sills, Cummis, Epstein and Gross, PC (Former NJ Attorney General and Supreme Court Justice)	YES/CONFIRMED



Gracia Hillman/EAC/GOV

08/19/2005 12:06 PM

To Thomas R. Wilkey/EAC/GOV@EAC

cc "Paul DeGregorio" <pdegregorio@eac.gov>, "Ray Martinez" <rmartinez@eac.gov>, "Karen Lynn-Dyson" <klynn-dyson@eac.gov>, Juliet E.

bcc

Subject Fw: Eagleton

Tom: Please put this on the agenda for discussion when we get together on Friday in Denver.

Sent from my BlackBerry Wireless Handheld
Paul DeGregorio

From: Paul DeGregorio
Sent: 08/19/2005 11:06 AM
To: Gracia Hillman; Raymundo Martinez; Donetta Davidson; twilkey@nycap.rr.com; Juliet Thompson; Karen Lynn-Dyson; Carol Paquette
Subject: Eagleton

In his note regarding the Eagleton contract, Hans has raised some of the same concerns I raised from the beginning of any discussions I had regarding this contract with our staff, and at our first formal meeting with Eagleton. In reviewing their work product from time to time, I continue to have concerns about a lack of balanced input and have repeatedly voiced them with staff and with Eagleton. I did this when the initial peer review group was proposed and again during their presentation at our meeting in Pasadena (the outreach slide in their public presentation showed outreach to seven groups, of which only one could be considered conservative-leaning). Now, as I have just had the opportunity to read their July progress report, it appears that Eagleton seems to be going into a larger analysis of the voter fraud issue than was authorized in the contract. My suspicion is that Dan Tokaji is injecting his views into this to dismiss or diminish the concerns some people may have about voter fraud. I could be wrong, but his previous writings lead me to believe otherwise.

I only found one mention of voter fraud in the contract with Eagleton. It is in Section 3.5 regarding provisional voting, where it discusses "minimizing opportunity for voter fraud." Yet, on page 4 of the July progress report from Eagleton, in describing their work plan for the next month it states: "we will expand upon vote fraud research and examine further the relationship between instances of vote fraud and ensuing election reforms." This clearly seems to be going beyond the mandate we gave them as I thought they were going to be looking at voter fraud relating to provisional voting (as the contract calls for), not voter fraud as it relates to election reforms. While voter fraud was never mentioned in the contract regarding the voter ID issue, page 5 of their July report indicates that their narratives "will include an appraisal of the prevalence and nature of vote fraud." In addition to this, page 6 describes a look into the "relationship between voter ID regime and vote fraud."

Voter fraud is clearly an issue that is perceived differently from the Right and from the Left. I have struggled with determining what a clear definition of voter fraud is myself, and therefore want to obtain various perspectives and good analysis on this issue before I formulate a solid conclusion in my mind. It has been my understanding all along that the whole voter fraud/voter intimidation issue is going to be studied by the EAC using a balanced group of consultants--not Eagleton and Moritz, who are likely to focus on just on the number of prosecutions of voter fraud, rather than the complaints made or the fact that many election officials are frustrated that some prosecutors don't take their complaints about voter fraud seriously. I am not convinced at this point that we will get a balanced and objective study from Eagleton/Moritz on voter fraud. I am puzzled on why they seem to be expending a significant portion of their time on this and would want to know if we somehow authorized them to do more research into the voter fraud issue.

On page 7 of their July report Eagleton indicates that communications with the EAC on the Peer Review

013620

Group "were not clear or timely." I would like to know what this refers to. Also, I may have missed it, but I do not recall seeing the final list of who is serving as the Peer Review group.

The August 15th copy of the July report that I received from Karen did not include the attachment of the financial report of expenses incurred. I would like to see that attachment.

Outside of our NIST work, this contract represents our largest single outside expenditure of our operational funds. Any single expenditure of \$500,000+ needs to be closely monitored. I, for one, am not going to sign off on any report that appears to have been written from a biased viewpoint, especially one that doesn't appear to be interested in hearing from conservative organizations or right-leaning researchers, or seems to minimize any input from them. I've already had questions from congressional staff and others on why we picked Eagleton and Moritz, as they are perceived by some as biased against Republicans. I assured the critics that we have insisted all along on an objective study from Eagleton. An unbalanced or biased study from them will not only hurt my credibility, but also that of the EAC. I'm not suggesting that we stop their work, but I do want Tom and Julie to inform them in no uncertain terms that we will not accept a report that does not seriously consider all viewpoints on provisional voting and the voter ID issue, and that any study or interpretations they present to us reflect a diversity of opinions on these subjects. We also need for staff to determine whether their considerable work into the voter fraud area is authorized in the contract. We should not be paying for and receiving work we did not authorize.

The contract clearly calls for "alternative approaches" on voter ID requirements and "alternatives" on provisional voting. I agreed to support this contract to Eagleton because I was assured that we would receive a variety of approaches from their work, and not just those from a liberal perspective.

Paul DeGregorio
Vice Chairman
US Election Assistance Commission
1225 New York Ave, NW
Suite 1100
Washington, DC 20005
1-866-747-1471 toll-free
202-566-3100
202-566-3127 (FAX)
pdegregorio@eac.gov
www.eac.gov

013621



Paul DeGregorio/EAC/GOV
08/19/2005 11:06 AM

To Gracia Hillman/EAC/GOV, Raymundo Martinez/EAC/GOV;
ddavidson@eac.gov, twilkey@nycap.rr.com, Juliet E.
Thompson/EAC/GOV, Karen Lynn-Dyson/EAC/GOV, Carol
cc
bcc

Subject Eagleton

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013622

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pdegregorio@eac.gov
www.eac.gov

013623



"Tom O'Neill"

07/14/2005 02:31 PM

To klynndyson@eac.gov

cc arapp@rci.rutgers.edu

bcc

Subject

History:  This message has been replied to.

Karen:

As we discussed on Tuesday morning in the teleconference, we would like to reallocate within the current budget \$9,500 to the survey of local election officials. This will raise the budget for the survey to \$24,500 from \$15,000.

The additional funding will permit us to double the sample of local election officials from 200 to 400. The larger sample will allow more detailed comparisons between the experience of local election officials in states that offered some form of provisional ballot before HAVA and those that did not. This comparison is a topic of special interest identified in the contract.

The increase of \$9,500 is based on an estimate made by SRBI, the contractor that will actually administer the interviews. I can furnish you with a copy of the estimate if you like. We believe the additional funds will improve significantly our ability to provide relevant analysis to EAC on this important issue.

Tom O'Neill

013624

Tom-

I will be back to you early next week with EAC's feedback on this.

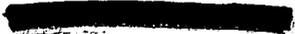
Our initial reaction is that the group needs to include some local and/or state-level election officials, who have first-hand experience with these issues.

We will get you additional names and reactions by mid-week next week.

Thanks

K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'Neill" 

06/22/2005 03:29 PM

To klyndyson@eac.gov
cc
Subject Peer Review Group

Karen,

As you probably recall, one of the features of our proposal was the creation of a Peer Review Group to look over our findings, conclusions and draft reports before we prepare final drafts for the EAC's review. The EAC asked that before recruiting members of the PRG we submit names for EAC's review. The aim, course, is to assemble a panel that is experienced, informed, and balanced.

Attached is a list of potential PRG members drawn from academia, the law, and non-profit organizations with interests in this area. Please look it over.

013625



"Tom O'Neill"
[Redacted]

07/13/2005 12:29 PM

To klynndyson@eac.gov

cc

bcc

Subject RE: Peer Review Group

Thank you, Karen.

Tom

Tom O'Neill

-----Original Message-----

From: klynndyson@eac.gov [mailto:klynndyson@eac.gov]

Sent: Wednesday, July 13, 2005 11:05 AM

To: [Redacted]

Cc: cpaquette@eac.gov; twilkey@eac.gov

Subject: RE: Peer Review Group

Tom-

I will take up the matter of next steps with the Peer Review Group, with Tom Wilkey, the EAC Executive Director ASAP.

I will have an answer regarding the EAC's suggested next steps on how to proceed on this matter as quickly as possible.

Regards-

K
Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'Neill"
[Redacted]

013626

n.net>

07/12/2005 07:17
PM

To: cpaquette@eac.gov
cc: reed@rutgers.edu, john.weingart@rutgers.edu, klynndyson@eac.gov,
lauracw@columbus.rr.com, foley.33@osu.edu, rmandel@rci.rutgers.edu
Subject: RE: Peer Review Group

Carol,

I sent you the email on the Peer Review Group because you asked me to. When we discussed the issue in New York, you told me to send to you in writing our response to the Commission's suggestions for a new, more elaborate review process. I believe I copied Karen on that email.

Learning now, almost a week later, that you have taken no action is disheartening. As you know, our schedule is tight, and we need the counsel the Peer Review Group can provide. I hope, therefore, that Karen will take immediate action to resolve the situation so we can begin to recruit the review group in time to assure the quality of the resource design.

Tom O'Neill

-----Original Message-----

From: cpaquette@eac.gov [mailto:cpaquette@eac.gov]

Sent: Tuesday, July 12, 2005 6:37 PM

To: klynndyson@eac.gov

Cc: Foley, Ned; reed, ingrid; Weingart, John; Laura Williams; Mandel, Ruth; Tom O'Neill

Subject: Re: Peer Review Group

013627

Karen, Tom -

I am not taking any action on the email Tom sent a few days ago regarding the Peer Review Group because the Eagleton project is not my responsibility. As I indicated earlier to Karen, I didn't know why this was sent to me since Karen is the Project Manager. I endorse her comment below regarding the need for including her in all correspondence with anyone at the EAC regarding the project.

When I was the Interim Executive Director it was part of my job to stay on top of all EAC project work. I now have other responsibilities at the EAC, and while I am happy to continue involvement in other projects for continuity and transition purposes as needed, that needs to be very limited. My involvement with the Eagleton work has only been from the contracting perspective, and that is the only continuing role I have. Any substantive project activities have to be taken up with Karen.

Carol A. Paquette
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov

Karen
Lynn-Dyson/EAC/G
OV

07/12/2005
5:05:08

PM

To: "Tom O'Neill" <[REDACTED]>@GSAEXTERNAL
"Paquette, Carol" <cpaquette@eac.gov>, "Foley, Ned" <foley.33@osu.edu>, "reed, ingrid"
cc: <ireed@rutgers.edu>, "Weingart, John" <john.weingart@rutgers.edu>, "Laura Williams"
<lauracw@columbus.r.r.com>, "Mandel, Ruth" <rmandel@rci.rutgers.edu>

Subject: Re: Peer Review Group [Link](#)

Tom-

I trust you are in contact with Carol and Julie regarding the information on the Peer Review Group and the July 28 hearing at Cal/Tech that you have requested of them, respectively.

While the EAC is a small agency with relatively few reporting layers, I suggest that for all future

013628

items requiring feedback and decisions from the EAC, that you are certain to carbon copy me on all e-mails.

This will ensure, that as your primary point of contact, I have a record of all communication that has taken place between the contractor and the agency.

Thanks

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom
O'Neill"

[REDACTED]
[REDACTED]

t>
07/08/2005
03:41 PM

To: "Paquette, Carol" <cpaquette@eac.gov>
cc: "Laura Williams" <lauracw@columbus.rr.com>, "Weingart, John" <john.weingart@rutgers.edu>, "reed, ingrid" <ireed@rutgers.edu>, "Mandel, Ruth" <rmandel@rci.rutgers.edu>, "Lynn-Dyson, Karren" <klynndyson@eac.gov>, "Foley, Ned" <foley.33@osu.edu>
Subject: Peer Review Group

Carol,

After our discussion in New York, you asked me to put in writing our response to the EAC's suggestions for expanding the number and kinds of groups that would review and comment on our work. I hope after your review of this response, we will be able to quickly recruit a balanced Peer Review Group (PRG) and move ahead as the schedule in our work plan indicates. Attached is a revised list of the members we propose for appointment to the PRG. We will probably not be able to persuade all of them to serve, but the number and range of views included on the

013629

proposed list should ensure that the resulting group is well-balanced.

Tom

RESPONSE TO EAC RECOMMENDATIONS FOR ADDITIONAL REVIEW GROUPS

EAC's Recommendations for the PRG

Karen Lynn-Dyson reported this response from the EAC commissioners to our proposal for the composition of the PRG.

1. Not sufficient conservative representation on the PRG
2. Create a "tiered process" of review in which:
 - A. The PRG will prepare a dispassionate analysis of the issues and draw some tentative conclusions.
 - B. PRG's analysis would be vetted by a defined/select group of local election officials.
 - C. A defined/select group of advocacy organizations would review the comments of the local election officials
 - D. Empanel a final focus group of local election officials, advocates and academics for an overall, interactive reaction to the analysis and recommendations.

Project Team Response

Creating three new committees to the review process to supplement the work of the Peer Review Group (PRG) is possible, but would add at least 8 weeks –and possibly 12 weeks-- to our completion of the guidance document on provisional voting. We believe this delay would risk limiting the value of this project for the 2006 election. In addition, the change would add at least \$30,000 to the cost of our work. (See the attached table showing the possible effect on our work plan, and note the optimistic assumptions such as the ability to hold a hearing the week after Christmas.). If the same groups were to be engaged in reviewing our work on Voter ID, the time for that work would also have to be stretched at a similar increased cost.

This additional cost and the added time might be worthwhile. . . if the new layers of review were to produce a consensus on how to strengthen the research, sharpen the analysis, and increase the relevance of the Guidance Document. Our team concluded, however, that additional review groups were unlikely to achieve these results.

PRG focuses on quality of research

We believe that our research would be strengthened by a balanced Peer Review Group that will focus on the design of the research and our conduct of it. Based on the EAC's recommendation, we have revised the composition of the PRG to include additional, well-recognized authorities in the field whose perspective is generally agreed to be conservative.

The PRG will focus on the strength of the research design and the quality of our analysis, not on the politics of our recommendations for the guidance document. The PRG will critique the research design and suggest how to strengthen it. Members of the group will review the quality of our analysis so that we can fill holes and correct errors before we make policy recommendations to the EAC. The PRG may or may not meet as a group. The likelihood is that most comments will come in writing from individual members, most of whose schedules would not permit attendance at meetings. In any case, the PRG members will not gather around a table to come to consensus on the study's recommendations.

While using the PRG as a forum to reach consensus on the knotty issues involved does not appear practical, the EAC can benefit from the work of other groups in this regard. It is not

013630

necessary for this project to duplicate the deliberative processes of the Carter-Baker Commission, the Century Foundation and the Election Center. The EAC itself as well as the project team can get the benefit of these reports without duplicating this "policy evaluation board" structure as part of this contract.

Project Team focuses on analysis and recommendations

Karen reported that the Commissioners believed that the PRG would "prepare a dispassionate analysis of the issues and draw some tentative conclusions." As we see it, the PRG will neither analyze data nor draw conclusions, tentative or otherwise. Its members will review and comment on how the Project Team has designed and carried out the research. Analysis, conclusions and recommendations are the responsibility of the Project Team. We have all seen in the preface to books or articles a sentence or two that read something like this, "The author thanks Mr. X, Ms. Y, and Dr. Z for their review and comment on the manuscript. Their analysis has strengthened the work, but they are in no way responsible for errors or for my conclusions." That is the way we think about the Peer Review Group.

In short, the PRG will help ensure that EAC's Guidance Document is founded on a solid base of data and analysis. The review and comment on the Preliminary Guidance Document by the EAC's Board of Advisors and Standards Board will provide participation by important stakeholder groups without the need for the other review committees. This Board is broad-based and represents a key stakeholder group. It also enjoys a significant advantage over a "defined/select" group we might empanel. Any group we define will be open to criticism or charges of bias by representatives of interest groups not represented.

The criticism and charges of bias might be tolerable, but only if we could expect consensus from the "defined/select" group we would appoint. We believe that consensus would be elusive. In empanelling a "defined/select" group, we would naturally look for balance and would appoint members to represent a point of view or an institutional interest. As representatives they would likely feel that they had little choice but to be strong advocates. They would have little incentive to compromise. Our research, as opposed to our policy recommendations, would be better served by the analysis of scholars than by the advocacy of interests.

Policy judgments

We regard the EAC itself as responsible for the policy judgments involved in shaping the Guidance Document. We plan, of course, to respond to the EAC's comments on our preliminary draft, so that the EAC's comments will shape the Preliminary Guidance Document before it is released for public comment. And further revision will follow the public hearing and comments. The EAC and individual Commissioners can always seek comment informally on our analysis or recommendations. That course appears to us preferable to the creation of a new, more elaborate review process.

Carol A. Paquette/EAC/GOV
07/12/2005 07:49 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc
bcc
Subject Fw: Peer Review Group

Karen -

Please see Tom's email below. I checked his previous email on the peer review group and you were copied. Maybe you didn't get this because of the email problem you were having. Anyhow, I'm not responding to his latest message, just letting it drop.

Carol A. Paquette
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov

----- Forwarded by Carol A. Paquette/EAC/GOV on 07/12/2005 07:45 PM -----



"Tom O'Neill"

[REDACTED]

07/12/2005 07:17 PM

To cpaquette@eac.gov
ireed@rutgers.edu, john.weingart@rutgers.edu,
cc klyndyson@eac.gov, lauracw@columbus.rr.com,
foley.33@osu.edu, rmandel@rci.rutgers.edu
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To: klyndyson@eac.gov

Cc: Foley, Ned; reed, ingrid; Weingart, John; Laura Williams; Mandel, Ruth; Tom O'Neill

Subject: Re: Peer Review Group

013632

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Karen
Lynn-Dyson/EAC
/GOV
07/12/2005 05:08
PM

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cc<ireed@rutgers.edu>, "Weingart, John" <john.weingart@rutgers.edu>, "Laura Williams"
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"Tom O'Neill"


07/08/2005 03:41 PM

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cc: "Laura Williams" <lauracw@columbus.rr.com>, "Weingart, John" <john.weingart@rutgers.edu>, "reed, ingrid" <ireed@rutgers.edu>, "Mandel, Ruth" <rmandel@rci.rutgers.edu>, "Lynn-Dyson, Karren" <klyndyson@eac.gov>, "Foley, Ned" <foley.33@osu.edu>
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Tom

RESPONSE TO EAC RECOMMENDATIONS FOR ADDITIONAL REVIEW GROUPS

013634

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013635

board" structure as part of this contract.

Project Team focuses on analysis and recommendations

Karen reported that the Commissioners believed that the PRG would "prepare a dispassionate analysis of the issues and draw some tentative conclusions." As we see it, the PRG will neither analyze data nor draw conclusions, tentative or otherwise. Its members will review and comment on how the Project Team has designed and carried out the research. Analysis, conclusions and recommendations are the responsibility of the Project Team. We have all seen in the preface to books or articles a sentence or two that read something like this, "The author thanks Mr. X, Ms. Y, and Dr. Z for their review and comment on the manuscript. Their analysis has strengthened the work, but they are in no way responsible for errors or for my conclusions." That is the way we think about the Peer Review Group.

In short, the PRG will help ensure that EAC's Guidance Document is founded on a solid base of data and analysis. The review and comment on the Preliminary Guidance Document by the EAC's Board of Advisors and Standards Board will provide participation by important stakeholder groups without the need for the other review committees. This Board is broad-based and represents a key stakeholder group. It also enjoys a significant advantage over a "defined/select" group we might empanel. Any group we define will be open to criticism or charges of bias by representatives of interest groups not represented.

The criticism and charges of bias might be tolerable, but only if we could expect consensus from the "defined/select" group we would appoint. We believe that consensus would be elusive. In empanelling a "defined/select" group, we would naturally look for balance and would appoint members to represent a point of view or an institutional interest. As representatives they would likely feel that they had little choice but to be strong advocates. They would have little incentive to compromise. Our research, as opposed to our policy recommendations, would be better served by the analysis of scholars than by the advocacy of interests.

Policy judgments

We regard the EAC itself as responsible for the policy judgments involved in shaping the Guidance Document. We plan, of course, to respond to the EAC's comments on our preliminary draft, so that the EAC's comments will shape the Preliminary Guidance Document before it is released for public comment. And further revision will follow the public hearing and comments. The EAC and individual Commissioners can always seek comment informally on our analysis or recommendations. That course appears to us preferable to the creation of a new, more elaborate review process.



"Tom O'Neill"

07/12/2005 07:17 PM

To cpaquette@eac.gov

cc ireed@rutgers.edu, john.weingart@rutgers.edu,
klynndyson@eac.gov, lauracw@columbus.rr.com,
foley.33@osu.edu, rmandel@rci.rutgers.edu

bcc

Subject RE: Peer Review Group

History:  This message has been replied to.

Carol,

I sent you the email on the Peer Review Group because you asked me to. When we discussed the issue in New York, you told me to send to you in writing our response to the Commission's suggestions for a new, more elaborate review process. I believe I copied Karen on that email.

Learning now, almost a week later, that you have taken no action is disheartening. As you know, our schedule is tight, and we need the counsel the Peer Review Group can provide. I hope, therefore, that Karen will take immediate action to resolve the situation so we can begin to recruit the review group in time to assure the quality of the resource design.

Tom O'Neill

-----Original Message-----

From: cpaquette@eac.gov [mailto:cpaquette@eac.gov]

Sent: Tuesday, July 12, 2005 6:37 PM

To: klynndyson@eac.gov

Cc: Foley, Ned; reed, ingrid; Weingart, John; Laura Williams; Mandel, Ruth; Tom O'Neill

Subject: Re: Peer Review Group

Karen, Tom -

I am not taking any action on the email Tom sent a few days ago regarding the Peer Review Group because the Eagleton project is not my responsibility. As I indicated earlier to Karen, I didn't know why this was sent to me since Karen is the Project Manager. I endorse her comment below regarding the need for including her in all correspondence with anyone at the EAC regarding the project.

When I was the Interim Executive Director it was part of my job to stay on top of all EAC project work. I now have other responsibilities at the EAC, and while I am happy to continue involvement in other projects for continuity and transition purposes as needed, that needs to be very limited. My involvement with the Eagleton work has only been from the contracting perspective, and that is the only continuing role I have. Any substantive project activities have to be taken up with

013637

Karen.

Carol A. Paquette
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov

Karen
Lynn-Dyson/EAC/G

OV

To: "Tom O'Neill" [REDACTED]@GSAEXTERNAL
"Paquette, Carol" <cpaquette@eac.gov>, "Foley, Ned" <foley.33@osu.edu>, "reed, ingrid"
07/12/2005 05:08 cc <ireed@rutgers.edu>, "Weingart, John" <john.weingart@rutgers.edu>, "Laura Williams"
PM <lauracw@columbus.rr.com>, "Mandel, Ruth" <rmandel@rci.rutgers.edu>

Subject: Re: Peer Review Group [Link](#)

Tom-

I trust you are in contact with Carol and Julie regarding the information on the Peer Review Group and the July 28 hearing at Cal/Tech that you have requested of them, respectively.

While the EAC is a small agency with relatively few reporting layers, I suggest that for all future items requiring feedback and decisions from the EAC, that you are certain to carbon copy me on all e-mails.

This will ensure, that as your primary point of contact, I have a record of all communication that has taken place between the contractor and the agency.

Thanks

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

013638

"Tom
O'Neill"

>

07/08/2005

03:41 PM

To: "Paquette, Carol" <cpaquette@eac.gov>
cc: "Laura Williams" <lauracw@columbus.rr.com>, "Weingart, John" <john.weingart@rutgers.edu>, "reed, ingrid" <ireed@rutgers.edu>, "Mandel, Ruth" <rmandel@rci.rutgers.edu>, "Lynn-Dyson, Karren" <klynndyson@eac.gov>, "Foley, Ned" <foley.33@osu.edu>
Subject: Peer Review Group

Carol,

After our discussion in New York, you asked me to put in writing our response to the EAC's suggestions for expanding the number and kinds of groups that would review and comment on our work. I hope after your review of this response, we will be able to quickly recruit a balanced Peer Review Group (PRG) and move ahead as the schedule in our work plan indicates. Attached is a revised list of the members we propose for appointment to the PRG. We will probably not be able to persuade all of them to serve, but the number and range of views included on the proposed list should ensure that the resulting group is well-balanced.

Tom

RESPONSE TO EAC RECOMMENDATIONS FOR ADDITIONAL REVIEW GROUPS

EAC's Recommendations for the PRG

Karen Lynn-Dyson reported this response from the EAC commissioners to our proposal for the composition of the PRG.

1. Not sufficient conservative representation on the PRG
2. Create a "tiered process" of review in which:
 - A. The PRG will prepare a dispassionate analysis of the issues and draw some tentative conclusions.

013639

- B. PRG's analysis would be vetted by a defined/select group of local election officials.
- C. A defined/select group of advocacy organizations would review the comments of the local election officials
- D. Empanel a final focus group of local election officials, advocates and academics for an overall, interactive reaction to the analysis and recommendations.

Project Team Response

Creating three new committees to the review process to supplement the work of the Peer Review Group (PRG) is possible, but would add at least 8 weeks –and possibly 12 weeks-- to our completion of the guidance document on provisional voting. We believe this delay would risk limiting the value of this project for the 2006 election. In addition, the change would add at least \$30,000 to the cost of our work. (See the attached table showing the possible effect on our work plan, and note the optimistic assumptions such as the ability to hold a hearing the week after Christmas.) If the same groups were to be engaged in reviewing our work on Voter ID, the time for that work would also have to be stretched at a similar increased cost.

This additional cost and the added time might be worthwhile. . . if the new layers of review were to produce a consensus on how to strengthen the research, sharpen the analysis, and increase the relevance of the Guidance Document. Our team concluded, however, that additional review groups were unlikely to achieve these results.

PRG focuses on quality of research

We believe that our research would be strengthened by a balanced Peer Review Group that will focus on the design of the research and our conduct of it. Based on the EAC's recommendation, we have revised the composition of the PRG to include additional, well-recognized authorities in the field whose perspective is generally agreed to be conservative.

The PRG will focus on the strength of the research design and the quality of our analysis, not on the politics of our recommendations for the guidance document. The PRG will critique the research design and suggest how to strengthen it. Members of the group will review the quality of our analysis so that we can fill holes and correct errors before we make policy recommendations to the EAC. The PRG may or may not meet as a group. The likelihood is that most comments will come in writing from individual members, most of whose schedules would not permit attendance at meetings. In any case, the PRG members will not gather around a table to come to consensus on the study's recommendations.

While using the PRG as a forum to reach consensus on the knotty issues involved does not appear practical, the EAC can benefit from the work of other groups in this regard. It is not necessary for this project to duplicate the deliberative processes of the Carter-Baker Commission, the Century Foundation and the Election Center. The EAC itself as well as the project team can get the benefit of these reports without duplicating this "policy evaluation board" structure as part of this contract.

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013640

about the Peer Review Group.

In short, the PRG will help ensure that EAC's Guidance Document is founded on a solid base of data and analysis. The review and comment on the Preliminary Guidance Document by the EAC's Board of Advisors and Standards Board will provide participation by important stakeholder groups without the need for the other review committees. This Board is broad-based and represents a key stakeholder group. It also enjoys a significant advantage over a "defined/select" group we might empanel. Any group we define will be open to criticism or charges of bias by representatives of interest groups not represented.

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Policy judgments

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Carol A. Paquette/EAC/GOV
07/12/2005 06:36 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc "Foley, Ned" <foley.33@osu.edu>, "reed, ingrid" <ireed@rutgers.edu>, "Weingart, John" <john.weingart@rutgers.edu>, "Laura Williams"
bcc
Subject Re: Peer Review Group 

Karen, Tom -

I am not taking any action on the email Tom sent a few days ago regarding the Peer Review Group because the Eagleton project is not my responsibility. As I indicated earlier to Karen, I didn't know why this was sent to me since Karen is the Project Manager. I endorse her comment below regarding the need for including her in all correspondence with anyone at the EAC regarding the project.

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Carol A. Paquette
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov
Karen Lynn-Dyson/EAC/GOV

Karen Lynn-Dyson/EAC/GOV
07/12/2005 05:08 PM

To "Tom O'Neill" @GSAEXTERNAL
"Paquette, Carol" <cpaquette@eac.gov>, "Foley, Ned" <foley.33@osu.edu>, "reed, ingrid" <ireed@rutgers.edu>,
cc "Weingart, John" <john.weingart@rutgers.edu>, "Laura Williams" <lauracw@columbus.rr.com>, "Mandel, Ruth" <rmandel@rci.rutgers.edu>
Subject Re: Peer Review Group 

Tom-

I trust you are in contact with Carol and Julie regarding the information on the Peer Review Group and the July 28 hearing at Cal/Tech that you have requested of them, respectively.

While the EAC is a small agency with relatively few reporting layers, I suggest that for all future items requiring feedback and decisions from the EAC, that you are certain to carbon copy me on all e-mails.

This will ensure, that as your primary point of contact, I have a record of all communication that has taken place between the contractor and the agency.

Thanks

013642

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'Neill"


07/08/2005 03:41 PM

To "Paquette, Carol" <cpaquette@eac.gov>
cc "Laura Williams" <lauracw@columbus.rr.com>, "Weingart, John"
<john.weingart@rutgers.edu>, "reed, ingrid" <ireed@rutgers.edu>, "Mandel, Ruth"
<rmandel@rci.rutgers.edu>, "Lynn-Dyson, Karren" <klynndyson@eac.gov>, "Foley, Ned"
<foley.33@osu.edu>
Subject Peer Review Group

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Tom

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013643

interactive reaction to the analysis and recommendations.

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The criticism and charges of bias might be tolerable, but only if we could expect consensus from the "defined/select" group we would appoint. We believe that consensus would be elusive. In empanelling a "defined/select" group, we would naturally look for balance and would appoint members to represent a point of view or an institutional interest. As representatives they would likely feel that they had little choice but to be strong advocates. They would have little incentive to compromise. Our research, as opposed to our policy recommendations, would be better served by the analysis of scholars than by the advocacy of interests.

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PROPOSED MEMBERS July 6.doc

013645



"Tom O'Neill"
[Redacted]
05/09/2006 10:19 AM

To klynndyson@eac.gov
cc
bcc
Subject RE: Voter ID Report and Appendices

Thanks, Karen. I received both your emails and also had a telephone conversation with Aletha Barrington to fill me in on the details.

Also participating in the conference call on Thursday will be 3 members of our Peer Review Group: Mike Alvarez, Martha Kropf, and Tim O'Rourke.

The Eagleton-Moritz team on the call will include: John Weingart, Dan Tokaji, Tim Vercellotti, Ingrid Reed, and me.

I'm assuming you will guide the conversation and keep us all on time and topic.

Thanks for the schedule with the details of the EAC's review of our work.

Tom O'Neill

-----Original Message-----

From: klynndyson@eac.gov [mailto:klynndyson@eac.gov]
Sent: Tuesday, May 09, 2006 10:05 AM
To: [Redacted]
Cc: john.weingart@rutgers.edu; tokaji.1@osu.edu
Subject: Re: Voter ID Report and Appendices

Thanks, Tom.

Assume you just got the e-mail I sent to the EAC review team that included the paper, the analysis and the call-in information

Thursday at 11:30



A few items on timelines and materials for May 23-24 meetings:

The Commissioners will review the final Eagleton Voter ID and Provisional Voting reports at their Tuesday, May 16 meeting. At this meeting they will decide how they wish to present these reports to the EAC Board of Advisors and Standards Boards.

Your materials that will be distributed to the EAC Board of Advisors and Standards Boards must be finalized and ready for our Xeroxing process by Thursday, May 18. I will be in touch along the way to provide input/guidance on what these materials should be, based on the Commissioner's review and decisions

013646

Regards-

K
Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

013647



"Adam Berinsky"
<berinsky@MIT.EDU>
05/03/2006 04:05 PM

To klynndyson@eac.gov
cc
bcc
Subject Re: Review of EAC research on Voter Identification

History: This message has been replied to.

hello:

I just got your message by phone:

It would be best to send it to my home address:

61 Clay Street
Cambridge, MA 02140

Also, in your original phone message you said that there would be an honorarium associated with the review process, but this e-mail states that there will be no compensation for the review. I of course did not expect to be compensated at my market rate for consulting jobs (which is \$225 an hour) but I was led to believe that I would be compensated in some manner for my time.

best

adam berinsky

At 05:36 PM 5/1/2006, you wrote:

Dr. Berinsky-

On behalf of the U.S. Election Assistance Commission (EAC), thank you in advance for agreeing to assist us with the review of research conducted by the Eagleton Institute of Politics on voter identification. By **Friday, May 5, 2006**, you will receive, in electronic form, the research paper and relevant data analysis which supports the paper's findings. Through this independent review by a small group of experts familiar with elections data and research we are seeking feedback on:

- The research methodology which was used to support the paper's conclusions
- The specific statistical applications which were used to analyze the data and arrive at various conclusions

If there are alternate methodological and statistical approaches to analyzing the data on voter identification, and if there is other data on voter identification that you think should have been included in the analysis, please be certain to note this in your comments.

013648

On **May 11, 2006** EAC will conduct a 60-90 minute phone call with key Eagleton Institute staff responsible for the research, members of Eagleton's peer review group and the EAC-identified reviewers who have been asked to consider the research. Through this dialogue EAC hopes to gather varying perspectives and insights on the research strategies and methods that were employed by Eagleton. As a result of this conversation, EAC anticipates that some revisions will be made to the Eagleton research paper. This paper is scheduled to be presented to EAC's Board of Advisors and Standards Boards in late May.

While we are unable to offer financial compensation for your review of this research we greatly appreciate your willingness to assist us with this important task. We believe that the research findings we will provide on voter identification are important and will most certainly be enhanced by your insights and expertise.

Sincerely,

Karen Lynn-Dyson
Research Director
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

Adam J. Berinsky
Associate Professor
Department of Political Science
Massachusetts Institute of Technology
77 Massachusetts Avenue
Cambridge, MA 02139 E53-459
Tel: (617) 253-8190
Fax: (617) 258-6164
E-mail: berinsky@mit.edu
Web Page: <http://web.mit.edu/berinsky/www/>

013649

Thomas R. Wilkey/EAC/GOV
05/01/2006 03:00 PM

To Karen Lynn-Dyson/EAC/GOV@EAC, Juliet E.
Thompson-Hodgkins/EAC/GOV
cc
bcc

Subject Re: E-mail to Voter ID peer reviewers

History: This message has been replied to.

Did we resolve the contact issues on this?

Sent from my BlackBerry Wireless Handheld
Karen Lynn-Dyson

From: Karen Lynn-Dyson
Sent: 05/01/2006 02:58 PM
To: Thomas Wilkey; Juliet Thompson-Hodgkins
Subject: E-mail to Voter ID peer reviewers

Tom and Julie-

Please take a look at this draft e-mail and let me know if it captures all that it needs to.

Would like to get this out ASAP- appreciate your feedback..

Dear Jonathan Nagler
Dear Jan Leighley
Dear Adam Berinsky

On behalf of the U.S. Election Assistance Commission (EAC), thank you in advance for agreeing to assist us with the review of research conducted by the Eagleton Institute of Politics on voter identification. By **Friday, May 5, 2006**, you will receive, in electronic form, the research paper and relevant data analysis which supports the paper's findings. Through this independent review by a small group of experts familiar with elections data and research we are seeking feedback on:

- The research methodology which was used to support the paper's conclusions
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013650

gather varying perspectives and insights on the research strategies and methods that were employed by Eagleton. As a result of this conversation, EAC anticipates that some revisions will be made to the Eagleton research paper. This paper is scheduled to be presented to EAC's Board of Advisors and Standards Boards in late May.

While EAC agency policy does not allow us to provide you with financial compensation for your review of this research we greatly appreciate your willingness to assist us with this important task. We believe that the research findings we will provide on voter identification are important and will most certainly be enhanced by your insights and expertise.

Sincerely,

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

013651

Thomas R. Wilkey/EAC/GOV
04/28/2006 01:23 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc
bcc
Subject Re: Voter ID Paper --Final Draft

History: This message has been replied to.

How much of an honorarium and how fast do we get their review.

Sent from my BlackBerry Wireless Handheld
Karen Lynn-Dyson

From: Karen Lynn-Dyson
Sent: 04/28/2006 01:13 PM
To: Thomas Wilkey
Subject: Re: Voter ID Paper --Final Draft

Tom-

You'll recall that we discussed the fact that the peer review group who Eagleton has assembled do not have the sufficient technical expertise to give us the expert/technical advice we need on the statistical analysis of the Voter ID piece. Only two persons on Eagleton's peer review group have a requisite research and statistical background and knowledge.

You may also remember that Mike told me that he thought that the paper needed an additional set of eyes and review by academics with a background and expertise in election statistics and analysis. When I initially proposed a review panel of six you said that was too many; we agreed that I would find three persons to do the review and that we would pay them a small honoraria for doing the review.

K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

013652

Thomas R. Wilkey/EAC/GOV
04/28/2006 02:07 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc
bcc
Subject Re: Voter ID Paper --Final Draft

History: This message has been replied to.

Sorry I could have told her what a pain her Mother is.
You are right..that will tell us if the data is totatly unreliable

Sent from my BlackBerry Wireless Handheld
Karen Lynn-Dyson

From: Karen Lynn-Dyson
Sent: 04/28/2006 02:00 PM
To: Thomas Wilkey
Subject: Re: Voter ID Paper --Final Draft

If we get that many varying opinions from such experts, probably says this work is too controversial to take to a level of serious public review and discussion. That would be a good thing to know, and would save us the embarrassment, I think.

Get some rest. You missed my daughter yesterday- I wanted her to meet my boss.

K
Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

013653

Thomas R. Wilkey/EAC/GOV
04/28/2006 12:50 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc
bcc
Subject Re: Voter ID Paper --Final Draft

History:  This message has been replied to and forwarded.

Karen,
Was this part of the contract. I thought their was a peer review group in place,

Sent from my BlackBerry Wireless Handheld
Karen Lynn-Dyson

From: Karen Lynn-Dyson
Sent: 04/28/2006 12:44 PM
To: Tom O'Neill" [REDACTED]@GSAEXTERNAL
Cc: arapp@rci.rutgers.edu; davander@eden.rutgers.edu;
dlinky@rci.rutgers.edu; foley.33@osu.edu; ireed@rutgers.edu; 'Johanna
Dobrich'" <jdobrich@eden.rutgers.edu>; joharris@eden.rutgers.edu;
john.weingart@rutgers.edu; lauracw@columbus.rr.com; rmandel@rci.rutgers.edu;
Tim Vercellotti" <tim.vercellotti@rutgers.edu>; tokaji.1@osu.edu
Subject: Re: Voter ID Paper --Final Draft

Tim, Tom, John, et.al--

The EAC has identified three academics who are going to serve as peer reviewers of the Eagleton Voter ID paper and research.

They are Jonathan Nagler of New York University, Jan Leighley, University of Arizona, and Adam Berinsky of MIT.

They are ready to review the documents as soon as they are available.

I would like to them one week to review the material and then have a joint conference call on **Thursday, May 11**, in which we would all have an opportunity to discuss the research methodology and statistical analysis, along with general comments and suggestions.

If you are able to get to me the paper and the supporting data analysis, I will distribute to the documents ASAP.

Also let me know, if you would, your availability on May 11 to do this conference all.

I anticipate that it will last approximately 90 minutes.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

013654



"Adam Berinsky"
<berinsky@MIT.EDU>
04/28/2006 09:57 AM

To klynndyson@eac.gov
cc
bcc
Subject your call

History:

 This message has been replied to.

Hello: I just got your message (I'm on leave this year and not in the office much). I would be interested in doing the review, depending on the date of the conference call. As long as it is not on a Tuesday, I could do it.

best

adam berinsky

Adam J. Berinsky
Associate Professor
Department of Political Science
Massachusetts Institute of Technology
77 Massachusetts Avenue
Cambridge, MA 02139 E53-459
Tel: (617) 253-8190
Fax: (617) 258-6164
E-mail: berinsky@mit.edu
Web Page: <http://web.mit.edu/berinsky/www/>

013655



"Mike Alvarez"
<rma@hss.caltech.edu>
04/07/2006 12:54 AM

To klynndyson@eac.gov
cc
bcc

Subject Re:

History:

⏪ This message has been replied to.

Glad to help. I don't want to step on toes, but I'd recommend that you think about some sort of single-blind peer review, of the sort that is employed by many research journals and other organizations (like the NSF or National Academies of Science). I think that if you offer them a modest honoraria (perhaps \$100) I think you'll find that the folks on that list would be likely to provide quick and thorough feedback to you.

Again, let me know if there is more that I can do to help.

I'm also willing to do a review for you myself. The issue is that I feel somewhat conflicted, given that I'm on their "peer review" panel. But on the other hand that does mean that I'm very well aware of the background of this project. I'd leave it up to you as to whether you think that a review from me would be appropriate or not.

Mike

On Thu, 6 Apr 2006 klynndyson@eac.gov wrote:

> Mike- Nice to finally meet you in person, as well. Indeed ,as discussed,
> I am likely to confer with your peers on a number of matters related to
> research methodology and statistical analyses,
>
> Thanks again for providing these names.
>
>
> K
> Karen Lynn-Dyson
> Research Manager
> U.S. Election Assistance Commission
> 1225 New York Avenue , NW Suite 1100
> Washington, DC 20005
> tel:202-566-3123
>
>
>
> "Mike Alvarez" <rma@hss.caltech.edu>
> 04/05/2006 07:39 PM
>
> To
> klynndyson@eac.gov
> cc
>
> Subject

013656

>
>
>
>
>
>
>
> Hi -- nice to meet you in person, finally!
>
> And thanks for inviting me to your gathering, I enjoyed
> it and hope I was helpful. Of course, any time you want
> anything, you do know where to track me down.
>
> As to the potential reviewers of the Eagleton Voter ID
> study, here are my suggestions, in order:
> Jonathan Nagler, New York University
> Jan Leighley, University of Arizona
> Ben Highton, UC-Davis
> Adam Berinsky, MIT
> Bernard Grofman, UC-Irvine
>
> All have worked with the CPS turnout/registration data, and
> are very familiar with this research literature.
>
> If these don't work, or you want more recommendations, let me know.
>
>

--

R. Michael Alvarez (O)
626-395-4089
Professor of Political Science (F)
626-405-9841
Caltech/MIT Voting Technology Project
California Institute of Technology
Pasadena, CA 91125
rma@hss.caltech.edu

Contributor to Election Updates,
<http://electionupdates.caltech.edu/blog.html>

Karen Lynn-Dyson/EAC/GOV
08/04/2005 05:44 PM

To Paul DeGregorio/EAC/GOV@EAC

cc

bcc

Subject Re: List of centrist/conservative groups

Thanks for this list, Vice Chair. I've passed it along to Eagleton

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

013658

Karen Lynn-Dyson/EAC/GOV

To [REDACTED]

08/04/2005 06:08 PM

cc

bcc

Subject Fw: List of centrist/conservative groups

Tom-

Here is a list that can be included in your outreach efforts.

K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

— Forwarded by Karen Lynn-Dyson/EAC/GOV on 08/03/2005 06:08 PM —

Paul DeGregorio/EAC/GOV

08/04/2005 01:29 PM

To Juliet E. Thompson/EAC/GOV, Karen Lynn-Dyson/EAC/GOV

cc Gavin S. Gilmour/EAC/GOV@EAC

Subject List of centrist/conservative groups



Here's a list of centist/conservative groups involved in voting issues that Grant prepared for me. I thought it would be helpful to you.

Paul

Sent from my BlackBerry Wireless Handheld
Grant T. Gelner

From: Grant T. Gelner
Sent: 08/04/2005 01:11 PM
To: Paul DeGregorio
Subject: Re: Excel file

Here is the updated excel file. Sorry I didn't get it to you earlier, but I had a four hour front desk shift this



morning and was unable to check email from there. Enjoy the cool Oregon weather. Conservative+Orgs.xls

Grant Gelner
U.S. Election Assistance Commission
1225 New York Ave. N.W., Suite 1100
Washington DC, 20005
(202) 566-2377

013659

013650

Phone	Webpage	Address	Contact / Email	About Org
770-386-8372	http://www.theadvocates.org/about-us.html	The Liberty Building 213 South Erwin Street Cartersville, GA 30120	http://www.theadvocates.org/contact-us.html	The Advocates for Self-Government is a non-profit, non-partisan libertarian educational organization. Founded in 1985 by Marshall Fritz, our current president is Sharon Harris. The American Center For Voting Rights (ACVR) was founded in February 2005 to protect the election process and zealously guard the constitutional right of all citizens to participate in deciding elections in a fair and equal manner free from discrimination, intimidation and fraud.
202.962.0311	http://www.ac4vr.com/	1300 Eye Street, NW, Suite 1050 Washington DC, 20005	http://www.ac4vr.com/contact/default.html	The American Conservative Union is the nation's oldest conservative lobbying organization.
703-836-8602	http://www.conservative.org/	1007 Cameron Street Alexandria, VA 22314	http://www.conservative.org/about/directors.asp	
202-785-0266	http://www.atr.org/	1920 L Street NW Suite 200 Washington, DC 20036	http://www.atr.org/home/about/staff.html	We believe in a system in which taxes are simpler, fairer, flatter, more visible, and lower than they are today.

Karen Lynn-Dyson/EAC/GOV
08/19/2005 03:41 PM

To "Tom O'Neill" [REDACTED]@GSAEXTERNAL
cc
bcc Paul DeGregorio/EAC/GOV@EAC; Thomas R.
Wilkey/EAC/GOV@EAC; Raymundo
Martinez/EAC/GOV@EAC; Gracia Hillman/EAC/GOV@EAC;
Amie J. Sherrill/EAC/GOV@EAC; Adam
Ambrogi/EAC/GOV@EAC; Nicole
Mortellito/CONTRACTOR/EAC/GOV@EAC
Subject Re: Peer Review Group

Tom-

Thank you for sharing this list of your Peer Review Group members, to-date. I will share this list with the Commissioners and will be certain to let your know of their feedback, if any.

I will also be back in touch regarding Eagleton's research around voter fraud and the research project EAC will be undertaking, this fall, around voting fraud and voter intimidation. The EAC is presently in the process of finalizing a work and staff plan for this project and once it is completed, I will be certain to brief you on it.

In the meantime, EAC staff and several of the Commissioners looks forward to meeting with the Eagleton/Moritz team on September 6 at 1:30 PM.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'Neill" [REDACTED]



"Tom O'Neill"
[REDACTED]
08/19/2005 02:20 PM

To klynndyson@eac.gov
cc
Subject Peer Review Group

Karen,

Attached is a report on the status of recruitment of members of the Peer Review Group. We extended 9 invitations. We have four confirmed members, one reluctant turn-down, one who has yet to respond to an initial inquiry, and are awaiting confirmation from 3 others who initially agreed. Please let me know if you need additional information.

Tom O'Neill

013661



RecruitmentStatus.doc

013662

Karen Lynn-Dyson/EAC/GOV
10/25/2005 01:13 PM

To "Tom O'Neill" [REDACTED]@GSAEXTERNAL"
cc
bcc Juliet E. Thompson/EAC/GOV@EAC; Raymundo
Martinez/EAC/GOV@EAC
Subject Re: EAC input on the Eagleton draft provisional voting
document

Tom-

Our legal department has been inundated with legal requests in the last two weeks, so please pardon our delay in getting our written comments on the draft document back to you.

Julie informs me that you should have these in the next several days.

Hope that the work of the Peer Review Group and work on Voter Id is continuing to progress.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

013683

Karen Lynn-Dyson/EAC/GOV
11/14/2005 11:58 AM

To "Tom O'Neill" [REDACTED] SSAEXTERNAL
cc
bcc Juliet E. Thompson/EAC/GOV@EAC; Thomas R.
Wilkey/EAC/GOV@EAC
Subject RE: EAC input on the Eagleton draft provisional voting
document

Greetings Tom-

I write to get an update on how things are progressing with your peer group and staff work on the development of the draft documents.

I would imagine your October monthly report will come in this week.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'Neill" [REDACTED]



"Tom O'Neill"
[REDACTED]
10/25/2005 01:44 PM

To klynndyson@eac.gov
cc
Subject RE: EAC input on the Eagleton draft provisional voting
document

Karen,

Thanks. We are aiming to complete drafting the recommendations for Guidance and Best Practice for Provisional Voting in the next 10 days, so the written comments will be most helpful if they arrive in that time. And, of course, we will be revising the analysis documents in line with the comments from the EAC and the PRG during that time period as well.

Tom O'Neill

-----Original Message-----

From: klynndyson@eac.gov [mailto:klynndyson@eac.gov]

Sent: Tuesday, October 25, 2005 1:13 PM

To: [REDACTED]

013664

MEMORANDUM FOR THE RECORD

On May 24, 2005 the U.S. Election Assistance Commission awarded an eight month contract (December 30, 2005) in the amount of \$560,002.00 to the Eagleton Institute of Politics (Rutgers, The State University of New Jersey) to provide research assistance to support development of guidelines on the topics of provisional voting and voter identification procedures.

On November 15, 2005, John Weingart, Associate Director of the Eagleton Institute of Politics, requested via e-mail, a no-cost extension on this contract (E4014127). Mr. Weingart has requested an extension to complete the work of this contract to February 28, 2006.

In subsequent correspondence, Mr. Weingart notes the following as the reason for the request:

“The original work schedule called for EAC to publish in mid-October, voluntary guidance and/or recommended best practices for provisional voting, based on Eagleton’s research. In making that time estimate, we did not provide sufficient time for the EAC to review and consider the draft reports that would form the basis for that publication.... The additional time required to complete the work on provisional voting has delayed the completion of our analysis of Voter Identification issues. The draft report of that topic will be submitted to the EAC in mid-January”.

He further notes:

“If EAC does not object, funds originally allocated for the hearings would be available for transfer to support the additional staff and consultant time necessary to complete the work....

“The total project budget is \$560,002. As of October 31st, the EAC has been invoiced for \$259,081.79; the balance remaining is \$300,920.21. We anticipate that the project will be complete and the balance of funds fully expended by February 28, 2006. The final invoice for the contract will be submitted to the EAC within 75 days of the close of the project”.

013665

Karen Lynn-Dyson/EAC/GOV
12/12/2005 04:49 PM

To Gavin S. Gilmour/EAC/GOV@EAC
cc Tamar Nedzar/EAC/GOV@EAC, Nicole
Mortellito/CONTRACTOR/EAC/GOV@EAC
bcc
Subject Re: Fw: No Cost Extension Request

Gavin-

See quote in attached Memorandum for the Record, regarding re-allocation of funds.

Will also send you his e-mail with the full explanation.

Nicole and Tamar-

Please provide Gavin with the paperwork which has been prepared for the Chair's signature

Thanks

K
Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

Gavin S. Gilmour/EAC/GOV

Gavin S. Gilmour/EAC/GOV
12/12/2005 04:41 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc
Subject Re: Fw: No Cost Extension Request

Karen,

I am not sure I understand what is meant by the term "re-allocation of funds." Any insight?? He seems to be referencing some other request?

Also, I have not seen the paperwork regarding this no cost extension.

GG

Gavin S. Gilmour
Associate General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100
Karen Lynn-Dyson/EAC/GOV

013666

Karen Lynn-Dyson/EAC/GOV

To Gavin S. Gilmour/EAC/GOV@EAC

12/12/2005 04:31 PM

cc

Subject Fw: No Cost Extension Request

Gavin-

Is it correct to say that this paperwork that has just gone to the Chair includes an approval of the re-allocation of funds?

Thanks

K



Eagleton no-cost extension.doc Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

— Forwarded by Karen Lynn-Dyson/EAC/GOV on 12/11/2005 04:28 PM —



"John Weingart"
<john.weingart@rutgers.edu>
12/12/2005 03:07 PM

To klynndyson@eac.gov

cc

Please respond to
john.weingart@rutgers.edu

Subject Re: No Cost Extension Request

Karen - Does that also include the request to reallocate funds or is that just something that doesn't require EAC approval? Thanks, John

-- John Weingart, Associate Director
Eagleton Institute of Politics
(732) 932-9384, x.290

klynndyson@eac.gov wrote:

>
> John-
>
> The no-cost extension materials have gone to the Chair for signature
> and review.
>

013667

> The process should be complete within the week.
>
> Also, EAC staff will be turning their attention to the provisional
> voting best practices document after Wednesday of this week.
>
> As always, thanks for your patience.
>
>
> K
>
> Karen Lynn-Dyson
> Research Manager
> U.S. Election Assistance Commission
> 1225 New York Avenue , NW Suite 1100
> Washington, DC 20005
> tel:202-566-3123

013608

Karen Lynn-Dyson/EAC/GOV

To Gavin S. Gilmour/EAC/GOV@EAC

12/12/2005 04:50 PM

cc

bcc

Subject Fw: Request for No-Cost Extension-corrected

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 12/11/2005 04:49 PM -----



"John Weingart"
<john.weingart@rutgers.edu>

11/30/2005 05:05 PM

Please respond to
john.weingart@rutgers.edu

To "Karen Lynn-Dyson" <klynndyson@eac.gov>

cc "Tom O'Neill" <[REDACTED]>

Subject Request for No-Cost Extension-corrected

Karen - There were two typos on the copy I just sent. Please use the attached instead. To minimize confusion, I dated this document December 1st (the first one says November 30). Thanks, John

--

-- John Weingart, Associate Director
Eagleton Institute of Politics
(732) 932-9384, x.290



Extension Justification.doc

013609

Karen Lynn-Dyson/EAC/GOV
12/13/2005 10:23 AM

To Gavin S. Gilmour/EAC/GOV@EAC
cc
bcc
Subject Re: Fw: Request for No-Cost Extension-corrected 

Yes all of your assumptions are correct.

Should these somehow be stated in the Memorandum for the Record?

K
Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

Gavin S. Gilmour/EAC/GOV

Gavin S. Gilmour/EAC/GOV
12/13/2005 09:58 AM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc
Subject Re: Fw: Request for No-Cost Extension-corrected 

Karen,

I am assuming that there original proposal included an estimate for public hearing proposals and that they want to shift money from this expense to labor.

Thus I am assuming that you have determined that there will be no public hearing and therefore this shift is appropriate.

Are these assumption correct? Perhaps a quick explanation regarding this processes would be helpful.

GG

Gavin S. Gilmour
Associate General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100
Karen Lynn-Dyson/EAC/GOV

Karen Lynn-Dyson/EAC/GOV

12/12/2005 04:50 PM

To Gavin S. Gilmour/EAC/GOV@EAC
cc
Subject Fw: Request for No-Cost Extension-corrected

013670

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 12/11/2005 04:49 PM -----



"John Weingart"
<john.weingart@rutgers.edu>

11/30/2005 05:05 PM

Please respond to
john.weingart@rutgers.edu

To "Karen Lynn-Dyson" <klynndyson@eac.gov>

cc "Tom O [REDACTED]"

Subject Request for No-Cost Extension-corrected

Karen - There were two typos on the copy I just sent. Please use the attached instead. To minimize confusion, I dated this document December 1st (the first one says November 30). Thanks, John

--
-- John Weingart, Associate Director
Eagleton Institute of Politics
(732) 932-9384, x.290



Extension Justification.doc

013671

Karen Lynn-Dyson/EAC/GOV

To Gavin S. Gilmour/EAC/GOV@EAC

12/19/2005 09:56 AM

cc

bcc

Subject Fw: Request for No-Cost Extension-corrected

G-

FYI-

See response below.

K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

— Forwarded by Karen Lynn-Dyson/EAC/GOV on 12/18/2005 09:54 AM —



"John Weingart"
<john.weingart@rutgers.edu>

To klynndyson@eac.gov

12/16/2005 01:25 PM

cc

Please respond to
john.weingart@rutgers.edu

Subject Re: Request for No-Cost Extension-corrected

Karen - At this time, we anticipate reallocating funds primarily from the public hearings line item and spending approximately \$35,500 more than originally budgeted on personnel, \$23,250 more on the subcontract with Ohio State and \$20,250 more on consultants. There are other additional variances but they are not significant (e.g. less on honoraria, less on travel, and more on general operations such as phone expenses). Let me know if you need additional detail or information.

Thanks, John

-- John Weingart, Associate Director
Eagleton Institute of Politics
(732) 932-9384, x.290

klynndyson@eac.gov wrote:

>
> John-
>
>
> Quick question-
>
> How much money do you anticipate will be re-allocated from the

013672

Karen Lynn-Dyson/EAC/GOV
12/19/2005 12:26 PM

To Gavin S. Gilmour/EAC/GOV@EAC
cc
bcc
Subject Re: Fw: Request for No-Cost Extension-corrected 

Gavin-

Just spoke with John Weingart- he explains that it will be the same work and tasks (no new or additional products) and merely work that will now extend for an additional two months rather than ending December 31.

K
Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

013674

Karen Lynn-Dyson/EAC/GOV
12/20/2005 04:27 PM

To john.weingart@rutgers.edu
cc "Tom O'Neill" [REDACTED]
bcc Gaylin Vogel/EAC/GOV@EAC; Juliet E.
Thompson/EAC/GOV@EAC
Subject Re: No Cost Extension Request

John-

I just had a more detailed conversation with our Deputy General Counsel about Eagleton's no-cost extension.

He indicates that we need a bit more information that will accompany the material we will send to the Commissioners for a vote (hopefully next week)

We need to know the number of labor hours, the labor costs and a brief description of the tasks to be performed by each of the staff who will be working on the EAC contract until its completion.

Since we have eliminated the public hearing (a major contract deliverable) it is unclear why staff labor hours and costs will continue at the same level and rate.

As always, thanks for your patience and prompt response.

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

013675

Karen Lynn-Dyson/EAC/GOV
12/22/2005 05:48 PM

To john.weingart@rutgers.edu
cc "Tom O'Neill" <[REDACTED]>
bcc Gavin S. Gilmour/EAC/GOV@EAC
Subject Re: No Cost Extension Request

Thanks for providing this explanation, John.

Once I've had a chance to review it with our contracting folks, I'll be back in touch.

Best wishes for a restful holiday-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"John Weingart" <john.weingart@rutgers.edu>



"John Weingart"
<john.weingart@rutgers.edu>
12/22/2005 05:26 PM

Please respond to
john.weingart@rutgers.edu

To klynndyson@eac.gov
cc "Tom O'Neill" <[REDACTED]>
Subject Re: No Cost Extension Request

Karen - Our request for a no-cost, reallocation of resources is based on (a) the fact that our personnel costs have already been higher than we anticipated and (b) the reality that keeping the project operating for at least nine months, instead of seven as planned, will require the participants to devote more time than anticipated. While we are not producing more product than originally promised, the time involved in our work continues to increase. Both Provisional Voting and Voter ID have proved to be very dynamic topics requiring us to continually monitor developments and update our data, analysis and evolving work products as we learn of new or revised information. As a result, despite the extension of the schedule, the staff and consultants on this project have had no "down" time. We anticipate this research, monitoring and revising to continue for the months added to the project, necessitating significantly more hours by all members of the project team than anticipated.

Our request asks for changes to three line items which I will address below on the assumption that the EAC response to our already-submitted Provisional Voting draft and to-be-submitted Voter ID draft will be sufficiently timely to enable us to complete our work on both topics by the end of February.

1. Eagleton Institute of Politics personnel: We originally budgeted \$110,695 (\$15,813 average per month) for Eagleton faculty, staff and graduate student assistants for the seven-month project from May 24

013676

2005-December 31, 2005. Our actual costs have been approximately \$14,500 more than that. In addition, we are anticipating needing another \$21,000 for personnel costs in January and February, calculated on the basis of 2/3 of the original monthly estimate. Therefore, we are asking to raise this line item from \$110,695 to approximately \$146,000.

2. Consultant Services: We originally budgeted \$79,50 (\$11,357 average per month) for consultant services which we have used to engage Tom O'Neill as the project manager. We anticipate no additional cost for the original contract period of May 24, 2005-December 31, 2005, but do anticipate needing his services during January and February at a slightly reduced rate of \$10,125 per month or \$20,250 total additional. Therefore, we are asking to raise this line item from \$79,500 to \$99,750.

3. Moritz School of Law: We originally budgeted \$84,744 (\$12,106 average per month) for staff and overhead for the May 24, 2005-December 31, 2005 period. We anticipate needing an additional \$23,171 (\$11,585 average per month) to support their time on this project in January and February. Therefore, we are asking to raise this line item from \$84,744 to \$107,915.

With these revisions, approximately \$22,000 of the EAC contract award to Eagleton would remain not yet allocated, primarily because the cost for the public hearings would have incurred Rutgers University overhead whereas the additional expenditures for consultants and the subcontract with Moritz do not.

I hope this provides you the information you need. While Rutgers is shutting down until January 3rd, I will be checking email at least every day or two.

-- John Weingart, Associate Director
Eagleton Institute of Politics
(732)932-9384, x.290

klynndyson@eac.gov wrote:

>
> John-
>
> I just had a more detailed conversation with our Deputy General
> Counsel about Eagleton's no-cost extension.
>
> He indicates that we need a bit more information that will accompany
> the material we will send to the Commissioners for a vote (hopefully
> next week)
>
> We need to know the number of labor hours, the labor costs and a brief
> description of the tasks to be performed by each of the staff who will
> be working on the EAC contract until its completion.
>
> Since we have eliminated the public hearing (a major contract
> deliverable) it is unclear why staff labor hours and costs will
> continue at the same level and rate.
>
> As always, thanks for your patience and prompt response.
>
>
>

013677

>
> Karen Lynn-Dyson
> Research Manager
> U.S. Election Assistance Commission
> 1225 New York Avenue , NW Suite 1100
> Washington, DC 20005
> tel:202-566-3123

013678

Karen Lynn-Dyson/EAC/GOV
01/03/2006 01:13 PM

To John.Weingart@rutgers.edu
cc Bornheim@rci.rutgers.edu
bcc Raymundo Martinez/EAC/GOV@EAC; Juliet E.
Thompson/EAC/GOV@EAC
Subject Re: No Cost Extension Request

Happy New Year, John-

Connie needs to provide the breakdown of staff costs starting with the November invoice which was submitted. She will need to re-submit this invoice.

For the purposes of the no-cost extension document I need the information from January forward.

I'm told that EAC senior management will be turning their attention to the Provisional Voting Best Practices document this week.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"John Weingart" <Johnwein@rci.rutgers.edu>



"John Weingart"
<Johnwein@rci.rutgers.edu>

12/29/2005 12:19 PM

Please respond to
John.Weingart@rutgers.edu

To klynndyson@eac.gov
cc
Subject Re: No Cost Extension Request

Karen - Turns out I could locate Connie's email though most likely she won't see mail until Tuesday: Bornheim@rci.rutgers.edu.

To clarify your phone message, do you need us to provide the number of hours for each staff person and consultant going forward from January 1st onward or going back to the start of the project?

Thanks.

> John-

>

> A quick request- May I get Connie Bornheimer e-mail address (again). You
> may recall I had an incorrect one.

>

> I have received the invoice for November services and cannot process it
> until it has the breakdown of salaries for particular personnel.

>

> This request is along the lines of that I have requested from you in order

013679

> to extend the contract.
>
> Thanks
>
> Karen Lynn-Dyson
> Research Manager
> U.S. Election Assistance Commission
> 1225 New York Avenue , NW Suite 1100
> Washington, DC 20005
> tel:202-566-3123
>

--
John Weingart, Associate Director
Eagleton Institute of Politics
(732) 932-9384, x.290

013680

Karen Lynn-Dyson/EAC/GOV
01/06/2006 02:10 PM

To John.Weingart@rutgers.edu
cc
bcc
Subject Re: No Cost Extension Request 

John-

Attached please find a copy of a portion of the memo that is part of the paperwork related to the no-cost extension.

While I am the Contracting Officer Representative on this project, I never received your project's cost proposal, and am unable to locate a copy. Otherwise, I would have completed more of the chart.

Please, take a moment to fill in the information on the attached chart, and, if you could, have one of the Eagleton staff send me the cost proposal which originally accompanied the technical proposal.

Thanks so much.

Regards-

K



Eagleton revised budget.doc
Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

013681

Mr. Weingart further notes:

“We anticipate reallocating funds primarily from the public hearings line items and spending approximately \$35,500 more than originally budgeted on personnel, \$23,250 more on the subcontract with Ohio State and \$20,250 more on consultants”.

Specifics of the Extension

The contractor has provided the following breakdown and explanation of the personnel and consultant costs, associated with this extension.

Original Project Personnel costs- \$195,439 (May-December)

Original Project labor hours-xxxxx (May-December)

Projected Project Personnel costs -\$253,915 (January-February)

Projected Project labor hours-xxxxx (January-February)

	Original Budget	Projected Budget
<i>Eagleton Institute of Politics</i>		
Project Director		
Project Manager		
Xxxx		
Xxxx		
Xxxx		
Overhead		
Total	\$110,695	\$146,000
<i>Moritz School of Law</i>		
Xxxx		
Xxxx		
Xxxx		
Overhead		
Total	\$84,744	\$107,915

Karen Lynn-Dyson/EAC/GOV

To Carol A. Paquette/EAC/GOV@EAC

03/29/2005 12:41 PM

cc Brian Hancock/EAC/GOV@EAC, Troy
Griffis/EAC/GOV@EAC

bcc

Subject Evaluation Criteria, Provisional Voting RFP

Carol-

Here is my take on the evaluation criteria for the RFP.
Feel free to revise.
Let me know next steps in the review process, when you can.

K



EVALUATION CRITERIA Provisional voting.doc Karen Lynn-Dyson
Director, Help America Vote College Program
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

013683

EVALUATION CRITERIA

Request for Proposal-Development of voluntary guidance on provisional voting and voter identification procedures

These are the criteria and possible point values that will be used to evaluate proposals.

1. Appropriateness of research methodology and adequacy of analytical strategy (15 points)
2. Principal Investigator's relevant experience (10 points)
3. Relevant organizational experience (10 points)
4. Compliance with proposal instructions (5 points)
5. Reasonableness of allocation of resources to work components (10 points)
6. Results of reference checks (5 points)

Karen Lynn-Dyson/EAC/GOV

To Thomas R. Wilkey/EAC/GOV@EAC

06/23/2005 01:45 PM

cc

bcc

Subject Fw: Peer Review Group

Tom-

When you get a moment- could you review Eagleton's proposed Peer Review Group roster and offer your thoughts/suggestions.

Thanks

K

Karen Lynn-Dyson

Research Manager

U.S. Election Assistance Commission

1225 New York Avenue , NW Suite 1100

Washington, DC 20005

tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/23/2005 01:44 PM -----



"Tom O'Neill"

06/22/2005 03:29 PM

To klynndyson@eac.gov

cc

Subject Peer Review Group

Karen,

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Attached is a list of potential PRG members drawn from academia, the law, and non-profit organizations with interests in this area. Please look it over.

We may conclude that the PRG should also include two or three former government officials now in academia or related fields. We have a conference call with our partners at Moritz planned for tomorrow or Friday to decide a) if former officials should be included in the PRG and b) if so, who they should be. I'll keep you informed of our thinking as it develops.

Tom



PROPOSED MEMBERS OF PEER REVIEW GROUP.doc

013685

PROPOSED MEMBERS OF PEER REVIEW GROUP

R. Michael Alvarez, Ph.D.

Professor of Political Science
California Institute of Technology
rma@hss.caltech.edu
626-395-4422

Alvarez has taught political science at Caltech since 1992. He received his B.A. in political science from Carleton College; his M.A. and Ph.D. from Duke University. Alvarez focuses on the study of electoral politics. He has published many articles on electoral behavior and public opinion. Support for his research has come from the National Science Foundation, The IBM Corporation, the Carnegie Corporation, of New York, and the Knight Foundation. Alvarez edits the Analytical Methods for Social Research book series and is on the editorial boards of a number of academic journals. He is Co-Director of the Caltech-MIT Voting Technology Project

Deborah Goldberg, Ph.D

Program Director, Democracy Program
Brennan Center for Justice at NYU School of Law
161 Avenue Of The Americas, 12th Floor
New York, NY 10013
212-998-6730

Goldberg supervises the Democracy Program's litigation, scholarship, and public education. She was the principal author of *Writing Reform: A Guide to Drafting State & Local Campaign Finance Laws*, and was lead counsel to the intervenor in the Supreme Court case *Nixon v. Shrink Missouri Government PAC*. She serves on the Steering Committee of a coalition to restore voting rights to persons with past felony convictions. Goldberg is a graduate of Harvard Law School. Before joining the Brennan Center, she was in private practice. She holds a Ph.D. in philosophy and taught ethics at Columbia University.

Martha E. Kropf, Ph.D.

Assistant Professor of Political Science
University of Missouri-Kansas City
816-235-5948; KropfM@umkc.edu

Kropf has been on the faculty at Missouri since 1999. She received her BA Summa Cum Laude, Phi Beta Kappa from Kansas State University and her PhD in Political Science from American University. Her work concentrates on Research Methods, Urban Politics, American Government, and Political Behavior. Before joining the faculty at Missouri, she was Project Coordinator at the University of Maryland Survey Research Center. She has published recent on undervoting in presidential elections, and on invalidated ballots in the 1996 presidential election, and on the incremental process of election reform in Missouri.

Wade Henderson, Esq.

Executive Director
Leadership Conference on Civil Rights
1629 K Street, NW, 10th Floor
Washington, DC 20006

Wade Henderson is the Executive Director of the LCCR and Counsel to the Leadership Conference on Civil Rights Education Fund (LCCREF), and leads the organizations' work on issues involving nationwide election reform. He is a graduate of Howard University and the Rutgers University School of Law. During its over 50 years of existence, LCCR has worked to redefine civil rights issues in broad and inclusive ways. Today, it includes over 180 national organizations. Previously Henderson served as Washington Bureau Director of the NAACP. He began his career as a legislative counsel of the ACLU.

Kay Maxwell

President
League of Women Voters of the U.S.
1730 M Street NW, Suite 1000

013686

Washington, DC 20036-4508
202-429-1965

Kay J. Maxwell has been a member of the League since 1976. She attended Smith College and earned a B.A. in International Relations from the University of Pennsylvania. She has conducted civic participation training for women leaders in Bosnia, Israel, the West Bank, Rwanda, Kuwait and Jamaica. She has also served as vice president at the International Executive Service Corps (IESC), an international economic development organization. She is a board member of DC Vote, and the New Voters Project.

Tim Storey

Program Principal
Legislative Management Program
National Conference of State Legislatures
7700 East First Place
Denver, CO 80230
303-364-7700
or
444 North Capitol Street, N.W., Suite 515
Washington, D.C. 20001
202-624-5400

Peter G. Veniero, Esq.

Counsel
Sills, Cummis, Epstein and Gross, PC
One Riverfront Plaza
Newark, New Jersey 07102
Tel: 973- 643-7000

Veniero chairs the firm's Appellate Practice Group. He earned his B.A. at Drew University, Phi Beta Kappa, and his J.D. (with honors) at the Duke University School of Law. In 1999, he was appointed a justice of the New Jersey Supreme Court, where he served for 7 years before re-entering private practice. Before his appointment to the Supreme Court, he served as New Jersey's Attorney General, and in that capacity oversaw the state's election laws. He also served as Chief of Staff and Chief Counsel to Governor Christine Todd Whitman.

013687

Karen Lynn-Dyson/EAC/GOV
06/23/2005 02:23 PM

To "Tom O'Neill" [REDACTED]@GSAEXTERNAL
cc
bcc Thomas R. Wilkey/EAC/GOV@EAC
Subject Re: Peer Review Group [REDACTED]

Tom-

I will be back to you early next week with EAC's feedback on this.

Our initial reaction is that the group needs to include some local and/or state-level election officials, who have first-hand experience with these issues.

We will get you additional names and reactions by mid-week next week.

Thanks
K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'Neill" [REDACTED]



"Tom O'Neill"
[REDACTED]

06/22/2005 03:29 PM

To klynndyson@eac.gov
cc
Subject Peer Review Group

Karen,

As you probably recall, one of the features of our proposal was the creation of a Peer Review Group to look over our findings, conclusions and draft reports before we prepare final drafts for the EAC's review. The EAC asked that before recruiting members of the PRG we submit names for EAC's review. The aim, course, is to assemble a panel that is experienced, informed, and balanced.

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We may conclude that the PRG should also include two or three former government officials now in academia or related fields. We have a conference call with our partners at Moritz planned for tomorrow or Friday to decide a) if former officials should be included in the PRG and b) if so, who they should be. I'll keep you informed of our thinking as it develops.

Tom

013688



PROPOSED MEMBERS OF PEER REVIEW GROUP.doc

013689

PROPOSED MEMBERS OF PEER REVIEW GROUP

R. Michael Alvarez, Ph.D.

Professor of Political Science
California Institute of Technology
rma@hss.caltech.edu
626-395-4422

Alvarez has taught political science at Caltech since 1992. He received his B.A. in political science from Carleton College; his M.A. and Ph.D. from Duke University. Alvarez focuses on the study of electoral politics. He has published many articles on electoral behavior and public opinion. Support for his research has come from the National Science Foundation, The IBM Corporation, the Carnegie Corporation, of New York, and the Knight Foundation. Alvarez edits the Analytical Methods for Social Research book series and is on the editorial boards of a number of academic journals. He is Co-Director of the Caltech-MIT Voting Technology Project

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Program Director, Democracy Program
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161 Avenue Of The Americas, 12th Floor
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212-998-6730

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Executive Director
Leadership Conference on Civil Rights
1629 K Street, NW, 10th Floor
Washington, DC 20006

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Kay Maxwell

President
League of Women Voters of the U.S.
1730 M Street NW, Suite 1000

013690

Washington, DC 20036-4508
202-429-1965

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Tim Storey

Program Principal
Legislative Management Program
National Conference of State Legislatures
7700 East First Place
Denver, CO 80230
303-364-7700
or
444 North Capitol Street, N.W., Suite 515
Washington, D.C. 20001
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Peter G. Veniero, Esq.

Counsel
Sills, Cummis, Epstein and Gross, PC
One Riverfront Plaza
Newark, New Jersey 07102
Tel: 973- 643-7000

Veniero chairs the firm's Appellate Practice Group. He earned his B.A. at Drew University, Phi Beta Kappa, and his J.D. (with honors) at the Duke University School of Law. In 1999, he was appointed a justice of the New Jersey Supreme Court, where he served for 7 years before re-entering private practice. Before his appointment to the Supreme Court, he served as New Jersey's Attorney General, and in that capacity oversaw the state's election laws. He also served as Chief of Staff and Chief Counsel to Governor Christine Todd Whitman.

013691

Karen Lynn-Dyson/EAC/GOV

06/23/2005 02:34 PM

To Gracia Hillman/EAC/GOV@EAC, Paul
DeGregorio/EAC/GOV@EAC, Raymundo
Martinez/EAC/GOV@EAC
cc Thomas R. Wilkey/EAC/GOV@EAC, Juliet E.
Thompson/EAC/GOV@EAC
bcc

Subject Fw: Peer Review Group

Commissioners-

Enclosed please find a preliminary list of Peer Review Group members, whom Eagleton is considering for their Peer Review Group. **Tom Wilkey will be bringing this item to you for discussion and input at Monday's Commissioner's meeting.**

Eagleton envisions this Peer Review Group as the body that will review the draft analysis that it will prepare on provisional voting and on voter identification. The Group would also provide comment on the development of alternative approaches to provisional voting and voter identification which Eagleton will develop for the EAC.

I have included the e-mail from the Eagleton Project Director, Tom O'Neil, so that you could get a feel for his approach/philosophy to assembling the Group.

Regards-
K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/23/2005 02:25 PM -----



"Tom O'Neil"

06/22/2005 03:29 PM

To klynndyson@eac.gov
cc

Subject Peer Review Group

Karen,

As you probably recall, one of the features of our proposal was the creation of a Peer Review Group to look over our findings, conclusions and draft reports before we prepare final drafts for the EAC's review. The EAC asked that before recruiting members of the PRG we submit names for EAC's review. The aim, course, is to assemble a panel that is experienced, informed, and balanced.

Attached is a list of potential PRG members drawn from academia, the law, and non-profit organizations with interests in this area. Please look it over.

We may conclude that the PRG should also include two or three former government officials now in

013692

academia or related fields. We have a conference call with our partners at Moritz planned for tomorrow or Friday to decide a) if former officials should be included in the PRG and b)if so, who they should be. I'll keep you informed of our thinking as it develops.

Tom



PROPOSED MEMBERS OF PEER REVIEW GROUP.doc

013693

Karen Lynn-Dyson/EAC/GOV
06/27/2005 05:45 PM

To "Tom O'Neill" [REDACTED]@GSAEXTERNAL
cc
bcc Sheila A. Banks/EAC/GOV@EAC; Adam
Ambrogi/EAC/GOV@EAC; Aimee Sherrill; Thomas R.
Wilkey/EAC/GOV@EAC; Juliet E.
Thompson/EAC/GOV@EAC
Subject RE: Peer Review Group

Tom-

Had a very good review and discussion of the PRG at this morning's Commissioner meeting.

Also, the Commissioners have marked their calendars for a conference call with the Eagleton/Moritz team on July 12 at 9:30 AM.

Several concerns were raised about the composition of the PRG and, after some discussion, I indicated that Eagleton will provide the EAC with a revised participant list, and with a more detailed description of the PRG's mission, goals, objectives, workplan and timelines for accomplishing its work.

The Vice Chair is concerned that there is not sufficient conservative representation on the PRG. I would suggest the team do more research to identify well-recognized conservative academics to put on the Group.

Further, the Commissioners recommend a tiered process in which the PRG will prepare a "dispassionate" analysis of the issues and draw some tentative conclusions. This analysis and these conclusions will then be vetted with a defined/select group of local election officials, and then, with a defined/select group of advocacy organizations.

It was also suggested that a final round of focus group meetings be held with a cross-section of these election officials, advocates and academics for an overall interactive reaction to the analysis and recommendations.

Hope this helps clarify concerns; I look forward to sharing your revisions to the PRG with them.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'Neill" <[REDACTED]>



"Tom O'Neill"
[REDACTED]
06/23/2005 02:43 PM

To klynndyson@eac.gov
cc
Subject RE: Peer Review Group

013694

Thanks, Karen.

Tom

-----Original Message-----

From: klynndyson@eac.gov [mailto:klynndyson@eac.gov]

Sent: Thursday, June 23, 2005 2:24 PM

To: [REDACTED]

Subject: Re: Peer Review Group

Tom-

I will be back to you early next week with EAC's feedback on this.

Our initial reaction is that the group needs to include some local and/or state-level election officials, who have first-hand experience with these issues.

We will get you additional names and reactions by mid-week next week.

Thanks

K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'Neill" [REDACTED]

06/22/2005 03:29 PM

To klynndyson@eac.gov

cc

Subject Peer Review Group

Karen,

As you probably recall, one of the features of our proposal was the creation of a Peer Review Group to look over our findings, conclusions and draft reports before we prepare final drafts for

013695

the EAC's review. The EAC asked that before recruiting members of the PRG we submit names for EAC's review. The aim, course, is to assemble a panel that is experienced, informed, and balanced.

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Tom

013696

Karen Lynn-Dyson/EAC/GOV
06/24/2005 06:35 PM

To "Tom O'Neill" [REDACTED]@GSAEXTERNAL
cc Thomas R. Wilkey/EAC/GOV@EAC
bcc
Subject RE: Peer Review Group

Tom-

I'd like to schedule a conference call among EAC and Eagleton staff for sometime the early part of the week of July 11. Please let me know dates and times on your end and I'll coordinate with staff here.

During the call we can review your monthly report and cover any problems, challenges, needs, etc. that the Eagleton team may have.

Thanks

K
Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'Neill" [REDACTED]



"Tom O'Neill"
[REDACTED]
06/23/2005 02:43 PM

To klynndyson@eac.gov
cc
Subject RE: Peer Review Group

Thanks, Karen.

Tom

-----Original Message-----

From: klynndyson@eac.gov [mailto:klynndyson@eac.gov]

Sent: Thursday, June 23, 2005 2:24 PM

To: tom_oneill@verizon.net

Subject: Re: Peer Review Group

Tom-

I will be back to you early next week with EAC's feedback on this.

Our initial reaction is that the group needs to include some local and/or state-level election officials, who have first-hand experience with these issues.

013697

We will get you additional names and reactions by mid-week next week.

Thanks

K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'Neill" 

06/22/2005 03:29 PM

To klynndyson@eac.gov
cc
Subject Peer Review Group

Karen,

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Tom

013698

Karen Lynn-Dyson/EAC/GOV
07/08/2005 05:45 PM

To Carol A. Paquette/EAC/GOV@EAC
cc Juliet E. Thompson/EAC/GOV@EAC
bcc
Subject Re: Fw: Peer Review Group

Carol, Julie-

Yes, please do let me know on this. I think we need to have an e-mail exchange with Tom in which we clarify roles and responsibilities along with the proper channels of communication on this project.

For the time being I will give him the benefit of the doubt on this- the next time I might be a little less accommodating.

Thanks!

K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

Carol A. Paquette/EAC/GOV

Carol A. Paquette/EAC/GOV
07/08/2005 05:13 PM

To Juliet E. Thompson/EAC/GOV@EAC
cc Karen Lynn-Dyson/EAC/GOV@EAC
Subject Fw: Peer Review Group

Julie -

I don't remember saying much of anything but a few pleasantries to Tom in New York. Did you talk to him about this topic? I'm really at a loss on this. (Maybe I'm having an extended senior moment.)

Carol A. Paquette
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov

----- Forwarded by Carol A. Paquette/EAC/GOV on 07/08/2005 05:07 PM -----



"Tom O'Neill"

07/08/2005 03:41 PM

To "Paquette, Carol" <cpaquette@eac.gov>
"Laura Williams" <lauracw@columbus.rr.com>, "Weingart, John" <john.weingart@rutgers.edu>, "reed, ingrid" <ireed@rutgers.edu>, "Mandel, Ruth" <rmandel@rci.rutgers.edu>, "Lynn-Dyson, Karren" <klyndyson@eac.gov>, "Foley, Ned" <foley.33@osu.edu>
cc
Subject Peer Review Group

013699

Carol,

After our discussion in New York, you asked me to put in writing our response to the EAC's suggestions for expanding the number and kinds of groups that would review and comment on our work. I hope after your review of this response, we will be able to quickly recruit a balanced Peer Review Group (PRG) and move ahead as the schedule in our work plan indicates. Attached is a revised list of the members we propose for appointment to the PRG. We will probably not be able to persuade all of them to serve, but the number and range of views included on the proposed list should ensure that the resulting group is well-balanced.

Tom

RESPONSE TO EAC RECOMMENDATIONS FOR ADDITIONAL REVIEW GROUPS

EAC's Recommendations for the PRG

Karen Lynn-Dyson reported this response from the EAC commissioners to our proposal for the composition of the PRG.

1. Not sufficient conservative representation on the PRG
2. Create a "tiered process" of review in which:
 - A. The PRG will prepare a dispassionate analysis of the issues and draw some tentative conclusions.
 - B. PRG's analysis would be vetted by a defined/select group of local election officials.
 - C. A defined/select group of advocacy organizations would review the comments of the local election officials
 - D. Empanel a final focus group of local election officials, advocates and academics for an overall, interactive reaction to the analysis and recommendations.

Project Team Response

Creating three new committees to the review process to supplement the work of the Peer Review Group (PRG) is possible, but would add at least 8 weeks --and possibly 12 weeks-- to our completion of the guidance document on provisional voting. We believe this delay would risk limiting the value of this project for the 2006 election. In addition, the change would add at least \$30,000 to the cost of our work. (See the attached table showing the possible effect on our work plan, and note the optimistic assumptions such as the ability to hold a hearing the week after Christmas.). If the same groups were to be engaged in reviewing our work on Voter ID, the time for that work would also have to be stretched at a similar increased cost.

This additional cost and the added time might be worthwhile. . . if the new layers of review were to produce a consensus on how to strengthen the research, sharpen the analysis, and increase the relevance of the Guidance Document. Our team concluded, however, that additional review groups were unlikely to achieve these results.

PRG focuses on quality of research

We believe that our research would be strengthened by a balanced Peer Review Group that will

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focus on the design of the research and our conduct of it. Based on the EAC's recommendation, we have revised the composition of the PRG to include additional, well-recognized authorities in the field whose perspective is generally agreed to be conservative.

The PRG will focus on the strength of the research design and the quality of our analysis, not on the politics of our recommendations for the guidance document. The PRG will critique the research design and suggest how to strengthen it. Members of the group will review the quality of our analysis so that we can fill holes and correct errors before we make policy recommendations to the EAC. The PRG may or may not meet as a group. The likelihood is that most comments will come in writing from individual members, most of whose schedules would not permit attendance at meetings. In any case, the PRG members will not gather around a table to come to consensus on the study's recommendations.

While using the PRG as a forum to reach consensus on the knotty issues involved does not appear practical, the EAC can benefit from the work of other groups in this regard. It is not necessary for this project to duplicate the deliberative processes of the Carter-Baker Commission, the Century Foundation and the Election Center. The EAC itself as well as the project team can get the benefit of these reports without duplicating this "policy evaluation board" structure as part of this contract.

Project Team focuses on analysis and recommendations

Karen reported that the Commissioners believed that the PRG would "prepare a dispassionate analysis of the issues and draw some tentative conclusions." As we see it, the PRG will neither analyze data nor draw conclusions, tentative or otherwise. Its members will review and comment on how the Project Team has designed and carried out the research. Analysis, conclusions and recommendations are the responsibility of the Project Team. We have all seen in the preface to books or articles a sentence or two that read something like this, "The author thanks Mr. X, Ms. Y, and Dr. Z for their review and comment on the manuscript. Their analysis has strengthened the work, but they are in no way responsible for errors or for my conclusions." That is the way we think about the Peer Review Group.

In short, the PRG will help ensure that EAC's Guidance Document is founded on a solid base of data and analysis. The review and comment on the Preliminary Guidance Document by the EAC's Board of Advisors and Standards Board will provide participation by important stakeholder groups without the need for the other review committees. This Board is broad-based and represents a key stakeholder group. It also enjoys a significant advantage over a "defined/select" group we might empanel. Any group we define will be open to criticism or charges of bias by representatives of interest groups not represented.

The criticism and charges of bias might be tolerable, but only if we could expect consensus from the "defined/select" group we would appoint. We believe that consensus would be elusive. In empanelling a "defined/select" group, we would naturally look for balance and would appoint members to represent a point of view or an institutional interest. As representatives they would likely feel that they had little choice but to be strong advocates. They would have little incentive to compromise. Our research, as opposed to our policy recommendations, would be better served by the analysis of scholars than by the advocacy of interests.

Policy judgments

We regard the EAC itself as responsible for the policy judgments involved in shaping the

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Guidance Document. We plan, of course, to respond to the EAC's comments on our preliminary draft, so that the EAC's comments will shape the Preliminary Guidance Document before it is released for public comment. And further revision will follow the public hearing and comments. The EAC and individual Commissioners can always seek comment informally on our analysis or recommendations. That course appears to us preferable to the creation of a new, more elaborate review process.



PROPOSED MEMBERSJuly6.doc

013702

Karen Lynn-Dyson/EAC/GOV
07/12/2005 05:08 PM

To "Tom O'Neill" [REDACTED]@GSAEXTERNAL
cc "Paquette, Carol" <cpaquette@eac.gov>, "Foley, Ned" <foley.33@osu.edu>, "reed, ingrid" <ireed@rutgers.edu>, "Weingart, John" <john.weingart@rutgers.edu>, "Laura"
bcc
Subject Re: Peer Review Group

Tom-

I trust you are in contact with Carol and Julie regarding the information on the Peer Review Group and the July 28 hearing at Cal/Tech that you have requested of them, respectively.

While the EAC is a small agency with relatively few reporting layers, I suggest that for all future items requiring feedback and decisions from the EAC, that you are certain to carbon copy me on all e-mails.

This will ensure, that as your primary point of contact, I have a record of all communication that has taken place between the contractor and the agency.

Thanks

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'Neill" [REDACTED]



"Tom O'Neill"
[REDACTED]
07/08/2005 03:41 PM

To "Paquette, Carol" <cpaquette@eac.gov>
cc "Laura Williams" <lauracw@columbus.rr.com>, "Weingart, John" <john.weingart@rutgers.edu>, "reed, ingrid" <ireed@rutgers.edu>, "Mandel, Ruth" <rmandel@rci.rutgers.edu>, "Lynn-Dyson, Karren" <klynndyson@eac.gov>, "Foley, Ned" <foley.33@osu.edu>
Subject Peer Review Group

Carol,

After our discussion in New York, you asked me to put in writing our response to the EAC's suggestions for expanding the number and kinds of groups that would review and comment on our work. I hope after your review of this response, we will be able to quickly recruit a balanced Peer Review Group (PRG) and move ahead as the schedule in our work plan indicates. Attached is a revised list of the members we propose for appointment to the PRG. We will probably not be able to persuade all of them to serve, but the number and range of views included on the proposed list should ensure that the resulting group is well-balanced.

Tom

013703

RESPONSE TO EAC RECOMMENDATIONS FOR ADDITIONAL REVIEW GROUPS

EAC's Recommendations for the PRG

Karen Lynn-Dyson reported this response from the EAC commissioners to our proposal for the composition of the PRG.

1. Not sufficient conservative representation on the PRG
2. Create a "tiered process" of review in which:
 - A. The PRG will prepare a dispassionate analysis of the issues and draw some tentative conclusions.
 - B. PRG's analysis would be vetted by a defined/select group of local election officials.
 - C. A defined/select group of advocacy organizations would review the comments of the local election officials
 - D. Empanel a final focus group of local election officials, advocates and academics for an overall, interactive reaction to the analysis and recommendations.

Project Team Response

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PROPOSED MEMBERSJuly6.doc

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REVISED
PROPOSED MEMBERS OF PEER REVIEW GROUP
July 6, 2005

Role of the Peer Review Group

Members of the Peer Review Group will review the research design for the project, including the survey of local election officials, the analysis of Voter ID regime on turnout, the state-by-state narrative of developments in provisional voting and voter identification, and the compilation and analysis of statutes, administrative regulations, and case law affecting provisional voting and voter identification. They will also review the report on Analysis and Alternatives. They may review the draft of the Preliminary Guidance Document before it goes to the Board of Advisors for comment.

Members of the group will be respected authorities in their fields and represent a range of opinions and perspectives, although their views on policy will be less important to the study than their views on the quality of the research on which policy recommendations are based.

Ideally, the group would meet once, but even that may not be possible to arrange given the tight time period for the project, the demanding schedules of the members, and their wide dispersal across the county. They will function largely by reviewing written work and making written comments on it. The timing of their involvement is indicated on the work plan.

R. Michael Alvarez, Ph.D.
Professor of Political Science
California Institute of Technology
rma@hss.caltech.edu
626-395-4422

Alvarez has taught political science at Caltech since 1992. He received his B.A. in political science from Carleton College, his M.A. and Ph.D. from Duke University. Alvarez focuses on the study of electoral politics. He has published many articles on electoral behavior and public opinion. Support for his research has come from the National Science Foundation, The IBM Corporation, the Carnegie Corporation, of New York, and the Knight Foundation. Alvarez edits the Analytical Methods for Social Research book series and is on the editorial boards of a number of academic journals. He is Co-Director of the Caltech-MIT Voting Technology Project

Guy-Uriel E. Charles
Associate Professor
School of Law
University of Minnesota
342 Mondale Hall
229-19th Avenue South
Minneapolis, MN 55455
612-626-9154
gcharles@umn.edu

Charles teaches and writes on election law, law and politics, and race. He received his B.A. degree in Political Science, cum laude from Spring Arbor University and his J.D. from the University of Michigan Law School, where he was Editor-in-Chief of the Michigan Journal of Race & Law. He is completing a PhD in political science from the University of Michigan.

013786

Brad Clark

Professor of Law
George Washington University School of Law

Clark received his B.A. in Political Science from Florida State University and his J.D. from Columbia Law School in 1985. He served as a law clerk to the Judge Robert H. Bork on the US Court of Appeals and went on to clerk for Justice Antonin Scalia on the Supreme Court. He has been on the faculty at George Washington University Law School for 12 years, where he has taught Constitutional Law, Federal Courts, and Civil Procedure.

Pamela Susan Karlan

Montgomery Professor of Public Interest Law
Stanford Law School
559 Nathan Abbott Way
Stanford, CA 94305-8610
(650) 725-4851
karlan@stanford.edu

Karlan's principal subjects include legal regulation of the political process. She earned her BA, MA, and JD at Yale University, and was previously a Professor at the University of Virginia. She serves on the California Fair Political Practices Commission and is a Cooperating Attorney with the NAACP Legal Defense and Education Fund. She has also been a lecturer at the FBI National Academy. Among her publications, she is a co-author of *When Elections Go Bad: The Law of Democracy and the Presidential Election of 2000*.

Martha E. Kropf, Ph.D.

Assistant Professor of Political Science
University of Missouri-Kansas City
816-235-5948; KropfM@umkc.edu

Kropf has been on the faculty at Missouri since 1999. She received her BA Summa Cum Laude, Phi Beta Kappa from Kansas State University and her PhD in Political Science from American University. Her work concentrates on Research Methods, Urban Politics, American Government, and Political Behavior. Before joining the faculty at Missouri, she was Project Coordinator at the University of Maryland Survey Research Center. She has published recent on undervoting in presidential elections, and on invalidated ballots in the 1996 presidential election, and on the incremental process of election reform in Missouri.

Daniel H. Lowenstein

Professor of Law
School of Law
University of California, Los Angeles
Box 951476
Los Angeles, CA 90095-1476
(310) 825-4841

Among other courses, Lowenstein teaches Election Law. His textbook, *Election Law* has become a standard in the field. He earned his A.B. at Yale and his LL.B. at Harvard. While working for California's Secretary of State he was the main drafter of the *Political Reform Act* in 1971. He was the first chair of the Fair Political Practices Commission. He has served on the national governing board of Common Cause. He has written on such topics as campaign finance, redistricting, bribery, initiative elections, and political parties.

John F. Manning

Professor
Harvard Law School

Formatted

Deleted: Deborah Goldberg, Ph.D.

Program Director, Democracy Program
Brennan Center for Justice at NYU School of Law
161 Avenue Of The Americas, 12th Floor
New York, NY 10013
212-998-6730
Goldberg supervises the Democracy Program's litigation, scholarship, and public education. She was the principal author of *Writing Reform: A Guide to Drafting State & Local Campaign Finance Laws*, and was lead counsel to the intervenor in the Supreme Court case *Nixon v. Shrink Missouri Government PAC*. She serves on the Steering Committee of a coalition to restore voting rights to persons with past felony convictions. Goldberg is a graduate of Harvard Law School. Before joining the Brennan Center, she was in private practice. She holds a Ph.D. in philosophy and taught ethics at Columbia University.

013787

Now at Harvard, Manning was appointed Assistant Attorney General for the Office of Legal Counsel by President Bush in 2001. He had been Professor of Law at Columbia Law School. Had had served as Assistant to the Solicitor General of the United States and was an Attorney-Adviser in the Office of Legal Counsel at the Department of Justice during the administrations of President George H. W. Bush and President Reagan. He is a graduate of Harvard College and Harvard Law School.

Tim Storey

Program Principal
Legislative Management Program
National Conference of State Legislatures
7700 East First Place
Denver, CO 80230
303-364-7700
or
444 North Capitol Street, N.W., Suite 515
Washington, D.C. 20001
202-624-5400

Peter G. Veniero, Esq.

Counsel
Sills, Cummis, Epstein and Gross, PC
One Riverfront Plaza
Newark, New Jersey 07102
Tel: 973-643-7000

Veniero chairs the firm's Appellate Practice Group. He earned his B.A. at Drew University, Phi Beta Kappa, and his J.D. (with honors) at the Duke University School of Law. In 1999, he was appointed a justice of the New Jersey Supreme Court, where he served for 7 years before re-entering private practice. Before his appointment to the Supreme Court, he served as New Jersey's Attorney General, and in that capacity oversaw the state's election laws. He also served as Chief of Staff and Chief Counsel to Governor Christine Todd Whitman.

Plus one or two former, senior election officials to be suggested by the EAC

Deleted: Wade Henderson, Esq. ¶
Executive Director ¶
Leadership Conference on Civil Rights ¶
1629 K Street, NW, 10th Floor ¶
Washington, DC 20006 ¶
Wade Henderson is the Executive Director of the LCCR and Counsel to the Leadership Conference on Civil Rights Education Fund (LCCREF), and leads the organizations' work on issues involving nationwide election reform. He is a graduate of Howard University and the Rutgers University School of Law. During its over 50 years of existence, LCCR has worked to redefine civil rights issues in broad and inclusive ways. Today, it includes over 180 national organizations. Previously Henderson served as Washington Bureau Director of the NAACP. He began his career as a legislative counsel of the ACLU. ¶
¶
Kay Maxwell ¶
President ¶
League of Women Voters of the U.S. ¶
1730 M Street NW, Suite 1000 ¶
Washington, DC 20036-4508 ¶
202-429-1965 ¶
Kay J. Maxwell has been a member of the League since 1976. She attended Smith College and earned a B.A. in International Relations from the University of Pennsylvania. She has conducted civic participation training for women leaders in Bosnia, Israel, the West Bank, Rwanda, Kuwait and Jamaica. She has also served as vice president at the International Executive Service Corps (IESC), an international economic development organization. She is a board member of DC Vote, and the New Voters Project. ¶
Deleted: ¶

Karen Lynn-Dyson/EAC/GOV
07/13/2005 11:04 AM

To "Tom O'Neill" <[REDACTED]>@GSAEXTERNAL
cc Carol A. Paquette/EAC/GOV@EAC, Thomas R.
Wilkey/EAC/GOV@EAC
bcc
Subject RE: Peer Review Group

Tom-

I will take up the matter of next steps with the Peer Review Group, with Tom Wilkey, the EAC Executive Director ASAP.

I will have an answer regarding the EAC's suggested next steps on how to proceed on this matter as quickly as possible.

Regards-

K
Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'Neill" [REDACTED]



"Tom O'Neill"
[REDACTED]
07/12/2005 07:17 PM

To cpaquette@eac.gov
cc ireed@rutgers.edu, john.weingart@rutgers.edu,
klynndyson@eac.gov, lauracw@columbus.rr.com,
foley.33@osu.edu, rmandel@rci.rutgers.edu
Subject RE: Peer Review Group

Carol,

I sent you the email on the Peer Review Group because you asked me to. When we discussed the issue in New York, you told me to send to you in writing our response to the Commission's suggestions for a new, more elaborate review process. I believe I copied Karen on that email.

Learning now, almost a week later, that you have taken no action is disheartening. As you know, our schedule is tight, and we need the counsel the Peer Review Group can provide. I hope, therefore, that Karen will take immediate action to resolve the situation so we can begin to recruit the review group in time to assure the quality of the resource design.

013709

Tom O'Neill

-----Original Message-----

From: cpaquette@eac.gov [mailto:cpaquette@eac.gov]

Sent: Tuesday, July 12, 2005 6:37 PM

To: klynndyson@eac.gov

Cc: Foley, Ned; reed, ingrid; Weingart, John; Laura Williams; Mandel, Ruth; Tom O'Neill

Subject: Re: Peer Review Group

Karen, Tom -

I am not taking any action on the email Tom sent a few days ago regarding the Peer Review Group because the Eagleton project is not my responsibility. As I indicated earlier to Karen, I didn't know why this was sent to me since Karen is the Project Manager. I endorse her comment below regarding the need for including her in all correspondence with anyone at the EAC regarding the project.

When I was the Interim Executive Director it was part of my job to stay on top of all EAC project work. I now have other responsibilities at the EAC, and while I am happy to continue involvement in other projects for continuity and transition purposes as needed, that needs to be very limited. My involvement with the Eagleton work has only been from the contracting perspective, and that is the only continuing role I have. Any substantive project activities have to be taken up with Karen.

Carol A. Paquette
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov

Karen
Lynn-Dyson/EAC/GOV

07/12/2005 05:08 PM

To "Tom O'Neill" <[REDACTED]@GSAEXTERNAL>
"Paquette, Carol" <cpaquette@eac.gov>, "Foley, Ned" <foley.33@osu.edu>, "reed,
cc:ingrid" <ireed@rutgers.edu>, "Weingart, John" <john.weingart@rutgers.edu>, "Laura
Williams" <lauracw@columbus.rr.com>, "Mandel, Ruth" <rmandel@rci.rutgers.edu>
Subject: Re: Peer Review Group [Link](#)

013710

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"Tom O'Neill"


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cc "Laura Williams" <lauracw@columbus.rr.com>, "Weingart, John"
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Ruth" <rmandel@rci.rutgers.edu>, "Lynn-Dyson, Karren"
<klynndyson@eac.gov>, "Foley, Ned" <foley.33@osu.edu>
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013711

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Tom

RESPONSE TO EAC RECOMMENDATIONS FOR ADDITIONAL REVIEW GROUPS

EAC's Recommendations for the PRG

Karen Lynn-Dyson reported this response from the EAC commissioners to our proposal for the composition of the PRG.

1. Not sufficient conservative representation on the PRG
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 - A. The PRG will prepare a dispassionate analysis of the issues and draw some tentative conclusions.
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Karen Lynn-Dyson/EAC/GOV
07/15/2005 02:48 PM

To "Tom O'Neill" <[REDACTED]>@GSAEXTERNAL-
cc Thomas R. Wilkey/EAC/GOV@EAC, Diana
Scott/EAC/GOV@EAC
bcc
Subject Re: [REDACTED]

Tom-

I don't anticipate a problem with this re-allocation of funds. I will, however, check with our financial officer to be certain that such a re-allocation is permissible.

I will let you know shortly.

Regards-

K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'Neill" <tom_oneill@verizon.net>



"Tom O'Neill"
[REDACTED]
07/14/2005 02:31 PM

To klynndyson@eac.gov
cc arapp@rci.rutgers.edu
Subject

Karen:

As we discussed on Tuesday morning in the teleconference, we would like to reallocate within the current budget \$9,500 to the survey of local election officials. This will raise the budget for the survey to \$24,500 from \$15,000.

The additional funding will permit us to double the sample of local election officials from 200 to 400. The larger sample will allow more detailed comparisons between the experience of local election officials in states that offered some form of provisional ballot before HAVA and those that did not. This comparison is a topic of special interest identified in the contract.

The increase of \$9,500 is based on an estimate made by SRBI, the contractor that will actually administer the interviews. I can furnish you with a copy of the estimate if you like. We believe the additional funds will

013714

improve significantly our ability to provide relevant analysis to EAC on this important issue.

Tom O'Neill

013715

Karen Lynn-Dyson/EAC/GOV
07/15/2005 03:21 PM

To "Tom O'neill" <[REDACTED]@GSAEXTERNAL ->
cc Thomas R. Wilkey/EAC/GOV@EAC
bcc
Subject Re: Composition of the Eagleton Peer Review Group 

Tom-

This e-mail will reiterate our conversation of this morning.

After a close review of your e-mail of July 12th, EAC staff determined that it is appropriate for the Eagleton/Moritz team to proceed with the composition of its Peer Review Group as it deems suitable and necessary. EAC staff will assume that your team is satisfied that it has created a politically and ideologically balanced group to review your work.

EAC staff, the Commissioners, the Advisory and Standards Boards will, we are certain, have opportunities to review the findings and analyses that your team creates, at critical junctures during the process.

Enjoy your weekend.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

013716

Karen Lynn-Dyson/EAC/GOV
07/15/2005 03:25 PM

To "Tom O'Neill" [REDACTED]@GSAEXTERNAL
cc
bcc
Subject Re: Invitation to Tom Wilkey

Tom-

Thanks for sharing this information with me and for keeping me apprised of the activities; interests and concerns of the team.

FYI-

I'm not certain who is on board to attend the meeting at Cal Tech; Ruth and the others may wish to find a time that Tom would be available to meet with folks then.

Regards-

Karen Lynn-Dyson
Research Director
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'Neill" [REDACTED]



"Tom O'Neill"
[REDACTED]
07/15/2005 02:39 PM

To klynndyson@eac.gov
cc
Subject Invitation to Tom Wilkey

Karen,

For your information, Ruth Mandel, Director of the Eagleton Institute of Politics, sent the letter below to Tom Wilkey this afternoon. It is an invitation for him to meet with the project team in August at Rutgers.

Have a good weekend.

Tom O'Neill

I'm writing on behalf of my colleagues at the Eagleton Institute of Politics to send congratulations on your appointment as Executive Director of the Election Assistance Commission and to extend a warm

013717

invitation for you to visit the Institute to meet our research team. The Eagleton Institute and our partners at the Moritz College of Law are delighted to have been selected to provide research services to the EAC for developing guidance to the states on provisional voting and voter identification requirements.

The Eagleton and Moritz team conducting the research and analysis would appreciate an opportunity to discuss the project with you so that we can gain a full understanding of your perspective on this work and make our research as useful as possible for you, the EAC, the states, and eventually the voters.

I understand that you continue to travel between New York and Washington, which would make a visit to Eagleton simple to arrange. Since the Rutgers campus in New Brunswick is not far from the Metropark Amtrak station, we could easily pick you up at Metropark and return you at the end of the visit. Our Moritz partners would also attend.

The agenda for such a meeting could include a briefing on our progress, discussion of challenges to be met, and a conversation about your goals for this research. We believe that the earlier in the research process we can arrange to meet, the better for the project.

I hope you agree that a meeting in the near future would be useful, and that you like the idea of a visit to the research site. If so, we can search for convenient dates in the next few weeks, perhaps starting with the possibility that you would be available on August 12, 15, or 16.

We all look forward to continuing our work together on this worthwhile project.

Ruth B. Mandel

Director, The Eagleton Institute of Politics

Board of Governors Professor of Politics

013718

Karen Lynn-Dyson/EAC/GOV
07/15/2005 03:53 PM

To "Tom O'neill" <tom_oneill@verizon.net>@GSAEXTERNAL
cc Diana Scott/EAC/GOV@EAC, Carol A.
Paquette/EAC/GOV@EAC
bcc

Subject Re: Request for reallocation within existing budget 

Tom-

EAC contract staff indicate that the reallocation you propose can occur and that all other such reallocations that are made from your project budget for this contract budget can be done at your own discretion.

From a contractual standpoint, EAC's only concern is that Eagleton is able to accomplish all of the activities and provide all of the deliverables that have been set forth in your contract.

Regards-

Karen Lynn-Dyson
Research manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

013719

Karen Lynn-Dyson/EAC/GOV
01/23/2006 12:20 PM

To john.weingart@rutgers.edu
cc
bcc
Subject Re: no-cost extension status 

As we speak- I'm writing up the final memo for the Chairman's signature. Things got a bit complicated since your original proposal did not provide labor hours and costs for the project staff.

Am working through this issue, however.
Will keep you posted.

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

013720

Karen Lynn-Dyson/EAC/GOV
02/16/2006 05:09 PM

To "Tom O'Neill" <tom_oneill@verizon.net>@GSAEXTERNAL
cc arapp@rci.rutgers.edu, davander@eden.rutgers.edu,
dlinky@rci.rutgers.edu, foley.33@osu.edu,
ireed@rutgers.edu, "Johanna Dobrich"
bcc
Subject RE: January Progress Report 

Shall we say February 28 at 3:00 PM?

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'Neill" <tom_oneill@verizon.net>



"Tom O'Neill"
<tom_oneill@verizon.net>
02/16/2006 03:33 PM

To klynndyson@eac.gov
cc "Tim Vercellotti" <tim.vercellotti@rutgers.edu>,
arapp@rci.rutgers.edu, davander@eden.rutgers.edu,
dlinky@rci.rutgers.edu, ireed@rutgers.edu,
joharris@eden.rutgers.edu, john.weingart@rutgers.edu,
rmandel@rci.rutgers.edu, "Johanna Dobrich"
<jdobrich@eden.rutgers.edu>, tokaji.1@osu.edu,
 Foley.33@osu.edu, lauracw@columbus.rr.com
Subject RE: January Progress Report

Karen, I'll survey the group about the best time for a conference call. The 24th does not look like a good time. We have a teleconference with the Peer Review Group on the Voter ID paper scheduled for Feb. 22, and therefore would be hard-pressed to review the précis of your comments in time for a discussion on the 24th. The next week would be more promising, perhaps Tuesday, Feb 28 in the afternoon.

We still plan to deliver the Voter ID paper to you the first week in March.

Tom O'Neill

-----Original Message-----

From: klynndyson@eac.gov [mailto:klynndyson@eac.gov]

013721

Karen Lynn-Dyson/EAC/GOV

09/25/2006 12:20 PM

To twilkey@eac.gov, Juliet E. Hodgkins/EAC/GOV@EAC
cc Sheila A. Banks/EAC/GOV@EAC
bcc Jeannie Layson/EAC/GOV@EAC; Bryan
Whitener/EAC/GOV@EAC
Subject Distribution of Voter ID Report Appendices to Tom Hicks

Commissioner Hillman has asked a follow-up question regarding the sharing of EAC's information, on the Eagleton study on Voter ID requirements, with Tom Hicks.

I have given Sheila the following appendices for possible distribution to Tom Hicks:

1. Summary of Voter ID Requirements by State
2. Court Decisions and Literature on Voter Identification and Related Issues Court decisions
3. Annotated bibliography on Voter Identification Issues

I have **not** given Sheila, for distribution, these Appendices or parts of the report:

1. Analysis of Effects of Voter ID Requirements on Turnout
2. The Executive Summary and Recommendations
3. Summary of Research
4. State Statutes and Regulations Affecting Voter Identification (electronic version only)

****You'll also recall that I'm awaiting Tom's approval to send to Mike McDonald, various appendices from the Eagleton Provisional Voting report**

Thanks

Karen Lynn-Dyson
Research Director
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

013722

Karen Lynn-Dyson/EAC/GOV
10/02/2006 12:35 PM

To john.weingart@rutgers.edu
cc Bola Olu/EAC/GOV@EAC, Peter Schulleri/EAC/GOV@EAC
bcc Diana Scott/EAC/GOV@EAC
Subject Re: Eagleton/Moritz final invoices

Hi John-

I'm checking to see if you can contact your finance department to determine if EAC has received its final invoice on the Eagleton/Moritz study.

Our financial records show a balance on the contract of \$2,910.77

I need to be able to tell our finance folks how this final balance is going to be handled.

Thanks, John.

Regards-

Karen Lynn-Dyson
Research Director
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

013723

Karen Lynn-Dyson/EAC/GOV
10/03/2006 12:43 PM

To john.weingart@rutgers.edu
cc Bola Olu/EAC/GOV@EAC, Diana Scott/EAC/GOV@EAC,
Peter Schulleri/EAC/GOV@EAC
bcc
Subject Re: Eagleton/Moritz final invoices

Thanks for your follow-up on this, John.

I will pass this along to the EAC finance department so they may handle these remaining funds accordingly.

Regards-

Karen Lynn-Dyson
Research Director
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"John Weingart" <[REDACTED]>



"John Weingart"

[REDACTED]

To klynndyson@eac.gov

10/03/2006 11:57 AM

cc

Please respond to
john.weingart@rutgers.edu

Subject Re: Eagleton/Moritz final invoices

Karen - The invoice your just received is final. The final invoice we received from Ohio State was less than we had anticipated so the remaining balance is for the EAC to use for other projects. Let me know if you need more information.

-- John Weingart, Associate Director

Eagleton Institute of Politics
(732) 932-9384, x.290

klynndyson@eac.gov wrote:

>
> Hi John-
>
> I'm checking to see if you can contact your finance department to
> determine if EAC has received its final invoice on the Eagleton/Moritz
> study.
>
> Our financial records show a balance on the contract of \$2,910.77
>
> I need to be able to tell our finance folks how this final balance is

013724

Karen Lynn-Dyson/EAC/GOV
10/03/2006 01:33 PM

To [REDACTED]
cc
bcc
Subject Re: Eagleton/Moritz final invoices

Go ahead and give him a call later on this afternoon.

Karen Lynn-Dyson
Research Director
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"John Weingart" <[REDACTED]>



"John Weingart"

10/03/2006 01:12 PM

Please respond to [REDACTED]

To klynndyson@eac.gov
cc
Subject Re: Eagleton/Moritz final invoices

Karen - While we're writing, I had a call last week from Tom Wilkey saying he would get back to me in response to my letter by last Thursday. Is the best thing for me to call him or do you know if a response is in the works?

-- John Weingart, Associate Director
Eagleton Institute of Politics
(732) 932-9384, x.290

klynndyson@eac.gov wrote:

>
> Thanks for your follow-up on this, John.
>
> I will pass this along to the EAC finance department so they may
> handle these remaining funds accordingly.
>
> Regards-
>
> Karen Lynn-Dyson
> Research Director
> U.S. Election Assistance Commission
> 1225 New York Avenue , NW Suite 1100
> Washington, DC 20005
> tel:202-566-3123
>
>
>

013725

Karen Lynn-Dyson/EAC/GOV
10/04/2006 03:02 PM

To Thomas R. Wilkey/EAC/GOV@EAC
cc Jeannie Layson/EAC/GOV@EAC, Juliet E.
Hodgkins/EAC/GOV@EAC
bcc Sheila A. Banks/EAC/GOV@EAC; Peter
Schulleri/EAC/GOV@EAC
Subject Re: Eagleton Response



Tom-

As I believe you are aware, The Eagleton Institute's "Tim Vercellotti" Analysis of Effects of Voter ID Requirements on Turnout" was made public at the American Political Science Association meeting and was subsequently referenced on Dan Tokaji's blog.

We have sent the following:

To Mike McDonald:

Appendix C: Provisional Ballot Litigation by Issue

Appendix D: Provisional Ballot Litigation by State

To Tom Hicks:

Appendix A: Summary of Voter ID Requirements by State

Appendix B : Court Decisions and Litigation on Voter Identification and Related Issue Court Decisions

Appendix D: Annotated Bibliography on Voter Identification Issues

Karen Lynn-Dyson
Research Director
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

Thomas R. Wilkey/EAC/GOV

Thomas R. Wilkey/EAC/GOV
10/04/2006 01:50 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc Juliet E. Hodgkins/EAC/GOV@EAC, Jeannie
Layson/EAC/GOV@EAC
Subject Eagleton Response

Karen;

Could you please put a list of items we have released and what has not been released on the two Eagleton Reports.

013726



"Tom O'Neill"
[redacted]
07/12/2005 05:25 PM

To klynndyson@eac.gov
cc
bcc
Subject RE: Peer Review Group

Karen:

Thanks. I have not heard from Carol about the PRG nor from Julie about plans for the July public meeting. I believe I have sent you copies of my significant emails to them, and will make sure you get all of them in the future.

Tom O'Neill

-----Original Message-----

From: klynndyson@eac.gov [mailto:klynndyson@eac.gov]
Sent: Tuesday, July 12, 2005 5:09 PM
To: [redacted]
Cc: Paquette, Carol; Foley, Ned; reed, ingrid; Weingart, John; Laura Williams; Mandel, Ruth
Subject: Re: Peer Review Group

Tom-

I trust you are in contact with Carol and Julie regarding the information on the Peer Review Group and the July 28 hearing at Cal/Tech that you have requested of them, respectively.

While the EAC is a small agency with relatively few reporting layers, I suggest that for all future items requiring feedback and decisions from the EAC, that you are certain to carbon copy me on all e-mails.

This will ensure, that as your primary point of contact, I have a record of all communication that has taken place between the contractor and the agency.

Thanks

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

013727

"Tom
O'Neill"
<tom_oneill
@verizon.net>

07/08/2005
03:41 PM

To: "Paquette, Carol" <cpaquette@eac.gov>
cc: "Laura Williams" <lauracw@columbus.rr.com>, "Weingart, John" <jhweingart@eac.gov>, "reed, ingrid" <ingrid@rutg.edu>, "Mandel, Ruth" <rmandel@rutg.edu>, "Lynn-Dyson, Karren" <klyndyson@eac.gov>, "Foley, Ned" <nfoley@osu.edu>
Subject: Peer Review Group

Carol,

After our discussion in New York, you asked me to put in writing our response to the EAC's suggestions for expanding the number and kinds of groups that would review and comment on our work. I hope after your review of this response, we will be able to quickly recruit a balanced Peer Review Group (PRG) and move ahead as the schedule in our work plan indicates. Attached is a revised list of the members we propose for appointment to the PRG. We will probably not be able to persuade all of them to serve, but the number and range of views included on the proposed list should ensure that the resulting group is well-balanced.

Tom

RESPONSE TO EAC RECOMMENDATIONS FOR ADDITIONAL REVIEW GROUPS

EAC's Recommendations for the PRG

Karen Lynn-Dyson reported this response from the EAC commissioners to our proposal for the composition of the PRG.

1. Not sufficient conservative representation on the PRG
2. Create a "tiered process" of review in which:
 - A. The PRG will prepare a dispassionate analysis of the issues and draw some tentative conclusions.
 - B. PRG's analysis would be vetted by a defined/select group of local election officials.
 - C. A defined/select group of advocacy organizations would review the comments of the local election officials

013728

D. Empanel a final focus group of local election officials, advocates and academics for an overall, interactive reaction to the analysis and recommendations.

Project Team Response

Creating three new committees to the review process to supplement the work of the Peer Review Group (PRG) is possible, but would add at least 8 weeks –and possibly 12 weeks-- to our completion of the guidance document on provisional voting. We believe this delay would risk limiting the value of this project for the 2006 election. In addition, the change would add at least \$30,000 to the cost of our work. (See the attached table showing the possible effect on our work plan, and note the optimistic assumptions such as the ability to hold a hearing the week after Christmas.). If the same groups were to be engaged in reviewing our work on Voter ID, the time for that work would also have to be stretched at a similar increased cost.

This additional cost and the added time might be worthwhile. . . if the new layers of review were to produce a consensus on how to strengthen the research, sharpen the analysis, and increase the relevance of the Guidance Document. Our team concluded, however, that additional review groups were unlikely to achieve these results.

PRG focuses on quality of research

We believe that our research would be strengthened by a balanced Peer Review Group that will focus on the design of the research and our conduct of it. Based on the EAC's recommendation, we have revised the composition of the PRG to include additional, well-recognized authorities in the field whose perspective is generally agreed to be conservative.

The PRG will focus on the strength of the research design and the quality of our analysis, not on the politics of our recommendations for the guidance document. The PRG will critique the research design and suggest how to strengthen it. Members of the group will review the quality of our analysis so that we can fill holes and correct errors before we make policy recommendations to the EAC. The PRG may or may not meet as a group. The likelihood is that most comments will come in writing from individual members, most of whose schedules would not permit attendance at meetings. In any case, the PRG members will not gather around a table to come to consensus on the study's recommendations.

While using the PRG as a forum to reach consensus on the knotty issues involved does not appear practical, the EAC can benefit from the work of other groups in this regard. It is not necessary for this project to duplicate the deliberative processes of the Carter-Baker Commission, the Century Foundation and the Election Center. The EAC itself as well as the project team can get the benefit of these reports without duplicating this "policy evaluation board" structure as part of this contract.

Project Team focuses on analysis and recommendations

Karen reported that the Commissioners believed that the PRG would "prepare a dispassionate analysis of the issues and draw some tentative conclusions." As we see it, the PRG will neither analyze data nor draw conclusions, tentative or otherwise. Its members will review and comment on how the Project Team has designed and carried out the research. Analysis, conclusions and recommendations are the responsibility of the Project Team. We have all seen in the preface to books or articles a sentence or two that read something like this, "The author thanks Mr. X, Ms. Y, and Dr. Z for their review and comment on the manuscript. Their analysis has strengthened the work, but they are in no way responsible for errors or for my conclusions." That is the way we think about the Peer Review Group.

In short, the PRG will help ensure that EAC's Guidance Document is founded on a solid base of

013729

data and analysis. The review and comment on the Preliminary Guidance Document by the EAC's Board of Advisors and Standards Board will provide participation by important stakeholder groups without the need for the other review committees. This Board is broad-based and represents a key stakeholder group. It also enjoys a significant advantage over a "defined/select" group we might empanel. Any group we define will be open to criticism or charges of bias by representatives of interest groups not represented.

The criticism and charges of bias might be tolerable, but only if we could expect consensus from the "defined/select" group we would appoint. We believe that consensus would be elusive. In empanelling a "defined/select" group, we would naturally look for balance and would appoint members to represent a point of view or an institutional interest. As representatives they would likely feel that they had little choice but to be strong advocates. They would have little incentive to compromise. Our research, as opposed to our policy recommendations, would be better served by the analysis of scholars than by the advocacy of interests.

Policy judgments

We regard the EAC itself as responsible for the policy judgments involved in shaping the Guidance Document. We plan, of course, to respond to the EAC's comments on our preliminary draft, so that the EAC's comments will shape the Preliminary Guidance Document before it is released for public comment. And further revision will follow the public hearing and comments. The EAC and individual Commissioners can always seek comment informally on our analysis or recommendations. That course appears to us preferable to the creation of a new, more elaborate review process.

013730

Carol A. Paquette/EAC/GOV
07/08/2005 05:13 PM

To Juliet E. Thompson/EAC/GOV@EAC
cc Karen Lynn-Dyson/EAC/GOV@EAC
bcc
Subject Fw: Peer Review Group

History: This message has been replied to and forwarded.

Julie -

I don't remember saying much of anything but a few pleasantries to Tom in New York. Did you talk to him about this topic? I'm really at a loss on this. (Maybe I'm having an extended senior moment.)

Carol A. Paquette
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov

----- Forwarded by Carol A. Paquette/EAC/GOV on 07/08/2005 05:07 PM -----



"Tom O'Neill"

07/08/2005 03:41 PM

To "Paquette, Carol" <cpaquette@eac.gov>

cc

Subject Peer Review Group

Carol,

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Tom

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013731

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013732

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PROPOSED MEMBERS July 6.doc

013733



"Tom O'Neill"
 [Redacted]
 07/08/2005 03:41 PM

To "Paquette, Carol" <cpaquette@eac.gov>
 cc [Redacted]
 bcc [Redacted]

Subject Peer Review Group

History: This message has been replied to and forwarded.

Carol,

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Tom

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1. Not sufficient conservative representation on the PRG
2. Create a "tiered process" of review in which:
 - A. The PRG will prepare a dispassionate analysis of the issues and draw some tentative conclusions.
 - B. PRG's analysis would be vetted by a defined/select group of local election officials.
 - C. A defined/select group of advocacy organizations would review the comments of the local election officials
 - D. Empanel a final focus group of local election officials, advocates and academics for an overall, interactive reaction to the analysis and recommendations.

Project Team Response

Creating three new committees to the review process to supplement the work of the Peer Review Group (PRG) is possible, but would add at least 8 weeks --and possibly 12 weeks-- to our completion of the guidance document on provisional voting. We believe this delay would risk limiting the value of this project for the 2006 election. In addition, the change would add at least \$30,000 to the cost of our work. (See the attached table showing the possible effect on our work plan, and note the optimistic assumptions such as the ability to hold a hearing the week after Christmas.) If the same groups were to be engaged in reviewing our work on Voter ID, the time for that work would also have to be stretched at a similar increased cost.

013734

This additional cost and the added time might be worthwhile. . . if the new layers of review were to produce a consensus on how to strengthen the research, sharpen the analysis, and increase the relevance of the Guidance Document. Our team concluded, however, that additional review groups were unlikely to achieve these results.

PRG focuses on quality of research

We believe that our research would be strengthened by a balanced Peer Review Group that will focus on the design of the research and our conduct of it. Based on the EAC's recommendation, we have revised the composition of the PRG to include additional, well-recognized authorities in the field whose perspective is generally agreed to be conservative.

The PRG will focus on the strength of the research design and the quality of our analysis, not on the politics of our recommendations for the guidance document. The PRG will critique the research design and suggest how to strengthen it. Members of the group will review the quality of our analysis so that we can fill holes and correct errors before we make policy recommendations to the EAC. The PRG may or may not meet as a group. The likelihood is that most comments will come in writing from individual members, most of whose schedules would not permit attendance at meetings. In any case, the PRG members will not gather around a table to come to consensus on the study's recommendations.

While using the PRG as a forum to reach consensus on the knotty issues involved does not appear practical, the EAC can benefit from the work of other groups in this regard. It is not necessary for this project to duplicate the deliberative processes of the Carter-Baker Commission, the Century Foundation and the Election Center. The EAC itself as well as the project team can get the benefit of these reports without duplicating this "policy evaluation board" structure as part of this contract.

Project Team focuses on analysis and recommendations

Karen reported that the Commissioners believed that the PRG would "prepare a dispassionate analysis of the issues and draw some tentative conclusions." As we see it, the PRG will neither analyze data nor draw conclusions, tentative or otherwise. Its members will review and comment on how the Project Team has designed and carried out the research. Analysis, conclusions and recommendations are the responsibility of the Project Team. We have all seen in the preface to books or articles a sentence or two that read something like this, "The author thanks Mr. X, Ms. Y, and Dr. Z for their review and comment on the manuscript. Their analysis has strengthened the work, but they are in no way responsible for errors or for my conclusions." That is the way we think about the Peer Review Group.

In short, the PRG will help ensure that EAC's Guidance Document is founded on a solid base of data and analysis. The review and comment on the Preliminary Guidance Document by the EAC's Board of Advisors and Standards Board will provide participation by important stakeholder groups without the need for the other review committees. This Board is broad-based and represents a key stakeholder group. It also enjoys a significant advantage over a "defined/select" group we might empanel. Any group we define will be open to criticism or charges of bias by representatives of interest groups not represented.

The criticism and charges of bias might be tolerable, but only if we could expect consensus from the "defined/select" group we would appoint. We believe that consensus would be elusive. In empanelling a "defined/select" group, we would naturally look for balance and would appoint

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members to represent a point of view or an institutional interest. As representatives they would likely feel that they had little choice but to be strong advocates. They would have little incentive to compromise. Our research, as opposed to our policy recommendations, would be better served by the analysis of scholars than by the advocacy of interests.

Policy judgments

We regard the EAC itself as responsible for the policy judgments involved in shaping the Guidance Document. We plan, of course, to respond to the EAC's comments on our preliminary draft, so that the EAC's comments will shape the Preliminary Guidance Document before it is released for public comment. And further revision will follow the public hearing and comments. The EAC and individual Commissioners can always seek comment informally on our analysis or recommendations. That course appears to us preferable to the creation of a new, more elaborate review process.



PROPOSED MEMBERSJuly6.doc

01373b

**REVISED
PROPOSED MEMBERS OF PEER REVIEW GROUP**

July 6, 2005

Role of the Peer Review Group

Members of the Peer Review Group will review the research design for the project, including the survey of local election officials, the analysis of Voter ID regime on turnout, the state-by-state narrative of developments in provisional voting and voter identification, and the compilation and analysis of statutes, administrative regulations, and case law affecting provisional voting and voter identification. They will also review the report on Analysis and Alternatives. They may review the draft of the Preliminary Guidance Document before it goes to the Board of Advisors for comment.

Members of the group will be respected authorities in their fields and represent a range of opinions and perspectives, although their views on policy will be less important to the study than their views on the quality of the research on which policy recommendations are based.

Ideally, the group would meet once, but even that may not be possible to arrange given the tight time period for the project, the demanding schedules of the members, and their wide dispersal across the county. They will function largely by reviewing written work and making written comments on it. The timing of their involvement is indicated on the work plan.

R. Michael Alvarez, Ph.D.

Professor of Political Science
California Institute of Technology

[REDACTED]
626-395-4422

Alvarez has taught political science at Caltech since 1992. He received his B.A. in political science from Carleton College, his M.A. and Ph.D. from Duke University. Alvarez focuses on the study of electoral politics. He has published many articles on electoral behavior and public opinion. Support for his research has come from the National Science Foundation, The IBM Corporation, the Carnegie Corporation, of New York, and the Knight Foundation. Alvarez edits the Analytical Methods for Social Research book series and is on the editorial boards of a number of academic journals. He is Co-Director of the Caltech-MIT Voting Technology Project

Guy-Uriel E. Charles

Associate Professor
School of Law
University of Minnesota
342 Mondale Hall
229-19th Avenue South
Minneapolis, MN 55455
612-626-9154
[REDACTED]

Charles teaches and writes on election law, law and politics, and race. He received his B.A. degree in Political Science, cum laude from Spring Arbor University and his J.D. from the University of Michigan Law School, where he was Editor-in-Chief of the Michigan Journal of Race & Law. He is completing a PhD in political science from the University of Michigan.

013737

Brad Clark

Professor of Law
George Washington University School of Law

Clark received his B.A. in Political Science from Florida State University and his J.D. from Columbia Law School in 1985. He served as a law clerk to the Judge Robert H. Bork on the US Court of Appeals and went on to clerk for Justice Antonin Scalia on the Supreme Court. He has been on the faculty at George Washington University Law School for 12 years, where he has taught Constitutional Law, Federal Courts, and Civil Procedure.

Pamela Susan Karlan

Montgomery Professor of Public Interest Law
Stanford Law School
559 Nathan Abbott Way
Stanford, CA 94305-8610
(650) 725-4851
karlan@stanford.edu

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Karlan's principal subjects include legal regulation of the political process. She earned her BA, MA, and JD at Yale University, and was previously a Professor at the University of Virginia. She serves on the California Fair Political Practices Commission and is a Cooperating Attorney with the NAACP Legal Defense and Education Fund. She has also been a lecturer at the FBI National Academy. Among her publications, she is a co-author of *When Elections Go Bad: The Law of Democracy and the Presidential Election of 2000*.

Martha E. Kropf, Ph.D.

Assistant Professor of Political Science
University of Missouri-Kansas City
816-235-5948; KropfM@umkc.edu

Kropf has been on the faculty at Missouri since 1999. She received her BA Summa Cum Laude, Phi Beta Kappa from Kansas State University and her PhD in Political Science from American University. Her work concentrates on Research Methods, Urban Politics, American Government, and Political Behavior. Before joining the faculty at Missouri, she was Project Coordinator at the University of Maryland Survey Research Center. She has published recent on undervoting in presidential elections, and on invalidated ballots in the 1996 presidential election, and on the incremental process of election reform in Missouri.

Deleted: Deborah Goldberg, Ph.D. Program Director, Democracy Program
Brennan Center for Justice at NYU School of Law
161 Avenue Of The Americas, 12th Floor
New York, NY 10013
212-998-6730
Goldberg supervises the Democracy Program's litigation, scholarship, and public education. She was the principal author of *Writing Reform: A Guide to Drafting State & Local Campaign Finance Laws*, and was lead counsel to the intervenor in the Supreme Court case *Nixon v. Shrink Missouri Government PAC*. She serves on the Steering Committee of a coalition to restore voting rights to persons with past felony convictions. Goldberg is a graduate of Harvard Law School. Before joining the Brennan Center, she was in private practice. She holds a Ph.D. in philosophy and taught ethics at Columbia University.

Daniel H. Lowenstein

Professor of Law
School of Law
University of California, Los Angeles
Box 951476
Los Angeles, CA 90095-1476
(310) 825-4841

Among other courses, Lowenstein teaches Election Law. His textbook, *Election Law* has become a standard in the field. He earned his A.B. at Yale and his LL.B. at Harvard. While working for California's Secretary of State he was the main drafter of the *Political Reform Act* in 1971. He was the first chair of the Fair Political Practices Commission. He has served on the national governing board of Common Cause. He has written on such topics as campaign finance, redistricting, bribery, initiative elections, and political parties.

John F. Manning

Professor
Harvard Law School

OB 1138

Now at Harvard, Manning was appointed Assistant Attorney General for the Office of Legal Counsel by President Bush in 2001. He had been Professor of Law at Columbia Law School. Had had served as Assistant to the Solicitor General of the United States and was an Attorney-Adviser in the Office of Legal Counsel at the Department of Justice during the administrations of President George H. W. Bush and President Reagan. He is a graduate of Harvard College and Harvard Law School.

Tim Storey

Program Principal
Legislative Management Program
National Conference of State Legislatures
7700 East First Place
Denver, CO 80230
303-364-7700
or
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Washington, D.C. 20001
202-624-5400

Peter G. Veniero, Esq.

Counsel
Sills, Cummis, Epstein and Gross, PC
One Riverfront Plaza
Newark, New Jersey 07102
Tel: 973- 643-7000

Veniero chairs the firm's Appellate Practice Group. He earned his B.A. at Drew University, Phi Beta Kappa, and his J.D. (with honors) at the Duke University School of Law. In 1999, he was appointed a justice of the New Jersey Supreme Court, where he served for 7 years before re-entering private practice. Before his appointment to the Supreme Court, he served as New Jersey's Attorney General, and in that capacity oversaw the state's election laws. He also served as Chief of Staff and Chief Counsel to Governor Christine Todd Whitman.

Plus one or two former, senior election officials to be suggested by the EAC

Deleted: Wade Henderson, Esq.¶
Executive Director¶
Leadership Conference on Civil Rights ¶
1629 K Street, NW, 10th Floor¶
Washington, DC 20006¶
Wade Henderson is the Executive Director of the LCCR and Counsel to the Leadership Conference on Civil Rights Education Fund (LCCREF), and leads the organizations' work on issues involving nationwide election reform. He is a graduate of Howard University and the Rutgers University School of Law. During its over 50 years of existence, LCCR has worked to redefine civil rights issues in broad and inclusive ways. Today, it includes over 180 national organizations. Previously Henderson served as Washington Bureau Director of the NAACP. He began his career as a legislative counsel of the ACLU. ¶

Kay Maxwell¶
President¶
League of Women Voters of the U.S.¶
1730 M Street NW, Suite 1000¶
Washington, DC 20036-4508 ¶
202-429-1965¶
Kay J. Maxwell has been a member of the League since 1976. She attended Smith College and earned a B.A. in International Relations from the University of Pennsylvania. She has conducted civic participation training for women leaders in Bosnia, Israel, the West Bank, Rwanda, Kuwait and Jamaica. She has also served as vice president at the International Executive Service Corps (IESC), an international economic development organization. She is a board member of DC Vote, and the New Voters Project. ¶

Deleted: ¶

013739

Aletha
Barrington/CONTRACTOR/EA
C/GOV

05/05/2006 10:13 AM

To tanisha [REDACTED]
cc [REDACTED] Karen
Lynn-Dyson/EAC/GOV@EAC

bcc

Subject Revised Voter ID Analysis

Good morning Tanisha,

To my understanding Dr. Nagler is out of the office today and I been informed to contact you with any information for him. I am attaching a copy of the Revised Voter ID Analysis. Will you please see that he receives it today? If you have any questions regarding this document feel free to contact me.

Thanks!

Aletha Barrington
Contracts Assistant
U.S. Election Assistance Commission
(202) 566-2209 (office)
(202) 566-3128 (fax)



VoterIDAnalysis VercRev0504.doc

013740

Karen,

John and I reviewed your recent email today, and he asked me to respond.

Important to us is a clear commitment now by the EAC to schedule a presentation of our Voter ID research at the May meeting of the Advisory Board, if its review is required before the paper is published and presented at the EAC's public meeting in June. Your email made no mention of that June public meeting. Our schedule (submitted with the request for the no-cost extension) —and our previous discussion with you—treats that meeting as the key event that will conclude our research under this contract. Therefore, we also look for an explicit understanding that a presentation of our reports will be included in the agenda for that public meeting.

We can deliver a final report on Provisional Voting by May 5 and will be prepared for whatever role we might play at the May 24 meeting of the Advisory Board.

The team is looking forward to a discussion of Tim Vercellotti's revised statistical analysis of Voter ID with the academic reviewers you are in the process of identifying during the week of May 8. Knowing the specific date and time of that discussion in the next day or so would facilitate the participation of appropriate members of our Peer Review Group in that conversation.

Tom O'Neill

From: * klynndyson@eac.gov [mailto:klynndyson@eac.gov]
*Sent: * Tuesday, April 25, 2006 12:09 PM
*To: * john.weingart@rutgers.edu
*Cc: * [REDACTED]
*Subject: * Re: Eagleton/Moritz Next Steps

John and Tom-

A couple of items related to timing over the next several weeks:

1. Is it possible to get your final report on Provisional Voting by COB May 5? If so, I can get this to the four Commissioners for final review and approval. It will then be ready to present to the EAC Board of Advisors and Standards Board at the May 24 meeting.

013741

2. As we discussed I have been working to identify a small group of academics(three or so) who will be available to review the Voter ID paper the week of May 8. The focus of the review will be on Tim's research methodology and statistical analysis. I am fairly certain that this review can be done via conference call , preferably on May 11 or May 12. This would assume each of the reviewers will have spent time reviewing the paper, taking extensive notes and summarizing his or her comments. I expect that you all, Tim, Mike Alvarez and any others from your peer review panel, who have an expertise in research and statistics, will be available for the conference call, as well?

3. While I expect you will be able to have your final Voter ID paper to me sometime during the week of May 15, it is not clear whether or not the paper will be presented to the EAC Standards and Advisory Boards the following week. As you know, the paper contains some controversial information, so the Commissioners may elect to spend additional time reviewing the findings among themselves, and before it is formally presented to our Boards.

Let me know if this schedule works for you all.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

013742



"Tom O'neill"

05/01/2006 10:03 AM

To klynndyson@eac.gov

cc "Tim Vercellotti" [redacted].edu>

bcc [redacted]

Subject Review of new Voter ID Analysis

History:

 This message has been replied to

Karen,

Tim Vercellotti and I have a proposal to meet your schedule for a conference call on May 11 with Jonathan Nagler, Jan Leighley, and Adam Berinsky, as well as a few members of our Peer Review Group.

Tim's revision will not be complete until May 4. We propose to send this new analysis immediately to you for distribution to the reviewers that day. I will need several days more to incorporate Tim's new data in our summary report.

Since the reviewers will be focused on our methodology, they will need several days to digest the new statistical analysis. In the meantime, I will plug the the new statistical conclusions into our report. We will send the revised summary report to you for distribution to the reviewers on May 9, after our team has looked it over to ensure that it reflects Tim's work accurately and that its policy conclusions and recommendations are well supported by the statistical analysis.

The reviewers will then have a couple of days to satisfy themselves about those same issues, and we can meet the tight time schedule.

This schedule is demanding, but meeting it is important to us so that our report is ready to be discussed with the Advisory Board at its meeting on May 24.

Please let me know if this timetable works for you.

Tom O'Neill

013743



Gracia Hillman/EAC/GOV
03/22/2007 03:29 PM

To Jeannie Layson/EAC/GOV@EAC
cc Karen Lynn-Dyson/EAC/GOV@EAC
bcc

Subject Re: Project allotments

History: This message has been replied to

How about if we ask Eagleton for an estimate of the percent of costs they would attribute to the Voter ID portion of the study?

That way we can say the Voter ID study cost approximately X dollars.
(And deductively, the Prov Vote study cost X dollars.)

Sent from my BlackBerry Wireless Handheld
Jeannie Layson
----- Original Message -----

From: Jeannie Layson
Sent: 03/22/2007 02:23 PM EDT
To: Gracia Hillman
Cc: Karen Lynn-Dyson
Subject: Re: Project allotments

\$560,002

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov
Gracia Hillman/EAC/GOV



Gracia Hillman/EAC/GOV
03/22/2007 01:17 PM

To Jeannie Layson/EAC/GOV@EAC
cc Karen Lynn-Dyson/EAC/GOV@EAC
Subject Re: Project allotments

What is the (total) dollar amount of the contract?

Sent from my BlackBerry Wireless Handheld

----- Original Message -----
From: Jeannie Layson
Sent: 03/22/2007 10:59 AM EDT
To: Gracia Hillman
Cc: Karen Lynn-Dyson

013744

Subject: Project allotments

Commissioner,

Per your question about how much of the contract was actually spent on voter ID research vs provisional voting... I have yet to find the answer. I have reviewed the RFP and the invoices, but so far, it does not appear that these tasks were tracked separately. Karen and I continue to look into this, but I wanted to let you know what we've found so far.

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

013745

Jeannie Layson/EAC/GOV
03/22/2007 05:57 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc
bcc
Subject Re: Project allotments 

I think so, but let's check w/Julie first to make sure that's appropriate.

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Karen Lynn-Dyson
Sent: 03/22/2007 05:38 PM EDT
To: Jeannie Layson
Cc: Gracia Hillman; Jeannie Layson
Subject: Re: Project allotments

Jeannie-

Shall I go ahead and call John Weingart and ask him for an estimate of what they spent on each?

Happy to do so tomorrow.

Karen Lynn-Dyson
Research Director
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

Jeannie Layson/EAC/GOV

03/22/2007 05:10 PM

To Gracia Hillman/EAC/GOV@EAC, Karen Lynn-Dyson/EAC/GOV@EAC
cc "Jeannie Layson" <jlayson@eac.gov>
Subject Re: Project allotments Link

013746

No, that has not been said publically. But in anticipation of it being asked, I want to make sure we have the facts straight.

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Gracia Hillman
Sent: 03/22/2007 05:06 PM EDT
To: Karen Lynn-Dyson
Cc: Jeannie Layson
Subject: Re: Project allotments

Well, I certainly wouldn't want us to do anything inappropriate. And I don't know the regs and rules on what we can and cannot ask.

What do you suppose the problem might be with our asking that question?

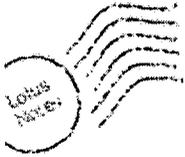
We received 2 distinct products and we find that it would be helpful for us to know what we spent on each effort. We aren't questioning their record keeping, we aren't asking them to reconstruct or research their records, we aren't asking them for an itemization, just an estimate.

The problem is that EAC is saying we spent 500 thou on the Voter ID study. That is wrong info. We need to stop saying that and I hope that has not been said publically, otherwise we need to correct the record ASAP.

And we also did not spend 500 thou on the Provisional Voting study. So, I guess we just have to say we spent 500 thou for both and when asked what we spent for one, we say we don't know. ??

Sent from my BlackBerry Wireless Handheld

013747



Gracia Hillman/EAC/GOV
03/22/2007 05:06 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc Jeannie Layson/EAC/GOV@EAC
bcc

Subject Re: Project allotments

Well, I certainly wouldn't want us to do anything inappropriate. And I don't know the regs and rules on what we can and cannot ask.

What do you suppose the problem might be with our asking that question?

We received 2 distinct products and we find that it would be helpful for us to know what we spent on each effort. We aren't questioning their record keeping, we aren't asking them to reconstruct or research their records, we aren't asking them for an itemization, just an estimate.

The problem is that EAC is saying we spent 500 thou on the Voter ID study. That is wrong info. We need to stop saying that and I hope that has not been said publically, otherwise we need to correct the record ASAP.

And we also did not spend 500 thou on the Provisional Voting study. So, I guess we just have to say we spent 500 thou for both and when asked what we spent for one, we say we don't know. ??

Sent from my BlackBerry Wireless Handheld

013748

Juliet E. Hodgkins/EAC/GOV
02/01/2007 03:29 PM

To "Davidson, Donetta" <ddavidson@eac.gov>, Karen
Lynn-Dyson/EAC/GOV@EAC

cc

bcc

Subject More thoughts on Eagleton draft report

After having read the Eagleton draft report, I have some thoughts and questions:

I am troubled by the concept that Eagleton compared states as if they were equal. They assume that, all factors being equal, that the voter turn out in each state would be equal. I am not at all certain that this is the case. Further, there is no evidence that the staticians actually compared previous years' turnout in the same state to determine whether 2004 was some sort of anomaly for that state (high or low). Long story short, I am very skeptical of the data that they used to draw conclusions. We should ask questions about what data they used, how they parsed it, why they used the data, what other data could have been used to provide better, more reliable results.

My second concern is how they (statistically speaking) differentiate between a minimum requirement (i.e. state name, photo i.d., etc) and a maximum requirement (i.e., state name, photo i.d., etc.). It makes no sense to me how they could possibly arrive at a different percentage for these requirement levels.

My third issue is the persistent use of the phrases "ballot access" and "ballot integrity" without some definition or some explanation of what those concepts are.

Juliet Thompson Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

013749

**Deliberative Process
Privilege**

Karen Lynn-Dyson/EAC/GOV
04/28/2006 12:44 PM

To "Tom O'Neill" [REDACTED]@GSAEXTERNAL
cc [REDACTED]
bcc Thomas R. Wilkey/EAC/GOV@EAC; rma@hass.caltech.edu;
Juliet E. Thompson-Hodgkins/EAC/GOV@EAC
Subject Re: Voter ID Paper --Final Draft

Tim, Tom, John, et.al--

The EAC has identified three academics who are going to serve as peer reviewers of the Eagleton Voter ID paper and research.

They are Jonathan Nagler of New York University, Jan Leighley, University of Arizona, and Adam Berinsky of MIT.

They are ready to review the documents as soon as they are available.

I would like to them one week to review the material and then have a joint conference call on **Thursday, May 11**, in which we would all have an opportunity to discuss the research methodology and statistical analysis, along with general comments and suggestions.

If you are able to get to me the paper and the supporting data analysis, I will distribute to the documents ASAP.

Also let me know, if you would, your availability on May 11 to do this conference all.

I anticipate that it will last approximately 90 minutes.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

013750

**Deliberative Process
Privilege**

Karen Lynn-Dyson/EAC/GOV
04/28/2006 01:13 PM

To: Thomas R. Wilkey/EAC/GOV@EAC
cc
bcc
Subject: Re: Voter ID Paper –Final Draft 

Tom-

You'll recall that we discussed the fact that the peer review group who Eagleton has assembled do not have the sufficient technical expertise to give us the expert/technical advice we need on the statistical analysis of the Voter ID piece. Only two persons on Eagleton's peer review group have a requisite research and statistical background and knowledge.

You may also remember that Mike told me that he thought that the paper needed an additional set of eyes and review by academics with a background and expertise in election statistics and analysis. When I initially proposed a review panel of six you said that was too many; we agreed that I would find three persons to do the review and that we would pay them a small honoraria for doing the review.

K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

013751

**Deliberative Process
Privilege**

Karen Lynn-Dyson/EAC/GOV
04/28/2006 01:33 PM

To Thomas R. Wilkey/EAC/GOV@EAC
cc
bcc
Subject Re: Voter ID Paper --Final Draft

\$100-\$200 each, review next week.

Conference call with Eagleton to discuss results on May 11.

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

Thomas R. Wilkey/EAC/GOV

Thomas R. Wilkey/EAC/GOV
04/28/2006 01:23 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc
Subject Re: Voter ID Paper --Final Draft

How much of an honorarium and how fast do we get their review.

Sent from my BlackBerry Wireless Handheld
Karen Lynn-Dyson

From: Karen Lynn-Dyson
Sent: 04/28/2006 01:13 PM
To: Thomas Wilkey
Subject: Re: Voter ID Paper --Final Draft

Tom-

You'll recall that we discussed the fact that the peer review group who Eagleton has assembled do not have the sufficient technical expertise to give us the expert/technical advice we need on the statistical analysis of the Voter ID piece. Only two persons on Eagleton's peer review group have a requisite research and statistical background and knowledge.

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K

013752

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

013753

**Deliberative Process
Privilege**

Karen Lynn-Dyson/EAC/GOV

To Thomas R. Wilkey/EAC/GOV@EAC, Juliet E.
Thompson-Hodgkins/EAC/GOV@EAC

05/01/2006 02:58 PM

cc

bcc

Subject E-mail to Voter ID peer reviewers

Tom and Julie-

Please take a look at this draft e-mail and let me know if it captures all that it needs to.

Would like to get this out ASAP- appreciate your feedback..

Dear Jonathan Nagler

Dear Jan Leighley

Dear Adam Berinsky

On behalf of the U.S. Election Assistance Commission (EAC), thank you in advance for agreeing to assist us with the review of research conducted by the Eagleton Institute of Politics on voter identification. By **Friday, May 5, 2006**, you will receive, in electronic form, the research paper and relevant data analysis which supports the paper's findings. Through this independent review by a small group of experts familiar with elections data and research we are seeking feedback on:

- The research methodology which was used to support the paper's conclusions
- The specific statistical applications which were used to analyze the data and arrive at various conclusions

If there are alternate methodological and statistical approaches to analyzing the data on voter identification, and if there is other data on voter identification that you think should have been included in the analysis, please be certain to note this in your comments.

On **May 11, 2006** EAC will conduct a 60-90 minute phone call with key Eagleton Institute staff responsible for the research, members of Eagleton's peer review group and the EAC-identified reviewers who have been asked to consider the research. Through this dialogue EAC hopes to gather varying perspectives and insights on the research strategies and methods that were employed by Eagleton. As a result of this conversation, EAC anticipates that some revisions will be made to the Eagleton research paper. This paper is scheduled to be presented to EAC's Board of Advisors and Standards Boards in late May.

While EAC agency policy does not allow us to provide you with financial compensation for your review of this research we greatly appreciate your willingness to assist us with this important task. We believe that the research findings we will provide on voter identification are important and will most certainly be enhanced by your insights and expertise.

013754

Sincerely,

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

013755

Karen Lynn-Dyson/EAC/GOV
05/01/2006 03:03 PM

To Thomas R. Wilkey/EAC/GOV@EAC
cc Juliet E. Thompson-Hodgkins/EAC/GOV@EAC
bcc
Subject Re: E-mail to Voter ID peer reviewers

It's my understanding that Julie thinks we are "good to go" as long as we don't pay them.

Correct?

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

Thomas R. Wilkey/EAC/GOV

Thomas R. Wilkey/EAC/GOV
05/01/2006 03:00 PM

To Karen Lynn-Dyson/EAC/GOV@EAC, Juliet E.
Thompson-Hodgkins/EAC/GOV
cc
Subject Re: E-mail to Voter ID peer reviewers

Did we resolve the contact issues on this?

Sent from my BlackBerry Wireless Handheld
Karen Lynn-Dyson

From: Karen Lynn-Dyson
Sent: 05/01/2006 02:58 PM
To: Thomas Wilkey; Juliet Thompson-Hodgkins
Subject: E-mail to Voter ID peer reviewers

Tom and Julie-

Please take a look at this draft e-mail and let me know if it captures all that it needs to.

Would like to get this out ASAP- appreciate your feedback..

Dear Jonathan Nagler
Dear Jan Leighley
Dear Adam Berinsky

013756

On behalf of the U.S. Election Assistance Commission (EAC), thank you in advance for agreeing to assist us with the review of research conducted by the Eagleton Institute of Politics on voter identification. By **Friday, May 5, 2006**, you will receive, in electronic form, the research paper and relevant data analysis which supports the paper's findings. Through this independent review by a small group of experts familiar with elections data and research we are seeking feedback on:

- The research methodology which was used to support the paper's conclusions
- The specific statistical applications which were used to analyze the data and arrive at various conclusions

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Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

013757

Karen Lynn-Dyson/EAC/GOV

To [REDACTED]

05/01/2006 05:36 PM

cc

bcc

Subject: Review of EAC research on Voter Identification

Dr. Berinsky-

On behalf of the U.S. Election Assistance Commission (EAC), thank you in advance for agreeing to assist us with the review of research conducted by the Eagleton Institute of Politics on voter identification. By **Friday, May 5, 2006**, you will receive, in electronic form, the research paper and relevant data analysis which supports the paper's findings. Through this independent review by a small group of experts familiar with elections data and research we are seeking feedback on:

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Sincerely,

Karen Lynn-Dyson
Research Director
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

013758

Karen Lynn-Dyson/EAC/GOV

To [REDACTED]

cc

05/01/2006 05:37 PM

bcc

Subject Fw: Review of EAC research on Voter Identification

Dr. Leighley-

On behalf of the U.S. Election Assistance Commission (EAC), thank you in advance for agreeing to assist us with the review of research conducted by the Eagleton Institute of Politics on voter identification. By **Friday, May 5, 2006**, you will receive, in electronic form, the research paper and relevant data analysis which supports the paper's findings. Through this independent review by a small group of experts familiar with elections data and research we are seeking feedback on:

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Sincerely,

Karen Lynn-Dyson
Research Director
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

013759

Karen Lynn-Dyson/EAC/GOV

To [REDACTED]

cc

05/01/2006 05:38 PM

bcc

Subject Fw: Review of EAC research on Voter Identification

Dr. Nagler-

On behalf of the U.S. Election Assistance Commission (EAC), thank you in advance for agreeing to assist us with the review of research conducted by the Eagleton Institute of Politics on voter identification. By **Friday, May 5, 2006**, you will receive, in electronic form, the research paper and relevant data analysis which supports the paper's findings. Through this independent review by a small group of experts familiar with elections data and research we are seeking feedback on:

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Sincerely,

Karen Lynn-Dyson
Research Director
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

013760

Karen Lynn-Dyson/EAC/GOV

To Aletha Barrington/CONTRACTOR/EAC/GOV@EAC

05/04/2006 04:14 PM

cc

bcc

Subject E-mail addresses for EAC peer reviewers

Aletha-

Here are the names and e-mail addresses of the three individuals who will participate in the May 11 11:30 am conference call

Adam Berinsky- [REDACTED]
Jonathan Nagler- [REDACTED] du
Jan Leighley- [REDACTED]

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

013781

Karen Lynn-Dyson/EAC/GOV

To [REDACTED]

05/05/2006 09:00 AM

cc Aletha Barrington/CONTRACTOR/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC

bcc Bert A. Benavides/EAC/GOV@EAC

Subject Fw: Revised Voter ID Analysis

Colleagues-

Attached please find the data analysis on voter identification requirements which the Eagleton Institute of Politics has prepared for the U.S. Election Assistance Commission.

As you will note from Eagleton's Project Manager, Tom O'Neill, the voter id paper which incorporates this analysis, and will be presented to the public in June, is forthcoming early next week.

EAC's Contract's Assistant, Aletha Barrington, will be in touch with each of you to provide specifics regarding the May 11, 11:30 am conference call, in which we will discuss the papers.

In the meantime, many thanks again for agreeing, on such short notice, to lend your expertise to this effort.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

— Forwarded by Karen Lynn-Dyson/EAC/GOV on 05/05/2006 08:49 AM —



"Tom O'Neill"

[REDACTED]
05/04/2006 05:00 PM

To klynndyson@eac.gov

cc [REDACTED]

Subject Revised Voter ID Analysis

Karen,

Attached is Tim Vercellotti's Voter ID analysis revised to use Citizen Voting Age population as the base for turnout calculations and to take account of comments or issues raised by the EAC and our Peer Review Group. This draft is for distribution to the reviewers who will meet by teleconference on May 11, at, we understand, 11:30 a.m.

You are receiving this at the same time that it is being distributed to the Eagleton-Moritz team

013762

so that the new reviewers will have a week to prepare for our conversation on the 11th. Early next week you will receive a revised summary paper on Voter ID that incorporates the new data and findings in Tim's revised analysis. That too will be for distribution to the new reviewers.

Tom O'Neill



VoterIDAnalysis VercRev0504.doc

013763

Analysis of Effects of Voter Identification Requirements on Turnout
Tim Vercellotti
Eagleton Institute of Politics
Rutgers University
May 4, 2006

Introduction

A key area of disagreement in the policy debate over voter identification requirements concerns whether such requirements dampen voter turnout. Opponents of voter identification laws argue that they constitute an institutional barrier to voting, particularly among the poor, African-Americans, Hispanics, the elderly and people with disabilities (Baxter and Galloway 2005, Electionline.org 2002, Jacobs 2005, Young 2006). This argument holds that voter identification requirements create an extra demand on voters, and thus may discourage some of them from participating in elections. Further, critics of voter identification requirements contend that the effect is greater for some specific types of requirements. For example, critics argue that requiring voters to produce government-issued photo identification on Election Day is more demanding than, say, requiring that they state their names at the polling place. Supporters of voter identification requirements, on the other hand, argue that the requirements are necessary to combat voter fraud, safeguard the integrity of the electoral process, and engender faith in the electoral process among citizens (Young 2006).

This report examines the potential variation in turnout rates based on the type of voter identification requirement in place in each state on Election Day 2004. It draws on two sets of data – aggregate turnout data at the county level for each state, as compiled by the Eagleton Institute of Politics, and individual-level survey data included in the November 2004 Current Population Survey conducted by the U.S. Census Bureau. Classification of voter identification requirements comes from a review of state statutes conducted by the Moritz College of Law at the Ohio State University.

Types of voter identification requirements

Based on research performed for this study by the Moritz College of Law, states had one of five types of requirements in place on Election Day 2004. Upon arrival at polling places, voters had to: state their names (nine states); sign their names (13 states and the District of Columbia); match their signature to a signature on file with the local election board (eight states); provide a form of identification that did not necessarily include a photo (15 states); or provide a photo identification (five states).¹ It was then possible to code the states according to these requirements, and test the assumption that voter identification requirements would pose an increasingly demanding requirement in this order: stating one's name, signing one's name, matching one's signature to a signature on file, providing a form of identification, and providing a form of photo identification.

¹ Oregon conducts elections entirely by mail. Voters sign their mail-in ballots, and election officials match the signatures to signatures on file. For the purposes of this analysis, Oregon is classified as a state that requires a signature match.

013764

But election laws in numerous states offer exceptions to these requirements if individuals lack the necessary form of identification, and laws in those states set a minimum standard that a voter must meet in order to vote using a regular ballot (as opposed to a provisional ballot). Thus it is also possible to categorize states based on the minimum requirement for voting with a regular ballot. In 2004 the categories were somewhat different compared to the maximum requirement, in that none of the states required photo identification as a minimum standard for voting with a regular ballot. Four states, however, required voters to swear an affidavit as to their identity (Florida, Indiana, Louisiana, and North Dakota). The five categories for minimum requirements were: state name (12 states), sign name (14 states and the District of Columbia), match one's signature to a signature on file (six states), provide a non-photo identification (14 states), or swear an affidavit (four states). For the purposes of this analysis I treated the array of minimum identification requirements also in terms of increasing demand on the voter: state name, sign name, match signature, provide non-photo identification, and, given the potential legal consequences for providing false information, swearing an affidavit.

Estimating turnout among citizens in the voting-age population

This report examines turnout among U.S. citizens of voting age in both the aggregate- and the individual-level data. Determining citizenship status in the individual-level data simply involved restricting the analyses to individuals who identified themselves as citizens in the November 2004 Current Population Survey. (Those who said they were not citizens did not have the opportunity to answer the supplemental voting questions contained in the Current Population Survey.)

In the aggregate data, determining the percentage of the voting-age population that has U.S. citizenship posed a methodological challenge. The Census Bureau gathers information on the citizenship status of adults ages 18 and older only during the decennial census. While the Census Bureau provides annual estimates of the population to account for changes between decennial censuses, the bureau does not offer estimates for the proportion of the adult population who are citizens as part of the annual estimates. To address this issue I estimated the 2004 citizen voting-age population for each county using a method reported in the analysis of the 2004 Election Day Survey conducted for the U.S. Election Assistance Commission (U.S. Election Assistance Commission, 2005). I calculated the percentage of the 2000 voting-age population who were citizens in 2000, and applied that percentage to the July 1, 2004 estimates for voting-age population in each county. In other words, I assumed that the percentage of the voting-age population that had U.S. citizenship in 2004 was similar to the percentage of the voting-age population who were citizens in 2000.²

² McDonald and Popkin (2001) recommend an even more stringent approach to voter turnout calculations. They point out that voting-age population estimates include adults who are ineligible to vote (such as convicted felons), and the estimates overlook eligible citizens living overseas. While estimates of the voting-eligible population are available at the state level, I was unable to find such estimates for individual counties, which provide the unit of analysis for the aggregate data analyzed here.

Analysis of aggregate data

If one treats maximum voter identification requirements as an ordinal variable, with photo identification as the most demanding requirement, one finds some statistical support for the premise that as the level of required proof increases, turnout declines. Averaging across counties in each state, statewide turnout is negatively correlated with maximum voter identification requirements ($r = -.30, p < .0001$). In considering the array of minimum requirements, with affidavit as the most demanding requirement, voter identification also is negatively correlated with turnout ($r = -.20, p < .0001$). Breaking down the turnout rates by type of requirement reveals in greater detail the relationship between voter identification requirements and voter turnout.

[Table 1 here]

The aggregate data show that 60.9 percent of the estimated citizen voting age population voted in 2004. Differences in voter turnout at the state level in 2004 varied based on voter identification requirements. Taking into account the maximum requirements, an average of 64.6 percent of the voting age population turned out in states that required voters to state their names, compared to 58.1 percent in states that required photo identification. A similar trend emerged when considering minimum requirements. Sixty-three percent of the voting age population turned out in states requiring voters to state their names, compared to 60.1 percent in states that required an affidavit from voters.

Voter identification requirements alone, however, do not determine voter turnout. Multivariate models that take into account other predictors of turnout can paint a more complete picture of the relationship between voter identification requirements and turnout. I estimated the effects of voter identification requirements in multivariate models that also took into account the electoral context in 2004 and demographic characteristics of the population in each county. I coded the voter identification requirements on a scale of one to five, with one representing the least demanding form of identification and five representing the most demanding form of identification. To capture electoral context I included whether the county was in a presidential battleground state (any state in which the margin of victory for the winning candidate was five percent or less), and whether the county was in a state with a competitive race for governor and/or the U.S. Senate (also using the threshold of a margin of victory of five percent or less). Drawing from U.S. Census projections for 2003, I included the percentage of the voting-age population in each county that was Hispanic or African-American to control for ethnicity and race. I controlled for age using the 2003 Census projection for the percentage of county residents age 65 and older, and I controlled for socioeconomic status by including the percentage of individuals who fell below the poverty line in each county in the 2000 Census.

I estimated a series of random intercept models to account for the likelihood that data from counties were correlated within each state (for further explanation of random intercept and other multilevel models, see Bryk and Raudenbush 1992, Luke 2004, Singer 1998).³ The

³ The data analyses provided evidence that there was, indeed, a clustering of data within each state. The intraclass correlation, bounded by 0 and 1, measures the variation between the states. A random intercept model using only the

dependent variable in each model was voter turnout at the county level, with turnout calculated as the percentage of the estimated citizen voting-age population that voted in the 2004 election.

[Table 2 here]

Turning first to an analysis using the maximum identification requirements, those requirements had a small and negative effect on turnout in 2004 controlling for electoral context and demographic factors. Both contextual factors (whether the county was in a state that was a battleground state and whether that state had a competitive race for governor and/or U.S. Senate) increased voter turnout. As the percentage of senior citizens in the county increased, so did turnout. The percentage of African-Americans in the county exerted a positive effect on voter turnout, and the percentage of individuals living below the poverty line had a negative effect. The effect of the percentage of Hispanic adults in the county on turnout fell just short of statistical significance ($p = .05$).

I then sought to test the hypothesis that voter identification requirements dampen turnout among minorities and the poor, a claim voiced by some critics of the requirements. To test this idea I incorporated a series of interactions between the maximum voter identification requirements and the percentage of African-Americans, Hispanics, and poor individuals in the counties. The interaction involving African-Americans was not significant, but those involving Hispanics and poor individuals were significant.⁴ In addition, adding the interactions to the model resulted in the percentage of Hispanics in the population having a direct and negative effect on turnout. The interactions suggest that voter identification requirements have a greater effect for Hispanics and those living below the poverty line. A chi-square test of the difference in the deviance for each model (represented by $-2 \log$ likelihood in Table 2), shows that the model with interactions provides a better fit to the data ($p < 0.005$).

I also estimated the effects of the minimum voter identification requirements holding constant the effects of electoral context and the demographic variables.

[Table 3 here]

The effects of the minimum requirements fell short of statistical significance ($p = 0.08$). The battleground state variable continued to exert a positive influence on turnout, while the presence of a competitive race for governor and/or U.S. Senate had no statistically significant effect. As in the maximum identification requirement model, as the percentage of the population that is poor increased, turnout declined. As the percentage of elderly increased, so did turnout. The proportion of African-Americans in the population had a positive effect on turnout, while the percentage of Hispanics did not affect turnout.

intercept as a predictor generated an intraclass correlation of .43, indicating considerable variation between the states.

⁴ The interactions are labeled in Tables 2 and 3 as VID*African-American, VID*Hispanic, and VID*Poverty. To calculate the effects of voter identification requirements for a specific group, one must add the estimates for voter identification, the group, and the interaction. Doing so for Hispanic adults results in an estimate of $-0.13 [-0.03 (\text{voter id}) - 0.13 (\text{Hispanic}) + 0.03 (\text{voter id X Hispanic})]$.

Adding interactive effects to the model resulted in a statistically significant and negative effect of minimum voter identification requirements on turnout. The percentage of Hispanic adults in the county had a significant and negative effect on turnout, and the percentage of individuals below the poverty line continued to have a negative effect. Interactions between the percentages of Hispanics and those below the poverty line and minimum voter identification requirements also were significant. The percentage of African-Americans in the county and the interaction between African-Americans and voter identification requirements were not significant. A chi-square test for the difference in fit between the two models showed that the model with interactions provides a better fit to the data ($p < .025$).

Analysis of the aggregate data at the county level generates some support for the hypothesis that as the demands of voter identification requirements increase, turnout declines. This is particularly so for counties with concentrations of Hispanic residents or individuals who live below the poverty line. But aggregate data cannot fully capture the individual demographic factors that may figure into the decision to turn out to vote. For example, previous research has found that education is a powerful determinant of turnout (Wolfinger and Rosenstone 1980, but see also Nagler 1991).⁵ Married individuals also are more likely to vote than those who are not married (Alvarez and Ansolabehere 2002; Alvarez, Nagler and Wilson 2004; Fisher, Kenny, and Morton 1993). To fully explore the effects of voter identification requirements on turnout, it is important to examine individual-level data as well.

Individual-level analysis

Individual-level turnout data exists in the November 2004 Current Population Survey conducted by the U.S. Census Bureau. The Census Bureau conducts the CPS monthly to measure unemployment and other workforce data, but the bureau adds a battery of voter participation questions to the November survey in even-numbered years to coincide with either a presidential or midterm Congressional election.

One of the advantages of the CPS is the sheer size of the sample. The survey's Voting and Registration Supplement consisted of interviews, either by telephone or in person, with 96,452 respondents.⁶ The large sample size permits analyses of smaller groups, such as Black or Hispanic voters or voters with less than a high school education. The analyses reported here are based on reports from self-described registered voters. I omitted those who said they were not registered to vote. I also excluded those who said they cast absentee ballots because the identification requirements for absentee ballots may differ from those required when one votes in person. In addition, I eliminated from the sample respondents who said they were not U.S.

⁵ A reviewer for an earlier version of this paper recommended adding an education variable to the aggregate model. One version of the aggregate model not reported here included the percentage of adults in the county who had at least a college degree. The measure was highly collinear with the percentage of residents living below the poverty line, necessitating removal of the college degree variable from the model.

⁶ It is important to note that the Census Bureau allows respondents to answer on behalf of themselves and others in the household during the interview. While proxy reporting of voter turnout raises the possibility of inaccurate reports concerning whether another member of the household voted, follow-up interviews with those for whom a proxy report had been given in the November 1984 CPS showed 99 percent agreement between the proxy report and the information given by the follow-up respondent (U.S. Census Bureau 1990).

citizens because the questionnaire design skipped those individuals past the voter registration and turnout questions in the survey.

The dependent variable in these analyses is whether a respondent said he or she voted in the November 2004 election.⁷ As in the analysis of aggregate data, I coded voter identification requirements for each respondent's state of residence on a scale of one to five, with one representing the least demanding requirement (stating one's name) and five representing the most demanding requirement (photo identification or affidavit).

In addition to the voter identification requirements, the models include two other state-level factors that might have influenced turnout in 2004: whether the state was considered a battleground state in the presidential election, and whether there was a gubernatorial and/or U.S. Senate race in the state (see Alvarez and Ansolabehere 2002, Alvarez et al. 2004, and Kenny et al. 1993 for similar approaches). As in the aggregate data analysis, the threshold that determined whether the state was a battleground state or had a competitive statewide race was a margin of victory of five percent or less. At the individual level, I controlled for gender, age in years, education, household income, and dummy variables representing whether a voter was Black/non-Hispanic, Hispanic, or another non-white race (with white/non-Hispanic voters as the omitted category for reference purposes).⁸ Drawing on previous research on voting behavior, I also controlled for whether an individual was employed, or at least a member of the workforce (as opposed to being a full-time student, a homemaker, or retired). Both employment and workforce membership have been shown to be positive predictors of turnout (see Mitchell and Wlezien 1995). Marital status, whether one is a native-born citizen and residential mobility also have emerged as significant predictors of turnout (Alvarez and Ansolabehere 2002, Alvarez et al. 2004, Kenney et al. 1993, Wolfinger and Rosenstone 1980). I included in the model variables for whether a respondent was married (coded 1 if yes, 0 otherwise), and whether one was a native-born citizen (coded 1 if yes, 0 otherwise). I measured residential mobility by coding for whether the respondent had moved to a new address in the six months prior to the interview (coded 1 if yes, 0 otherwise).

Results

The dependent variable is whether a respondent said he or she voted in the November 2004 election (coded 1 for yes, 0 for no). I estimated models using probit analysis, which

⁷ The U.S. Census Bureau reported, based on the November 2004 CPS, that 89 percent of those who identified themselves as registered voters said they voted in 2004 (U.S. Census Bureau 2005). Previous research has shown that, generally speaking, some survey respondents overstate their incidence of voting. Researchers speculate that over-reports may be due to the social desirability that accompanies saying one has done his or her civic duty, or a reluctance to appear outside the mainstream of American political culture (U.S. Census Bureau 1990). It is also possible that voting is an indication of civic engagement that predisposes voters to agree to complete surveys at a higher rate than non-voters (Flanigan and Zingale 2002). Hence the voter turnout rates reported in the CPS tend to be up to 10 percentage points higher than the actual turnout rate for the nation (Flanigan and Zingale 2002). Even with this caveat, however, the CPS serves as a widely accepted source of data on voting behavior.

⁸ Asian-Americans are included in the "other non-white races" category. In response to a request from officials at the U.S. Election Assistance Commission who had read an earlier version of this paper and were curious about the experiences of Asian-Americans, I ran models using Asian-Americans as a separate category in addition to the models presented here. Voter identification requirements did not have a statistically significant effect on whether Asian-American voters said they turned out in the 2004 election.

calculates the effects of independent variables on the probability that an event occurred – in this case whether a respondent said he or she voted. I estimated the models using robust standard errors to control for correlated error terms for observations from within the same state.

[Table 4 here]

The two models in Table 4 use either the maximum or minimum voter identification requirements in each state. The two models generate virtually identical results. Voter identification requirements exert a statistically significant, negative effect on whether survey respondents said they had voted in 2004. Of the other state factors, only the competitiveness of the presidential race had a significant effect on turnout. In terms of demographic influences, African-American voters were more likely than white voters to say they had cast a ballot, while those of other non-white races were less likely than white voters to say they had turned out. Hispanic voters were not statistically different from white voters in terms of reported turnout. Consistent with previous research, age, education, income, and marital status all were positive predictors of voting. Women also were more likely to say they voted than men. Those who had moved within six months before the interview were less likely to say they had voted.

While the probit models provide statistical support for the influence of voter identification requirements and other variables on turnout, probit coefficients do not lend themselves to intuitive interpretation. Another common approach in studies of election requirements is to examine how the predicted probability of voter turnout would vary as election requirements vary. I used the probit coefficients to calculate the predicted probability of voting at each level of voter identification requirements while holding all other independent variables in the models at their means.⁹ I calculated the probabilities taking into account both maximum and minimum requirements, with photo identification serving as the most demanding of the maximum requirements and affidavits as the most demanding minimum requirement.

[Table 5 here]

Allowing the voter identification requirement to vary while holding constant all other variables in the model showed that the predicted probability of turnout ranged from 0.912 for stating one's name to 0.887 for photo identification under the maximum requirements. In other words, the probability of voting dropped with each level of voter identification requirement, with a total drop of .025, or 2.5 percent, across the five types of identification.¹⁰ When taking into account the minimum requirement for identification, the probability showed a similar decline, with a slightly larger total drop of 3.3 percent.

Among the key variables of interest in the debate over voter identification requirements are race, age, income, and education. Given the large sample size (54,973 registered voters), it

⁹ In the case of dichotomous independent variables, holding them at their mean amounted to holding them at the percentage of the sample that was coded 1 for the variable (Long 1997).

¹⁰ The voter turnout percentages may seem disproportionately high compared to the turnout rates reported in the aggregate data analysis. It is important to consider that the turnout rates in the aggregate data were a proportion of all citizens of voting-age population, while the turnout rates for the individual-level data are the proportion of only registered voters who said they voted.

was possible to break the sample into sub-samples along those demographic lines to explore variation in predicted probability by group. I disaggregated the sample by the variable of interest, omitting that variable while I re-ran the probit model with the remaining predictors of voter turnout, including the voter identification requirements.¹¹ If the analysis showed that the voter identification requirements had a statistically significant effect on turnout, I used the probit coefficients from the model to calculate the predicted probability of voting for each group across the five requirements while holding the other variables in the model constant.

[Table 6 here]

Both the maximum and minimum identification requirements had negative and statistically significant effects for White/Non-Hispanic voters. Allowing the requirements to vary from stating one's name to providing photo identification or an affidavit showed drops of 2.5 percent and 3.2 percent respectively in the predicted probability of voting. The identification requirements had no effect on the probability of Black/Non-Hispanics voting, but the minimum identification requirements had a comparatively sizable effect on voter turnout among Hispanics. The predicted probability of Hispanics voting ranged from 87 percent if stating one's name was the required form of identification to 77.3 percent if a voter would have to provide an affidavit in order to vote, a difference of 9.7 percent.

The effects of voter identification requirements also varied by age, with the greatest variation occurring among voters ages 18 to 24.

[Table 7 here]

Voters in that age group had a predicted probability of 83.9 percent when the maximum requirement was stating one's name, and the probability dropped 8.9 percentage points if voters would have to provide photo identification. The range was from 83.1 percent to 75.4 percent under the minimum requirements. The gap in probability narrowed in older age groups (4.8 percent for the maximum requirements and 5.8 percent for the minimum requirements for those ages 25 to 44; 1.8 percent for the minimum requirements for those ages 45 to 64, and 2.4 percent for the minimum requirements for those ages 65 and older).

Breaking down the 18- to 24-year-old age group by race shed additional light on the effects of voter identification requirements on specific groups.

[Table 8 here]

The gap in predicted probability that White/Non-Hispanic voters in the 18- to 24-year-old category would turn out was 9.2 percent when the identification requirements varied from stating one's name to providing photo identification. The gap was 7.8 percent when taking into account the minimum requirements. The effects of maximum voter identification requirements also were statistically significant for African-Americans in the 18- to 24-year-old age group, with a gap in

¹¹ See Nagler 1991 for a similar approach in analyzing the effects of registration closing dates broken down by education levels.

the predicted probability of voting of 10.6 percent. Maximum and minimum voter identification requirements were not a significant predictor of voting among Hispanics ages 18 to 24.

Variation also emerged along the lines of income, with the effects of voter identification requirements varying to a greater extent for voters in households below the poverty line compared to those living above the poverty line.¹²

[Table 9 here]

While the maximum set of requirements did not have a statistically significant effect for voters living below the poverty line, the minimum set of requirements had a significant and negative effect. The probability of voting was .784 for poor voters if they would have to identify themselves by giving their name, and the probability declined to .731 if they would have to provide an affidavit attesting to their identity. Both the maximum and minimum sets of requirements had a significant and negative effect on voters living above the poverty line, but the difference in probability across the effects was narrower (2.3 percent for the maximum requirements and 3.1 percent for the minimum requirements). Given that political discourse about voter identification requirements includes concerns about the effects of the requirements on poor and minority voters, I also ran probit analyses for sub-samples of white and minority voters who fell below the poverty line. The voter identification requirements did not exert statistically significant effects on turnout among poor White/Non-Hispanic and Hispanic voters, but did have a significant effect on Black/Non-Hispanic voters who were below the poverty line.¹³ Allowing the maximum voting requirement to vary from the least to the most demanding, the probability that African-American voters below the poverty line said they had voted dropped by 7.5 percent.

The effects of voter identification requirements varied across education levels as well, with those lowest in education demonstrating the widest variation in probabilities as identification requirements ranged from least to most demanding.

[Table 10 here]

Registered voters who had less than a high school education had a 77.5 percent probability of voting if the maximum requirement would be stating one's name, and a 70.8 percent probability if they would have to provide photo identification under the maximum requirement, a difference of 6.7 percent. The difference from the lowest to the highest requirement among the minimum requirements was 7.4 percent. The difference in probabilities ranged from 3.3 percent for the maximum requirements to 4.5 percent for the minimum requirements for voters with a high school diploma. The range of effects of voter identification requirements was smaller among those with higher levels of education (and non-existent for one category – voters with some college education).

¹² I coded respondents as being above or below the U.S. Census Bureau's 2004 poverty line based on respondents' reported annual household income and size of the household.

¹³ The lack of significant effects for poor Hispanic voters is in contrast to the results from the aggregate data analysis. The sub-sample of poor Hispanic voters was small (n = 491), which may have contributed to the lack of statistical significance.

Discussion and conclusion

The results presented here provide evidence that as the level of demand associated with voter identification requirements increases, voter turnout declines. This point emerged from both the aggregate data and the individual-level data, although not always for both the maximum and minimum sets of requirements. The overall effect for all registered voters was fairly small, but still statistically significant.

The effects of voter identification requirements were more pronounced for specific subgroups. Hispanic voters and the poor appeared to be less likely to vote as the level of required identification became more demanding, according to both the aggregate and the individual-level data. In the individual-level data, for Hispanic voters, the probability of voting dropped by 9.7 percent across the various levels of minimum identification requirements. Survey respondents living in poor households were 5.3 percent less likely to vote as the requirements varied from stating one's name to attesting to one's identity in an affidavit. African-American voters from households below the poverty line were 7.5 percent less likely to vote as the maximum requirements varied from stating one's name to providing photo identification.

Effects of voter requirements also varied with education. Registered voters who had not graduated from high school were 6.7 percent less likely to say they voted as the maximum requirements ranged from stating one's name to providing photo identification. When considering the minimum requirements, those with less than a high school education were 7.4 percent less likely to say they voted if the requirement was an affidavit as opposed to stating one's name. Age was also a key factor, with voters ages 18 to 24 being 7.7 percent to 8.9 percent less likely to vote as the requirements ranged from stating one's name to providing a photo identification or affidavit. Breaking down the age group by race, the effects were significant for young White/Non-Hispanic and Black/Non-Hispanic voters.

The results shed additional light on the effects of voter identification requirements on two groups often projected as being particularly sensitive to such requirements: African-American voters and elderly voters. The effects on African-American voters were pronounced for two specific sub-samples: African-American voters living below the poverty line and those in the 18- to 24-year-old age group. Also, the elderly, while they would be slightly less likely to vote as requirements ranged from least to most demanding, would not necessarily be affected in the dramatic manner predicted by some opposed to photo identification requirements in particular.

In examining the effects of voter identification requirements on turnout, there is still much to learn. The data examined in this project could not capture the dynamics of how identification requirements might lower turnout. If these requirements dampen turnout, is it because individuals are aware of the requirements and stay away from the polls because they cannot or do not want to meet the requirements?¹⁴ Or, do the requirements result in some voters

¹⁴ The individual-level data offer some insight here. If advance knowledge of the voter identification requirements were to dampen turnout, it is reasonable to expect that advance knowledge of those requirements also could discourage some individuals from registering to vote. I ran the same probit models using voter registration as the dependent variable (coded 1 if the respondent said he or she was registered, and 0 if the respondent was not

being turned away when they cannot meet the requirements on Election Day? The CPS data do not include measures that can answer this question. Knowing more about the “on the ground” experiences of voters concerning identification requirements could guide policy-makers at the state and local level in determining whether and at what point in the electoral cycle a concerted public information campaign might be most effective in helping voters to meet identification requirements. Such knowledge also could help in designing training for election judges to handle questions about, and potential disputes over, voter identification requirements.

registered). Neither the maximum nor minimum array of voter identification requirements had a statistically significant effect on the probability that a survey respondent was registered to vote.

013774

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013776

Table 1 – Variation in 2004 State Turnout Based on Voter Identification Requirements

Maximum Requirement		Minimum Requirement	
Voter Identification Required in the States	Mean Voter Turnout for States in that Category	Voter Identification Required in the States	Mean Voter Turnout for States in that Category
State Name	64.6 %	State Name	63.0 %
Sign Name	61.1 %	Sign Name	60.8 %
Match Signature	60.9 %	Match Signature	61.7 %
Provide Non-Photo ID	59.3 %	Provide Non-Photo ID	59.0 %
Provide Photo ID	58.1 %	Swear Affidavit	60.1 %
<i>Average Turnout for All States</i>	60.9 %		

013777

Table 2. Predictors of 2004 turnout at the county level taking into account maximum voter identification requirements				
Variable	Basic Model		Model with Interactions	
	Unstandardized Estimate	Standard Error	Unstandardized Estimate	Standard Error
Intercept	0.64	0.01	0.69	0.02
Voter ID requirements	-0.01**	0.003	-0.03**	0.004
Battleground State	0.04*	0.01	0.04*	0.02
Competitive Senate/Governor's Race	0.04*	0.02	0.04*	0.02
% Age 65 and Older	0.48**	0.03	0.50**	0.03
% African-American	0.05**	0.01	0.06	0.03
% Hispanic	-0.02	0.01	-0.13**	0.05
% Below poverty line	-0.01**	0.0002	-0.01**	0.001
VID * African-American	----	----	-0.004	0.01
VID * Hispanic	----	----	0.03*	0.01
VID * Poverty	----	----	0.001**	0.0002
-2 Log Likelihood	-8638.0		-8651.1	

Coefficients are restricted maximum likelihood estimates. N = 3,111. * p < .05 ** p < .01 (two-tailed tests)

013778

Variable	Basic Model		Model with Interactions	
	Unstandardized Estimate	Standard Error	Unstandardized Estimate	Standard Error
Intercept	0.63	0.02	0.66	0.02
Voter ID requirements	-0.009	0.005	-0.02**	0.006
Battleground State	0.04*	0.02	0.04*	0.02
Competitive Senate/Governor's Race	0.03	0.02	0.03	0.02
% Age 65 and Older	0.48**	0.03	0.48**	0.03
% African-American	0.05**	0.01	0.04	0.03
% Hispanic	-0.12	0.01	-0.13**	0.04
% Below poverty line	-0.01**	0.0003	-0.01**	0.001
VID * African-American	----	----	0.01	0.01
VID * Hispanic	----	----	0.03*	0.01
VID * Poverty	----	----	0.001**	0.0002
-2 Log Likelihood	-8630.8		-8620.1	

Coefficients are restricted maximum likelihood estimates. N = 3,111. * p < .05 ** p < .01 (two-tailed tests)

Table 4. Probit model of voter turnout.				
	Maximum requirements		Minimum requirements	
Variable	Unstandardized Estimate	Standard Error	Unstandardized Estimate	Standard error
Voter ID requirements	-0.04*	0.01	-0.05**	0.01
Hispanic	-0.06	0.05	-0.05	0.05
Black	0.22**	0.04	0.22**	0.04
Other race	-0.23**	0.04	-0.23**	0.04
Age in years	0.01**	0.001	0.01**	0.001
Education	0.12**	0.005	0.11**	0.005
Household income	0.03**	0.003	0.03**	0.003
Married	0.20**	0.02	0.20**	0.02
Female	0.09**	0.01	0.09**	0.01
Battleground state	0.18**	0.04	0.19**	0.04
Competitive race	0.05	0.05	0.05	0.05
Employed	0.05	0.04	0.05	0.04
Member of workforce	-0.04	0.05	-0.04	0.05
Native-born citizen	0.03	0.04	0.04	0.05
Moved within past 6 months	-0.27**	0.03	-0.27**	0.03
Constant	-4.48**	0.20	-4.46**	0.20
Pseudo-R-Squared	0.09		0.09	
Notes:				
N = 54,973 registered voters				
p < .05* p < .01** (two-tailed tests)				
Models were estimated with robust standard errors to correct for correlated error terms within each state.				
Data source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2004.				

Table 5. Predicted probability of voter turnout – full model		
	Maximum requirement	Minimum requirement
State name	0.912	0.911
Sign name	0.906	0.903
Match signature	0.900	0.895
Non-photo ID	0.894	0.887
Photo ID	0.887	----
Affidavit	----	0.878
Total difference from lowest to highest	0.025	0.033
N	54,973	
<p>Figures represent the predicted probability of registered voters saying they voted as the identification requirement varies from the lowest to the highest point in the scale, with all other variables held constant.</p> <p>Data source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2004.</p>		

013731

Table 6. Predicted probability of voter turnout – White and Hispanic voters			
	White/Non-Hispanic voters		Hispanic voters
	Maximum requirement	Minimum requirement	Minimum requirement
State name	0.920	0.922	0.870
Sign name	0.915	0.915	0.849
Match signature	0.909	0.907	0.826
Non-photo ID	0.902	0.899	0.800
Photo ID	0.895	----	----
Affidavit	----	0.890	0.773
Total difference from lowest to highest	0.025	0.032	0.097
N	44,760		2,860
<p>Figures represent the predicted probability of registered voters saying they voted as the identification requirement varies from the lowest to the highest point in the scale, with all other variables held constant. Maximum voter identification requirements were not a significant predictor of voting for Hispanic voters. Maximum and minimum voter identification requirements were not a significant predictor for African-American voters.</p> <p>Data source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2004.</p>			

013732

Table 8. Predicted probability of voter turnout – Age groups by race

	White/Non-Hispanic 18 - 24		Black/Non-Hispanic 18 – 24
	Maximum requirements	Minimum requirements	Maximum requirements
State name	0.844	0.836	0.899
Sign name	0.823	0.818	0.877
Match signature	0.801	0.799	0.852
Non- photo ID	0.777	0.779	0.824
Photo ID	0.752	----	0.793
Affidavit	----	0.758	----
Total difference -- lowest to highest	0.092	0.078	0.106
N	3,814		562

Figures represent the predicted probability of registered voters saying they voted as the identification requirement varies from the lowest to the highest point in the scale, with all other variables held constant. Minimum voter identification requirements were not a significant predictor of voting for Black/Non-Hispanic voters ages 18 to 24. Maximum and minimum voter identification requirements were not a significant predictor of voting for Hispanic voters ages 18 to 24.

Data source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2004.

013783

	All voters above the poverty line		All voters below the poverty line	Black/Non-Hispanic voters below the poverty line
	Maximum requirement	Minimum requirement	Minimum requirement	Maximum requirement
State name	0.920	0.922	0.784	0.833
Sign name	0.915	0.915	0.772	0.816
Match signature	0.909	0.907	0.758	0.798
Non-photo ID	0.903	0.899	0.745	0.778
Photo ID	0.897	----	----	0.758
Affidavit	----	0.891	0.731	
Total difference from lowest to highest	0.023	0.031	0.053	0.075
N	49,935		5,038	1,204

Figures represent the predicted probability of registered voters saying they voted as the identification requirement varies from the lowest to the highest point in the scale, with all other variables held constant. Maximum voter identification requirements were not a significant predictor of voting for white and Hispanic voters who were below the poverty line. Minimum voter identification requirements were not a significant predictor of voting for Black voters below the poverty line.

Data source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2004.

013784

	18 - 24		25 - 44		45 - 64	65 and older
	Maximum requirements	Minimum requirements	Maximum requirements	Minimum requirements	Minimum requirements	Minimum requirements
State name	0.839	0.831	0.831	0.831	0.936	0.916
Sign name	0.819	0.814	0.820	0.817	0.932	0.910
Match signature	0.797	0.795	0.808	0.803	0.927	0.904
Non-photo ID	0.774	0.775	0.796	0.788	0.923	0.898
Photo ID	0.750	----	0.783	----	----	----
Affidavit	----	0.754	----	0.773	0.918	0.892
Total difference -- lowest to highest	0.089	0.077	0.048	0.058	0.018	0.024
N	5,065		20,066		20,758	9,084
<p>Figures represent the predicted probability of registered voters saying they voted as the identification requirement varies from the lowest to the highest point in the scale, with all other variables held constant. Maximum voter identification requirements were not a significant predictor of voting for voters ages 45 to 64 and 65 and older.</p> <p>Data source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2004.</p>						

013785

Table 10. Predicted probability of voter turnout – By education

	Less than high school		High school		College		Graduate school	
	Maximum requirement	Minimum requirement	Maximum requirement	Minimum requirement	Maximum requirement	Minimum requirement	Maximum requirement	Minimum requirement
State name	0.775	0.779	0.866	0.869	0.960	0.959	0.977	0.979
Sign name	0.759	0.762	0.858	0.859	0.956	0.954	0.973	0.973
Match signature	0.743	0.743	0.850	0.848	0.951	0.950	0.968	0.967
Non-photo ID	0.725	0.724	0.842	0.836	0.945	0.945	0.963	0.959
Photo ID	0.708	----	0.833	----	0.939	----	0.957	----
Affidavit	-----	0.705	----	0.824	----	0.940	-----	0.950
Total difference -- lowest to highest	0.067	0.074	0.033	0.045	0.021	0.019	0.020	0.029
N	4,903		16,361		11,017		5,739	

Figures represent the predicted probability of registered voters saying they voted as the identification requirement varies from the lowest to the highest point in the scale, with all other variables held constant. Maximum and minimum voter identification requirements were not a significant predictor of voting for those with some college education.
 Data source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2004.

013786

Karen Lynn-Dyson/EAC/GOV
05/08/2006 11:22 AM

To "Tom O'Neill" [REDACTED]@GSAEXTERNAL
cc Aletha Barrington/CONTRACTOR/EAC/GOV@EAC
bcc
Subject Re: May 11 Conference Call [REDACTED]

Tom-

Aletha Barrington, EAC's Contracts Assistant will get you the necessary information ASAP.

Our three reviewers received the revised Eagleton paper on Friday.

Regards-
Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'Neill" [REDACTED]



"Tom O'Neill"
[REDACTED]
05/08/2006 11:01 AM

To klyndyson@eac.gov
cc
Subject May 11 Conference Call

Karen,

Has the 11:30 time for our conference call on May 11 been confirmed? I'd like to pass along the call-in and ID numbers to our participants as soon as possible. Do you have the information available yet?

Tom O'Neill

013787

Karen Lynn-Dyson/EAC/GOV
05/08/2006 12:58 PM

To "Tom O'neill" [REDACTED]@GSAEXTERNAL
cc Adam Ambrogi/EAC/GOV@EAC, Amie J.
Sherrill/EAC/GOV@EAC
bcc
Subject Re: Delivery of the final report on Provisional Voting 

Tom-

I'd like to be able to include the final report on Provisional Voting in the materials going to EAC Standards Board and Board of Advisors in advance of their meetings.

It cannot be included unless it has been reviewed and approved by the four Commissioners.

I believe you said I would have the final copy of it sometime this week?

Thanks

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

013788

Karen Lynn-Dyson/EAC/GOV
05/08/2006 02:49 PM

To "Tom O'Neill" [REDACTED]@GSAEXTERNAL
cc Aletha Barrington/CONTRACTOR/EAC/GOV@EAC
bcc
Subject RE: Delivery of the final report on Provisional Voting

Tom-

Aletha will be sending you precise instructions regarding Thursday's 11:30 AM call ASAP.

Thanks

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'Neill" [REDACTED]



"Tom O'Neill"
[REDACTED]
05/08/2006 01:16 PM

To klynndyson@eac.gov
cc
Subject RE: Delivery of the final report on Provisional Voting

Karen,

I plan to send you late today or early tomorrow the revised Voter ID report that will be included in our teleconference on Thursday. Once that is in your hands, I will turn my attention to the Provisional Voting report, and will have that to you before the end of the week.

Has 11:30 been confirmed as the time for the teleconference?

Tom O'Neill

-----Original Message-----

From: klynndyson@eac.gov [mailto:klynndyson@eac.gov]
Sent: Monday, May 08, 2006 12:59 PM
To: tom_oneill@verizon.net
Cc: aambrogi@eac.gov; asherrill@eac.gov
Subject: Re: Delivery of the final report on Provisional Voting

Tom-

I'd like to be able to include the final report on Provisional Voting in the materials going to EAC

013789

Standards Board and Board of Advisors in advance of their meetings.

It cannot be included unless it has been reviewed and approved by the four Commissioners.

I believe you said I would have the final copy of it sometime this week?

Thanks

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

013790

Karen Lynn-Dyson/EAC/GOV

05/09/2006 09:54 AM

To

[REDACTED]
cc Aletha Barrington/CONTRACTOR/EAC/GOV@EAC

bcc Donetta L. Davidson/EAC/GOV@EAC; Thomas R. Wilkey/EAC/GOV@EAC

Subject Materials for Thursday's 11:30 conference call

All-

Attached please find the complete packet of materials that will serve as the basis for our conference call on Thursday. You have already received the statistical analysis; the voter ID report was submitted this morning.

The Eagleton staff have noted that you may find the material contained in Appendix A useful to your review; the other appendices are likely to be less germane .

The call in information for Thursday:

[REDACTED]

Thank you again for your assistance.

Regards-



Eagleton Voter ID report-final.doc VoterIDAnalysis VercRev0504.doc Karen Lynn-Dyson

Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
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013791

REPORT AND RECOMMENDATIONS TO THE EAC VOTER IDENTIFICATION ISSUES

Report Background

This report to the United States Election Assistance Commission (EAC) analyzes the effects of voter identification requirements on turnout in the 2004 election and makes recommendations for best practices to evaluate proposals for voter ID requirements. It is based on research conducted by the Eagleton Institute of Politics at Rutgers, the State University of New Jersey, and the Moritz College of Law at Ohio State University under a contract to the EAC, dated May 24, 2005. The research included a review and legal analysis of state statutes, regulations and litigation concerning voter identification and provisional voting, and a statistical analysis of the effects of various requirements for voter identification on turnout in the 2004 election. This report is a companion to a draft report on Provisional Voting submitted to the EAC on November 28, 2005 under the same contract.

The Help America Vote Act of 2002 (HAVA) (Public Law 107-252) authorizes the EAC (Sec. 241, 42 USC 15381) to conduct periodic studies of election administration issues. The purpose of these studies is to promote methods for voting and administering elections, including provisional voting, that are convenient, accessible and easy to use; that yield accurate, secure and expeditious voting systems; that afford each registered and eligible voter an equal opportunity to vote and to have that vote counted; and that are efficient.

EXECUTIVE SUMMARY AND RECOMMENDATIONS

Methods

To explore the effects of voter ID requirements on electoral participation in 2004, as measured by turnout, we gathered information on the requirements in effect in the 50 states and the District of Columbia in that year. We assigned each state to one of five categories based on its ID requirements. They are progressively more rigorous based on the demands they make on voters.¹ The categories range from "Stating Name" which we judge to be somewhat less demanding than "Signing Name." "Signature Match" requires poll workers to examine the signature and compare it to a sample, which is slightly more demanding than the voter simply signing. "Present ID" requires voters to offer some documentary evidence of their identity,

¹ Even the most relaxed provisions for identification at the polls—anything stricter than the honor system used in North Dakota—will impose some burden on particular voters. Harvard Law Review 119:1105

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ranging from a utility bill to a passport. It is more demanding than the previous three categories because it requires that the voter remember to bring this documentation to the polls. (Even a simple ID, such as a utility bill, may not be available to some renters or, say, those in group housing.) We regard a government "Photo ID" as the most rigorous requirement. Such identity documents may not be uniformly and conveniently available to all voters.

To examine the potential variation on turnout rates associated with each type of voter ID requirements in effect on Election Day 2004, we drew on two sets of data. These were, first, aggregate turnout data at the county level for each state and, second, the reports of individual voters collected in the November 2004 Current Population Survey by the U. S. Census Bureau. Using two different data sets makes it possible to check the validity of one analysis against the other. It also provides insights not possible using only one of the data sets. The aggregate analysis cannot provide valid estimates on the effects of different ID requirements on particular demographic groups (e.g., the old, the young, African-Americans, the poor, or high school graduates). The Current Population Survey data does permit that kind of analysis, although it has the disadvantage of relying on self-reports by respondents about their registration status and experience in the polling place.

To understand legal issues that have been raised in recent litigation over voter ID requirements, we collected and analyzed the few major cases that have been decided on this issue. The decisions so far suggest the constitutional and other constraints on voter ID requirements.

Findings

Our analysis of data from the 2004 election indicates that the form of identification required of voters affects turnout. Lack of ID can keep voters from the polls or prevent them from casting a regular ballot if they go to the polling place.² This finding emerged from both the analysis of aggregate, county-level data and the individual-level data of the Current Population Survey. The overall effect for all registered voters was fairly small, but statistically significant.

Voter turnout in 2004 was lower in states where voter identification requirements were more demanding. The data show a general movement toward lower turnout as voters are required to present levels of proof of their identify.

² It also seems reasonable to conclude that in states that require an identity document to vote, more voters—those lacking the required ID—will cast provisional ballots. This conclusion is a conjecture because we lack precise information on why voters must cast their ballots provisionally.

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The aggregate data show that 60.9 percent of the estimated citizen voting age population turned out in 2004. An average of 64.6 percent turned out in states that required voters to state their names, compared to 58.1 percent in states that required photo identification, a reduction of 6.5 percentage points. That figure, however, probably overstates the effect of voter ID requirements since the inclusion of other factors in the analysis diminishes the extent of influence of voter ID on turnout. After taking account of other factors, the analysis supports the hypothesis that as voter identification requirements increases, turnout declines.

The effects were more pronounced for some specific subgroups. Hispanic voters, the poor and those who did not graduate from high school appear to be less likely to vote as the identification requirement becomes more demanding. The analysis for some other demographic groups illustrate the range of effects predicted for more rigorous voter ID requirements:

Race or Ethnicity

- In the individual-level data for Hispanic voters, the probability of voting dropped by 9.7 percent across the various levels of identification requirements.
- More rigorous ID requirements did not have a statistically significant effect when looking at all African-Americans, but
- African-American voters from households below the poverty line were 7.5 percent less likely to vote as the ID requirements varied from stating one's name to providing photo identification.

Income

- Citizens from poor households were 5.3 percent less likely to vote as the requirements varied from stating one's name to attesting to one's identity in an affidavit.

Education

- Registered voters who had not graduated from high school were 6.7 percent less likely to say they voted as the requirements ranged from stating one's name to providing photo identification.

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Age

- Age was also a key factor, with voters ages 18 to 24 being 7.7 percent to 8.9 percent less likely to vote as the requirements ranged from stating one's name to providing a photo identification or affidavit.
- Turnout by young (18-24) African-American voters in states that required a government-issued photo ID was about 10% less likely to vote than in states where they had only to state their name.
- The elderly, while they would be slightly less likely to vote as the requirements changed from stating name to providing photo ID, would not necessarily be affected in the dramatic manner predicted by opponents of photo identification requirements.

Our analysis of litigation suggests that the courts will look strictly at requirements that voters produce a photo ID in order to cast a regular ballot. The courts have used a balancing test to weigh the legitimate interest in preventing election fraud against the citizen's right to privacy (protecting social security numbers from public disclosure, for example) and the reasonableness of requirements for identity documents. To provide both the clarity and certainty in administration of elections needed to forestall destabilizing challenges to outcomes, best practice for the states may be to limit requirements for voter identification to the minimum needed to prevent duplicate registration and ensure eligibility.

Evidence on the incidence of vote fraud, especially on the kind of vote fraud that could be reduced by requiring more rigorous voter identification is not now sufficient to evaluate the tradeoffs between ensuring ballot access and ensuring ballot integrity.³ Assessing the effectiveness of voter ID as a way to protect the integrity of the ballot should logically include an estimate of the nature and frequency of vote fraud. This research does not include consideration of vote fraud nor the possible effectiveness of various voter ID regimes to counter attempts at vote fraud. As a result, our analysis of the effects of voter ID requirements on turnout cannot take into account how many potential voters who did not turn out under comparatively stricter voter ID requirements might have been ineligible or eligible to vote.

The current lack of understanding of precisely how voter ID requirements affect turnout can be remedied by requiring the collection and reporting of data on the reasons potential voters are required to cast a provisional ballot and the reasons for rejecting provisional ballots during the

³ The EAC has contracted with other researchers to study vote fraud issues.

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2006 and subsequent elections. Also useful would be the results of surveys of voters on their experiences in meeting voter ID requirements and on what type of ballot they cast.⁴ And, of course, more information is needed on the incidence and varieties of vote fraud, but that inquiry is outside the scope of this report.

A voting system that requires voters to produce an identify document or documents may indeed prevent the ineligible from voting. It may also prevent eligible voters from casting a ballot. If the ID requirement of a ballot protection system blocks ineligible voters from the polls at the cost of preventing eligible voters who lack the required forms of identification, the integrity of the ballot may not have been improved; the harm may be as great as the benefit.

Recommendations for consideration and action by the EAC

The dynamics of Voter ID requirements –how more rigorous voter ID requirements affect the decision by potential voters to go or stay away from the polls-- are not well understood. This lack of understanding should be recognized in the policy process in the states. The debate over voter ID in the states would be improved by additional research sponsored by the EAC.

The EAC should consider the following actions to improve understanding of the relationship between voter ID requirements and the two important goals of ensuring ballot access and ensuring ballot integrity.

1. Encourage or sponsor further research to clarify the connection between Voter ID requirements and the number of potential voters actually able to cast a ballot.
2. Recommend as a best practice the publication of a "Voting Impact Statement" by states as they assess their voter ID requirements to protect the integrity of the ballot. The analysis will help ensure that efforts to increase ballot security have a neutral effect on electoral participation by eligible voters. The Voter Impact Statement would estimate the number and demographics of 1) eligible, potential voters that may be kept from the polls or permitted to cast a provisional ballot by a stricter ID requirement; and 2) and assess the number of ineligible voters who will be prevented from voting by the stricter ID requirements.

⁴ Arizona held its first election with its new, stricter ID requirements on March 14, 2006. In at least one county (Maricopa) election officials handed a survey to voters that asked if they knew about the voter identification law and if they did, how they found out about it. Edythe Jensen, "New Voter ID Law Goes Smoothly in Chandler," *Arizona Republic*, March 15, 2006. More surveys of this kind can illuminate the dynamics of voter ID and voting in ways that are not possible now because of insufficient data. 013796

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3. Encourage or require the states in the 2006 election and beyond, to collect and report reliable, credible information on the relationship between ballot access and ballot security. EAC should publish an analysis of this information to provide a sound factual basis for the states to consider as they estimate the incidence of the kinds of vote fraud that more stringent ID requirements may prevent. The analysis should describe the dynamics of the voter ID process in preserving the security of the ballot. EAC can also use this information to encourage the states to assess the effectiveness of programs to ensure that all eligible voters have required ID and are permitted to vote in future elections.
 - I. Useful information could be supplied by state-sponsored surveys of voters by local election officials. It would make clear why those who cast a provisional ballot were found ineligible to cast a regular ballot. The answers would illuminate the frequency with which ID issues divert voters into the provisional ballot line.
 - II. Surveys to ask voters what they know about the voter id requirements would also provide useful context for evaluating the effect of various voter ID requirements on electoral participation.
 - III. Spot checks by state election officials on how the identification process works at polling places could provide information on how closely actual practice tracks statutory or regulatory requirements. Such reports should be available to the public.
4. Encourage states to examine the time period allowed for voters who cast a provisional ballot because they lacked required ID to return with their identification. In eleven states, voters who had to cast a provisional ballot because they lacked the ID required for a regular ballot were permitted to return later with their ID. Their provision of this ID is the critical step in evaluating the ballots. The length of the period in which the voter may return with ID is important. In setting the time period for return, which now varies among the states from the same day to about two weeks, states should consider three factors: the convenience of the voter, the total time allowed to evaluate ballots⁵, and the safe harbor provision in presidential elections.
5. Recommendations to the states from EAC should reflect current judicial trends. Requirements that voters provide some identifying documentation have been upheld, where photo ID is *not* the only acceptable form. Whether laws requiring photo ID will be upheld is

⁵ Our research on provisional voting reveals that states that provide more than a week to evaluate provisional ballots end up counting substantially more of those ballots than states that provide less than a week.

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more doubtful. To date, only one court has considered a law requiring voters to show photo ID (*Common Cause v. Billups*), and that court concluded that this requirement is likely unconstitutional.

SUMMARY OF RESEARCH

Background and Approach of the Study

Establishing the eligibility of a person to vote has long been part of the electoral process. Voters may have to identify themselves twice in the electoral process: when registering to vote and then when casting a ballot. The pressures felt by the voter arising from the need to check ID, even so simple a check as a signature match, can be greater at the polls on Election Day than at the time of registration. Poll workers may feel under pressure when faced with long lines and limited time.

This analysis focuses on ID requirements on Election Day, but with an appreciation that the ID requirements at time of registration and on Election Day are inter-related.⁶ The emphasis in this report is on Voter ID requirements on Election Day and afterwards as election judges evaluate provisional ballots. This is the critical period for the electoral system, the time when ballot access and ballot security are in the most sensitive balance.

The report looks broadly at voter ID issues and goes beyond the rather narrow identification requirements in HAVA. Much of the current debate in state legislatures over voter ID ranges beyond HAVA to require more rigorous documentation of identity for all would-be voters, not just those who had not registered in person and are casting a ballot for the first time. Current controversies in the states over voter ID seems to have been sparked in part by the HAVA requirements, but goes beyond those requirements, and sets the context for the analysis here.⁷

We recognize that the previously technical, rather dull subject of voter ID requirements has become fiercely partisan and divisive in many states. The polarization of the debate has raised the stakes over this issue, making dispassionate analysis both more valuable and more rare.⁸

⁶ As the Carter-Baker Commission noted, photo ID requirements for in-person voting do little to address the problem of fraudulent registration by mail, especially in states that do not require third-party organizations that register voters to verify ID. Commission on Federal Election Reform, pp 46-47.

⁷ Harvard Law Review 119:1127: "Legislators hoping to stiffen their state antifraud laws have taken their cue from identification provisions buried in HAVA."

⁸ "Of the various electoral procedure laws passed in the fifty states since the 2000 and 2004 presidential elections and those still being debated in state legislatures and local media, few arouse more potent partisan feelings than voter identification laws." *Harvard Law Review* 119:1144. John Fund's 2004 book, *Stealing Elections: How Voter Fraud Threaten Our Democracy*, cites (pages 16 – 17) a Rasmussen Research poll that asked respondents if they were more concerned with voting by ineligible participants or with disenfranchisement of eligible voters. Sixty-two percent of Kerry supporters, but only 18 percent of Bush supporters, worried more about *disenfranchisement*; 58 percent of Bush supporters, but only 19 percent of Kerry supporters were more concerned with *voter fraud*.

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Voter ID is often described as the critical step in protecting the integrity of the ballot, the process to ensure that the potential voter is eligible and , if eligible, is permitted to cast one ballot and one ballot only. Truly protecting the integrity of the ballot, however, requires a perspective that takes in the entire voting process. It demands more than preventing the ineligible from voting, and should also ensure that all those who are eligible and want to vote can cast a ballot that counts. The protection effort must embrace all forms of voting, including absentee ballots, and consider each step in the process from registration through vote counting.

A voting system that requires voters to produce an identity document or documents may prevent the ineligible from voting. It may also prevent the eligible from casting a ballot. If the ID requirements block ineligible voters from the polls at the cost of preventing eligible voters who cannot obtain or have left at home the required forms of identification, the integrity of the ballot may not have been improved; the harm may be as great as the benefit.

Assessing the effectiveness of voter ID as a way to protect the integrity of the ballot should logically include an estimate of the nature and frequency of vote fraud. The EAC has informed us that it has commissioned a separate analysis of the incidence of vote fraud. Consequently, this research does not include consideration of vote fraud nor the possible effectiveness of various voter ID regimes to counter attempts at vote fraud. As a result, our analysis of the effects of voter ID requirements on turnout cannot take into account how many potential voters who did not turn out under comparatively stricter voter ID requirements might have been ineligible or eligible to vote.

In some states, voters lacking required ID, or who have ID that does not reflect their current address, are able to vote only by casting a provisional ballot.⁹ Voter ID requirements that require voters to bring a document to the polls --rather than simply sign their names-- can divert more voters to the provisional ballot. Requiring poll workers to request and check ID, can put stress on the already demanding environment of the polling place. Scrutiny of ID can create lines at the polling places. Further delays can result when voters cast a provisional ballot and fill out the ballot envelope. Voters who cast a provisional ballot because they lack their ID on Election Day, and who then fail to return with the needed document or documents, will have their ballot

⁹ For example, the Florida voter ID law adopted after the 2004 election and pre-cleared by the Department of Justice, permits voters who cannot meet the ID requirements to sign an affidavit on the envelope of a provisional ballot, which will be counted if the signature matches that on the voter's registration form.

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rejected.¹⁰ And, of course, the cost of processing provisional ballots is greater than the cost of regular ballots.

Each of these potential consequences of more elaborate voter identification processes can increase the chance of litigation. Long lines will, at best, discourage voters and at worst make voting seem a hassle, an impression that could keep more citizens (even those with ID) from the polls. In conducting this analysis, we were sensitive to the observation that the problem with American elections may well be that too many people do not vote rather than that a few people may vote more than once.

Evaluating the effect of different Voter ID regimes can be most effective when based on clear standards --legal, equitable, practical. The standards outlined here can best be described as the questions policy-makers should ask about Voter ID requirements. We suggest 7 questions that address important dimensions of the problem.

1. Is the Voter ID system designed on the basis of valid and reliable empirical studies of the incidence of the sorts of vote fraud it is designed to prevent?¹¹
2. How effective is the ID requirement in increasing the security of the ballot? How well can it be coordinated with a statewide voter database?¹²
3. How practical is the requirement? (Can it be administered smoothly by the staff and budget likely to be made available? How much additional training of polling place workers might be required?) Is it simple enough or can it be defined with sufficient clarity that poll workers throughout the state can administer it uniformly and with a minimum of local interpretation made on the fly under the pressure of Election Day?¹³
4. How cost-effective is the system? Does it demonstrably increase the security of the ballot affordably, measured in both monetary and other costs? To improve

¹⁰ The EAC's Election Day Study found "improper ID," to be the third most common reason for a provisional ballot to be rejected. "Improper ID" was cited by 7 states responding to the survey, compared to 14 mentions for voting in the wrong precinct. *Election Day Study*, Chapter 6, p. 5.

¹¹ "Often where the battle over voter identification is most heated, real evidence of voter fraud proves scarce: in Georgia, for example, the Secretary of State averred that she had never encountered a single instance of voter impersonation at the polls. State laws might sometimes impose tighter restrictions on in-person voting than on absentee ballots, which yield the greatest incidence of, and provide the easiest avenue for, voter fraud. . ." Harvard Law Review 127:1144 (2006)

¹² See the final section of this report for a brief overview of possible effects of a statewide voter database on voter identification issues.

¹³ In New York, in 2004, disparities in training and voting information were made apparent in a study finding elections officials had wildly varying interpretations of what the state's voter identification requirement actually was. Tova Wang, "Warning Bell in Ohio," December 5, 2005. Website, the Foundation for National Progress.

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understanding of the non-monetary component of the costs, conducting a voter impact study might be appropriate. The voter impact study would examine, before the adoption of the regulation, the cost of compliance by the voter (such as the cost in time and money of acquiring a photo ID card), any offsetting benefits to voters, and the possible disparate effects of the regulation on various groups of voters.¹⁴ A thorough, objective impact statement that demonstrated the nexus between the identification regime and the integrity of the ballot could provide protection against inevitable legal challenges.

5. If a side effect of the Voter ID regulation is likely to reduce turnout, generally or among particular groups, is it possible to take other steps to ameliorate the adverse consequences?¹⁵
6. Does it comply with the letter and spirit of Voting Rights Act?
7. The seventh question is the most difficult to answer. Does the Voter ID requirement have a neutral result on the composition of the qualified and eligible electorate? ID requirements should not be designed to, nor unintentionally, reduce the turnout of particular groups of voters or supporters of one party or another.

Voter ID and Turnout

As of the 2004 election, the states and the District of Columbia could be divided into 5 different Voter ID regimes. These are shown in Table 1, *Voter ID Requirements*. Nine states required that voters give their names; 14 that they sign their names; 8 match the signature to a sample in the registration book; 15 require some form of ID (ranging from a utility bill to a government-issued photo ID), and 5 states in 2004 required a photo ID, although in all those states voters without that credential could cast a regular ballot after signing an affidavit concerning their identity and eligibility or provide other forms of ID.

We recognize the difficulties in summarizing each state's voter ID requirements. The problem is illustrated by the number of footnotes to Table 1 below. The variety of statutory and regulatory details among the states is complex. Moving beyond the statutes and regulations,

¹⁴ "Absent clear empirical evidence demonstrating widespread individual voter fraud, legislatures need to fashion narrowly tailored voter identification provisions with an eye toward the inevitable and well-grounded constitutional challenges that will arise in the courts. Only as states grow more adept at administering elections will courts likely demonstrate greater willingness to uphold strict identification requirements." *Harvard Law Review* 127:1144 (2006)

¹⁵ For example, the Carter-Baker Commission coupled its recommendation for a national voter ID card to a call for an affirmative effort by the states to reach out and register the unregistered, that is, to use the new Voter ID regime as a means to enroll more voters. Similarly, Richard Hasen has suggested combining a national voter ID with universal registration. See his "Beyond the Margin of Litigation: Reforming U.S. Election Administration to Avoid Electoral Meltdown," *62 Washington and Lee Law Review* 937 (2005).

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we also recognize that the assignment of each state to one category may fail to reflect actual practice at many polling places.

Like any system run by fallible people, the voter ID process is subject to variation in practice.¹⁶ Voters may be confronted with demands for identification different from the directives in state statutes or regulation. Under the pressures of Election Day, there is no sure way to report the wide variety of conditions each voter encounters. It seems reasonable to conclude, however, that while actual practices may vary, the variance is around each state's legal requirement for ID. The analysis of the effect of state requirements on turnout must be viewed with some caution. Nevertheless, we are satisfied that the categories used in this report provide a level of discrimination among voter identification regimes sufficient for the analysis that we have undertaken.

TABLE 1 -- Voter ID Requirements¹⁷

State	Forms of ID Required 2004	Current ID Requirement for First-Time Voters	Current ID Requirements for All Other Voters	Verification Method for Provisional Ballots
Alabama	Provide ID	Provide ID	Provide ID	Address & Registration
Alaska	Provide ID	Provide ID	Provide ID	Signature
Arizona	Provide ID	Gov-issued Photo ID	Gov-issued Photo ID ¹	Address & Registration
Arkansas	Provide ID	Provide ID	Provide ID	Address & Registration
California	Sign Name	Sign Name	Sign Name	Signature
Colorado	Provide ID	Provide ID	Provide ID	Address & Registration
Connecticut	Provide ID	Provide ID	Provide ID	Affidavit
D.C.	Sign Name	Provide ID*	Sign Name	Address & Registration
Delaware	Provide ID	Provide ID	Provide ID	Affidavit
Florida	Photo ID ²	Photo ID	Photo ID	Signature
Georgia	Provide ID	Gov. Issued Photo ID	Gov. Issued Photo ID	Affidavit
Hawaii	Photo ID ^{^^}	Photo ID	Photo ID ^{^^}	Affidavit
Idaho	Sign Name	Provide ID*	Sign Name	EDR
Illinois	Give Name	Provide ID*	Match Sig.	Affidavit
Indiana	Sign Name	Gov. Issued Photo ID	Gov. Issued Photo ID	Bring ID Later
Iowa	Sign Name	Provide ID*	Sign Name	Bring ID Later
Kansas	Sign Name	Sign Name	Sign Name	Bring ID Later
Kentucky	Provide ID	Provide ID	Provide ID	Affidavit
Louisiana	Photo ID	Photo ID	Photo ID [^]	DOB and Address
Maine	Give Name	Provide ID*	Give Name	EDR
Maryland	Sign Name	Provide ID*	Sign Name	Bring ID Later
Mass.	Give Name	Provide ID*	Give Name	Affidavit

¹⁶ One state election official told us that, "We have 110 election jurisdictions in Illinois, and I have reason to believe [the voter ID requirements] are administered little bit differently in each one. We wish it weren't that way, but it probably is."

¹⁷ See Appendix 1 for a more detailed summary, including citations and statutory language, of the identification requirements in each state.

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Michigan	Sign Name	Provide ID*	Sign Name	Bring ID Later
Minnesota	Sign Name	Provide ID*	Sign Name	EDR
Mississippi	Sign Name	Provide ID*	Sign Name	Affidavit
Missouri	Provide ID	Provide ID*	Provide ID	Address & Registration
Montana	Provide ID	Provide ID*	Provide ID	Bring ID Later
Nebraska	Sign Name	Provide ID*	Sign Name	Affidavit
Nevada	Match Sig.	Provide ID*	Match Sig.	Affidavit
New Jersey	Match Sig.	Provide ID*	Match Sig.	Bring ID Later
New Mexico	Sign Name	Provide ID	Provide ID	Bring ID Later
New York	Match Sig.	Provide ID*	Match Sig.	Affidavit
NH	Give Name	Provide ID	Give Name	EDR
North Carolina	Give Name	Provide ID*	Give Name	Varies
North Dakota	Provide ID	Provide ID	Provide ID	No Registration
Ohio	Match Sig.	Provide ID	Provide ID	Address & Registration
Oklahoma	Sign Name	Provide ID*	Sign Name	Address & Registration
Oregon	Match Sig.	Provide ID*	Match Sig.	Signature
Penn.	Match Sig.	Provide ID ⁴	Match Sig.	Address & Registration
Rhode Island	Give Name	Provide ID*	Give Name	Address & Registration
South Carolina	Photo ID ⁵	Photo ID	Photo ID ^{^^}	Address & Registration
South Dakota	Photo ID ⁶	Photo ID	Photo ID ^{^^}	Affidavit
Tennessee	Provide ID	Provide ID ⁷	Provide ID	Affidavit
Texas	Provide ID	Provide ID ⁸	Provide ID	Bring ID Later
Utah	Give Name	Provide ID	Give Name	Bring ID Later
Vermont	Give Name	Provide ID	Give Name	Affidavit
Virginia	Provide ID	Provide ID	Provide ID	Affidavit
Washington	Sign Name	Provide ID	Provide ID	Address & Registration
West Virginia	Match Sig.	Provide ID	Match Sig.	Address & Registration
Wisconsin	Give Name	Provide ID	Give Name	Bring ID Later
Wyoming	Give Name	Provide ID	Give Name	Affidavit

* States applies only HAVA's ID requirement, applicable for first-time voters who registered by mail and did not provide applicable ID at the time of registration.

¹ Arizona voters who lack a photo ID may present 2 forms of ID with no photograph.

² Florida required a photo ID in 2004. Voters without that credential could sign an affidavit concerning their identity and eligibility and cast a regular ballot. Florida subsequently changed its law to require that voters present photo ID to cast a regular ballot, though voters without photo ID may still cast a provisional ballot by signing an affidavit, which ballot should ordinarily be counted.

³ Louisiana required a photo ID in 2004. Voters without that credential could sign an affidavit concerning their identity and eligibility and cast a regular ballot.

⁴ Pennsylvania requires ID of all first-time voters, whether they registered by mail or in-person.

⁵ Voters lacking a photo ID could vote by providing another form of ID in 2004.

⁶ Voters lacking a photo ID could vote by providing another form of ID in 2004.

⁷ Tennessee voters must provide signature and address. In counties without computerized lists, the signature is compared to the registration card. In counties with computerized lists, the signature is compared to a signature on ID presented with the registration.

⁸ Texas voters must present a current registration certificate. Those without a certificate can vote provisionally after completing an affidavit.

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Effect of Voter ID requirements on Turnout

We examined the potential variation in turnout rates based on the type of voter identification required in each state on Election Day 2004 using two sets of data: aggregate turnout data at the county level for each state, as compiled by the Eagleton Institute of Politics, and individual-level survey data included in the November 2004 Current Population Survey conducted by the U.S. Census Bureau. Classification of voter identification requirements comes from a review of state statutes conducted by the Moritz College of Law at the Ohio State University.

The Voter ID category assigned to each state is shown in Table 1. We analyzed turnout data for each county according to the voter identification requirements of its state. We also assessed self-reported turnout by the sample interviewed in the November 2004 Current Population Survey of the Census Bureau.¹⁸

Voter turnout at the state level in 2004 varied based on voter identification requirements. An average of 64.6 percent of the citizen voting age population turned out in states that required voters to state their names, compared to 58.1 percent in states that required photo identification. Other factors, of course, also influence turnout. Taking those other factors into account in the county-level analysis makes the effect of the voter ID requirement less dramatic. But the analysis supports the hypothesis that as voter identification requirements become more stringent, turnout declines. The effect is particularly noticeable in counties with concentrations of Hispanic residents or of people living below the poverty line.

The individual-level analysis, based on the CPS, produced a similar result. Voter identification requirements exert a statistically significant, negative effect on whether survey respondents said they had voted in 2004. The probability that a respondent to the survey voted dropped with each level of voter identification requirement, with a total drop of 2.5 percent across the five types of identification.

Methods

Based on research performed for this study by the Moritz College of Law, states had one of five types of requirements in place on Election Day 2004. Upon arrival at polling places, voters had

¹⁸ See Appendix for the full report: Tim Vercellotti, "Analysis of Voter Identification Requirements on Turnout," The Eagleton Institute of Politics, Rutgers University, May 4, 2006.

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to: state their names (nine states); sign their names (13 states and the District of Columbia); match their signature to a signature on file with the local election board (eight states); provide a form of identification that did not necessarily include a photo (15 states); or provide a photo identification (five states).¹⁹

We coded the states according to these requirements to test the assumption that voter identification requirements would pose an increasingly demanding requirement in this order: stating one's name, signing one's name, matching one's signature to a signature on file, providing a form of identification, and providing a form of photo identification.

Election laws in many states, however, offer exceptions to these requirements if potential voters lack the necessary form of identification, and laws in those states set a minimum standard that a voter must meet in order to vote using a regular ballot (as opposed to a provisional ballot). In recognition of this fact, we also categorized states based on the *minimum* requirement for voting with a regular ballot.

In 2004 none of the states required photo identification as a minimum standard for voting with a regular ballot. Four states, however, required voters to swear an affidavit as to their identity (Florida, Indiana, Louisiana, and North Dakota). The five categories for minimum requirements were: state name (12 states), sign name (14 states and the District of Columbia), match one's signature to a signature on file (six states), provide a non-photo identification (14 states), or swear an affidavit (four states).

We treated the minimum ID in terms of increasing demand on the voter: state name, sign name, match signature, provide non-photo identification, and, given the potential legal consequences for providing false information, swearing an affidavit.

We examined turnout among U.S. citizens of voting age in both the aggregate and the individual-level data. Determining citizenship status in the individual-level data simply involved restricting the analyses to individuals who identified themselves as citizens in the November 2004 Current Population Survey. (Those who said they were not citizens did not have the

¹⁹ Oregon conducts elections entirely by mail. Voters sign their mail-in ballots, and election officials match the signatures to signatures on file. For the purposes of this analysis, Oregon is classified as a state that requires a signature match.

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opportunity to answer the supplemental voting questions contained in the Current Population Survey.)

The aggregate data posed a greater challenge to determine percentage of the voting-age population that has U.S. citizenship. The Census Bureau gathers information on the citizenship status of adults ages 18 and older only during the decennial census. While the Census Bureau provides annual estimates of the population to account for changes between decennial censuses, the bureau does not offer estimates for the proportion of the adult population who are citizens as part of the annual estimates. To address this issue we estimated the 2004 citizen voting-age population for each county using a method reported. Therefore, we calculated the percentage of the 2000 voting-age population who were citizens in 2000, and applied that percentage to the July 1, 2004 estimates for voting-age population in each county. This method was used in the analysis of the 2004 Election Day Survey conducted for the U.S. Election Assistance Commission.

We classified each state as having one of five types of identification requirements in place on Election Day 2004. Upon arrival at polling places, voters had to either: state their names (9 states); sign their names (13 states and the District of Columbia); match their signature to a signature on file with the local election board (8 states); provide a form of identification that did not necessarily include a photo (15 states); or provide a photo identification (5 states). We then tested the assumption that voter identification requirements would prove to be increasingly demanding on the voter, with providing photo ID the most rigorous. In the statistical analysis, we coded the voter identification requirements on a scale of one to five, with one representing the least demanding form of identification and five representing the most demanding form of identification.

Findings

As the level of required ID proof increases, with photo identification as the most demanding requirement, turnout declines. Averaging across counties in each state, statewide turnout is negatively correlated with maximum voter identification requirements ($r = -.30, p < .0001$). In considering the array of minimum requirements, with affidavit as the most demanding requirement, voter identification also is negatively correlated with turnout ($r = -.20, p < .0001$). Breaking down the turnout rates by type of requirement reveals in greater detail the relationship between voter identification requirements and voter turnout.

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Table 2 – Variation in 2004 State Turnout Based on Voter Identification Requirements

Maximum Requirement		Minimum Requirement	
Voter Identification Required in the States	Mean Voter Turnout for States in that Category	Voter Identification Required in the States	Mean Voter Turnout for States in that Category
State Name	64.6 %	State Name	63.0 %
Sign Name	61.1 %	Sign Name	60.8 %
Match Signature	60.9 %	Match Signature	61.7 %
Provide Non-Photo ID	59.3 %	Provide Non-Photo ID	59.0 %
Provide Photo ID	58.1 %	Swear Affidavit	60.1 %
<i>Average Turnout (All States)</i>	60.9 %		

The aggregate data show that 60.9 percent of the estimated citizen voting age population voted in 2004. Differences in voter turnout at the state level in 2004 varied based on voter identification requirements. Taking into account the maximum requirements, an average of 64.6 percent of the voting age population turned out in states that required voters to state their names, compared to 58.1 percent in states that required photo identification. A similar trend emerged when considering minimum requirements. Sixty-three percent of the voting age population turned out in states requiring voters to state their names, compared to 60.1 percent in states that required an affidavit from voters.

Voter identification requirements alone do not determine voter turnout. Other factors make a difference in turnout, often a greater difference than the ID requirements. Multivariate models can take into account other predictors of turnout and therefore paint a more complete picture of the relationship between voter identification requirements and turnout. The model used here also took into account such variables as:

- Was the county in a presidential battleground state?
- Was the county was in a state with a competitive race for governor and/or the U.S. Senate?
- Percentage of the voting-age population in each county that was Hispanic or African-American
- Percentage of county residents age 65 and older
- Percentage of county residents below the poverty line

The dependent variable in each model was voter turnout at the county level, with turnout calculated as the percentage of the citizen voting-age population that voted in the 2004 election.

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The maximum ID requirements had a small and negative effect on turnout in 2004 controlling for electoral context and demographic factors. Both contextual factors (whether the county was in a state that was a battleground state and whether that state had a competitive race for governor and/or U.S. Senate) increased voter turnout. The more senior citizens and African-Americans in the county, the higher the turnout. The percentage of the population living below the poverty reduced turnout. The effect of the percentage of Hispanic adults in the county on turnout fell just short of statistical significance ($p = .05$).

The analysis tested the hypothesis that stricter voter ID requirements dampen turnout among minorities. The data revealed no statistically significant effect on turnout for African-Americans in general. But it revealed a significant reduction in turnout for Hispanics and the poor. The analysis using the minimum ID categories produced similar results.

Analysis of the aggregate data at the county level supports the hypothesis that as voter ID requirements grow stricter, turnout declines. This effect is strongest in counties with concentrations of Hispanic residents or families below the poverty line. But aggregate data cannot fully capture the individual demographic factors that may figure into the decision to turn out to vote. For example, previous research has found that education is a powerful determinant of turnout.²⁰ Married people are more likely to vote than those who are not married. To explore the effects of voter identification requirements on turnout, examining individual-level data is important.

Individual-level Analysis

Information collected for the Census Bureau Current Population Survey in November 2004 makes it possible to examine the influence of voter ID requirements at the individual level. Self-identified registered voters reported their experience at the polls in the survey. Note that the voter turnout rate for the CPS sample, an average of 89%, is much higher than the turnout rates presented in the aggregate data analysis, which average 60.9%. The difference is a result of several factors, including different denominators in calculating the turnout rate – self-reported registered voters in the CPS versus the much larger citizen voting-age population for the

²⁰ Education is an important factor in predicting turnout. One version of the aggregate model not reported here included the percentage of adults in the county who had at least a college degree. The measure was highly collinear with the percentage of residents living below the poverty line, necessitating removal of the college degree variable from the model.

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aggregate data. Also some survey respondents overstate their incidence of voting. Nevertheless, the CPS serves as a widely accepted source of data on voting behavior.

One of the advantages of the CPS is the sheer size of the sample. The survey's Voting and Registration Supplement consisted of interviews, either by telephone or in person, with 96,452 respondents.²¹ The large sample size permits analyses of smaller groups, such as Black or Hispanic voters or voters with less than a high school education. The analyses reported here are based on reports from self-described registered voters. Excluded are those who said they were not registered to vote and those who said they cast absentee ballots because the identification requirements for absentee ballots may differ from those required when one votes in person. Also excluded are respondents who said they were not U.S. citizens.²²

The dependent variable in these analyses is whether a respondent reported voting in the November 2004 election. As in the aggregate analysis, stricter voter ID requirements exert a statistically significant, negative effect on whether survey respondents said they had voted in 2004.

Table 3 Predicted probability of voter turnout		
ID Category	Maximum requirement	Minimum requirement
State name	91.2%	91.1%
Sign name	90.6%	90.3%
Match signature	90.0%	89.5%
ID	89.4%	88.7%
Photo ID	88.7%	----
Affidavit	----	87.8%
Difference from lowest to highest	2.50%	3.30%
N	54,973	
Predicted probability of registered voters saying they voted as the identification requirement varies from the lowest to the highest point in the scale, with all other variables held constant. Data source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2004.		

²¹ The Census Bureau allows respondents to answer on behalf of themselves and others in the household during the interview. While proxy reporting of voter turnout raises the possibility of inaccurate reports, follow-up interviews with those for whom a proxy report had been given in the November 1984 CPS showed 99 percent agreement between the proxy report and the information given by the follow-up respondent.

²² The CPS did not ask the voting questions of respondents who were not U.S. citizens. The design of the questionnaire skips those questions for non-citizens.

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The influence of voter identification requirements, holding all other variables constant, is shown in Table 3 below. The probability of voting dropped with each level of voter identification requirement, with a total drop of 2.5 percent, across the five types of identification for the maximum requirement and 3.3% for the minimum requirements.²³

Among the key variables of interest in the debate over voter identification requirements are race, age, income, and education. Given the large sample size (54,973 registered voters), it was possible to break the sample into sub-samples along those demographic lines to explore variation in predicted probability by group.

Both the maximum and minimum identification requirements had negative and statistically significant effects for White/Non-Hispanic voters. Allowing the requirements to vary from stating one's name to providing photo identification or an affidavit showed drops of 2.5 percent and 3.2 percent respectively in the predicted probability of voting. The predicted probability of Hispanics voting ranged from 87 percent if stating one's name was the required form of identification to 77.3 percent if a voter would have to provide an affidavit in order to vote, a difference of 9.7 percent.

The effects of voter identification requirements also varied by age, with the greatest variation occurring among voters ages 18 to 24.

- Turnout in states requiring photo ID was predicted as 8.9 percentage points lower than in states where voters simply stated their names.
- The strictest ID requirements reduced the probability that White/Non-Hispanic voters in the 18- to 24-year-old category would turn out by 7.8 to 9.2 percentage points.
- For African-Americans in the 18- to 24-year-old age group the gap was 10.6 percentage points.

Variation also emerged along the lines of income, with the effects of voter identification requirements varying to a greater extent for voters in households below the poverty line compared to those living above the poverty line.²⁴ Allowing the maximum voting requirement to

²³ The voter turnout percentages may seem disproportionately high compared to the turnout rates reported in the aggregate data analysis. It is important to consider that the turnout rates in the aggregate data were a proportion of all citizens of voting-age population, while the turnout rates for the individual-level data are the proportion of only registered voters who said they voted.

²⁴ Respondents were coded as being above or below the U.S. Census Bureau's 2004 poverty line based on their reported annual household income and size of the household.

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vary from the least to the most demanding, the probability that African-American voters below the poverty line said they had voted dropped by 7.5 percent.

The effects of voter identification requirements varied across education levels as well. Registered voters who had less than a high school education had a 77.5 percent probability of voting if the maximum requirement would be stating one's name, and a 70.8 percent probability if they would have to provide photo identification under the maximum requirement, a difference of 6.7 percent. The range of effects of voter identification requirements was smaller among those with higher levels of education (and non-existent for one category – voters with some college education).

Conclusions of the Analysis

As the stringency of voter identification requirements increases, voter turnout declines. This point emerged from both the aggregate data and the individual-level data, although not always for both the maximum and minimum sets of requirements. The overall effect for all registered voters was fairly small, but statistically significant.

The effects of voter identification requirements were more pronounced for specific subgroups. Hispanic voters and the poor appeared to be less likely to vote as the level of required identification became more demanding, according to both the aggregate and the individual-level data.

- In the individual-level data, for Hispanic voters, the probability of voting dropped by 9.7 percent across the various levels of minimum identification requirements.
- Survey respondents living in poor households were 5.3 percent less likely to vote as the requirements varied from stating one's name to attesting to one's identity in an affidavit.
- African-American voters from households below the poverty line were 7.5 percent less likely to vote as the maximum requirements varied from stating one's name to providing photo identification.

Effects of voter requirements also varied with education.

- Registered voters who had not graduated from high school were 6.7 percent less likely to say they voted as the maximum requirements ranged from stating one's name to providing photo identification.

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- When considering the minimum requirements, those with less than a high school education were 7.4 percent less likely to say they voted if the requirement was an affidavit as opposed to stating one's name.

Age was also a key factor, with voters ages 18 to 24 being 7.7 percent to 8.9 percent less likely to vote as the requirements ranged from stating one's name to providing a photo identification or affidavit. Breaking down the age group by race, the effects were significant for young White/Non-Hispanic and Black/Non-Hispanic voters.

The results shed additional light on the effects of voter identification requirements on two groups often projected as being particularly sensitive to such requirements: African-American voters and elderly voters.

- The effects on African-American voters were pronounced for two specific sub-samples, African-American voters living below the poverty line and those in the 18- to 24-year-old age group.
- The elderly, while they would be slightly less likely to vote as requirements ranged from least to most demanding, would not necessarily be affected in the dramatic manner predicted by some opposed to photo identification requirements in particular.

The data examined in this project could not capture the dynamics of how identification requirements might lower turnout. Do potential voters who cannot or do not want to meet the identification requirements simply stay away from the polls? Or, do the requirements result in some voters being turned away when they cannot meet the requirements on Election Day? (Proponents of stricter voter ID requirements might argue that some part of the reduction comes from keeping the truly ineligible from voting.)

Our data alone cannot resolve these questions. Knowing more about the "on the ground" experiences of voters concerning identification requirements could guide policy-makers at the state and local level in determining whether and at what point in the electoral cycle a concerted public information campaign might be most effective in helping voters to meet identification requirements. Such knowledge also could help in designing training for election judges to handle questions about, and potential disputes over, voter identification requirements.

It is important to note that the 2004 data do not allow us to draw conclusions about the effect of laws such as those recently passed in Georgia and Indiana, which require government-issued

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photo ID. No such laws were in place in 2004, and the five states that then required photo ID at the time allowed voters who signed an affidavit or provided another form of identification to cast a regular ballot.

Litigation Over Voter ID Requirements

A handful of cases have challenged identification requirements in court in recent years. In general, requirements that voters provide some identifying documentation have been upheld, where photo ID is *not* the only acceptable form. Whether laws requiring photo ID will be upheld is more doubtful. To date, only one court has considered a law requiring voters to show photo ID (*Common Cause v. Billups*), and that court concluded that this requirement is likely unconstitutional. Cases challenging the mandatory disclosure of voters' Social Security numbers on privacy grounds have yielded mixed results.

Non-photo identification. For the most part, courts have looked favorably on requirements that voters present some form of identifying documents if the photo identification is not the only form accepted. In *Colorado Common Cause v. Davidson*, No. 04CV7709, 2004 WL 2360485, at *1 (Colo. Dist. Ct. Oct. 18, 2004), plaintiffs challenged a law requiring all in-person voters to show identification (not just first-time registrants). The court upheld this requirement against a constitutional challenge. Similarly, in *League of Women Voters v. Blackwell*, 340 F. Supp. 2d 823 (N.D. Ohio 2004), the court rejected a challenge to an Ohio directive requiring first-time voters who registered by mail to provide one of the HAVA-permitted forms of identification, in order to have their provisional ballots counted. Specifically, the directive provided that their provisional ballots would be counted if the voter (a) orally recited his driver's license number or the last four digits of his social security number or (b) returned to the polling place before it closed with some acceptable identification (including reciting those identification numbers). *Id.* This was found to be consistent with HAVA.

Photo ID. Since the 2004 election, two states have adopted laws requiring photo identification in order to have one's vote counted, without an affidavit exception: Georgia and Indiana. Both these requirements were enacted in 2005 and both have been challenged in court. The Georgia law required voters attempting to cast a ballot in person present a valid form of photographic identification. O.C.G.A. § 21-2-417. On October 18, 2005, the District Court granted the Plaintiff's motion for a preliminary injunction,

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enjoining the application of the new identification requirements on constitutional grounds. In granting the injunction, the court held that plaintiffs' claims under both the Fourteenth Amendment (equal protection) and Twenty-Fourth Amendment (poll tax) had a substantial likelihood of succeeding on the merits at trial (*Common Cause v. Billups*, Prelim. Inj. 96, 104). In January 2006, Georgia enacted a modified version of its photo ID law, which the court has not yet ruled on. In the other state that has enacted a photo ID requirement without an affidavit exception (Indiana), legal challenges have also been filed. (*Indiana Democratic Party v. Rokita* and *Crawford v. Marion County Election Board*). Cross-motions for summary judgment are currently pending. Another case of significance, for purposes of photo ID requirements, is *American Civil Liberties Union of Minnesota v. Kiffmeyer*, No. 04-CV-4653, 2004 WL 2428690, at *1 (D. Minn. Oct. 28, 2004). In that case, the court enjoined a Minnesota law that allowed the use of tribal photo ID cards, only for an Indian who lived on the reservation. 2004 WL 2428690, at *1. The Court found no rational basis for distinguishing based on whether or not the cardholder lives on the reservation. *Id.* at *1, 3. The court's decision in this case indicates that courts are likely to look strictly on photo ID requirements.

Privacy. In *Greidinger v. Davis*, 988 F.2d 1344 (4th Cir. 1993), the court struck down on due process grounds a Virginia law requiring disclosure of voters' social security numbers for voter registration. The social security numbers recorded in voter registration lists had been disclosed to the public and political parties that had requested the lists. The court found that the requirement to give the social security number effectively conditioned rights on the consent to an invasion of privacy. It concluded that this public disclosure of the social security numbers was not necessary to achieve the government's interest in preventing fraud. On the other hand, in *McKay v. Thompson*, 226 F.3d 752 (6th Cir. 2000), the court rejected privacy challenges based on both the Constitution and federal statutes, to a Tennessee law requiring social security numbers for voter registration since 1972. 226 F.3d at 755. Second, the NVRA only permits requiring the minimum amount of information necessary to prevent duplicate voter registration and to determine eligibility. The distinction appears to be between the use of Social Security numbers for internal purposes only, which was deemed permissible, and the disclosure of those numbers to the public which was not.

These decisions suggest that the courts will look strictly at requirements that voters produce a photo ID in order to cast a regular ballot. The courts have used a balancing test to weigh the

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legitimate interest in preventing election fraud against the citizen's right to privacy (protecting social security numbers from public disclosure, for example) and the reasonableness of requirements for identity documents. To provide both the clarity and certainty in administration of elections needed to forestall destabilizing challenges to outcomes, these early decisions suggest that best practice may be to limit requirements for voter identification to the minimum needed to prevent duplicate registration and ensure eligibility.

Developments since 2004

Since the passage of HAVA, with its limited requirements for voter identification, and following the 2004 election, debate over voter ID has taken place in state legislatures across the country. That debate has not been characterized by solid information on the consequences of tightening requirements for voters to identify themselves before being permitted to cast a regular, rather than a provisional, ballot.

Better information might improve the quality of the debate. Answers to the following key questions are not available in a form that might satisfy those on both sides of the argument.

- What is the overall incidence of vote fraud?
- How does fraud take place in the various stage of the process: registration, voting at the polls, absentee voting, or ballot counting?
- What contribution can tighter requirements for voter ID make to reducing vote fraud?
- What would be the other consequences of increasingly demanding requirements for voters to identify themselves? This is the question addressed, within the limits of the available data, in the analysis in this report.

Answering these questions would provide the information needed for more informed judgment in the states as they consider the tradeoffs among the competing goals of ballot integrity, ballot access, and administrative efficiency. The Carter-Baker Commission recognized the tradeoffs when it tied recommendation for national ID to an affirmative effort by government to identify unregistered voters and make it easy for them to register.

State Voter Databases and Voter ID

With the implementation of the HAVA Computerized Statewide Voter Registration List, an application for voter registration for an election for Federal office may not be accepted or processed unless the application includes a driver's license number or last four digits of the

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Social Security number on the voter registration form. This information can be used to verify the identity of the registrant through interfacing with lists maintained by the Motor Vehicle office and Social Security office. If registrants do not have either a driver's license or Social Security number, the State will assign a unique identifier number to that person.

HAVA does not require that the states notify registrants to remedy any failure to provide either of these numbers or to confirm that they have provided a verifiable number. Verification at the time of registration could forestall difficulties at the polling place. HAVA is silent on how the ID might be required at the polling place for new voters whose driving license or Social Security number could not be verified. Errors in recording those numbers are sure to occur.

Some states are wrestling now with these unresolved issues. In New Jersey, for example, pending legislation would require that voters must be able to confirm their registration through a secure access to the SVRL. It also requires voters to present ID at the polls in order to cast a regular ballot if the numbers recorded on the registration have not been verified (or if no verifiable number appears on the registration). It recognizes the HAVA requirement that if the number provided by the voter has not been verified and if the voter does not present ID at the polls, that voter may cast a provisional ballot. The bill does not specify they have to provide ID within 48 hours in order for their vote to count, as is the case with first-time mail-in registrants.

As some states gain experience in this area, the EAC would perform a useful service by making timely recommendations of best practices for all states to consider.

Conclusions

The form of Voter ID required of voters affects turnout. Lack of ID can keep voters from the polls. Or, when they go to the polls, it is reasonable to conclude that stricter Voter ID requirements will divert more voters into the line for provisional ballots. (This conclusion is a conjecture because we lack good data on why voters must cast their ballots provisionally.) The result can be longer lines at the polls and confusion, without a clear demonstration that the security of the ballot is correspondingly increased.²⁵

²⁵ In this connection, the Brennan Center's response to the Carter-Baker Commission report observes that, "while it might be true that in a close election "a small amount of fraud could make the margin of difference," it is equally true that the rejection of a much larger number of eligible voters could make a much bigger difference in the outcome." *Response to the Report of the 2005 Commission on Federal*

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The dynamics of Voter ID requirements—how the more rigorous Voter ID requirements—affect the decision by potential voters to go or stay away from the polls are not well understood. This lack of understanding should be recognized in the policy process. The debate over voter ID in the states would be improved by additional research sponsored by the EAC. So far as it may be necessary to reduce vote fraud made possible by inadequate voter ID, the research could identify methods to eliminate the need for voters to bring specific identity documents with them to the polls while assuring that each voter who casts a ballot is eligible and votes only once. One way to break the connection between the benefits of photo ID and the need for the voter to bring identification to the polling place, as recommended elsewhere by one of the authors of this report, Edward Foley: keep the information to verify a voter's identity in the records at the polling place. Other approaches could be developed.²⁶

Election Reform, The Brennan Center for Justice at NYU School of Law and Spencer Overton, On Behalf Of The National Network on State Election Reform, September 19, 2005

²⁶ "A potential solution to this problem is to break the connection with the photo requirement and the obligation to produce identification at the polls. Eligible citizens could be required to provide a photograph at the time they *register* to vote, and poll workers would match this photograph with the image of the person standing in front of them. Given the availability of digital photography, the photos of registered voters could be stored in electronic poll books and easily "pulled up" with a click of a computer mouse when voters sign in to vote. . . . Of course, to satisfy the concerns of liberals, a requirement to provide a digital photograph at time of registration would have to address the cost and accessibility issues identified earlier."

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Appendices

- a. Summary of Voter ID Requirements by State (included)
- b. Summary of case law on Voter ID issues (included with this draft)
- c. Analysis of Effects of Voter ID Requirements on Turnout (furnished separately)
- d. Indexed database of major articles on Voter ID Requirements and related topics
- e. Compendium of states' legislation, procedures, and litigation (available as an electronic document)

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Appendix A
Summary of Voter Identification Requirements By State

Prepared by
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Voter ID Requirements

State	Forms of ID Required 2004	Statutory Language	Statutory Citation
Alabama	Provide ID	<p>(b) Each elector shall provide identification to an appropriate election official prior to voting. A voter required to show identification when voting in person shall present to the appropriate election official either of the following forms of identification:</p> <p>(1) A current valid photo identification.</p> <p>(2) A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. The term "other government document" may include, but is not limited to, any of the following:</p> <ul style="list-style-type: none"> a. A valid identification card issued by a branch, department, agency, or entity of the State of Alabama, any other state, or the United States authorized by law to issue personal identification. b. A valid United States passport. c. A valid Alabama hunting or fishing license. d. A valid Alabama permit to carry a pistol or revolver. e. A valid pilot's license issued by the Federal Aviation Administration or other authorized agency of the United States. f. A valid United States military identification card. g. A certified copy of the elector's birth certificate. h. A valid Social Security card. i. Certified naturalization documentation. j. A certified copy of court records showing adoption or name change. k. A valid Medicaid card, Medicare card, or an Electronic Benefits Transfer Card (formerly referred to as a "food stamp card"). <p>(c) For voters required to show identification when voting by mail, the voter shall submit with the ballot a copy of one of the forms of identification listed in subsection (b).</p> <p>(e) An individual required to present identification in accordance with this section who is unable to meet the identification requirements of this section shall be permitted to vote by a challenged or provisional ballot, as provided for by law.</p> <p>(f) In addition, an individual who does not have identification in his or her possession at the polls shall be permitted to vote if the individual is positively identified by two election officials as a voter on the poll list who is eligible to vote and the election official signs the voters list by where the voter signs.</p> <p>Effective Date: June 24, 2003</p>	Ala. Code § 17-11A-1
Alaska	Provide ID	<p>(a) Before being allowed to vote, each voter shall exhibit to an election official one form of identification, including</p> <ul style="list-style-type: none"> (1) an official voter registration card, driver's license, state identification card, current and valid photo identification, birth certificate, passport, or hunting or fishing license; or (2) an original or a copy of a current utility bill, bank statement, paycheck, government check, or other government document; an item exhibited under this 	Alaska Stat. § 15.15.225

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		<p>paragraph must show the name and current address of the voter.</p> <p>(b) An election official may waive the identification requirement if the election official knows the identity of the voter. The identification requirement may not be waived for voters who are first-time voters who initially registered by mail or by facsimile or other electronic transmission approved by the director under <u>AS 15.07.050</u>, and did not provide identification as required in <u>AS 15.07.060</u>.</p> <p>(c) A voter who cannot exhibit a required form of identification shall be allowed to vote a questioned ballot.</p> <p>effective June 17, 2003</p>	
<p>Arizona</p>	<p>Provide ID</p>	<p>B. If a statewide voter registration database is not yet operational, for any person who has registered to vote by mail for the first time in this state after January 1, 2003 or who is reregistering by mail after January 1, 2003 after moving from one county to another county in this state, the person shall comply with the following in order to be issued a ballot:</p> <p>1. The person shall present either one of the following:</p> <p>(a) A current form of identification that bears a photograph of the person and the name of the person.</p> <p>(b) A current utility bill, bank statement, paycheck, government issued check or other government document that shows the name and registration address of the person.</p> <p>2. If the person does not present a document that complies with paragraph 1, the person is only eligible to vote a provisional ballot as prescribed by <u>§ 16-584</u>.</p> <p>Effective Dec. 1, 2003</p>	<p>Ariz. Rev. Stat. Ann. § 16-579</p>
<p>Arkansas</p>	<p>Provide ID</p>	<p>7-5-305. Requirements.</p> <p>(a) Before a person is permitted to vote, the election official shall:</p> <p>(1) Request the voter to identify himself in order to verify the existence of his name on the precinct voter registration list;</p> <p>(2) Request the voter, in the presence of the election official, to state his address and state or confirm his date of birth;</p> <p>(3) Determine that the voter's date of birth and address are the same as those on the precinct voter registration list;</p> <p>(4) If the date of birth given by the voter is not the same as that on the precinct voter registration list, request the voter to provide identification as the election official deems appropriate;</p> <p>(5)(A) If the voter's address is not the same as that on the precinct voter registration list, verify with the county clerk that the address is within the precinct.</p> <p>(B) If the address is within the precinct, request the voter to complete a voter registration application form for the purpose of updating county voter registration record files.</p> <p>(C) If the address is not within the precinct, instruct the voter to contact the county clerk's office to determine the proper precinct;</p> <p>(6) If the voter's name is not the same as that on the precinct voter registration list, request the voter to complete a voter registration application form for purposes of updating county voter registration record files;</p> <p>(7) Request the voter, in the presence of the election official, to sign his name, including his given name, his middle name or initial, if any, and his last name in the space provided on the precinct voter registration list. If a person is unable to sign his signature or make his mark or cross, the election official shall enter his initials and the voter's date of birth in the space for the person's signature on the precinct voter registration list; and</p>	<p>Arkansas Code Annotated § 7-5-305</p>

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		<p>(8)(A) Request the voter for purposes of identification to provide a valid driver's license, photo identification card issued by a governmental agency, voter card, social security card, birth certificate, United States passport, employee identification card issued by a governmental agency containing a photograph, employee identification card issued in the normal course of business of the employer, student identification card, Arkansas hunting license, or United States military identification card.</p> <p>(B)(i) If a voter is unable to provide this identification, the election official shall indicate on the precinct voter registration list that the voter did not provide identification.</p> <p>(ii) Following each election, the county board of election commissioners may review the precinct voter registration lists and may provide the information of the voters not providing identification at the polls to the prosecuting attorney.</p> <p>(iii) The prosecuting attorney may investigate possible voter fraud; and</p> <p>(9) Follow the procedures under §§ 7-5-310, 7-5-311, and 7-5-523, if the person is a disabled voter and presents himself or herself to vote.</p> <p>Effective: July 16, 2003</p>	
California	Sign Name	<p>Any person desiring to vote shall announce his or her name and address in an audible tone of voice, and when one of the precinct officers finds the name in the index, the officer shall in a like manner repeat the name and address. The voter shall then write his or her name and residence address or, if the voter is unable to write, shall have the name and residence address written by another person on a roster of voters provided for that purpose, whereupon a challenge may be interposed as provided in this article.</p> <p>(Enacted in 1994, no amendments since)</p>	Cal. Elec. Code § 14216
Colorado	Provide ID	<p>(1) Except as provided in subsection (4) of this section, any eligible elector desiring to vote shall show his or her identification as defined in <u>section 1-1-104(19.5)</u>, write his or her name and address on the signature card, and give the signature card to one of the election judges,</p> <p>* * *</p> <p>(4) An eligible elector who is unable to produce identification may cast a provisional ballot in accordance with article 8.5 of this title.</p> <p>(19.5)(a) "Identification" means:</p> <p>(I) A valid Colorado driver's license;</p> <p>(II) A valid identification card issued by the department of revenue in accordance with the requirements of part 3 of article 2 of title 42, C.R.S.;</p> <p>(III) A valid United States passport;</p> <p>(IV) A valid employee identification card with a photograph of the eligible elector issued by any branch, department, agency, or entity of the United States government or of this state, or by any county, municipality, board, authority, or other political subdivision of this state;</p> <p>(V) A valid pilot's license issued by the federal aviation administration or other authorized agency of the United States;</p> <p>(VI) A valid United States military identification card with a photograph of the eligible elector;</p> <p>(VII) A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the elector;</p> <p>(VIII) A valid medicare or medicaid card issued by the United States health care</p>	<p>Colo. Rev. Stat. Ann. § 1-7-110;</p> <p>Colo. Rev. Stat. Ann. § 1-1-104</p>

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		<p>financing administration;</p> <p>(IX) A certified copy of a birth certificate for the elector issued in the United States; or</p> <p>(X) Certified documentation of naturalization.</p> <p>(b) Any form of identification indicated in paragraph (a) of this subsection (19.5) that shows the address of the eligible elector shall be considered identification only if the address is in the state of Colorado.</p> <p>Effective 5/28/2004</p>	
Connecticut	Provide ID	<p>(a) In each primary, election or referendum, when an elector has entered the polling place, the elector shall announce the elector's street address, if any, and the elector's name to the checkers in a tone sufficiently loud and clear as to enable all the election officials present to hear the same. Each elector who registered to vote by mail for the first time on or after January 1, 2003, and has a "mark" next to the elector's name on the official registry list, as required by <u>section 9-23r</u>, shall present to the checkers, before the elector votes, either a current and valid photo identification that shows the elector's name and address or a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the elector. Each other elector shall (1) present to the checkers the elector's Social Security card or any other preprinted form of identification which shows the elector's name and either the elector's address, signature or photograph, or (2) on a form prescribed by the Secretary of the State, write the elector's residential address and date of birth, print the elector's name and sign a statement under penalty of false statement that the elector is the elector whose name appears on the official checklist. Such form shall clearly state the penalty of false statement. A separate such form shall be used for each elector. If the elector presents a preprinted form of identification under subdivision (1) of this subsection, the checkers shall check the name of such elector on the official checklist. If the elector completes the form under subdivision (2) of this subsection, the assistant registrar of voters shall examine the information on such form and either instruct the checkers to check the name of such elector on the official checklist or notify the elector that the form is incomplete or inaccurate.</p> <p>Effective May 10., 2004</p>	Conn. Gen. Stat. Ann. § 9-261
Delaware	Provide ID	<p>(a) A voter, upon entering the room where an election is being held, shall announce his or her name and address and provide proof of identity, whereupon the clerks shall place a mark or make a notation of his or her name upon the election district record. In the event the voter does not have proof of identity with them, he or she shall sign an affidavit of affirmation that he or she is the person listed on the election district record.</p> <p>Effective: July 9, 2002</p>	15 Del. Code § 4937
D.C.	Sign Name	<p>(i)(1) A person shall be entitled to vote in an election in the District of Columbia if he or she is a duly registered voter. A qualified elector shall be considered duly registered in the District if he or she has met the requirements for voter registration and, on the day of the election, either resides at the address listed on the Board's records or files an election day change of address pursuant to this subsection.</p> <p>(2) Each registered voter who changes his or her place of residence from that listed on the Board's records shall notify the Board, in writing, of the new residence address. A change of address shall be effective on the date the notification was mailed as shown by the United States Postal Service postmark. If not postmarked, the notification shall be effective on the date of receipt by the Board. Change of address notifications from registrants shall be accepted pursuant to subsection (g) of this section, except that any registrant who has not notified the Board of his or her current residence address by the deadline established by subsection (g) of this section may be permitted to vote at the</p>	D.C. Code § 1-1001.07

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		<p>polling place that serves the current residence address by filing an election day change of address notice pursuant to paragraph (4) of this subsection.</p> <p>(3) Each registered voter who votes at a polling place on election day shall affirm his or her residence address as it appears on the official registration roll for the precinct. The act of signing a copy of the official registration roll for the precinct shall be deemed affirmation of the voter's address as it appears on the Board's registration records.</p> <p>(Effective April 3, 2001)(not added as part of 2005 amendment)</p>	
<p>Florida</p>	<p>Photo ID</p>	<p>101.043 (1) The precinct register, as prescribed in <u>s. 98.461</u>, shall be used at the polls in lieu of the registration books for the purpose of identifying the elector at the polls prior to allowing him or her to vote. The clerk or inspector shall require each elector, upon entering the polling place, to present a current and valid picture identification as provided in <u>s. 97.0535(3)(a)</u>. If the picture identification does not contain the signature of the voter, an additional identification that provides the voter's signature shall be required. The elector shall sign his or her name in the space provided, and the clerk or inspector shall compare the signature with that on the identification provided by the elector and enter his or her initials in the space provided and allow the elector to vote if the clerk or inspector is satisfied as to the identity of the elector.</p> <p>(2) Except as provided in subsection (3), if the elector fails to furnish the required identification, or if the clerk or inspector is in doubt as to the identity of the elector, such clerk or inspector shall follow the procedure prescribed in <u>s. 101.49</u>.</p> <p>97.0535 (3)(a) The following forms of identification shall be considered current and valid if they contain the name and photograph of the applicant and have not expired:</p> <ol style="list-style-type: none"> 1. Florida driver's license. 2. Florida identification card issued by the Department of Highway Safety and Motor Vehicles. 3. United States passport. 4. Employee badge or identification. 5. Buyer's club identification. 6. Debit or credit card. 7. Military identification. 8. Student identification. 9. Retirement center identification. 10. Neighborhood association identification. 11. Entertainment identification. 12. Public assistance identification. <p>(b) The following forms of identification shall be considered current and valid if they contain the name and current residence address of the applicant:</p> <ol style="list-style-type: none"> 1. Utility bill. 	<p>West's Fla. Stat. Ann. § 101.043 & West's Fla. Stat. Ann. § 97.0535</p>

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		<p>2. Bank statement.</p> <p>3. Government check.</p> <p>4. Paycheck.</p> <p>5. Other government document (excluding voter identification card).</p> <p>Version effective 1/1/2005-12/31/2005</p>	
<p>Georgia</p>	<p>Provide ID</p>	<p>(a) Each elector shall present proper identification to a poll worker at or prior to completion of a voter's certificate at any polling place and prior to such person's admission to the enclosed space at such polling place. Proper identification shall consist of any one of the following:</p> <ul style="list-style-type: none"> (1) A valid Georgia driver's license; (2) A valid identification card issued by a branch, department, agency, or entity of the State of Georgia, any other state, or the United States authorized by law to issue personal identification; (3) A valid United States passport; (4) A valid employee identification card containing a photograph of the elector and issued by any branch, department, agency, or entity of the United States government, this state, or any county, municipality, board, authority, or other entity of this state; (5) A valid employee identification card containing a photograph of the elector and issued by any employer of the elector in the ordinary course of such employer's business; (6) A valid student identification card containing a photograph of the elector from any public or private college, university, or postgraduate technical or professional school located within the State of Georgia; (7) A valid Georgia license to carry a pistol or revolver; (8) A valid pilot's license issued by the Federal Aviation Administration or other authorized agency of the United States; (9) A valid United States military identification card; (10) A certified copy of the elector's birth certificate; (11) A valid social security card; (12) Certified naturalization documentation; (13) A certified copy of court records showing adoption, name, or sex change; (14) A current utility bill, or a legible copy thereof, showing the name and address of the elector; (15) A bank statement, or a legible copy thereof, showing the name and address of the elector; (16) A government check or paycheck, or a legible copy thereof, showing the name and address of the elector; or (17) A government document, or a legible copy thereof, showing the name and address of the elector. <p>(b) If an elector is unable to produce any of the items of identification listed in subsection (a) of this Code section, he or she shall sign a statement under oath in a form approved by the Secretary of State, separate and distinct from the elector's voter certificate, swearing or affirming that he or she is the person identified on the elector's voter certificate. Such person shall be allowed to vote without undue delay; provided, however, that an elector who registered for the first time in this state by mail and did not provide one of the forms of identification set forth in subsection (a) of this Code section at the time of registration and who is voting for the first time may vote a provisional ballot pursuant to Code Section 21-2-418 upon swearing or affirming that the elector is the person identified in the elector's voter certificate. Such provisional ballot shall only be counted if the registrars are able to verify current and valid identification of the elector as provided in this Code section within the time period for verifying provisional ballots pursuant to Code Section 21-2-419. Falsely swearing or affirming such statement under oath shall be punishable as a felony, and the penalty shall be distinctly set forth on the face of the statement."</p> <p>effective June, 2003</p>	<p>Ga. Code. Ann. § 21-2-417</p>

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Hawaii	Photo ID	<p>(b) The voter shall present valid identification to the official in charge of the pollbook.</p> <p><i>Do I Need an I.D. to Vote on Election Day?</i> Yes. Be sure to have an I.D. with a picture and signature (such as a Hawaii driver's license or state I.D. card) when you go to vote. The NVRAC card is not an acceptable form of identification.</p> <p>From the 2004 version of the administrative code.</p> <p>§ 11-136 Poll book, identification, voting.</p> <p>Every person upon applying to vote shall sign the person's name in the poll book prepared for that purpose. This requirement may be waived by the chairperson of the precinct officials if for reasons of illiteracy or blindness or other physical disability the voter is unable to write. Every person shall provide identification if so requested by a precinct official. A poll book shall not contain the social security number of any person.</p> <p>After signing the poll book and receiving the voter's ballot, the voter shall proceed to the voting booth to vote according to the voting system in use in the voter's precinct. The precinct official may, and upon request shall, explain to the voter the mode of voting.</p> <p>Last amended 2003.</p>	<p>Haw. Code. R. § 2-51-80 (Paper ballots; voting procedure at the polls), § 2-51-83 (Punchcard ballots; voting procedure at polls), 2-51-85.1 (Marksense ballots; voting procedure at the polls.) – All have same subsection (b)</p> <p>Haw. Code. R. T. 2, SUBT. 4, CH. 51; Appendix</p> <p>HRS 11-136</p>
Idaho	Sign Name	<p>(1) An elector desiring to vote shall state his name and address to the judge or clerk in charge of the combination election record and poll book.</p> <p>(2) Before receiving his ballot, each elector shall sign his name in the combination election record and poll book following his name therein.</p> <p>(5) The elector shall then be given the appropriate ballots which have been stamped with the official election stamp and shall be given folding instructions for such ballots.</p> <p>(Last amended in 1972)</p>	<p>Id. St. §34-1106</p>
Illinois	Give Name	<p>Any person desiring to vote shall give his name and, if required to do so, his residence to the judges of election, one of whom shall thereupon announce the same in a loud and distinct tone of voice, clear, and audible; the judges of elections shall check each application for ballot against the list of voters registered in that precinct to whom absentee or early ballots have been issued for that election, which shall be provided by the election authority and which list shall be available for inspection by pollwatchers. A voter applying to vote in the precinct on election day whose name appears on the list as having been issued an absentee or early ballot shall not be permitted to vote in the precinct. All applicable provisions of Articles 4, 5 or 6 shall be complied with and if such name is found on the register of voters by the officer having charge thereof, he</p>	<p>10 Ill. Comp. Stat. 5/17-9</p>

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		<p>shall likewise repeat said name, and the voter shall be allowed to enter within the proximity of the voting booths, as above provided. One of the judges shall give the voter one, and only one of each ballot to be voted at the election, on the back of which ballots such judge shall indorse his initials in such manner that they may be seen when each such ballot is properly folded, and the voter's name shall be immediately checked on the register list. In those election jurisdictions where perforated ballot cards are utilized of the type on which write-in votes can be cast above the perforation, the election authority shall provide a space both above and below the perforation for the judge's initials, and the judge shall endorse his or her initials in both spaces. Whenever a proposal for a constitutional amendment or for the calling of a constitutional convention is to be voted upon at the election, the separate blue ballot or ballots pertaining thereto shall, when being handed to the voter, be placed on top of the other ballots to be voted at the election in such manner that the legend appearing on the back thereof, as prescribed in Section 16-6 of this Act, shall be plainly visible to the voter. At all elections, when a registry may be required, if the name of any person so desiring to vote at such election is not found on the register of voters, he or she shall not receive a ballot until he or she shall have complied with the law prescribing the manner and conditions of voting by unregistered voters. If any person desiring to vote at any election shall be challenged, he or she shall not receive a ballot until he or she shall have established his right to vote in the manner provided hereinafter; and if he or she shall be challenged after he has received his ballot, he shall not be permitted to vote until he or she has fully complied with such requirements of the law upon being challenged. Besides the election officer, not more than 2 voters in excess of the whole number of voting booths provided shall be allowed within the proximity of the voting booths at one time. The provisions of this Act, so far as they require the registration of voters as a condition to their being allowed to vote shall not apply to persons otherwise entitled to vote, who are, at the time of the election, or at any time within 60 days prior to such election have been engaged in the military or naval service of the United States, and who appear personally at the polling place on election day and produce to the judges of election satisfactory evidence thereof, but such persons, if otherwise qualified to vote, shall be permitted to vote at such election without previous registration.</p>	
Indiana	Sign Name		West's Annotated Indiana Code § 3-11-8-25
Iowa	Sign Name	<p>1. The board members of their respective precincts shall have charge of the ballots and furnish them to the voters. Any person desiring to vote shall sign a voter's declaration provided by the officials, in substantially the following form:</p> <p style="text-align: center;">VOTER'S DECLARATION OF ELIGIBILITY</p> <p>I do solemnly swear or affirm that I am a resident of the precinct, ward or township, city of, county of, Iowa.</p> <p>I am a registered voter. I have not voted and will not vote in any other precinct in said election.</p> <p>I understand that any false statement in this declaration is a criminal offense punishable as provided by law.</p> <p style="text-align: center;">_____ Signature of Voter</p> <p style="text-align: center;">_____ Address</p> <p style="text-align: center;">_____ Telephone</p> <p>Approved: _____</p>	Iowa Code § 49.77

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		<p>Board Member</p> <p>2. One of the precinct election officials shall announce the voter's name aloud for the benefit of any persons present pursuant to section 49.104, subsection 2, 3, or 5. Any of those persons may upon request view the signed declarations of eligibility and may review the signed declarations on file so long as the person does not interfere with the functions of the precinct election officials.</p> <p>3. A precinct election official shall require any person whose name does not appear on the election register as an active voter to show identification. Specific documents which are acceptable forms of identification shall be prescribed by the state commissioner.</p> <p>A precinct election official may require of the voter unknown to the official, identification upon which the voter's signature or mark appears. If identification is established to the satisfaction of the precinct election officials, the person may then be allowed to vote.</p> <p>(From 2004 version of Iowa Annotated Code; effective January 1, 1995)</p>	
Kansas	Sign Name	<p>(b) A person desiring to vote shall provide to the election board: (1) the voter's name; (2) if required, the voter's address; and (3) the voter's signature on the registration or poll book. A signature may be made by mark, initials, typewriter, print, stamp, symbol or any other manner if by placing the signature on the document the person intends the signature to be binding. A signature may be made by another person at the voter's direction if the signature reflects such voter's intention.</p> <p>(Approved April 14, 2004, 2004 Kansas Laws Ch. 93)</p>	Kan. Stat. Ann. § 25-2908(b)
Kentucky	Provide ID	<p>117.227 Confirmation of voter's identity</p> <p>Election officers shall confirm the identity of each voter by personal acquaintance or by a document, such as a motor vehicle operator's license, Social Security card, or credit card. The election officer confirming the identity shall sign the precinct voter roster and list the method of identification.</p> <p>Effective: 7/15/02</p> <p>31 KAR 4:010. Voter identification cards.</p> <p>Section 1. In addition to the forms of identification specifically provided for by <u>KRS 117.227</u>, any identification card that bears both the picture and signature of the voter, or any identification card that has been issued by the county, and which has been approved in writing by the State Board of Elections, shall be acceptable for confirmation of the voter's identity.</p>	<p>Ky Rev. Stat. Ann. 117.227</p> <p>31 Ky. Admin. Regs. 4:010.</p>
Louisiana	Photo ID	<p>A. Identification of voters.</p> <p>(1) A person who desires to vote in a primary or general election shall give his name and address to a commissioner, who shall announce the applicant's name and address to the persons at the polling place.</p> <p>(2) Each applicant shall identify himself, in the presence and view of the bystanders, and present to the commissioners a Louisiana driver's license, a Louisiana special identification card issued pursuant to <u>R.S. 40:1321</u>, or other generally recognized picture identification card. If the applicant does not have a Louisiana driver's license, a Louisiana special identification card, or other generally recognized picture identification card, the applicant shall sign an affidavit, which is supplied by the secretary of state, to that effect before the commissioners who shall place the affidavit in the envelope marked "Registrar of Voters" and attach the envelope to the precinct register, and the applicant</p>	La. Rev. Stat. Ann. 18:562

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		<p>shall provide further identification by presenting his current registration certificate, giving his date of birth or providing other information stated in the precinct register that is requested by the commissioners. However, an applicant that is allowed to vote without the picture identification required by this Paragraph is subject to challenge as provided in <u>R.S. 18:565</u>.</p> <p>Effective: 1/1/2002</p>	
Maine	Give Name	<p>The voting procedure is as follows.</p> <p>1. Name announced. A voter who wishes to vote must state the voter's name and, upon request, residence address to an election clerk who shall announce the name in a loud, clear voice.</p> <p>(In effect at time of 2003 amendment: 2003, c. 584, § 9)</p>	Me. Rev. Stat. Ann. tit. 21-A, § 671
Maryland	Sign Name	<p>10-310.</p> <p>(a) For each individual who seeks to vote, an election judge, in accordance with instructions provided by the local board, shall:</p> <p>(1) locate the individual's name in the precinct register and locate the preprinted voting authority card and then authorize the individual to vote a regular ballot;</p> <p>(2)(i) if the individual's name is not found on the precinct register, search the inactive list and if the name is found, authorize the individual to vote a regular ballot; or</p> <p>(ii) if the individual's name is not on the inactive list, refer the individual for provisional ballot voting under § 9-404 of this article;</p> <p>(3) establish the identity of the voter by requesting the voter to state the month and day of the voter's birth and comparing the response to the information listed in the precinct register;</p> <p>(4) verify the address of the voter's residence;</p> <p>(5) if any changes to the voting authority card are indicated by a voter, make the appropriate changes in information on the card or other appropriate form; and</p> <p>(6) have the voter sign the voting authority card and either issue the voter a ballot or send the voter to a machine to vote.</p>	Md. Elec. Law § 10-310
Mass.	Give Name	<p>Each voter desiring to vote at a polling place shall give his name and, if requested, his residence to one of the officers at the entrance to the space within the guard rail, who shall thereupon distinctly announce the same. If such name is found on the voting list, the election officer shall check and repeat the name and shall admit the voter to the space enclosed by the guard rail and, in case official ballots, other than those marked "Challenged Ballots" as provided by section thirty-five A, are used, such voter shall be given one ballot. The use of electronic means such as tape recording equipment or radio broadcasting equipment for the recording or broadcasting of the names of voters not yet checked as having voted shall be prohibited.</p> <p>Last amended in 1981</p> <p>(5B) Identification. If so authorized by the city or town clerk or registrars of voters, an election officer may request any voter to present written identification. Such requests shall not discriminate in any way, but shall be entirely random, consistent, or based on reasonable suspicion. For the purpose of 950 CMR 52.03(5B), of M.G.L. c. 54, § 76B, and of 950 CMR 52.03(5)(b), suitable written identification includes a driver's license, recent utility bill, rent receipt on a landlord's printed letterhead, lease, duplicate copy of a voter registration affidavit, or any other printed identification which contains the voter's name and address. If voters fail to present suitable written identification when so requested, they must still be allowed to vote, but an election officer or any other person may challenge their right to vote under M.G.L. c. 54, § 85 and 950 CMR 52.03(23).</p>	<p>Mass. Ann. Laws 54 § 76</p> <p>950 Mass. Code Regs. 52.03</p>
Michigan	Sign Name	<p>(1) At each election, before being given a ballot, each registered elector offering to vote shall identify himself or herself by presenting an official state</p>	Mich. Comp. Laws Ann. §

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		<p>identification card issued to that individual pursuant to Act No. 222 of the Public Acts of 1972, being sections 28.291 to 28.295 of the Michigan Compiled Laws, an operator's or chauffeur's license issued to that individual pursuant to the Michigan Vehicle Code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws, or other generally recognized picture identification card and by executing an application showing his or her signature or mark and address of residence in the presence of an election official. If the voter registration cards are used in the precinct, the election official in charge of the precinct registration file shall compare the signature upon the application with the signature upon the registration card. If voter registration lists are used in the precinct, the election inspector shall determine if the name on the application to vote appears on the voter registration list. If the name appears on the voter registration list, the elector shall provide further identification by giving his or her date of birth or other information stated upon the voter registration list. In precincts using voter registration lists, the date of birth may be required to be placed on the application to vote. If the signature or an item of information does not correspond, the vote of the person shall be challenged, and the same procedure shall be followed as provided in this act for the challenging of an elector. If the person offering to vote has signed the registration card or application by making a mark, the person shall identify himself or herself by giving his or her date of birth, which shall be compared with the date of birth stated upon the registration card or voter registration list, or shall give other identification as may be referred to upon the registration card or voter registration list. If the elector does not have an official state identification card, operator's or chauffeur's license as required in this subsection, or other generally recognized picture identification card, the individual shall sign an affidavit to that effect before an election inspector and be allowed to vote as otherwise provided in this act. However, an elector being allowed to vote without the identification required under this subsection is subject to challenge as provided in section 727.</p> <p>(2) If, upon a comparison of the signature or other identification, it is found that the applicant is entitled to vote, the election officer having charge of the registration list shall approve the application and write his or her initials on the application, after which the number on the ballot issued shall be noted on the application. The application shall serve as 1 of the 2 poll lists required to be kept as a record of a person who has voted. The application shall be filed with the township, city, or village clerk. If voter registration cards are used in the precinct, the date of the election shall be noted by 1 of the election officials upon the precinct registration card of each elector voting at an election. If voter registration lists are used in the precinct, the election official shall clearly indicate upon the list each elector voting at that election. The clerk of a city, village, or township shall maintain a record of voting participation for each registered elector.</p> <p>The Attorney General declared that this statute violated the Equal Protection Clause of the Fourteenth Amendment. Op. Atty. Gen. 1997, No. 6930. That decision is binding on all state agencies.</p> <p>(Effective March 31, 1997)</p>	168.523
Minnesota	Sign Name	(a) An individual seeking to vote shall sign a polling place roster which states that the individual is at least 18 years of age, a citizen of the United States, has resided in Minnesota for 20 days immediately preceding the election, maintains residence at the address shown, is not under a guardianship in which the court order revokes the individual's right to vote, has not been found by a court of law to be legally incompetent to vote or convicted of a felony without having civil rights restored, is registered and has not already voted in the election. The roster must also state: "I understand that deliberately providing false information is a felony punishable by not more than five years imprisonment and a fine of not	Minn. Stat. § 204C.10

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		<p>more than \$10,000, or both."</p> <p>(b) A judge may, before the applicant signs the roster, confirm the applicant's name, address, and date of birth.</p> <p>(c) After the applicant signs the roster, the judge shall give the applicant a voter's receipt. The voter shall deliver the voter's receipt to the judge in charge of ballots as proof of the voter's right to vote, and thereupon the judge shall hand to the voter the ballot. The voters' receipts must be maintained during the time for notice of filing an election contest.</p> <p>(Effective January 1, 2004)</p>	
Mississippi	Sign Name	<p>***</p> <p>When any person entitled to vote shall appear to vote, he shall first sign his name in a receipt book or booklet provided for that purpose and to be used at that election only and said receipt book or booklet shall be used in lieu of the list of voters who have voted formerly made by the managers or clerks; whereupon and not before, the initialing manager or, in his absence, the alternate initialing manager shall indorse his initials on the back of an official blank ballot, prepared in accordance with law, and at such place on the back of the ballot that the initials may be seen after the ballot has been marked and folded, and when so indorsed he shall deliver it to the voter, which ballot the voter shall mark in the manner provided by law, which when done the voter shall deliver the same to the initialing manager or, in his absence, to the alternate initialing manager, in the presence of the others, and the manager shall see that the ballot so delivered bears on the back thereof the genuine initials of the initialing manager, or alternate initialing manager, and if so, but not otherwise, the ballot shall be put into the ballot box; and when so done one (1) of the managers or a duly appointed clerk shall make the proper entry on the pollbook. If the voter is unable to write his name on the receipt book, a manager or clerk shall note on the back of the ballot that it was received for by his assistance.</p> <p>(Effective January 1, 1987)</p>	Miss. Code Ann. § 23-15-541
Missouri	Provide ID	<p>1. Before receiving a ballot, voters shall identify themselves by presenting a form of personal identification from the following list:</p> <p>(1) Identification issued by the state of Missouri, an agency of the state, or a local election authority of the state;</p> <p>(2) Identification issued by the United States government or agency thereof;</p> <p>(3) Identification issued by an institution of higher education, including a university, college, vocational and technical school, located within the state of Missouri;</p> <p>(4) A copy of a current utility bill, bank statement, government check, paycheck or other government document that contains the name and address of the voter;</p> <p>(5) Driver's license or state identification card issued by another state; or</p> <p>(6) Other identification approved by the secretary of state under rules promulgated pursuant to subsection 3 of this section other identification approved by federal law. Personal knowledge of the voter by two supervising election judges, one from each major political party, shall be acceptable voter identification upon the completion of a secretary of state-approved affidavit that is signed by both supervisory election judges and the voter that attests to the personal knowledge of the voter by the two supervisory election judges. The secretary of state may provide by rule for a sample affidavit to be used for such purpose.</p> <p>(Last amended in 2002)</p>	Mo. Rev. Stat. §115.427.1

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Montana	Provide ID	<p>(1) (a) Before an elector is permitted to receive a ballot or vote, the elector shall present to an election judge a current photo identification showing the elector's name. If the elector does not present photo identification, including but not limited to a valid driver's license, a school district or postsecondary education photo identification, or a tribal photo identification, the elector shall present a current utility bill, bank statement, paycheck, notice of confirmation of voter registration issued pursuant to 13-2-207, government check, or other government document that shows the elector's name and current address.</p> <p>(From 2004 version of the Montana Code Annotated; No updates in 2004, only in 2005 [Unrelated section was amended in 2005])</p>	Mont. Code. Ann. §13-13-114(1)(a)
Nebraska	Sign Name	<p>(1) The clerks of election shall have a list of registered voters of the precinct and a sign-in register at the polling place on election day. The list of registered voters shall be used for guidance on election day and may be in the form of a computerized, typed, or handwritten list or precinct registration cards. Registered voters of the precinct shall place and record their signature in the sign-in register before receiving any ballot. The list of registered voters and the sign-in register may be combined into one document.</p> <p>(Last amended in 2003)</p> <p>Official ballots shall be used at all elections. No person shall receive a ballot or be entitled to vote unless and until he or she is registered as a voter except as provided in section 32-914.01, 32-914.02, 32-915, 32-915.01, or 32-936. Except as otherwise specifically provided, no ballot shall be handed to any registered voter at any election until (1) he or she announces his or her name and address to the clerk of election, (2) the clerk has found that he or she is a registered voter at the address as shown by the precinct list of registered voters unless otherwise entitled to vote in the precinct under section 32-328, 32-914.01, 32-914.02, 32-915, or 32-915.01, (3) if the voter registered by mail after January 1, 2003, and has not previously voted in an election for a federal office within the county, the clerk shall ask the registered voter to present a photographic identification which is current and valid or a copy of a utility bill, bank statement, government check, paycheck, or other government document that is current and that shows the name and address of the voter, (4) the clerk has instructed the registered voter to personally write his or her name in the precinct sign-in register on the appropriate line which follows the last signature of any previous voter, and (5) the clerk has listed on the precinct list of registered voters the corresponding line number and name of the registered voter.</p> <p>(Last updated in 2003)</p>	<p>Neb. Rev. Stat. § 32-913</p> <p>Neb. Rev. Stat. § 32-914</p>
Nevada	Match Sig.	<p>1. Except as otherwise provided in <u>NRS 293.541</u>, if a person's name appears in the election board register or if he provides an affirmation pursuant to <u>NRS 293.525</u>, he is entitled to vote and must sign his name in the election board register when he applies to vote. His signature must be compared by an election board officer with the signature or a facsimile thereof on his original application to register to vote or one of the forms of identification listed in subsection 2.</p> <p>2. Except as otherwise provided in <u>NRS 293.2725</u>, the forms of identification which may be used individually to identify a voter at the polling place are:</p> <p>(a) The card issued to the voter at the time he registered to vote;</p> <p>(b) A driver's license;</p> <p>(c) An identification card issued by the Department of Motor Vehicles;</p> <p>(d) A military identification card; or</p>	Nev. Rev. Stat. § 293.277

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		(e) Any other form of identification issued by a governmental agency which contains the voter's signature and physical description or picture. Last Amendment Effective Jan. 1, 2004.	
NH	Give Name	A person desiring to vote shall, before being admitted to the enclosed space within the guardrail, announce his or her name to one of the ballot clerks who shall thereupon repeat the name; and, if the name is found on the checklist by the ballot clerk, the ballot clerk shall put a checkmark beside it and again repeat the name. The ballot clerk shall state the address listed on the checklist for the voter, and ask if the address is correct; if the address on the checklist is not correct, the ballot clerk shall correct the address in red on the checklist. The voter, if still qualified to vote in the town or ward and unless challenged as provided for in <u>RSA 659:27-33</u> , shall then be allowed to enter the space enclosed by the guardrail. After the voter enters the enclosed space, the ballot clerk shall give the voter one of each ballot to be voted on in that election which shall be folded as it was upon receipt from the secretary of state. Last Amendment Effective July 2, 2002.	N.H. Rev. Stat. Ann. 659:13
New Jersey	Match Sig.	19:15-17. Comparison of signatures or statements made openly; provisional ballots for newly registered voters without proper identification a. The comparison of signatures of a voter made upon registration and upon election day, and if the voter alleges his inability to write, the comparison of the answers made by such voter upon registration and upon election day, shall be had in full view of the challengers. b. If a voter has registered by mail after January 1, 2003 to vote for the first time in his or her current county of residence and did not provide personal identification when registering pursuant to section 16 of P.L.1974, c. 30 (C.19:31-6.4), the voter shall be permitted to vote starting at the first election held after January 1, 2004 at which candidates are seeking federal office after displaying one of the following items: (1) a current and valid photo identification card; (2) a current utility bill, bank statement, government check or pay check; (3) any other government document that shows the voter's name and current address; or (4) any other identifying document that the Attorney General has determined to be acceptable for this purpose. If the voter does not display one of these documents, the voter shall not be permitted to vote by machine but shall instead be provided with a provisional ballot, pursuant to the provisions of P.L.1999, c. 232 (C.19:53C-1 et seq.). This subsection shall not apply to any voter entitled to vote by absentee ballot under the "Uniformed and Overseas Citizens Absentee Voting Act" (42 U.S.C. 1973ff-1 et seq.) or to any voter who is provided the right to vote other than in person under section 3 of Pub.L.98-435, the "Voting Accessibility for the Elderly and Handicapped Act," or any other voter entitled to vote otherwise than in person under any other federal law. This subsection shall also not apply to any person who registers to vote by appearing in person at any voter registration agency or to any person whose voter registration form is delivered to the county commissioner of registration or to the Attorney General, as the case may be, through a third party by means other than by mail delivery. c. Each county commissioner of registration shall collect and maintain, in the manner prescribed by the Attorney General, the information provided pursuant to subsection b. of this section and section 16 of P.L.1974, c. 30 (C.19:31-6.4). Access to the personal identification information provided pursuant to subsection b. of this section and section 16 of P.L.1974, c. 30 (C.19:31-6.4) shall be prohibited, in accordance with subsection a. of section 6 of P.L.2001, c. 404 (C.47:1A-5). Last Amendment Effective July 9, 2004	N.J. Stat. Ann. 19:15-17
New Mexico	Sign Name	D. The judge assigned to the voter list used for confirmation of registration and voting shall determine that each person offering to vote is registered and, in the	N.M. Stat. Ann §1-5-10

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		<p>case of a primary election, that the voter is registered in a party designated on the primary election ballot. If the person's registration is confirmed by the presence of his name on the voter list or if the person presents a certificate under the seal and signature of the county clerk showing that he is entitled to vote in the election and to vote in that precinct, the judge shall announce to the election clerks the list number and the name of the voter as shown on the voter list.</p> <p>E. The election clerk shall locate that list number and name on the signature roster and shall require the voter to sign his usual signature or, if unable to write, to make his mark opposite his printed name. If the voter makes his mark, it shall be witnessed by one of the judges of the precinct board. If the signature roster indicates that the voter is required to present a form of identification before voting, the election judge shall ask the voter for a current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows and matches the name and address of the voter as indicated on the signature roster. If the voter does not provide the required identification, he shall be allowed to vote on a provisional paper ballot.</p> <p>G. A voter shall not be permitted to vote until he has properly signed his usual signature or made his mark in the signature roster.</p> <p>(From 2004 version of New Mexico Annotated Statutes, amended in 2005 to require presentation of ID)</p>	<p>(Recompiled as §1-12 -7.1 by L. 2005, Ch. 270, §63, effective July 1, 2005)</p>
New York	Match Sig.	<p>1. A person before being allowed to vote shall be required, except as provided in this chapter, to sign his name on the back of his registration poll record on the first line reserved for his signature at the time of election which is not filled with a previous signature, or on the line of the computer generated registration list reserved for his signature. The two inspectors in charge shall satisfy themselves by a comparison of this signature with his registration signature and by comparison of his appearance with the descriptive material on the face of the registration poll record that he is the person registered. If they are so satisfied they shall enter the other information required for the election on the same line with the voter's latest signature, shall sign their names or initials in the spaces provided therefor, and shall permit the applicant to vote. Any inspector or inspectors not satisfied shall challenge the applicant forthwith.</p> <p>2. If a person who alleges his inability to sign his name presents himself to vote, the board of inspectors shall permit him to vote, unless challenged on other grounds, provided he had been permitted to register without signing his name. The board shall enter the words "Unable to Sign" in the space on his registration poll record reserved for his signature or on the line of the computer generated registration list reserved for his signature at such election. If his signature appears upon his registration record or upon the computer generated registration list the board shall challenge him forthwith, except that if such a person claims that he is unable to sign his name by reason of a physical disability incurred since his registration, the board, if convinced of the existence of such disability, shall permit him to vote, shall enter the words "Unable to Sign" and a brief description of such disability in the space reserved for his signature at such election. At each subsequent election, if such disability still exists, he shall be entitled to vote without signing his name and the board of inspectors, without further notation, shall enter the words "Unable to Sign" in the space reserved for his signature at such election.</p> <p>3. The voter's signature made by him upon registration and his signature made at subsequent elections shall be effectively concealed from the voter by a blotter or piece of opaque paper until after the voter shall have completed his signature.</p> <p>4. In any case where a person who has heretofore voted has placed his voting signature on the back of his registration poll record on the first or any succeeding line or lines at the time or times of an election, instead of on the last line of the</p>	<p>N.Y. Law § 8-304 (McKinney)</p>

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		<p>space thereon required to be reserved for such voting signatures and on any lines next running upward therefrom, the inspectors of election shall obliterate such misplaced signature or signatures, initial the obliteration and require such voter to sign his name again in the correct place on such registration poll record.</p> <p>5. Any person who has heretofore registered and who at such time placed his or her registration signature on the back of the registration poll record otherwise than in the space required to be provided therefor at the bottom of such poll record, shall, before being permitted to vote at any election thereafter, subscribe a new registration signature for himself on the last line at the bottom of such poll record, and, at the same time, if the inspectors of election are satisfied that the signatures were made by the same person, obliterate his original registration signature placed elsewhere than on the bottom of such record. Such obliterations may be made by crossing out the signature so as to completely efface the same or by affixing thereover a piece of gummed tape of a size sufficient only to cover such signature and of a type adequate to fully conceal the same</p> <p>Last Amended 1986</p>	
North Carolina	Give Name	<p>(a) Checking Registration. --A person seeking to vote shall enter the voting enclosure through the appropriate entrance. A precinct official assigned to check registration shall at once ask the voter to state current name and residence address. The voter shall answer by stating current name and residence address. In a primary election, that voter shall also be asked to state, and shall state, the political party with which the voter is affiliated or, if unaffiliated, the authorizing party in which the voter wishes to vote. After examination, that official shall state whether that voter is duly registered to vote in that precinct and shall direct that voter to the voting equipment or to the official assigned to distribute official ballots. If a precinct official states that the person is duly registered, the person shall sign the pollbook, other voting record, or voter authorization document in accordance with subsection (c) of this section before voting.</p>	N.C. Gen. Stat. Ann. § 163-166.7
North Dakota	Provide ID	<p>16.1-05-07 Poll clerks to check identification and verify eligibility -- Poll clerks to request, correct, and update incorrect information contained in the pollbook.</p> <p>1. Before delivering a ballot to an individual according to section 16.1-13- 22, the poll clerks shall request the individual to show a driver's license issued by the state, another form of identification displaying a photograph of the individual and the individual's date of birth, or another appropriate form of identification prescribed by the secretary of state. If an individual offering to vote fails or refuses to show an appropriate form of identification, the individual may be allowed to vote without being challenged according to section 16.1-05-06 if the individual provides to the election board the individual's date of birth and if a member of the election board or a clerk knows the individual and can personally vouch that the individual is a qualified elector of the precinct. After verifying that the individual's name is contained in the pollbook generated from the central voter file, poll clerks shall verify the individual's residential address and mailing address, if different from the individual's residential address.</p> <p>(From 2003 version of N.D. Century Code; only amendment to this statute that became effective in 2003 was in 2005)</p>	N.D. Cent. Code § 16.1-05-07

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Ohio	Match Sig.	<p>When an elector appears in a polling place to vote he shall announce his full name and address to the precinct election officials. He shall then write his name and address at the proper place in the poll lists or signature pollbooks provided therefore, except that if, for any reason, an elector shall be unable to write his name and address in the poll list or signature pollbook, the elector may make his mark at the place intended for his name and a precinct official shall write the name of the elector at the proper place on the poll list or signature pollbook following the elector's mark, upon the presentation of proper identification. The making of such mark shall be attested by the precinct official who shall evidence the same by signing his name on the poll list or signature pollbook as a witness to such mark.</p> <p>The elector's signature in the poll lists or signature pollbooks shall then be compared with his signature on his registration form or a digitized signature list as provided for in section 3503.13 of the Revised Code, and if, in the opinion of a majority of the precinct election officials, the signatures are the signatures of the same person, the clerks shall enter the date of the election on the registration form or shall record the date by such other means as may be prescribed by the secretary of state. If the right of the elector to vote is not then challenged, or, if being challenged, he establishes his right to vote, he shall be allowed to proceed into the voting machine. If voting machines are not being used in that precinct, the judge in charge of ballots shall then detach the next ballots to be issued to the elector from Stub B attached to each ballot, leaving Stub A attached to each ballot, hand the ballots to the elector, and call his name and the stub number on each of the ballots. The clerk shall enter the stub numbers opposite the signature of the elector in the pollbook. The elector shall then retire to one of the voting compartments to mark his ballots. No mark shall be made on any ballot which would in any way enable any person to identify the person who voted the ballot.</p> <p>(Effective at time of last update, 1992 H 182, eff. 4-9-93)</p>	Ohio Rev. Code Ann. § 3505.18
Oklahoma	Sign Name	<p>Each person presenting himself to vote shall announce his name to the judge of the precinct, whereupon the judge shall determine whether said person's name is in the precinct registry.</p> <p>(Last amended in 1990)</p> <p>Persons who have been determined to be eligible to vote shall sign, in the presence of the clerk, the proper precinct registry. Said clerk shall thereupon issue proper ballots to said person. The voter's signature on said precinct registry shall be the best evidence of said voter's having voted at said election. Said precinct registry shall be retained in the office of the county election board for a period of twenty-two (22) months following the election and shall be subject to public inspection during regular office hours.</p> <p>(Last amended in 1990)</p>	Okla. Stat. Ann. tit. 26, § 7-114 Okla. Stat. Ann. tit. 26, § 7-117
Oregon	Match Sig.	<p>All elections in Oregon are Vote by Mail.</p> <p>An Elections Official will compare the signature on your ballot return envelope to the signature on your voter registration card to verify your identity</p> <p>(http://www.uhavavote.org/votingguide/votebymail.html) (unknown date, but use of wayback machine shows that this provision on site on following dates: 7/11/04, 10/20/04 and 10/29/04)</p>	Or. Rev. Stat. § 254.385
Penn.	Match Sig.	<p>(a.3) All electors, including any elector that shows identification pursuant to subsection (a), shall subsequently sign a voter's certificate, and, unless he is a State or Federal employee who has registered under any registration act without declaring his residence by street and number, he shall insert his address therein, and hand the same to the election officer in charge of the district register. Such election officer shall thereupon announce the elector's name so that it may be heard by all members of the election board and by all watchers present in the</p>	25 Pa. Stat. Ann. § 3050

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		<p>polling place and shall compare the elector's signature on his voter's certificate with his signature in the district register. If, upon such comparison, the signature upon the voter's certificate appears to be genuine, the elector who has signed the certificate shall, if otherwise qualified, be permitted to vote: Provided, That if the signature on the voter's certificate, as compared with the signature as recorded in the district register, shall not be deemed authentic by any of the election officers, such elector shall not be denied the right to vote for that reason, but shall be considered challenged as to identity and required to make the affidavit and produce the evidence as provided in subsection (d) of this section. When an elector has been found entitled to vote, the election officer who examined his voter's certificate and compared his signature shall sign his name or initials on the voter's certificate, shall, if the elector's signature is not readily legible, print such elector's name over his signature, and the number of the stub of the ballot issued to him or his number in the order of admission to the voting machines, and at primaries a letter or abbreviation designating the party in whose primary he votes shall also be entered by one of the election officers or clerks. As each voter is found to be qualified and votes, the election officer in charge of the district register shall write or stamp the date of the election or primary, the number of the stub of the ballot issued to him or his number in the order of admission to the voting machines, and at primaries a letter or abbreviation designating the party in whose primary he votes, and shall sign his name or initials in the proper space on the registration card of such voter contained in the district register.</p> <p>(In effect at time of, and unaltered by: 2004, Oct. 8, P.L. 807, No.-97, § 5.1 (changes procedure for first time voters, not established voters))</p>	
<p>Rhode Island</p>	<p>Give Name</p>	<p>(a) Each person desiring to vote shall state his or her name and residence, including that person's street address, if he or she has any, to one of the first pair of bi-partisan supervisors, who shall then announce the name and residence in a loud and distinct voice, clear and audible. As each voter's name is announced, the voter shall be handed a ballot application in the following form:</p> <p>BALLOT APPLICATION</p> <p>(Poll List) Senatorial District _____ Representative District _____ Voting District _____ Election _____ Date _____</p> <p>I hereby certify that I am a registered and qualified elector in the above voting district of City of _____ and hereby make application for ballots to be voted at this election.</p> <p>_____</p> <p>(Signature of Voter)</p> <p>_____</p> <p>(Residence Address)</p> <p>Number Approved _____</p> <p>(Supervisor of Election)</p>	<p>R.I. Gen. Laws § 17-19-24</p>

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		<p>(b) The voter shall sign the application in the presence and view of a bipartisan pair. They shall locate the voter's name on the certified voting list for the voting district. Upon finding the voter's name on the certified voting list for the district, they shall initial the ballot application in the place provided next to the word "Approved" and shall enter on the certified list of voters a proper notation that the applicant has voted in the election. They shall then return the ballot application to the voter who shall pass down the line and present it to the clerk. After the voter has handed the approved ballot application to the clerk, the clerk shall provide the voter with the appropriate computer ballot and security sleeve, the warden shall direct the voter to the voting booth which the voter shall use, and unless the voter needs instruction or assistance as provided in this chapter, the voter shall cast his or her vote, and if he or she desires place the voted computer ballot in a security sleeve, and shall proceed to the optical scan precinct count unit and shall personally place his or her voted ballot into the designated ballot slot on the unit, and after doing so, shall leave the enclosure at once. No voter shall remain within the voting booth longer than ten (10) minutes, and if the voter refuses to leave after the lapse of ten (10) minutes, the voter shall be removed from the voting booth by order of the warden. Except for the election officials and the election inspector, not more than two (2) voters in excess of the number of voting booths shall be permitted within the enclosed space at any time.</p> <p>(Last amended 2004, Current through January 2005 Session)</p>	
South Carolina	Photo ID	<p>§ 7-13-710. Proof of right to vote; signing poll list; comparison of signatures.</p> <p>When any person presents himself to vote, he shall produce his valid South Carolina driver's license or other form of identification containing a photograph issued by the Department of Motor Vehicles, if he is not licensed to drive, or the written notification of registration provided for by §§ 7-5-125 and 7-5-180 if the notification has been signed by the elector. If the elector loses or defaces his registration notification, he may obtain a duplicate notification from his county board of registration upon request in person, or by telephone or mail. After presentation of the required identification, his name must be checked by one of the managers on the margin of the page opposite his name upon the registration books, or copy of the books, furnished by the board of registration. The managers shall keep a poll list which must contain one column headed "Names of Voters". Before any ballot is delivered to a voter, the voter shall sign his name on the poll list, which must be furnished to the appropriate election officials by the State Election Commission. At the top of each page the voter's oath appropriate to the election must be printed. The signing of the poll list or the marking of the poll list is considered to be an affirmation of the oath by the voter. One of the managers shall compare the signature on the poll list with the signature on the voter's driver's license, registration notification, or other identification and may require further identification of the voter and proof of his right to vote under this title as he considers necessary. If the voter is unable to write or if the voter is prevented from signing by physical handicap, he may sign his name to the poll list by mark with the assistance of one of the managers.</p> <p>Last amended: 1968</p>	S.C. Code Ann. § 7-13-710
South Dakota	Photo ID	<p>When a voter is requesting a ballot, the voter shall present a valid form of personal identification. The personal identification that may be presented shall be either:</p> <ol style="list-style-type: none"> (1) A South Dakota driver's license or nondriver identification card; (2) A passport or an identification card, including a picture, issued by an agency of the United States government; (3) A tribal identification card, including a picture; or (4) An identification card, including a picture, issued by a high school or an accredited institution of higher education, including a university, college, or 	S.D. Codified Laws § 12-18-6.1

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		<p>technical school, located within the State of South Dakota.</p> <p>Last amended March 2004</p>	
Tennessee	Provide ID	<p>Identification of eligible voters</p> <p>(a)(1) A voter shall sign an application for ballot, indicate the primary in which the voter desires to vote, if any, and present it to a registrar. The application for ballot shall include thereon a space for the address of the voter's current residence, and the voter shall write or print such address on the application when the voter signs it. The registrar shall compare the signature and information on the application with the signature and information on the duplicate permanent registration record. The registrar shall make a determination whether the voter's address is different from the address on the voter's permanent registration record or if the registration is in inactive status. If the voter has changed residence, or the voter's registration is inactive, the registrar shall follow the procedures for voting pursuant to § 2-7-140. If, upon comparison of the signature and other identification, it is found that the applicant is entitled to vote, the registrar shall initial the application and shall note on the reverse side of the voter's duplicate permanent registration record the date of the election, the number of the voter's ballot application, and the elections in which the voter votes. If the applicant's signature is illegible, the registrar shall print the name on the application. The registrar shall give the voter the ballot application which is the voter's identification for a paper ballot or ballots or for admission to a voting machine. The voter shall then sign the duplicate poll lists without leaving any lines blank on any poll list sheet.</p> <p>(2) In any computerized county, the county election commission shall have the option of using an application for a ballot as provided in this section, or using the computerized voter signature list. A computerized voter signature list shall include the voter's name, current address of residence, social security number or registration number, birth date and spaces for the voter's signature, elections voted, ballot number and precinct registrar's initials. The following procedures shall be followed in the case of computerized voter signature lists:</p> <p>(A) The voter shall sign the signature list and indicate the election or elections the voter desires to vote in and verify the voter's address in the presence of the precinct registrar;</p> <p>(B) The registrar shall compare the voter's signature and information on the signature list with other evidence of identification supplied by the voter. If, upon comparison of the signature and other evidence of identification, it is found that the applicant is entitled to vote, the registrar shall initial the signature list;</p> <p>(C) If the applicant's signature is illegible, the registrar shall print the name of the applicant on the voter list; and</p> <p>(D) If a voter is unable to present any evidence of identification specified in subsection (c), the voter shall be required to execute an affidavit of identity on a form provided by the county election commission.</p> <p>Last amended 2003</p>	Tenn. Code Ann. § 2-7-112
Texas	Provide ID	<p>(b) On offering to vote, a voter must present the voter's voter registration certificate to an election officer at the polling place.</p> <p>(Last amended in 1997)</p>	Tex. Elec. Code Ann. § 63.001
Utah	Give Name	<p>(1)(a) Any registered voter desiring to vote shall give his name, and, if requested, his residence, to one of the election judges.</p> <p>(b) If an election judge does not know the person requesting a ballot and has reason to doubt that person's identity, the judge shall request identification or have the voter identified by a known registered voter of the district.</p> <p>(3) If the election judge determines that the voter is registered:</p> <p>(a) the election judge in charge of the official register shall:</p> <p>(i) write the ballot number opposite the name of the voter in the official register; and</p>	Utah Code Ann. § 20A-3-104

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		<p>(ii) direct the voter to sign his name in the election column in the official register;</p> <p>(b) another judge shall list the ballot number and voter's name in the pollbook; and</p> <p>(c) the election judge having charge of the ballots shall:</p> <p>(i) endorse his initials on the stub;</p> <p>(ii) check the name of the voter on the pollbook list with the number of the stub;</p> <p>(iii) hand the voter a ballot; and</p> <p>(iv) allow the voter to enter the voting booth.</p> <p>(In effect at time of last update prior to 2005: Laws 2003, c. 37, § 1, eff. May 5, 2003)</p>	
Vermont	Give Name	<p>Before a person may be admitted to vote, he or she shall announce his or her name and if requested, his or her place of residence in a clear and audible tone of voice, or present his or her name in writing, or otherwise identify himself or herself by appropriate documentation. The election officials attending the entrance of the polling place shall then verify that the person's name appears on the checklist for the polling place. If the name does appear, and if no one immediately challenges the person's right to vote on grounds of identity or having previously voted in the same election, the election officials shall repeat the name of the person and:</p> <p>(1) If the checklist indicates that the person is a first-time voter in the municipality who registered by mail and who has not provided required identification before the opening of the polls, require the person to present any one of the following: a valid photo identification; a copy of a current utility bill; a copy of a current bank statement; or a copy of a government check, paycheck, or any other government document that shows the current name and address of the voter. If the person is unable to produce the required information, the person shall be afforded the opportunity to cast a provisional ballot, as provided in subchapter 6A of this chapter. The elections official shall note upon the checklist a first-time voter in the municipality who has registered by mail and who produces the required information, and place a mark next to the voter's name on the checklist and allow the voter to proceed to the voting booth for the purpose of voting.</p> <p>(2) If the voter is not a first-time voter in the municipality, no identification shall be required, the clerk shall place a check next to the voter's name on the checklist and allow the voter to proceed to the voting booth for the purpose of voting</p> <p>(Last amended in 2003)</p>	Vt. Stat. Ann. tit. 17, § 2563
Virginia	Provide ID	<p>§ 24.2-643. Qualified voter permitted to vote; procedures at polling place; voter identification</p> <p>A. After the polls are open, each qualified voter at a precinct shall be permitted to vote. The officers of election shall ascertain that a person offering to vote is a qualified voter before admitting him to the voting booth and furnishing an official ballot to him.</p> <p>B. An officer of election shall ask the voter for his full name and current residence address and repeat, in a voice audible to party and candidate representatives present, the full name and address stated by the voter. The officer shall ask the voter to present any one of the following forms of identification: his Commonwealth of Virginia voter registration card, his social security card, his valid Virginia driver's license, or any other identification card issued by a government agency of the Commonwealth, one of its political subdivisions, or the United States; or any valid employee identification card containing a photograph of the voter and issued by an employer of the voter in the ordinary course of the employer's business.</p> <p>If the voter's name is found on the pollbook, if he presents one of the forms of</p>	Va. Code. Ann.

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		<p>identification listed above, if he is qualified to vote in the election, and if no objection is made, an officer shall enter, opposite the voter's name on the pollbook, the first or next consecutive number from the voter count form provided by the State Board, or shall enter that the voter has voted if the pollbook is in electronic form; an officer shall provide the voter with the official ballot; and another officer shall admit him to the voting booth.</p> <p>Except as provided in subsection E of this section, if a voter is entitled to vote except that he is unable to present one of the forms of identification listed above, he shall be allowed to vote after signing a statement, subject to felony penalties for false statements pursuant to § 24.2-1016, that he is the named registered voter who he claims to be. A voter who requires assistance in voting by reason of physical disability or inability to read or write, and who requests assistance pursuant to § 24.2-649, may be assisted in preparation of this statement in accordance with that section. The provisions of § 24.2-649 regarding voters who are unable to sign shall be followed when assisting a voter in completing this statement.</p> <p>(Version in effect as of 2004 - effective 4/12/2004)</p>	
Washington	Sign Name	<p>29A.44.201.</p> <p>A voter desiring to vote shall give his or her name to the precinct election officer who has the precinct list of registered voters. This officer shall announce the name to the precinct election officer who has the copy of the inspector's poll book for that precinct. If the right of this voter to participate in the primary or election is not challenged, the voter must be issued a ballot or permitted to enter a voting booth or to operate a voting device. For a partisan primary in a jurisdiction using the physically separate ballot format, the voter must be issued a nonpartisan ballot and each party ballot. The number of the ballot or the voter must be recorded by the precinct election officers. If the right of the voter to participate is challenged, RCW 29A.08.810 and 29A.08.820 apply to that voter.</p> <p>(In effect at time of last update prior to 2005: 2004 c 271 § 136, eff. June 10, 2004)</p> <p>29A.44.210.</p> <p>Any person desiring to vote at any primary or election is required to sign his or her name on the appropriate precinct list of registered voters. If the voter registered using a mark, or can no longer sign his or her name, the election officers shall require the voter to be identified by another registered voter.</p> <p>The precinct election officers shall then record the voter's name.</p> <p>Effective date: July 1, 2004</p>	Wash. Rev. Code § 29A.44.201 & 29A.44.210
West Virginia	Match Sig.	<p>(a) Any person desiring to vote in an election shall, upon entering the election room, clearly state his or her name and residence to one of the poll clerks who shall thereupon announce the same in a clear and distinct tone of voice. If that person is found to be duly registered as a voter at that precinct, he or she shall be required to sign his or her name in the space marked "signature of voter" on the pollbook prescribed and provided for the precinct. If that person is physically or otherwise unable to sign his or her name, his or her mark shall be affixed by one of the poll clerks in the presence of the other and the name of the poll clerk affixing the voter's mark shall be indicated immediately under the affixation. No ballot may be given to the person until he or she so signs his or her name on the pollbook or his or her signature is so affixed thereon.</p> <p>***</p> <p>(c) When the voter's signature is properly on the pollbook, the two poll clerks shall sign their names in the places indicated on the back of the official ballot and deliver the ballot to the voter to be voted by him or her without leaving the</p>	W. Va. Code § 3-1-34 (a)

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		<p>election room. If he or she returns the ballot spoiled to the clerks, they shall immediately mark the ballot "spoiled" and it shall be preserved and placed in a spoiled ballot envelope together with other spoiled ballots to be delivered to the board of canvassers and deliver to the voter another official ballot, signed by the clerks on the reverse side required by this subsection. The voter shall thereupon retire alone to the booth or compartment prepared within the election room for voting purposes and there prepare his or her ballot using a ballpoint pen of not less than five inches in length or other indelible marking device of not less than five inches in length. In voting for candidates in general and special elections, the voter shall comply with the rules and procedures prescribed in section five, article six of this chapter.</p> <p>(In effect at time of last update prior to 2005: Acts 2003, c. 100, eff. 90 days after March 7, 2003)</p>	
Wisconsin	Give Name	<p>6.79(2)(a) Except as provided in sub. (6), where there is registration, each person, before receiving a voting number, shall state his or her full name and address. Upon the prepared registration list, after the name of each elector, the officials shall enter the serial number of the vote as it is polled, beginning with number one. Each elector shall receive a slip bearing the same serial number. A separate list shall be maintained for electors who are voting under s. 6.15, 6.29 or 6.55(2) or (3) and electors who are reassigned from another polling place under s. 5.25(5)(b). Each such elector shall have his or her full name, address and serial number likewise entered and shall be given a slip bearing such number.</p> <p>(In effect at time of last update prior to 2005: 2003 Act 327, § 4, eff. June 12, 2004)</p>	Wis. Stat. § 6.79
Wyoming	Give Name	<p>(a) Unless a voter is challenged pursuant to W.S. 22-15-101 through 22-15-109, no identification shall be required when:</p> <p>(i) Voting in person or by mail after having registered in person; or</p> <p>(ii) Voting in person or by mail after having registered by mail and having previously voted in a Wyoming federal election.</p> <p>(In effect at time of last update prior to 2005: Effective dates. -- Laws 2004, ch. 94, § 5, makes the act effective immediately upon completion of all acts necessary for a bill to become law as provided by art. 4, § 8, Wyo. Const. Approved March 5, 2004.)</p>	Wyo. Stat. Ann. § 22-3-118

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APPENDIX B –Court Decisions and Literature on Voter Identification and Related Issues

Court Decisions

Summary of Relevant Cases:

Challenges Prevailed:

American Civil Liberties Union of Minnesota v. Kiffmeyer, 2004

- Action for temporary restraining order – granted
- Statute: allowed use of tribal identification cards w/ name, address & photo as a valid identification to register to vote only if the voter lives on the reservation to “complete” a mail-in application (which only affected about 600 voters w/ incomplete applications)
- Claim -14th Amendment EPC: likely to prevail, no rational basis for a distinction between Indians residing on reservations and those not
- Statute: may use certain forms of photo identification lacking address together with a utility bill but not tribal identification cards
- Claim -14th Amendment EPC: likely to prevail

Greidinger v. Davis, 1993

- Statute: mandated disclosure of SS # as a precondition to voter registration (rationale was voter identification, but the numbers were rarely used to verify identity & were disclosed in voter lists to both political parties and the public upon request)
- Claims:
 - 14th Amendment EPC: no classification (applied strict scrutiny)
 - Substantive due process: law invalid; found that the statute conditioned the fundamental right to vote on the consent to an invasion of privacy; this was found to be a substantial burden (applied strict scrutiny)
 - Compelling interests: preventing voter fraud (deemed compelling)
 - Necessary: fails, preventing voter fraud when allowing names for inspection could be achieved by supplying addresses and DOBs or use of voter registration numbers
 - HOWEVER: Court also made it clear that if the registration scheme kept the SS# for internal use only – it would be valid

Challenges Rejected:

League of Women Voters v. Blackwell, 2004.

- Sec. of State Directive: provisional ballots issued if first-time voter, who registered by mail and did not provide ID, cannot produce proper ID at the polls AND that the provisional ballot will only be counted if the voter returns to the poll before it closes w/ ID or can recite SS# or DL#
- Claims – Supremacy Clause & HAVA: ruled that HAVA did not specify how the first-time voters' identifications should be verified and this method was not unreasonable or too burdensome

Colorado Common Clause v. Davidson, 2004

- Statute: required all voters to show ID (most types permitted) before voting
- Claims:
 - HAVA: ruled that HAVA did not preempt more strict state laws & allowed States to be more strict as long as consistent with the purpose of HAVA (both HAVA & CO provisions' purposes were to prevent voter fraud)
 - Substantive due process and equal protection
 - No improper discrimination

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- Preventing voter fraud is a compelling interest since it is irreversible once vote is cast
- Only marginally more intrusive than HAVA, many types of identification permitted – thus, valid

McKay v. Thompson, 2000

- Statute: mandated disclosure of SS # as a precondition to voter registration
- Claims:
 - Privacy Act, Section 7: ruled that Tennessee voter system exempt from Privacy Act because it is pre-75
 - NVRA, permitting only min. amt. of info. necessary to prevent duplicate registration and determine eligibility: ruled that NVRA does not specifically forbid the use of SS#s & the Privacy Act specifically permits them pre-75
 - Substantive due process: ruled that internal use of SS# not a burden
 - Free Exercise, based on Bible's supposed prohibition on use of universal identifiers: ruled that law is generally applicable and thus valid
 - P&I, Article IV: does not protect in-state citizens
 - P&I, 14th Amend.: no protection for privilege where Congress authorized its infringement

Kemp v. Tucker, 1975

- Statute: required name, occupation, address, sex, race, height, hair color, eye color, and date of birth be listed on voter registration card for identification purposes
- Claims:
 - VRA: ruled that race was not made a "qualification" for voting
 - 15th Amendment: ruled that it did not abridge right to vote on account of race because rejection of application was due to failure to provide information, not race; race only one factor in identification
 - 14th Amendment EPC: ruled there was no distinction among voters

Perez v. Riddlehoover, 1966

- Statute: date of birth, place of birth, mother's first or maiden name, color of eyes, sex, race, occupation, and whether owner, tenant or boarder must appear on the registration for identification
- Claims:
 - VRA: ruled that it was not a "test or device" because it applied equally
 - 15th Amendment: same reasons

Cases in Which the Plaintiffs Have Prevailed in Challenging the Statute Requiring Voter Identification:

American Civil Liberties Union of Minnesota v. Kiffmeyer, No. 04-CV-4653, 2004 WL 2428690, at *1 (D. Minn. Oct. 28, 2004).

This was an action just before the November 2004 election for a temporary restraining order, which was granted. The ACLU challenged a Minnesota law allowing the use of tribal identification cards with the name, address, and photograph as a valid identification (equal to a driver's license) for use in "completing" an incomplete mail-in voter registration only if the Indian lives on the reservation. 2004 WL 2428690, at *1. The Court ruled that this distinction would likely violate the Equal Protection Clause because there was no rational basis for differentiating

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between the validity of the identification based on whether or not the cardholder lives on the reservation. *Id.* at *1, 3.

Secondly, the ACLU challenged a second statute which allowed the use of certain photo identification lacking the voter's address to be used together with a utility bill or bank statement as valid identification for registration. *Id.* at *3. The statute did not, however, permit using a tribal identification for this same purpose. *Id.* The Court ruled that this likely violated the equal protection clause as well. *Id.*

***Greidinger v. Davis*, 988 F.2d 1344 (4th Cir. 1993).**

This case challenged a Virginia law requiring the social security number for voter registration, which the State subsequently disclosed to the public and political parties upon request in voter registration lists, which included the social security numbers. Failure to provide the social security number resulted in the denial of the registration application. The law was challenged under the Equal Protection Clause and under substantive due process. The Court quickly rejected the equal protection challenge because the law made no classification. 988 F.2d at 1350.

The law was invalidated under substantive due process. *Id.* at 1355. The Court found that the statutory scheme conditioned the fundamental right to vote on the consent to an invasion of privacy, based on concerns of identity theft. *Id.* at 1353-54. The Court found this to be a substantial burden on the right to vote. *Id.* at 1354. The Court recognized that the government's interest in preventing voter fraud was compelling. *Id.* However, the Court found that disclosure of the information to the public and political parties was not necessary to achieve that interest. *Id.* Disclosure of addresses or dates of birth would be sufficient to aid the public in distinguishing between two voters with the same name. *Id.* at 1355. The Court did state that required disclosure of the social security number for internal use only would be valid. *Id.* at 1354 n.10.

Cases in Which the Statute or Practice of Voter Identification Has Been Upheld:

***League of Women Voters v. Blackwell*, 340 F. Supp. 2d 823 (N.D. Ohio 2004).**

The League of Women Voters challenged the Secretary of State's directive that provisional ballots should be issued to all first-time voters who registered by mail without providing identification who cannot show proper identification at the polls. 340 F. Supp. 2d at 828. The Directive also stated that the provisional ballots would only be counted if the voter orally recited his driver's license number or the last four digits of his social security number or returned to the polling place before it closed with some acceptable identification, including reciting those identification numbers. *Id.* The Court stated that HAVA only requires verification of eligibility of first time voters registering by mail; it does not say how that should be done. *Id.* at 831. The Court found the burden on the right to vote to be slight. *Id.* The Directive was found valid under HAVA and the Supremacy Clause because the number of uncounted votes would be small, the requirement was reasonable, and there was adequate notice of the requirement on the registration forms. *Id.* at 829-30.

***Colorado Common Cause v. Davidson*, No. 04CV7709, 2004 WL 2360485, at *1 (Colo. Dist. Ct. Oct. 18, 2004).**

In this case, the validity of three Colorado statutory provisions was challenged. The laws (1) required all in-person voters to show identification (not just first-time registrants); (2) provided that votes cast in the wrong precinct would not be counted; and (3) provided that

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provisional ballots would not be counted if the voter applied for an absentee ballot. 2004 WL 2360485, at *1. The plaintiffs also challenged the provisions under HAVA. The identification provision allowed nearly all forms of acceptable identification under HAVA. *Id.* at *6.

The challenge to the identification requirement failed under both challenges. The Court interpreted HAVA as not intended to preempt state laws and as permitting states to be more strict than, but not inconsistent with, HAVA. *Id.* at *10. The Court felt that the purpose of both laws was the same, to reduce voter fraud, and thus, both laws could coexist. As to the Constitutional claim, both equal protection and substantive due process, the Court felt that preventing voter fraud, which is impossible to remedy once a vote is cast, is a compelling interest, and the Court also felt that a voter identification requirement for all voters, with many types of acceptable identification, was only marginally more intrusive than HAVA. *Id.* at 12. The Court also found no improper discrimination between voters. *Id.* Thus, the provision was upheld.

***McKay v. Thompson*, 226 F.3d 752 (6th Cir. 2000).**

The Sixth Circuit ruled that the Privacy Act, the National Voter Registration Act, Substantive Due Process, the Privileges and Immunities Clauses (Fourteenth Amendment & Article IV), and the First Amendment right to free exercise do not prohibit requiring disclosure of social security numbers as a precondition to voter registration.

The Privacy Act, Section 7, mandates that it is unlawful for a government to deny a right or privilege because of a citizen's refusal to disclose his social security number, unless the disclosure was required for a system established prior to 1975. 226 F.3d at 755 (citing Privacy Act of 1974, Pub. L. No. 93-579 (1974)). Since Tennessee required social security numbers for voter registration since 1972, his challenge was rejected. 226 F.3d at 755. Second, the NVRA only permits requiring the minimum amount of information necessary to prevent duplicate voter registration and to determine eligibility. *Id.* at 755-56 (citing 42 U.S.C. §1973gg-3(c)(2)(B)). The Court rejected this challenge because the NVRA does not specifically forbid the use of social security numbers, and the Privacy Act, a more specific statute, grandfathered their use if prior to 1975. 226 F.3d at 756.

Finally, the plaintiff's constitutional claims were all rejected. His substantive due process claim was rejected because internal receipt and use of social security numbers does not burden the fundamental right to vote. *Id.* The free exercise challenge, based on the Bible's supposed prohibition of universal identifiers, was rejected because the law was generally applicable and not directed at particular religious practices. *Id.* The Privileges and Immunities Clause claim was rejected because the Clause does not apply to citizens of the state. *Id.* The Fourteenth Amendment Privileges and Immunities claim, based on the right to vote as unique to U.S. citizenship, was rejected because the Clause provides no protection where Congress has authorized the infringement. *Id.*

***Kemp v. Tucker*, 396 F. Supp. 737 (M.D. Pa. 1975), *aff'd*, 423 U.S. 803.**

A statute was upheld, which required name, occupation, address, sex, race, height, hair color, eye color, and date of birth to be recorded on the voter registration card and allowed registration officials to reject an incomplete application. 396 F. Supp. at 738. Claims were alleged under the Fourteenth Amendment's Equal Protection Clause, the Fifteenth Amendment, and the Voting Rights Act.

As to the Fourteenth and Fifteenth Amendment claims, the Court reasoned that preventing voter fraud is a compelling goal, and identification provisions are "an essential means of achieving the goal." *Id.* at 739. The Court also rejected the equal protection claim because the statutes did not create a distinction at all. *Id.* at 740 n.3. Since race is just one of

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several characteristics required, the Court found that it was intended for preventing voter fraud, not some other motive. *Id.* at 740. As to the VRA, the Court rejected the claim that it added race as a qualification for voting as frivolous. *Id.* As to a Fifteenth Amendment claim that it abridged the right to vote on account of race, the Court also made a distinction between rejecting a voter application because of race and rejecting an application because of failure to answer all relevant questions to assist in preventing voter fraud. *Id.* The statute was upheld.

***Perez v. Rhiddlehoover*, 186 So. 2d 686 (La. Ct. App. 1966).**

A voter registration requirement was challenged and upheld. The statute stated that date of birth, place of birth, mother's first or maiden name, color of eyes, sex, race, occupation, and whether owner, tenant or boarder must appear on the registration. 186 So.2d at 690. This information was required for identification of voters, especially when voters had the same name, to prevent duplicate voting. It was challenged under the Voting Rights Act of 1965 Section 4(a) which prohibits denying the right to vote for failure to comply with a "test or device." The Court felt that this requirement was not a test or device for discrimination because it applied equally. *Id.* at 691. The Court also determined that it was not in conflict with the Fifteenth Amendment either. *Id.*

***Friendly House, et al. v. Janet Napolitano et al.*, CV 04-649 TUC DCB**

On November 30, 2004, the Mexican American Legal Defense and Educational Fund (MALDEF) filed suit seeking to halt the implementation of Proposition 200. . Proposition 200 created a number of legal requirements to ensure that public benefits are not available to illegal immigrants. In particular, Proposition 200 requires that a person attempting to register to vote provide one of six specific forms of proof of United States citizenship. Compl. 12-13. Also, any person attempting to vote must present either one form of photo identification or two forms of non-photo identification. *Id.* at 13.

The lawsuit alleges two violations that directly relate to the voting identification restrictions. First, the lawsuit alleges a violation of the Twenty-Fourth and Fourteenth amendments in that a voter must pay a poll tax by spending money to purchase the required identification. *Id.* at 20. Second, the lawsuit alleges violation of the Voting Rights Act. *Id.* at 21. The lawsuit was recently dismissed by the 9th Circuit Court of Appeals for a lack of standing. The Circuit Court found that there was no injury-in-fact, meaning that once an injury occurs the suit will likely be refiled. Additionally, it should be noted that the voter identification issue is only a part of the lawsuit, and much of the focus has been on other aspects of Proposition 200.

Current Litigation Concerning Voter ID Issues²⁷

Litigation is filled with uncertainty. Litigation stemming from newly passed voter identification requirements will continue into the foreseeable future. Lawsuits are currently pending over voter identification requirements in Georgia and Indiana. Other states, such as Ohio, are considering new identification requirements that could lead to further litigation. The Georgia lawsuit has already succeeded in getting a preliminary injunction against the law in question, which will likely galvanize interested parties in other states to pursue similar litigation. Of course, if the injunction is eventually overturned at the appellate level it could have a similar chilling affect on future litigation.

This summary major litigation pending in Georgia and Indiana includes a brief assessment of the likelihood of success:

²⁷ As of January 2, 2006

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Georgia (*Common Cause/Georgia v. Billups*):

On September 19, 2005, Common Cause of Georgia, in conjunction with several other non-profit organizations, filed suit in Federal District Court against the Georgia Secretary of State and other election officials, challenging the constitutionality of Georgia's new voter identification requirements. The new law requires all voters attempting to cast a ballot in person to present a valid form of photographic identification. O.C.G.A. § 21-2-417. A voter that is unable to provide proper identification is given a provisional ballot. However, that provisional ballot will be counted only if the voter is able to subsequently present valid identification within two days of the election. *Id.*

The lawsuit alleges five separate violations of state and federal law. First, the complaint alleges that the identification requirements infringe on the right to vote guaranteed in the Georgia constitution (Compl. 32)²⁸. In addition, the Plaintiffs claim violations of the Federal Civil Rights Act and Voting Rights Act. (Compl. 36,38). Finally, the lawsuit alleges violations of the Fourteenth and Twenty-Fourth amendments to the U.S. Constitution. The complaint claims that the ID requirements constitute an "undue burden" on the right to vote, in violation of the Equal Protection Clause of the Fourteenth Amendment (Compl. 34). The ID requirement does not apply to most absentee voters, and thus the requirement is also over-broad and not narrowly tailored to address the stated purpose of preventing voter fraud (Compl. 34). The complaint further alleges that the cost of obtaining a photo ID constitutes a poll tax, in violation of the Twenty-Fourth Amendment, and that the cost is also a violation of the Fourteenth Amendment because it applies to voters who choose to vote in person, and not to those who vote absentee (Compl. 34,35).

On October 18, 2005, the District Court granted the Plaintiff's motion for a preliminary injunction, enjoining the application of the new identification requirements. In granting the injunction, the court held that both federal constitutional claims had a substantial likelihood of succeeding on the merits at trial (Prelim. Inj. 96, 104). The court also held that, while the two federal statutory claims were plausible, they both lacked sufficient evidence at the time to have a substantial likelihood of success. (Prelim. Inj. 109,111,116). Finally, the court held that the Georgia constitutional claim would be barred by the Eleventh Amendment to the U.S. Constitution. (Prelim. Inj. 77).

The Defendants appealed the motion for preliminary injunction to the Eleventh Circuit, and oral argument is scheduled for March 1, 2006. In addition, some news reports have claimed that the Georgia legislature is considering re-visiting the ID requirements in light of the on-going litigation.²⁹ As for the merits, in granting the preliminary injunction the District Court has already signaled its belief that the federal constitutional claims are likely meritorious. The Eleventh Circuit may have a different view, but for now the case looks to have a reasonable chance of success.

Indiana (*Indiana Democratic Party v. Rokita and Crawford v. Marion County Election Board*):

The Indiana lawsuit is similar to its Georgia counterpart in content, though not in status. In Indiana separate lawsuits, now joined, were filed by the state Democratic Party and the

²⁸ Litigation documents are available at the Election Law @ Moritz website.

<http://moritzlaw.osu.edu/electionlaw/litigation/index.php>

²⁹ GA Legislature May Revisit Voter ID Law, State Net Capitol Journal, Dec. 19, 2005.

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Indiana Civil Liberties Union (ICLU). The Democratic Party's lawsuit is directed against the Indiana Secretary of State, while the ICLU's lawsuit involves the Marion County Board of Elections and the State of Indiana. Like Georgia, Indiana law also requires citizens voting in person to present some form of official photo identification. IC § 3-11-8-25.1. Voters unable to present identification are given a provisional ballot, which is counted if they are able to provide the required identification by Noon on the second Monday following the election. IC § 3-11.7-5-1. Unlike Georgia, Indiana provides state issued identification at no charge. However, there are costs involved in the process, including transportation to the Bureau of Motor Vehicles, and payment for documents such as birth certificates, which are needed to obtain the ID. (Second Am. Compl. 6).

The Democratic Party's complaint raises Fourteenth Amendment claims similar to those in the Georgia lawsuit, including concerns about substantially burdening the right to vote, the enactment of a de-facto poll tax from the costs indirectly associated with obtaining ID, and the lack of applicability to voters who cast an absentee ballot. (Second Am. Compl. 6-9). In addition, the complaint alleges that the substantial burden placed on the right to vote violates the First Amendment protection of expressive or symbolic speech, as well as the freedom of association as applied to Democratic primary elections. (Second Am. Compl. 9-10). Finally, the complaint alleges violations of the Voting Rights Act, National Voter Registration Act, and the Help America Vote Act (Second Am. Compl. 10-11). The ICLU's complaint alleges many of the same violations, but also includes claims of a violation of Indiana's constitutional guarantee of a free and equal election system. (Compl. 15)

The case is currently in the pre-trial phase, with both sides awaiting decisions on their respective motions for summary judgment.³⁰ The likelihood of success is bolstered by the fact that the Fourteenth amendment constitutional claims have already been found persuasive by at least one other Federal District Court. However, the Indiana law is notably different than its Georgia counterpart in that it provides free identification. While the plaintiffs make a solid argument that related costs still amount to a poll-tax, it is possible that the court could distinguish on this matter.

Unlike the Georgia case, the Indiana lawsuit also claims a violation of the Help America Vote Act. Although the claim is not completely clear, it seems as though the Plaintiffs are arguing that the Indiana statute requires more stringent identification than what is required by HAVA. 42 U.S.C. § 15483(b)(1)-(2). While this is true, it is unclear how this violates the statute. HAVA merely states that certain voters unable to produce HAVA required identification be given a provisional ballot. *Id.* Indiana law meets this requirement. IC § 3-11-8-25.1. Although Indiana law requires more stringent identification for counting the provisional ballot, HAVA leaves these decisions to state law. 42 U.S.C. § 15482(a).

³⁰ According to an AP article, the Plaintiffs filed some type of brief on December 21—however it is not yet up on the Moritz website and I am unsure how to access it otherwise.

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Appendix C

“Analysis of Effects of Voter Identification Requirements on Turnout “

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PROVIDED EARLIER

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APPENDIX D

Annotated Bibliography on Voter Identification Issues

Law Journals

- Angelo J. Genova & Rebecca Moll Freed, *The Right to Vote and Be Counted: A Liberty at Risk*, 233 N.J. LAW 44, Apr. 2005.
 - Discusses HAVA a lot
- George W. Grayson, *Registering and Identifying Voters: What the United States Can Learn From Mexico*, 3 ELECTION L.J. 513 (2004).
 - Benefits of US adopting Mexican system of identifying voters and voter registration
- Robert A. Pastor, *Improving the U.S. Electoral System: Lessons from Canada and Mexico*, 3 ELECTION L.J. 584 (2004).
 - Discusses HAVA, problems of 2000 election, discusses registration & identification
- Brian Kim, *Recent Development: Help America Vote Act*, 40 HARV. J. ON LEGIS. 579 (Summer 2003).
 - Discussion of HAVA requirements and voter ID, problems in 2000
- Robert L. McCurley, *Legislative Wrap-Up: Election Law Changes*, 64 ALA. LAW. 364, Nov. 2003.
 - Discusses changes in AL to their election law in 2003, including adding voter ID
 - HAVA discussed
- Clifford B. Levine, Esq. & David J. Montgomery, Esq., *Post-Election Litigation in Pennsylvania*, 41 Duq. L. Rev. 153 (Fall, 2002).
 - Discusses challenging elections based on voter fraud & illegal votes
- Rebecca Barrett, *Election*, 18 GA. ST. U. L. REV. 114 (Fall 2001).
 - Discusses a GA law in 2001 removing hunting & fishing licenses from list of acceptable ID and a failed amendment to limit acceptable ID to photo ID only
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 - General discussion of ways voters are verified, what happens when voters are challenged as illegal voters
- John Victor Berry, *Take the Money and Run: Lame-Ducks "Quack" and Pass Voter Identification Provisions*, 74 U. DET. MERCY L. REV. 291 (Winter 1997).
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- Deborah S. James, Note, *Voter Registration: A Restriction on the Fundamental Right to Vote*, 96 YALE L.J. 1615 (1987).
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- Gabrielle B. Ruda, Note, *Picture Perfect: A Critical Analysis of the Debate on the 2002 Help America Vote Act*, 31 FORDHAM URB. L.J. 235 (November 2003).
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Appendix E

State Statutes and Regulations Affecting Voter Identification

Compiled by The Moritz College of Law, The Ohio State University

Available in electronic form

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Analysis of Effects of Voter Identification Requirements on Turnout

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May 4, 2006

Introduction

A key area of disagreement in the policy debate over voter identification requirements concerns whether such requirements dampen voter turnout. Opponents of voter identification laws argue that they constitute an institutional barrier to voting, particularly among the poor, African-Americans, Hispanics, the elderly and people with disabilities (Baxter and Galloway 2005, Electionline.org 2002, Jacobs 2005, Young 2006). This argument holds that voter identification requirements create an extra demand on voters, and thus may discourage some of them from participating in elections. Further, critics of voter identification requirements contend that the effect is greater for some specific types of requirements. For example, critics argue that requiring voters to produce government-issued photo identification on Election Day is more demanding than, say, requiring that they state their names at the polling place. Supporters of voter identification requirements, on the other hand, argue that the requirements are necessary to combat voter fraud, safeguard the integrity of the electoral process, and engender faith in the electoral process among citizens (Young 2006).

This report examines the potential variation in turnout rates based on the type of voter identification requirement in place in each state on Election Day 2004. It draws on two sets of data – aggregate turnout data at the county level for each state, as compiled by the Eagleton Institute of Politics, and individual-level survey data included in the November 2004 Current Population Survey conducted by the U.S. Census Bureau. Classification of voter identification requirements comes from a review of state statutes conducted by the Moritz College of Law at the Ohio State University.

Types of voter identification requirements

Based on research performed for this study by the Moritz College of Law, states had one of five types of requirements in place on Election Day 2004. Upon arrival at polling places, voters had to: state their names (nine states); sign their names (13 states and the District of Columbia); match their signature to a signature on file with the local election board (eight states); provide a form of identification that did not necessarily include a photo (15 states); or provide a photo identification (five states).¹ It was then possible to code the states according to these requirements, and test the assumption that voter identification requirements would pose an increasingly demanding requirement in this order: stating one's name, signing one's name, matching one's signature to a signature on file, providing a form of identification, and providing a form of photo identification.

¹ Oregon conducts elections entirely by mail. Voters sign their mail-in ballots, and election officials match the signatures to signatures on file. For the purposes of this analysis, Oregon is classified as a state that requires a signature match.

But election laws in numerous states offer exceptions to these requirements if individuals lack the necessary form of identification, and laws in those states set a minimum standard that a voter must meet in order to vote using a regular ballot (as opposed to a provisional ballot). Thus it is also possible to categorize states based on the minimum requirement for voting with a regular ballot. In 2004 the categories were somewhat different compared to the maximum requirement, in that none of the states required photo identification as a minimum standard for voting with a regular ballot. Four states, however, required voters to swear an affidavit as to their identity (Florida, Indiana, Louisiana, and North Dakota). The five categories for minimum requirements were: state name (12 states), sign name (14 states and the District of Columbia), match one's signature to a signature on file (six states), provide a non-photo identification (14 states), or swear an affidavit (four states). For the purposes of this analysis I treated the array of minimum identification requirements also in terms of increasing demand on the voter: state name, sign name, match signature, provide non-photo identification, and, given the potential legal consequences for providing false information, swearing an affidavit.

Estimating turnout among citizens in the voting-age population

This report examines turnout among U.S. citizens of voting age in both the aggregate- and the individual-level data. Determining citizenship status in the individual-level data simply involved restricting the analyses to individuals who identified themselves as citizens in the November 2004 Current Population Survey. (Those who said they were not citizens did not have the opportunity to answer the supplemental voting questions contained in the Current Population Survey.)

In the aggregate data, determining the percentage of the voting-age population that has U.S. citizenship posed a methodological challenge. The Census Bureau gathers information on the citizenship status of adults ages 18 and older only during the decennial census. While the Census Bureau provides annual estimates of the population to account for changes between decennial censuses, the bureau does not offer estimates for the proportion of the adult population who are citizens as part of the annual estimates. To address this issue I estimated the 2004 citizen voting-age population for each county using a method reported in the analysis of the 2004 Election Day Survey conducted for the U.S. Election Assistance Commission (U.S. Election Assistance Commission, 2005). I calculated the percentage of the 2000 voting-age population who were citizens in 2000, and applied that percentage to the July 1, 2004 estimates for voting-age population in each county. In other words, I assumed that the percentage of the voting-age population that had U.S. citizenship in 2004 was similar to the percentage of the voting-age population who were citizens in 2000.²

² McDonald and Popkin (2001) recommend an even more stringent approach to voter turnout calculations. They point out that voting-age population estimates include adults who are ineligible to vote (such as convicted felons), and the estimates overlook eligible citizens living overseas. While estimates of the voting-eligible population are available at the state level, I was unable to find such estimates for individual counties, which provide the unit of analysis for the aggregate data analyzed here.

Analysis of aggregate data

If one treats maximum voter identification requirements as an ordinal variable, with photo identification as the most demanding requirement, one finds some statistical support for the premise that as the level of required proof increases, turnout declines. Averaging across counties in each state, statewide turnout is negatively correlated with maximum voter identification requirements ($r = -.30, p < .0001$). In considering the array of minimum requirements, with affidavit as the most demanding requirement, voter identification also is negatively correlated with turnout ($r = -.20, p < .0001$). Breaking down the turnout rates by type of requirement reveals in greater detail the relationship between voter identification requirements and voter turnout.

[Table 1 here]

The aggregate data show that 60.9 percent of the estimated citizen voting age population voted in 2004. Differences in voter turnout at the state level in 2004 varied based on voter identification requirements. Taking into account the maximum requirements, an average of 64.6 percent of the voting age population turned out in states that required voters to state their names, compared to 58.1 percent in states that required photo identification. A similar trend emerged when considering minimum requirements. Sixty-three percent of the voting age population turned out in states requiring voters to state their names, compared to 60.1 percent in states that required an affidavit from voters.

Voter identification requirements alone, however, do not determine voter turnout. Multivariate models that take into account other predictors of turnout can paint a more complete picture of the relationship between voter identification requirements and turnout. I estimated the effects of voter identification requirements in multivariate models that also took into account the electoral context in 2004 and demographic characteristics of the population in each county. I coded the voter identification requirements on a scale of one to five, with one representing the least demanding form of identification and five representing the most demanding form of identification. To capture electoral context I included whether the county was in a presidential battleground state (any state in which the margin of victory for the winning candidate was five percent or less), and whether the county was in a state with a competitive race for governor and/or the U.S. Senate (also using the threshold of a margin of victory of five percent or less). Drawing from U.S. Census projections for 2003, I included the percentage of the voting-age population in each county that was Hispanic or African-American to control for ethnicity and race. I controlled for age using the 2003 Census projection for the percentage of county residents age 65 and older, and I controlled for socioeconomic status by including the percentage of individuals who fell below the poverty line in each county in the 2000 Census.

I estimated a series of random intercept models to account for the likelihood that data from counties were correlated within each state (for further explanation of random intercept and other multilevel models, see Bryk and Raudenbush 1992, Luke 2004, Singer 1998).³ The

³ The data analyses provided evidence that there was, indeed, a clustering of data within each state. The intraclass correlation, bounded by 0 and 1, measures the variation between the states. A random intercept model using only the

dependent variable in each model was voter turnout at the county level, with turnout calculated as the percentage of the estimated citizen voting-age population that voted in the 2004 election.

[Table 2 here]

Turning first to an analysis using the maximum identification requirements, those requirements had a small and negative effect on turnout in 2004 controlling for electoral context and demographic factors. Both contextual factors (whether the county was in a state that was a battleground state and whether that state had a competitive race for governor and/or U.S. Senate) increased voter turnout. As the percentage of senior citizens in the county increased, so did turnout. The percentage of African-Americans in the county exerted a positive effect on voter turnout, and the percentage of individuals living below the poverty line had a negative effect. The effect of the percentage of Hispanic adults in the county on turnout fell just short of statistical significance ($p = .05$).

I then sought to test the hypothesis that voter identification requirements dampen turnout among minorities and the poor, a claim voiced by some critics of the requirements. To test this idea I incorporated a series of interactions between the maximum voter identification requirements and the percentage of African-Americans, Hispanics, and poor individuals in the counties. The interaction involving African-Americans was not significant, but those involving Hispanics and poor individuals were significant.⁴ In addition, adding the interactions to the model resulted in the percentage of Hispanics in the population having a direct and negative effect on turnout. The interactions suggest that voter identification requirements have a greater effect for Hispanics and those living below the poverty line. A chi-square test of the difference in the deviance for each model (represented by $-2 \log$ likelihood in Table 2), shows that the model with interactions provides a better fit to the data ($p < 0.005$).

I also estimated the effects of the minimum voter identification requirements holding constant the effects of electoral context and the demographic variables.

[Table 3 here]

The effects of the minimum requirements fell short of statistical significance ($p = 0.08$). The battleground state variable continued to exert a positive influence on turnout, while the presence of a competitive race for governor and/or U.S. Senate had no statistically significant effect. As in the maximum identification requirement model, as the percentage of the population that is poor increased, turnout declined. As the percentage of elderly increased, so did turnout. The proportion of African-Americans in the population had a positive effect on turnout, while the percentage of Hispanics did not affect turnout.

intercept as a predictor generated an intraclass correlation of .43, indicating considerable variation between the states.

⁴ The interactions are labeled in Tables 2 and 3 as VID*African-American, VID*Hispanic, and VID*Poverty. To calculate the effects of voter identification requirements for a specific group, one must add the estimates for voter identification, the group, and the interaction. Doing so for Hispanic adults results in an estimate of $-0.13 [-0.03$ (voter id) $- 0.13$ (Hispanic) $+ 0.03$ (voter id X Hispanic)].

Adding interactive effects to the model resulted in a statistically significant and negative effect of minimum voter identification requirements on turnout. The percentage of Hispanic adults in the county had a significant and negative effect on turnout, and the percentage of individuals below the poverty line continued to have a negative effect. Interactions between the percentages of Hispanics and those below the poverty line and minimum voter identification requirements also were significant. The percentage of African-Americans in the county and the interaction between African-Americans and voter identification requirements were not significant. A chi-square test for the difference in fit between the two models showed that the model with interactions provides a better fit to the data ($p < .025$).

Analysis of the aggregate data at the county level generates some support for the hypothesis that as the demands of voter identification requirements increase, turnout declines. This is particularly so for counties with concentrations of Hispanic residents or individuals who live below the poverty line. But aggregate data cannot fully capture the individual demographic factors that may figure into the decision to turn out to vote. For example, previous research has found that education is a powerful determinant of turnout (Wolfinger and Rosenstone 1980, but see also Nagler 1991).⁵ Married individuals also are more likely to vote than those who are not married (Alvarez and Ansolabehere 2002; Alvarez, Nagler and Wilson 2004; Fisher, Kenny, and Morton 1993). To fully explore the effects of voter identification requirements on turnout, it is important to examine individual-level data as well.

Individual-level analysis

Individual-level turnout data exists in the November 2004 Current Population Survey conducted by the U.S. Census Bureau. The Census Bureau conducts the CPS monthly to measure unemployment and other workforce data, but the bureau adds a battery of voter participation questions to the November survey in even-numbered years to coincide with either a presidential or midterm Congressional election.

One of the advantages of the CPS is the sheer size of the sample. The survey's Voting and Registration Supplement consisted of interviews, either by telephone or in person, with 96,452 respondents.⁶ The large sample size permits analyses of smaller groups, such as Black or Hispanic voters or voters with less than a high school education. The analyses reported here are based on reports from self-described registered voters. I omitted those who said they were not registered to vote. I also excluded those who said they cast absentee ballots because the identification requirements for absentee ballots may differ from those required when one votes in person. In addition, I eliminated from the sample respondents who said they were not U.S.

⁵ A reviewer for an earlier version of this paper recommended adding an education variable to the aggregate model. One version of the aggregate model not reported here included the percentage of adults in the county who had at least a college degree. The measure was highly collinear with the percentage of residents living below the poverty line, necessitating removal of the college degree variable from the model.

⁶ It is important to note that the Census Bureau allows respondents to answer on behalf of themselves and others in the household during the interview. While proxy reporting of voter turnout raises the possibility of inaccurate reports concerning whether another member of the household voted, follow-up interviews with those for whom a proxy report had been given in the November 1984 CPS showed 99 percent agreement between the proxy report and the information given by the follow-up respondent (U.S. Census Bureau 1990).

citizens because the questionnaire design skipped those individuals past the voter registration and turnout questions in the survey.

The dependent variable in these analyses is whether a respondent said he or she voted in the November 2004 election.⁷ As in the analysis of aggregate data, I coded voter identification requirements for each respondent's state of residence on a scale of one to five, with one representing the least demanding requirement (stating one's name) and five representing the most demanding requirement (photo identification or affidavit).

In addition to the voter identification requirements, the models include two other state-level factors that might have influenced turnout in 2004: whether the state was considered a battleground state in the presidential election, and whether there was a gubernatorial and/or U.S. Senate race in the state (see Alvarez and Ansolabehere 2002, Alvarez et al. 2004, and Kenny et al. 1993 for similar approaches). As in the aggregate data analysis, the threshold that determined whether the state was a battleground state or had a competitive statewide race was a margin of victory of five percent or less. At the individual level, I controlled for gender, age in years, education, household income, and dummy variables representing whether a voter was Black/non-Hispanic, Hispanic, or another non-white race (with white/non-Hispanic voters as the omitted category for reference purposes).⁸ Drawing on previous research on voting behavior, I also controlled for whether an individual was employed, or at least a member of the workforce (as opposed to being a full-time student, a homemaker, or retired). Both employment and workforce membership have been shown to be positive predictors of turnout (see Mitchell and Wlezien 1995). Marital status, whether one is a native-born citizen and residential mobility also have emerged as significant predictors of turnout (Alvarez and Ansolabehere 2002, Alvarez et al. 2004, Kenney et al. 1993, Wolfinger and Rosenstone 1980). I included in the model variables for whether a respondent was married (coded 1 if yes, 0 otherwise), and whether one was a native-born citizen (coded 1 if yes, 0 otherwise). I measured residential mobility by coding for whether the respondent had moved to a new address in the six months prior to the interview (coded 1 if yes, 0 otherwise).

Results

The dependent variable is whether a respondent said he or she voted in the November 2004 election (coded 1 for yes, 0 for no). I estimated models using probit analysis, which

⁷ The U.S. Census Bureau reported, based on the November 2004 CPS, that 89 percent of those who identified themselves as registered voters said they voted in 2004 (U.S. Census Bureau 2005). Previous research has shown that, generally speaking, some survey respondents overstate their incidence of voting. Researchers speculate that over-reports may be due to the social desirability that accompanies saying one has done his or her civic duty, or a reluctance to appear outside the mainstream of American political culture (U.S. Census Bureau 1990). It is also possible that voting is an indication of civic engagement that predisposes voters to agree to complete surveys at a higher rate than non-voters (Flanigan and Zingale 2002). Hence the voter turnout rates reported in the CPS tend to be up to 10 percentage points higher than the actual turnout rate for the nation (Flanigan and Zingale 2002). Even with this caveat, however, the CPS serves as a widely accepted source of data on voting behavior.

⁸ Asian-Americans are included in the "other non-white races" category. In response to a request from officials at the U.S. Election Assistance Commission who had read an earlier version of this paper and were curious about the experiences of Asian-Americans, I ran models using Asian-Americans as a separate category in addition to the models presented here. Voter identification requirements did not have a statistically significant effect on whether Asian-American voters said they turned out in the 2004 election.

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calculates the effects of independent variables on the probability that an event occurred – in this case whether a respondent said he or she voted. I estimated the models using robust standard errors to control for correlated error terms for observations from within the same state.

[Table 4 here]

The two models in Table 4 use either the maximum or minimum voter identification requirements in each state. The two models generate virtually identical results. Voter identification requirements exert a statistically significant, negative effect on whether survey respondents said they had voted in 2004. Of the other state factors, only the competitiveness of the presidential race had a significant effect on turnout. In terms of demographic influences, African-American voters were more likely than white voters to say they had cast a ballot, while those of other non-white races were less likely than white voters to say they had turned out. Hispanic voters were not statistically different from white voters in terms of reported turnout. Consistent with previous research, age, education, income, and marital status all were positive predictors of voting. Women also were more likely to say they voted than men. Those who had moved within six months before the interview were less likely to say they had voted.

While the probit models provide statistical support for the influence of voter identification requirements and other variables on turnout, probit coefficients do not lend themselves to intuitive interpretation. Another common approach in studies of election requirements is to examine how the predicted probability of voter turnout would vary as election requirements vary. I used the probit coefficients to calculate the predicted probability of voting at each level of voter identification requirements while holding all other independent variables in the models at their means.⁹ I calculated the probabilities taking into account both maximum and minimum requirements, with photo identification serving as the most demanding of the maximum requirements and affidavits as the most-demanding minimum requirement.

[Table 5 here]

Allowing the voter identification requirement to vary while holding constant all other variables in the model showed that the predicted probability of turnout ranged from 0.912 for stating one's name to 0.887 for photo identification under the maximum requirements. In other words, the probability of voting dropped with each level of voter identification requirement, with a total drop of .025, or 2.5 percent, across the five types of identification.¹⁰ When taking into account the minimum requirement for identification, the probability showed a similar decline, with a slightly larger total drop of 3.3 percent.

Among the key variables of interest in the debate over voter identification requirements are race, age, income, and education. Given the large sample size (54,973 registered voters), it

⁹ In the case of dichotomous independent variables, holding them at their mean amounted to holding them at the percentage of the sample that was coded 1 for the variable (Long 1997).

¹⁰ The voter turnout percentages may seem disproportionately high compared to the turnout rates reported in the aggregate data analysis. It is important to consider that the turnout rates in the aggregate data were a proportion of all citizens of voting-age population, while the turnout rates for the individual-level data are the proportion of only registered voters who said they voted.

was possible to break the sample into sub-samples along those demographic lines to explore variation in predicted probability by group. I disaggregated the sample by the variable of interest, omitting that variable while I re-ran the probit model with the remaining predictors of voter turnout, including the voter identification requirements.¹¹ If the analysis showed that the voter identification requirements had a statistically significant effect on turnout, I used the probit coefficients from the model to calculate the predicted probability of voting for each group across the five requirements while holding the other variables in the model constant.

[Table 6 here]

Both the maximum and minimum identification requirements had negative and statistically significant effects for White/Non-Hispanic voters. Allowing the requirements to vary from stating one's name to providing photo identification or an affidavit showed drops of 2.5 percent and 3.2 percent respectively in the predicted probability of voting. The identification requirements had no effect on the probability of Black/Non-Hispanics voting, but the minimum identification requirements had a comparatively sizable effect on voter turnout among Hispanics. The predicted probability of Hispanics voting ranged from 87 percent if stating one's name was the required form of identification to 77.3 percent if a voter would have to provide an affidavit in order to vote, a difference of 9.7 percent.

The effects of voter identification requirements also varied by age, with the greatest variation occurring among voters ages 18 to 24.

[Table 7 here]

Voters in that age group had a predicted probability of 83.9 percent when the maximum requirement was stating one's name, and the probability dropped 8.9 percentage points if voters would have to provide photo identification. The range was from 83.1 percent to 75.4 percent under the minimum requirements. The gap in probability narrowed in older age groups (4.8 percent for the maximum requirements and 5.8 percent for the minimum requirements for those ages 25 to 44; 1.8 percent for the minimum requirements for those ages 45 to 64, and 2.4 percent for the minimum requirements for those ages 65 and older).

Breaking down the 18- to 24-year-old age group by race shed additional light on the effects of voter identification requirements on specific groups.

[Table 8 here]

The gap in predicted probability that White/Non-Hispanic voters in the 18- to 24-year-old category would turn out was 9.2 percent when the identification requirements varied from stating one's name to providing photo identification. The gap was 7.8 percent when taking into account the minimum requirements. The effects of maximum voter identification requirements also were statistically significant for African-Americans in the 18- to 24-year-old age group, with a gap in

¹¹ See Nagler 1991 for a similar approach in analyzing the effects of registration closing dates broken down by education levels.

the predicted probability of voting of 10.6 percent. Maximum and minimum voter identification requirements were not a significant predictor of voting among Hispanics ages 18 to 24.

Variation also emerged along the lines of income, with the effects of voter identification requirements varying to a greater extent for voters in households below the poverty line compared to those living above the poverty line.¹²

[Table 9 here]

While the maximum set of requirements did not have a statistically significant effect for voters living below the poverty line, the minimum set of requirements had a significant and negative effect. The probability of voting was .784 for poor voters if they would have to identify themselves by giving their name, and the probability declined to .731 if they would have to provide an affidavit attesting to their identity. Both the maximum and minimum sets of requirements had a significant and negative effect on voters living above the poverty line, but the difference in probability across the effects was narrower (2.3 percent for the maximum requirements and 3.1 percent for the minimum requirements). Given that political discourse about voter identification requirements includes concerns about the effects of the requirements on poor and minority voters, I also ran probit analyses for sub-samples of white and minority voters who fell below the poverty line. The voter identification requirements did not exert statistically significant effects on turnout among poor White/Non-Hispanic and Hispanic voters, but did have a significant effect on Black/Non-Hispanic voters who were below the poverty line.¹³ Allowing the maximum voting requirement to vary from the least to the most demanding, the probability that African-American voters below the poverty line said they had voted dropped by 7.5 percent.

The effects of voter identification requirements varied across education levels as well, with those lowest in education demonstrating the widest variation in probabilities as identification requirements ranged from least to most demanding.

[Table 10 here]

Registered voters who had less than a high school education had a 77.5 percent probability of voting if the maximum requirement would be stating one's name, and a 70.8 percent probability if they would have to provide photo identification under the maximum requirement, a difference of 6.7 percent. The difference from the lowest to the highest requirement among the minimum requirements was 7.4 percent. The difference in probabilities ranged from 3.3 percent for the maximum requirements to 4.5 percent for the minimum requirements for voters with a high school diploma. The range of effects of voter identification requirements was smaller among those with higher levels of education (and non-existent for one category – voters with some college education).

¹² I coded respondents as being above or below the U.S. Census Bureau's 2004 poverty line based on respondents' reported annual household income and size of the household.

¹³ The lack of significant effects for poor Hispanic voters is in contrast to the results from the aggregate data analysis. The sub-sample of poor Hispanic voters was small (n = 491), which may have contributed to the lack of statistical significance.

Discussion and conclusion

The results presented here provide evidence that as the level of demand associated with voter identification requirements increases, voter turnout declines. This point emerged from both the aggregate data and the individual-level data, although not always for both the maximum and minimum sets of requirements. The overall effect for all registered voters was fairly small, but still statistically significant.

The effects of voter identification requirements were more pronounced for specific subgroups. Hispanic voters and the poor appeared to be less likely to vote as the level of required identification became more demanding, according to both the aggregate and the individual-level data. In the individual-level data, for Hispanic voters, the probability of voting dropped by 9.7 percent across the various levels of minimum identification requirements. Survey respondents living in poor households were 5.3 percent less likely to vote as the requirements varied from stating one's name to attesting to one's identity in an affidavit. African-American voters from households below the poverty line were 7.5 percent less likely to vote as the maximum requirements varied from stating one's name to providing photo identification.

Effects of voter requirements also varied with education. Registered voters who had not graduated from high school were 6.7 percent less likely to say they voted as the maximum requirements ranged from stating one's name to providing photo identification. When considering the minimum requirements, those with less than a high school education were 7.4 percent less likely to say they voted if the requirement was an affidavit as opposed to stating one's name. Age was also a key factor, with voters ages 18 to 24 being 7.7 percent to 8.9 percent less likely to vote as the requirements ranged from stating one's name to providing a photo identification or affidavit. Breaking down the age group by race, the effects were significant for young White/Non-Hispanic and Black/Non-Hispanic voters.

The results shed additional light on the effects of voter identification requirements on two groups often projected as being particularly sensitive to such requirements: African-American voters and elderly voters. The effects on African-American voters were pronounced for two specific sub-samples: African-American voters living below the poverty line and those in the 18- to 24-year-old age group. Also, the elderly, while they would be slightly less likely to vote as requirements ranged from least to most demanding, would not necessarily be affected in the dramatic manner predicted by some opposed to photo identification requirements in particular.

In examining the effects of voter identification requirements on turnout, there is still much to learn. The data examined in this project could not capture the dynamics of how identification requirements might lower turnout. If these requirements dampen turnout, is it because individuals are aware of the requirements and stay away from the polls because they cannot or do not want to meet the requirements?¹⁴ Or, do the requirements result in some voters

¹⁴ The individual-level data offer some insight here. If advance knowledge of the voter identification requirements were to dampen turnout, it is reasonable to expect that advance knowledge of those requirements also could discourage some individuals from registering to vote. I ran the same probit models using voter registration as the dependent variable (coded 1 if the respondent said he or she was registered, and 0 if the respondent was not

being turned away when they cannot meet the requirements on Election Day? The CPS data do not include measures that can answer this question. Knowing more about the “on the ground” experiences of voters concerning identification requirements could guide policy-makers at the state and local level in determining whether and at what point in the electoral cycle a concerted public information campaign might be most effective in helping voters to meet identification requirements. Such knowledge also could help in designing training for election judges to handle questions about, and potential disputes over, voter identification requirements.

registered). Neither the maximum nor minimum array of voter identification requirements had a statistically significant effect on the probability that a survey respondent was registered to vote.

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Table 1 – Variation in 2004 State Turnout Based on Voter Identification Requirements

Maximum Requirement		Minimum Requirement	
Voter Identification Required in the States	Mean Voter Turnout for States in that Category	Voter Identification Required in the States	Mean Voter Turnout for States in that Category
State Name	64.6 %	State Name	63.0 %
Sign Name	61.1 %	Sign Name	60.8 %
Match Signature	60.9 %	Match Signature	61.7 %
Provide Non-Photo ID	59.3 %	Provide Non-Photo ID	59.0 %
Provide Photo ID	58.1 %	Swear Affidavit	60.1 %
Average Turnout for All States	60.9 %		

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Table 2. Predictors of 2004 turnout at the county level taking into account maximum voter identification requirements				
Variable	Basic Model		Model with Interactions	
	Unstandardized Estimate	Standard Error	Unstandardized Estimate	Standard Error
Intercept	0.64	0.01	0.69	0.02
Voter ID requirements	-0.01**	0.003	-0.03**	0.004
Battleground State	0.04*	0.01	0.04*	0.02
Competitive Senate/Governor's Race	0.04*	0.02	0.04*	0.02
% Age 65 and Older	0.48**	0.03	0.50**	0.03
% African-American	0.05**	0.01	0.06	0.03
% Hispanic	-0.02	0.01	-0.13**	0.05
% Below poverty line	-0.01**	0.0002	-0.01**	0.001
VID * African-American	----	----	-0.004	0.01
VID * Hispanic	----	----	0.03*	0.01
VID * Poverty	----	----	0.001**	0.0002
-2 Log Likelihood	-8638.0		-8651.1	

Coefficients are restricted maximum likelihood estimates. N = 3,111. * p < .05 ** p < .01 (two-tailed tests)

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Table 3. Predictors of 2004 turnout at the county level taking into account minimum voter identification requirements

Variable	Basic Model		Model with Interactions	
	Unstandardized Estimate	Standard Error	Unstandardized Estimate	Standard Error
Intercept	0.63	0.02	0.66	0.02
Voter ID requirements	-0.009	0.005	-0.02**	0.006
Battleground State	0.04*	0.02	0.04*	0.02
Competitive Senate/Governor's Race	0.03	0.02	0.03	0.02
% Age 65 and Older	0.48**	0.03	0.48**	0.03
% African-American	0.05**	0.01	0.04	0.03
% Hispanic	-0.12	0.01	-0.13**	0.04
% Below poverty line	-0.01**	0.0003	-0.01**	0.001
VID * African-American	----	----	0.01	0.01
VID * Hispanic	----	----	0.03*	0.01
VID * Poverty	----	----	0.001**	0.0002
-2 Log Likelihood	-8630.8		-8620.1	

Coefficients are restricted maximum likelihood estimates. N = 3,111. * p < .05 ** p < .01 (two-tailed tests)

Table 4. Probit model of voter turnout.				
	Maximum requirements		Minimum requirements	
Variable	Unstandardized Estimate	Standard Error	Unstandardized Estimate	Standard error
Voter ID requirements	-0.04*	0.01	-0.05**	0.01
Hispanic	-0.06	0.05	-0.05	0.05
Black	0.22**	0.04	0.22**	0.04
Other race	-0.23**	0.04	-0.23**	0.04
Age in years	0.01**	0.001	0.01**	0.001
Education	0.12**	0.005	0.11**	0.005
Household income	0.03**	0.003	0.03**	0.003
Married	0.20**	0.02	0.20**	0.02
Female	0.09**	0.01	0.09**	0.01
Battleground state	0.18**	0.04	0.19**	0.04
Competitive race	0.05	0.05	0.05	0.05
Employed	0.05	0.04	0.05	0.04
Member of workforce	-0.04	0.05	-0.04	0.05
Native-born citizen	0.03	0.04	0.04	0.05
Moved within past 6 months	-0.27**	0.03	-0.27**	0.03
Constant	-4.48**	0.20	-4.46**	0.20
Pseudo-R-Squared	0.09		0.09	

Notes:

N = 54,973 registered voters

$p < .05^*$ $p < .01^{**}$ (two-tailed tests)

Models were estimated with robust standard errors to correct for correlated error terms within each state.

Data source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2004.

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Table 5. Predicted probability of voter turnout – full model		
	Maximum requirement	Minimum requirement
State name	0.912	0.911
Sign name	0.906	0.903
Match signature	0.900	0.895
Non-photo ID	0.894	0.887
Photo ID	0.887	----
Affidavit	----	0.878
Total difference from lowest to highest	0.025	0.033
N	54,973	
<p>Figures represent the predicted probability of registered voters saying they voted as the identification requirement varies from the lowest to the highest point in the scale, with all other variables held constant.</p> <p>Data source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2004.</p>		

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	White/Non-Hispanic voters		Hispanic voters
	Maximum requirement	Minimum requirement	Minimum requirement
State name	0.920	0.922	0.870
Sign name	0.915	0.915	0.849
Match signature	0.909	0.907	0.826
Non-photo ID	0.902	0.899	0.800
Photo ID	0.895	----	----
Affidavit	----	0.890	0.773
Total difference from lowest to highest	0.025	0.032	0.097
N	44,760		2,860

Figures represent the predicted probability of registered voters saying they voted as the identification requirement varies from the lowest to the highest point in the scale, with all other variables held constant. Maximum voter identification requirements were not a significant predictor of voting for Hispanic voters. Maximum and minimum voter identification requirements were not a significant predictor for African-American voters.

Data source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2004.

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	18 - 24		25 - 44		45 - 64	65 and older
	Maximum requirements	Minimum requirements	Maximum requirements	Minimum requirements	Minimum requirements	Minimum requirements
State name	0.839	0.831	0.831	0.831	0.936	0.916
Sign name	0.819	0.814	0.820	0.817	0.932	0.910
Match signature	0.797	0.795	0.808	0.803	0.927	0.904
Non-photo ID	0.774	0.775	0.796	0.788	0.923	0.898
Photo ID	0.750	----	0.783	----	----	----
Affidavit	----	0.754	----	0.773	0.918	0.892
Total difference -- lowest to highest	0.089	0.077	0.048	0.058	0.018	0.024
N	5,065		20,066		20,758	9,084
<p>Figures represent the predicted probability of registered voters saying they voted as the identification requirement varies from the lowest to the highest point in the scale, with all other variables held constant. Maximum voter identification requirements were not a significant predictor of voting for voters ages 45 to 64 and 65 and older.</p> <p>Data source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2004.</p>						

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Table 8. Predicted probability of voter turnout – Age groups by race

	White/Non-Hispanic 18 - 24		Black/Non-Hispanic 18 - 24
	Maximum requirements	Minimum requirements	Maximum requirements
State name	0.844	0.836	0.899
Sign name	0.823	0.818	0.877
Match signature	0.801	0.799	0.852
Non- photo ID	0.777	0.779	0.824
Photo ID	0.752	----	0.793
Affidavit	----	0.758	----
Total difference -- lowest to highest	0.092	0.078	0.106
N	3,814		562

Figures represent the predicted probability of registered voters saying they voted as the identification requirement varies from the lowest to the highest point in the scale, with all other variables held constant. Minimum voter identification requirements were not a significant predictor of voting for Black/Non-Hispanic voters ages 18 to 24. Maximum and minimum voter identification requirements were not a significant predictor of voting for Hispanic voters ages 18 to 24.

Data source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2004.

Table 9. Predicted probability of voter turnout – Voters above and below the poverty line

	All voters above the poverty line		All voters below the poverty line	Black/Non-Hispanic voters below the poverty line
	Maximum requirement	Minimum requirement	Minimum requirement	Maximum requirement
State name	0.920	0.922	0.784	0.833
Sign name	0.915	0.915	0.772	0.816
Match signature	0.909	0.907	0.758	0.798
Non-photo ID	0.903	0.899	0.745	0.778
Photo ID	0.897	----	----	0.758
Affidavit	----	0.891	0.731	
Total difference from lowest to highest	0.023	0.031	0.053	0.075
N	49,935		5,038	1,204

Figures represent the predicted probability of registered voters saying they voted as the identification requirement varies from the lowest to the highest point in the scale, with all other variables held constant. Maximum voter identification requirements were not a significant predictor of voting for white and Hispanic voters who were below the poverty line. Minimum voter identification requirements were not a significant predictor of voting for Black voters below the poverty line.

Data source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2004.

Table 10. Predicted probability of voter turnout - By education

	Less than high school		High school		College		Graduate school	
	Maximum requirement	Minimum requirement	Maximum requirement	Minimum requirement	Maximum requirement	Minimum requirement	Maximum requirement	Minimum requirement
State name	0.775	0.779	0.866	0.869	0.960	0.959	0.977	0.979
Sign name	0.759	0.762	0.858	0.859	0.956	0.954	0.973	0.973
Match signature	0.743	0.743	0.850	0.848	0.951	0.950	0.968	0.967
Non-photo ID	0.725	0.724	0.842	0.836	0.945	0.945	0.963	0.959
Photo ID	0.708	----	0.833	----	0.939	----	0.957	----
Affidavit	-----	0.705	----	0.824	----	0.940	-----	0.950
Total difference -- lowest to highest	0.067	0.074	0.033	0.045	0.021	0.019	0.020	0.029
N	4,903		16,361		11,017		5,739	

Figures represent the predicted probability of registered voters saying they voted as the identification requirement varies from the lowest to the highest point in the scale, with all other variables held constant. Maximum and minimum voter identification requirements were not a significant predictor of voting for those with some college education.

Data source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2004.

013884

Karen Lynn-Dyson/EAC/GOV

05/09/2006 10:04 AM

To "Tom O'Neill" [REDACTED]

cc [REDACTED]

bcc Thomas R. Wilkey/EAC/GOV@EAC

Subject Re: Voter ID Report and Appendices [REDACTED]

Thanks, Tom.

Assume you just got the e-mail I sent to the EAC review team that included the paper, the analysis and the call-in information

Thursday at 11:30
[REDACTED]

A few items on timelines and materials for May 23-24 meetings:

The Commissioners will review the final Eagleton Voter ID and Provisional Voting reports at their **Tuesday, May 16** meeting. At this meeting they will decide how they wish to present these reports to the EAC Board of Advisors and Standards Boards.

Your materials that will be distributed to the EAC Board of Advisors and Standards Boards must be finalized and ready for our Xeroxing process by **Thursday, May 18**. I will be in touch along the way to provide input/guidance on what these materials should be, based on the Commissioner's review and decisions

Regards-

K
Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

013885

Karen Lynn-Dyson/EAC/GOV
05/09/2006 03:58 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc Aletha Barrington/CONTRACTOR/EAC/GOV@EAC,
le [REDACTED]
bcc [REDACTED]
Subject Re: Materials for Thursday's 11:30 conference call 

Greetings-

Please note that Thursday's call is at 11:30 EDT.

Thanks

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

Karen Lynn-Dyson/EAC/GOV

Karen Lynn-Dyson/EAC/GOV

05/09/2006 09:54 AM

To [REDACTED]
cc Aletha Barrington/CONTRACTOR/EAC/GOV@EAC
Subject Materials for Thursday's 11:30 conference call

All-

Attached please find the complete packet of materials that will serve as the basis for our conference call on Thursday. You have already received the statistical analysis; the voter ID report was submitted this morning.

The Eagleton staff have noted that you may find the material contained in Appendix A useful to your review; the other appendices are likely to be less germane .

The call in information for Thursday:

[REDACTED]

Thank you again for your assistance.

Regards-



Eagleton Voter ID report-final.doc VoterIDAnalysis VerRev0504.doc Karen Lynn-Dyson

Research Manager

013888

U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

013887

Karen Lynn-Dyson/EAC/GOV
05/10/2006 04:44 PM

To "Tom O'neill" <tom_oneill@verizon.net>@GSAEXTERNAL,
Adam Ambrogi/EAC/GOV@EAC
cc [REDACTED]
bcc Thomas R. Wilkey/EAC/GOV@EAC
Subject RE: Travel arrangements for the EAC Board of Advisors and
Standards Board meeting

Tom-

It is my understanding that Adam Ambrogi has been in touch with Ned Foley and, in turn, Dan Tokaji to indicate that you and Dan will present the information on the Voter ID project, while you and Ned will present the information on the Provisional Voting project.

Adam Ambrogi can also clarify your presentations. As I understand it, you will present your Voter ID and Provisional Voting projects to the Standards Board. You will then present your Voter ID and Provisional Voting Projects to the Board of Advisors.

I believe Adventure Travel handles hotel and travel arrangements.

I do not believe accommodations have been made for other members of the project team to attend. I will ask Adam Ambrogi, who is the principal point of contact on these meetings, to clarify this.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'neill" [REDACTED]



"Tom O'neill" [REDACTED]

05/10/2006 10:12 AM

To klynndyson@eac.gov
cc john.weingart@rutgers.edu, tokaji.1@osu.edu,
foley.33@osu.edu, "Tim Vercellotti"
[REDACTED]
Subject RE: Travel arrangement for the EAC Board of Advisors and
Standards Board meeting

Karen,

As we discussed last week, the Eagleton-Moritz team making the presentations at the advisory board meetings will include others in addition to Ned and me. While Ned and I will handle the briefing on the provisional voting report, the team for the briefing on the Voter ID report will include Dan Tokaji and Tim Vercellotti.

Just to understand what Adventure Travel is to provide: will its services include hotel

013888

reservations and travel, or does it have a more limited mission?

Thanks,

Tom O'Neill

-----Original Message-----

From: klynndyson@eac.gov [mailto:klynndyson@eac.gov]

Sent: Tuesday, May 09, 2006 4:34 PM

To: klynndyson@eac.gov

Cc: [REDACTED], Tom O'Neill

Subject: Re:Travel arrangement for the EAC Board of Advisors and Standards Board meeting

Tom O' Neill and Ned Foley-

As you know you are scheduled to make two presentations to the EAC Board of Advisors and Standards Board on Tuesday May 23, 2006 from 2:30-4:00 PM (on Provisional Voting) and on Wednesday ,May 24th from 1:40-2:45 PM (on Voter Identification)

If you have not already done so, please make your hotel and travel arrangements through Adventure Travel, Judy Mays [REDACTED]

These reservations should be made no later than tomorrow COB.

Please indicate to Judy Mays that you are a contractor, who is scheduled to make a presentation at the meeting.

Thanks

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

013889

Karen Lynn-Dyson/EAC/GOV
05/11/2006 01:22 PM

To leighley@email.arizona.edu@GSAEXTERNAL
cc
bcc Thomas R. Wilkey/EAC/GOV@EAC
Subject Re: Many thanks for your active participation 

Dr. Leighley-

On behalf of the EAC our sincere thanks for your willingness to review the Eagleton paper on Voter Identification. Your insights and critique were extremely helpful and provided our agency with just the type of input which was needed.

I'm please to know of your work and hope that I may be able to call upon your expertise at some point in the near future.

Regards-

Karen
Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

013890

Karen Lynn-Dyson/EAC/GOV
05/11/2006 01:26 PM

To jonathan.nagler@nyu.edu@GSAEXTERNAL
cc
bcc Thomas R. Wilkey/EAC/GOV@EAC
Subject Re: Fw: Many thanks for your active participation 

Dr. Nagler-

On behalf of the EAC, our sincere thanks for your willingness to review the Eagleton paper on Voter Identification. Your insights and critique were extremely helpful and provided our agency with just the type of input which was needed.

I'm pleased to know of your work and hope that I may be able to call upon your expertise at some point in the near future.

Regards-

Karen

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

013891

Karen Lynn-Dyson/EAC/GOV
05/11/2006 01:30 PM

To "Adam Berinsky" <berinsky@MIT.EDU>@GSAEXTERNAL
cc
bcc Thomas R. Wilkey/EAC/GOV@EAC
Subject Re: Many thanks for your active participation

Dr. Berinsky-

On behalf of the EAC, our sincere thanks for your willingness to review the Eagleton paper on Voter Identification. Your insights and critique were extremely helpful and provided our agency with just the type of input which was needed.

I'm pleased to know of your work and hope that I may be able to call upon your expertise at some point in the near future.

Regards-

Karen

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

013892

Karen Lynn-Dyson/EAC/GOV
05/11/2006 03:51 PM

To "Jonathan Nagler" <jonathan.nagler@nyu.edu>
cc
bcc Donetta L. Davidson/EAC/GOV@EAC
Subject Re: Fw: Many thanks for your active participation

Jonathan-

Indeed, this is something several of the EAC staff noted.

As the EAC moves forward, I think that including a longitudinal component to our studies, to the extent possible, is a must.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Jonathan Nagler" <jonathan.nagler@nyu.edu>



"Jonathan Nagler"
<jonathan.nagler@nyu.edu>
05/11/2006 03:48 PM

Please respond to
"Jonathan Nagler"
<jonathan.nagler@nyu.edu>

To klynndyson@eac.gov
cc "Jonathan Nagler" <jonathan.nagler@nyu.edu>
Subject Re: Fw: Many thanks for your active participation

Karen,

hi. My own take on this is that we would get a much better idea of the impact of reforms if we had a database of how those reforms changed over time. Looking across states is always going to be problematic.

-jonathan

On Thu, 11 May 2006 klynndyson@eac.gov wrote:

>
> Dr. Nagler-
>
> On behalf of the EAC, our sincere thanks for your willingness to review the
> Eagleton paper on Voter Identification. Your insights and critique were
> extremely helpful and provided our agency with just the type of input which
> was needed.
>
> I'm pleased to know of your work and hope that I may be able to call upon
> your expertise at some point in the near future.
>

013893

> Regards-
>
> Karen
>
> Karen Lynn-Dyson
> Research Manager
> U.S. Election Assistance Commission
> 1225 New York Avenue , NW Suite 1100
> Washington, DC 20005
> tel:202-566-3123
>
>
>

Jonathan Nagler
jonathan.nagler@nyu.edu
Director of Graduate Studies
Department of Politics
212 992-9676
726 Broadway - 7th floor
995 4184
New York University
<http://homepages.nyu.edu/~jn23/>
New York, NY 10003
#####

Voice (o):
Fax: 212

Karen Lynn-Dyson/EAC/GOV
06/28/2006 10:53 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV
cc
bcc
Subject Fw: Notification to Bidders

Electionline.org unsuccessful bidder de-brief.

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 10:51 AM -----



"Doug Chapin"
<dchapin@electionline.org>
06/06/2005 07:56 AM

To nmortellito@eac.gov
cc cpaquette@eac.gov, klynndyson@eac.gov
Subject RE: Notification to Bidders

Let's do the afternoon of June 16th. I'll pencil it in for 2pm but feel free to adjust to your schedule(s).

Thanks.

Doug Chapin

From: nmortellito@eac.gov [mailto:nmortellito@eac.gov]
Sent: Friday, June 03, 2005 4:52 PM
To: Doug Chapin
Cc: cpaquette@eac.gov; klynndyson@eac.gov
Subject: RE: Notification to Bidders

Mr Chapin:

Carol has time to do a debrief with you on the afternoon of the 15th, the afternoon of the 16th or any time on the 17th of June. Please advise as to your availability.

Regards,

Nicole K. Mortellito
Assistant to the Interim Executive Director
U.S. Election Assistance Commission
1225 New York Avenue - Suite 1100
Washington, DC
202.566.3114 phone

013895

202.566.3127 fax

"Doug Chapin" <dchapin@electionline.org>

06/03/2005 02:21 PM

To cpaquette@eac.gov
cc nmortellito@eac.gov
Subject RE: Notification to Bidders

I would like a debrief on this procurement.

Doug Chapin
Director, electionline.org

From: nmortellito@eac.gov [mailto:nmortellito@eac.gov]
Sent: Friday, June 03, 2005 2:12 PM
To: Doug Chapin
Subject: Notification to Bidders

Notification to bidders

You are hereby advised that the U.S. Election Assistance Commission (EAC) has competitively awarded a contract to the Eagleton Institute of Politics at Rutgers, The State University of New Jersey for research assistance to support the development of guidance on the two topics of provisional voting and voter identification procedures. Eagleton is partnering with the Moritz College of Law of Ohio State University for this work effort. The amount of this award is \$560,002.

EAC appreciates the interest you have expressed in supporting our research agenda by submitting a proposal for this work. Should you wish to receive a de-brief on this procurement, please contact Carol A. Paquette, Interim Executive Director, by email at cpaquette@eac.gov.

Regards,

Nicole K. Mortellito
Assistant to the Interim Executive Director
U.S. Election Assistance Commission
1225 New York Avenue - Suite 1100
Washington, DC

013898

202.566.3114 phone
202.566.3127 fax

013897

Karen Lynn-Dyson/EAC/GOV
06/28/2006 10:43 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV
cc
bcc
Subject Fw: Voter ID Paper --Final Draft

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 10:42 AM -----

Thomas R. Wilkey/EAC/GOV
04/28/2006 12:50 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc
Subject Re: Voter ID Paper --Final Draft

Karen,
Was this part of the contract. I thought their was a peer review group in place,

Sent from my BlackBerry Wireless Handheld
Karen Lynn-Dyson

From: Karen Lynn-Dyson
Sent: 04/28/2006 12:44 PM
To: Tom O'Neill" [REDACTED]@GSAEXTERNAL

[REDACTED]
Subject: Re: Voter ID Paper --Final Draft

Tim, Tom, John, et.al--

The EAC has identified three academics who are going to serve as peer reviewers of the Eagleton Voter ID paper and research.

They are Jonathan Nagler of New York University, Jan Leighley, University of Arizona, and Adam Berinsky of MIT.

They are ready to review the documents as soon as they are available.

I would like to them one week to review the material and then have a joint conference call on Thursday, May 11, in which we would all have an opportunity to discuss the research methodology and statistical analysis, along with general comments and suggestions.

If you are able to get to me the paper and the supporting data analysis, I will distribute to the documents ASAP.

Also let me know, if you would, your availability on May 11 to do this conference all.

013898

I anticipate that it will last approximately 90 minutes.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

013899

Karen Lynn-Dyson/EAC/GOV
06/28/2006 10:42 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV
cc
bcc
Subject Fw: No-Cost Extension Request

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 10:40 AM -----



"John Weingart"

[REDACTED]

04/21/2006 09:52 AM

Please respond to
john.weingart@rutgers.edu

To klynndyson@eac.gov

cc "Tom O'Neill" [REDACTED]

Subject No-Cost Extension Request

Karen - We are requesting a no-cost extension on the EAC contract to the Eagleton Institute of Politics at Rutgers University to have the contract's concluding date move from March 31, 2006 to June 30, 2006. As I indicated earlier, it would be very helpful if we could receive approval of this request no later than April 28th.

This extension is necessary to enable the following activities:

1. The EAC has informed us that it will assemble a panel of researchers the week of May 8th to review the Eagleton/Moritz draft background report on Voter Identification. The EAC wishes to supplement the review of this draft already conducted by the Peer Review Group called for in the contract. The Eagleton/Moritz research team, as well as at least some of the Peer Review Group will participate in the conference call or meeting of the EAC's reviewers;
2. Eagleton/Moritz will revise the draft Voter Identification report based upon comments made by the two sets of reviewers, and distribute the revised report to the EAC and its Advisory Board in mid-May.
3. Eagleton/Moritz will present its draft reports on Provisional Voting and Voter Identification to the EAC Advisory Board at its May 25th meeting in Washington, D.C.;
4. Eagleton/Moritz will revise both draft reports to take into account comments made by the EAC Advisory Board, and submit printed final reports to the EAC before June 23rd. Eagleton/Moritz will also prepare a PowerPoint presentation for both reports.
5. Eagleton/Moritz will present both reports at the EAC public meeting in Washington, D.C. on June 23rd, thus concluding its work under this contract.

013990

Please let me know if you need any additional information.

Thanks,

John

--

-- John Weingart, Associate Director
Eagleton Institute of Politics
(732) 932-9384, x.290

013901

Karen Lynn-Dyson/EAC/GOV
06/28/2006 10:41 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV
cc
bcc

Subject Fw: Extension Timeline

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 10:40 AM -----

Tamar Nedzar/EAC/GOV

04/19/2006 12:23 PM

To Karen Lynn-Dyson/EAC/GOV@EAC

cc

Subject Re: Fw: Extension Timeline 

K (Lynn-Dyson)-

I saw this before. It's helpful for me to know the proposed end-date, but what we need to get Tom's signature--for this project and Cleveland State--is a memorandum to the file explaining why we are granting the extension and modification, respectively.

From what I understand, in addition to other things, we need the memo in the file to explain our thought process if anything is ever challenged. I think that Eagleton wrote the memo for you last time, but if not, I know you gave it to me...

Tamar Nedzar
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
(202) 566-2377
<http://www.eac.gov>
TNedzar@eac.gov
Karen Lynn-Dyson/EAC/GOV

Karen Lynn-Dyson/EAC/GOV

04/19/2006 12:06 PM

To Tamar Nedzar/EAC/GOV@EAC

cc

Subject Fw: Extension Timeline

T (Nedzar)-

Is this at all useful or not?

013902

K
Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 04/19/2006 12:01 PM -----



"John Weingart"

[Redacted]

To "Karen Lynn-Dyson" <klynndyson@eac.gov>

04/13/2006 03:18 PM

cc

Please respond to

[Redacted]

Subject Extension Timeline



ExtensionTimeLine.doc

Karen - Tom and I are about to call. Attached is our proposed revised timeline.

--

-- John Weingart, Associate Director
Eagleton Institute of Politics
(732)932-9384, x.290

013903

Karen Lynn-Dyson/EAC/GOV
06/28/2006 10:35 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV
cc
bcc
Subject Fw: No Cost Extensions (with extensions)

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 10:33 AM -----



"John Weingart"

[Redacted email address]

01/13/2006 01:22 PM

Please respond to
john.weingart@rutgers.edu

To "Karen Lynn-Dyson" <klynndyson@eac.gov>

cc "Lucy Baruch" [Redacted]

Subject No Cost Extensions (with extensions)



Attachment 1-EAC Eagleton Institute budget for no-cost extension-1.xls Attachment 2-EAC Eagleton Institute Budget 3-22-05-1.xls
Karen - I am attaching a spreadsheet providing the information you have requested (Attachment 1), but I want to highlight a few points which may not be immediately self-evident.

First, the original budget (Attachment 2) we submitted to the EAC, dated March 22nd, did not itemize personnel expenses by each person. In addition, when we actually began work two months after submitting that budget, we decided to reallocate more time to people within Eagleton and hire fewer outside hourlies.

Second, in the figures I sent you in late December we tried to account for all the expenses and projections but overlooked a few things including neglecting to include the honoraria for our peer review team. Hence, the figures we're now sending are different than what I sent in December.

Lastly, we originally discussed a no-cost extension through February, but since we don't yet have the EAC comments on our draft Provisional Voting material nor an estimate of when they are likely to be ready, I think it is prudent to extend the no-cost extension through March 31st. We would still like to conclude by the end of February, but if you can approve the extension for another month we could avoid going through this process again if everything is not complete six weeks from now.

It is my understanding that Rutgers will soon be sending our December invoice. At this time, I would also like to request that we combine January and February an invoice the EAC once for that time period.

As you can see, we are currently projecting an ending balance of approximately \$10,000. If additional expenses are incurred beyond what is currently projected, we're confident they will not exceed the

013904

original budget of \$560,002.

Thanks and I look forward to hearing from you.

--

-- John Weingart, Associate Director
Eagleton Institute of Politics
(732) 932-9384, x.290

013905

Karen Lynn-Dyson/EAC/GOV
06/28/2006 10:33 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV
cc
bcc
Subject Fw: No Cost Extension Request

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 10:32 AM -----



"John Weingart"

<jweingart@

12/22/2005 05:26 PM

Please respond to

jweingart@rutgers.edu

To klynndyson@eac.gov

cc "Tom O'Neill"

Subject Re: No Cost Extension Request

Karen - Our request for a no-cost, reallocation of resources is based on (a) the fact that our personnel costs have already been higher than we anticipated and (b) the reality that keeping the project operating for at least nine months, instead of seven as planned, will require the participants to devote more time than anticipated. While we are not producing more product than originally promised, the time involved in our work continues to increase. Both Provisional Voting and Voter ID have proved to be very dynamic topics requiring us to continually monitor developments and update our data, analysis and evolving work products as we learn of new or revised information. As a result, despite the extension of the schedule, the staff and consultants on this project have had no "down" time. We anticipate this research, monitoring and revising to continue for the months added to the project, necessitating significantly more hours by all members of the project team than anticipated.

Our request asks for changes to three line items which I will address below on the assumption that the EAC response to our already-submitted Provisional Voting draft and to-be-submitted Voter ID draft will be sufficiently timely to enable us to complete our work on both topics by the end of February.

1. Eagleton Institute of Politics personnel: We originally budgeted \$110,695 (\$15,813 average per month) for Eagleton faculty, staff and graduate student assistants for the seven-month project from May 24, 2005-December 31, 2005. Our actual costs have been approximately \$14,500 more than that. In addition, we are anticipating needing another \$21,000 for personnel costs in January and February, calculated on the basis of 2/3 of the original monthly estimate. Therefore, we are asking to raise this line item from \$110,695 to approximately \$146,000.

2. Consultant Services: We originally budgeted \$79,50 (\$11,357 average per month) for consultant services which we have used to engage Tom O'Neill as the project manager. We anticipate no additional cost for the

013906

original contract period of May 24, 2005-December 31, 2005, but do anticipate needing his services during January and February at a slightly reduced rate of \$10,125 per month or \$20,250 total additional. Therefore, we are asking to raise this line item from \$79,500 to \$99,750.

3. Moritz School of Law: We originally budgeted \$84,744 (\$12,106 average per month) for staff and overhead for the May 24, 2005-December 31, 2005 period. We anticipate needing an additional \$23,171 (\$11,585 average per month) to support their time on this project in January and February. Therefore, we are asking to raise this line item from \$84,744 to \$107,915.

With these revisions, approximately \$22,000 of the EAC contract award to Eagleton would remain not yet allocated, primarily because the cost for the public hearings would have incurred Rutgers University overhead whereas the additional expenditures for consultants and the subcontract with Moritz do not.

I hope this provides you the information you need. While Rutgers is shutting down until January 3rd, I will be checking email at least every day or two.

-- John Weingart, Associate Director
Eagleton Institute of Politics
(732)932-9384, x.290

klynndyson@eac.gov wrote:

>
> John-
>
> I just had a more detailed conversation with our Deputy General
> Counsel about Eagleton's no-cost extension.
>
> He indicates that we need a bit more information that will accompany
> the material we will send to the Commissioners for a vote (hopefully
> next week)
>
> We need to know the number of labor hours, the labor costs and a brief
> description of the tasks to be performed by each of the staff who will
> be working on the EAC contract until its completion.
>
> Since we have eliminated the public hearing (a major contract
> deliverable) it is unclear why staff labor hours and costs will
> continue at the same level and rate.
>
> As always, thanks for your patience and prompt response.
>
>
>
> Karen Lynn-Dyson
> Research Manager
> U.S. Election Assistance Commission
> 1225 New York Avenue , NW Suite 1100
> Washington, DC 20005
> tel:202-566-3123

013907

Karen Lynn-Dyson/EAC/GOV
06/28/2006 10:32 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV
cc
bcc
Subject Fw: No Cost Extension Request

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 10:31 AM -----



"John Weingart"

<[REDACTED]>

12/22/2005 05:26 PM

Please respond to

[REDACTED]

To klynndyson@eac.gov

cc "Tom O'Neill" <[REDACTED]>

Subject Re: No Cost Extension Request

Karen - Our request for a no-cost, reallocation of resources is based on (a) the fact that our personnel costs have already been higher than we anticipated and (b) the reality that keeping the project operating for at least nine months, instead of seven as planned, will require the participants to devote more time than anticipated. While we are not producing more product than originally promised, the time involved in our work continues to increase. Both Provisional Voting and Voter ID have proved to be very dynamic topics requiring us to continually monitor developments and update our data, analysis and evolving work products as we learn of new or revised information. As a result, despite the extension of the schedule, the staff and consultants on this project have had no "down" time. We anticipate this research, monitoring and revising to continue for the months added to the project, necessitating significantly more hours by all members of the project team than anticipated.

Our request asks for changes to three line items which I will address below on the assumption that the EAC response to our already-submitted Provisional Voting draft and to-be-submitted Voter ID draft will be sufficiently timely to enable us to complete our work on both topics by the end of February.

1. Eagleton Institute of Politics personnel: We originally budgeted \$110,695 (\$15,813 average per month) for Eagleton faculty, staff and graduate student assistants for the seven-month project from May 24, 2005-December 31, 2005. Our actual costs have been approximately \$14,500 more than that. In addition, we are anticipating needing another \$21,000 for personnel costs in January and February, calculated on the basis of 2/3 of the original monthly estimate. Therefore, we are asking to raise this line item from \$110,695 to approximately \$146,000.

2. Consultant Services: We originally budgeted \$79,50 (\$11,357 average per month) for consultant services which we have used to engage Tom O'Neill as the project manager. We anticipate no additional cost for the

013908

original contract period of May 24, 2005-December 31, 2005, but do anticipate needing his services during January and February at a slightly reduced rate of \$10,125 per month or \$20,250 total additional. Therefore, we are asking to raise this line item from \$79,500 to \$99,750.

3. Moritz School of Law: We originally budgeted \$84,744 (\$12,106 average per month) for staff and overhead for the May 24, 2005-December 31, 2005 period. We anticipate needing an additional \$23,171 (\$11,585 average per month) to support their time on this project in January and February. Therefore, we are asking to raise this line item from \$84,744 to \$107,915.

With these revisions, approximately \$22,000 of the EAC contract award to Eagleton would remain not yet allocated, primarily because the cost for the public hearings would have incurred Rutgers University overhead whereas the additional expenditures for consultants and the subcontract with Moritz do not.

I hope this provides you the information you need. While Rutgers is shutting down until January 3rd, I will be checking email at least every day or two.

-- John Weingart, Associate Director
Eagleton Institute of Politics
(732)932-9384, x.290

klynndyson@eac.gov wrote:

>
> John-
>
> I just had a more detailed conversation with our Deputy General
> Counsel about Eagleton's no-cost extension.
>
> He indicates that we need a bit more information that will accompany
> the material we will send to the Commissioners for a vote (hopefully
> next week)
>
> We need to know the number of labor hours, the labor costs and a brief
> description of the tasks to be performed by each of the staff who will
> be working on the EAC contract until its completion.
>
> Since we have eliminated the public hearing (a major contract
> deliverable) it is unclear why staff labor hours and costs will
> continue at the same level and rate.
>
> As always, thanks for your patience and prompt response.
>
>
>
> Karen Lynn-Dyson
> Research Manager
> U.S. Election Assistance Commission
> 1225 New York Avenue , NW Suite 1100
> Washington, DC 20005
> tel:202-566-3123

013909

Karen Lynn-Dyson/EAC/GOV
06/28/2006 10:32 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV
cc
bcc
Subject Fw: Request for No-Cost Extension-corrected

This e-mail should be a part of the no -cost extension file and/or the financial file you create for the Eagleton contract.

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 10:29 AM -----



"John Weingart"

[Redacted]

To klynndyson@eac.gov

12/16/2005 01:25 PM

cc

Please respond to

[Redacted]

Subject Re: Request for No-Cost Extension-corrected

Karen - At this time, we anticipate reallocating funds primarily from the public hearings line item and spending approximately \$35,500 more than originally budgeted on personnel, \$23,250 more on the subcontract with Ohio State and \$20,250 more on consultants. There are other additional variances but they are not significant (e.g. less on honoraria, less on travel, and more on general operations such as phone expenses). Let me know if you need additional detail or information.

Thanks, John

-- John Weingart, Associate Director
Eagleton Institute of Politics
(732) 932-9384, x.290

klynndyson@eac.gov wrote:

>
> John-
>
>
> Quick question-
>
> How much money do you anticipate will be re-allocated from the
> original line items outlined in the contract to other project costs?
>

013910

> Thanks

>

> Karen Lynn-Dyson

> Research Manager

> U.S. Election Assistance Commission

> 1225 New York Avenue , NW Suite 1100

> Washington, DC 20005

> tel:202-566-3123

>

>

>

> *"John Weingart" <

>

> 11/30/2005 05:05 PM

> Please respond to

>

>

>

>

> To

"Karen Lynn-Dyson" <klynndyson@eac.gov>

> cc

"Tom O'Neill" <

> Subject

Request for No-Cost Extension-corrected

>

>

>

>

>

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>

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>

> Karen - There were two typos on the copy I just sent. Please use the
> attached instead. To minimize confusion, I dated this document December
> 1st (the first one says November 30). Thanks, John

>

> --

> -- John Weingart, Associate Director

> Eagleton Institute of Politics

> (732)932-9384, x.290

>

>

>

013911

Karen Lynn-Dyson/EAC/GOV
06/28/2006 10:30 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV
cc
bcc
Subject Fw: No Cost Paperwork

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 10:28 AM -----



Tamar Nedzar/EAC/GOV
12/12/2005 06:08 PM

To Gavin S. Gilmour/EAC/GOV@EAC
cc Nicole Mortellito/CONTRACTOR/EAC/GOV@EAC, Karen
Lynn-Dyson/EAC/GOV@EAC
Subject No Cost Paperwork

Hi Gavin,

This is the document I prepared for the no-cost extension.

Thank you,
Tamar Nedzar
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
(202) 566-2377
<http://www.eac.gov>



TNedzar@eac.gov sf30.pdf

013912

Karen Lynn-Dyson/EAC/GOV
06/28/2006 10:24 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV
cc
bcc
Subject Fw: Meeting with EAC and Ballot Design

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 10:22 AM -----



"Tom O'Neill"

[Redacted email address]

07/19/2005 06:07 PM

To klynndyson@eac.gov
cc
Subject Meeting with EAC and Ballot Design

Karen, This email addresses two topics.

1. Meeting with EAC

At the end of August, we will have a draft of the Analysis and Alternatives paper for provisional voting, and we will have developed an outline of the alternatives to be described in the Preliminary Guidance Document (PGD). Before beginning to draft the PGD, we would benefit from a discussion with EAC staff and, perhaps, the commissioners. We would like to explore, through you, the scheduling of a meeting for that purpose, and suggest the date of August 26 at your offices in Washington. Several of us would attend and others might participate by teleconference.

2. Design of Provisional Ballots

In our teleconference a week ago, Tom Wilkey asked if we were collecting actual provisional ballots from around the country to assess their design. A collection of provisional ballots is not a deliverable under our contract, but at your request we have estimated what such an effort might require.

013913

The goal would be to collect ballots, examine them to determine how well they conform to any ballot design criteria established in state legislation or regulations and possibly evaluate them against objective design standards of clarity and ease of use.

If state regulations or legislation specify the detailed design of provisional ballots, collecting a sample ballot and envelope from each state would be feasible. If states have delegated the details of design to county or other levels of government, the collection process would probably not be worth the substantial time and expense involved in contacting more than 3,000 jurisdictions.

Step One -- Feasibility

A prudent approach to this work would begin with a feasibility study. It would determine how many states use a uniform provisional ballot throughout the state and how many allow significant variation in design among counties or other jurisdictions. Working with the statutes and regulations now being collected by Moritz, we would also determine if state statutes or regulations specify the details of the design of provisional ballots. This work would provide the information needed to decide if the project is doable at reasonable cost. The feasibility study would probably require 5 to 10 days of research time. On a time-and-materials basis, including overhead charges, the cost of the feasibility analysis would be in the range of \$2,500 -- \$5,000.

Step Two -- Collection and Analysis

If EAC determines on the basis of our feasibility report that the project is feasible, collecting the provisional ballots and envelopes would require 3 – 4 weeks of research, collection and analysis at a cost of \$6,000 -- \$9,000 (with overhead). The research process would include:

- Determining the appropriate official in each state to contact,
- Sending each official a letter requesting a provisional ballot and envelope as used in federal elections,
- Making up to 3 follow-up calls.
- Compiling and categorizing the ballots
- Comparing the actual ballots to any specifications contained in state statutes or regulations.

The deliverables would be:

- The collection of ballots,
- A compendium of statutory or regulatory specifications of ballot design,
- Classification of ballots according to the major design principles reflected in their layout and appearance.

Possible Step 3 – Evaluation of Provisional Ballot Design

The EAC might also wish to consider a logical, third step. Once the ballots are collected, Eagleton could arrange to evaluate provisional ballots for clarity and user-friendliness. The review could be done by one or more focus groups that Eagleton would empanel, or it could be conducted by a design firm that would review the ballots and make recommendations for principles of good design that could be issued as guidance to the states. We have not identified an individual designer or firm with credentials in this field, but could do so as part of the feasibility study. Eagleton could do the focus group in-house at relatively modest cost.

Please let me know if you would like us to go further with this assignment.

Tom O'Neill

013915

Karen Lynn-Dyson/EAC/GOV
06/28/2006 10:23 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV
cc
bcc
Subject Fw: Peer Review Group

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 10:21 AM -----

Carol A. Paquette/EAC/GOV
07/08/2005 05:13 PM

To Juliet E. Thompson/EAC/GOV@EAC
cc Karen Lynn-Dyson/EAC/GOV@EAC
Subject Fw: Peer Review Group

Julie -

I don't remember saying much of anything but a few pleasantries to Tom in New York. Did you talk to him about this topic? I'm really at a loss on this. (Maybe I'm having an extended senior moment.)

Carol A. Paquette
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov

----- Forwarded by Carol A. Paquette/EAC/GOV on 07/08/2005 05:07 PM -----



"Tom O'Neill"

[REDACTED]
07/08/2005 03:41 PM

To "Paquette, Carol" <cpaquette@eac.gov>
"Laura Williams" <lauracw@columbus.rr.com>, "Weingart,
[REDACTED]
cc [REDACTED]
"Lynn-Dyson, Karren"
<klynndyson@eac.gov>, [REDACTED]
Subject Peer Review Group

Carol,

After our discussion in New York, you asked me to put in writing our response to the EAC's suggestions for expanding the number and kinds of groups that would review and comment on our work. I hope after your review of this response, we will be able to quickly recruit a balanced Peer Review Group (PRG) and move ahead as the schedule in our work plan indicates. Attached is a revised list of the members we propose for appointment to the PRG. We will probably not be able to persuade all of them to serve, but the number and range of views included on the proposed list should ensure that the resulting group is well-balanced.

013916

Tom

RESPONSE TO EAC RECOMMENDATIONS FOR ADDITIONAL REVIEW GROUPS

EAC's Recommendations for the PRG

Karen Lynn-Dyson reported this response from the EAC commissioners to our proposal for the composition of the PRG.

1. Not sufficient conservative representation on the PRG
2. Create a "tiered process" of review in which:
 - A. The PRG will prepare a dispassionate analysis of the issues and draw some tentative conclusions.
 - B. PRG's analysis would be vetted by a defined/select group of local election officials.
 - C. A defined/select group of advocacy organizations would review the comments of the local election officials
 - D. Empanel a final focus group of local election officials, advocates and academics for an overall, interactive reaction to the analysis and recommendations.

Project Team Response

Creating three new committees to the review process to supplement the work of the Peer Review Group (PRG) is possible, but would add at least 8 weeks --and possibly 12 weeks-- to our completion of the guidance document on provisional voting. We believe this delay would risk limiting the value of this project for the 2006 election. In addition, the change would add at least \$30,000 to the cost of our work. (See the attached table showing the possible effect on our work plan, and note the optimistic assumptions such as the ability to hold a hearing the week after Christmas.). If the same groups were to be engaged in reviewing our work on Voter ID, the time for that work would also have to be stretched at a similar increased cost.

This additional cost and the added time might be worthwhile. . . if the new layers of review were to produce a consensus on how to strengthen the research, sharpen the analysis, and increase the relevance of the Guidance Document. Our team concluded, however, that additional review groups were unlikely to achieve these results.

PRG focuses on quality of research

We believe that our research would be strengthened by a balanced Peer Review Group that will focus on the design of the research and our conduct of it. Based on the EAC's recommendation, we have revised the composition of the PRG to include additional, well-recognized authorities in the field whose perspective is generally agreed to be conservative.

The PRG will focus on the strength of the research design and the quality of our analysis, not on the politics of our recommendations for the guidance document. The PRG will critique the research design and suggest how to strengthen it. Members of the group will review the quality of our analysis so that we can fill holes and correct errors before we make policy recommendations to the EAC. The PRG may or may not meet as a group. The likelihood is that most comments will come in writing from individual members, most of whose schedules would not permit attendance at meetings. In any case, the PRG members will not gather around a table to come to consensus on the study's recommendations.

013917

While using the PRG as a forum to reach consensus on the knotty issues involved does not appear practical, the EAC can benefit from the work of other groups in this regard. It is not necessary for this project to duplicate the deliberative processes of the Carter-Baker Commission, the Century Foundation and the Election Center. The EAC itself as well as the project team can get the benefit of these reports without duplicating this "policy evaluation board" structure as part of this contract.

Project Team focuses on analysis and recommendations

Karen reported that the Commissioners believed that the PRG would "prepare a dispassionate analysis of the issues and draw some tentative conclusions." As we see it, the PRG will neither analyze data nor draw conclusions, tentative or otherwise. Its members will review and comment on how the Project Team has designed and carried out the research. Analysis, conclusions and recommendations are the responsibility of the Project Team. We have all seen in the preface to books or articles a sentence or two that read something like this, "The author thanks Mr. X, Ms. Y, and Dr. Z for their review and comment on the manuscript. Their analysis has strengthened the work, but they are in no way responsible for errors or for my conclusions." That is the way we think about the Peer Review Group.

In short, the PRG will help ensure that EAC's Guidance Document is founded on a solid base of data and analysis. The review and comment on the Preliminary Guidance Document by the EAC's Board of Advisors and Standards Board will provide participation by important stakeholder groups without the need for the other review committees. This Board is broad-based and represents a key stakeholder group. It also enjoys a significant advantage over a "defined/select" group we might empanel. Any group we define will be open to criticism or charges of bias by representatives of interest groups not represented.

The criticism and charges of bias might be tolerable, but only if we could expect consensus from the "defined/select" group we would appoint. We believe that consensus would be elusive. In empanelling a "defined/select" group, we would naturally look for balance and would appoint members to represent a point of view or an institutional interest. As representatives they would likely feel that they had little choice but to be strong advocates. They would have little incentive to compromise. Our research, as opposed to our policy recommendations, would be better served by the analysis of scholars than by the advocacy of interests.

Policy judgments

We regard the EAC itself as responsible for the policy judgments involved in shaping the Guidance Document. We plan, of course, to respond to the EAC's comments on our preliminary draft, so that the EAC's comments will shape the Preliminary Guidance Document before it is released for public comment. And further revision will follow the public hearing and comments. The EAC and individual Commissioners can always seek comment informally on our analysis or recommendations. That course appears to us preferable to the creation of a new, more elaborate review process.

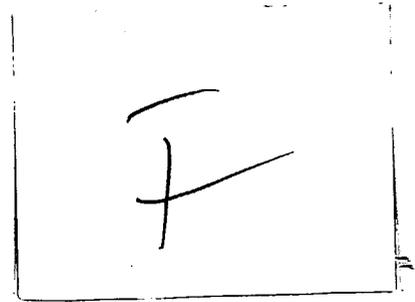


PROPOSED MEMBERS July 6.doc

013918

Jeannie Layson /EAC/GOV
04/19/2007 05:03 PM

To ghillman@eac.gov
cc
bcc
Subject info



See this link from her NPR interview: <http://www.npr.org/templates/story/story.php?storyId=9536101>

Voting rights and wrongs

By Donna Brazile

THE WASHINGTON TIMES

Published April 16, 2007

Just when civil rights advocates were celebrating recent advances in restoring the voting rights of 5.3 million Americans prohibited from voting in several states because of their felony convictions, along comes the news that the Bush administration has been playing politics with meaningful electoral reform.

Geez, can't they focus on governing without engaging in partisan warfare?

The New York Times has reported that the Election Assistance Commission, a federal agency charged with administering federal elections, "played down the findings of experts who concluded last year that there was little voter fraud around the nation." According to the New York Times' review, the "original report on fraud cites 'evidence of some continued outright intimidation and suppression' of voters by local officials, especially in some American Indian communities, while the final report says only that voter 'intimidation is also a topic of some debate because there is little agreement concerning what constitutes actionable voter intimidation.' "

Just why would the EAC suppress or alter a report that could have helped restore citizens' confidence in our electoral system? Did someone pressure them to disown reports they commissioned? If so, we need to find the guilty parties and bring yet another shameful episode of partisanship to public attention.

As the Times notes, this issue played a "significant role" in the Bush administration's "firing of eight United States attorneys, several of whom, documents now indicate, were dismissed for being insufficiently aggressive in pursuing voter fraud cases." Perhaps disgraced Attorney General Alberto Gonzalez will have the decency to respond to these allegations next week when he testifies on Capitol Hill.

The Election Assistance Commission, according to its own mission statement, is supposed to be a clearinghouse for all "matters that affect the administration of federal elections," providing "information and guidance with respect to laws, procedures and technologies affecting the administration of federal elections." Fair enough, but why did they shove aside a report that could have provided timely guidance to members of Congress trying to address so-called voter fraud by imposing restrictive voter-ID requirements?

The EAC not only refused to accept the reasoned conclusion of its bipartisan consultants, they also refused to release those findings at a time when doing so would have discounted claims of rampant voter fraud that were the justification for the restrictive voter ID law passed last year by the Republican-controlled House of Representatives. Thank God the Senate had no appetite to

013919

take up a similar measure being pushed to address the phantom of voter fraud.

Here we approach another major electoral season and the agency in charge of helping states reform their electoral practices has lost its credibility. Loyola Law professor and election expert Richard Hansen have written that the "EAC needs to remain a credible broker and cannot be timid by what it finds." Mr. Hansen believes that if the evidence supports one side of the debate, that is "not a reason to disown a report and start over." Hmmmm, unless it's about politics and helping one side gain an electoral advantage.

Since the 2000 presidential election, states have moved to enact stringent voter ID requirements. According to election experts, as of the November 2006 election, 24 states had enacted some form of voter identification law, up from 11 in 2000.

While state and federal courts have thrown out some restrictive and punitive photo ID laws on the grounds they may lead to disenfranchising poor, elderly or minority citizens otherwise eligible to vote, the drumbeat still rages to put in place more punitive laws. The motives are simple: Suppress the turnout of eligible citizens who may not embrace the political priorities of one of the major political parties. Shameful.

No citizen should vote twice, and felons and others seeking to have their voting rights restored must remain patient while the wheels of justice turn in their favor. But, under the guise of people "stuffing ballot boxes," allowing the dead to vote or undocumented workers attempting to claim citizenship, Republican lawmakers have begun to erect new laws that could severely curtail the right of all eligible citizens to vote and have those votes counted accurately.

Perhaps it's time we all put aside partisan consideration and agree that no eligible citizen should have to pay to vote. As many civil rights advocates will tell you, proof of citizenship requirements can place an undue financial burden on voters. I know because many of my family members who had all their possessions washed away during Hurricane Katrina are still scurrying to replace passports, birth certificates and other proof of citizenship, and the expense is shocking.

We should also agree that no eligible citizen should face intimidation by partisan poll workers or be asked to produce ID at the polling place when state law only requires first-time voters and those who did not list an ID number on their registration forms to do so. It's wrong, and it's illegal.

The Justice Department and the Election Assistance Commission, you are now on notice that civil rights groups are watching your every step, your partisan reports and, yes, your role in destroying one of the most important ingredients of our democracy: the right of all citizens regardless of race, gender, disability, age or class to participate in the electoral process.

Donna Brazile is a political commentator on CNN, ABC and National Public Radio and former campaign manager for Al Gore.

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

013920

Jeannie Layson /EAC/GOV

04/19/2007 10:32 AM

To EAC Personnel

cc

bcc

Subject Today's News (04-19-07)

National

Carnahan urges time , resources to deal with election laws (Comm. Hillman quoted.)

Lawmakers call for e -voting paper trails (Comm. Hillman quoted.)

Commission urges caution on election reform (Comm. Hillman quoted.)

Rodriguez elected EAC vice -chair

Rodriguez elected EAC vice -chair (NALEO press release)

The fraudulence of fraud (Rep. Serrano says our report could be the next Watergate, says WH may have had a role in editing report.)

A selective view of fraud (Says WH edited our report. I have requested a correction.)

Voter ID laws need measured implementation (EAC fraud report)

What the Senators should ask Gonzalas (EAC fraud report mention)

A really important homework assignment (Action alert to notify the public about DRE dangers, including contacting me at EAC.)

Millender-McDonald reveals few details

National

Carnahan urges time , resources to deal with election laws

By SAM HANANEL, The Associated Press

Apr 18, 2007 8:07 PM (13 hrs ago)

WASHINGTON - States will need time and resources to comply with any changes that Congress might order to electronic voting systems, Missouri Secretary of State Robin Carnahan told a congressional panel on Wednesday.

"Obviously elections are run locally," Carnahan told the House Subcommittee on Information Policy, the Census, and the National Archives. "If you all take over the election process, that's a big change in our country and it will take money to do that."

The hearing examined the reliability and security of electronic voting systems that have been put into place across the country since the failure of paper ballots was exposed in the 2000 election.

Subcommittee chairman William Lacy Clay, D-Mo., said he wants Congress to require a paper trail to back up electronic voting machines and make the process of testing election software and verifying its security coding more transparent.

Clay cited results from the 2006 election that show some electronic voting systems still produced unreliable results, causing distrust among voters.

"It is absolutely vital that we utilize technology that provides an independent, auditable voting record that can be verified by election officials," Clay said.

Carnahan, a Democrat, said lawmakers need to give states a reasonable time frame to comply if Congress implements any changes, and guarantee full funding for any mandates that come down. She also urged lawmakers to gather input from state and local officials before taking action.

Carnahan described Missouri's elections as "fair, accurate and secure," and said the state's use of new optical scan and touch-screen voting systems was generally a success.

But there were some problems, such as long lines that formed when some polling places ran out of

013921

ballots. She said there is a need for more training for poll workers unfamiliar with the new technology.

Missouri is one of 27 states that already require paper records for electronic machines.

Gracia Hillman, a member of the U.S. Election Assistance Commission, told Clay that only Congress has the authority to order nationwide use of paper voting verification.

Depending on what Congress does, Hillman said, at least 180,000 machines around the country would need to be replaced or upgraded. That could be a "recipe for colossal confusion" if lawmakers try to enact such legislation with only a year-and-a-half before the 2008 election, she said.

Clay also grilled Hillman about reports that EAC officials rewrote the findings of a government-funded report on voter fraud to downplay the pervasiveness of problems with electronic systems. Clay said he has concerns the EAC is improperly politicizing its work.

Hillman said changes in the report drafted by researchers at Rutgers University were made because some conclusions were not supported by the data.

"I do not believe that the EAC could have reached agreement on the conclusions offered by those researchers without being allowed to validate those conclusions," Hillman said.

Avi Rubin, a computer science professor at Johns Hopkins University, testified that an electronic voting system without a backup paper receipt cannot be properly audited.

**Lawmakers call for e-voting paper trails
By Grant Gross, IDG News Service**

April 18, 2007

U.S. lawmakers on Wednesday called for electronic voting machines to include paper trail backups, while a government auditor said better security measures for the machines are needed.

A still-contested 2006 election for the U.S. House of Representatives in Florida's 13th district is a "prominent example of how, in some instances, electronic voting systems have produced unreliable results, raising concerns among voting-system experts and causing distrust among voters," said Representative William Lacy Clay, chairman of the House Information Policy, Census, and National Archives Subcommittee.

In the Florida House election, more than 18,000 voters failed to cast ballots on e-voting machines, and the Republican candidate won by fewer than 400 votes.

Clay, from Missouri, and other Democrats called for paper trail printouts to be required as a way to audit results from touchscreen DRE (Direct Recording Electronic) machines. But Gracia Hillman, a member of the U.S. EAC (Election Assistance Commission), warned Congress not to rush into paper-trail requirements.

Hillman avoided taking a position on paper trail ballots during a subcommittee hearing. But at least 180,000 DREs across the U.S. would have to be upgraded or replaced if Congress required paper trails, she said.

"When you combine the introduction of new equipment, earlier primaries, and the enormous tasks of recruiting and training poll workers to meet a presidential election year deadline -- which is only a year and a half from now -- you have all of the ingredients of a recipe for colossal confusion," Hillman said.

Robin Carnahan, secretary of state for Missouri, also called on Congress to allow reasonable time frames for changes in e-voting requirements. "Don't do things that create expectations but can't be met by local

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election officials," she said.

Carnahan said the 2006 election in Missouri was "fair, accurate and secure." Voters there used optical scan and DRE machines with paper trails.

Other lawmakers seemed skēptical of the need for paper trails. Representative Bill Sali, an Idaho Republican, asked Hillman and Randolph Hite, director of information technology architecture and systems for the U.S. GAO (Government Accountability Office), if they knew of any e-voting machines that had been hacked during an election. Both said they were not aware of any.

But Hite called on state and local elections officials to pay more attention to e-voting security and machine life cycle.

Several groups have "raised significant concerns about the security and reliability of electronic voting systems," Hite said. "Many of these security and reliability concerns are legitimate and thus merit the combined and focused attention of federal, state, and local authorities."

In an extensive GAO review, the agency found that many jurisdictions did not use the most current voting system standards, and many do not consistently monitor election performance. Voting-machine best practices were implemented to "varying degrees," he said.

Security measures for e-voting machines "ranged from rigorous to ad hoc," Hite added. He called on the EAC to work with local and state election authorities to strengthen security measures.

Commission urges caution on election reform

National Journal's Congress Daily AM

An official with the commission charged with overseeing the administration of federal elections urged House lawmakers Wednesday to proceed with caution as they consider sweeping electoral reform legislation.

Election Assistance Commission member Gracia Hillman told the House Oversight and Government Reform Information Policy Subcommittee that earlier primary elections, new equipment and increased poll-worker training demands already stand to complicate the administration of federal elections next year, *National Journal's Technology Daily* reported.

During a hearing on electronic voting machines, she said lawmakers are right to question the use of certain e-voting machines. A measure sponsored by Rep. Rush Holt, D-N.J., would require all e-voting machines to be backed up by paper trails.

But Hillman said Congress needs to be aware of the confusion that extensive e-voting upgrades might cause. She also urged the panel to consider other electoral issues such as voter registration, participation and disenfranchisement.

Rodriguez elected EAC vice -chair

VoteTrust USA

Former Denver City Council President Rosemary E. Rodriguez today was elected vice chair of the U.S. Election Assistance Commission (EAC) during a public meeting.

As vice chair, she will work with EAC Chair Donetta Davidson as part of the bipartisan leadership team at the commission to set priorities and communicate EAC initiatives.

"My foremost conviction is that all eligible voters should be empowered with simple, unfettered and uncomplicated access to registration and to the voting booth" said Rodriguez. "I look forward to working with my colleagues as we seek practical means to improve elections in this country in ways that most benefit the voters."

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Vice Chair Rodriguez joined the EAC in March. She was nominated to EAC by President Bush in 2006 and confirmed by the U.S. Senate in February. She will serve until December 12, 2007, filling the remaining term of Ray Martinez, who resigned in August 2006.

She served on the Denver, Colorado City Council for three years, and was its president from 2005 to 2006. She was director of Boards and Commissions for the mayor's office from 2002 to 2003 and a clerk and recorder for the City and County of Denver from 1997 to 2002. In 1997 she was acting director of the Denver Election Commission where she supervised city elections. She has been active in numerous grass roots civic and voter advocacy organizations, including the Colorado Voter Initiative where she co-chaired a statewide initiative to allow Election Day voter registration. She was also a co-founder and chair of Latinos Vote, a voter registration project to register Latino voters and provide non-partisan election information to the Latino community.

EAC is an independent bipartisan commission created by HAVA. It is charged with administering payments to states and developing guidance to meet HAVA requirements, implementing election administration improvements, adopting voluntary voting system guidelines, accrediting voting system test laboratories and certifying voting equipment and serving as a national clearinghouse and resource of information regarding election administration. The four EAC commissioners are Donetta Davidson, chair; Rosemary Rodriguez, Caroline Hunter and Gracia Hillman.

Rosemary Rodriguez elected EAC vice-chair
NALEO Press Release

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Los Angeles, CA - The National Association of Latino Elected and Appointed Officials (NALEO), the nation's preeminent Latino leadership organization, congratulates Commissioner Rosemary Rodriguez on her election today to serve as Vice-Chair of the U.S. Election Assistance Commission (EAC). Commissioner Rodriguez, who is a former NALEO Educational Fund Board member, joined the EAC in March 2007, and was elected Vice-Chair by her fellow Commissioners at a meeting held in Kansas City, Missouri. The EAC is an independent bipartisan commission created to provide guidelines and resources to states for federal election reform.

Commissioner Rodriguez comes to her position with over a decade of experience in public service where she gained extensive expertise with many different aspects of election administration. In the 1990's, she was actively involved in educating community members about the need for representative districts during redistricting, and in 2001, she was appointed to the Colorado Reapportionment Commission and served as its Chair. For several years, she served as the City of Denver's Clerk and Recorder, where she was responsible for supervising candidate filings, voter registration and the dissemination of official election information. As Clerk and Recorder, she was a member of Denver's Election Commission, which directs city-wide elections.

Commissioner Rodriguez also served as a member of the Denver City Council since 2003, and in 2005, she was elected by her peers to serve a one-year term as Council President. Through her experiences in public service, Commissioner Rodriguez developed a thorough understanding of the challenges that voters face in gaining access to the electoral process. As a board member of the NALEO Educational Fund, she was involved in efforts to further Latino political participation through the organization's U.S. citizenship promotion work and non-partisan voter engagement project *Voces del Pueblo*.

"Rosemary Rodriguez brings a wealth of knowledge on election issues to the Election Assistance Commission," said John Bueno, NALEO President and former President Pro-Tem for the City of Pontiac, Michigan. "Throughout her career, she has demonstrated a strong commitment to ensuring that all voters

have a voice on Election Day, and she will provide the Commission with invaluable perspectives and expertise. NALEO congratulates Commissioner Rodriguez on her election," concluded Mr. Bueno.

The EAC is an independent bipartisan commission created by the Help America Vote Act of 2002 (HAVA).

It is charged with administering payments to states and developing guidance to meet HAVA requirements, implementing election administration improvements, adopting voluntary voting system guidelines, accrediting voting system test laboratories and certifying voting equipment and serving as a national clearinghouse and resource information regarding election administration. In addition to Commissioner Rodriguez, the members of the EAC are Chair Donnetta Davidson, Gracia Hillman, and Caroline Hunter. Commissioner Rodriguez succeeds former Commissioner Raymundo Martinez III, who resigned in August 2006.

The fraudulence of fraud

By Joel Bleifuss
In Our Times

On April 6, 2006, in Washington, D.C., Karl Rove gave a speech to the Republican National Lawyers Association and issued this dire warning:

We are, in some parts of the country, I'm afraid to say, beginning to look like we have elections like those run in countries where the guys in charge are, you know, colonels in mirrored sunglasses. I mean, it's a real problem, and I appreciate all that you're doing in those hot spots around the country to ensure that the ballot--the integrity of the ballot--is protected, because it's important to our democracy.

When Rove talks about protecting "ballot integrity," that is shorthand for disenfranchising Democratic Party voters. Over the last several years, the Justice Department, with the help of White House

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operatives, has sought to boost GOP electoral fortunes by orchestrating a national campaign against voter fraud. But the administration overreached on Dec. 7, when President George W. Bush fired eight U.S. attorneys, a political scandal that some say could become this president's Watergate.

When Republicans talk about *voter* fraud they are referring to illegal voting by individuals, as opposed to *vote* fraud--systematic attempts to steal an election by an organized group of partisans. This emphasis on voter fraud has convinced eight states to pass laws requiring voters to present official photo identification in order to cast a ballot--laws that studies have shown suppress Democratic turnout among voters who are poor, black, Latino, Asian-American or disabled.

Understanding that one way to win closely contested elections is to keep Democratic voters away from the polls, the Republican Party has tried to stoke public fears of voter fraud. On Feb. 15, 2005, the U.S. Senate Republican Policy Committee issued a report, "Putting an End to Voter Fraud," which said, "Voter fraud continues to plague our nation's federal elections, diluting and canceling out the lawful votes of the vast majority of Americans." To remedy the situation, the Senate Republicans advised Congress to "require that voters at the polls show photo identification."

But voting experts maintain that voter fraud is not a national problem. In March, Lorraine C. Minnite, a professor of political science at Columbia University, released "The Politics of Voter Fraud," a report she prepared for Project Vote, an advocacy group based in Arkansas. She writes:

The claim that voter fraud threatens the integrity of American elections is itself a fraud. It is being used to persuade the public that deceitful and criminal voters are manipulating the electoral system. ... The exaggerated fear of voter fraud has a long history of scuttling efforts to make voting easier and more inclusive, especially for marginalized groups in American society. With renewed partisan vigor, fantasies of fraud are being spun again to undo some of the progress America has made lowering barriers to vote.

This is borne out by a study from the Eagleton Institute of Politics at Rutgers University, which found that in the 2004 election, voters in states that required documentation of identity were 2.7 percent less likely to vote than voters in states where documentation was not required. Specifically, the study, commissioned by the U.S. Election Assistance Commission, found that Latinos were 10 percent less likely to vote, Asian-Americans 8.5 percent less likely to vote and blacks 5.7 percent less likely to vote.

What's more, despite GOP claims to the contrary, voter fraud is a very rare occurrence. In 2002 the Justice Department established the Ballot Access and Voting Integrity Initiative to ferret out fraudulent voters. On Oct. 4, 2005, Attorney General Alberto Gonzales, with great fanfare, proclaimed, "We've made enforcement of election fraud and corrupting offenses a top priority." Yet according to an April 12 *New York Times* article, only 120 people have been charged with the crime over the past five years, leading to 86 convictions. Furthermore, the *Times* noted, federal attorneys say that most of the transgressions have been mistakes by immigrants and felons who simply misunderstood eligibility requirements.

The extent of voter fraud is further complicated by the fact that earlier this year the Election Assistance Commission changed the conclusions of a report it had commissioned. The original report by outside election experts concluded, "There is widespread but not unanimous agreement that there is little polling place fraud." The commission deleted that sentence and replaced it with, "There is a great deal of debate on the pervasiveness of fraud."

Rep. José Serrano (D.-N.Y.), who chairs the House Appropriations subcommittee that oversees the commission, is disturbed by this apparently politically motivated substitution. He told *In These Times*:

This possibly could be another Watergate. We have to ask the questions, "Why was this report doctored, and how does this play into the larger picture of voter suppression and intimidation?" By directing public attention to voter fraud you divert attention from the fact that Americans in certain communities are not able to cast their votes properly and that their votes are not being counted. Is this something that this small new agency thought of by themselves or did they get marching orders from somewhere else, perhaps as far up as the White House?

Firing prosecutors

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It appears that, under Rove's direction the White House has been planning to use U.S. attorneys to fan national fears of voter fraud. In his speech to the GOP lawyers, Rove listed 11 states that would play a pivotal role in the 2008 elections. Since 2005, Bush has appointed new U.S. attorneys in nine of those states: Florida, Colorado, Wisconsin, Minnesota, Iowa, Michigan, Nevada, Arkansas and New Mexico.

What's more, the firings of U.S. attorneys in New Mexico, Arkansas and Washington appear directly related to this Republican plan to exploit the issue of voter fraud and suppress Democratic turnout.

In Arkansas, Bush fired a sitting U.S. attorney in order to appoint Rove protégé Tim Griffin. (See "The Talented Mr. Griffin" by Greg Palast on page 31.)

In Washington, fired U.S. Attorney John McKay had refused to prosecute alleged voter fraud in the 2004 Washington governor's race, in which Democrat Chris Gregoire beat Republican Dino Rossi by 129 votes.

On March 6, McKay testified before the Senate that after the election Republicans pressured him to open an investigation. He said his office had examined the allegations of voter fraud and decided there was not enough evidence to pursue a case.

"Had anyone at the Justice Department or the White House ordered me to pursue any matter criminally in the 2004 governor's election, I would have resigned," McKay told the *Seattle Times*. "There was no evidence, and I am not going to drag innocent people in front of a grand jury."

In New Mexico, David C. Iglesias was equally suspect in the eyes of the GOP. Recall that in 2000, Gore beat Bush by 377 votes in New Mexico. Consequently, in 2004, Democrat-affiliated groups initiated voter registration campaigns in New Mexico. As a result, two boys, age 13 and 15, received voter cards in the mail. Iglesias responded by setting up a bipartisan task force to investigate. This didn't satisfy attorney Mickey D. Barnett, who represented the 2004 Bush-Cheney campaign in New Mexico. He told Iglesias he should bring federal charges against a canvasser who forged their signatures, which he refused to do.

In a *New York Times* op-ed, Iglesias wrote:

What the critics, who don't have any experience as prosecutors, have asserted is reprehensible--namely that I should have proceeded without having proof beyond a reasonable doubt. The public has a right to believe that prosecution decisions are made on legal, not political grounds.

Manufacturing voter fraud

The issue of fraudulent voters undermining American democracy did not spontaneously erupt. To promote national concern about voter fraud, in March 2005 GOP operatives with ties to the White House established a 501(c)4 organization called the American Center for Voting Rights Legislative Fund (ACVR). The group went public by establishing a Web site, ac4vr.com. (The site has since been taken down for unknown reasons.)

According to its 990 tax forms, ACVR is based in Midlothian, Va., and its executive director is Robin DeJarnette, who is also the founder and executive director of the Virginia Conservative Action PAC. However, according to the registration form for its Internet domain name, the group's address is a mailbox at a UPS Store in Dallas. The chairman of ACVR is Brian Lunde, a former Democratic National Committee official from Texas, who in 2004 was head of Democrats for Bush.

ACVR specializes in issuing studies that purport to document a host of voter fraud cases, like the report titled: "Democrat operatives far more involved in voter intimidation and suppression in 2004 than Republicans."

On March 21, 2005, four days after ACVR went public, Rep. Bob Ney (R-Ohio), then chair of the Committee on House Administration, opened hearings on 2004 election irregularities. One person who testified was ACVR National Counsel Mark "Thor" Hearne II, who described himself as "a longtime advocate of voter rights and an attorney experienced in election law." In the aftermath of the 2000

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presidential campaign, Hearne was dispatched to Florida as a Republican observer in Broward County's manual recount, and in 2004 he worked as the national general counsel for Bush/Cheney '04 Inc.

In his testimony, Hearne described ACVR as "committed to defending the rights of voters and working to increase public confidence in the fairness of the outcome of elections." And he submitted to the committee a copy of the ACVR's "Ohio Election Report," of which he was the lead author. That report read in part:

This [Democratic] voter registration effort was not limited to registration of legal voters but, criminal investigations and news reports suggest, that this voter registration effort also involved the registration of thousands of fictional voters such as the now infamous Jive F. Turkey, Sr., Dick Tracy and Mary Poppins. Those individuals registering these fictional voters were reportedly paid not just money to do but were, in at least one instance, paid in crack cocaine.

And in testimony on Dec. 7, 2006, the same day the prosecutors were fired, Hearne told the Election Assistance Commission: "Recent press reports suggest that voter registration fraud remains a significant issue in the recent mid-term elections."

The press contact for ACVR is Jim Dyke, who was the communications director of the Republican National Committee during the 2004 election. In the fall of 2005 he was working in the White House trying to get Harriet Miers on the Supreme Court, before moving on to work in Vice President Dick Cheney's office. Brad Friedman of BradBlog.com reported that according to internet records, Dyke registered the ACVR internet domain name, ac4vr.com, in December 2004. Those records have since disappeared from public view. (The source of ACVR's funding is also mysterious. According to the *Pittsburgh Tribune-Review*, "When asked to name any contributors to his nonprofit, Hearne claimed he did not know but said Lunde did. When Lunde was asked, he claimed he did not know but said Hearne did.")

Dyke is a good friend of his fellow Arkansan Tim Griffin, the new U.S. attorney in Arkansas. In 2004, both worked at the Republican National Committee helping Bush get re-elected. Dyke has been a vocal defender of Griffin's appointment as U.S. Attorney. "He has a real passion for the law," Dyke told the *Arkansas Democrat-Gazette*.

Rounding out the GOP operatives is Pat Rogers, who sits on the board of ACVR. An attorney for the Republican Party in New Mexico, he has been a vocal critic of fired U.S. Attorney Iglesias. According to the *Albuquerque Tribune*, Rogers is on the short list to replace Iglesias.

Rove's role

Minnite, who did the study on voter fraud, has read through the reports prepared by ACVR and presented by Hearne at various official hearings. She noticed that the claims follow a predictable script. "It all starts to look the same," she says. "There is a pattern in the way the documents that claim to show voter fraud are put together. It is usually a compilation of news reports on allegations. There is no follow up, no research done, no analysis."

"As I delved into it, I was faced with the question: 'Why do people think there is a lot of fraud when there isn't any real evidence?' I think people are being manipulated by politics, which takes the form of these reports that are dumped on the public. It is as if you get a big enough pile maybe you will convince people that the volume of fraud is quite large and that we have a serious problem."

Wisconsin provides a case in point. At a March 13 press conference, White House Counsel Dan Bartlett identified Wisconsin as one of the states from which the White House had "received complaints about U.S. attorneys."

In 2005, U.S. Attorney Steve Biskup, who was appointed by Bush, investigated these allegations of voter fraud and reported that he found no evidence on which to press charges.

It turns out that early in 2005, Republican officials in Wisconsin prepared a report titled "Fraud in Wisconsin 2004: A Timeline/Summary." The document, which was found in White House and Justice Department records released by the House Judiciary Committee, was written by Chris Lato, the former

communications director for the state Republican Party, on orders from Rick Wiley, the party's executive director. The 30-page report, which covers Aug. 31, 2004 to April 1, 2005, contains 65 entries detailing voter fraud. The final example is titled: "RPW [Republican Party of Wisconsin] News Release: Evidence of Election Fraud Piles Up."

The information contained in this Wisconsin compilation, made its way into a 78-page report released on July 21, 2005, by ACVR: "Vote Fraud, Intimidation & Suppression in the 2004 Presidential Election." In the introduction, the ACVR's Hearne and Lunde wrote that the report "documents hundreds of incidents and allegations from around the country. ... [T]housands of Americans were disenfranchised by illegal votes cast on Election Day 2004 ... [P]aid Democrat operatives were far more involved in voter intimidation and suppression activities than were their Republican counterparts. ... [R]equiring government-issued photo ID at the polls ... will help assure ... that no American is disenfranchised by illegal votes."

And who was behind this trail of misinformation? On April 7, Daniel Bice, a columnist for the *Milwaukee Journal Sentinel*, reported that a source familiar with the document told him, "The report was prepared for Karl Rove. Rick [Wiley] wanted it so he could give it to Karl Rove."

On April 6, 2006, in Washington, at the aforementioned speech to Republican Party attorneys, Rove began with a joke: "I ran into [AVCR's] Thor Hearne as I was coming in. He was leaving; he was smart, and he was leaving to go out and enjoy the day." Rove then told the assembled party lawyers, "We have, as you know, an enormous and growing problem with elections in certain parts of America today."

Rove should know. He helped grow the problem.

A Selective View of Fraud

**By: Joe Conason
New York Observer**

Even as Alberto Gonzales rehearses his excuses for the strange dismissal of eight United States Attorneys, which he will perform in public at a Senate hearing this week, he is looking like a marginal player in this scandal. The Attorney General fumbled his role, but in keeping with his Presidential nickname (Fredo), he probably never understood the broader scheme originating in the Bush White House.

Developed by deputy chief of staff Karl Rove, the President's top political aide, that scheme was evidently designed to advance his objective of discouraging minority voters and others with the bad habit of supporting Democratic candidates. In Republican parlance, such attempts to hamper registration, intimidate citizens and reduce turnout in targeted communities are lauded as "combating voter fraud." Several of the fired U.S. Attorneys had angered party operatives, including Mr. Rove, because they had shown so little enthusiasm for trumping up fraud cases against Democrats.

Following the 2004 election, David Iglesias, then serving as the U.S. Attorney in New Mexico, set up a task force to investigate Republican allegations of fraud. Those accusations boiled down to a single case where a woman had created a handful of phony registrations. (She did so for financial reasons, rather than out of any desire to manipulate the election.) When Mr. Iglesias declined prosecution for lack of airtight evidence, local Republicans began to demand his replacement with a more pliable and less professional prosecutor—a demand eventually fulfilled by Mr. Rove and President Bush.

In Wisconsin, by contrast, U.S. Attorney Steven Biskupic prosecuted voter-fraud allegations regardless of merit, winning big headlines when he indicted 14 black Milwaukee residents for casting ballots illegally. Nine of those cases were either tossed out or lost in court—an awful result compared with the normal conviction rate of over 90 percent. But at least the mediocre Mr. Biskupic—whose conviction of a Democratic state official was just overturned on appeal—managed to remain in the good graces of the White House and keep his job.

The Republican cry of "voter fraud" is a specious complaint, amplified by right-wing hacks to conceal the

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fact that in recent years, the most sustained efforts to interfere with orderly elections and voting rights can be traced to the Republican National Committee.

Harassing minority voters with bogus claims of fraud is a venerable tradition in the G.O.P., as anyone familiar with the career of the late Supreme Court Chief Justice William Rehnquist would know. Back in the early 60's, when Rehnquist was just another ambitious young lawyer in Arizona, he ran a partisan campaign to confront black and Hispanic voters over their "qualifications." Along with many of today's generation of Republican leaders, he was a stalwart of the Goldwater campaign in 1964, which garnered its handful of electoral votes in the South by opposing the Voting Rights Act.

Then came Richard Nixon's Southern strategy of nurturing racist grievances to build Republican majorities—around the time that a young operative named Karl Rove was rising in the party. Under his leadership, the G.O.P. has repeatedly been disgraced by conspiracies to diminish voter participation.

In 2002, Republican operatives used a telemarketing firm to illegally jam Democratic phone banks in New Hampshire to win the U.S. Senate seat now held by John Sununu. In 2004, Florida state officials sent armed officers into certain Orlando neighborhoods to scare elderly black registrants, while Republicans sought to challenge minority voters en masse in communities in Kentucky, Nevada, South Carolina, Pennsylvania and Ohio; and paid for the destruction of Democratic voter registrations in Nevada and Oregon.

Actual voter fraud of the kind decried in Republican propaganda is rare, according to nonpartisan experts. Although the White House recently rewrote a careful federal study by the Election Assistance Commission to hide that basic fact, it remains true that very few individuals intentionally seek to fabricate a registration or cast an illegal ballot. There are exceptions, of course—most notably illustrated by Republican celebrity Ann Coulter.

When the far-right columnist and television personality registered to vote in Palm Beach, Fla., in 2005, she wrote down the address of her realtor's office rather than her own home address. She then signed the form, despite its plain warning that falsifying any information on it would make her liable to felony prosecution—and which she, as a lawyer, surely understood. According to Palm Beach County election officials, she also voted in the wrong precinct the following year, disregarding a poll worker who explained her error. (Coulter fans can view her dubious voter-registration form online at www.bradblog.com.)

If proved, those acts would be crimes punishable by prison terms of up to five years, but Ms. Coulter has stonewalled the ongoing investigation. (She says the Palm Beach officials are syphilitic and mentally defective.) No charges have been filed so far, perhaps because her lawyer is a prominent Republican who worked on *Bush v. Gore* in 2000—and whom the President then appointed as U.S. Attorney for the Southern District of Florida. He must know a lot about voter fraud.

Voter ID laws need measured implementation

Timothy J. Ryan, AEI-Brookings, 4/17/2007

The controversy over laws that require citizens to present identification in order to vote returned to national attention last week with a prominent report cataloging steps that the Election Assistance Commission took to lessen the splash of a study examining voter fraud in the United States. Where the original study concluded that there is "widespread but not unanimous agreement that there is little polling place fraud," the version revised by the EAC finds that "there is a great deal of debate" about the prevalence of voter fraud and made other adjustments to temper the findings.

Voter ID laws tend to invite rancor because partisans on both sides of the aisle believe any changes could affect the outcome of various elections. Republicans generally express concern that lax requirements open the door for elections to be stolen by duplicate voters and the like, while Democrats point to a lack of evidence about the extent of fraud and fear that identification requirements dissuade a large number of poor and minority voters—traditionally Democratic constituencies—from voting. Many people in these demographics, the argument goes, do not have drivers' licenses or comparable

identification and can experience difficulty in acquiring them. Further, even the identifications that some states provide for free require documentation—birth certificates or the like—that themselves can require high fees. In this way, ID requirements are compared to modern poll taxes.

A balanced take on the situation is made more difficult by a terrible paucity of convincing evidence regarding both the extent of fraud and the degree to which ID requirements depress turnout. Timothy Vercellotti and David Anderson have released one study suggesting a small negative influence on turnout, but they will be the first to admit that good evidence is hard to come by and that their conclusions are hardly definitive. Similarly, Tova Wang, Spencer Overton, and others point to the fact that relatively few examples of voter fraud have been reported, but skeptics can always respond with the valid concern that fraud, being a criminal activity, is undetectable whenever it is successful. We only know about fraud when it is caught; who knows how much fraud escapes our attention? And even if fraud is uncommon today, could it not become a problem tomorrow?

Aside from the difficulty of balancing integrity and accessibility, proponents of voter ID laws argue that identification requirements will help to restore the flagging confidence in election administration (see Indiana Secretary of State Todd Rokita's Q&A here) and that the standards are needed to bring U.S. practices on par with the rest of the world; most advanced democracies require identification of some kind (though the onus of providing the ID oftentimes lies on the government).

Perhaps there are a few items within the debate upon which both sides of the aisle can agree. First, voter ID laws would not prevent all kinds of fraud or even the most consequential. Requiring an ID might prevent impersonation of other individuals at the polling places, but it would not, for example, prevent the stuffing of ballot boxes, either in the old, literal sense or the modern electronic equivalent: the subversion of machine software through hacking.

Second, it is difficult to perpetrate fraud—at least the kind of fraud that IDs are designed to prevent—in the volume that would be necessary to swing an election. Impersonating a voter would require either falsifying registration forms to place fictional voters on the rolls or stealing the persona of someone who had already registered. In the first case, an election thief would typically have to contrive fake addresses, a kind of fraud that could well be discovered if perpetrated on a large scale. Similarly, stealing the identity of a real person would require an assurance that the victim had not already voted. Otherwise, a fraudulent voter could be caught red-handed.

Furthermore, in-person fraud would require the perpetrators to travel to enough polling stations on Election Day so as to cast a significant number of fraudulent votes. How many polling places could a single person visit in one day? Fifteen? Perhaps twenty? Such a small number of fraudulent votes is unlikely to change the outcome of an election, and so it seems that any successful scheme would have to employ a group of individuals. Of course, as the number of perpetrators increases, so does the probability of being caught. How many of even the most avid partisans would undertake the formidable risk of jail time in order to marginally increase the likelihood of their favored candidate winning? In many ways, the kind of fraud that an ID requirement would prevent is akin to the counterfeiting of nickels and dimes: high risk for low reward.

Finally, any effort to neutralize voter fraud without a sober consideration of absentee voting would be sorely incomplete. Absentee voting, which routinely constitutes 30 percent or more of the votes cast in some states (such as California), requires no proof of ID and is very much the Achilles heel of election security. Because a single individual could theoretically acquire hundreds of absentee ballots and complete them in private, it is the method most likely to facilitate wholesale voter fraud. If fraud through impersonation is analogous to counterfeiting nickels and dimes, absentee voting could be the equivalent of counterfeiting \$100 bills. It is for this reason that efforts to encourage absentee voting, such as allowing absentee voting without an excuse, should be considered with great caution.

Nevertheless, if the states do want to employ some kind of ID requirement, they should take steps to minimize the possibility that ID laws will prevent legitimate votes from being cast. For instance, Virginia allows ID-less voters to cast a ballot as long as they are registered and sign an affidavit affirming their

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identity. It is a practice not altogether satisfactory to hard-liners on either side, but a reasonable middle ground between security and accessibility. Administrators might even consider strengthening this practice by allowing ID-less voters to check a box indicating that they do not own an acceptable identification. If checked, that individual would receive an ID application in the mail. He or she could then submit the application along with a utility bill or other proof of identity in order to receive a free voter identification card. To reinforce the affidavit's status as a short-term fix, voters who habitually show up to Election Day without an ID might eventually lose the privilege of identifying by affidavit.

There remains room for spirited debate about the merits of voter ID laws. One could plausibly favor them for reasons of confidence and facility of recordkeeping while still denying that large-scale fraud exists at all. Still, hastily implemented ID laws could disenfranchise legitimate voters to a far greater degree than they would prevent illegitimate voting. For this reason, lawmakers who genuinely seek to administer elections with an eye towards inclusiveness as well as integrity should consider the imposition of greater requirements with the utmost care.

Timothy J. Ryan can be reached at tryan@aei.org. This piece originally appeared in the AEI-Brookings Election Reform Project Newsletter.

What the Senators Should Ask Gonzalas

By Mark A.R. Kleiman

There are really only two questions the Senate Judiciary Committee needs to ask Alberto Gonzales today:

1. Why are you such a lying turkey?
2. When are you going to resign?

But that would make for an unduly short hearing, so here are a few more questions, just to fill in the time:

1. In your prepared testimony released over the weekend, you assert that you had no advance role in planning for the Pearl Harbor Day massacre. An email sent last year by your assistant, Kyle Sampson, says otherwise. Can you explain the discrepancy?
2. If you were concerned about the performance of the U.S. Attorneys who were fired, why didn't you or anyone from DoJ HQ write them to document those concerns and ask for plans of improvement? Isn't that normal management practice?
3. If you were concerned about the performance of the U.S. Attorneys who were fired, why did the Director of the Executive Office of U.S. Attorneys not know anything about those concerns until the firings happened?
4. Did anyone in the White House, directly or indirectly, ever express concern about Carol Lam's corruption investigations? Who? When? What was said?
5. Do you agree with the theory offered by U.S. Attorney Biskupic than anytime political considerations

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enter into the award of a public contract, that constitutes misappropriation of funds? Has the Public Integrity Section considered or brought such cases against any Bush Administration officials? Why not? And if you don't think that theory is legally sound, why does Mr. Biscupic still have a job?

6. Is it true that Karl Rove and/or Pete Domenici asked you to fire David Iglesias? If so, what were their stated reasons? Is it true that you refused to fire him without a direct order from the president? Did you ever discuss Mr. Iglesias's tenure with the president? Did he instruct you to fire Mr. Iglesias?

7. No doubt you've seen the letter sent by an anonymous group of DoJ career staff, charging that the Honors Program hiring process has been politicized, and that summa cum laude graduates of Harvard and Yale Law Schools chosen by the operating divisions as potential new hires were denied interviews on the orders of the Deputy Attorney General's office because their resumes indicated liberal political leanings or experience working for Democratic legislators. What inquiries have you made into the truth of those allegations? When can you have us a full report, with the names of the candidates redacted?

8. When was it decided that the Civil Rights Division would give preference in hiring to attorneys with no experience in civil rights law? Why? Is it helpful for fewer than half of the new hires to have relevant experience, compared to the historical average of more than three-quarters?

Or is it simply that less experienced attorneys generally aren't as likely as career professionals to resist political interference?

9. During your tenure, the Department has moved away from prosecuting cases of voter intimidation and suppression and toward prosecuting cases of "voter fraud." But you have yet to develop a case where there was any concerted effort to steal a federal election by having ineligible people vote, and in fact a high proportion of the "vote fraud" indictments brought have ended in acquittals. A consultant's report to the Election Assistance Commission found no evidence of any widespread vote fraud, but did find systematic voter suppression and intimidation. Why, in the face of this evidence, do the Department and the White House and the RNC continue to insist that "voter fraud" is a serious problem. If it is, why can't you seem to find any?

10. In your view, does the theory of the unitary executive bar the Justice Department from prosecuting White House officials for contempt of Congress if they refuse to comply with Congressional subpoenas?

11. After Deputy Attorney General Paul McNulty testified before this committee that the U.S. Attorney for Arkansas, Bud Cummins, had been let go for purely political reasons, Brian Roehrkasse of your public affairs staff, who was traveling with you in Argentina, sent an email to your chief of staff, Kyle Sampson, saying that you were unhappy with that testimony. Were you unhappy about it because it was false, or

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because it was true? If you thought it was false -- if you thought, that is, that the Deputy Attorney General of the United States had testified falsely before this committee -- why did you not notify the committee, or insist that Mr. McNulty notify the committee, about the error? If you didn't think it was false, what was the basis of your concern? Did you think it inappropriate for the Deputy Attorney General to tell the truth under oath?

12. There are conflicting stories about the role of the junior senator from Minnesota, Mr. Coleman, in the appointment of Rachel Paulose as U.S. Attorney. It would have been normal for the only senator of the President's party from the affected state to be consulted. Did you, or to your knowledge anyone in DoJ or the White House, ever discuss Ms. Paulose's appointment with Senator Coleman? If so, what was his advice?

13. What was your role in inserting the provision allowing the president to appoint replacement U.S. Attorneys without Senate confirmation into the USA PATRIOT Act reauthorization? To your knowledge, who first came up with that proposal? At what point did you first consider using that provision in connection with the Pearl Harbor Day massacre? How did it happen that Mr. Tolman, formerly the Chief Counsel to this committee who (according to the senator from Pennsylvania, Mr. Specter, then the Chairman) oversaw the somewhat surreptitious insertion of that provision into the law, then became United States Attorney for Utah? Why did the Department oppose the repeal of that provision after the Pearl Harbor Day massacre? What communications have you had with the senator from Arizona, Mr. Kyl, about his placing of a hold on that repeal proposal even after DoJ reversed its stated position?

14. Why wasn't Monica Goodling dismissed immediately after she asserted her right against self-incrimination in connection with the Pearl Harbor Day massacre? Would that not be consistent with the Department's pressure on corporations to fire employees who refuse to cooperate in investigations?

Mark Kleiman is Professor of Public Policy and Director of the Drug Policy Analysis Program at UCLA. He blogs for The Reality-Based Community.

A really important homework assignment

*By Joan Brunwasser
Op-Ed News*

A Really Important Homework Assignment
By Joan Brunwasser, Voting Integrity Editor, OpEdNews April 18, 2007

I am better at writing than doing, talking than doing, virtually anything than actually doing. I'm probably not the only one, but it sometimes makes a mockery of my so-called activism.

My heart is in the right place, but I was born in the wrong generation. High-tech is just not me. If I had been around in the early twentieth century, I would have been a hold-out for the horse and buggy, flustered by those whippersnappers flashing by in their horseless wonders. Paper and pencil are my

013934

preferred means of communication, which is why you'll never catch me with a PDA. My sore rear end is a result of my work at OpEdNews, not from surfing the web.

One of the perks of my role as voting integrity editor is that I've been able to connect and establish a rapport with many of the people who have been driving the election integrity movement over the last few years. I do my best to be fair, and I have no particular axe to grind, so people are pretty patient about my technological shortcomings. OpEdNews does its best to include as many of the activists and their work as possible, and we've done a pretty good job at it.

Brad Friedman is one of my cyber-buddies. I have gotten a great education on election integrity from BradBlog.com. His daily exposés are, for me, what I imagine a cup of coffee is for caffeine addicts. I need my fix to feel like I'm on top of things. We have corresponded for quite a while, and even once had a freewheeling phone conversation with the potential of turning into an interview (except for the fact that I don't know how to do interviews and my computer ate the file of the transcript that he sent me). I am grateful to him for teaching me how to insert links so that my articles would look more professional, even though I wasn't a particularly quick study.

I often feel like a cheerleader (finally, sort of fulfilling my aspirations as a junior high schooler). People do great work, and I commend them for it by posting their articles at OpEdNews to give them more exposure. But, in terms of being able to follow exactly what they're saying or actually follow through on their calls to action, there's the rub. And I don't think I'm the only one, either.

I've had an idea for a while about developing a prototype so that people could print it up and have it in front of them when they made calls to their secretaries of state to enlist their support for election reform. It's a project that is on my friend Nancy (of the Election Defense Alliance) Tobi's list, but the truth is that she is so busy with everything else she's doing, she hasn't been able to get to it yet. Nancy believes that our congressional representatives need to hear from their constituents, and that we all need to begin identifying which ones are on our side and which are not. We need to be strategic in order to win. (Stay tuned for your next assignment. Our template for contacting your congressional reps is in the works.)

In the meantime, there I am, full of good intentions. But, have I picked up the phone and called my own Secretary of State, Jesse White? No, I shamefacedly admit, I have not. And if I haven't, I venture to guess that most people haven't either.

Why haven't I? I'm uncomfortable doing it because I don't feel that I really get all the issues yet, which makes me tentative. That's why I thought of this how-to template that would lay out the issues in a very straightforward, easy-to-follow format. That way, I could just clutch it in front of me when I made my phone call.

I wrote Brad about his article on the latest electronic voting machine/EAC scandal - [click here](#) "Exclusive: ES&S Touch-Screen Voting Systems Found Vulnerable to 'Serious' Viral Vote-Flipping Attack; US Election Assistance Commission Refuses to Issue Warning" - which reads in part,

The vulnerability is said to allow for a single malicious user to introduce a virus into the system which "could potentially steal all the votes in that county, without being detected," according to a noted computer scientist and voting system expert who has reviewed the findings.

I commended Brad (and co-author Michael Richardson) on the post. This is what he wrote me when I asked what we can be doing.

[Make] noise, noise, noise. Any way possible. You're media! Call the EAC [Election Assistance Commission] and see if they have any explanation for that article!

When they give you the same old song and dance, report it again! Call a couple of the SoS offices at the affected states and ask them if they know their systems were found to have been vulnerable to viruses from a single person that could flip an entire county's election undetectedly, and ask them why they didn't

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know about it, since the EAC did, and if they think the EAC should have let them know. Etc.

Advance the story, report it. We could use ya, teammate!

So, here's what I did. I went online and got the telephone number of the EAC, (toll-free 866-747-1471) and the name of the director (Jeannie Layson).

Then, I went online again and got the link for the complete roster of all 50 states (<http://www.nass.org/sos/soscontact.html>) with the Secretaries of States and their phone and fax numbers, snail mail and e-mail addresses. In short, more information than you or I will ever need.

Then, I printed up a copy of the original article from April 16th by Michael Richardson and Brad Friedman (<http://www.bradblog.com/?p=4396#more-4396>) as well as an update that lists the 16 states affected by this newly discovered "virus vulnerability" (<http://www.bradblog.com/?p=4416>). So now I'm all set with everything I need.

Unfortunately, it's too late today to call. But, tomorrow, I will take all of my pieces and:

1. Call the EAC and ask them about the article and why they take no responsibility for contacting and warning the states affected by this serious breach. (Keep in mind that this incompetent group is about to be made a permanent fixture on the political landscape if HR 811 is passed.) I will note any comment, or refusal to comment.

2. Then, I will call as many of the 16 secretaries of state as I can to ask what they think about this article, which I will offer to fax or email to them. (I'm assuming that after one or two calls, it will be pretty easy and the words will just roll off my tongue.)

3. Then, I will contact my own secretary of state (thankfully, Illinois is not on this list, but we have plenty of our own problems) and discuss how we can work together on spreading the word about the problems with the EAC, electronic voting and HR 811.

4. Then, I will write another OpEdNews piece and tell you how it went!

Hopefully, you will all take heart from this boiled-down, step-by-step template and be empowered to follow the steps yourselves. Let me know where you got and what they said. Trust me when I say that this kind of approach can make a difference. In the meantime, we will be creating dozens - hopefully even hundreds or thousands - of citizen journalists who are stepping forward to do the job so disastrously abandoned by the mainstream corporate press.

I almost forgot the last step:

5. I will take my shoes off, put my feet up, and heave a big sigh of relief. Thanks, Brad, for making me do this. I feel a lot better now. And it wasn't even as hard as I thought it would be.

Authors Bio:

Joan Brunwasser of Citizens for Election Reform is a citizen activist working hard to restore and preserve free and fair elections. She started a lending library project to distribute the "Invisible Ballots" DVD in mid September 2005. In the following eighteen months, she loaned the DVD to almost 3,200 'borrowers' in 37 states, DC, Puerto Rico, Canada, Holland, England, Ireland and Japan. Since the DVD's release in spring 2004, there have been numerous studies and hacks, all of them critical of electronic voting. Her new focus is on raising public awareness about what's wrong with our elections and how to achieve a fair, secure and transparent election system. She welcomes your help in spreading the word. She has been the Voting Integrity Editor for Op Ed News since December 2005.

013938

Millender-McDonald reveals few details

After feeling ill earlier this month, House Administration Chairwoman Juanita Millender-McDonald (D) visited at least one doctor in Washington, D.C., and returned home to California prior to the April recess for several more sessions with physicians before informing House Democratic leaders Friday that she is suffering from cancer.

According to Millender-McDonald's chief of staff, Bandele McQueen, the Congresswoman, who has closely guarded information regarding her health over the years, has not even told her Capitol Hill staff what type of cancer she is suffering from or how aggressive it might be.

"We appreciate the concerns folks have for the Congresswoman, but at this point we don't have any more information on the type of cancer or the type of treatment," McQueen said.

Millender-McDonald's official leave of absence, granted by Majority Leader Steny Hoyer (D-Md.), extends through May 25.

"She's not going into the office this week or anything, but by being in the district she will have the ability, whether it's working from home or going into the office, to continue to conduct the business of the 37th," said McQueen. "But right now the main focus is making sure that she's well. Hence she's asked for this leave of absence. ... She is hoping to return as soon as possible."

However, McQueen added, "I would be lying to you if my concern is her return to Congress. My concern is her return to good health."

He added that Millender-McDonald has medical staff attending to her at home on an hourly basis, but he dismissed rumors that it was any kind of hospice situation.

On Wednesday, Millender-McDonald was elected, in absentia, to serve as vice chairwoman of the Joint Committee on the Library at the panel's organizational hearing.

During that session, several Members on both sides of the aisle expressed their sympathy and wishes for a speedy recovery, including Sen. Dianne Feinstein (D-Calif.), the newly elected chairwoman of the Library of Congress panel.

Immediately afterward, the Joint Committee on Printing held its organizational hearing, in which House Administration Vice Chairman Robert Brady (D-Calif.) was elected chairman of the joint panel (Feinstein will serve as his vice chairwoman). While the Printing gavel has in the past fallen to the chairman of the House Administration Committee, the decision that Brady would run the committee in the 110th Congress was made with input from the Democratic leadership well before Millender-McDonald announced her illness, according to Brady's chief of staff.

Meanwhile Brady will be leading the House Administration Committee during Millender-McDonald's absence, although he stressed on Wednesday that "I'm just keeping things warm until the lady comes back."

But while giving his remarks at the joint committee's meeting, House Administration ranking member Vernon Ehlers (R-Mich.) – who also is serving on both joint panels and led the Library committee in the 109th Congress – jokingly referred to Brady as "Mr. Mayor" in reference to his ongoing campaign for mayor of Philadelphia.

The primary for that election will be held more than a week before Millender-McDonald is due to return from her leave of absence.

When asked about the joke after the hearing, Ehlers simply noted that Brady will have "a very busy life" chairing the committee while seeking another office.

"But," he added, "it's Speaker [Nancy] Pelosi's (D-Calif.) appointment and he's going to have to decide if

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he wants to do it" while he's actively campaigning.

But even prior to this week's news about Millender-McDonald's illness, Republican committee staff have raised concerns about the panel's inaction in certain areas of jurisdiction including the Capitol Visitor Center project and Smithsonian Institution. Meanwhile, other House and Senate committees have been holding hearings on those subjects.

Earlier this month, Ehlers wrote a letter to Millender-McDonald criticizing Democratic leaders for not yet appointing Members to serve on the Franking Commission, which oversees House lawmakers' official mail. Ehlers pointed to a rise in unsolicited e-mail as "evidence of the toll that a lack of oversight has taken."

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013538

Jeannie Layson /EAC/GOV

04/17/2007 02:14 PM

To cbertelson@post-dispatch.com,

khorrigan@post-dispatch.com

cc

bcc

Subject EAC and the Vote Fraud and Voter Intimidation Project

Ms. Bertelson and Mr. Horrigan,

Thank you so much for speaking with me. Here's information about the vote fraud/voter intimidation project:

The vote fraud and voter intimidation project began in Sept. 2004. As I said, the statement that this project had been five years in the making is incorrect -- that predates the creation of the EAC. Commissioners were appointed in Dec. 2003, and the agency's first year of operations was 2004 with a \$1.2 million operating budget.

Also, any assertion that the administration edited the final report, Election Crimes: An Initial Review and Recommendations for Further Study, is absolutely false. And just to be clear, at no point in this process did the administration play any role at any time during the life of this project. As we discussed, EAC contracted with two consultants to do two things: define "vote fraud" and "voter intimidation" and provide recommendations for future study based on their review of court cases, literature and interviews with 24 people who have experience in these areas. On page 24 of the final report, there are links to appendices which contain the consultants' bios, as well as interview summaries, and all of the court cases and literature they reviewed. EAC advisory boards were briefed on this project at a public meeting in May 2006.

EAC staff reviewed every article, every court case and every interview for accuracy, as we have a responsibility to do. This review process was conducted within the agency by EAC staff. After the staff reviewed the document and edited it for accuracy, added information reflecting which recommendations the commission should adopt, it presented its recommended report to the commission. The commission adopted the final report at a public meeting in December 2006. This meeting was also webcast.

Since the adoption of the final report, the Commission's actions have been questioned by Members of Congress, the media and others. Yesterday, EAC Chair Donetta Davidson requested that the inspector general conduct a review surrounding the circumstances of this project and the voter ID research project. Go here to read the Commission's statement, the memo to the IG and the letters we've received from Congress.

Criticism is fair and healthy. However, I request that criticism be based on facts. It is not factual to state that it took five years to complete this project. And it is not factual to state that the administration played any role -- editing or otherwise -- in this project.

I request a correction that clarifies both of the above points. Also, I think it would be fair to point out that the chair has asked the IG to look into the process. You could link to the IG memo and let readers see our point of view, and the point of view of those who are critical of EAC decisions.

I thank both of you for your consideration in this matter. And again, let me reiterate the fair and professional treatment EAC has received from the reporters in the DC bureau. We look forward to answering any questions the editorial board or the news side of your organization has about EAC or its decisions or actions. Please don't hesitate to call me if I can be of assistance in the future.

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013939

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013940

Jeannie Layson /EAC/GOV
04/16/2007 05:54 PM

To "Adam Ambrogi" <Adam_Ambrogi@rules.senate.gov>
cc
bcc
Subject Re: Donetta requests IG review 

I'll check on the status of the response and I'll let them know about the hearing. Thanks again...

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: "Ambrogi, Adam (Rules)" [Adam_Ambrogi@rules.senate.gov]

Sent: 04/16/2007 05:54 PM AST

To: Jeannie Layson

Subject: RE: Donetta requests IG review

Thanks, Jeannie— I appreciate the 'head's up.' I had heard that from Bryan's list serve a couple of minutes before your email. I will make sure that Howard has seen the release and memo. I will forward it to Senator Durbin's Appropriations staff as well. When you have an estimated timeline for the Commission's projected response to Sens. Durbin and Feinstein, please let me know.

Also- I've been asked to let you all know that Chairman Feinstein has set a tentative date of June 13th for a hearing on the Election Assistance Commission. Beyond the tentative date—there are no other details.

I hope that you're doing ok— drop me a line or call if there's anything else that's new.

Best,
Adam

Adam D. Ambrogi
Counsel
Senate Committee on Rules and Administration
Russell Senate Office Building, Room 325B
Washington, D.C. 20510
202-224-0279

From: jlayson@eac.gov [mailto:jlayson@eac.gov]

Sent: Monday, April 16, 2007 4:10 PM

To: Ambrogi, Adam (Rules)

Subject: Donetta requests IG review

Just wanted to make sure you knew that Donetta has requested that the IG review the circumstances surrounding the voter ID and the vote fraud and voter intimidation research projects. Info is attached. Let me know if you have questions or need more info... Howard Gantman is on our distribution list, so he should have received this as well.

013941

Hope all is well with you...

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013942

Jeannie Layson /EAC/GOV
04/16/2007 04:03 PM

To "Hicks, Thomas"
<Thomas.Hicks@mail.house.gov>@GSAEXTERNAL
cc
bcc
Subject RE: FYI

I figured...

Jeannie Layson
U.S. Election Assistance Commission
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Phone: 202-566-3100
www.eac.gov
"Hicks, Thomas" <Thomas.Hicks@mail.house.gov>



"Hicks, Thomas"
<Thomas.Hicks@mail.house.gov>
04/16/2007 03:59 PM

To jlayson@eac.gov
cc
Subject RE: FYI

too late.:)

Thomas Hicks, JD
Committee on House Administration
1309 Longworth House Office Building
Washington, DC 20515-6167
202-225-2061 (phone)
202-225-7664 (fax)

From: jlayson@eac.gov [mailto:jlayson@eac.gov]
Sent: Monday, April 16, 2007 3:57 PM
To: Hicks, Thomas
Subject: FYI

Just wanted to give you a heads up that Donetta requested the IG review circumstances surrounding voter ID and vote fraud & intimidation projects.

Go [here](#) for more info.

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013943

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013944



"Bryan Whitener"
<bwhitener@eac.gov>

04/16/2007 03:38 PM

Please respond to
bwhitener@eac.gov

To jlayson@eac.gov

cc

bcc

Subject EAC Requests Review of Voter ID, Vote Fraud & Voter
Intimidation Research Projects, 04-16-07



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW – Suite 1100
Washington, DC 20005

For Immediate Release

April 16, 2007

Contact:

Jeannie Layson
Bryan Whitener
(202) 566-3100

EAC Requests Review of Voter ID, Vote Fraud and Voter Intimidation Research Projects

WASHINGTON - U.S. Election Assistance Commission (EAC) Chair Donetta Davidson today issued a formal request to the commission's inspector general to conduct a review of the commission's contracting procedures, including a review of two recent projects focusing on voter identification and vote fraud and voter intimidation. The chair's memo to the inspector general is attached (to view the memo and attachments, click [here](#)).

"The actions taken by the commission regarding these research projects have been challenged, and the commissioners and I agree that it is appropriate and necessary to ask the inspector general to review this matter," said EAC Chair Davidson.

Chair Davidson has requested that the inspector general specifically review the circumstances surrounding the issuance and management of the voter identification research project and the vote fraud and voter intimidation research project.

EAC is an independent bipartisan commission created by HAVA. It is charged with administering

013045

Jeannie Layson /EAC/GOV
04/16/2007 12:25 PM

To Gracia Hillman/EAC/GOV@EAC
cc. Caroline C. Hunter/EAC/GOV@EAC, Donetta L. Davidson/EAC/GOV@EAC, Juliet E. Hodgkins/EAC/GOV@EAC, Rosemary E.
bcc
Subject Re: IG Press Release 

The IG's request contains the following information, which is what was in the earlier version of the press release.

This report was the culmination of research conducted by Tova Wang and Job Serebrov, who were tasked with defining the terms vote fraud and voter intimidation and providing recommendations how to conduct extensive research in the future on these topics. The contract stated that the consultants were responsible for "creating a report summarizing the findings of this preliminary research effort and working group deliberations. This report should include any recommendations for future EAC research resulting from this effort."

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Gracia Hillman/EAC/GOV



Gracia Hillman /EAC/GOV
04/16/2007 12:11 PM

To Jeannie Layson/EAC/GOV@EAC, Caroline C. Hunter/EAC/GOV@EAC
cc. Donetta L. Davidson/EAC/GOV@EAC, Juliet E. Hodgkins/EAC/GOV@EAC, Rosemary E. Rodriguez/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC
Subject Re: IG Press Release 

What language did we use in the request to our IG?

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Jeannie Layson
Sent: 04/16/2007 12:01 PM EDT
To: Caroline Hunter
Cc: Donetta Davidson; Gracia Hillman; Juliet Hodgkins; Rosemary Rodriguez; Thomas Wilkey
Subject: Re: IG Press Release

013948

payments to states and developing guidance to meet HAVA requirements, implementing election administration improvements, adopting voluntary voting system guidelines, accrediting voting system test laboratories and certifying voting equipment and serving as a national clearinghouse and resource of information regarding election administration. The four EAC commissioners are Donetta Davidson, chair; Rosemary E. Rodríguez, Caroline Hunter and Gracia Hillman.

###

013947

Sorry bout that... is this sentence acceptable to everyone? It's the last sentence in the fifth paragraph.
Revised press release is attached.

"EAC staff reviewed the consultants' material, and found inconsistencies in their conclusions and the data they submitted. The material in the final report was motivated by a responsibility, especially as a federal agency, to issue findings only when they are supported by data that can enable EAC to firmly defend its conclusions."

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Caroline C.
Hunter/EAC/GOV

To Jeannie Layson/EAC/GOV@EAC
04/16/2007 11:38 AM cc Donetta L. Davidson/EAC/GOV@EAC, ghillman@eac.gov, Juliet E. Hodgkins/EAC/GOV@EAC, Rosemary
E. Rodriguez/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC
Subj Re: IG Press Release [Link](#)
ect

I was referring to the fraud study and why we did not release the contractor's report

Caroline C. Hunter
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Jeannie
Layson/EAC/GOV

To Caroline C. Hunter/EAC/GOV@EAC
04/16/2007 11:33 AM cc Donetta L. Davidson/EAC/GOV@EAC, ghillman@eac.gov, Juliet E. Hodgkins/EAC/GOV@EAC, Rosemary
E. Rodriguez/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC
Subj Re: IG Press Release [Link](#)
ect

013948

It's in there... first sentence in the fourth paragraph: "Last month, the commission voted unanimously to launch a comprehensive study focused on voter identification laws **after concluding that initial research it received in a report was not sufficient to draw any conclusions.**"

Please let me know if that is sufficient.

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Caroline C.
Hunter/EAC/GOV

04/16/2007 11:28 AM To Jeannie Layson/EAC/GOV@EAC
cc Donetta L. Davidson/EAC/GOV@EAC, ghillman@eac.gov, Juliet E. Hodgkins/EAC/GOV@EAC, Rosemary E. Rodriguez/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC
Subj Re: IG Press Release [Link](#)
ect

Could we pls add a sentence about why we did not adopt the fraud report - ie- had conclusions that were not supported by the underlying research.

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Jeannie
Layson/EAC/GOV

013949

04/16/2007 11:13 AM

To Donetta L. Davidson/EAC/GOV, ghillman@eac.gov, Caroline C. Hunter/EAC/GOV@EAC, Rosemary E. Rodriguez/EAC/GOV@EAC

cc Thomas R. Wilkey/EAC/GOV@EAC, Juliet E. Hodgkins/EAC/GOV@EAC

Subje IG Press Release
ct

Commissioners,

Per the chair's request, I have drafted the following press release to communicate the commission's decision to ask the IG to review our contract procedures. Please let me know if this is okay with all of you. I would like this to go out ASAP, so if you could get back to me with any comments before noon, I would appreciate it. Sorry for the short turnaround, but I think circumstances demand that this get out immediately. Thank you.

After you give me the okay on the press release, I will send everything to staff before releasing it.

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013950

Rosemary E.
Rodriguez/EAC/GOV
04/16/2007 12:19 PM

To Jeannie Layson/EAC/GOV
cc Caroline C. Hunter/EAC/GOV@EAC, Donetta L.
Davidson/EAC/GOV@EAC, ghillman@eac.gov, Juliet E.
Hodgkins/EAC/GOV@EAC, Thomas R.
bcc
Subject Re: IG Press Release 

Since it's Donetta's statement, I think she should her consent is important. I don't see a need to defend our actions in this release but simply to announce that we have asked the IG to take a look.

Rosemary E. Rodriguez
Commissioner
United States Election Assistance Commission
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rrodriguez@eac.gov

Jeannie Layson/EAC/GOV

Jeannie Layson /EAC/GOV
04/16/2007 12:01 PM

To Caroline C. Hunter/EAC/GOV@EAC
cc Donetta L. Davidson/EAC/GOV@EAC, ghillman@eac.gov,
Juliet E. Hodgkins/EAC/GOV@EAC, Rosemary E.
Rodriguez/EAC/GOV@EAC, Thomas R.
Wilkey/EAC/GOV@EAC
Subject Re: IG Press Release 

Sorry about that... is this sentence acceptable to everyone? It's the last sentence in the fifth paragraph. Revised press release is attached.

"EAC staff reviewed the consultants' material, and found inconsistencies in their conclusions and the data they submitted. The material in the final report was motivated by a responsibility, especially as a federal agency, to issue findings only when they are supported by data that can enable EAC to firmly defend its conclusions."



EAC IGRequest 04-16-07FINAL.doc Jeannie Layson
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Caroline C. Hunter/EAC/GOV

013951

Caroline C. Hunter/EAC/GOV

04/16/2007 11:38 AM

To Jeannie Layson/EAC/GOV@EAC

cc Donetta L. Davidson/EAC/GOV@EAC, ghillman@eac.gov,
Juliet E. Hodgkins/EAC/GOV@EAC, Rosemary E.
Rodriguez/EAC/GOV@EAC, Thomas R.
Wilkey/EAC/GOV@EAC

Subject Re: IG Press Release [1]

I was referring to the fraud study and why we did not release the contractor's report

Caroline C. Hunter
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www.eac.gov

Jeannie Layson/EAC/GOV

Jeannie Layson /EAC/GOV

04/16/2007 11:33 AM

To Caroline C. Hunter/EAC/GOV@EAC

cc Donetta L. Davidson/EAC/GOV@EAC, ghillman@eac.gov,
Juliet E. Hodgkins/EAC/GOV@EAC, Rosemary E.
Rodriguez/EAC/GOV@EAC, Thomas R.
Wilkey/EAC/GOV@EAC

Subject Re: IG Press Release [1]

It's in there... first sentence in the fourth paragraph: "Last month, the commission voted unanimously to launch a comprehensive study focused on voter identification laws **after concluding that initial research it received in a report was not sufficient to draw any conclusions.**"

Please let me know if that is sufficient.

Jeannie Layson
U.S. Election Assistance Commission
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Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov
Caroline C. Hunter/EAC/GOV

Caroline C. Hunter/EAC/GOV

04/16/2007 11:28 AM

To Jeannie Layson/EAC/GOV@EAC

cc Donetta L. Davidson/EAC/GOV@EAC, ghillman@eac.gov,
Juliet E. Hodgkins/EAC/GOV@EAC, Rosemary E.

013952

Rodriguez/EAC/GOV@EAC, Thomas R.
Wilkey/EAC/GOV@EAC
Subject Re: IG Press Release 

Could we pls add a sentence about why we did not adopt the fraud report - ie- had conclusions that were not supported by the underlying research.

Caroline C. Hunter
Commissioner
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Jeannie Layson/EAC/GOV

Jeannie Layson /EAC/GOV
04/16/2007 11:13 AM

To Donetta L. Davidson/EAC/GOV, ghillman@eac.gov, Caroline
C. Hunter/EAC/GOV@EAC, Rosemary E.
Rodriguez/EAC/GOV@EAC
cc Thomas R. Wilkey/EAC/GOV@EAC, Juliet E.
Hodgkins/EAC/GOV@EAC
Subject IG Press Release

Commissioners,
Per the chair's request, I have drafted the following press release to communicate the commission's decision to ask the IG to review our contract procedures. Please let me know if this is okay with all of you. I would like this to go out ASAP, so if you could get back to me with any comments before noon, I would appreciate it. Sorry for the short turnaround, but I think circumstances demand that this get out immediately. Thank you.

After you give me the okay on the press release, I will send everything to staff before releasing it.



EAC IGRequest 04-16-07.doc

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013953



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW – Suite 1100
Washington, DC 20005

EAC Requests Review of Voter ID, Vote Fraud and Voter Intimidation Research Projects

For Immediate Release
April 16, 2007

Contact: Jeannie Layson
Bryan Whitener
(202) 566-3100

WASHINGTON – U.S. Election Assistance Commission (EAC) Chair Donetta Davidson today issued a formal request to the commission's inspector general to conduct a review of the commission's contracting procedures, including a review of two recent projects focusing on voter identification and vote fraud and voter intimidation. The chair's memo to the inspector general is attached.

"The actions taken by the commission regarding these research projects have been challenged, and the commissioners and I agree that it is appropriate and necessary to ask the inspector general to review this matter," said EAC Chair Davidson.

Chair Davidson has requested that the inspector general specifically review the circumstances surrounding the issuance and management of the voter identification research project and the vote fraud and voter intimidation research project.

Last month, the commission voted unanimously to launch a comprehensive study focused on voter identification laws after concluding that initial research it received in a report was not sufficient to draw any conclusions. The commission declined to adopt the report, but released all of the data to the public. The report and the research, conducted by Rutgers, the State University of New Jersey, through its Eagleton Institute of Politics, are available at www.eac.gov.

At a public meeting in December 2006, the commission adopted *Election Crimes: An Initial Review and Recommendations for Further Study*, available at www.eac.gov. This report was the culmination of research conducted by Tova Wang and Job Serebrov, who were tasked with defining the terms vote fraud and voter intimidation and providing recommendations how to conduct extensive research in the future on these topics. The contract stated that the consultants were responsible for "creating a report summarizing the findings of this preliminary research effort and working group deliberations. This report should include any recommendations for future EAC research resulting from this effort." EAC staff reviewed the consultants' material, and found inconsistencies in their conclusions and the data they submitted. The material in the final report was motivated by a responsibility, especially as a federal agency, to issue findings only when they are supported by data that can enable EAC to firmly defend its conclusions.

EAC is an independent bipartisan commission created by HAVA. It is charged with administering payments to states and developing guidance to meet HAVA requirements, implementing election administration improvements, adopting voluntary voting system guidelines, accrediting voting system test laboratories and certifying voting equipment and serving as a national clearinghouse and resource of information regarding election administration. The four EAC commissioners are Donetta Davidson, chair; Rosemary Rodriguez, Caroline Hunter and Gracia Hillman.

###

Deliberative Process
Privilege 013954

Caroline C. Hunter/EAC/GOV
04/16/2007 11:38 AM

To Jeannie Layson/EAC/GOV@EAC
cc Donetta L. Davidson/EAC/GOV@EAC, ghillman@eac.gov,
Juliet E. Hodgkins/EAC/GOV@EAC, Rosemary E.
Rodriguez/EAC/GOV@EAC, Thomas R.
bcc

Subject Re: IG Press Release

History: This message has been replied to.

I was referring to the fraud study and why we did not release the contractor's report

Caroline C. Hunter
Commissioner
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www.eac.gov

Jeannie Layson/EAC/GOV

Jeannie Layson /EAC/GOV
04/16/2007 11:33 AM

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013958

Wilkey/EAC/GOV@EAC
Subject Re: IG Press Release 

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cc Thomas R. Wilkey/EAC/GOV@EAC, Juliet E.
Hodgkins/EAC/GOV@EAC
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EAC IGRequest 04-16-07.doc

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013956



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW – Suite 1100
Washington, DC 20005

EAC Requests Review of Voter ID, Vote Fraud and Voter Intimidation Research Projects

For Immediate Release
April 16, 2007

Contact: Jeannie Layson
Bryan Whitener
(202) 566-3100

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###

013957

Jeannie Layson /EAC/GOV
04/16/2007 11:13 AM

To Donetta L. Davidson/EAC/GOV, ghillman@eac.gov, Caroline
C. Hunter/EAC/GOV@EAC, Rosemary E.
Rodriguez/EAC/GOV@EAC
cc Thomas R. Wilkey/EAC/GOV@EAC, Juliet E.
Hodgkins/EAC/GOV@EAC
bcc

Subject IG Press Release

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EAC IGRequest 04-16-07.doc

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013958



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April 16, 2007

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###

Jeannie Layson /EAC/GOV

04/16/2007 10:18 AM

To Donetta L. Davidson/EAC/GOV, ghillman@eac.gov, Caroline C. Hunter/EAC/GOV@EAC, Rosemary E.

Rodriguez/EAC/GOV@EAC

cc Thomas R. Wilkey/EAC/GOV@EAC, Juliet E.

Hodgkins/EAC/GOV@EAC

bcc

Subject Chair Requests Internal Review

Commissioners,

The chair has asked me to provide you with the memo she just submitted to Curtis Crider, requesting a review of our contracting procedures surrounding the voter identification and vote fraud and voter intimidation research projects. She has asked me to write a press release about this decision, which I will send to you shortly. She requests that we incorporate the commission's request into the letter to the advisory boards and to Congresswoman Lofgren. She also requests that we respond to Sen. Feinstein's letter, letting her know that we are working to comply with her request, but we wanted to alert her to the action we've taken.

I am going to circulate this to the staff so everyone will be aware of this action. Please let me know if you have any questions, and I will have a press release for your review shortly. Attached to the press release will be this memo, letters from Members of Congress regarding this issue, and the recent statements from Congressmen Hinchey and Serrano.



IG Review Req. 4-16-07.doc

Jeannie Layson
U.S. Election Assistance Commission
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Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

013960



April 16, 2007

MEMORANDUM

To: EAC Inspector General Curtis Crider
Fr: EAC Chair Donetta Davidson
Cc: Commissioners Rodriguez, Hillman and Hunter, Tom Wilkey, and Julie Hodgkins
RE: EAC requests review of contracting procedures

On Friday, April 13, each of my three colleagues – Rosemary Rodriguez, Gracia Hillman, and Caroline Hunter -- agreed with my recommendation that we issue the following formal request to the Commission’s Office of Inspector General to review the circumstances surrounding two recent EAC research projects – vote fraud and voter intimidation and voter identification.

Background

The U.S. Election Assistance Commission (EAC) is an independent, bipartisan Commission created by the Help America Vote Act (HAVA) of 2002.

EAC develops guidance to meet HAVA requirements, adopts voluntary voting system guidelines, accredits voting system test laboratories, certifies voting systems and audits the use of HAVA funds. HAVA also directs EAC to maintain the national mail voter registration form developed in accordance with the National Voter Registration Act (NVRA) of 1993.

The Commission serves as a national clearinghouse and resource of information regarding election administration. It is under the Commission’s clearinghouse role that research projects are conducted with the goal of providing information that will lead to improvements in election administration, as well as inform the public about how, where and when we vote.

The voter identification research was conducted by Rutgers, the State University of New Jersey, through its Eagleton Institute of Politics (“Contractor”). The contract, awarded in May 2005, required the Contractor to perform a review and legal analysis of state legislation, administrative procedures and court cases, and to perform a literature review on other research and data available on the topic of voter identification requirements. Further, the Contractor was asked to analyze the problems and challenges of voter identification, to hypothesize alternative approaches and to recommend various policies that could be applied to these approaches. Last month, the commission voted

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unanimously not to adopt the report, citing concerns with its methodology, but voted to release all of the data provided by the Contractor.

The vote fraud and voter intimidation research was conducted by Tova Wang and Job Serebrov ("Consultants"). The contracts, awarded in September 2005, issued to these Consultants tasked them with defining the terms vote fraud and voter intimidation and providing recommendations how to conduct extensive research in the future on these topics. The contract stated that the Consultants were responsible for "creating a report summarizing the findings of this preliminary research effort and Working Group deliberations. This report should include any recommendations for future EAC research resulting from this effort."

Review Request

The actions taken by the Commission regarding both the voter identification and the vote fraud and voter intimidation research projects have been challenged. Specifically, Members of Congress, the media, and the public have suggested that political motivations may have been part of the Commission's decision making process regarding these two projects. Also, the Commission has been criticized for the amount of taxpayer dollars that were spent on these two projects, as well as how efficiently these projects were managed.

The Commission takes these allegations very seriously, and we request that you fully review the following issues and provide the Commission and the Congress with a report of your findings as soon as possible. The Commission stands ready to assist you in these efforts and will provide whatever information, including memos, emails and other documents you will need. Cooperating with your review will be the staff's top priority.

1. Current Commission policy regarding awarding and managing research contracts.
2. Issuance and management of the vote fraud and voter intimidation contract.
3. Circumstances surrounding the receipt of information from Consultants regarding the vote fraud and voter intimidation project.
4. Circumstances surrounding staff efforts to write a final report for Commission consideration.
5. Identification of staff members who assisted in the editing and collaboration of the final vote fraud and voter intimidation report for Commission consideration.
6. Staff and/or Commissioner collaboration with political entities or other federal agencies regarding the vote fraud and voter intimidation project.
7. Circumstances surrounding Commission discussion and deliberation of final adoption of *Election Crimes: An Initial Review and Recommendation for Further Study*.
8. Issuance and management of the voter identification contract.
9. Circumstances surrounding the receipt of information from Contractor regarding the voter identification report.
10. Identification of staff members who assisted in the editing, collaboration, and recommendation to the Commission regarding final adoption of the voter identification report.

11. Staff and/or Commissioner collaboration with political entities or other federal agencies regarding the voter identification project.
12. Circumstances surrounding Commission deliberation whether to adopt a final voter identification report.

For your information, I have attached statements and related correspondence from Members of Congress, and a statement issued by the Commission regarding the criticism.

It is our hope that your findings will instruct us how to move forward in a more efficient, effective and transparent manner. The Commission takes its mandates under HAVA very seriously, and this small Commission has an enormous amount of work to conduct, including testing and certifying voting equipment, providing guidance and assistance to election officials, and auditing the proper use of the \$3.1 billion that was distributed under HAVA.

We look forward to your findings so that we may take the actions necessary to improve the way we conceive research projects, manage research contracts, and make decisions regarding the final release of data provided to the Commission from a third party.

Jeannie Layson /EAC/GOV

04/11/2007 10:58 AM

To EAC Personnel

cc

bcc

Subject EAC Statement

Hello everyone,

I'm sure you have read the article in today's NYT about the voter fraud report this agency issued. Today, Congressmen Hinchey and Serrano have issued the following statement. Very shortly, EAC will post and distribute the attached statement to articulate our role and approach to conducting research and the steps we will take to improve our process. Please let me know if you have any questions about this, as I am sure we will all receive phone calls today about this issue. You may also direct people with questions to the statement that will be on the website. I will keep everyone informed as this situation evolves.



2007-11 (4-11-07) Statement on Research & Contracting Policies.pdf

For
Immediate
Release

April 11, 2007

Hinchey, Serrano Urge Non-Partisanship, Greater Transparency at Election Assistance Commissic

Washington, DC - Today, Congressmen Maurice Hinchey (NY-22) and José E. Serrano (NY-16) urged the Election Assistance Commission (EAC) to act with greater transparency and without partisanship. The comments from the congressmen came as the House Appropriations Subcommittee on Financial Services and General Government released a draft version of an EAC report on voter fraud and intimidation that shows significant changes were made to the findings of outside experts before the final report was released.

"The EAC has an obligation to be forthright with the American people and oper transparently and in a non-partisan manner," said Congressman Hinchey, who requested the draft report from EAC Commissioner Donetta L Davidson during subcommittee hearing last month. "The draft report was commissioned with taxpayer dollars upon a mandate from Congress so that we could learn more about voter fraud and intimidation. The need for this report is even more clear when we see the way in which the Bush administration is carrying out the electoral process and how this system is sliding towards corruption In hiding a draft report from the public that is significantly different from the final version the EAC has created a lot more questions than it is has answered while stuntin debate on the issue. In order for our democracy to function properly it is essential that our elections are free of any corruption and that includes ensurin that the EAC does not work to benefit one political party over the other. To achieve that goal we must have all the facts and opinions on the table not just

013964

some of them. The EAC must never limit discussion and debate."

"The EAC is charged with helping to ensure our elections are trustworthy and administered fairly," said Congressman Serrano, who is Chair of the Appropriations Subcommittee that oversees the EAC budget. "I'm concerned if changes were made to the report on voter fraud because of partisan bias rather than impartial analysis. When you read the draft report side-by-side with the final version, it is clear that important conclusions of the experts who wrote the draft report were excluded from the final product. Among the excluded information is an analysis that undermines the notion that voter fraud is rampant

"I am concerned that the EAC did not publicly release the taxpayer-funded draft report, and I worry that political considerations may have played a role. We cannot have a politicized EAC, or one that yields to outside pressure. Our democracy, and the American people's faith in it, is far more important than any short-term political advantage."

The draft report was written by outside experts under contract with the EAC. The final report was entitled "Election Crimes: An Initial Review and Recommendations for Future Study" and was issued on December 7, 2006.

The EAC is an independent bipartisan commission created by the 2002 Help America Vote Act in order to disburse funds to the states for the purchase of new voting systems, certify voting technologies, develop guidelines and serve as an information resource for election administration.

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013985



U.S. ELECTION ASSISTANCE COMMISSION
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EAC Statement Regarding Research and Contracting Policies

Commission to Review Internal Procedures

For Immediate Release
April 11, 2007

Contact: Jeannie Layson
Bryan Whitener
(202) 566-3100

WASHINGTON – The Help America Vote Act of 2002 (HAVA) directs the Election Assistance Commission (EAC) to serve as a national clearinghouse and resource by, among other things, conducting studies with the goal of improving the administration of federal elections. To fulfill this mandate, the EAC has entered into contracts with a variety of persons and entities. Reports adopted by the EAC, a bipartisan federal entity, are likely to be cited as authoritative in public discourse. Prior to the EAC's adopting a report submitted by a contractor, the EAC has the responsibility to ensure its accuracy and to verify that conclusions are supported by the underlying research.

The Commission takes input and constructive criticism from Congress and the public very seriously. We will take a hard look at the way we do business. Specifically, we will examine both the manner in which we have awarded contracts and our decision-making process regarding the release of research and reports. The EAC takes its mandates very seriously, and we will continue to move forward in a bipartisan way to improve the way America votes.

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###

013886

Jeannie Layson /EAC/GOV

04/11/2007 10:26 AM

To StricklerL@cbsnews.com

cc

bcc

Subject your questions

Laura,

The fraud and intimidation research contract was for \$147,106, and the voter ID and provisional voting research contract was \$560,002. Voter ID was only part of the contract. It also tasked Eagleton to provide information about provisional voting practices. In Oct. 2006, the Commission issued provisional voting best practices.

Please let me know if you need anything else, and I'll send you the statement as soon as it's ready to go.

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013967

Rosemary E.
Rodriguez/EAC/GOV
03/30/2007 03:23 PM

To jlayson@eac.gov
cc
bcc
Subject Fw: Fraud Report

Rosemary E. Rodriguez
Commissioner
United States Election Assistance Commission
1225 New York Avenue, N.W.
Suite 1100
Washington, D.C. 20005
Telephone: 202-566-3104
Facsimile: 202-566-3127
www.eac.gov
rrodriguez@eac.gov

----- Forwarded by Rosemary E. Rodriguez/EAC/GOV on 03/30/2007 03:21 PM -----

Rosemary E. Rodriguez/EAC/GOV

03/30/2007 03:20 PM

To DDavidson@useac.gov, GHillman@useac.gov, CHunter@useac.gov
cc TWilkey@useac.gov
Subject Fraud Report

I would very much like to explore the possibility of reconsidering the decision to release the Fraud Report.
How can I get this on our agenda?

Rosemary E. Rodriguez
Commissioner
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rrodriguez@eac.gov

013968

FOR IMMEDIATE RELEASE

CONTACT: Drew Courtney or Josh Glasstetter

October 20, 2006

at 202-467-4999 / media@pfaw.org

PFAW Presses Election Assistance Commission to Release Report Debunking Myth of Voter "Fraud"

Despite requests, the Election Assistance Commission is refusing to release a report written months ago that reportedly pokes holes in the widespread myth that voter fraud is rampant in America. EAC Chairman Paul S. DeGregorio Thursday denied a request by People For the American Way Foundation (PFAWF) to make the taxpayer-funded findings available to the public in time for the November elections, now less than three weeks away. PFAWF President Ralph G. Neas said the information should be released immediately and questions whether the report is being suppressed for political reasons.

The existence of the report was revealed days ago by *USA Today*, which reported that instances in which non-eligible persons attempt to pass themselves off as voters and somehow cast fraudulent votes are exceedingly rare. PFAWF's sister advocacy organization, People For the American Way, has launched a petition drive asking the commissioners to release the report, since it will refute rampant allegations of voter fraud which have led to restrictive voting requirements.

"As we approach the elections, the last thing election officials need is to labor under the false impression that ineligible people are trying to pass themselves off as qualified voters at the polls. They should be focusing on ways to keep the path to the ballot box clear for as many eligible voters as possible, instead of looking for nonexistent fraud that will slow down the process and possibly even discourage eligible voters," said PFAW President Ralph G. Neas. "We need to raise confidence in our elections process, not allow harmful myths to stand – especially when the government has findings available to refute them."

Neas sent a letter on behalf of PFAW Foundation to the EAC earlier this week asking that the report be made available to the public, but on Thursday the EAC denied the request. The report was written by Tova Wang, an elections scholar at the Century Foundation think tank, and Job Serebrov, an Arkansas attorney, and has been in the hands of the EAC commissioners for more

013969

than four months.

Neas said the report has critical implications for election legislation around the country. During the past few years, a number of states have passed legislation to combat supposed “voter fraud” through overly restrictive identification requirements and other impediments to the ballot box. According to USA Today, the report found such voter fraud to be exceedingly rare.

“We have plenty of problems to deal with. We’ve all seen long lines, unreliable voting equipment, purges that wrongly remove eligible voters from the roll. It turns out the problem is not that bad people are trying to vote, but that too many qualified voters are discouraged from voting. This report apparently confirms what common sense has told us for years – we need to make it easier for eligible voters to cast a vote that counts, not harder,” said Neas. “Instead of fighting nonexistent fraud, these restrictive new laws will discourage voters – people like senior citizens, students and disabled voters who may not have drivers’ licenses or other forms of ID required by these new laws. That’s just wrong, and is clearly not supported by the evidence.”

Neas said the new laws are often politically motivated. The misleadingly-named right-wing group the American Center for Voting Rights has supported extremely restrictive laws by pointing to supposed voting fraud.

“Any law that disadvantages certain groups of voters – like senior citizens and students – should be suspect. If the voters are disadvantaged, which political parties and candidates stand to gain? The same question should be asked about the reason the release of this report has been delayed. Is there a political motivation?” he asked. “Has this study been buried because anti-voter activists like the American Center for Voting Rights find its conclusions inconvenient? That’s unacceptable. The Commissioners of the EAC have had this report for months, even as they have testified before Congress on critical legislation that could have been informed by the report’s findings. It’s unconscionable.”

Laws passed in several states this year raise barriers to the ballot box that would prevent poor, elderly, and minority voters from casting a ballot. PFAW’s sister organization, People For the American Way Foundation, has challenged laws in Ohio, Missouri, and Arizona; in all three, the laws were either struck down or stayed until after the November election. Yet restrictions still in effect in a number of states could harm voters. One such provision, stringent ID requirement, has been likened to a modern day poll tax.

013970

Said Neas, "All American citizens have a vested interest in having fair and open elections. This report contains valuable information that can help us do that. The EAC should release the report immediately, no matter what the political implications may be and hold public hearings to discuss the findings."

PFAW's petition can be found at www.ReleaseTheReport.com.

Laura Strickler, Producer

CBS Evening News, Washington

Office: 202-457-1597

Blackberry: 646-460-6175

Fax: 202-457-1577

Cell : 917-499-6459

stricklerl@cbsnews.com

013571

Thomas R. Wilkey/EAC/GOV
10/30/2006 10:04 AM

To Jeannie Layson/EAC/GOV@EAC
cc ggilmour@eac.gov, jthompson@eac.gov
bcc
Subject Re: Fw: response 

On the money as far as I am concerned

Thomas R. Wilkey
Executive Director
US Election Assistance Commission
1225 New York Ave, NW - Suite 1100
Washington, DC 20005
(202) 566-3109 phone
TWilkey@eac.gov
Jeannie Layson/EAC/GOV

Jeannie Layson /EAC/GOV
10/30/2006 09:03 AM

To ggilmour@eac.gov, jthompson@eac.gov, twilkey@eac.gov
cc
Subject Fw: response

Need you to let me know if this response is okay ASAP:

EAC staff presented a status report about this research project to our advisory boards at a public meeting in May. Since then, we've received a draft from the consultants and EAC staff is currently reviewing the data to ensure it is accurate and complete. After we've completed this process, we'll release a final report.

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

----- Forwarded by Jeannie Layson/EAC/GOV on 10/30/2006 08:59 AM -----
"Strickler, Laura" <StricklerL@cbsnews.com>

10/27/2006 05:34 PM

To jlayson@eac.gov
cc

013972

Hey Jeannie - thanks for all of your help yesterday -

got any response/thoughts on this?

Thanks

FOR IMMEDIATE RELEASE

CONTACT: Drew Courtney or Josh Glasstetter

October 20, 2006

at 202-467-4999 / media@pfaw.org

PFAW Presses Election Assistance Commission to Release Report Debunking Myth of Voter "Fraud"

Despite requests, the Election Assistance Commission is refusing to release a report written months ago that reportedly pokes holes in the widespread myth that voter fraud is rampant in America. EAC Chairman Paul S. DeGregorio Thursday denied a request by People For the American Way Foundation (PFAWF) to make the taxpayer-funded findings available to the public in time for the November elections, now less than three weeks away. PFAWF President Ralph G. Neas said the information should be released immediately and questions whether the report is being suppressed for political reasons.

The existence of the report was revealed days ago by *USA Today*, which reported that instances in which non-eligible persons attempt to pass themselves off as voters and somehow cast fraudulent votes are exceedingly rare. PFAWF's sister advocacy organization, People For the American Way, has launched a petition drive asking the commissioners to release the report, since it will refute rampant allegations of voter fraud which have led to restrictive voting requirements.

"As we approach the elections, the last thing election officials need is to labor under the false

impression that ineligible people are trying to pass themselves off as qualified voters at the polls. They should be focusing on ways to keep the path to the ballot box clear for as many eligible voters as possible, instead of looking for nonexistent fraud that will slow down the process and possibly even discourage eligible voters,” said PFAW President Ralph G. Neas. “We need to raise confidence in our elections process, not allow harmful myths to stand – especially when the government has findings available to refute them.”

Neas sent a letter on behalf of PFAW Foundation to the EAC earlier this week asking that the report be made available to the public, but on Thursday the EAC denied the request. The report was written by Tova Wang, an elections scholar at the Century Foundation think tank, and Job Serebrov, an Arkansas attorney, and has been in the hands of the EAC commissioners for more than four months.

Neas said the report has critical implications for election legislation around the country. During the past few years, a number of states have passed legislation to combat supposed “voter fraud” through overly restrictive identification requirements and other impediments to the ballot box. According to USA Today, the report found such voter fraud to be exceedingly rare.

“We have plenty of problems to deal with. We’ve all seen long lines, unreliable voting equipment, purges that wrongly remove eligible voters from the roll. It turns out the problem is not that bad people are trying to vote, but that too many qualified voters are discouraged from voting. This report apparently confirms what common sense has told us for years – we need to make it easier for eligible voters to cast a vote that counts, not harder,” said Neas. “Instead of fighting nonexistent fraud, these restrictive new laws will discourage voters – people like senior citizens, students and disabled voters who may not have drivers’ licenses or other forms of ID required by these new laws. That’s just wrong, and is clearly not supported by the evidence.”

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“Any law that disadvantages certain groups of voters – like senior citizens and students – should be suspect. If the voters are disadvantaged, which political parties and candidates stand to gain? The same question should be asked about the reason the release of this report has been delayed. Is there a political motivation?” he asked. “Has this study been buried because anti-voter

activists like the American Center for Voting Rights find its conclusions inconvenient? That's unacceptable. The Commissioners of the EAC have had this report for months, even as they have testified before Congress on critical legislation that could have been informed by the report's findings. It's unconscionable."

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Said Neas, "All American citizens have a vested interest in having fair and open elections. This report contains valuable information that can help us do that. The EAC should release the report immediately, no matter what the political implications may be and hold public hearings to discuss the findings."

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Laura Strickler, Producer
CBS Evening News, Washington
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Fax: 202-457-1577
Cell : 917-499-6459
stricklerl@cbsnews.com

013975

Bryan Whitener /EAC/GOV
10/25/2006 04:30 PM

To Jeannie Layson/EAC/GOV@EAC, Thomas R.
Wilkey/EAC/GOV@EAC
cc
bcc
Subject EAC response requested

----- Forwarded by Bryan Whitener/EAC/GOV on 10/25/2006 04:25 PM -----



"Jonathan Bechtle "
<JBechtle@effwa.org>
10/25/2006 04:14 PM

To "Bryan Whitener" <bwhitener@eac.gov>
cc
Subject FW: Shame on hiding report finding low voter fraud

Bryan,

This article slamming the EAC ran in a major Washington newspaper on Tuesday (the link is <http://www.spokesmanreview.com/opinion/story.asp?ID=156039>, and the text is included below). All I've heard about the report is what USA Today mentioned, plus Tom Wilkey told me that the report is currently being worked on for a near-future release.

I'm planning to respond to this article on the issue of whether voter fraud is widespread, and wanted to also defend the EAC's actions, which I think were wise. It sounds like the news editors just conjectured what happened, as they indicated no attempt to find out for sure why the report was withheld.

In responding to them, it would be nice to have your side of the story to help me accurately explain what happened. Can you give me any comments on why the report was held? Was it because the EAC was trying to help those who are "peddling suspicions of voter fraud"?

Any thoughts you have would be helpful.

Cordially,

Jonathan

Jonathan Bechtle, J.D.
Director, Voter Integrity Project
Evergreen Freedom Foundation
(360) 956-3482
www.effwa.org

"...because freedom matters!"

Editorial

Our view: Fraudulent fears

Shame on hiding report finding low voter fraud

October 24, 2006

Proponents of stringent election laws designed to stop fraud surely don't want to hear that there's little evidence of chicanery. That's probably why the results of a federal study on the matter, which was delivered in May, were kept quiet.

Many states have adopted restrictions on voter registration and polling place practices, and the U.S. House of Representatives passed a photo-identification bill aimed at poll-site voting. The Senate is expected to take up the issue next year.

The premise behind all of this legislation is that fraud is widespread. But the U.S. Election Assistance Commission, which was established by Congress to ensure voting integrity, commissioned a study that questions that assumption. USA Today obtained the study four months after its completion and recently reported on the findings:

"There is widespread but not unanimous agreement that there is little polling-place fraud, or at least much less than is claimed, including voter impersonation, 'dead' voters, non-citizen voting and felon voters."

That's an awfully inconvenient summation for those who back stricter voting laws and consistently assert that there's rampant fraud while providing scant proof.

Voter fraud is a highly politicized issue. The congressional bill on photo IDs drew the support of 98 percent of Republicans and the opposition of 98 percent of Democrats. And voters in Washington state lived through the partisan wrangling after the razor-thin victory by Chris Gregoire in the 2004 gubernatorial election, when mistakes were quickly relabeled "fraud."

When a favorite candidate loses a close race, partisans attack the system of voting. It happened in Florida in 2000 and in Washington state in 2004. What's interesting about the federal commission's study is that it points to the system that most reforms would not touch as having the highest potential for fraud.

Absentee balloting is more susceptible to manipulation, the report states, via coercion and forgery. But it's polling places that have been placed under heavy scrutiny by reformers.

013977

The lack of focus on mail-in balloting is probably a political calculation, because it's popular. Most counties in Washington state have moved to that system.

Politicians can get more mileage hyping the possibility of votes by illegal immigrants and felons, but their solutions can serve to discourage voting by honest citizens.

Unfortunately, the federal commission has played into the hands of those peddling suspicions by choosing not to release its report to the public.

The public deserves to know what is happening with its election systems as it weighs the merit of various reform proposals. But a commission that was formed to zero in on real problems has undermined its credibility by sitting on a report that highlights them.

Jeannie Layson /EAC/GOV
10/23/2006 11:49 AM

To twilkey@eac.gov
cc bwhitener@eac.gov, jwilson@eac.gov
bcc
Subject Fw: EAC Commissioned Report on Voter Fraud

tom,
who should get these emails? There's a petition out there, asking us to release the fraud report, so someone needs to be the point person on these.
— Forwarded by Jeannie Layson/EAC/GOV on 10/23/2006 11:47 AM —



Joyce Wilson /EAC/GOV
10/23/2006 11:47 AM

To Jeannie Layson/EAC/GOV@EAC
cc
Subject Fw: EAC Commissioned Report on Voter Fraud

Jeannie, Please respond, if appropriate or forward to proper person. If not you, please let me know the person that would handle responding to such inquiries. Thanks!

Joyce H. Wilson
Staff Assistant
US Election Assistance Commission
202-566-3100 (office)
202-566-3128 (fax)

— Forwarded by Joyce Wilson/EAC/GOV on 10/23/2006 11:44 AM —



"Mike Marsolek"
[Redacted]
10/20/2006 04:58 PM

To HAVAinfo@eac.gov
cc
Subject EAC Commissioned Report on Voter Fraud

Honorable EAC Commissioners,

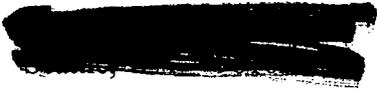
I ask you to release the EAC commissioned report on voting fraud. Regardless of political persuasion, voting is the bedrock upon which our representative democracy is built. Because of this your responsibilities are great. Currently there has been a rush of litigation intended to protect against voter fraud. There are real concerns that these protections will decrease voter turnout, and likely decrease turnout disproportionately in minority groups. This will obviously affect the parties differently, thereby creating a tense environment and adding to the strife in our society today. It is important, you can not disagree, that any laws regulating voting practices are only created and passed with honorable intentions, since if the voting process itself is compromised the whole of our representative democracy is as well.

I respect you are in difficult circumstances, but it is better for the country to know the results of

013978

an objective report than to be litigated under subjective pretenses and in a disenfranchising manner. All people in this country who are citizens deserve to vote, and this report can help ensure that they continue to have that right free of trappings whose intentions are not true. Thank you for your work and time.

Sincerely,
Dr. Michael D. Marsolek





"Judith Schaeffer "
<jschaeffer@pfaw.org>
10/19/2006 10:48 AM

To bwhitener@eac.gov
cc jlayson@eac.gov
bcc
Subject Report re voter fraud

Dear Mr. Whitener:

Thank you for taking the time to speak with me this morning. As you know, I was calling to request a copy of the complete report regarding voter fraud written by Tova Wang and Job Serebov. I am sending this in accordance with your request that I email our request for a copy of that report to you and that I "cc" Ms. Layson on the email.

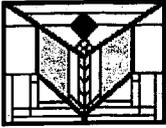
I'd very much appreciate obtaining a copy of this report today. In the event that you can send it electronically or fax it, my contact information is below. If not, please let me know when and where I may pick it up

Thank you for your assistance.

Sincerely,

Judith E. Schaeffer
Deputy Legal Director
People For the American Way Foundation
jschaeffer@pfaw.org
202-467-2381 (ph.)
202-293-2672 (fax)

013981



Adam Ambrogi/EAC/GOV
04/25/2006 03:40 PM

To Juliet E. Thompson-Hodgkins/EAC/GOV@EAC
cc
bcc
Subject Agenda



AGENDA (Standards Board) 2006.doc
this should've been sent by amie early today.

Adam D. Ambrogi
Special Assistant to Commissioner Ray Martinez III
U.S. Election Assistance Commission
1225 New York Ave. NW - Suite 1100
Washington, DC 20005
202-566-3105

013982



MEMORANDUM

TO: MEMBERS OF EAC STANDARDS BOARD
FROM: PEGGY NIGHSWONGER, CHAIR, EXECUTIVE BOARD
RAY MARTINEZ, EAC COMMISSIONER
DATE: APRIL 28, 2006
SUBJECT: UPCOMING MEETING OF STANDARDS BOARD, MAY 23-24, 2006

The next meeting of the EAC Standards Board (to be held jointly with the EAC Board of Advisors) will be held in Washington, D.C. on Tuesday, May 23 and Wednesday, May 24, 2006 at the Hamilton Crown Plaza hotel. We hope you will be able to attend this important meeting, which will focus on consideration and discussion of a number of ongoing election administration research projects currently underway by the EAC. Additionally, there will also be an update and discussion regarding recent work conducted by the National Institute of Standards and Technology (NIST) on the voluntary voting system guidelines. (Please see the draft agenda attached for additional information.)

As was the case with our previous meetings of the EAC Standards Board, the EAC will pay the cost of travel, hotel and a Federal per diem for any member of the Standards Board wishing to attend the May 2006 meeting. Upon receipt of this memorandum, please contact the EAC's travel agent, Adventure Travel, at (877) 472-6718 to make your travel arrangements. Additionally, if you have any questions or need assistance in making your travel plans, please call _____ (email address is _____).

Thank you in advance for your willingness to join us in Washington, D.C. We look forward to seeing you soon.

01398C

**U.S. ELECTION ASSISTANCE COMMISSION
Standards Board Meeting Agenda
Washington, D.C.
May 23 – 24, 2006**

Tuesday, May 23, 2006

NOON – 1:15 P.M. LUNCHEON

Brief Welcoming Remarks
Commissioner Ray Martinez III

EAC Staff Presentations:

Design for Democracy (improvements to ballot design, national voter registration mail-in form and polling place signage) (Karen Lynn-Dyson);

Legal On-Line Information Clearinghouse (Julie Thompson-Hodgkins);

Public Access Portals (Edgard Cortes);

Katrina Voting Assistance Relief (Edgardo Cortes).

1:15 – 1:30 P.M. BREAK

1:30 – 2:30 P.M. STANDARDS BOARD PLENARY SESSION
Session Chaired by Peggy Nighswonger
Chair, Executive Board

- Appointment of Parliamentarian
- Adoption of Agenda
- Review of Meeting Book Materials
- Presentation of Proposed Permanent Bylaws
Kevin Kennedy, Executive Director, State Elections Board, Wisconsin
Joanne Armbruster, Atlantic County Superintendent of Elections, New Jersey
- Election of Executive Board Vacancy

013984

2:30 – 4:00 P.M. DISCUSSION: DRAFT REPORT ON PROVISIONAL VOTING

Presentors:

Thomas O'Neil: Project Manager, EAC Provisional Vote Study

Edward Foley: Director, Election Law@Moritz (The Ohio State University)

EAC Resource Person: Julie Thompson-Hodgkins

4:00 – 4:15 P.M. BREAK

4:15 – 5:30 P.M. DISCUSSION: DRAFT REPORT ON POLL WORKER RECRUITMENT, TRAINING AND RETENTION (INCLUDING COLLEGE POLL WORKERS)

Presentors:

Jennifer Collins-Foley, EAC Consultant

Dora Rose, Center for Election Integrity, Cleveland State University

EAC Resource Person: Karen Lynn-Dyson

NOTE: Attendees on their own for dinner.

Wednesday, May 24, 2006

8:00 – 8:30 A.M. CONTINENTAL BREAKFAST

8:30 – 9:15 A.M. BRIEFING: PROPOSED MANAGEMENT GUIDELINES

Presentors:

Connie Schmidt, EAC Consultant

Brit Williams, EAC Consultant

EAC Resource Person: Brian Hancock

9:15 – 10:00 A.M. BRIEFING: DRAFT REPORT ON VOTE COUNT/RECOUNT

Presentors:

Dr. Thad Hall, Assistant Professor of Political Science, University of Utah

Doug Chapin, EAC Consultant

EAC Resource Person: Julie Thompson-Hodgkins, EAC

10:00 – 10:15 A.M. BREAK

10:30 – 11:00 A.M. DISCUSSION: DRAFT REPORT ON IMPROVING DATA COLLECTION

Presentors:

013985

Karen Lynn-Dyson, Research Director, EAC
Laiza Otero, Research Associate, EAC

11:00 – 11:55 P.M. BRIEFING: DRAFT REPORT ON VOTER FRAUD/VOTER INTIMIDATION

Presentors:

Job Serebrov, Associate, The Nixon Law Firm

Tova Wang, Democracy Fellow, The Century Foundation

EAC Resource Person: Juliet Thompson, EAC General Counsel

NOON – 1:30 P.M. JOINT LUNCHEON

EAC Activities Update

Brief Remarks by: Chairman Paul DeGregorio
Commissioner Gracia Hillman

Presentation: General Update on NIST/TGDC Activities

Introduction of Speakers: Commissioner Donetta Davidson

Presentors:

John Wack, NIST

1:40 – 2:45 P.M. DISCUSSION: DRAFT REPORT ON VOTER IDENTIFICATION

Presentors:

Thomas O'Neil: Project Manager, EAC Voter I.D. Study

Edward Foley, Director, Election Law@Moritz, The Ohio State University

EAC Resource Person: Juliet Thompson-Hodkins

2:45 – 3:00 P.M. BREAK

3:00 – 5:00 P.M. STANDARDS BOARD PLENARY SESSION

Session Chaired by Peggy Nighswonger, Chair, Executive Board

Discussion and consideration of Standards Board business.

5:00 P.M. ADJOURN

013988

Juliet E.
Thompson-Hodgkins/EAC/G
OV

04/25/2006 10:28 PM

To Amie J. Sherrill/EAC/GOV@EAC, Adam Ambrogi
cc
bcc
Subject Re: BoA and Standards Board agendas

History: This message has been replied to.

I have taken a look at the agendas. My questions start with assignment as resource person. Is Peggy going to be present for the Vote Fraud and Intimidation presentation? I have not been the person refereeing between Job and Tova, nor am I up to date on what their findings and work are. If I am just there to support the meeting, that's great, but Peggy should be there to make any substantive comments. I suffer from a similar problem with regard to the Eagleton presentation (other than what I gathered from their presentation a few weeks ago).

Perhaps what I need to know is what is the "resource person" supposed to do?

As a second question, do we know whether this lunch on Tuesday is "set". The hotel contract will have to be amended to include this lunch. I don't want to move forward on setting that up if it is not approved by the two Boards or it is otherwise not going to occur.

Third issue is that last time the Standards Board wanted a parliamentarian -- not volunteering, but that should be considered in terms of how our staff is assigned.

Juliet Thompson Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100
Amie J. Sherrill/EAC/GOV



Amie J. Sherrill/EAC/GOV

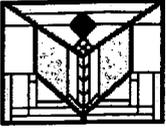
04/25/2006 03:45 PM

To jthompson@eac.gov@EAC, Karen Lynn-Dyson/EAC/GOV
cc
Subject BoA agenda



May 2006 Board of Advisors Agenda.doc
Amie J. Sherrill
Special Assistant to Chairman Paul S. DeGregorio
U.S. Election Assistance Commission
1225 New York NW - Suite 1100
Washington, DC 20005
(202) 566 3106

013987



Adam Ambrogi/EAC/GOV
04/26/2006 08:05 AM

To Juliet E. Thompson-Hodgkins/EAC/GOV@EAC
cc Amie J. Sherrill/EAC/GOV@EAC, Raymundo
Martinez/EAC/GOV@EAC
bcc
Subject Re: BoA and Standards Board agendas

Julie, in response to your questions:

The first response is that we've placed you as a resource person for only the ID, Provisional ballot, and then your presentation on legal clearinghouse website. So that's changed. The EAC reference person is not supposed to really interact, but be able to respond to the Board if they have questions regarding EAC processes in conducting the research. The panelists should start and lead the discussion. (i.e. for the breakout sessions on VVSG, I only answered procedural questions from the crowd). The ID and PV issues are inherently legal, so we wanted you to be on hand to explain those items.

As to the second issue, I'm copying Ray, because I believe that the lunch has the Executive Board's approval to alter the contract to provide for a lunch. They had requested an earlier start that day, and this is an effort to accommodate that request. If he disagrees, then I can do what is necessary to get approval for that lunch officially.

Third issue, we may need a parliamentarian for the SB, however, that role might be filled by Bill Campbell as the new role of secretary, or as one of the other SB members appointed. Do you believe we need a line in the first plenary session to appoint the parliamentarian? Maybe Gavin's interested? Ray, any thoughts?

Thanks,
Adam

Adam D. Ambrogi
Special Assistant to Commissioner Ray Martinez III
U.S. Election Assistance Commission
1225 New York Ave. NW - Suite 1100
Washington, DC 20005
202-566-3105

Juliet E. Thompson-Hodgkins/EAC/GOV

Juliet E.
Thompson-Hodgkins/EAC/GO
V
04/25/2006 10:28 PM

To Amie J. Sherrill/EAC/GOV@EAC, Adam Ambrogi
cc
Subject Re: BoA and Standards Board agendas

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013588

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Juliet Thompson Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100
Amie J. Sherrill/EAC/GOV

Amie J. Sherrill/EAC/GOV

04/25/2006 03:45 PM

To jthompson@eac.gov@EAC, Karen Lynn-Dyson/EAC/GOV

cc

Subject BoA agenda



May 2006 Board of Advisors Agenda.doc

Amie J. Sherrill
Special Assistant to Chairman Paul S. DeGregorio
U.S. Election Assistance Commission
1225 New York NW - Suite 1100
Washington, DC 20005
(202) 566 3106

013989

Margaret Sims /EAC/GOV
05/04/2006 02:07 PM

To pdegregorio@eac.gov, rmartinez@eac.gov,
ddavidson@eac.gov, ghillman@eac.gov
cc twilkey@eac.gov, jthompson@eac.gov, Gavin S.
Gilmour/EAC/GOV@EAC, Amie J. Sherrill/EAC/GOV@EAC,
Adam Ambrogi/EAC/GOV@EAC, Elieen L.
bcc

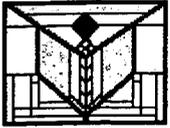
Subject Voting Fraud-Voter Intimidation Working Group Meeting

Dear Commissioners:

This is to let you know that the Working Group for our Voting Fraud and Voter Intimidation preliminary research project is scheduled to meet in EAC's large conference room the afternoon of Thursday, May 18. I will provide more information about this meeting to you later.

Peggy Sims
Election Research Specialist

013990



Adam Ambrogi /EAC/GOV
05/08/2006 11:44 AM

To Karen Lynn-Dyson/EAC/GOV@EAC, Edgardo Cortes/EAC/GOV@EAC, Brian Hancock/EAC/GOV@EAC, Juliet E. Thompson-Hodgkins/EAC/GOV@EAC, Margaret cc Amie J. Sherrill/EAC/GOV@EAC

bcc

Subject Research materials for Boards

Team:

To help guide our thoughts for those of us working on the 1 PM meeting on what materials will be available for the SB/BOA meeting, I have drawn up a "comment" version of the SB agenda, which indicates, for each agenda item present, what materials will be available, and when. This is a preliminary agenda, and I realize we'll discuss these issues at the meeting today, but I thought it would be better to see this in written form, so we can identify potential problem areas. I'd like to work from this, modify this document, as we make our determinations as when, and in what form we will be providing materials to the Boards.

Again-- you all are the experts as to what stage these projects are at-- so I apologize if there's missing or incomplete information here.

Thanks,
Adam



ResearchAGENDA (Standards Board) 2006.doc

Adam D. Ambrogi
Special Assistant to Commissioner Ray Martinez III
U.S. Election Assistance Commission
1225 New York Ave. NW - Suite 1100
Washington, DC 20005
202-566-3105

013981



U.S. ELECTION ASSISTANCE COMMISSION
Standards Board Meeting Agenda
Washington, D.C.
May 23 – 24, 2006

Tuesday, May 23, 2006

NOON – 1:15 P.M. LUNCHEON

Brief Welcoming Remarks
Commissioner Ray Martinez III

EAC Staff Presentations:

- Design for Democracy* (improvements to ballot design, national voter registration mail-in form and polling place signage) (Karen Lynn-Dyson);
- Legal On-Line Information Clearinghouse* (Julie Thompson-Hodgkins);
- Public Access Portals* (Edgardo Cortes);
- Katrina Voting Assistance Relief* (Edgardo Cortes).

Comment [Aa1]: KLD has initial materials—need to determine what materials should/could be provided to the SB.

Comment [Aa2]: EC and JT may have initial website to present/display for SB members at meeting—unlikely to have materials ready in advance.

Comment [Aa3]: Update only, no materials.

Comment [Aa4]: Update only, no materials.

1:15 – 1:30 P.M. BREAK

1:30 – 2:30 P.M. STANDARDS BOARD PLENARY SESSION
Session Chaired by Peggy Nighswonger
Chair, Executive Board

- Appointment of Parliamentarian
- Adoption of Agenda
- Review of Meeting Book Materials
- Presentation of Proposed Permanent Bylaws
- Election of Executive Board Vacancy

2:30 – 4:00 P.M. DISCUSSION: DRAFT REPORT ON PROVISIONAL VOTING

Presenters:
Thomas O'Neill: Provisional Voting/Voter Identification Study

Comment [Aa5]: Draft available—same as last copy to 4Cs. Do not expect additional versions produced prior to the SB meeting. Can be emailed in advance.

Edward Foley: Director, Election Law@Moritz (The Ohio State University)

EAC Resource Person: Julie Thompson-Hodgkins

4:00 – 4:15 P.M. BREAK

4:15 – 5:30 P.M. DISCUSSION: DRAFT REPORT ON POLL WORKER RECRUITMENT, TRAINING AND RETENTION (INCLUDING COLLEGE POLL WORKERS)

Presenters:
Jennifer Collins-Foley, Pollworker Institute
Abby Horn, Cleveland State University
EAC Resource Person: Karen Lynn-Dyson

Comment [Aa6]: Preliminary draft available for both College Pgm. and Poll. Pgm. Needs additional work prior to releasing. Work might be able to be performed in the next week.

NOTE: Attendees on their own for dinner.

Wednesday, May 24, 2006

8:00 – 8:30 A.M. CONTINENTAL BREAKFAST

8:30 – 9:15 A.M. BRIEFING: PROPOSED MANAGEMENT GUIDELINES

Presenters:
Connie Schmidt, EAC Consultant
Brit Williams, EAC Consultant
EAC Resource Person: Brian Hancock

Comment [Aa7]: CS, BW and BH to meet on Wednesday to determine what of their materials may be ready for distribution. Current potentials: 3 pg. overview briefing of guideline principals, and 20 pg. chapter on security principals.

9:15 – 10:00 A.M. BRIEFING: DRAFT REPORT ON VOTE COUNT/RECOUNT

Presenters:
Dr. Thad Hall, Assistant Professor of Political Science, University of Utah
Doug Chapin, EAC Consultant
EAC Resource Person: Peggy Sims

Comment [Aa8]: Draft report completed, according to KLD, too technical at this point, but able to be released.

10:00 – 10:15 A.M. BREAK

10:30 – 11:00 A.M. DISCUSSION: DRAFT EAC ELECTION DAY SURVEY

Presenters:
Karen Lynn-Dyson, Research Director, EAC
Laiza Otero, Research Associate, EAC

Comment [Aa9]: LO and JT are currently in consultation regarding the form of the document. Will likely be ready in draft form for distribution immediately prior to SB meeting.

11:00 – 11:55 P.M. BRIEFING: DRAFT REPORT ON VOTING FRAUD/VOTER INTIMIDATION

Presenters:
Job Serebrov, Associate, The Nixon Law Firm
Tova Wang, Democracy Fellow, The Century Foundation

Comment [Aa10]: There is legal research prepared, but not compiled in a format that would be usable by SB members. Because of the close proximity to the working group meeting, final report is not yet written.

EAC Resource Person: Peggy Sims

NOON – 1:30 P.M. JOINT LUNCHEON

EAC Activities Update

Brief Remarks by: Chairman Paul DeGregorio
Vice-Chairman Ray Martinez III
Commissioner Gracia Hillman

Presentation: *General Update on NIST/TGDC Activities*

Comment [Aa11]: Allan Eustice contacted to determine what materials may be made available.

Introduction of Speaker: Commissioner Donetta Davidson

Presenters:
John Wack, NIST

1:40 – 2:45 P.M. DISCUSSION: DRAFT REPORT ON VOTER IDENTIFICATION

Presenters:
Thomas O'Neill, Provisional Voting/Voter Identification Study
Edward Foley, Director, Election Law@Moritz, The Ohio State University
EAC Resource Person: Julie Thompson-Hodgkins

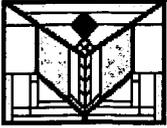
Comment [Aa12]: Draft available—same as last copy to 4Cs. Do not expect additional versions produced prior to the SB meeting. Can be emailed in advance.

2:45 – 3:00 P.M. BREAK

3:00 – 5:00 P.M. STANDARDS BOARD PLENARY SESSION
Session Chaired by Peggy Nighswonger, Chair, Executive Board

Discussion and consideration of Standards Board business.

5:00 P.M. ADJOURN



Adam Ambrogi /EAC/GOV
05/09/2006 12:15 PM

To Karen Lynn-Dyson/EAC/GOV@EAC, Edgardo Cortes/EAC/GOV@EAC, Laiza N. Otero/EAC/GOV@EAC, Juliet E. Thompson-Hodgkins/EAC/GOV@EAC, Margaret cc Amie J. Sherrill/EAC/GOV@EAC

bcc

Subject Materials for Standards Board (DRAFT)

Attached, please find draft letter to be sent to the Commissioners. Any comments or corrections, please make them and send them back to Amie and myself. We hope to send this email by 3 PM today, so please take a look quickly-- for your projects.

Commissioners:

Peggy, Edgardo, Karen, Laiza, Adam and Amie met this afternoon to discuss what materials will be ready to present to the Standards Board and Board of Advisors members during the meetings later this month. Listed below is what we have determined to be available for their review and feedback. Please review this list and offer your feedback.

Also, attached is an updated SB agenda with "comments" on work product for each project to be discussed.

Design for Democracy - exhibits to be on display for board member review and feedback; Ric Grefe will be present with KLD to discuss the processes used to get to these specific examples; Preliminary Design Report (dated April 10, 2006) to be delivered electronically to the members for their review prior to the meeting

Legal Information Clearinghouse - demo version of the website will be available to show

Public Access Portals - there is a conference scheduled for June 16-18; a tentative agenda and, if desired, a list of participants will be made available to the members for their review and feedback; also future steps can also be outlined for their feedback

Katrina Voting Assistance Relief - due to the limited amount of information that we can offer, we propose eliminating this topic and substituting discussions on our Language Working Group meetings

Language Working Groups - the members will be updated on our two working group meetings and the information received at both, as well as our next steps

Provisional Voting - a draft of the final report is to be delivered to the 4 C's by 5/11 for their review and feedback; product following 4C review will be available 5/17 for electronic distribution to board members

Poll Worker R T & R (including College Pollworker) - reports as they stand now are not ready to be presented, according the KLD; Peggy and Karen to communicate to project managers the need for a report by 5/11 for review by the 4 C's

Proposed Management Guidelines - Connie, Brit, and Brian to determine on 5/10 what materials are ready for presentation to board members; currently a 3 page overview briefing of guideline principles and a 20 page chapter on security principles have been prepared

Vote Count/Recount - materials to be delivered to board members include the public testimony given by Thad Hall and Doug Chapin at our Seattle public meeting and several case studies outlining examples

EAC Election Day Survey - draft report with changes/updates highlighted and website application clips to be presented (Ready).

013995

Voting Fraud/Voter Intimidation - a summary of the preliminary research and a recap of the discussions of the May 18 working group meeting offering brainstorming ideas, not advice

NIST/TGDC activities - Allan Eustis states that NIST is working to provide their summary of materials to be provided, and that they will get that to us ASAP.

Voter Identification - a PowerPoint presentation outlining the process and a summary of findings. Peer review group to occur May 11th, with final Draft due the 15th. At this time, Commissioners can determine whether Draft Report is ready to submit to the SB and BOA.



Research Work Product AGENDA 2006.doc

Adam D. Ambrogi
Special Assistant to Commissioner Ray Martinez III
U.S. Election Assistance Commission
1225 New York Ave. NW - Suite 1100
Washington, DC 20005
202-566-3105

013996

Margaret Sims /EAC/GOV

05/09/2006 02:48 PM

To Adam Ambrogi/EAC/GOV@EAC

cc

bcc

Subject Fw: Working Group-Perez

Adam:

J.R. Perez's resume is attached, and I have forwarded my last explanatory email to Job in answer to his concerns. I will tell Tova not to contact Ray, but that she may talk with you about this issue. Thanks! ---
Peggy



Perez bio 5_5_06.doc

----- Forwarded by Margaret Sims/EAC/GOV on 05/09/2006 02:45 PM -----

Margaret Sims /EAC/GOV

05/09/2006 11:13 AM

To "Job Serebrov"

[REDACTED]@GSAEXTERNAL

cc wang@tcf.org

Subject Re: Working Group-Perez

As you may recall, the Commissioners directed me to find a nonpartisan local election official to serve on the Working Group. The three of us discussed the desirability of having a Hispanic. I proposed that I find someone from Texas because of that State's colorful history of voting fraud and their innovative approaches to combat it. In those Texas counties that hire Election Administrators to run elections, rather than having elected officials do so (Tax Assessor for voter registration; County Clerk for balloting), the Election Administrator is hired by the County Election Commission and is supposed to perform his or her duties in a nonpartisan manner. (See attached excerpts from Texas Election Code regarding election administrator hiring and restrictions on partisan activity.)

Any experienced Texas election official will be familiar with voting fraud and voter intimidation schemes used in that State. Mr. Perez has over 13 years experience as a county Election Administrator in Texas. You won't find many news articles mentioning him because he has kept his nose clean. (The Texas press, as in many other parts of the country, prefers to report bad news.) Mr. Perez is plugged into the association of Texas election officials and the two largest organizations of election officials in this country: the International Association of Clerks, Recorders, Election Officials and Treasurers (IACREOT); and The Election Center. He is a past President and past Chairman of the Legislative Committee for the Texas Association of Election Administrators. He currently serves on IACREOT's Election Officials Committee, which plans the educational sessions for election officials that are conducted at that organization's conferences. His peers in IACREOT and The Election Center have selected his submissions on web presentations (IACREOT) and his professional practices papers (Election Center) for awards. Mr. Perez also has access to information from other States through his membership in IACREOT and The Election Center. He also has a sense of humor, which you will note if you access the staff web page on the Guadalupe County Elections web site and hear the Mission Impossible theme .. something that might be useful in the upcoming meeting.

Guadalupe County is small but growing. In 2004, the county had over 65 thousand registered voters (a number more than doubled the number of registered voters in 1988). A third of the county's population claims Hispanic or Latino origin, according to the U.S. Census Bureau. The county is in south central Texas and is bordered by Comal, Hays, Cladwell, Gonzales, Wilson, and Bexar counties. In the 1980s, the county was predominately a farming community; but in recent years, many people have moved from

013997.

San Antonio (Bexar County) to Guadalupe County, preferring to live in Guadalupe County and work in Bexar County.

--- Peggy



tx elec admin-appt-partisan restrictions.doc

"Job Serebrov" <serebrov@sbcglobal.net>



"Job Serebrov"
[Redacted]
05/08/2006 11:30 PM

To psims@eac.gov

cc

Subject Re: Working Group

Peggy:

What political party is Perez with? How political is he? Is the position in Texas neutral or political? Who appointed Perez?

As to Pat I will contact him but I can't promise anything. If Pat can't come, who is getting knocked off Tova's list?

Job

013998

Margaret Sims /EAC/GOV
05/09/2006 02:51 PM

To "Tova Wang" <wang@tcf.org>@GSAEXTERNAL
cc Adam Ambrogi/EAC/GOV@EAC
bcc
Subject RE: Working Group-Perez

We are still on for 4 PM. Ray is out of the office due to a family emergency, so I suggest you NOT contact him. You may contact his Special Assistant, Adam Ambrogi (aambrogi@eac.gov or [REDACTED]), who also hails from Texas. --- Peggy

"Tova Wang" <wang@tcf.org>



"Tova Wang"
<wang@tcf.org>
05/09/2006 12:08 PM

To psims@eac.gov, [REDACTED]
cc
Subject RE: Working Group-Perez

We are still doing the 4 pm call, right? We can discuss it more then. Would it be OK if I see if Ray knows this person? Thanks. Tova

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]
Sent: Tuesday, May 09, 2006 10:14 AM

[REDACTED]
Cc: wang@tcf.org
Subject: Re: Working Group-Perez

As you may recall, the Commissioners directed me to find a nonpartisan local election official to serve on the Working Group. The three of us discussed the desirability of having a Hispanic. I proposed that I find someone from Texas because of that State's colorful history of voting fraud and their innovative approaches to combat it. In those Texas counties that hire Election Administrators to run elections, rather than having elected officials do so (Tax Assessor for voter registration; County Clerk for balloting), the Election Administrator is hired by the County Election Commission and is supposed to perform his or her duties in a nonpartisan manner. (See attached excerpts from Texas Election Code regarding election administrator hiring and restrictions on partisan activity.)

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013999

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--- Peggy

05/08/2006 11:30 PM

To psims@eac.gov
cc
Subject Re: Working Group

Peggy:

What political party is Perez with? How political is he? Is the position in Texas neutral or political? Who appointed Perez?

As to Pat I will contact him but I can't promise anything. If Pat can't come, who is getting knocked off Tova's list?

Job

014000

Margaret Sims /EAC/GOV
05/09/2006 03:38 PM

To Adam Ambrogi/EAC/GOV@EAC
cc Amie J. Sherrill/EAC/GOV@EAC, Brian
Hancock/EAC/GOV@EAC, Juliet E.
Thompson-Hodgkins/EAC/GOV@EAC, Karen
bcc
Subject Re: Materials for Standards Board (DRAFT) 

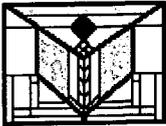
Adam:

Regarding the **Vote Count/Recount** contract, I am trying to schedule a teleconference with Thad for tomorrow. We will discuss preparations for his presentation, among other things. He may suggest additional materials, other than the testimony, that may be acceptable to us.

Regarding the **Vote Fraud/Voter Intimidation** project, I don't think the materials will include a written recap of the Working Group meeting, scheduled for May 18, if we have to have the materials to you NLT COB May 17. I can provide a verbal recap at the meeting. I may be able to pull together a written recap after May 18, but it won't be available much earlier than the week of the meetings.

Let me know if you have any questions. --- Peggy

Adam Ambrogi/EAC/GOV



Adam Ambrogi/EAC/GOV
05/09/2006 12:15 PM

To Karen Lynn-Dyson/EAC/GOV@EAC, Edgardo
Cortes/EAC/GOV@EAC, Laiza N. Otero/EAC/GOV@EAC,
Juliet E. Thompson-Hodgkins/EAC/GOV@EAC, Margaret
Sims/EAC/GOV@EAC, Brian Hancock/EAC/GOV@EAC
cc Amie J. Sherrill/EAC/GOV@EAC
Subject Materials for Standards Board (DRAFT)

Attached, please find draft letter to be sent to the Commissioners. Any comments or corrections, please make them and send them back to Amie and myself. We hope to send this email by 3 PM today, so please take a look quickly-- for your projects.

Commissioners:

Peggy, Edgardo, Karen, Laiza, Adam and Amie met this afternoon to discuss what materials will be ready to present to the Standards Board and Board of Advisors members during the meetings later this month. Listed below is what we have determined to be available for their review and feedback. Please review this list and offer your feedback.

Also, attached is an updated SB agenda with "comments" on work product for each project to be discussed.

Design for Democracy - exhibits to be on display for board member review and feedback; Ric Grefe will be present with KLD to discuss the processes used to get to these specific examples; Preliminary Design Report (dated April 10, 2006) to be delivered electronically to the members for their review prior to the meeting

014001

Legal Information Clearinghouse - demo version of the website will be available to show

Public Access Portals - there is a conference scheduled for June 16-18; a tentative agenda and, if desired, a list of participants will be made available to the members for their review and feedback; also future steps can also be outlined for their feedback

Katrina Voting Assistance Relief - due to the limited amount of information that we can offer, we propose eliminating this topic and substituting discussions on our Language Working Group meetings

Language Working Groups - the members will be updated on our two working group meetings and the information received at both, as well as our next steps

Provisional Voting - a draft of the final report is to be delivered to the 4 C's by 5/11 for their review and feedback; product following 4C review will be available 5/17 for electronic distribution to board members

Poll Worker R T & R (including College Pollworker) - reports as they stand now are not ready to be presented, according the KLD; Peggy and Karen to communicate to project managers the need for a report by 5/11 for review by the 4 C's

Proposed Management Guidelines - Connie, Brit, and Brian to determine on 5/10 what materials are ready for presentation to board members; currently a 3 page overview briefing of guideline principles and a 20 page chapter on security principles have been prepared

Vote Count/Recount - materials to be delivered to board members include the public testimony given by Thad Hall and Doug Chapin at our Seattle public meeting and several case studies outlining examples

EAC Election Day Survey - draft report with changes/updates highlighted and website application clips to be presented (Ready).

Voting Fraud/Voter Intimidation - a summary of the preliminary research and a recap of the discussions of the May 18 working group meeting offering brainstorming ideas, not advice

NIST/TGDC activities - Allan Eustis states that NIST is working to provide their summary of materials to be provided, and that they will get that to us ASAP.

Voter Identification - a PowerPoint presentation outlining the process and a summary of findings. Peer review group to occur May 11th, with final Draft due the 15th. At this time, Commissioners can determine whether Draft Report is ready to submit to the SB and BOA.



Research Work Product AGENDA 2006.doc

Adam D. Ambrogio
Special Assistant to Commissioner Ray Martinez III
U.S. Election Assistance Commission
1225 New York Ave. NW - Suite 1100
Washington, DC 20005
202-566-3105

014000

Karen Lynn-Dyson/EAC/GOV
05/09/2006 04:03 PM

To Adam Ambrogi/EAC/GOV@EAC
cc Juliet E. Thompson-Hodgkins/EAC/GOV@EAC
bcc
Subject Re: Materials for Standards Board (DRAFT) 

History:  This message has been forwarded.

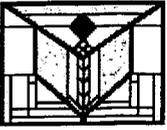
Adam-

This is fine and accurate as far as I can tell.

I assume Julie is comfortable with the fact that she is the EAC resource staff person for the Eagleton presentations.

K
Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

014003



Adam Ambrogi/EAC/GOV
05/09/2006 05:54 PM

To Paul DeGregorio/EAC/GOV@EAC, Raymundo
Martinez/EAC/GOV@EAC
cc Thomas R. Wilkey/EAC/GOV@EAC, Juliet E.
Thompson-Hodgkins/EAC/GOV@EAC, Amie J.
Sherrill/EAC/GOV@EAC, Karen

bcc

Subject Board Meeting Materials

Commissioners:

Peggy, Edgardo, Karen, Laiza, Adam and Amie met yesterday afternoon to discuss what materials will be ready to present to the Standards Board and Board of Advisors members during the meetings later this month. Listed below is what the Research Team has determined to be available for their review and feedback. It looks like the much of the information needed will be able to be sent to Adventure travel for their preparation in binders on May 17th.

Please review this list and offer your feedback.

Also, attached is an updated SB agenda with "comments" on work product for each project to be discussed.

Design for Democracy - exhibits to be on display for board member review and feedback; Ric Grefe will be present with KLD to discuss the processes used to get to these specific examples; Preliminary Design Report (dated April 10, 2006) to be delivered electronically to the members for their review prior to the meeting

Legal Information Clearinghouse - Information about contract, potentially a demo website to show members functionality (tentative).

Public Access Portals - there is a conference in June; a tentative agenda will be made available to the members for their review and feedback; also future steps can also be outlined for their feedback; we will include a timeline for when draft documents will be submitted so we can send them out via email for feedback before finalizing the project.

Katrina Voting Assistance Relief - due to the limited amount of information that we can offer, EC strongly proposes eliminating this topic and substituting discussions on our Language Working Group meetings
Language Working Groups - the members will be updated on our two working group meetings and the information received at both, as well as our next steps for development of programs

Provisional Voting - a draft of the final report is to be delivered to the 4 C's by 5/11 for their review and feedback; product following 4C review will be available 5/17 for electronic distribution to board members

Poll Worker R T & R (including College Pollworker) - reports as they stand now are not ready to be presented, according the KLD; Peggy and Karen to communicate to project managers the need for a report by 5/11 for review by the 4 C's

Proposed Management Guidelines - Connie, Brit, and Brian to determine on 5/10 what materials are ready for presentation to board members; currently a 3 page overview briefing of guideline principles and a 20 page chapter on "security principles" have been prepared

Vote Count/Recount - materials to be delivered to board members include the public testimony given by Thad Hall and Doug Chapin at our Seattle public meeting and several case studies outlining examples. Peggy will discuss on 5/10 with Prof. Hall regarding other materials that may be presented.

EAC Election Day Survey - draft report with changes/updates highlighted and website application clips to

014004

Karen Lynn-Dyson/EAC/GOV
05/10/2006 04:44 PM

To "Tom O'Neill" [REDACTED]@GSAEXTERNAL,
Adam Ambrogi/EAC/GOV@EAC

cc [REDACTED] Tim

bcc [REDACTED]

Subject RE: Travel arrangements for the EAC Board of Advisors and Standards Board meeting

History: This message has been replied to.

Tom-

It is my understanding that Adam Ambrogi has been in touch with Ned Foley and, in turn, Dan Tokaji to indicate that you and Dan will present the information on the Voter ID project, while you and Ned will present the information on the Provisional Voting project.

Adam Ambrogi can also clarify your presentations. As I understand it, you will present your Voter ID and Provisional Voting projects to the Standards Board. You will then present your Voter ID and Provisional Voting Projects to the Board of Advisors.

I believe Adventure Travel handles hotel and travel arrangements.

I do not believe accommodations have been made for other members of the project team to attend. I will ask Adam Ambrogi, who is the principal point of contact on these meetings, to clarify this.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123



"Tom O'Neill"

05/10/2006 10:12 AM

To klynndyson@eac.gov

cc [REDACTED]
[REDACTED]

Subject RE: Travel arrangement for the EAC Board of Advisors and Standards Board meeting

Karen,

As we discussed last week, the Eagleton-Moritz team making the presentations at the advisory board meetings will include others in addition to Ned and me. While Ned and I will handle the briefing on the provisional voting report, the team for the briefing on the Voter ID report will include Dan Tokaji and Tim Vercellotti.

014005

be presented (Ready).

Voting Fraud/Voter Intimidation - a summary of the preliminary research and initial feedback from the May 18 working group meeting offering brainstorming ideas, not formal advice.

NIST/TGDC activities - Allan Eustis states that NIST is working to provide their summary of materials to be provided, and that they will get that to us ASAP.

Voter Identification - a PowerPoint presentation outlining the process and a summary of findings. Peer review group to occur May 11th, with final Draft due the 15th. At this time, Commissioners can determine whether Draft Report is ready to submit to the SB and BOA.



Research Work Product AGENDA 2006.doc

Adam D. Ambrogi
Special Assistant to Commissioner Ray Martinez III
U.S. Election Assistance Commission
1225 New York Ave. NW - Suite 1100
Washington, DC 20005
202-566-3105

014006

Just to understand what Adventure Travel is to provide: will its services include hotel reservations and travel, or does it have a more limited mission?

Thanks,

Tom O'Neill

-----Original Message-----

From: klynndyson@eac.gov [mailto:klynndyson@eac.gov]

Sent: Tuesday, May 09, 2006 4:34 PM

To: klynndyson@eac.gov

Cc: [REDACTED] Tom O'Neill

Subject: Re:Travel arrangement for the EAC Board of Advisors and Standards Board meeting

Tom O' Neill and Ned Foley-

As you know you are scheduled to make two presentations to the EAC Board of Advisors and Standards Board on **Tuesday May 23, 2006 from 2:30-4:00 PM (on Provisional Voting)** and on **Wednesday ,May 24th from 1:40-2:45 PM (on Voter Identification)**

If you have not already done so, please make your hotel and travel arrangements through Adventure Travel, Judy Mays [REDACTED]

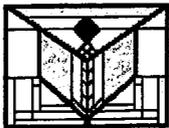
These reservations should be made no later than tomorrow COB.

Please indicate to Judy Mays that you are a contractor, who is scheduled to make a presentation at the meeting.

Thanks

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

014007



Adam Ambrogi/EAC/GOV

05/16/2006 11:47 AM

To Margaret Sims/EAC/GOV@EAC

cc Amie J. Sherrill/EAC/GOV@EAC, ecortes@eac.gov, Karen Lynn-Dyson/EAC/GOV@EAC, twilkey@eac.gov

bcc

Subject Re: Standards and Advisory Board Agendas 

These are the only publicly released agendas yet-- The discussion, and modification that was done last week as to what products are being produced are not reflected-- but will in the final version. These were distributed because of numerous Staff questions as to time and place issues.

We'll forward around the final draft info when available.

Peggy- any word yet on what's up for Voting Fraud issue for the meeting(I know you have that WG in two days, but....)?

Thanks,
Adam

Adam D. Ambrogi
Special Assistant to Commissioner Ray Martinez III
U.S. Election Assistance Commission
1225 New York Ave. NW - Suite 1100
Washington, DC 20005
202-566-3105

Margaret Sims/EAC/GOV

Margaret Sims/EAC/GOV

05/16/2006 11:43 AM

To Adam Ambrogi/EAC/GOV@EAC

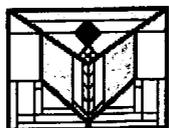
cc Amie J. Sherrill/EAC/GOV@EAC, twilkey@eac.gov, Karen Lynn-Dyson/EAC/GOV@EAC, ecortes@eac.gov

Subject Re: Standards and Advisory Board Agendas 

These agendas still indicate that draft reports on the Vote Count/Recount and the Voting Fraud-Voter Intimidation research projects will be presented for consideration. In neither case is this true. Reports from these projects are unavailable or not ready for prime time.

Thad Hall and Doug Chaping will have a PowerPoint presentation on the Vote Count/Recount project (and we can make copies of their testimony in Seattle available) and I will have a status report on the Voting Fraud-Voter Intimidation project for the boards. --- Peggy

Adam Ambrogi/EAC/GOV



Adam Ambrogi/EAC/GOV

05/16/2006 11:15 AM

To EAC Staff

cc

Subject Standards and Advisory Board Agendas

014008

Dear Staff

While the final version will be sent later this week, attached is the current agendas for the Standards and Advisory Boards, so the staff will know when (or if) they have to be present.

Thanks,
Adam Ambrogi



May 2006 Board of Advisors Agenda.doc AGENDA (Standards Board) 2006(WEB).doc

Adam D. Ambrogi
Special Assistant to Commissioner Ray Martinez III
U.S. Election Assistance Commission
1225 New York Ave. NW - Suite 1100
Washington, DC 20005
202-566-3105

014009

**U.S. ELECTION ASSISTANCE COMMISSION
Board of Advisors Meeting Agenda
Washington, D.C.
May 23 – 24, 2006**

Tuesday, May 23, 2006

Noon – 1:15 P.M. LUNCHEON

Brief Welcoming Remarks

EAC Chairman Paul DeGregorio

Board of Advisors Chair Beverly Kaufman

EAC Staff Presentations:

Katrina Voting Assistance Relief (Edgardo Cortes);

Public Access Portals (Edgardo Cortes);

Legal On-Line Information Clearinghouse (Julie Thompson-Hodgkins);

Design for Democracy (improvements to ballot design, national voter registration mail-in form and polling place signage) (Karen Lynn-Dyson)

NOTE: The EAC Standards Board will be meeting simultaneously.

1:15 – 1:30 P.M. BREAK

1:30 – 2:30 P.M. BOARD OF ADVISORS PLENARY SESSION

Session Chaired by Beverly Kaufman, Chair

- Appointment of Parliamentarian
- Call of Roll and Appointment of Proxy Committee
- Appointment of Resolutions Committee
- Review of Meeting Book Materials
- Report of Proxy Committee to establish voting strength
- Adoption of Agenda
- Adoption of Minutes of August 2005 Meeting

2:30 – 4:00 P.M. PRESENTATION AND CONSIDERATION OF DRAFT REPORT ON POLL WORKER RECRUITMENT, TRAINING AND RETENTION (INCLUDING COLLEGE POLL WORKERS)

Presenters:

Jennifer Collins-Foley, Pollworker Institute
Abby Horn, Cleveland State University
Resource Person: Karen Lynn-Dyson, EAC

4:00 – 4:15 P.M. BREAK

4:15 – 5:30 P.M. PRESENTATION AND CONSIDERATION OF DRAFT REPORT ON VOTE COUNT/RECOUNT

Presenters:

Dr. Thad Hall, Assistant Professor of Political Science, University of Utah
Doug Chapin, EAC Consultant
Resource Person: Julie Thompson-Hodgkins, EAC

NOTE: Attendees on their own for dinner.

Wednesday, May 24, 2006

8:00 – 8:30 A.M. CONTINENTAL BREAKFAST

8:30 – 9:15 A.M. PRESENTATION AND CONSIDERATION OF DRAFT REPORT ON PROVISIONAL VOTING

Presenters:

Thomas O'Neill: Project Manager, Provisional Voting / Voter Identification Research Project
Edward Foley: Director, Election Law@Moritz (The Ohio State University)
Resource Person: Julie Thompson-Hodgkins, EAC

9:15 – 10:00 A.M. BRIEFING ON PROPOSED MANAGEMENT GUIDELINES

Presenters:

Connie Schmidt, EAC Consultant
Brit Williams, EAC Consultant
Resource Person: Brian Hancock, EAC

10:00 – 10:15 A.M. BREAK

10:30 – 11:00 A.M. PRESENTATION AND CONSIDERATION OF DRAFT REPORT ON VOTING FRAUD/VOTER INTIMIDATION

Presenters:

Job Serebrov, Associate, The Nixon Law Firm

Tova Wang, Democracy Fellow, The Century Foundation
Resource Person: Juliet Thompson-Hodgkins, EAC

**11:00 – 11:55 A.M. PRESENTATION AND CONSIDERATION OF DRAFT
REPORT ON VOTER IDENTIFICATION**

Presenters:

Thomas O'Neill: Project Manager, Provisional Voting / Voter
Identification Research Project

Edward Foley, Director, Election Law@Moritz, The Ohio State
University

Resource Person: Juliet Thompson-Hodgkins, EAC

NOON – 1:30 P.M. JOINT LUNCHEON

EAC Activities Update

Brief Remarks by: Chairman Paul DeGregorio
Vice Chairman Ray Martinez, III
Commissioner Gracia Hillman

Presentation: General Update on NIST/TGDC Activities

Introduction of Speakers: Commissioner Donetta Davidson

Presentors:

John Wack, NIST

**1:40 – 2:45 P.M. PRESENTATION AND CONSIDERATION OF DRAFT EAC
ELECTION DAY SURVEY**

Presenters:

Karen Lynn-Dyson, Research Director, EAC

Laiza Otero, Research Associate, EAC

Resource Person: Brian Hancock, EAC

2:45 – 3:00 P.M. BREAK

3:00 – 5:00 P.M. BOARD OF ADVISORS PLENARY SESSION

Session Chaired by Beverly Kaufman, Chair

- Election of Officers
- Report of Resolutions Committee
Chaired by Vice Chairman Chris Thomas
- Other Business

5:00 P.M.

ADJOURN

014012

**U.S. ELECTION ASSISTANCE COMMISSION
Standards Board Meeting Agenda
Washington, D.C.
May 23 – 24, 2006**

Tuesday, May 23, 2006

NOON – 1:15 P.M. LUNCHEON

Brief Welcoming Remarks
Commissioner Ray Martinez III

EAC Staff Presentations:

Design for Democracy (improvements to ballot design, national voter registration mail-in form and polling place signage) (Karen Lynn-Dyson);

Legal On-Line Information Clearinghouse (Julie Thompson-Hodgkins);

Public Access Portals (Edgardo Cortes);

Katrina Voting Assistance Relief (Edgardo Cortes).

1:15 – 1:30 P.M. BREAK

1:30 – 2:30 P.M. STANDARDS BOARD PLENARY SESSION
Session Chaired by Peggy Nighswonger
Chair, Executive Board

- Appointment of Parliamentarian
- Adoption of Agenda
- Review of Meeting Book Materials
- Presentation of Proposed Permanent Bylaws
- Election of Executive Board Vacancy

2:30 – 4:00 P.M. DISCUSSION: DRAFT REPORT ON PROVISIONAL VOTING

Presenters:

Thomas O'Neill: Provisional Voting/Voter Identification Study

014013

Edward Foley: Director, Election Law@Moritz (The Ohio State University)

EAC Resource Person: Julie Thompson-Hodgkins

4:00 – 4:15 P.M. BREAK

4:15 – 5:30 P.M. DISCUSSION: DRAFT REPORT ON POLL WORKER RECRUITMENT, TRAINING AND RETENTION (INCLUDING COLLEGE POLL WORKERS)

Presenters:

Jennifer Collins-Foley, Pollworker Institute

Abby Horn, Cleveland State University

EAC Resource Person: Karen Lynn-Dyson

NOTE: Attendees on their own for dinner.

Wednesday, May 24, 2006

8:00 – 8:30 A.M. CONTINENTAL BREAKFAST

8:30 – 9:15 A.M. BRIEFING: PROPOSED MANAGEMENT GUIDELINES

Presenters:

Connie Schmidt, EAC Consultant

Brit Williams, EAC Consultant

EAC Resource Person: Brian Hancock

9:15 – 10:00 A.M. BRIEFING: DRAFT REPORT ON VOTE COUNT/RECOUNT

Presenters:

Dr. Thad Hall, Assistant Professor of Political Science, University of Utah

Doug Chapin, EAC Consultant

EAC Resource Person: Peggy Sims

10:00 – 10:15 A.M. BREAK

10:30 – 11:00 A.M. DISCUSSION: DRAFT EAC ELECTION DAY SURVEY

Presenters:

Karen Lynn-Dyson, Research Director, EAC

Laiza Otero, Research Associate, EAC

11:00 – 11:55 P.M. BRIEFING: DRAFT REPORT ON VOTING FRAUD/VOTER INTIMIDATION

Presenters:

Job Serebrov, Associate, The Nixon Law Firm

Tova Wang, Democracy Fellow, The Century Foundation

EAC Resource Person: Peggy Sims

NOON – 1:30 P.M. JOINT LUNCHEON

EAC Activities Update

Brief Remarks by: Chairman Paul DeGregorio
Vice-Chairman Ray Martinez III
Commissioner Gracia Hillman

Presentation: General Update on NIST/TGDC Activities

Introduction of Speaker: Commissioner Donetta Davidson

Presenters:
John Wack, NIST

1:40 – 2:45 P.M. DISCUSSION: DRAFT REPORT ON VOTER IDENTIFICATION

Presenters:
Thomas O'Neill, Provisional Voting/Voter Identification Study
Edward Foley, Director, Election Law@Moritz, The Ohio State University
EAC Resource Person: Julie Thompson-Hodgkins

2:45 – 3:00 P.M. BREAK

3:00 – 5:00 P.M. STANDARDS BOARD PLENARY SESSION
Session Chaired by Peggy Nighswonger, Chair, Executive Board

Discussion and consideration of Standards Board business.

5:00 P.M. ADJOURN

Margaret Sims /EAC/GOV
05/17/2006 01:01 PM

To Adam Ambrogi/EAC/GOV@EAC, Amie J.
Sherrill/EAC/GOV@EAC
cc
bcc
Subject Handouts for Board Meetings

Adam and Amie:

Attached are the status report on the Voting Fraud-Voter Intimidation research project and two versions of the PowerPoint presentation from our Vote Count/Recount contractor (one with the first slide labeled for the EAC Standards Board; the other with the first slide labeled for the Board of Advisors). --- Peggy



EAC Boards VF-VI Status Report.doc Best Practices STANDARDS.ppt Best Practices Advisors.ppt

014016

**Deliberative Process
Privilege**



U.S. ELECTION ASSISTANCE COMMISSION

**Status Report on the
Voting Fraud-Voter Intimidation Research
Project**

May 17, 2006

014017

INTRODUCTION

Section 241 of the Help America Vote Act of 2002 (HAVA) requires EAC to conduct research on election administration issues. Among the tasks listed in the statute is the development of:

- nationwide statistics and methods of identifying, deterring, and investigating voting fraud in elections for Federal office [section 241(b)(6)]; and
- ways of identifying, deterring, and investigating methods of voter intimidation [section 241(b)(7)].

EAC's Board of Advisors recommended that the agency make research on these matters a high priority.

FOCUS OF CURRENT RESEARCH

In September 2005, the Commission hired two consultants with expertise in this subject matter, Job Serebrov and Tova Wang, to:

- develop a comprehensive description of what constitutes voting fraud and voter intimidation in the context of Federal elections;
- perform background research (including Federal and State administrative and case law review), identify current activities of key government agencies, civic and advocacy organizations regarding these topics, and deliver a summary of this research and all source documentation;
- establish a project working group, in consultation with EAC, composed of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation;
- provide the description of what constitutes voting fraud and voter intimidation and the results of the preliminary research to the working group, and convene the working group to discuss potential avenues for future EAC research on this topic; and
- produce a report to EAC summarizing the findings of the preliminary research effort and working group deliberations that includes recommendations for future research, if any;

As of the date of this report, the consultants have drafted a definition of election fraud, reviewed relevant literature and reports, interviewed persons from government and private sectors with subject matter expertise, analyzed news reports of alleged election fraud, reviewed case law, and established a project working group.

DEFINITION OF ELECTION FRAUD

The consultants drafted a definition of election fraud that includes numerous aspects of voting fraud (including voter intimidation, which is considered a subset of voting fraud) and voter registration fraud, but excludes campaign finance violations and election administration mistakes. This draft will be discussed and probably refined by the project working group, which is scheduled to convene on May 18, 2006.

LITERATURE REVIEW

The consultants found many reports and books that describe anecdotes and draw broad conclusions from a large array of incidents. They found little research that is truly systematic or scientific. The most systematic look at fraud appears to be the report written by Lori Minnite, entitled "Securing the Vote: An Analysis of Election Fraud". The most systematic look at voter intimidation appears to be the report by Laughlin McDonald, entitled "The New Poll Tax". The consultants found that books written about this subject all seem to have a political bias and a pre-existing agenda that makes them somewhat less valuable.

Moreover, the consultants found that reports and books make allegations but, perhaps by their nature, have little follow up. As a result, it is difficult to know when something has remained in the stage of being an allegation and gone no further, or progressed to the point of being investigated or prosecuted or in any other way proven to be valid by an independent, neutral entity. This is true, for example, with respect to allegations of voter intimidation by civil rights organizations, and, with respect to fraud, John Fund's frequently cited book, "Stealing Elections".

Consultants found that researchers agree that measuring something like the incidence of fraud and intimidation in a scientifically legitimate way is extremely difficult from a methodological perspective and would require resources beyond the means of most social and political scientists. As a result, there is much more written on this topic by advocacy groups than social scientists.

Other items of note:

- There is as much evidence, and as much concern, about structural forms of disenfranchisement as about intentional abuse of the system. These include felon disenfranchisement, poor maintenance of databases and identification requirements.
- There is tremendous disagreement about the extent to which polling place fraud, e.g. double voting, intentional felon voting, noncitizen voting, is a serious problem. On balance, more researchers find it to be less of a problem than is commonly described in the political debate; but some reports say it is a major problem, albeit hard to identify.

- There is substantial concern across the board about absentee balloting and the opportunity it presents for fraud.
- Federal law governing election fraud and intimidation is varied and complex and yet may nonetheless be insufficient or subject to too many limitations to be as effective as it might be.
- Deceptive practices, e.g. targeted flyers and phone calls providing misinformation, were a major problem in 2004.
- Voter intimidation continues to be focused on minority communities, although the American Center for Voting Rights uniquely alleges it is focused on Republicans.

Recommendations

The consultants recommend that subsequent EAC research include a follow up study of allegations made in reports, books and newspaper articles. They also suggest that the research should focus on filling the gap between the lack of reports based on methodical studies by social or political scientists and the numerous, but less scientific, reports published by advocacy groups.

INTERVIEWS

The consultants jointly selected experts from the public and private sector for interviews. The consultants' analysis of their discussions with these members of the legal, election official, advocacy, and academic communities follows.

Common Themes

- There is virtually universal agreement that absentee ballot fraud is the biggest problem, with vote buying and registration fraud coming in after that. The vote buying often comes in the form of payment for absentee ballots, although not always. Some absentee ballot fraud is part of an organized effort; some is by individuals, who sometimes are not even aware that what they are doing is illegal. Voter registration fraud seems to take the form of people signing up with false names. Registration fraud seems to be most common where people doing the registration were paid by the signature.
- There is widespread but not unanimous agreement that there is little polling place fraud, or at least much less than is claimed, including voter impersonation, "dead" voters, noncitizen voting and felon voters. Those few who believe it occurs often enough to be a concern say that it is impossible to show the extent to which it happens, but do point to instances in the press of such incidents. Most people believe that false registration forms have not resulted in polling place fraud,

although it may create the perception that vote fraud is possible. Those who believe there is more polling place fraud than reported/investigated/prosecuted believe that registration fraud does lead to fraudulent votes. Jason Torchinsky from the American Center for Voting Rights is the only interviewee who believes that polling place fraud is widespread and among the most significant problems in the system.

- Abuse of challenger laws and abusive challengers seem to be the biggest intimidation/suppression concerns, and many of those interviewed assert that the new identification requirements are the modern version of voter intimidation and suppression. However there is evidence of some continued outright intimidation and suppression, especially in some Native American communities. A number of people also raise the problem of poll workers engaging in harassment of minority voters. Other activities commonly raised were the issue of polling places being moved at the last moment, unequal distribution of voting machines, videotaping of voters at the polls, and targeted misinformation campaigns.
- Several people – including representatives from the Department of Justice (DOJ) - indicate that, for various reasons, DOJ is bringing fewer voter intimidation and suppression cases now, and has increased its focus on matters such as noncitizen voting, double voting, and felon voting. While DOJ's Voting Section, Civil Rights Division, focuses on systemic patterns of malfeasance, the Election Crimes Branch, Public Integrity Section, has increased prosecutions of individual instances of felon, alien, and double voting at the same time as it maintains an aggressive pursuit of systematic schemes to corrupt the electoral process.
- The problem of badly kept voter registration lists, with both ineligible voters remaining on the rolls and eligible voters being taken off, remains a common concern. A few people are also troubled by voters being on registration lists in two states. They said that there was no evidence that this had led to double voting, but it opens the door to the possibility. There is great hope that full implementation of the new requirements of HAVA – done well, a major caveat – will reduce this problem dramatically.

Common Recommendations:

- Many of those interviewed recommend better poll worker training as the best way to improve the process; a few also recommended longer voting times or voting on days other than election day (such as weekends) but fewer polling places so only the best poll workers would be employed.
- Many interviewed support stronger criminal laws and increased enforcement of existing laws with respect to both fraud and intimidation. Advocates from across the spectrum expressed frustration with the failure of the Department of Justice to pursue complaints.

- With respect to DOJ's Voting Section, Civil Rights Division, John Tanner indicated that fewer cases are being brought because fewer are warranted – it has become increasingly difficult to know when allegations of intimidation and suppression are credible since it depends on one's definition of intimidation, and because both parties are doing it. Moreover prior enforcement of the laws has now changed the entire landscape – race based problems are rare now. Although challenges based on race and unequal implementation of identification rules would be actionable, Mr. Tanner was unaware of such situations actually occurring and his office has not pursued any such cases.
- Craig Donsanto of DOJ's Election Crimes Branch, Public Integrity Section, says that while the number of election fraud related complaints have not gone up since 2002, nor has the proportion of legitimate to illegitimate claims of fraud, the number of cases DOJ is investigating and the number of indictments his office is pursuing are both up dramatically. Since 2002, DOJ has brought more cases against alien voters, felon voters and double voters than ever before. Mr. Donsanto would like more resources so that his agency can do more and would like to have laws that make it easier for the federal government to assume jurisdiction over voter fraud cases.
- A couple of interviewees recommend a new law that would make it easier to criminally prosecute people for intimidation even when there is not racial animus.
- Several advocate expanded monitoring of the polls, including some associated with the Department of Justice.
- Almost everyone hopes that administrators will maximize the potential of statewide voter registration databases to prevent fraud.
- Challenge laws, both with respect to pre-election day challenges and challengers at the polls, need to be revised by all states to ensure they are not used for purposes of wrongful disenfranchisement and harassment.
- Several people advocate passage of Senator Barak Obama's "deceptive practices" bill.
- There is a split on whether it would be helpful to have nonpartisan election officials – some indicated they thought even if elections officials are elected as non partisan officials, they will carry out their duties in biased ways nonetheless. However, most agree that elections officials pursuing partisan agendas are a problem that must be addressed in some fashion. Suggestions included moving election responsibilities out of the secretary of states' office; increasing transparency in the process; and enacting conflict of interest rules.
- A few recommend returning to allowing use of absentee ballots "for cause" only if it were politically feasible.

- A few recommend enacting a national identification card, including Pat Rogers, an attorney in New Mexico, and Jason Torchinsky from ACVR, who advocates the proposal in the Carter-Baker Commission Report.
- A couple of interviewees indicated the need for clear standards for the distribution of voting machines

NEWS ARTICLES

Consultants conducted a Nexis search of related news articles published between January 1, 2001 and January 1, 2006. A systematic, numerical analysis of the data collected during this review is currently being prepared. What follows is an overview of these articles provided by the consultants.

Absentee Ballots

According to press reports, absentee ballots are abused in a variety of ways:

- Campaign workers, candidates and others coerce the voting choices of vulnerable populations, usually elderly voters.
- Workers for groups and individuals have attempted to vote absentee in the names of the deceased.
- Workers for groups, campaign workers and individuals have attempted to forge the names of other voters on absentee ballot requests and absentee ballots and thus vote multiple times.

It is unclear how often actual convictions result from these activities (a handful of articles indicate convictions and guilty pleas), but this is an area in which there have been a substantial number of official investigations and actual charges filed, according to news reports where such information is available. A few of the allegations became part of civil court proceedings contesting the outcome of the election.

While absentee fraud allegations turn up throughout the country, a few states have had several such cases. Especially of note are Indiana, New Jersey, South Dakota, and most particularly, Texas. Interestingly, there were no articles regarding Oregon, where the entire system is vote by mail.

Voter Registration Fraud

According to press reports, the following types of allegations of voter registration fraud are most common:

- Registering in the name of dead people;
- Fake names and other information on voter registration forms;
- Illegitimate addresses used on voter registration forms;
- Voters being tricked into registering for a particular party under false pretenses; and
- Destruction of voter registration forms depending on the party the voter registered with.

There was only one self evident instance of a noncitizen registering to vote. Many of the instances reported included official investigations and charges filed, but few actual convictions, at least from the news reporting. There have been multiple reports of registration fraud in California, Colorado, Florida, Missouri, New York, North Carolina, Ohio, South Dakota and Wisconsin.

Voter Intimidation and Suppression

This is the area which had the most articles, in part because there were so many allegations of intimidation and suppression during the 2004 election. Most of these remained allegations and no criminal investigation or prosecution ensued. Some of the cases did end up in civil litigation.

This is not to say that these alleged activities were confined to 2004 – there were several allegations made during every year studied. Most notable were the high number of allegations of voter intimidation and harassment reported during the 2003 Philadelphia mayoral race.

A very high number of the articles were about the issue of challenges to voters' registration status and challengers at the polling places. There were many allegations that planned challenge activities were targeted at minority communities. Some of the challenges were concentrated in immigrant communities.

However, the tactics alleged varied greatly. The types of activities discussed also include the following:

- Photographing or videotaping voters coming out of polling places;
- Improper demands for identification;

- Poll watchers harassing voters;
- Poll workers being hostile to or aggressively challenging voters;
- Disproportionate police presence;
- Poll watchers wearing clothes with messages that seemed intended to intimidate; and
- Insufficient voting machines and unmanageably long lines.

Although the incidents reported on occurred everywhere, not surprisingly, many came from “battleground” states. There were several such reports out of Florida, Ohio and Pennsylvania.

“Dead Voters and Multiple Voting”

There were a high number of articles about people voting in the names of the dead and voting more than once. Many of these articles were marked by allegations of big numbers of people committing these frauds, and relatively few of these allegations turning out to be accurate according to investigations by the newspapers themselves, elections officials, and criminal investigators. Often the problem turned out to be a result of administrative error, poll workers mis-marking voter lists, a flawed registration list and/or errors made in the attempt to match names of voters on the list with the names of the people who voted. In a good number of cases, there were allegations that charges of double voting by political leaders were an effort to scare people away from the voting process.

Nonetheless there were a few cases of people actually being charged and/or convicted for these kinds of activities. Most of the cases involved a person voting both by absentee ballot and in person. A few instances involved people voting both during early voting and on Election Day, which calls into question the proper marking and maintenance of the voting lists. In many instances, the person charged claimed not to have voted twice on purpose. A very small handful of cases involved a voter voting in more than one county and there was one substantiated case involving a person voting in more than one state. Other instances in which such efforts were alleged were disproved by officials.

In the case of voting in the name of a dead person, the problem lay in the voter registration list not being properly maintained, i.e. the person was still on the registration list as eligible to vote, and a person took criminal advantage of that. In total, the San Francisco Chronicle found five such cases in March 2004; the AP cited a newspaper analysis of five such persons in an Indiana primary in May 2004; and a senate committee found two people to have voted in the names of the dead in 2005.

As usual, there were a disproportionate number of such articles coming out of Florida. Notably, there were three articles out of Oregon, which has one hundred percent vote-by-mail.

Vote Buying

There were a surprising number of articles about vote buying cases. A few of these instances involved long-time investigations concentrated in three states (Illinois, Kentucky, and West Virginia). There were more official investigations, indictments and convictions/pleas in this area.

Deceptive Practices

In 2004 there were numerous reports of intentional disinformation about voting eligibility and the voting process meant to confuse voters about their rights and when and where to vote. Misinformation came in the form of flyers, phone calls, letters, and even people going door to door. Many of the efforts were reportedly targeted at minority communities. A disproportionate number of them came from key battleground states, particularly Florida, Ohio, and Pennsylvania. From the news reports found, only one of these instances was officially investigated, the case in Oregon involving the destruction of completed voter registration applications. There were no reports of prosecutions or any other legal proceeding.

Non-citizen Voting

There were surprisingly few articles regarding noncitizen registration and voting – just seven all together, in seven different states across the country. They were also evenly split between allegations of noncitizens registering and noncitizens voting. In one case, charges were filed against ten individuals. In another case, a judge in a civil suit found there was illegal noncitizen voting. Three instances prompted official investigations. Two cases, from this Nexis search, remained just allegations of noncitizen voting.

Felon Voting

Although there were only thirteen cases of felon voting, some of them involved large numbers of voters. Most notably, of course, are the cases that came to light in the Washington gubernatorial election contest (see Washington summary) and in Wisconsin (see Wisconsin summary). In several states, the main problem was the large number of ineligible felons that remained on the voting list.

Election Official Fraud

In most of the cases in which fraud by elections officials is suspected or alleged, it is difficult to determine whether it is incompetence or a crime. There are several cases of ballots gone missing, ballots unaccounted for and ballots ending up in a worker's possession. In two cases workers were said to have changed peoples' votes. The one

instance in which widespread ballot box stuffing by elections workers was alleged was in Washington State. The judge in the civil trial of that election contest did not find that elections workers had committed fraud. Four of the cases are from Texas.

Recommendation

The consultants recommend that subsequent EAC research should include a Nexis search that specifically attempts to follow up on the cases for which no resolution is evident from this particular initial search.

CASE LAW RESEARCH

After reviewing over 40,000 cases from 2000 to the present, the majority of which came from appeals courts, the consultants found comparatively few applicable to this study. Of those that were applicable, the consultants found that no apparent thematic pattern emerges. However, it appears to them that the greatest areas of fraud and intimidation have shifted from past patterns of stealing votes to present problems with voter registration, voter identification, the proper delivery and counting of absentee and overseas ballots, provisional voting, vote buying, and challenges to felon eligibility.

Recommendation

Because so few cases provided a picture of these current problems, consultants suggest that subsequent EAC research include a review of state trial-level decisions.

PROJECT WORKING GROUP

Consultants and EAC worked together to select members for the Voting Fraud-Voter Intimidation Working Group that included election officials and representatives of advocacy groups and the legal community who have an interest and expertise in the subject matter. (See Attachment A for a list of members.) The working group is scheduled to convene at EAC offices on May 18, 2006 to consider the results of the preliminary research and to offer ideas for future EAC activities concerning this subject.

FINAL REPORT

After convening the project working group, the consultants will draft a final report summarizing the results of their research and the working group deliberations. This report will include recommendations for future EAC research related to this subject matter. The draft report will be reviewed by EAC and, after obtaining any clarifications or corrections deemed necessary, will be made available to the EAC Standards Board and EAC Board of Advisors for review and comment. Following this, a final report will be prepared.

Attachment A

Voting Fraud-Voter Intimidation Project Working Group

The Honorable Todd Rokita

Indiana Secretary of State

Member, EAC Standards Board and the Executive Board of the Standards Board

Kathy Rogers

Georgia Director of Elections, Office of the Secretary of State

Member, EAC Standards Board

J.R. Perez

Guadalupe County Elections Administrator, TX

Barbara Arnwine

Executive Director, Lawyers Committee for Civil Rights Under Law

Leader of Election Protection Coalition

(To be represented at May 18, 2006 meeting by Jon M. Greenbaum, Director of the Voting Rights Project for the Lawyers Committee for Civil Rights Under Law)

Robert Bauer

Chair of the Political Law Practice at the law firm of Perkins Coie, DC

National Counsel for Voter Protection, Democratic National Committee

Benjamin L. Ginsberg

Partner, Patton Boggs LLP

Counsel to national Republican campaign committees and Republican candidates

Mark (Thor) Hearne II

Partner-Member, Lathrop & Gage, St Louis, MO

National Counsel to the American Center for Voting Rights

Barry Weinberg

Former Deputy Chief and Acting Chief, Voting Section, Civil Rights Division, U.S.

Department of Justice

EAC Invited Technical Advisor:

Craig Donsanto

Director, Election Crimes Branch, U.S. Department of Justice

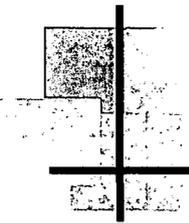
Best Practices in Vote Counts, Recounts, and Challenges

**Presentation to
EAC Standards Board
May 24, 2006**



Research Team

- Thad Hall, University of Utah
- R. Michael Alvarez, Caltech
- Kim Brace, Election Data Services
- Doug Chapin, *electionline.org*



Requirement for Study

- Section 241 of the HAVA requires the EAC to conduct a study examining vote counting and recounting.
- Identify methodology for studying best practices
- Examine election laws and regulations in all 50 states and the District



Study Overview

- Identified best practice methodologies
- Developed criteria for evaluating practices
- Presented the most common practices for vote counting and recounting.
- Identified “benchmark” practices that exceed the most common practices in states.
- Identified best practices for vote counts and recounts that have been implemented.

Criteria for Studying Vote Counting and Recounting

014033



GAO Best Practice Methodology

- Document existing process
- Research literature; talk to practitioners and experts
- Select comparative entities for review
- Collect data from selected entities
- Identify barriers to change
- Compare/contrast processes; develop implementation recommendations



Best Practice Study

- Researched existing literature on vote counting
- Developed baseline of existing activity
- Developed benchmarks for practices that exceed baseline
- Identified potential best practices for review by the EAC Commissioners
- States and localities have to do the hard work: Implementation

International Principles for Vote Counting

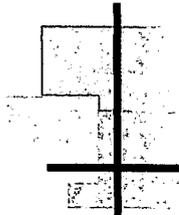
IFES, (IDEA), and the United Nations
election project states:

to establish and maintain public confidence in
the electoral process, vote counting systems
and procedures should incorporate the
[eight] fundamental principles of vote
counting in a democratic election.



Eight Principles for Vote Counting

- Transparency
- Security
- Professionalism
- Accuracy
- Secrecy
- Timeliness
- Accountability
- Equality



Common International Practice

- All ballots should be reconciled against the number of voters who cast ballots.
- Ballots are initially counted at the precinct where the vote was cast.
- There are explicit legal requirements for securing ballots.
- Recounts are allowed by request; five countries conduct 100 percent audits.
- Convenience voting is everywhere.

Evaluating State Practices in Statute and Regulation

014039



Developing National Baseline

- Survey of state laws and regulations
 - Security
 - Pre-election procedures
 - Election ballot procedures
 - End of Election Procedures
 - Definition of "What Constitutes A Vote"
 - Counting and Accounting
 - Recounting
 - Challenges



Developing National Baseline

- Survey of state laws and regulations
 - Identified Specific Questions
 - Reviewed Survey with EAC, Election Officials, and Outside Experts
- Collected Data
 - Statutory or Regulatory Language
 - Legal Citation



Key Findings

- Three issues with great variation in coherence and completeness
 - Ballot Accounting
 - Ballot Security
 - What Constitutes a Vote



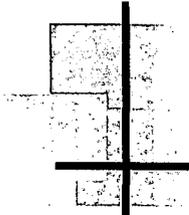
Survey Next Steps

- Each report is being carefully reviewed and edited
- Submit surveys to states for review
- States will have interactive online survey form to note problems



Benchmarking Election Law

014044



Benchmarking

- Common in public and private sectors
- How does your performance stack up to similar organizations? OR
- How does your performance stack up to a pre-selected target?

- GOAL: Think about your practices.



Benchmarking Practices

- Using the survey data, we have identified most common practices
- For many activities, we will propose “benchmark” practices
 - Clearer,
 - More detailed, or
 - More comprehensive

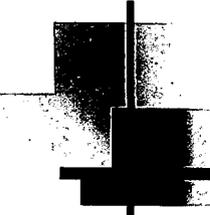
Benchmarking Example: Ballot Accounting

- Most Common Practice: No Standard
- Benchmark: The counting board shall count all ballots to ensure that the total number of ballots corresponds with the total number of names in the poll book. If [they] cannot reconcile... [they] shall submit... a written report stating how many ballots were missing or in excess and any reason ...for the discrepancy.



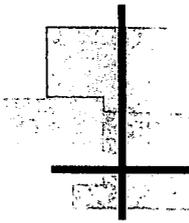
Benchmarking Limitations

- Not all activities can be benchmarked
- Some activities reflect political and cultural decisions by the state. For example:
 - Absentee voting
 - Handling of recounts and challenges



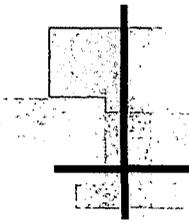
Best Practices in Election Law

014049



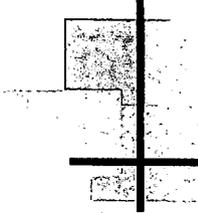
What are Best Practices

- Best practices refer to the processes, practices, and systems identified in... organizations that performed exceptionally well and are widely recognized as improving an organization's performance and efficiency in specific areas.



Effective Best Practices

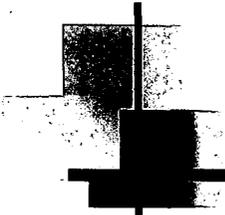
- Address a complete process
- Have been carefully charted
- Often come from organizations with similar characteristics



Best Practices Examined

- What Constitutes a Vote
 - Accounting
 - Auditing
 - Security
 - Transparency
-
- Issues in Challenges and Recounts

Best Practices in Vote Counts, Recounts, and Challenges



Presentation to
EAC Board of Advisors
May 23, 2006



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014057



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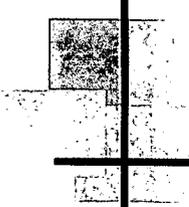
Evaluating State Practices in Statute and Regulation

014062



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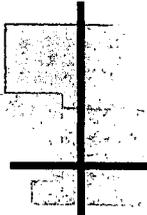
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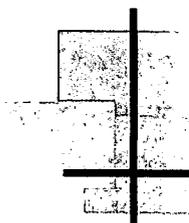
014067



Benchmarking

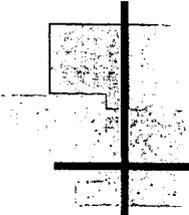
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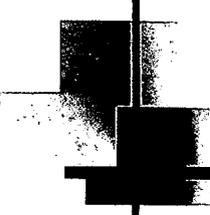
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Best Practices in Election Law

014072



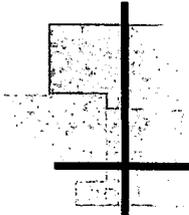
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Best Practices Examined

- What Constitutes a Vote
- Accounting
- Auditing
- Security
- Transparency

- Issues in Challenges and Recounts

Karen Lynn-Dyson/EAC/GOV
05/17/2006 05:17 PM

To "Tom O'Neill" [REDACTED]@GSAEXTERNAL
cc Adam Ambrogi/EAC/GOV@EAC, Amie J.
Sherrill/EAC/GOV@EAC
bcc
Subject RE: Presentations at the EAC Governing Boards

I am told that a Wordperfect copy of the Provisional document will be fine.

EAC staff will convert it to a PDF file. Please sent the final drafts of the reports ASAP.

Also, you are correct to note the changes in the time allotments Please divide the time among your staff as you deem appropriate.

K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'Neill" [REDACTED]



"Tom O'Neill"
<tom_oneill@verizon.net>
05/17/2006 04:57 PM

To klynndyson@eac.gov
cc [REDACTED],
Subject RE: Presentations at the EAC Governing Boards

Karen, I don't have the capacity to produce a PDF copy of the report. (I thought we discussed this last week and you agreed that the word document would suffice.) Someone at Eagleton could surely covert the DOC file to PDF, but since I just read your email now (4:50), we could not provide a PDF copy today. Please let me know if you want me to pursue this tomorrow.

Thanks for the schedule below. But it raises a question. Earlier this week you told me that the Commissioners asked that we limit our presentation to 10 minutes and leave the rest of the time for questions and comments. As I noted in my response, condensing our reports to 10 minutes poses a challenge. Is the 10 minute limit no longer operative?

Tom O'Neill

-----Original Message-----

From: klynndyson@eac.gov [mailto:klynndyson@eac.gov]
Sent: Wednesday, May 17, 2006 12:30 PM
To: [REDACTED]
Cc: asherrill@eac.gov; aambrogi@eac.gov; jthompsonhodgkins@eac.gov
Subject: Re:Presentations at the EAC Governing Boards

014076

Tom-

Look forward to getting a PDF copy of the final versions of the Voter ID paper and the Provisional Voting Paper by COB today

Here is the timing breakdown for next week's presentations:

EAC Standards Board (137 members)

Tuesday, May 23, 2006

2:30-4:00 PM

Hamilton Ballroom

Provisional Voting

45 minutes for presentation

45 minutes for questions and answers

Wednesday, May 24, 2006

1:40-2:45 PM

Hamilton Ballroom

Voter Identification

40 minutes for presentation

25 minutes for questions and answers

EAC Board of Advisors (36 members)

Wednesday, May 24, 2006

8:30-9:15 AM

Lafayette Park Ballroom

Provisional Voting

20 minutes for presentation

25 minutes questions and answers

Wednesday, May 24, 2006

11:00-11:55 PM

Lafayette Ballroom

Voter Identification

30 minutes presentation

25 minutes questions and answers

EAC General Counsel Julie Thompson - Hodgkins will facilitate /moderate all of your sessions

Will be in touch tomorrow after the Commissioners have met.

014077

Karen Lynn-Dyson
Research Manager -
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

014078

Karen Lynn-Dyson/EAC/GOV

05/17/2006 05:32 PM

To Adam Ambrogi/EAC/GOV@EAC, Amie J. Sherrill/EAC/GOV@EAC

cc

bcc

Subject Fw: PV Final Draft for Review by Advisory and Standards Boards

Here is the report to be included

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

— Forwarded by Karen Lynn-Dyson/EAC/GOV on 05/17/2006 05:31 PM —



"Tom O'Neill"

05/12/2006 04:51 PM

To klynndyson@eac.gov

cc

Subject PV Final Draft for Review by Advisory and Standards Boards

Karen,

Attached is the Final Draft of our report on Provisional Voting for review by the Advisory Board and the Standards Board. I understand from our conversation earlier today that it will be reviewed by the Commissioners at their meeting next week, and, if approved by them, distributed to the boards in advance of their meetings on May 23 and 24. This report will form the basis of our PowerPoint briefing for the boards at those meetings. I will not have hard copies of those PowerPoint presentations for distribution to the boards until the day of the meeting.

We intend to have the Final Draft Voter ID Report to you in time for review by the Commissioners at their second meeting next week.

Thanks for your guidance.

Tom O'Neill



PVFINALDRAFT0512.doc

014079

**Report to the
U. S. Election Assistance Commission
On
Best Practices to Improve Provisional Voting
Pursuant to the
HELP AMERICA VOTE ACT OF 2002
Public Law 107-252**

May 12, 2006

Submitted by

The Eagleton Institute of Politics, Rutgers, The State University of New Jersey

The Moritz College of Law, The Ohio State University

014080

FINAL DRAFT

For Review by the Standards Board and Board of Advisors

**Report to the
U. S. Election Assistance Commission**

Best Practices to Improve Provisional Voting

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Executive Summary	5
Key Findings	6
Recommendations	9
Provisional Voting in 2004	12
Recommendations	19
Attachment 1 – Data Sources	28

FINAL DRAFT

For Review by the Standards Board and Board of Advisors
The Research Team

This research report on Provisional Voting in the 2004 election is part of a broader analysis that also includes a study of Voter Identification Requirements, a report on which is forthcoming. Conducting the work was a consortium of The Eagleton Institute of Politics of Rutgers, The State University of New Jersey, and The Moritz College of Law of The Ohio State University.

The Eagleton Institute explores state and national politics through research, education, and public service, linking the study of politics with its day-to-day practice. It focuses attention on how contemporary political systems work, how they change, and how they might work better. Eagleton regularly undertakes projects to enhance political understanding and involvement, often in collaboration with government agencies, the media, non-profit groups, and other academic institutions.

The Moritz College of Law has served the citizens of Ohio and the nation since its establishment in 1891. It has played a leading role in the legal profession through countless contributions made by graduates and faculty. Its contributions to election law have become well known through its Election Law @ Moritz website. *Election Law @ Moritz* illuminates public understanding of election law and its role in our nation's democracy.

Project Management Team

Dr. Ruth B. Mandel
Director, Eagleton Institute of Politics
Board of Governors Professor of Politics
Principal Investigator
Chair of the Project Management Team

Edward B. Foley
Robert M. Duncan/Jones Day Designated
Professor of Law
The Moritz College of Law
Director of Election Law @ Moritz

Ingrid Reed
Director of the New Jersey Project
The Eagleton Institute of Politics

Daniel P. Tokaj
Assistant Professor of Law
The Moritz College of Law

John Weingart
Associate Director
The Eagleton Institute of Politics

Thomas M. O'Neill
Consultant, The Eagleton Institute of Politics
Project Director

Dave Andersen
Graduate Assistant

John Harris
Graduate Assistant
The Eagleton Institute of Politics

Donald Linky
Senior Policy Fellow
The Eagleton Institute of Politics

April Rapp
Project Coordinator
Center for Public Interest Polling
The Eagleton Institute of Politics

Sara A. Sampson
Reference Librarian,
Moritz College of Law

Tim Vercellotti
Assistant Research Professor
Assistant Director, Center for Public Interest
Polling
The Eagleton Institute

Laura Williams
The Moritz College of Law

FINAL DRAFT

For Review by the Standards Board and Board of Advisors

Peer Review Group

R. Michael Alvarez
Professor of Political Science
California Institute of Technology

Timothy G. O'Rourke
Dean, Fulton School of Liberal Arts
Salisbury University

John C. Harrison
Massee Professor of Law
University of Virginia School of Law

Bradley Smith
Professor of Law
Capital University Law School

Martha E. Kropf
Assistant Professor Political Science
University of Missouri-Kansas City

Tim Storey
Program Principal
National Conference of State Legislatures

Daniel H. Lowenstein
Professor of Law, School of Law
University of California at Los Angeles

Peter G. Verniero
former Attorney General, State of New Jersey
Counsel, Sills, Cummis, Epstein and Gross, PC

The Peer Review Group improved the quality of our work by critiquing drafts of our analysis, conclusions and recommendations. While the Group as a whole and the comments of its members individually contributed generously to the research effort, any errors of fact or weaknesses in inference are the responsibility of the Eagleton-Moritz research team. The members of the Peer Review Group do not necessarily share the views reflected in the policy recommendations of the report.

FINAL DRAFT

For Review by the Standards Board and Board of Advisors

EXECUTIVE SUMMARY

Background and Methodology

This report to the United States Election Assistance Commission (EAC) presents recommendations for best practices to improve the process of provisional voting. It is based on research conducted by the Eagleton Institute of Politics at Rutgers, the State University of New Jersey, and the Moritz College of Law at Ohio State University under contract to the EAC, dated May 24, 2005.

The Help America Vote Act of 2002 (HAVA, (Public Law 107-252) authorizes the EAC (SEC. 241, 42 USC 15381) to conduct periodic studies of election administration issues. The purpose of these studies is to promote methods for voting and administering elections, including provisional voting, that are convenient, accessible and easy to use; that yield accurate, secure and expeditious voting systems; that afford each registered and eligible voter an equal opportunity to vote and to have that vote counted; and that are efficient. Section 302(a) of HAVA required states to establish provisional balloting procedures by January 2004.¹ The process HAVA outlined left considerable room for variation among the states, arguably including such critical questions as who qualifies as a registered voter eligible to cast a provisional ballot that will be counted and in what jurisdiction (precinct or larger unit) the ballot must be cast in order to be counted.²

The general requirement for provisional voting is that, if a registered voter appears at a polling place to vote in an election for Federal office, but either the potential voter's name does not appear on the official list of eligible voters for the polling place, or an election official asserts that the individual is not eligible to vote, that potential voter must be permitted to cast a provisional ballot. In some states, those who should receive a provisional ballot include, in the words of the EAC's Election Day Survey, "first-time voters who registered by mail without identification and cannot provide identification, as required under HAVA. . ." ³ HAVA also provides that those who vote pursuant to a court order keeping the polls open after the established closing hour shall vote by provisional ballot. Election administrators are required by HAVA to notify individuals of their opportunity to cast a provisional ballot.

¹The Election Center's National Task Force Report on Election Reform in July 2001 had described provisional ballots as providing "voters whose registration status cannot be determined at the polls or verified at the election office the opportunity to vote. The validity of these ballots is determined later, thus ensuring that no eligible voter is turned away and those truly ineligible will not have their ballots counted." It recommended "in the absence of election day registration or other solutions to address registration questions, provisional ballots must be adopted by all jurisdictions." See www.electioncenter.org.

²The 2004 election saw at least a dozen suits filed on the issue of whether votes cast in the wrong precinct but the correct county should be counted. One federal circuit court decided the issue in *Sandusky County Democratic Party v. Blackwell*, 387 F.3d565 (6th Cir. 2004), which held that votes cast outside the correct precinct did not have to be counted. The court relied on the presumption that Congress must be clear in order to alter the state-federal balance; thus Congress, the court concluded would have been clearer had it intended to eliminate state control over polling location (387 F.3d at 578). An alternative argument, that HAVA's definition of "jurisdiction" incorporates the broader definition in the National Voting Rights Act, however, has not been settled by a higher court. But for now states do seem to have discretion in how they define "jurisdiction" for the purpose of counting a provisional ballot.

³The definition of who was entitled to a provisional ballot could differ significantly among the states. In California, for example, the Secretary of State directed counties to provide voters with the option of voting on a provisional paper ballot if they felt uncomfortable casting votes on the paperless e-voting machines. "I don't want a voter to not vote on Election Day because the only option before them is a touch-screen voting machine. I want that voter to have the confidence that he or she can vote on paper and have the confidence that their vote was cast as marked," Secretary Shelley said. See <http://wired.com/news/evote/0,2645,63298,00.html>. (Our analysis revealed no differences in the use of provisional ballots in the counties with these paperless e-voting machines.) In Ohio, long lines at some polling places resulted in legal action directing that voters waiting in line be given provisional ballots to enable them to vote before the polls closed. (Columbus Dispatch, November 3, 2004.)

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For Review by the Standards Board and Board of Advisors

Our research began in late May 2005. It focused on six key questions raised by the EAC.

1. How did the states prepare for the onset of the HAVA provisional ballot requirement?
2. How did this vary between states that had previously had some form of provisional ballot and those that did not?
3. How did litigation affect implementation?
4. How effective was provisional voting in enfranchising qualified voters?
5. Did state and local processes provide for consistent counting of provisional ballots?
6. Did local election officials have a clear understanding of how to implement provisional voting?

To answer those questions, we:

1. Surveyed 400 local (mostly county) election officials to learn their views about the administration of provisional voting and to gain insights into their experience in the 2004 election.
2. Reviewed the EAC's Election Day Survey, news and other published reports in all 50 states to understand the local background of provisional voting and develop leads for detailed analysis.⁴
3. Analyzed statistically provisional voting data from the 2004 election to determine associations between the use of provisional voting and such variables as states' experience with provisional voting, use of statewide registration databases, counting out-of-precinct ballots, and use of different approaches to voter identification.
4. Collected and reviewed the provisional voting statutes and regulations in all 50 states.
5. Analyzed litigation affecting provisional voting or growing out of disputes over provisional voting in all states.

Our research is intended to provide EAC with a strategy to engage the states in a continuing effort to strengthen the provisional voting process and increase the consistency with which provisional voting is administered, particularly within a state. As EAC and the states move forward to assess and adopt the recommendations made here, provisional voting merits continuing observation and research. The situation is fluid. As states, particularly those states that did not offer a provisional ballot before 2004, gain greater experience with the process and as statewide voter databases are adopted, the provisional voting process will demand further, research-based refinement.

KEY FINDINGS

Variation among the states

In the 2004 election, nationwide about 1.9 million votes, or 1.6% of turnout, were cast as provisional ballots. More than 1.2 million, or just over 63%, were counted. Provisional ballots accounted for a little more than 1% of the final vote tally. These totals obscure the wide variation in provisional voting among the states.⁵

⁴ Attachment 1 provides detailed information on how this study classifies the states according to the characteristics of their provisional voting procedures. It also describes how the data used in the statistical analysis may differ from the data in the Election Day Survey, which became available as our research was concluding.

⁵ HAVA allows the states considerable latitude in how to implement provisional voting, including deciding who beyond the required categories of voters should receive provisional ballots and how to determine which provisional ballots should be counted.

FINAL DRAFT

For Review by the Standards Board and Board of Advisors

- Six states accounted for two-thirds of all the provisional ballots cast.⁶
- The percentage of provisional ballots in the total vote varied by a factor of 1,000 -- from a high of 7% in Alaska to Vermont's 0.006%.
- The portion of provisional ballots cast that were counted ranged from 96% in Alaska to 6% in Delaware.
- States with voter registration databases counted, on average, 20% of the provisional ballots cast.
- States without databases counted ballots at more than twice that rate: 44%.⁷
- States that provided more time to evaluate provisional ballots counted a greater proportion of those ballots. Those that provided less than one week counted an average of 35.4% of their ballots, while states that permitted more than 2 weeks, counted 60.8%.

An important source of variation among states was a state's previous experience with provisional voting. The share of provisional ballots in the total vote was six times greater in states that had used provisional ballots before than in states where the provisional ballot was new. In the 25 states that had some experience with provisional voting before HAVA, a higher portion of the total vote was cast as provisional ballots and a greater percentage of the provisional ballots cast were counted than in the 18 new to provisional balloting.⁸

Variation within states

Within states, too, there was little consistency among different jurisdictions. Of the 20 states for which we have county-level provisional ballot data, the rate of counting provisional ballots varied by as much as 90% to 100% among counties in the same state. This suggests that additional factors (including the training of election judges or poll workers) beyond statewide factors, such as experience or the existence of voter registration databases, also influence the use of provisional ballots.

- In Ohio some counties counted provisional ballots not cast in the assigned precinct even though the state's policy was to count only those ballots cast in the correct precinct.
- Some counties in Washington tracked down voters who would otherwise have had their provisional ballots rejected because they had failed to complete part of their registration form, gave them the chance to correct those omissions, and then counted the provisional ballot.

Resources available to administer provisional voting varied considerably among and within states. Differences in demographics and resources result in different experiences with provisional voting. For example, the Election Day Survey found that staffing problems appeared to be particularly acute for jurisdictions in the lowest income and education categories. Small, rural jurisdictions and large, urban jurisdictions tended to report higher rates of an inadequate number of poll workers within polling places or precincts.

- Jurisdictions with lower education and income tend to report more inactive voter registrations, lower turnout, and more provisional ballots cast.

⁶ California, New York, Ohio, Arizona, Washington, and North Carolina. The appearance of Arizona, Washington and North Carolina on this list shows that the number of provisional ballots cast depends on factors other than the size of the population.

⁷ As the Carter-Baker Commission report put it, "provisional ballots were needed half as often in states with unified databases as in states without." Report on the Commission on Federal Election Reform, "Building Confidence in U. S. Elections," September 2005, p. 16.

⁸ See the appendix for our classification of "old" and "new" states and explanation of why the total is less than 50.

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- Jurisdictions with higher levels of income and education reported higher average numbers of poll workers per polling place or precinct and reported lower rates of staffing problems per precinct.

In precincts located in districts where many voters live in poverty and have low levels of income and education, the voting process, in general, may be managed poorly. Provisional ballots cannot be expected to work much better. In these areas, the focus should be on broader measures to improve the overall functionality of struggling voting districts, although improving the management of provisional balloting may help at the margin.

The lessons of litigation

Successful legal challenges highlight areas where provisional voting procedures were wanting. A flurry of litigation occurred around the country in October 2004 concerning the so-called “wrong precinct issue” – whether provisional ballots cast by voters in a precinct other than their designated one would be counted for statewide races. Most courts, including the U.S. Court of Appeals for the Sixth Circuit (the only federal appeals court to rule on the issue), rejected the contention that HAVA requires the counting of these wrong-precinct provisional ballots. This litigation was significant nonetheless.

- First, the Sixth Circuit decision established the precedent that voters have the right to sue in federal court to remedy violations of HAVA.
- Second –and significantly– the litigation clarified the right of voters to receive provisional ballots, even though the election officials were certain they would not be counted. The decision also defined an ancillary right –the right to be directed to the correct precinct. There voters could cast a regular ballot that would be counted. If they insisted on casting a provisional ballot in the wrong precinct, they would be on notice that it would be a symbolic gesture only.
- Third, these lawsuits prompted election officials to take better care in instructing precinct officials on how to notify voters about the need to go to the correct precinct in order to cast a countable ballot.

States move to improve their processes

Shortly after the 2004 election, several states came to the conclusion that the administration of their provisional voting procedures needed to be improved, and they amended their statutes. The new legislation highlights areas of particular concern to states about their provisional voting process.

- Florida, Indiana, Virginia, and Washington have clarified or extended the timeline to evaluate the ballots.
- Colorado, New Mexico, North Carolina, and Washington have passed legislation focused on improving the efficacy and consistency of the voting and counting process.
- Colorado, Arkansas, and North Dakota took up the issue of counting provisional ballots cast in the wrong precinct.

The wide variation in the implementation of provisional voting among and within states suggests that EAC can help states strengthen their processes. Research-based recommendations for best, or at least better, practices that draw on the experience gained in the 2004 election can be useful in states’ efforts to achieve greater consistency in the administration of provisional voting. The important effect of experience on the administration of the provisional ballot process indicates that the states have much they can learn from each other.

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SUMMARY OF RECOMMENDATIONS FOR BEST PRACTICES

State efforts to improve the provisional voting process have been underway since the 2004 election. By recommending best practices, the EAC will offer informed advice while respecting diversity among the states.

Take a quality-improvement approach

Defining what constitutes a successful provisional voting system is difficult. Defining quality requires a broad perspective about how well the system works, how open it is to error recognition and correction, and how well provisional voting processes are connected to the registration and voter identification regimes. A first step is for states to recognize that improving quality begins with seeing the provisional voting process as a system and taking a systems approach to regular evaluation through standardized metrics with explicit goals for performance. EAC can facilitate action by the states by recommending as a best practice that:

- Each state collect data systematically on the provisional voting process to permit evaluation of its voting system and assess changes from one election to the next. The data collected should include: provisional votes cast and counted by county; reasons why provisional ballots were not counted, measures of variance among jurisdictions, and time required to evaluate ballots by jurisdiction

Emphasize the importance of clarity

Above all else, the EAC should emphasize the importance of clarity in the rules by which each state governs provisional voting. As state legislators and election officials prepare for the 2006 election, answers to the questions listed in the recommendation section of this report could be helpful. Among those questions are:

- Does the provisional voting system distribute, collect, record, and tally provisional ballots with sufficient accuracy to be seen as procedurally legitimate by both supporters and opponents of the winning candidate?
- Do the procedural requirements of the system permit cost-efficient operation?
- How great is the variation in the use of provisional voting in counties or equivalent levels of voting jurisdiction within the state? Is the variation great enough to cause concern that the system may not be administered uniformly across the state?

Court decisions suggest areas for action

The court decisions following the 2004 election also suggest procedures for states to incorporate into their procedures for provisional voting. EAC should recommend to the states that they:

- Promulgate clear standards for evaluating provisional ballots, and provide training for the officials who will apply those standards.
- Provide effective materials to be used by local jurisdictions in training poll workers on such procedures as how to locate polling places for potential voters who show up at the wrong place.
- Make clear that the only permissible requirement to obtain a provisional ballot is an affirmation that the voter is registered in the jurisdiction and eligible to vote in an election for federal office. Poll workers need appropriate training to understand their duty to give such voters a provisional ballot.

Assess each stage of the provisional voting process

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Beyond the procedures suggested by court decisions, states should assess each stage of the provisional voting process. They can begin by assessing the utility and clarity of the information for voters on their websites and by considering what information might be added to sample ballots mailed to voters before elections. The better voters understand their rights and obligations, the easier the system will be to manage, and the more legitimate the appearance of the process.

Avoiding error at the polling place will allow more voters to cast a regular ballot and all others who request it to cast a provisional ballot. Our recommendations for best practices to avoid error at the polling place include:

- The layout and staffing of the multi-precinct polling place is important. States should ensure that training materials distributed to every jurisdiction make poll workers familiar with the options available to voters.
- The provisional ballot should be of a design or color sufficiently different from a regular ballot to avoid confusion over counting and include take-away information for the voter on the steps in the ballot evaluation process.
- Because provisional ballots offer a fail-safe, supplies of the ballots at each polling place should be sufficient for all the potential voters likely to need them. Best practice would be for states should provide guidelines (as do Connecticut and Delaware) to estimate the supply of provisional ballots needed at each polling place.

The clarity of criteria for evaluating voter eligibility is critical to a sound process for deciding which of the cast provisional ballots should be counted.

- State statutes or regulations should define a reasonable period for voters who lack the HAVA-specified ID or other information bearing on their eligibility to provide it in order to facilitate the state's ability to verify that the person casting the provisional ballot is the same one who registered. At least 11 states allow voters to provide ID or other information one to 13 days after voting. Kansas allows voters to proffer their ID by electronic means or by mail, as well as in person.
- More provisional voters have their ballots counted in those states that count ballots cast outside the correct precinct. While HAVA arguably leaves this decision up to the states, pointing out the effect of the narrower definition on the portion of ballots counted could be useful to the states in deciding this question. States should be aware, however, of the additional burden placed on the ballot-evaluation process when out-of-precinct ballots are considered. And tradeoffs are involved if out-of-precinct voters are unable to vote for the local offices that might appear on the ballot in their district of residence.
- If a state does require voters to appear at their assigned precinct, where the same polling site serves more than one precinct, a voter's provisional ballot should count so long as the voter cast that ballot at the correct polling site even if at the wrong precinct within that location. While the best practice might be for poll workers to direct the voter to correct precinct poll workers' advice is not always correct, and the voter should be protect against ministerial error.
- Officials should follow a written procedure, and perhaps a checklist, to identify the reason why a provisional ballot is rejected. Colorado's election rules offer particularly clear guidance to the official evaluating a provisional ballot.

In verifying provisional ballots, the time by which election officials must make their eligibility determinations is particularly important in presidential elections because of the need to certify electors to the Electoral College. Our research did not identify an optimum division of the five weeks available.

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- The best practice here is for states to consider the issue and make a careful decision about how to complete all steps in the evaluation of ballots and challenges to those determinations within the five weeks available.

After the election, timely information to voters about the disposition of their provisional ballot can enable voters to determine if they are registered for future elections and, if not, what they need to do to become registered.

- Best practice for the states is to establish mechanisms to ensure that voters casting provisional ballots are informed whether they are now registered for future elections and, if not, what they need to do to become registered.

Final observation

The detailed examination of each stage in the provisional voting process can lay the foundation each state needs to improve its system. Efforts to improve provisional voting may be most effective as part of a broader effort by state and local election officials to strengthen their systems. Collecting and analyzing data about those systems will enable states to identify which aspects of the registration and electoral system are most important in shunting voters into the provisional ballot process. Responsible officials can then look to their registration system, identification requirements or poll worker training as ways to reduce the need for voters to cast their ballots provisionally.

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Provisional Voting in 2004

In the 2004 election, nationwide about 1.9 million votes, or 1.6% of turnout, were cast as provisional ballots. More than 1.2 million or just over 63% were counted. Provisional ballots accounted for a little more than 1% of the final vote tally.

These totals obscure the wide variation in provisional voting among the states.⁹ Six states accounted for two-thirds of all the provisional ballots cast.¹⁰ State by state, the percentage of provisional ballots in the total vote varied by a factor of 1,000 -- from a high of 7% in Alaska to Vermont's 0.006%. The portion of provisional ballots cast that were actually counted also displayed wide variation, ranging from 96% in Alaska to 6% in Delaware. States with voter registration databases counted, on average, 20% of the provisional ballots cast. Those without databases counted provisional ballots at more than twice that rate, 44%.

An important source of variation was a state's previous experience with provisional voting. The share of provisional ballots in the total vote was six times greater in states that had used provisional ballots before than in states where the provisional ballot was new. In the 25 states that had some experience with provisional voting before HAVA, a higher portion of the total vote was cast as provisional ballots and a greater percentage of the provisional ballots cast were counted than in the 18 new to provisional balloting.¹¹

- The percentage of the total vote cast as provisional ballots averaged more than 2% in the 25 experienced states. This was 4 times the rate in states new to provisional voting, which averaged 0.47%.¹²
- The experienced states counted an average of 58% of the provisional ballots cast, nearly double the proportion in the new states, which counted just 33% of cast provisional ballots.
- The combined effect of these two differences was significant. In experienced states 1.53% of the total vote came from counted provisional ballots. In new states, provisional ballots accounted for only 0.23% of the total vote.

Those voting with provisional ballots in experienced states had their ballots counted more frequently than those in the new states. This experience effect is evidence that there is room for improvement in provisional balloting procedures, especially in those states new to the process.¹³ That conclusion gains support from the perspectives of the local election officials revealed in the survey conducted as a part of this research. Local (mostly county level) election officials from "experienced" states were more likely to:

⁹ HAVA allows the states considerable latitude in how to implement provisional voting, including deciding who beyond the required categories of voters should receive provisional ballots and how to determine which provisional ballots should be counted.

¹⁰ California, New York, Ohio, Arizona, Washington, and North Carolina. The appearance of Arizona, Washington and North Carolina on this list shows that the number of provisional ballots cast depends on factors other than the size of the population.

¹¹ See the appendix for our classification of "old" and "new" states and explanation of why the total is less than 50.

¹² To compensate for the wide differences in vote turnout among the 50 states the average figures here are calculated as the mean of the percent cast or counted rather than from the raw numbers of ballots cast or counted.

¹³ Managing the provisional voting process can strain the capacity election administrators. For example, Detroit, counted 123 of the 1,350 provisional ballots cast there in 2004. A recent study concluded that Detroit's "6-day time limit to process provisional ballots was very challenging and unrealistic. To overcome this challenge, *the entire department's employees were mobilized to process provisional ballots.*" (emphasis added.) GAO Report-05-997, "Views of Selected Local Officials on Managing Voter Registration and Ensuring Citizens Can Vote," September 2005.

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- Be prepared to direct voters to their correct precincts with maps;
- Regard provisional voting as easy to implement;
- Report that provisional voting sped up and improved polling place operations
- Conclude that the provisional voting process helped officials maintain accurate registration databases.

Officials from “new” states, on the other hand, were more likely to agree with the statement that provisional voting created unnecessary problems for election officials and poll workers.

If experience with provisional voting does turn out to be a key variable in performance, that is good news. As states gain experience with provisional ballots their management of the process could become more consistent and more effective over subsequent elections. Further information from the EAC on best practices and the need for more consistent management of the election process could sharpen the lessons learned by experience. The EAC can facilitate the exchange of experience among the states and can offer all states information on more effective administration of provisional voting.

Concluding optimistically that experience will make all the difference, however, may be unwarranted. Only if the performance of the “new” states was the result of administrative problems stemming from inexperience will improvement be automatic as election officials move along the learning curve. Two other possibilities exist. Our current understanding of how provisional voting worked in 2004 is not sufficient to determine unambiguously which view is correct.

1. “New” states may have a political culture different from “old” states. That is, underlying features of the “new” states political system may be the reason they had not adopted some form of provisional voting before HAVA. The “new” states may strike a different balance among the competing objectives of ballot access, ballot security and practical administration. They may ascribe more responsibility to the individual voter to take such actions as registering early, finding out where the right precinct is, or re-registering after changing address. They may value keeping control at the local level, rather than ceding authority to state or federal directives. The training they offer poll workers about provisional ballots may not be as frequent or effective as in other states. If the inconsistent performance in the “new” states arises out of this kind of political culture, improving effectiveness in the use of the provisional ballots -- as measured by intrastate consistency in administration--- will be harder and take longer to achieve.¹⁴
2. “Old” states may devote fewer resources to updating their registration files or databases because they consider provisional ballots as a reasonable fail safe way for voters with registration problems a way to cast a ballot. The adoption of statewide voter registration databases in compliance with HAVA therefore may reduce the variation in the use of provisional ballots among the states.

Other influences decreasing consistency among the states include:

¹⁴ Despite differing political cultures among states and the latitude HAVA provides states, the statute does, indeed impose some degree of uniformity on issues that Congress thought essential. For example, before HAVA, took effect, “no state gave the voter the right to find out the status of their ballot after the election. “ Now all offer that opportunity. See Bali and Silver, “The Impact of Politics, Race and Fiscal Strains on State Electoral Reforms after Election 2000,” manuscript, Department of Political Science, Michigan State University. Resisting HAVA’s mandates through foot-dragging lacks any legitimate foundation in law or policy.

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- The more rigorous the verification requirements, the smaller the percentage of provisional ballots that were counted. Some states verified provisional ballots by comparing the voter's signature to a sample, some matched such identifying data as address, birth date, or social security number, others required voters who lacked ID at the polling place to return later with the ID to evaluate the provisional ballot, and some required provisional voters to execute an affidavit.¹⁵
 - In the 4 states that simply matched signatures, nearly 3.5% of the total turnout consisted of provisional ballots, and just under three-fourths of those ballots (73%) were counted.
 - In the 14 states that required voters to provide such additional information as address or date of birth just over 1.5% of the total turnout consisted of provisional ballots, and 55% of those ballots were counted.
 - In the 14 states that required an affidavit (attesting, for example, that the voter was legally registered and eligible to vote in the jurisdiction) just over one-half of a percent (0.6%) of turnout came from provisional ballots, and less than one-third of those (30%) were counted. (But note that HAVA requires all voters to certify that they are eligible and registered in order to cast a provisional ballot, which is functionally an affidavit. The 14 states described here used an explicit affidavit form.)
 - In the 10 states that required voters to return later with identifying documents just under 1.5% of the total turnout came from provisional ballots, and more than half (52%) of these were counted. Voters apparently found this requirement less onerous than the affidavit, even though it required a separate trip to a government office
- Voter registration databases provided information that reduced the number of provisional ballots counted.¹⁶ In states using provisional voting for the first time, states with registered-voter databases counted only 20% of the ballots that were cast. States without such databases counted more than double that rate (44%). As HAVA's requirement for adoption of statewide databases spreads across the country, this variation among states is likely to narrow. Real-time access to a continually updated, statewide list of registered voters should reduce the number of provisional ballots used and reduce the percentage counted since most of those who receive them will be less likely to be actually registered in the state.
- States that counted out-of-precinct ballots counted 56% of the provisional ballots cast. States that counted ballots cast only in the proper precinct counted an average of 42% of provisional ballots.¹⁷

¹⁵ See Table 2 in Appendix 2 for information on the verification method used in each state.

¹⁶ The Election Day Survey found that states using statewide voter registration databases reported a lower incidence of casting provisional ballots than states without voter registration databases, suggesting that better administration of voter registration rolls might be associated with fewer instances where voters would be required to cast a provisional ballot due to a problem with their voter registration.

¹⁷ The Election Day Survey concluded that : "Jurisdictions with jurisdiction-wide provisional ballot acceptance reported higher rates of provisional ballots cast, 2.09 percent of registration or 4.67 percent of ballots cast in polling places, than those with in-precinct-only acceptance, 0.72 and 1.18 percent, respectively. Predictably, those jurisdictions with more permissive jurisdiction-wide acceptance reported higher rates of counting provisional ballots, 71.50 percent, than other jurisdictions, 52.50 percent."

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- In experienced states, the disparity was even more pronounced: 52% of provisional ballots cast were counted in states requiring in-district ballots, while 70% were counted in those allowing out-of-precinct ballots.
- If all states had counted out-of-precinct ballots, perhaps 290,000 more provisional ballots would have been counted across the country.¹⁸
- States that provide a longer the time to evaluate provisional ballots counted a higher proportion of those ballots.¹⁹
 - Fourteen states permitted less than one week to evaluate provisional ballots, 15 states permitted between one and two weeks, and 14 states permitted greater than two weeks²⁰.
 - Those states that permitted less than one week counted an average of 35.4% of their ballots.
 - States that permitted between one and two weeks counted 47.1%.
 - States that permitted more than 2 weeks, counted 60.8% of the provisional ballots cast²¹.
 - The effect of allowing more time for evaluation is felt most strongly in states where more than 1% of the overall turnout was of provisional ballots. In states where provisional ballots were used most heavily, those that permitted less than one week to evaluate ballots counted 58.6% while those that permitted one to two weeks counted 65.0% of ballots, and those states that permitted greater than three weeks verified the highest proportion of provisional ballots, at 73.8%.

Variation Within States

Not only was there little consistency among states in the use of provisional ballots, there was also little consistency within states. This was true in both new and old states. Of the 20 states for which we have county-level provisional ballot data, the rate of counting provisional ballots varied by as much as 90% to 100% among counties in the same state. This suggests that additional factors beyond statewide factors, such as verification requirements or the time provided for ballot evaluation, also influence the provisional voting process. Reacting to the lack of consistency within states, the Carter-Baker Commission recommended that "states, not counties or municipalities, should establish uniform procedures for the verification and counting of provisional ballots, and that procedure should be applied uniformly throughout the state."²²

Election Line reported that:

¹⁸ This estimate is a rough approximation. States that recognize out-of-precinct ballots counted, on average, 56% of the provisional votes cast. Applying that ratio to the 1.9 million provisional ballots cast nationwide would result in 1.1 million provisional ballots that would have been counted if all states accepted out-of-precinct votes. States that did not recognize out-of-precinct ballots counted 42% of the provisional ballots cast, or about 813,000 ballots, for a difference of about 290,000 votes.

¹⁹ See Appendix ___, Relationship Between Time Allotted to Verify Provisional Ballots and the Level of Ballots that are Verified, David Andersen, The Eagleton Institute of Politics

²⁰ Many thanks to Ben Shepler, of the Moritz College of Law, for assembling complete data on the time requirements states permitted for the counting of provisional ballots.

²¹ 43 states are included in this analysis, including Washington D.C. The 7 election-day registration states are omitted, as is Mississippi, which never provided data on provisional ballots. North Carolina is also omitted from the regressions, as it does not have a statewide policy on how it verifies provisional ballots.

²² Recommendation 2.3.2 of the Report of the Commission on Federal Election Reform, "Building Confidence in U.S. Elections," September 2005, p.16. The report also observed that, "...different procedures for counting provisional ballots within and between states led to legal challenges and political protests. Had the margin of victory for the presidential contest been narrower, the lengthy dispute that followed the 2000 election could have been repeated."

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- In Ohio some counties counted provisional ballots not cast in the assigned precinct even though the state's policy was to count only those ballots cast in the correct precinct.
- Some counties in Washington tracked down voters who would otherwise have had their provisional ballots rejected because they had failed to complete part of their registration form, gave them the chance to correct those omissions, and then counted the provisional ballot. This would probably not have come to light except for the sharp examination caused by the very close election for governor.

Resources available to administer provisional voting varied considerably among and within states. The result is that differences in demographics and resources result in different experiences with provisional voting. For example, the Election Day Survey found that:

- Jurisdictions with lower education and income tend to report more inactive voter registrations, lower turnout, and more provisional ballots cast.
- Jurisdictions with higher levels of income and education reported higher average numbers of poll workers per polling place or precinct and reported lower rates of staffing problems per precinct.
- Staffing problems appeared to be particularly acute for jurisdictions in the lowest income and education categories. Small, rural jurisdictions and large, urban jurisdictions tended to report higher rates of an inadequate number of poll workers within polling places or precincts.
- Predominantly non-Hispanic, Black jurisdictions reported a greater percentage of polling places or precincts with an inadequate number of poll workers. Predominantly non-Hispanic, Native American jurisdictions reported the second highest percentage of staffing problems.

The conclusions to be drawn from these findings are clear. In voting districts with lower education levels, poverty, and inadequately staffed polling places, the voting process is unlikely to function well. More people will end up casting provisional ballots. That makes the provisional voting process especially important in such districts. But if jurisdictions struggle with regular voting, how well are they likely to do with the more complicated provisional balloting process? In precincts where the voting process, in general, is managed poorly, provisional ballots cannot be expected to work much better. In these areas, the focus should be on broader measures to improve the overall functionality of struggling voting districts, although improving the management of provisional balloting may help at the margin.

Effectiveness of Provisional Voting

The certainty of our conclusions about the effectiveness of provisional voting is limited because of the complexity of the problem and a lack of important information. An ideal assessment of how well provisional ballots worked in 2004 would require knowing the decisions of local officials in 200,000 precincts on how to inform voters about provisional voting; their performance in providing a provisional ballot to those qualified to receive one, and their decisions whether to count a provisional ballot. Information needed about the eligibility or registration status of provisional voters is also not available.

We see no automatic correlation between the quality of a state's voting system and either the number of provisional ballots cast or counted. Low numbers could reflect accurate statewide voting data and good voter education. Or they could suggest that provisional ballots were not

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made easily available. High numbers could be seen as signifying an effective provisional voting system or a weak registration process. But we do know that in 2004 provisional ballots allowed 1.2 million citizens to vote, citizens who would otherwise have been turned away from the polls.

Since we do not know the total number of registered voters who might have voted but could not make a precise, quantitative estimate of the effectiveness of provisional voting impossible. The Cal Tech – MIT Voting Technology Project, however, estimated that 4 – 6 million votes were lost in the 2000 presidential election for the reasons shown in Table 1 below. The estimate is an approximation, but it may provide data good enough for a general assessment of the size of the pool of potential voters who might have been helped by the provisional ballot process.

Estimates of Votes Lost In 2000 Presidential Election

Votes Lost (Millions)	Cause
1.5 – 2	Faulty equipment and confusing ballots
1.5 – 3	Registration mix-ups
<1	Polling place operations
?	Absentee ballot administration

Table 1 Cal Tech – MIT Voting Technology Project Estimates

4 – 6 million votes are lost in presidential elections due to the causes shown in the table. Registration mix-ups (e.g., name not on list) and polling place operations (e.g., directed to wrong precinct) are the causes most likely to be remedied by provisional voting.

The table shows that the universe of voters who could be helped by provisional voting might be 2.5 – 3 million voters. In 2004, about 1.2 million provisional voters were counted. A rough estimate, then, of the effectiveness of provisional voting in 2004, then, might be 40% to 50% (ballots counted/votes lost)²³. Whatever the precise figure, it seems reasonable to conclude that there is considerable room for improvement in the administration of provisional voting.

Legislative Response

Indeed, several states²⁴ came to the conclusion that the administration of their provisional voting procedures needed to be improved and amended their statutes after the 2004 election. State legislation adopted since the election points to particular areas of concern.

²³ Another interpretation of the data should be considered. The Census Bureau's Current Population Survey (CPS) developed the category of "registration mix-ups" to assess the states' registration systems. After each election the CPS asks people if they were registered and if they voted. The CPS gives breakdowns of reasons why people did not vote. Survey responders tend to deflect blame when answering questions about voting. In the narrow context of provisional ballots, 'registration problems' would cover only voters who went to the polls where the determination that they were not registered was wrong or they were registered, but in the wrong precinct. If they were in the wrong precinct, provisional voting can help them in only 17 states. In 2004, only 6.8% of those not voting and registered blamed registration problems, while 6.9% reported so in 2000.

²⁴ Twelve states made statutory or regulatory changes: Arizona, Arkansas, Colorado, Florida, Georgia, Indiana, Louisiana, Montana, New Mexico, North Carolina, Virginia and Wyoming. See Table 4 in Appendix 2.

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Not enough time to examine and count the provisional ballots. Florida, Indiana, Virginia, and Washington all have clarified or extended the timeline to evaluate the ballots. But taking more time can prove a problem, particularly in presidential elections with the looming deadline to certify the vote for the Electoral College.²⁵

Lack of uniform rules for counting ballots and effective training of the election officials in interpreting and applying those rules to determine the validity of ballots. Colorado, New Mexico, North Carolina, and Washington have all passed legislation focused on improving the efficacy and consistency of the voting and counting process.

Litigation

Successful legal challenges to the process highlight areas where provisional voting procedures were wanting. A flurry of litigation occurred around the country in October 2004 concerning the so-called “wrong precinct issue” – whether provisional ballots cast by voters in a precinct other than their designated one would be counted for statewide races. These lawsuits were largely unsuccessful in their stated goal: most courts, including the U.S. Court of Appeals for the Sixth Circuit (the only federal appeals court to rule on the issue), rejected the contention that HAVA requires the counting of these wrong-precinct provisional ballots.

This litigation was significant nonetheless.

- First, the Sixth Circuit decision established the precedent that voters have the right to sue in federal court to remedy violations of HAVA.
- Second --and significantly-- the litigation clarified the right of voters to receive provisional ballots, even though the election officials were certain they would not be counted. The decision also defined an ancillary right --the right to be directed to the correct precinct. There voters could cast a regular ballot that would be counted. If they insisted on casting a provisional ballot in the wrong precinct, they would be on notice that it would be a symbolic gesture only.
- Third, these lawsuits prompted election officials to take better care in instructing precinct officials on how to notify voters about the need to go to the correct precinct in order to cast a countable ballot – although the litigation regrettably came too late to be truly effective in this regard. In many states, on Election Day 2004, the procedures in place for notifying voters about where to go were less than ideal, reflecting less-than-ideal procedures for training poll workers on this point.

There was also pre-election litigation over the question whether voters who had requested an absentee ballot were entitled to cast a provisional ballot. In both cases (one in Colorado and one, decided on Election Day, in Ohio), the federal courts ruled that HAVA requires that these voters receive a provisional ballot. Afterwards, it is for state officials under state law to

²⁵ The resources available to evaluate and count provisional ballots within a tight schedule may not be easily available. The General Accounting Office reports that Detroit, where 1,350 provisional ballots were cast and 123 counted, found the 6-day time frame for processing provisional ballots “very challenging and unrealistic. To overcome this challenge, the *entire department’s employees were mobilized to process provisional ballots.*” The report also found that in Los Angeles County, “staff had to prepare duplicate ballots to remove ineligible or invalid contests when voters cast their ballots at the wrong precinct. To overcome this challenge, staffing was increased to prepare the duplicate ballots.” In a close, contested election, “duplicate” ballots would doubtless receive long and careful scrutiny.” See Appendix 7, GAO, “Views of Selected Local Election Officials on Managing Voter Registration and Ensuring Eligible Citizens Can Vote,” September 2005. (GAO Report-05-997)

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determine whether these provisional ballots will be counted, in part by determining if these provisional voters already had voted an absentee ballot (in which case one ballot should be ruled ineligible, in order to avoid double voting). These decisions confirm the basic premise that provisional ballots should be available whenever voters believe they are entitled to them, so that their preferences can be recorded, with a subsequent determination whether these preferences count as valid votes.

RECOMMENDATIONS

Because every provisional ballot counted represents a voter who, if the system had worked perfectly, should have voted by regular ballot, the advent of statewide registration databases is likely to reduce the use of provisional ballots. The one area in which such databases may not make a difference is for those who voted by provisional ballot because they did not bring required identification documents to the polling place. The statewide voter registration database will facilitate verifying that ballot, but the voter will still have voted provisionally. Beyond that exception, even with statewide registries in every state, provisional voting will remain an important failsafe, and voters should have confidence that the failsafe will operate correctly.

The wide variation in the implementation of provisional voting among and particularly within states suggests that EAC can help states strengthen their processes. Research-based recommendations for best, or at least better, practices based on the experience gained in the 2004 election can be useful in states' efforts to achieve greater consistency in the administration of provisional voting.

Recommendations for Best Practices

Recent legislative activity shows that state efforts to improve the provisional voting process are underway. Those states, as well as others that have not yet begun to correct shortcomings that became apparent in 2004, can benefit from considering the best practices described here. By recommending best practices, the EAC will offer informed advice while respecting diversity among the states. One way to strengthen the recommendations and build a constituency for them would be for EAC to ask its advisory committee members to recommend as best practices procedures that have worked in their states.

Self-evaluation of Provisional Voting –4 Key Questions

The first need to achieve greater consistency within each state is to think about provisional voting systematically. As legislators, election officials, and citizens in the states prepare for the 2006 election, they should ask themselves these questions about their provisional voting systems.

1. Does the provisional voting system distribute, collect, record, and tally provisional ballots with sufficient accuracy to be seen as procedurally legitimate by both supporters and opponents of the winning candidate? Does the tally include all votes cast by properly registered voters who correctly completed the steps required?
2. Is the provisional voting system sufficiently robust to perform well under the pressure of a close election when ballot evaluation will be under scrutiny and litigation looms?
3. Do the procedural requirements of the system permit cost-efficient operation? Are the administrative demands of the system reasonably related to the staff and other resource requirements available?

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4. How great is the variation in the use of provisional voting in counties or equivalent levels of voting jurisdiction within the state? Is the variation great enough to cause concern that the system may not be administered uniformly across the state?

If the answers to these questions leave room for doubt about the effectiveness of the system or some of its parts, the EAC's recommendation of best practices should provide the starting point for a state's effort to improve its provisional voting system.

Best Practices For Each Step In The Process

We examined each step of the provisional voting process to identify specific areas where the states should focus their attention to reduce the inconsistencies noted in our analysis. We offer recommendations in each area appropriate to the responsibilities that HAVA assigns the EAC for the proper functioning of the provisional voting process.

The Importance of Clarity

The EAC should emphasize above all else the importance of clarity in the rules governing every stage of provisional voting. As the Century Foundation's recent report observed, "Close elections increasingly may be settled in part by the evaluating and counting of provisional ballots. . . . To avoid post election disputes over provisional ballots—disputes that will diminish public confidence in the accuracy and legitimacy of the result—well in advance of the election, states should establish, announce, and publicize clear statewide standards for every aspect of the provisional ballot process, from who is entitled to receive a provisional ballot to which ones are counted."²⁶

Litigation surrounding the 2004 election resulted in decisions that, if reflected in state statutes or regulations and disseminated in effective training for poll workers, can increase the clarity of provisional ballot procedures, increase predictability, and bolster confidence in the system. By taking the following steps, states can incorporate those court rulings into their procedures.

- Promulgate, ideally by legislation, clear standards for evaluating provisional ballots, and provide training for the officials who will apply those standards. For example, in Washington State, the court determined that an election official's failure in evaluating ballots to do a complete check against all signature records is an error serious enough to warrant recanvassing.²⁷ Clear direction by regulation or statute on what records to use in evaluating ballots could have saved precious time and effort and increased the reliability of the provisional voting system.
- States should provide poll workers standard information resources for the training of poll workers by local jurisdictions. Training materials might include, for example, maps or databases with instruction on how to locate polling places for potential voters who show up at the wrong place. Usable and useful information in the hands of poll workers can protect voters from being penalized by ministerial errors at the polling place.²⁸

²⁶ The Century Foundation, *Balancing Access and Integrity, Report of the Working Group on State Implementation of Election Reforms*, July 2005.

²⁷ See *Washington State Republican Party v. King County Division of Records*, 103 P3d 725, 727-728 (Wash. 2004)

²⁸ See *Panio v. Sunderland* 824 N.E.2d 488, 490 (NY, 2005) See also Order, *Hawkins v. Blunt*, No.04-4177-CV-C-RED (W.D. Mo. October 12, 2004). While rejecting the notion that all ballots cast in the wrong precinct should be counted, the court ruled that provisional votes cast in the wrong precinct should be thrown out provided that the voter had been directed to the correct precinct. This meant that provisional votes cast in the wrong precinct (and even the

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- State training materials provided to local jurisdictions should make clear that the only permissible requirement to obtain a provisional ballot is an affirmation that the voter is registered in the jurisdiction and eligible to vote in an election for federal office.²⁹ Recent legislation in Arizona indicates that recommendations should emphasize HAVA's requirement that persons appearing at the polling place claiming to be registered voters cannot be denied a ballot because they do not have identification with them. Poll workers may need appropriate training to understand their duty to give such voters a provisional ballot.³⁰

A. Registration and Pre-Election Information for Voters

Providing crisp, clear information to voters before the election is important to the success of the provisional voting process. The better voters understand their rights and obligations, the easier the system will be to manage, and the more legitimate the appearance of the process. States can begin by assessing the utility and clarity of the information for voters on their websites and by considering what information might be added to sample ballots mailed to voters before elections. Best practices in this area would include:

1. If states require identification at the time of registration, the kind of IDs required should be stated precisely and clearly and be publicly and widely available in a form that all voters can understand. For example, "You must bring your driver's license. If you don't have a driver's license, then you must bring an ID card with your photograph on it and this ID card must be issued by a government agency."³¹
2. The process to re-enfranchise felons should be clear and straightforward. To avoid litigation over the registration status of felons, best practice should be defined as making re-enfranchisement automatic, or no more burdensome than the process required for any new registrant.³²
3. State or county websites for voters should offer full, clear information on boundaries of precincts, location of polling places, requirements for identification, and other necessary guidance that will facilitate registration and the casting of a regular ballot. An 800 number should also be provided. Models are available: the statewide databases in Florida and Michigan provide voters with provisional voting information, registration verification and precinct location information.

B. At the Polling Place

wrong polling place) would count if there were no evidence that the voter had been directed to a different polling place. The court placed a duty upon election officials to make sure the voters were in the correct locations. Note that this question would not arise in a state that counted ballots cast in the wrong polling place but within the correct county.

²⁹ *Sandusky County Democratic Party v. Blackwell*, 387 F.3d 565, 774 (6th Cir. 2004).

³⁰ *The Florida Democratic Party v. Hood*, 342 F. Supp. 2d 1073, 1075-76 (N.D. Fla. 2004). The court explained that provisional voting is designed to correct the situation that occurs when election officials do not have perfect knowledge and when they make incorrect determinations about eligibility (the "fail-safe" notion). Denying voters provisional ballots because of on-the-spot determinations directly contradicts this idea. Even before the cited decision, the Florida Secretary of State's office had determined that any voter who makes the declaration required by federal law is entitled to vote a provisional ballot, even if the voter is in the wrong precinct.

³¹ Websites in 29 states describe, with varying degrees of specificity, the identification voters may need. In 18 states voters can learn something about the precinct in which they should vote. And in 6 states (California, District of Columbia, Kentucky, Michigan, North Carolina, and South Carolina) they can verify their registration on the website.

³² The Century Foundation, *op. cit.*

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Avoiding error at the polling place will allow more voters to cast a regular ballot and all others who request it to cast a provisional ballot.

1. The layout and staffing of the polling place, particularly the multi-precinct polling place is important. Greeters, maps, and prominently posted voter information about provisional ballots, ID requirements, and related topics can help the potential voters cast their ballot in the right place. States should require poll workers to be familiar with the options and provide the resources needed for them to achieve the knowledge needed to be helpful and effective. Colorado has clear regulations on polling place requirements, including HAVA information and voting demonstration display.³³ Many states require training of poll workers. In some states that requirement is recent: after the 2004 election, New Mexico adopted a requirement for poll workers to attend an "election school."³⁴ A state statutory requirement for training could facilitate uniform instruction of poll workers in those states that do not already provide it.
2. The provisional ballot should be of a design or color sufficiently different from a regular ballot to avoid confusion over counting, as occurred in Washington State. The ballot might include a tear-off leaflet with information for voters such as: "Reasons Why Your Provisional Ballot Might Not Be Counted" on one side and "What to Do if My Provisional Ballot Is Not Counted" on the other.
3. Because provisional ballots offer a fail-safe, supplies of the ballots at each polling place should be sufficient for all the potential voters likely to need them. In 2004, some polling places ran out of ballots, with unknown effects on the opportunity to vote. In Middlesex County, New Jersey, for example, on Election Day the Superior Court ordered the county clerk to assure that sufficient provisional ballots were available at several heavily used polling places, and it authorized the clerk "in the event additional provisional ballots are required . . . to photocopy official provisional ballots."³⁵ At least two states, Connecticut and Delaware, provide guidelines to local election officials on how to estimate the demand for provisional ballots. Connecticut sets the number at 1% of the voters in the district, Delaware at 6%.³⁶ States that do not offer a practical method to guide the supply of provisional ballots at polling places should consider doing so. The guideline should take into account both the number of voters in the district and the number of provisional ballots actually cast in recent elections.
4. To achieve the procedural clarity needed to forestall disputes, states should establish a clear chain of custody for the handling of provisional ballots from production through distribution, collection and, finally, evaluation. A number of states have clear procedures for at least parts of this chain of custody. All states should examine their chain-of-custody requirements for clarity. Illinois includes the potentially beneficial requirement that ballots be transported by bi-partisan teams, which offers the potential to avoid some charges of election fraud.

³³ 8 Colo. Code Regs. § 1505-1, Rule 7.1.

³⁴ 2005 N.M. Laws 270 page no. 4-5.

³⁵ Voting Order, November 2, 2004, Superior Court of New Jersey, Law Division, Middlesex County.

³⁶ Connecticut: "Equal to or not less than 1% of the number of electors who are eligible to vote in any given district, or such other number as the municipal clerk and the registrars agree is sufficient to protect voting rights. Conn. Gen. Stat. Ann. § 9-232j. Delaware: Each County Department of Elections Office is required to provide to each election district a number of provisional ballots equal to 6% of registered voters in that district, with a minimum allocation of 15 ballots. Additional supplies to be delivered when the supply becomes "very low." Del.Code Ann. Tit 15 § 4948(e).

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C. Evaluating Voter Eligibility and Counting Provisional Ballots

The clarity of criteria for evaluating voter eligibility is critical to a sound process for deciding which of the cast provisional ballots should be counted. Public recognition of the validity of those criteria is important to establishing the legitimacy of the system as a whole. The experience in 2004 in North Carolina, Washington, and Ohio underlines the importance of clear criteria. As the Century Foundation report put it, "Whatever procedures the states choose [to determine if a provisional ballot should be counted], the paramount consideration—as with all others concerning provisional voting—is that they be clear and thus not susceptible to post-election manipulation and litigation."³⁷ Nonetheless, the *Panio v. Sutherland*³⁸ decision in New York shows the difficulty of defining the range of administrative errors from which the provisional voters should be held harmless. Even when the standard is "clerical error" judges can differ over what that means exactly. Possibly a state law might be able to clarify a definition by giving examples of clerical errors, but even then the definition is unlikely to be perfect.

1. State statutes or regulations should define a reasonable period for voters who lack the HAVA-specified ID or other information bearing on their eligibility to provide it in order to facilitate the state's ability to verify that the person casting the provisional ballot is the same one who registered. While there may be a concern to ensure that the individual who returns with the ID may not be the same individual who cast the provisional ballot, the spirit of HAVA demands that the opportunity to prove identity be provided after Election Day. A signature match can go far in establishing that the individual who voted and the individual returning later with identification is, in fact, the same person. Encouraging a voter who lacks ID on Election Day to return later to help the verification process by providing proper identification will strengthen the system and increase public confidence in the electoral process. Our data indicate that some voters would prefer to return with ID rather than to sign an affidavit, perhaps because of uncertainty about the legal process involved in the affidavit. At least 11 states allow voters to provide ID or other information one to 13 days after voting. Of particular interest is Kansas, which allows voters to proffer their ID by electronic means or by mail, as well as in person.³⁹
2. More provisional ballots are counted in those states that verify ballots cast outside the correct precinct.⁴⁰ While HAVA arguably leaves this decision up to the states, pointing out the effect of the narrower definition on the portion of ballots counted could be useful to the states in deciding this question. States should be aware, however, of the

³⁷ The Century Foundation, op. cit.

³⁸ 4 N.Y.3d 123, 824 N.E.2d 488 (N.Y. 2005) and Memorandum (LaPlante—Foley) Provisional Ballot Cases by State, July 19, 2005.

³⁹ In Kansas, the voter can provide ID to a County Election Officer any time before the County Board of Canvassers meets to count provisional ballots. KS. ST. 25-1122(d). ID can be presented in person, OR via mail or electronic means. *Id.* The Board must meet either on the Friday or Monday following a Tuesday election. *Id.* at 25-3104.

Deadlines in other states are: Alabama – 5:00 P.M. on the Monday following the election AL ST § 17-10A-2(c),(1) Florida: until 5:00 P.M. on the third day following the election . Fla. Stat. Ann. § 101.048 (adopted after the 2004 election); Georgia—no later than 2 days after the election. GA ST § 21-2-417; 419. Illinois- 2 days to submit additional information 10 Ill. Comp. Stat. Ann. 5/18A-15(d); Indiana— in 2004 the deadline was the close of the polls IN. ST. §. 3-11.7-5-2(a). The time period was extended to 13 days by the adoption of Indiana Code 3-11-8, Section 25, Subsection (l); Maryland—until the meeting of the Election Board; MD ELEC LAW § 11-303. New Jersey— until the close of business on the second day after the election 19:53C-3(i). Nevada— until 5:00 P.M. on the Friday following the election NV ST 293.3085; New Mexico—until 7:00 P.M. on Election Day NM ADC 1.10.22 (8) (H).

⁴⁰ See Andersen, op. cit, pgs. 23 – 24 for an analysis of the significant effect of counting out-of-precinct ballots. The Election Day Survey found that, "Most notably, jurisdictions that permitted jurisdiction-wide acceptance of provisional ballots reported higher rates of provisional ballots being cast, but also reported a much higher incidence of provisional ballots being counted, than other jurisdictions."

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additional burden placed on the ballot-evaluation process when out-of-precinct ballots are considered. And tradeoffs are involved if out-of-precinct voters are unable to vote for the local offices that might appear on the ballot in their district of residence. One option for states is to involve the voters in the decision by pointing out that voters who cast their provisional ballots in the wrong precinct may not be able to participate in the local election. The voter could then decide to go to the correct precinct or vote provisionally for the higher offices at the top of the ticket only.

3. Alternatively, if a state chooses to require voters to appear at their assigned precinct, where the same polling site serves more than one precinct, a voter's provisional ballot should count so long as the voter cast that ballot at the correct polling site even if at the wrong precinct within that location.⁴¹ Ideally the voter could be directed to the correct machine, but poll worker advice will not always be correct. One way to assess the balance of issues here is to consider that, if a voter in a multi-precinct polling place is sent to the wrong machine, the error is probably the poll worker's, and the voter should not be penalized.
4. Officials should follow a written procedure, and perhaps a checklist, to identify the reason why a provisional ballot is rejected (e.g., check the applicable box "unregistered voter"; "lack of signature match" "wrong precinct," etc.) Those forms should be disclosed publicly when completed. Colorado's election rules offer particularly clear guidance to the official evaluating a provisional ballot.⁴²

Colorado Rejection Codes (Any ballot given a rejection code shall not be counted):

RFS	(Rejection federal or state) No federal or state candidates or issues to duplicate.
RNS	(Rejection not signed) Provisional Ballot Affidavit not signed.
RIN	(Rejection incomplete information provided) Required information is incomplete and the designated election official is unable to confirm voter's eligibility.
RNR	(Rejection not registered) Voter did not register by the voter registration deadline or by emergency registration, Colorado voter registration record was not found, or voter was previously cancelled and has not been reinstated pursuant to 1-2-605(10). C.R.S.
REE	(Rejection envelope empty) Provisional ballot envelope is empty.
RAB	(Rejection voter voted absentee) Designated election official has confirmed that voter voted an absentee ballot.
REV	(Rejection based on ballot cast in early voting) Voter voted early.
RIP	(Rejection based on incorrect party) Incorrect Party in Primary Election.
RFE	(Rejection felon not eligible to vote) Individual was convicted of a felony and is either serving a sentence of confinement or detention or is on parole.
RWC	(Rejection elector not registered in county or State of Colorado) Non-county or non-state resident; therefore voter not eligible to vote in the county where the provisional ballot was voted.
RID	(Rejection first time voter has not supplied identification upon registration or thereafter prior to and during time voter voted) First Time Voter who

⁴¹ Chances are administrative error accounts for the voter being directed to the wrong precinct under these circumstances.

⁴² 8 CCR 1505-1, at 26.5.4, adopted August 4, 2005. See also 1-2-509(3) C.R.S.

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registered by mail or through a voter registration drive, is tagged as id deficient, and did not provide id at the time of voting.

RRD (Rejection registration deficient) Voter had deficient or incomplete registration and required information was not provided prior to or at the time of filling in the provisional ballot envelope. Voter's eligibility cannot be established.

D. Verification of Provisional Ballots

1. States that use the information on the provisional ballot to permit voters who have changed their addresses to update their registrations should adopt clear procedures on that process and specify how the new information will be communicated between different Boards of Elections
2. In verifying provisional ballots, the time by which election officials must make their eligibility determinations is particularly important in presidential elections because of the need to certify electors to the Electoral College. States should consider in particular how to divide the time allowed them by the safe-harbor provisions that apply in presidential elections to the certification to the Electoral College. Some part of this five-week period will be consumed by the eligibility evaluation, but states should take care to provide a sufficient period of time as well for challenges. If a state consumes 21 days following the election in the eligibility evaluations, only two weeks will remain for legal challenges to be concluded. Is that sufficient? Or should the state provide the resources needed to complete the eligibility determinations in 10 days or two weeks, leaving three weeks or more for legal challenges in a close election? Our research did not identify an optimum division of the five weeks available. The prudent course here would be to encourage states to consider the issue and then make a careful decision about how to complete all steps in the evaluation of ballots and challenges to those determinations within the five weeks available.

E. Post-election Information for Voters

Timely information to voters about the disposition of their provisional ballot will provide helpful feedback and more important enable voters to determine if they are registered for future elections and, if not, what they need to do to become registered.

1. Establish mechanisms to ensure that voters casting provisional ballots are informed whether they are now registered for future elections and, if not, what they need to do to become registered.

F. State Laws Governing Litigation over Provisional Voting

1. Establish special, streamlined litigation procedures for Election Day complaints that individuals are being denied the right to cast a provisional ballot

Broader Considerations

G. Integrity and the Appearance of Integrity

1. State laws or regulations providing for non-partisan or bi-partisan bodies to make a public determination of the validity of provisional ballots would increase confidence in the system.

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2. To improve transparency, state laws or regulations should require the purging process for registration to be public and with an opportunity for voters to correct an erroneous determination that they should be purged.
3. State laws or regulation should require the evaluation process for provisional ballots to be public, while protecting the names of those who voted provisionally.

H. Continuous Assessment of the Provisional Ballot -- Process and Performance

Defining what makes for a successful provisional voting system is difficult. The most successful system is probably not the one with the most provisional votes cast (that could indicate problems with the registration system). Nor is the system with the greatest number counted or with the fewest counted necessarily superior because the evaluation process could be flawed.

Defining quality requires a broad perspective about how well the system works, how open it is to error recognition and correction, and how well provisional voting processes are connected to the registration and voter identification regimes. The EAC should consider engaging one of the national quality organizations or processes, such as Six Sigma⁴³ or the Baldrige Quality process⁴⁴ to evaluate the provisional ballot process. Pending such a review, the EAC can recommend that states take the following actions.

1. Recognize that the first step to improving quality is to see the provisional voting process as a system and take a systems approach to regular evaluation through standardized metrics with explicit goals for performance.
2. States should begin by collecting data systematically on the provisional voting process so that they can evaluate their voting system and assess changes from one election to the next. The effort should start in the 2006 election, and the data collected should include:
 - Provisional votes cast and counted by jurisdiction, say counties, with details on why the voter had to vote provisionally (lack of ID, not on list, challenged at polling place, issued absentee ballot, etc) and number of ballots actually counted in each category.
 - Reasons why provisional ballots were not counted, using categories such as those that have been adopted by Colorado, described earlier in this report.
 - Measures of variance among jurisdictions.
 - Number of poll workers trained in administration of provisional voting by polling place
 - Number of jurisdictions posting information on provisional voting in the polling place
 - Time required to evaluate ballots by jurisdiction

⁴³ Six Sigma is a measure of quality that strives for near perfection. Six Sigma is a disciplined, data-driven approach and methodology for eliminating defects (driving towards six standard deviations between the mean and the nearest specification limit) in any process -- from manufacturing to transactional and from product to service.

⁴⁴ The Baldrige Criteria for Performance Excellence provide a systems perspective for understanding performance management. They reflect validated, leading-edge management practices against which an organization can measure itself. With their acceptance nationally and internationally as the model for performance excellence, the Criteria represent a common language for communication among organizations for sharing best practices. The Criteria are also the basis for the Malcolm Baldrige National Quality Award process.

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Improving understanding of the provisional voting process through analysis of detailed information will enable state and local election officials to strengthen their systems. By collecting and analyzing this data states can identify which aspects of the registration and electoral system are most important in shunting voters into the provisional ballot process. Responsible officials can then look to their registration system, identification requirements or poll worker training as a way to reduce the need for voters to cast their ballots provisionally.

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ATTACHMENT 1 – Data Sources for Classification of the States

Our research on provisional voting divided the various states into several categories to allow an assessment of how different factors may have influenced the process of casting and counting provisional ballots. This analysis was conducted before the release of the Election Day Study, and the categories we used may differ in some respects from its work. The variables used to analyze a state's use of provisional ballots:

1. New vs. Old (states that used a provisional ballot before the 2004 election)
2. Use of a statewide database of registered voters vs. no use of a statewide database
3. Counting out-of-precinct ballots vs. not counting out-of-precinct ballots
4. Voter identification requirements
5. Method used to verify provisional ballots
6. Levels of provisional ballots cast and counted

We first assigned states within these categories based on classifications done by Electionline.org in its studies. The Electionline data was the only published information available at the time of our research. We reviewed the Electionline data carefully, and, in select cases, updated it with new, detailed information that had become available after its publication. The changes we made are explained below.

--Idaho, Maine, Minnesota, New Hampshire, Wisconsin and Wyoming were excluded from our analysis. They have election-day registration systems, and did not need to use HAVA-compliant provisional ballots.

--North Dakota does not register voters, so it also was excluded from HAVA requirements and did not use provisional voting.

--Mississippi has not reported its provisional voting results and could not be included in our analysis, though it was compliant in 2004.

--Pennsylvania did not report its totals for the Election Day Study, but we obtained information on Pennsylvania and included it in our analysis.

New vs. Old States

We classified states as “new” or “old” based on the 2001 Electionline study of provisional voting,⁴⁵ but condensed its classifications into a single dichotomous variable, new/old with all other cases excluded. The Electionline study divided states into five categories of their use of provisional ballots in the 2000 election:

1. Use of provisional ballots (P)
2. Limited use of provisional ballots (LP)
3. Affidavit ballots (A)
4. No system in place (N)
5. Unnecessary/Not Applicable (U/NA)

We included in the list of “Old States” all states listed as using provisional ballots, limited use of provisional ballots or affidavit ballots. States in all three categories would have been familiar with key aspects of provisional voting. States that had no provisional voting system in place for the 2002 election, and were HAVA compliant in 2004, were listed as “new” states, as 2004 would have been the first year in which they would be offering the option of provisional voting. States that were listed as unnecessary or not applicable were excluded from this study, as they

⁴⁵ This study can be found at: <http://electionline.org/Portals/1/Publications/Provisional%20Voting.pdf>.

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were exempt from the HAVA regulations in 2004 because they either allowed same-day registration or did not register voters.

Rhode Island is the only state categorized as an old state by Electionline that we moved into the list of new states. Electionline's map shows Rhode Island as a state that used provisional voting in 2000, but in the state description, it is listed as having no system in place. We learned from the Rhode Island Board of Elections that the state had previously permitted potential voters to sign an affidavit if they did not appear on a precinct's list of registered voters, but felt they were registered to vote. Based on the signed affidavit, the election official would then contact a county official to see if the voter was on a more complete registration list. If the voter's name was on the complete list, that voter was permitted to cast a regular ballot. As this process did not grant the voter a provisional ballot, but served as a different type of administrative failsafe, we concluded that Rhode Island's first use of provisional voting was in 2004 and, therefore, classified the state as "new" to the system of provisional balloting.

Table 1		
CATEGORIZATION OF STATES -- Old and New		
Old States	New States	HAVA Exempt or NA
Alaska	Connecticut	Idaho
Alabama	Delaware	Maine
Arkansas	Georgia	Minnesota
California	Hawaii	New Hampshire
Colorado	Illinois	North Dakota
DC	Indiana	Wisconsin
Florida	Louisiana	Wyoming
Iowa	Massachusetts	
Kansas	Missouri	
Kentucky	Montana	
Maryland	Nevada	
Michigan	Oklahoma	
Mississippi	Pennsylvania	
Nebraska	Rhode Island	
New Jersey	South Dakota	
New Mexico	Tennessee	
New York	Utah	
North Carolina	Vermont	
Ohio		
Oregon		
South Carolina		
Texas		
Virginia		
Washington		
West Virginia		
26	18	7

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Statewide List of Registered Voters

The Electionline preview of the 2004 Election⁴⁶ was the starting point for compiling a list of states that had a statewide database of registered voters. That study listed 34 States that did not have their statewide database systems complete, and 16 that did, including the District of Columbia. North Dakota does not register voters, so does not need to compile such a database. Electionline's criterion for concluding that a state had a statewide list was that the state have participation from all jurisdictions in a statewide system. We added Oklahoma to the list of states with statewide databases because we found it had met the Electionline criteria by the 2004 election, albeit too late for inclusion in the Electionline survey.

Out-of-Precinct Ballots

We based our classification of states that allow the counting of ballots cast outside the correct precinct on the data in the 2004 Electionline preview of the 2004 election². States that evaluated ballots cast in a precinct where the voter was not registered were categorized as "out-of-precinct." States that invalidated such ballots were categorized as "In-precinct only."

Table 2 CATEGORIZATION OF STATES -- Counting Out-Of-Precinct Ballots		
Out-of-Precinct	In-Precinct Only	HAVA EXEMPT OR NA
Alaska	Alabama	Idaho
Arkansas	Arizona	Maine
California	Colorado	Mississippi
Delaware	Connecticut	New Hampshire
Georgia	District of Columbia	North Dakota
Illinois ⁴⁷	Florida	Wisconsin
Kansas	Hawaii	Wyoming
Louisiana	Indiana	
Maryland	Iowa	
New Mexico	Kentucky	
North Carolina	Massachusetts	
Oregon	Michigan	
Pennsylvania	Missouri	
Rhode Island	Montana	
Utah	Nebraska	
Vermont	Nevada	
Washington	New Jersey	
	New York	
	Ohio	
	Oklahoma	
	South Carolina	
	South Dakota	
	Tennessee	
	Texas	
	Virginia	
	West Virginia	
17	26	7

⁴⁶ "Election Preview 2004: What's changed, What Hasn't and Why". This study can be found at: <http://electionline.org/Portals/1/Publications/Election.preview.2004.report.final.update.pdf>

⁴⁷ In Illinois, it is not clear that all counties followed this procedure. Some counties may not have counted out-of-precinct ballots.

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Verification Method

We identified four different ways states assessed provisional ballots to determine if they should be counted: signature match, match voter data, signed affidavits, and bringing back identification later. We gathered information about these verification techniques by checking state websites and consulting journalistic accounts. We consulted state legislation to provide further information where needed.

Signature Match	Data Match	Affidavit	Return with ID	NA
Alaska	Alabama	Connecticut	Indiana	Idaho
California	Arizona	Delaware	Iowa	Maine
Florida	Arkansas	Georgia	Kansas	Mississippi
Oregon	Colorado	Hawaii	Maryland	Minnesota
	DC	Illinois	Michigan	New Hampshire
	Louisiana	Kentucky	Montana	N. Carolina*
	Missouri	Massachusetts	New Jersey	N. Dakota
	Ohio	Nebraska	New Mexico	Wisconsin
	Oklahoma	Nevada	Texas	Wyoming
	Pennsylvania	New York	Utah	
	Rhode Island	South Dakota		
	S. Carolina	Tennessee		
	Washington	Vermont		
	West Virginia	Virginia		
4	14	14	10	9

* North Carolina lacked clear standards to evaluate provisional ballots and is excluded from this analysis.

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Data Collection

To assemble our data for analysis, we began by using the data on provisional votes cast and counted reported by Electionline. To increase the accuracy of this data, we surveyed each state's election websites for updated data, and for reported numbers on the county level. We then sent emails to 49 (we excluded Alaska, see below) states and the District of Columbia, requesting updated data on the number of provisional votes cast and counted by county. We received information from 25 states by our cut-off date of August 25, 2005.

Received Updated Data	Did Not Receive Updated Data
California	Alabama
District of Columbia	Alaska ⁴⁸
Florida	Arizona
Hawaii	Arkansas
Indiana	Colorado
Iowa	Connecticut
Kansas	Delaware
Louisiana	Georgia
Maryland ⁴⁹	Idaho
Missouri	Illinois
Montana	Kentucky
Nebraska ⁵⁰	Maine
Nevada	Massachusetts
New Jersey	Michigan
New Mexico	Minnesota
Ohio	Mississippi
Oklahoma	New Hampshire
Oregon	New York
Pennsylvania	North Carolina
Rhode Island	North Dakota
South Dakota	South Carolina
Tennessee	Utah
Texas	Vermont
Virginia	Wisconsin
Washington	Wyoming
West Virginia	
26 States	25 States

⁴⁸ Alaska was not contacted via email, as the state does not have voting districts comparable to counties in other states and could not be matched with comparable census data.

⁴⁹ Maryland reported provisional ballots that were counted per county, but not number cast.

⁵⁰ Nebraska reported an incomplete list of provisional ballots cast and counted by county, but designated counties by number, rather than by name.

FINAL DRAFT

For Review by the Standards Board and Board of Advisors

Data Differences

The data used in this study differ from the data reported in the Election Day Study for 19 states. The Election Day Study was not completed until well after our statistical analysis of provisional voting was finished. Where there are differences, they are typically very small, usually fewer than 100 votes either cast or counted. Of the 9 states that have differences of more than 100 votes cast or counted, 7 have reported their numbers directly to us and can be considered updated data that EDS had not obtained. For one of those states, New Mexico, EDS had incomplete data, and for another, Pennsylvania, EDS had no data at all. The data that we have collected reflects updated numbers from the states that have changed following recounts and litigation that altered how ballots were evaluated.

State	EDS Numbers Cast/Counted	Our Numbers Cast/Counted	Differences	Updated Info from State? ⁵¹
Alabama	6,478/1,865	6560/1836	82/29	No
Alaska	23,285/22,498	23,275/22,498	10/0	No
Colorado	51,529/39,086	51,477/39,163	52/77	No
Georgia	12,893/4,489	12,893/3,839	0/650	No
Hawaii	346/25	348/25	2/0	Yes
Iowa	15,406/8,038	15,454/8,048	48/10	Yes
Kansas	45,535/32,079	45,563/31,805	28/274	Yes
Montana	688/378	653/357	35/21	Yes
Nebraska	17,421/13,788	17,003/13,298	418/490	Yes
Nevada	6,153/2,446	6,154/2,447	1/1	Yes
New Mexico	6,410/2,914	15,360/8,767	8,950/5,853	Yes
N. Carolina	77,469/50,370	77,469/42,348	0/8,022	No
Ohio	157,714/123,902	158,642/123,548	928/354	Yes
Pennsylvania	No data	53,698/26,092	53,698/26,092	Yes
Texas	35,282/7,156	36,193/7,770	911/614	Yes
Vermont	121/30	101/37	20/7	No
Virginia	4,608/728	4,609/728	1/0	Yes
Washington	92,402/73,806	86,239/69,273	6,163/4,533	Yes
Wisconsin	374/119	373/120	1/1	No

⁵¹ Data not provided by the state itself is taken from Electionline figures.

Karen Lynn-Dyson/EAC/GOV
05/18/2006 12:43 PM

To "Tom O'Neill" [REDACTED]@GSAEXTERNAL
cc arapp@rci.rutgers.edu, davander@eden.rutgers.edu,
dlinky@rci.rutgers.edu, foley.33@osu.edu,
ireed@rutgers.edu, "Johanna Dobrich"
bcc Adam Ambrogi/EAC/GOV
Subject Re: Voter ID Report and Appendices [REDACTED]

Tom-

As was just discussed, the EAC's Commissioners have elected to delay a presentation of Eagleton's report on Voter Identification to the EAC Board of Advisors and Standards Board, at this time.

The Commissioners will spend time over the next several weeks reviewing and considering this report in great detail and will make a determination, shortly thereafter, regarding how they wish to proceed with the issuance of an EAC report on this study.

Many thanks to you and your staff for the work that has been done. We look forward to next week's presentation of the Eagleton/Moritz study of provisional voting.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'Neill" [REDACTED]



"Tom O'Neill"
[REDACTED]
05/17/2006 09:25 AM

To klynndyson@eac.gov
cc tokaji.1@osu.edu, foley.33@osu.edu,
lauracw@columbus.rr.com, "Tim Vercellotti"
<tim.vercellotti@rutgers.edu>, arapp@rci.rutgers.edu,
davander@eden.rutgers.edu, dlinky@rci.rutgers.edu,
ireed@rutgers.edu, joharris@eden.rutgers.edu,
john.weingart@rutgers.edu, rmandel@rci.rutgers.edu,
"Johanna Dobrich" <jdobrich@eden.rutgers.edu>
Subject Voter ID Report and Appendices

Karen,

Attached for review by the Commissioners is the Voter ID Report and its appendices. The appendices are lengthy, but I believe Appendix A should be included in the report sent to the Advisory Boards for review.

Thanks for your forbearance.

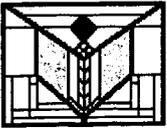
Tom O'Neill

014113



Appendices517.doc VoterIDReport05170910.doc

014114



Adam Ambrogi/EAC/GOV
05/19/2006 12:45 PM

To Hvonspakovsky@fec.gov
cc
bcc
Subject EAC Standards Board

Commissioner:

Hope all is going well in your new position-- I wanted to get to you the agenda for the Standards Board meetings next week. The Board of Advisors is occurring concurrently, so you can feel free to wander, or to stay at one of the meetings-- the same information will be presented in each meeting.

Let me know if you have any questions.

Best regards,
Adam



2006 Standards Board agenda.doc

Adam D. Ambrogi
Special Assistant to Commissioner Ray Martinez III
U.S. Election Assistance Commission
1225 New York Ave. NW - Suite 1100
Washington, DC 20005
202-566-3105

014115



HvonSpakovsky @fec.gov
05/19/2006 02:34 PM

To aambrogi@eac.gov
cc
bcc
Subject Re: EAC Standards Board

Adam,

thanks for sending this; I am going to try to stop by. How are you doing on finding another post? Did you ever talk to Commissioner Walther at the FEC?

Hans

aambrogi@eac.gov

05/19/2006 12:45 PM

To Hvonspakovsky@fec.gov
cc
Subject EAC Standards Board

Commissioner:

Hope all is going well in your new position-- I wanted to get to you the agenda for the Standards Board meetings next week. The Board of Advisors is occurring concurrently, so you can feel free to wander, or to stay at one of the meetings-- the same information will be presented in each meeting.

Let me know if you have any questions.

Best regards,
Adam

Adam D. Ambrogi
Special Assistant to Commissioner Ray Martinez III
U.S. Election Assistance Commission

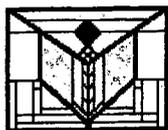
014116

1225 New York Ave. NW - Suite 1100
Washington, DC 20005



202-566-3105 2006 Standards Board agenda.doc

014117



Adam Ambrogi /EAC/GOV
05/22/2006 09:05 AM

To "Caldwell, Theresa"
<Theresa.Caldwell@mail.house.gov>@GSAEXTERNAL
cc
bcc
Subject REMINDER: Congressman Jackson's show, 5/22, 2pm

Theresa:

Questions/Issues: (Sorry they're a little late)

There have been concerns about both machine failure and pollworker training in the recent primary in Chicago-- what is the EAC doing to focus on these concerns, and how do you believe local election officials are meeting the challenge, and what can ordinary citizens do to assist the process.

What can voters do best to protect their right to vote on election day? What should they bring with them and what information should they know?

(There is, of course the voter identification issues that have been debated on the country with conservatives largely concerned about voting fraud, and liberals largely concerned about voter access. Can you comment on this debate?)

I've heard about a new requirement for provisional voting? What does this mean, and if I'm a voter, and told I can't vote, how do I cast a provisional vote?

You recently authored a New York Times opinion piece (along with Fair Vote President John Anderson) recommending that all high school graduates be registered to vote (to be effective on their 18th birthday). What do you think can be done with that recommendation in the states, and why did you come to that opinion.

You were recently in Ohio to observe the federal primary. Do you see different issues in different states, or are the problems based on the technology used or procedures promulgated?

Adam D. Ambrogi
Special Assistant to Commissioner Ray Martinez III
U.S. Election Assistance Commission
1225 New York Ave. NW - Suite 1100
Washington, DC 20005
202-566-3105

"Caldwell, Theresa" <Theresa.Caldwell@mail.house.gov>



"Caldwell, Theresa"
<Theresa.Caldwell@mail.house.gov>
05/18/2006 03:02 PM

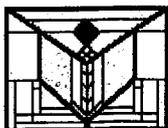
To
cc
Subject REMINDER: Congressman Jackson's show, 5/22, 2pm

Hello there! I won't be in the office tomorrow, so I thought I would send you a note just to make sure everything is still all set for Monday's taping of "Perfect Union."

014118

Theresa Caldwell
Deputy Communications Director
Office of Congressman Jesse L. Jackson, Jr.
202-225-0773

014119



Adam Ambrogi/EAC/GOV

06/12/2006 10:05 AM

To wang@tcf.org

cc

bcc

Subject FYI

I don't know if you had heard about this but in NCSL's annual conference, they're having a piece on Voter ID and fraud issues. I don't know who's on that panel, but I thought I would let you know, since so much of that work is being done through the state legislatures. Hope all is well, and thanks for the updates....

<http://www.ncsl.org/annualmeeting/agenda/showmain3.cfm?requesttimeout=90>

Tuesday, August 15, 2006

10:15 am - 5:15 pm Redistricting & Elections Committee

Supremes Rule on Re-Redistricting of Texas

10:15 am - 11:30 am

Three years after the highly publicized redrawing of Texas congressional districts, the U.S. Supreme Court ruled in June on whether the Legislature acted unconstitutionally. How will the decision alter the redistricting process? What subtle, but critical, lines were buried in the text of the opinions?

Legislative Competition and the role of Gerrymandering?

11:30 am - 12:45 pm

Are legislative elections really less competitive today than in the past? Is gerrymandering the culprit or one of many reasons. New research helps put the redistricting factor in perspective.

Are Voters Who they Say they Are?

1:00 pm - 2:00 pm

Many states continue to look at the issue of voter ID and struggle with balancing the need for maximum access to the polls with trying to eliminate any possible fraud. How big is this problem and what are states doing about it?

Will Fall Elections Run like Clockwork?

2:00 pm - 3:00 pm

Since the controversial 2000 election debacle, most states have implemented key election reforms to shore up the system and respond to federal legislation. Will this fall's 2006 election go off without a hitch or will new problems emerge in the voting process?

What's Next in Redistricting Technology

3:15 pm - 4:15 pm

Redistricting software vendors will preview and demonstrate what they are planning for 2010. They will be discuss things like the next generation of redistricting technology with support for desktop, Web based and PDA/Cellular applications.

Countdown to Census 2010

4:15 pm - 5:15 pm

Speakers: Linda Franz, Geographer, U.S. Census Bureau, Washington, D.C.
Bob LaMacchia, Chief, Geography Division, U.S. Census Bureau, Washington, D.C.
Cathy McCully, Chief, Census Redistricting Data Office, U.S. Census Bureau, Washington,

014120

D.C.

Wednesday, August 16, 2006

10:15 am - 11:30 am Redistricting & Elections Committee

Are 527s Here to Stay?

In many states, the so-called 527 groups are likely to play a major part in this fall's campaigns. What are they? Should they be regulated? Can they be regulated? What are states doing in this area?

2:45 pm - 4:15 pm Money and Politics

As ethical scandals over campaign contributions and influence-buying swirl around Washington, D.C., states once again take the lead in finding new solutions to an old problem. This session will highlight states' innovative ideas for regulating money in politics and the role of lobbyists in fundraising and campaigns.

Friday, August 18, 2006

8:30 am - 10:00 am General Session and Breakfast

SPEAKERS :

Peter Hart has been one of the country's leading public opinion analysts for more than 27 years. He conducts all public opinion polling for NBC News and The Wall Street Journal. His focus is public policy, cultural and social issues, and strategic consulting for corporations, including Time Warner, Microsoft, Kodak to name a few.

Frank Luntz is one of the most honored communications professionals in America today. Named one of the four Top Research Minds by Business Week magazine, he pioneered the Instant Response focus group research technique, and won an Emmy Award in 2001 for his 100 Days, 1000 Voices segments on NBC's primary and election night coverage.

Adam D. Ambrogi
Special Assistant to Commissioner Ray Martinez III
U.S. Election Assistance Commission
1225 New York Ave. NW - Suite 1100
Washington, DC 20005
202-566-3105

014121



"Tova Wang"
<wang@tcf.org>
06/12/2006 05:00 PM

To aambrogi@eac.gov
cc
bcc
Subject RE: FYI

Thanks Adam. I've been trying to get Tim Storey about this, but with no luck so far. Any news with you?
Tova

-----Original Message-----

From: aambrogi@eac.gov [mailto:aambrogi@eac.gov]
Sent: Monday, June 12, 2006 9:06 AM
To: wang@tcf.org
Subject: FYI

I don't know if you had heard about this but in NCSL's annual conference, they're having a piece on Voter ID and fraud issues. I don't know who's on that panel, but I thought I would let you know, since so much of that work is being done through the state legislatures. Hope all is well, and thanks for the updates....

<http://www.ncsl.org/annualmeeting/agenda/showmain3.cfm?requesttimeout=90>

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Since the controversial 2000 election debacle, most states have implemented key election

014122

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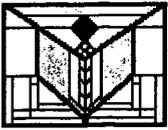
Peter Hart has been one of the country's leading public opinion analysts for more than 27 years. He conducts all public opinion polling for NBC News and The Wall Street Journal. His focus is public policy, cultural and social issues, and strategic consulting for corporations, including Time Warner, Microsoft, Kodak to name a few.

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014123

Adam D. Ambrogi
Special Assistant to Commissioner Ray Martinez III
U.S. Election Assistance Commission
1225 New York Ave. NW - Suite 1100
Washington, DC 20005
202-566-3105

014124



Adam Ambrogi /EAC/GOV
06/20/2006 03:01 PM

To "Donsanto, Craig" <Craig.Donsanto@usdoj.gov>
cc
bcc
Subject State election fraud statute collection?

Dear Craig:

Hope is well with you. Hoping that you can help us out with a quick request from a member of congressional committee. They would like to know if there exists a list (compendium or index) of state election laws on crime and fraud specifically. They are trying to get access to such a list as soon as possible, for a Congressional hearing on Thursday. If no list exists to your knowledge, that's great. If it does exist, and we can get access to it, please let me know.

Thanks so much, Craig. I hope all is well.
Best,
Adam

Adam D. Ambrogi
Special Assistant to Commissioner Ray Martinez III
U.S. Election Assistance Commission
1225 New York Ave. NW - Suite 1100
Washington, DC 20005
202-566-3105

014125



"Donsanto, Craig"
<Craig.Donsanto@usdoj.gov>
>

06/20/2006 05:43 PM

To aambrogi@eac.gov

cc

bcc

Subject Re: State election fraud statute collection?

I am currently in Europe on official DOJ business. Please call Nancy Simmons, 202-514-1440. We have what you request -- I think, and if we do she can e-mail it to you.

Sent from Dr. D's Fabulous BlackBerry Wireless Handheld

-----Original Message-----

From: aambrogi@eac.gov <aambrogi@eac.gov>
To: Donsanto, Craig <Craig.Donsanto@crm.usdoj.gov>
Sent: Tue Jun 20 15:01:40 2006
Subject: State election fraud statute collection?

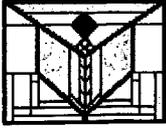
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Thanks so much, Craig. I hope all is well.
Best,
Adam

Adam D. Ambrogi
Special Assistant to Commissioner Ray Martinez III
U.S. Election Assistance Commission
1225 New York Ave. NW - Suite 1100
Washington, DC 20005
202-566-3105

014126



Adam Ambrogi /EAC/GOV
06/20/2006 07:03 PM

To "Thomas Hicks" <"Hicks, Thomas"
<thomas.hicks@mail.house.gov>
cc
bcc
Subject Fw: list of state election crimes

Tom:

Doesn't look like there's a state list of fraud statutes-- there's a federal one.

(See below.)

It's something we have planned to do, but have not completed. What's your timeline and priority? I could pull something together...

AA

Adam D. Ambrogi
Special Assistant to Commissioner Ray Martinez III
U.S. Election Assistance Commission
1225 New York Ave. NW - Suite 1100
Washington, DC 20005
202-566-3105

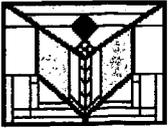
----- Original Message -----

From: "Simmons, Nancy" [Nancy.Simmons@usdoj.gov]
Sent: 06/20/2006 06:52 PM
To: Adam Ambrogi
Cc: Margaret Sims; Donsanto, Craig" <Craig.Donsanto@usdoj.gov>
Subject: list of state election crimes

Adam, Craig thought you were looking for a list of federal statutes, which are discussed in our election fraud manual. We don't have lists of state election crimes. Craig suggests that you contact Peggy Sims at the EAC - she's a wonderful resource, and I'm including her in my reply. Good luck.

Nancy

014127



Adam Ambrogi/EAC/GOV
06/28/2006 02:11 PM

To Bryan Whitener/EAC/GOV@EAC
cc
bcc
Subject Re: Fw: MAY 23, 2006 Standards Board Meeting

Thanks! Do you or Joyce have the one from the 24th??
Thanks much,
Adam

Adam D. Ambrogi
Special Assistant to Commissioner Ray Martinez III
U.S. Election Assistance Commission
1225 New York Ave. NW - Suite 1100
Washington, DC 20005
202-566-3105

Bryan Whitener/EAC/GOV

Bryan Whitener /EAC/GOV
06/28/2006 02:04 PM

To Adam Ambrogi/EAC/GOV@EAC
cc
Subject Fw: MAY 23, 2006 Standards Board Meeting

Adam, here's the transcript attached below.

----- Forwarded by Bryan Whitener/EAC/GOV on 06/28/2006 02:04 PM -----

Joyce Wilson /EAC/GOV
06/26/2006 04:41 PM

To Bryan Whitener/EAC/GOV@EAC
cc
Subject Fw: MAY 23, 2006 Standards Board Meeting



Joyce H. Wilson
Staff Assistant
US Election Assistance Commission
202-566-3100 (office)
202-566-3128 (fax)

----- Forwarded by Joyce Wilson/EAC/GOV on 06/26/2006 04:41 PM -----

"Carol L. Thomas Reporting"
[Redacted]
06/26/2006 03:53 PM

To jwilson@eac.gov
cc dromig@eac.gov
Subject MAY 23, 2006 Standards Board Meeting



Dear Ms. Joyce Wilson,

Attached please note the ASCII file for the Standards Board Meeting taken on Tuesday, May 23, 2006.
Your transcript has been shipped to you.

ASCII file name: 052306.txt

Please let us know if you have any questions.



Timothy Brischler, Office Manager, 703.273.9221 052306.TXT

014129

Karen Lynn-Dyson/EAC/GOV

02/18/2005 03:53 PM

To Sheila A. Banks/EAC/GOV@EAC, Holland M. Patterson/EAC/GOV@EAC, Adam Ambrogi/EAC/GOV@EAC, Spring A.

cc

bcc

Subject Fw: Commissioner approval (by 2/25) of contracting process for work on Provisional Voting and Voter ID projects

Hey-

Forgot to cc you all on this.

Thanks

K

Karen Lynn-Dyson
Director, Help America Vote College Program
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 02/18/2005 03:50 PM -----

Karen Lynn-Dyson/EAC/GOV

02/17/2005 04:02 PM

To Gracia Hillman, Paul DeGregorio, DeForest Soaries, Ray Martinez

cc Carol A. Paquette/EAC/GOV@EAC, Juliet E. Thompson/EAC/GOV@EAC

Subject Commissioner approval (by 2/25) of contracting process for work on Provisional Voting and Voter ID projects

Commissioners-

As was discussed during our session on February 17, 2005, please *review and provide your approval, disapproval or amendments* to the following items by **Friday, February, 25, 2005**:

1. The attached Scope of Work which outlines the tasks related to contract work around projects relating to voluntary guidance on provisional voting and voter identification procedures.
2. The proposal will be advertised beginning **February 28, 2005**.
3. The deadline for submitting proposals will be **March 14, 2005**.
4. Proposal review will be completed by EAC staff by **March 17, 2005**
5. Staff will recommend a contractor to the Commissioners on **March 18, 2005**.
6. Commissioners will be asked for their decisions no later than **Tuesday, March 22, 2005**

014130



Statement of Work - Provisional Voting, Voter ID.doc

Thank you for your help and attention to this matter.

K
Karen Lynn-Dyson
Research Director
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

014131

February 14, 2005

PROVIDING EAC ASSISTANCE IN DEVELOPING VOLUNTARY GUIDANCE ON PROVISIONAL VOTING AND VOTER IDENTIFICATION PROCEDURES

0.0 Contract Title: Assistance to the U.S. Election Assistance Commission in the Development of Guidance on Provisional Voting and Voter Identification Procedures

1.0 Background: Sec. 302(a) of HAVA requires that all States allow the casting of provisional ballots in instances where a voter declares their eligibility to vote but their name does not appear on the official list of eligible voters, or an election official asserts that a voter is not eligible to vote. This section describes several requirements for implementation of provisional voting, but the States have considerable latitude in specifying how to carry out these requirements. The EAC seeks to examine how provisional voting was implemented in the 2004 general election and to prepare guidance for the States on this topic for the 2006 Federal elections.

HAVA Sec. 303(b) mandates that first time voters who register by mail are required to show proof of identity before being allowed to cast a ballot. The law prescribes certain requirements concerning this section, but also leaves considerable discretion to the States for its implementation. The EAC seeks to examine how these voter identification requirements were implemented in the 2004 general election and to prepare guidance for the States on this topic for the 2006 elections.

One of the remedies for a voter not having an acceptable proof of identity is to allow the voter to cast a provisional ballot, either at the polling place or by mail. This linkage between these two HAVA sections provides a rationale for conducting research on these topics in parallel. However, it is anticipated that two separate guidance documents will result.

2.0 Objective: The objective of this contract is for EAC to obtain assistance with the collection, analysis and interpretation of information regarding HAVA provisional voting and voter identification requirements for the purpose of drafting guidance on these topics for promulgation to the States in time for implementation for the 2006 Federal elections. The anticipated outcome of this activity is the generation of concrete policy recommendations to be issued as voluntary guidance for States.

3.0 Scope: In general the Contractor shall be responsible for all research and analysis activities, including the conduct of public hearings for fact finding and public comment purposes. However, in light of the urgent need to get this work underway, the EAC has scheduled a public hearing on February 23, 2005, on the topic of provisional voting.

014132

An initial framework for provisional voting policy has been set by the court decisions rendered on the election procedures utilized in the 2004 election. The 6th Circuit decision, in particular, has drawn some boundaries which must be given due regard in the course of considering future policy alternatives for provisional voting.

Notice of public meetings and hearings is required to be published in the Federal Register. The Contractor shall be responsible for preparing the notice documents, and the EAC will submit the notices and cover the cost of publication. In addition, draft guidance documents must be published in the Federal Register to obtain public comment prior to their adoption. Again, the Contractor will work with the EAC to prepare the draft documents for publication, which the EAC will submit and cover the cost of publication. Comments received will be provided to the Contractor for analysis and incorporation into the final guidance documents, as appropriate.

4.0 Specific Tasks

For ease of reference, following task 4.3 the remaining tasks are listed separately under the headings of Provisional Voting and Voter Identification Requirements. It is understood that the work on these two topics will be conducted essentially concurrently, with Voter Identification activities starting approximately one month after Provisional Voting.

- 4.1 Prepare a project work plan. The Contractor shall prepare and deliver a brief Project Plan not later than 10 days after contract award. This plan shall describe how the Contractor will accomplish each of the project tasks, including a timeline indicating major milestones. A single document will be prepared to include both provisional voting and voter identification tasks. The Plan shall be presented at a project kickoff meeting with the EAC Project Manager.
- 4.2 Submit monthly progress reports. The Contractor shall submit a monthly progress report within 2 weeks of the end of each month. This report shall provide a brief summary of activities performed and indicate progress against the timeline provided in the Project Plan. Any issues that could adversely affect schedule should be identified for resolution. Budget status should also be provided.
- 4.3 Conduct periodic briefings for the EAC. The Contractor shall periodically meet with the EAC Project Manager and the lead Commissioner for this work to discuss research findings and progress. The Project Plan should make allowance for this activity. The number and frequency of briefings will be determined by the Contractor Project Manager and the EAC Project Manager as the work progresses. The Contractor may also be required to periodically brief the full Commission on their work.

Provisional Voting

- 4.4 Collect and analyze State legislation, administrative procedures, and court cases. An understanding of the disparities and similarities of how provisional

voting was implemented around the country will provide a baseline for the consideration of future approaches. Seventeen States never had provisional voting before HAVA was enacted, while many other States did. A State-by-State compendium of the legislation, procedures, and litigation reviewed shall be delivered along with the analysis results.

- 4.5 Recommend alternative approaches for future implementation of provisional voting. The Contractor shall conduct a literature review to identify other research results and data available on this topic. The EAC Election Day Survey, for example, contained several questions on provisional voting. The EAC will make these survey data available to the Contractor. Based on their analysis of available research and the results of Task 4.5, the Contractor shall diagnose the problems and challenges of provisional voting implementation and hypothesize alternative approaches.

The Contractor shall assess the efficacy of these alternatives in relation to the following inter-related policy objectives: (1) enabling the maximum number of eligible voters to cast ballots that will be counted; (2) providing procedural simplicity for voters, poll workers, and election officials; (3) minimizing opportunity for voter fraud; and (4) maintaining a reasonable workload for election officials and poll workers. Additional policy considerations may be identified in the course of this research effort. The Contractor shall document and brief these alternatives to the Commission.

- 4.6 Prepare preliminary draft guidance document. Based on the feedback received from the Commission, the Contractor shall prepare a draft guidance document for review and comment by the EAC Board of Advisors. EAC will convene a Board of Advisors meeting or teleconference for the discussion of this document. The Contractor shall provide the document in advance and participate in the Board meeting to answer questions and record comments.
- 4.7 Revise draft guidance for publication in the Federal Register. The Contractor shall revise the guidance document as appropriate to reflect the comments of the EAC and the Board of Advisors and provide the draft guidance for publication in the Federal Register by the EAC.
- 4.8 Arrange one public hearing for receiving public comment on draft guidance. This hearing should be scheduled 30 days after the initial publication date. The Contractor shall select the location in consultation with the EAC. No speakers will be required. EAC will handle publicity for the meeting
- 4.9 Prepare final guidance document for EAC adoption. Review all comments received in response to Federal Register publication and at public hearing and revise guidance document as appropriate. Provide final version to EAC for adoption.

Voter Identification Requirements

- 4.10 Collect and analyze State legislation, administrative procedures, and court cases. It is assumed that the collection of information for analysis of voter identification requirements will be performed concurrently with the research for Task 4.5. An understanding of the disparities and similarities of how voter identification requirements were implemented around the country will provide a baseline for the consideration of future approaches. A State-by-State compendium of the legislation, procedures, and litigation reviewed shall be delivered along with the analysis results.
- 4.11 Convene a half day public hearing on the topic of voter identification requirements. The Contractor shall be responsible for all aspects of planning and conducting this hearing in consultation with the EAC. The Contractor shall identify three panels of three to four speakers each. The Contractor shall arrange for speaker attendance to include travel and per diem expenses. The EAC will provide publicity for the hearing. The Contractor shall prepare a document summarizing the proceedings and containing all testimony provided.
- 4.12 Recommend alternative approaches for future implementation of HAVA voter identification requirements. The Contractor shall conduct a literature review to identify other research results and data available on this topic. Based on their analysis of available research and the results of Task 5.11, the Contractor shall diagnose the problems and challenges of voter identification and hypothesize alternative approaches. The Contractor shall coordinate with the EAC to identify appropriate policy objectives by which to assess these alternatives. The Contractor shall document and brief these alternatives to the Commission.
- 4.13 Prepare preliminary draft guidance document. Based on the feedback received from the Commission, the Contractor shall prepare a draft guidance document for review and comment by the EAC Board of Advisors. EAC will convene a Board meeting or teleconference for the discussion of this document. The Contractor shall provide the document in advance and participate in the Board meeting to answer questions and record comments.
- 4.14 Revise draft guidance for publication in the Federal Register. The Contractor shall revise the guidance document as appropriate to reflect the comments of the EAC and the Board of Advisors and provide the draft guidance for publication in the Federal Register by the EAC.
- 4.15 Arrange one public hearing for receiving public comment on the draft guidance. This hearing should be scheduled 30 days after the initial publication date. The Contractor shall select the location in consultation with the EAC. No speakers will be required. EAC will handle publicity for the hearing.
- 4.16 Prepare final guidance document for EAC adoption. Review all comments received in response to Federal Register publication and at public hearing and revise guidance document as appropriate. Provide final version to EAC for adoption.

Contract Type. The contract type will be Time and Materials with a ceiling of

6.0 Place of performance. The principal place of performance will be the Contractor's place of business. Meetings and occasional work efforts may be performed at the EAC offices.

7.0 Period of Performance. The period of performance is from date of award until October 28, 2005.

8.0 Schedule of Deliverables:

- Project plan – 10 days after contract award
- Progress reports – monthly
- Briefings – as required
- Analysis report on provisional voting - TBD
- Alternatives report on provisional voting – TBD
- Preliminary draft guidance on provisional voting - TBD
- Draft guidance on provisional voting for publication – 8/2005
- Public hearing on draft guidance – 30 days after publication
- Final guidance on provisional voting for EAC adoption – 9/2005
- Analysis report on voter identification requirements – TBD
- Public hearing on voter identification requirements – TBD
- Summary of voter identification requirements hearing - TBD
- Alternatives report on voter identification requirements - TBD
- Preliminary draft guidance on voter identification requirements - TBD
- Draft guidance on voter identification requirements for publication – 9/2005
- Public hearing on draft guidance – 30 days after publication
- Final guidance on voter identification requirements to EAC for adoption – 10/2005

REMAINING STANDARD CONTRACT TERMS TO BE PROVIDED.

014136

Karen Lynn-Dyson/EAC/GOV
06/27/2005 05:45 PM

To "Tom O'Neill" <[REDACTED]> EXTERNAL
cc
bcc Adam Ambrogi/EAC/GOV
Subject RE: Peer Review Group [REDACTED]

Tom-

Had a very good review and discussion of the PRG at this morning's Commissioner meeting.

Also, the Commissioners have marked their calendars for a conference call with the Eagleton/Moritz team on July 12 at 9:30 AM.

Several concerns were raised about the composition of the PRG and, after some discussion, I indicated that Eagleton will provide the EAC with a revised participant list, and with a more detailed description of the PRG's mission, goals, objectives, workplan and timelines for accomplishing its work.

The Vice Chair is concerned that there is not sufficient conservative representation on the PRG. I would suggest the team do more research to identify well-recognized conservative academics to put on the Group.

Further, the Commissioners recommend a tiered process in which the PRG will prepare a "dispassionate" analysis of the issues and draw some tentative conclusions. This analysis and these conclusions will then be vetted with a defined/select group of local election officials, and then, with a defined/select group of advocacy organizations.

It was also suggested that a final round of focus group meetings be held with a cross-section of these election officials, advocates and academics for an overall interactive reaction to the analysis and recommendations.

Hope this helps clarify concerns; I look forward to sharing your revisions to the PRG with them.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'Neill" [REDACTED]



"Tom O'Neill"
[REDACTED]
06/23/2005 02:43 PM

To klynndyson@eac.gov
cc
Subject RE: Peer Review Group

014137



EAGLETON INSTITUTE OF POLITICS

*Contract to Provide Research Assistance to The EAC
For the Development of Voluntary Guidance on
Provisional Voting and Voter Identification Procedures*

**MONTHLY PROGRESS REPORT
JUNE 2005**

For
UNITED STATES ELECTION ASSISTANCE COMMISSION
1225 New York Avenue N.W., Suite - 1100
Washington, DC 20005

July 14, 2005

Prepared by:
Eagleton Institute of Politics
Rutgers, The State University of New Jersey
191 Ryders Lane
New Brunswick, NJ 08901-8557

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**Deliberative Process
Privilege**

OUTLINE

- Introduction
- Provisional Voting
 - Task 3.4
- Voter Identification Requirements
 - Task 3.10
 - Task 3.11
- Project Management
 - Task 3.1
- Financial Report

INTRODUCTION

This report describes our progress from the start of the project on May 26 through June 30, 2005. It includes brief descriptions of key tasks; progress made; challenges encountered or anticipated; milestones reached; and projections for work to be completed in the coming month.

The objective of the contract is to assist the EAC in the collection, analysis and interpretation of information regarding HAVA provisional voting and voter identification requirements on which to base policy recommendations as guidance for the states in the conduct of the 2006 elections. The work has begun well, thanks to the clarity of the EAC's expectations and the strong collaboration by the scholars and staff at the Eagleton Institute of Politics at Rutgers, The State University of New Jersey, and the Moritz College of Law at the Ohio State University.

The document report is divided into 4 sections that cover: Provisional Voting, Voter Identification Requirements, Project Management, and the Financial Report. Each section references the specific tasks described in paragraph 3 of the contract.

Please direct any questions or comments about this report to Tom O'Neill at:

[REDACTED]

PROVISIONAL VOTING

Tasks 3.4 – 3.9 in our contract relate to provisional voting. Work on the first of these must be complete before proceeding to later tasks. The work plan provides for two months to complete Task 3.4. Work on this task is on schedule.

Task 3.4: Collect and analyze state legislation, administrative procedures, and court cases. Understand the disparities and similarities of how provisional voting was implemented around the country.

LEGISLATION, REGULATIONS, AND LITIGATION

The research team at the Moritz College of Law has the lead responsibility for the collection and analysis of legislation, administrative procedures and litigation. When complete, this information will constitute the compendium of legislation, administrative regulations, and case law called for under this task. It also will provide a base of understanding for the analysis of states' actual experience with provisional voting in 2004, for which the Eagleton team has lead responsibility.

Description: The Moritz team includes faculty, an executive administrator, a reference librarian, and several research assistants. It began immediately to compile statutes, case law and administrative procedures regarding Provisional Voting. The team has created a 50 state chart to summarize information on provisional voting. Categories for which state statutes and administrative procedures are being reviewed include:

- *When did the state create a system compliant with the HAVA provisional ballot requirements?*
- *Who may be eligible to cast a provisional ballot? and*
- *What is the process for discovering whether your provisional ballot was counted in the election?*

Progress: Initial research for 27 states, including the collection of provisional voting statutes is complete. This phase of the work is on schedule for completion by August 1. By the beginning of the week of July 11, Moritz's full time research assistant will move from voter identification research to gathering and organizing case law on provisional voting.

Challenges: Identifying the relevant statutes has been challenging; states use different terminology to codify provisional voting issues. Many states have scattered election law provisions throughout their codes. This variation from state to state makes creating a snapshot view across states a challenge. The team is meeting this challenge, and the work is on schedule.

PREPARATION FOR AND EXPERIENCE WITH PROVISIONAL VOTING

The Eagleton team is constructing a narrative description for each state of the 50 states and the District of Columbia. It is also surveying a stratified random sample of county election officials to improve its understanding of actual practice in administering provisional voting.

Description: To construct the narratives, a researcher is examining newspaper accounts, state websites, and reports from third-party organizations to determine what information is publicly available about these issues during the 2004 election. To organize the information derived from this examination, we are creating an information system that will make it possible to catalog the basic information about the states (i.e. whether a state was new to provisional voting, the percentage of provisional votes counted, the method of notifying voters if their vote was counted, etc.) and combine it with Moritz's collection and analysis of statutes, regulations and litigation. The information system will make it possible to provide answers to such topics of particular interest listed in the contract as: "How did preparation for provisional voting vary between states that had some form of provisional voting and those that did not?" and "How did litigation affect implementation?"

Progress: The researcher in this area has identified sources of information for every state and the collection process is well underway. Verified database entries for 24 states are complete, as are two state narrative summaries. This phase of the research is on schedule for completion by the end of July.

Challenges: A key challenge is determining just what states actually did in practice to verify and count provisional ballots. A second challenge has been determining the variations in policy within individual states. We are still wrestling with resolving this challenge, but the work is on schedule.

Work Plan: By the end of the July, the compilation of statutes, administrative regulations, and litigation will be complete and ready to be combined with the state-by-state narrative compiled by Eagleton. That will form the basis for the analysis and recommendation of alternative approaches for provisional voting required under Task 3.5.

SURVEY OF COUNTY ELECTION OFFICIALS

This survey will help the research team understand more about such key topics of interest as:

- "How did the experience of provisional voting vary between states that previously had some form of provisional voting and those where provisional voting was new in 2004?"
- "Did state and local processes provide for consistent counting of provisional ballots?"
- "Did local officials have a clear understanding of how to implement provisional voting?"

The survey results will supplement the information on these topics from the compilation of statutes, regulations and cases and from the narrative we are constructing for each state.

Description: The Center for Public Interest Polling (CPIP) at Eagleton is conducting a national survey of county election officials to measure several aspects of provisional voting. The survey is designed to determine the following factors related to provisional voting at the county level:

- The content and quality of instructions provided to county officials by the states
- The steps taken by county officials to pass information on to poll workers;
- Differences in experience between states new to provisional voting and those that had some form of provisional ballot before HAVA; and
- Recommendations to improve and/or reduce the need for provisional voting

Progress: The survey instrument is complete. CPIP has compiled a list of election officials at the county level and at the municipal or regional level for states that do not assign the election responsibility to counties. It was forwarded to the call center, Schulman, Ronca & Bucuvalas Inc., (SRBI) the week of July 5, 2005. A sample will be drawn the week of July 12. Human Subjects Approval from Rutgers University was granted July 12. Pre-notification letters will be sent to election officials around July 12-13, 2005. The EAC has reviewed a draft of this letter, which we have now revised to make clear that the survey will increase our understanding of the provisional voting process, but is not being conducted on behalf of the EAC.

Challenges: We made special efforts to expedite Human Subject Approval to meet the schedule in the work plan. In the absence of an existing, reliable database of local election officials, we had to create one especially for this project. In order to provide a valid comparison between the states new to provisional voting with those that previously had some form of provisional ballot we doubled the sample size from 200 to 400. This increase will require an increase in the budget for the survey from \$15,000 to about \$24,000. We intend to reallocate costs within the existing budget to make this improvement possible, and will submit a letter describing the reallocation to the EAC in mid-July.

The sample has been, and will continue to represent the biggest challenge in this survey. Compiling the sample required substantial coordination and research to determine the accuracy of the identity and contact information for potential respondents. The difficulty in determining the appropriate contact is attributed to variation in county election officials' titles, jurisdiction types, and state and county election structures across the country. In addition to the potential pitfalls of reaching the appropriate county official, another factor in actually making contact with this special population will be dependent upon the hours that they keep, and may be hindered by the summer season.

Work Plan: This questionnaire will be pre-tested by July 15, and will field July 18 through August 5, 2005. This is somewhat later than projected in the revised work plan, but the information will arrive in time to be considered in drafting the analysis and alternatives document required under Task 3.5.

VOTER IDENTIFICATION REQUIREMENTS

The contract lists 7 tasks (3.10 – 3.16) related to Voter Identification Requirements. During the reporting period, we have made substantial progress in the first two tasks, which constitute the information-gathering phase of the work on Voter ID. The research of Voter ID requirements is proceeding concurrently with our work on the experience of provisional voting.

Task 3.10: Legislation, regulations, and litigation

The research team at the Moritz College of Law has the lead responsibility for the collection and analysis of legislation, administrative procedures and litigation. When complete, this information will constitute the compendium of legislation, administrative regulations, and case law called for under this task.

Description: A team of Election Law@Moritz faculty, executive administrator, a reference librarian, and several research assistants is compiling statutes on Voter Identification, and providing a summarized analysis of this research.

Progress: The Moritz team has created a 50-state chart to record data on voter identification. Categories for which state statutes and administrative regulations are being reviewed include: “*Who is required to present ID*”, “*Types of ID required*”, and “*Consequences of having no ID*”. We have completed the initial research for 45 states and have collected the voter identification statutes for those states. An *Election Law@Moritz* Fellow is conducting an academic literature review on voter identification. This literature review will help shape the analytical framework that will guide us when the compendium of statutes and administrative regulations is complete.

Challenges: Identifying the relevant statutes has been challenging because of the different terminology used from state to state to codify voter identification issues, and because many states have scattered election law provisions throughout their codes. This variety from state to state makes creating a snap-shot view across states a challenge.

Projections: At the current rate, a draft of the voter identification chart should be complete on schedule, by the end of July. Work on the literature review will continue into August, but will be available to inform the analysis of alternative approaches for voter identification called for by Task 3.12 of the contract.

SUPPLEMENTS TO LEGAL ANALYSIS

To supplement the legal analysis, the Eagleton team is undertaking two research efforts: First, compiling information on the debate over voter in the states; and second, estimating the effect on turnout of voter id requirements. Tracking the continuing political debate over voter identification reveals that the relatively narrow HAVA requirements for voter identification have apparently sparked in many states a broader concern with more rigorous identification requirements for all voters. We are following these developments both to

monitor possible secondary effects of HAVA on voter ID, and to provide a rich collection of alternative approaches for consideration.

Individual narratives for the states with significant activity in voter ID will provide a resource for understanding the wide range of experience in the 2004 election. The narratives will include an appraisal of the prevalence and nature of vote fraud, a focus of the concern with increasing the rigor of voter ID requirements. This work is on schedule to be completed by the end of July. The next key milestones will be the completion of the state database and drafting the first narratives.

VOTER ID AND TURNOUT ANALYSIS

The second supplemental analysis will provide objective information on a contentious feature of the debate over voter ID in the states: the effects of more rigorous voter ID regimes on voter turnout and the relationship between the voter ID regime and vote fraud. As part of this effort, Eagleton is undertaking a statistical analysis to gauge the effect of a state's voter ID regime on turnout, especially turnout by minority and elderly voters.

Description: We are creating a database and gathering statistics on the effects of state-level voter identification requirements on voter turnout at the county-level in the 2004 election. Analysis on the county-level will enable us to estimate the influence of ID requirements on various age groups, races, ethnicities and gender groups. We are compiling data from both the 2000 and 2004 Presidential elections to measure the effect that changes in ID requirements may have had on voter turnout through two national election cycles.

Progress: The structure of the database is complete. It contains demographic information from the Census, and turnout data from various sources. The researcher assigned to this task is devising the syntax that will be required to run the statistics when the dataset is complete. The methodology for this part of the study is complete, and the actual data collection will soon be finished.

Projection: We are waiting for the Census Bureau to release the 2004 County Demographic Estimates. We have ordered and await the arrival of 2 datasets that contain voter turnout and voter registration numbers on the county-level for both the 2000 and 2004 elections. Once these two sources of information are received, the researcher will insert this information into the existing database, clean up the dataset, and begin to run the statistics. By that point, the researcher will have separated the states into various ID-requirement groupings that have been determined by the team, which will require coordination with several other parts of the study. This work is on schedule. By the end of July, the researcher should have county-level and state-level statistics on the impact of each ID system upon turnout, analyzed through various demographic features on the county-level.

Task 3.11 Public meeting on Voter Identification Requirements

Description: We are working closely with EAC staff, particularly the General Counsel, to plan a half day public meeting on Voter ID requirements. Presentations at the meeting will form an important part of the information we are compiling about Voter ID requirements and the strengths and shortcomings of a range of alternative approaches.

Progress: We have recommended a focus on the debate over Voter ID now underway in the states. To provide a vivid picture of the debate, we have recommended that one panel include legislators on opposite sides of the issue from two different states. Our research identified Mississippi and Wisconsin as two states to focus on, and we have recommended specific legislators from each. We have discussed with staff adding a researcher to the panel to put the debate in Wisconsin and Mississippi in either a national or historic context. We also recommended two researchers from contrasting points of view, to address the effects of Voter ID provisions under HAVA and broader provisions that are now the subject of national debate. EAC staff recommended a panel of two state election directors to address the interaction of Voter ID with HAVA. We are awaiting a decision on our recommendations from EAC staff. We have no reason not to believe that the work is on schedule to be completed in time to organize a productive meeting on July 28.

Challenges: The date and location of this hearing has been changed twice since the beginning of the project. It was originally scheduled to take place in late June, but was rescheduled for July to allow the June hearing to focus on voting machine technology. The regular meeting was rescheduled for July 26 in Minneapolis, and was recently changed to July 28 in Pasadena. The changes in the scheduling of the July meeting have complicated our choice of panelists. More seriously, the changes mean that information from the hearing will not be available as early in the research process as contemplated in the contract. This timeframe will now require the team to summarize the hearing events at the same time that we are drafting the analysis and alternatives paper in early August.

Additionally, while our contract states that the "Contractor shall be responsible for all aspects of planning and conducting this hearing in consultation with the EAC," we have been asked only to make recommendations of topics and panelists, and the arrangements for the organization of the hearing are in other hands. This lack of clarity has caused some confusion and has delayed invitations to panelists. Thanks to frequent communication with members of the EAC, the process now seems to be working smoothly.

Projection: We believe the work is on schedule for completion in time to recruit the panelists for the July 28 hearing. Preparation of the hearing summary will likely be delayed because of the need to complete the analysis and alternatives paper.

014145

PROJECT MANAGEMENT

Immediately after announcement of the award of the contract, Eagleton and Moritz began supplementing the core group that had prepared to proposal to building a highly qualified team to undertake the work. That team was in place by mid June, just a few weeks after the contract award.

As described in the proposal, the direction of the project is the responsibility of a five-person committee of faculty and staff from Eagleton and Moritz, chaired by Dr. Ruth Mandel, Director of the Eagleton Institute of Politics. Project Director Thomas O'Neill, a consultant to Eagleton, reports to this team and provides day-to-day guidance and coordination for the research. A weekly meeting of all the researchers engaged in the project if the primary means of coordinating the work. We have recently added an internal website to facilitate the review and revision of written materials.

Task 3.1 Update the Work Plan

The first task was completed on time with the submission of a detailed work plan and timeline. EAC staff requested that the work plan be supplemented with a Gantt chart created on MS Project, and we submitted that a few days later.

PEER REVIEW GROUP

Description: A feature of our proposal was the creation of a Peer Review Group (PRG). The EAC indicated at our first meeting in May that it would review our recommendations for members of the PRG. Our initial vision of the PRG was a small group of scholars and representatives of advocacy organizations that would comment on the research design, review drafts of our analyses and reports, and, in general, identify areas of the research that should be strengthened and help us improve the breadth, depth and clarity of reports based on that research.

Progress: Upon reflection, the project team agreed that the PRG should not include representatives of advocacy groups. We concluded, as representatives they would feel obligated to act as advocates for positions already taken by their groups. While advocacy organizations should be consulted as stakeholders during the course of our work, they were unlikely to achieve the goals we had in mind for the PRG as a source of advice on research design, methodology, and analysis. We submitted a revised list of potential members, substantially comprised of academics, to EAC for review.

The EAC responded with suggestions concerning both the balance of the PRG's membership and the creation of additional committees to review our work. We answered with an analysis of the cost and time involved adopting the EAC's suggestions as well as with suggestions for a balanced selection of academics for the Peer Review Group. We have not received response on this correspondence from the EAC, and the recruitment of the group is on hold.

Challenges: Communications on this issue with the EAC have not been clear or timely. The PRG should be in place now to comment on our research design while there is still time to refine it. While we are confident in the quality of our work, the wisdom and perspective of the outstanding candidates we have proposed for membership would strengthen the analysis and reports of our work.

Projections: We have effectively brought these challenges to the attention of EAC staff and look forward to a resolution speedy enough to allow recruitment of the PRG's members before the end of the month. If we meet that goal, the work of the PRG will be about 2 weeks behind the milestones indicated in the work plan.

COORDINATION AND INFORMATION MANAGEMENT

Collecting and merging information and data from myriad sources is a demanding requirement of this research. We have developed two principal mechanisms to facilitate the analysis of the material collected or created in the project: an information system and a website for easy access to drafts and reports.

INFORMATION SYSTEM

Description: The statutory data and reports prepared by the Moritz College of Law will be merged with the political and procedural data and analysis prepared by the Eagleton Institute of Politics to provide a cohesive final product to the EAC, which will include a compendium of case law and statutes regarding provisional voting and voter identification.

Progress: The Moritz team has provided Eagleton staff with samples of the work that they are performing. An Eagleton staff member will be reviewing the content and formats of data from all supporting research and (re-)formatting once the work has been completed. The researchers and staff at Eagleton have created a shared folder on the Institute's server for the safe storage of work and access for those staff members. All of this work is being reviewed by the project team to ensure that a broad survey is being performed.

Challenges: There are no evident challenges to this task at this time.

Projections: By the end of July 2005, much of the above referenced research will have been completed with respective materials and charts near completion. At that time, staff at Eagleton will review, combine and format all documents and materials in preparation for our final reporting to the EAC.

INTRANET

Description: A trial Intranet for the project became available during the week of June 26. The Intranet will facilitate the exchange of information and collaboration among project participants.

Progress: After meetings with staff members of Rutgers University Computer Services (RUCS) and subsequent submission of a proposal by RUCS for technical support and hosting of the Intranet and the evaluation of alternative commercial services, the project team decided at its June 28th meeting to publish the Intranet through www.intranets.com.

one of the leading commercial services. This decision was based on lower costs and earlier publication schedules than offered under the RUCS proposal. The Intranet services were evaluated during a free trial period, which demonstrated the ease of design and navigation of the proposed service.

Challenges: There are no immediate challenges to completion of this task by the timeframe specified below.

Projections: Design, testing and publication of initial content of the Intranet service is continuing, with all participants expected to be provided access by July 8, 2005.

FINANCIAL REPORT

The financial reporting for this project is supervised and prepared by the Division of Grant and Contract Accounting (DGCA) at Rutgers. Financial reporting on grant accounts is limited to actual expenses that have been incurred during the reporting period. Given that the report reflects the first month of the project, several procedures for payment of subcontractors on the project were initiated. Expenses related to those members of the team are not reflected in this report because they have not yet been incurred.

Our contact at DGCA is: Constance Bornheimer, (732) 932-0165, EXT. 2235.

A detail of expenses incurred from project inception through June 30, 2005, is attached.

Karen Lynn-Dyson/EAC/GOV
07/21/2005 01:35 PM

To "Job Serebroy"
[REDACTED] SSAEXTERNAL
cc Thomas A. Wilkey/EAC/GOV@EAC
bcc Adam Ambrogi/EAC/GOV
Subject Re: project [REDACTED]

Job-

I write to see if you might be available to come to Washington on Monday, August 1 to meet with several EAC staff and Commissioners to discuss the voter fraud/voter intimidation project and your possible work as a consultant on the project.

I'd like to schedule this 1-2 hour meeting for sometime between 1 and 3 in the afternoon.

Might you be available to come to Washington for this ?

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

014149

Karen Lynn-Dyson/EAC/GOV
08/01/2005 06:12 PM

To "Tom O'Neill" [REDACTED]@SAEXTERNAL
cc Thomas R. Wilkey/EAC/GOV@EAC, Juliet E.
Thompson/EAC/GOV@EAC, Adam
Ambrogi/EAC/GOV@EAC
bcc
Subject RE: Meeting with EAC [REDACTED]

Tom-

I will be in touch shortly with possible dates in very late August or early September, when EAC staff might be available to meet with Eagleton to discuss the project's research results and next steps.

In the meantime, I thought it was important to follow up on the issues Vice Chair DeGregorio raised while we were in Pasadena.

To be certain that I have the latest information, could you send to me the final list of the Eagleton/Moritz Peer Review Group and the list of organizations that Eagleton will be contacting for input?

Regards-

Karen

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
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014150



EAGLETON INSTITUTE OF POLITICS

*Contract to Provide Research Assistance to The EAC
For the Development of Voluntary Guidance on
Provisional Voting and Voter Identification Procedures*

**MONTHLY PROGRESS REPORT
JULY 2005**

For
UNITED STATES ELECTION ASSISTANCE COMMISSION
1225 New York Avenue N.W., Suite - 1100
Washington, DC 20005

August 15, 2005

Prepared by:
Eagleton Institute of Politics
Rutgers, The State University of New Jersey
191 Ryders Lane
New Brunswick, NJ 08901-8557

**Deliberative Process
Privilege 014151**

OUTLINE

- Introduction
- Provisional Voting
 - Task 3.4
- Voter Identification Requirements
 - Task 3.10
 - Task 3.11
- Project Management
 - Task 3.1
- Financial Report

INTRODUCTION

This report describes our progress from July 1 through July 31, 2005. It includes brief descriptions of key tasks; progress made; challenges encountered or anticipated; milestones reached; and projections for work to be completed in the coming month.

The effort this month continued to focus on research for the analysis and alternatives paper, including the compilation of Provisional Voting statutes, regulations, and litigation from the 50 states. We also prepared and delivered testimony at the EAC's regular monthly meeting in Pasadena on July 28.

The data collection, analysis, and compilation are all on schedule. Because of delays in agreeing on the composition of the Peer Review Group with EAC, however, the actual completion and submission of the analysis and alternatives paper to the EAC will most likely be delayed about a week beyond the target date in the work plan. We are scheduled to discuss the draft paper and guidance document prior to submission, with the EAC on September 6, and the final draft cannot be completed until several days after that date.

The document report is divided into 4 sections that cover: Provisional Voting, Voter Identification Requirements, Project Management, and the Financial Report. Each section references the specific tasks described in paragraph 3 of the contract.

Please direct any questions or comments about this report to Tom O'Neill at:

[REDACTED]

PROVISIONAL VOTING

Tasks 3.4 – 3.9 in our contract relate to provisional voting. Work on the first of these must be complete before proceeding to later tasks. Task 3.4 was completed this month.

Task 3.4: Collect and analyze state legislation, administrative procedures, and court cases. Understand the disparities and similarities of how provisional voting was implemented around the country.

LEGISLATION, REGULATIONS, AND LITIGATION

The research team at the Moritz College of Law has the lead responsibility for the collection and analysis of legislation, administrative procedures and litigation. This information constitutes the compendium of legislation, administrative regulations, and case law called for under this task. It also will provide a base of understanding for the analysis of states' actual experience with provisional voting in 2004, for which the Eagleton team has lead responsibility.

Description: The Moritz team has created a 50-state chart to summarize information on provisional voting, compiled statutes, case law and administrative procedures regarding Provisional Voting.

Progress: The 50-state (plus District of Columbia) chart created to collect data on provisional voting is complete. We have collected the statutes for all states. State by state summaries of provisional voting have been written for 47 states and D.C. A memorandum summarizing provisional voting litigation is complete. The collection of the documents associated with the litigation is nearing completion.

Challenges: The variety in the form of provisional voting legislation from state to state makes creating a snap-shot view across states a challenge.

Work Plan: The remaining 3 state summaries of provisional voting will be completed by August 8. Analysis of all the information, data, and survey results concerning provisional voting data will be performed in August.

PREPARATION FOR AND EXPERIENCE WITH PROVISIONAL VOTING

The Eagleton team has researched and compiled a narrative of each state's experience with provisional voting in 2004. At the end of July the survey of 400 local election officials was nearing its end, and – as of this writing – is now complete with an analysis and report in draft form. We will rely on the survey results to improve our understanding of actual practice in administering provisional voting, including the steps local officials took to prepare for the election.

PROVISIONAL VOTING NARRATIVES

Description: To construct the narratives, a researcher examined newspaper accounts, state websites, and reports from third-party organizations to gather information on the experience with provisional voting in the 2004 election. To organize the information derived from this examination, we created an information system that catalogues information about the states (i.e. whether a state was new to provisional voting, the percentage of provisional votes counted, the method of notifying voters if their vote was counted, etc.) and combined it with Moritz's collection and analysis of statutes, regulations and litigation.

Progress: The state-by-state database is complete, as is a first draft of all state narratives. This work has been shared with the larger team and is being reviewed currently in preparation for constructing analysis and recommendation of alternative approaches for provisional voting required under Task 3.5.

Work Plan: In the next month, revisions of the narratives will be complete. In addition to this research, we will expand upon vote fraud research and examine further the relationship between instances of vote fraud and ensuing election reforms.

SURVEY OF COUNTY ELECTION OFFICIALS

Description: The Center for Public Interest Polling (CPIP) at Eagleton conducted a national survey of county election officials to measure several aspects of provisional voting. The survey was designed to determine the following factors related to provisional voting at the county (or equivalent election jurisdiction) level:

- The content and quality of instructions provided to county officials by the states;
- The steps taken by county officials to pass information on to poll workers;
- Differences in experience between states new to provisional voting and those that had some form of provisional ballot before HAVA; and
- Recommendations to improve and/or reduce the need for provisional voting.

Progress: The fielding and initial analysis of the survey results are complete.

Work Plan: The information derived from the survey will be considered in drafting the analysis and alternatives document required under Task 3.5.

VOTER IDENTIFICATION REQUIREMENTS

The contract lists 7 tasks (3.10 – 3.16) related to Voter Identification Requirements. During the reporting period, we have completed tasks 3.10 and 3.11. The research on Voter ID requirements is proceeding concurrently with our work on the experience of provisional voting.

Task 3.10: Legislation, regulations, and litigation

The research team at the Moritz College of Law has the lead responsibility for the collection and analysis of legislation, administrative procedures and litigation with regard to Voter Identification Requirements. When complete, this information will constitute the compendium of legislation, administrative regulations, and case law called for under this task.

Description: The Moritz team has compiled statutes on Voter Identification, and will provide a summarized analysis of this research to the project team for review.

Progress: The chart created to collect data on voter identification is complete and is now being reviewed. Voter identification statutes are being collected.

Challenges: Identifying the relevant statutes has been challenging because of the different terminology used from state to state to codify voter identification issues, and because many states have scattered election law provisions throughout their codes. This variety from state to state makes creating a snap-shot view across states a challenge.

Work Plan: Review of the voter identification chart, the collection of the voter identification statutes, and the writing of the state by state summaries will be completed by the end of August.

SUPPLEMENTS TO LEGAL ANALYSIS

To supplement the legal analysis, the Eagleton team is undertaking two research efforts: First, compiling information on the debate over voter ID in the states; and second, estimating the effect on turnout of voter ID requirements. Tracking the continuing political debate over voter identification reveals that the relatively narrow HAVA requirements for voter identification have apparently sparked in many states a broader concern with more rigorous identification requirements for all voters. We are following these developments both to monitor possible secondary effects of HAVA on voter ID, and to provide a rich collection of alternative approaches for consideration.

Individual narratives for the states with significant activity in voter ID will provide a resource for understanding the wide range of experience in the 2004 election. The narratives will include an appraisal of the prevalence and nature of vote fraud, a focus of the concern

with increasing the rigor of voter ID requirements. The next key milestones will be the completion of the state database and drafting the first narratives.

VOTER ID AND TURNOUT ANALYSIS

The second supplemental analysis will provide objective information on a contentious feature of the debate over voter ID in the states: the effects of more rigorous voter ID regimes on voter turnout and the relationship between the voter ID regime and vote fraud. As part of this effort, Eagleton is undertaking a statistical analysis to gauge the effect of a state's voter ID regime on turnout, especially turnout by minority and elderly voters.

Description: We are creating a database and gathering statistics on the effects of state-level voter identification requirements on voter turnout at the county-level in the 2004 election.

Progress: The collection of data for the Voter ID-Turnout analysis is complete. The assembled database contains population demographic data, voter registration data and voter turnout data from all 50 states, 3113 Counties, and the District of Columbia. It also contains exit poll data from the 50 states, providing demographic data of voter turnout. The analysis of that data is well underway.

Challenges: The initial methodology that was devised to investigate the questions involved in this part of the study proved insufficient, as the necessary data was unobtainable (the Census Bureau has not yet released their 2004 data). After re-developing an appropriate methodology, the necessary data has been assembled, we have resumed the analysis of this data.

Projection: The analysis of the impact that voter identification requirements have upon voter turnout should be completed around mid-August.

Task 3.11 Public meeting on Voter Identification Requirements

Description: In early July, we continued our efforts to identify specific Voter ID topics or issues and panelists who could shed light on them. We recommended a focus on the debate over Voter ID now underway in the states. To provide a vivid picture of the debate, we recommended that one panel include specific legislators on opposite sides of the issue from two different states, Mississippi and Wisconsin. We also discussed adding a researcher to the panel in order to place the debate in a national or historical context. We also recommended a panel of two academic researchers with contrasting points of view, to address the effects of Voter ID provisions under HAVA. In response to our suggestions, EAC staff recommended a panel of two state election directors to address the interaction of Voter ID with HAVA.

By mid-July, the EAC had decided which topics and speakers should be invited, however most of those speakers proved unable to attend.

Progress: Tom O'Neill and Dan Tokaji attended the EAC Public Meeting held in Pasadena on July 28. Their presentations at the meeting described the progress of the research and our developing perspective on how to assess the quality of the provisional voting process in the states and identify possible steps for improvement.

Challenges: The changes in the scheduling of the July meeting delayed and ultimately made it impossible to assemble a panel, from which we could derive substantive insight into voter identification issues as they are playing out in the states. Additionally, due to the date of the hearing, the information from the hearing was not available as early in the research process as contemplated in the contract.

Projection: Preparation of the hearing summary will likely be delayed, due to the team's focus on preparation of the analysis and alternatives paper.

PROJECT MANAGEMENT

PEER REVIEW GROUP

Description: A feature of our proposal was the creation of a Peer Review Group (PRG). The EAC indicated at our first meeting in May that it would review our recommendations for members of the PRG. Our initial vision of the PRG was a small group of scholars and representatives of advocacy organizations that would comment on the research design, review drafts of our analyses and reports, and, in general, identify areas of the research that should be strengthened and help us improve the breadth, depth and clarity of reports based on that research.

Progress: Upon reflection, the project team agreed that the PRG should not include representatives of advocacy groups. We concluded that as representatives they would feel obligated to act as advocates for positions already taken by their groups. While advocacy organizations might be consulted as stakeholders during the course of our work, they were unlikely to achieve the goals we had in mind for the PRG as a source of advice on research design, methodology, and analysis. We submitted a revised list of potential members, substantially comprised of academics, to the EAC for review.

The EAC responded with suggestions concerning both the balance of the PRG's membership and the creation of additional committees to review our work. We provided an analysis of the cost and time involved in adopting the EAC's suggestions as well as with suggestions for a balanced selection of academics for the Peer Review Group. In the end, the EAC determined that Eagleton should appoint a balanced Peer Review Group of its own choosing. Initial phone calls were made to all members of that group by the end of July, and written invitations and descriptions of the process have gone to all possible members who had indicated their interest in serving.

Challenges: Communications on this issue with the EAC were not clear or timely. The purpose of the PRG is to review our work, and to comment on our research design, which is well underway. We had planned to have the PRG in place early enough in the project to enable them to provide feedback, including the research design. While we are

confident in the quality of our work, the experience and perspective of the Peer Review Group will strengthen our analysis and recommendations as we find a way to receive its critique in the more limited time now available. The delay in creating the Peer Review Group will result in a delay in the completion of the final draft of the analysis and alternatives paper and in the preliminary guidance document.

Projections: The work of the PRG will be about 2 weeks behind the milestones indicated in the work plan.

COORDINATION AND INFORMATION MANAGEMENT

Collecting and merging information and data from myriad sources is a demanding requirement of this research. We have developed two principal mechanisms to facilitate the analysis of the material collected or created in the project: an information system and an internal website for easy access to drafts and reports.

INFORMATION SYSTEM

Description: The statutory data and reports prepared by the Moritz College of Law will be merged with the political and procedural data and analysis prepared by the Eagleton Institute of Politics to provide a cohesive final product to the EAC, which will include a compendium of case law and statutes regarding provisional voting and voter identification.

Progress: The Moritz team has provided Eagleton staff with all completed work. An Eagleton staff member reviews the content and formats of data from all supporting research and will (re-)format once the work has been completed for the compendium and reports submitted to the EAC. The researchers and staff at Eagleton have created a shared folder on the Institute's server for the safe storage of work and access for those staff members. All of this work is being reviewed by the project team to ensure that a broad survey is being performed.

Projections: By the end of July 2005, much of the above referenced research has been completed. The entire project team has begun the process of reviewing all work, and will combine and format all documents and materials in preparation for our final reporting to the EAC.

INTRANET

Description: All project team members have signed on to the Intranet site. The Intranet facilitates the exchange of information and collaboration among project participants.

Progress: Project team members regularly post drafts, completed materials and spreadsheets online for internal review. The intranet has been extremely helpful to team members and serves as an internal website with announcements and important documents readily available to all team members.

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FINANCIAL REPORT

The financial reporting for this project is supervised and prepared by the Division of Grant and Contract Accounting (DGCA) at Rutgers. Financial reporting on grant accounts is limited to actual expenses that have been incurred during the reporting period. Our contact at DGCA is: Constance Bornheimer, (732) 932-0165, EXT. 2235.

A detail of expenses incurred from project inception through June 30, 2005, is attached.

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Karen Lynn-Dyson/EAC/GOV
08/19/2005 03:41 PM

To "Tom O'Neill" [REDACTED] RNAL
cc
bcc Adam Ambrogi/EAC/GOV
Subject Re: Peer Review Group 

Tom-

Thank you for sharing this list of your Peer Review Group members, to-date. I will share this list with the Commissioners and will be certain to let your know of their feedback, if any.

I will also be back in touch regarding Eagleton's research around voter fraud and the research project EAC will be undertaking, this fall, around voting fraud and voter intimidation. The EAC is presently in the process of finalizing a work and staff plan for this project and once it is completed, I will be certain to brief you on it.

In the meantime, EAC staff and several of the Commissioners looks forward to meeting with the Eagleton/Moritz team on September 6 at 1:30 PM.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'Neill" [REDACTED]



"Tom O'Neill"
[REDACTED]
08/19/2005 02:20 PM

To klynndyson@eac.gov
cc
Subject Peer Review Group

Karen,

Attached is a report on the status of recruitment of members of the Peer Review Group. We extended 9 invitations. We have four confirmed members, one reluctant turn-down, one who has yet to respond to an initial inquiry, and are awaiting confirmation from 3 others who initially agreed. Please let me know if you need additional information.

Tom O'Neill



RecruitmentStatus.doc

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STATUS OF PEER REVIEW GROUP RECRUITMENT

(As of August 17, 2005)

R. Michael Alvarez, Ph.D. Professor of Political Science California Institute of Technology	YES/CONFIRMED
Guy-Uriel Charles Associate Professor, School of Law University of Minnesota 612-626-9154	YES*
Brad Clark Professor of Law George Washington University School of Law	NO
Pamela Susan Karlan Montgomery Professor of Public Interest Law Stanford Law School 650-725-4851	YES
Martha E. Kropf, Ph.D. Assistant Professor of Political Science University of Missouri-Kansas City 816-235-5948; KropfM@umkc.edu	YES/CONFIRMED
Daniel H. Lowenstein Professor of Law UCLA 310-825-4841	YES
John F. Manning Professor Harvard Law School	NO RESPONSE
Tim Storey Program Principal Legislative Management Program National Conference of State Legislatures	YES/CONFIRMED
Peter G. Verniero, Esq. Counsel Sills, Cummis, Epstein and Gross, PC (Former NJ Attorney General and Supreme Court Justice)	YES/CONFIRMED

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Attorney-Client
Privilege



"Torra, Michael"
<Michael.Torra@mail.house.gov>

09/02/2005 04:02 PM

To "aambrogi@eac.gov" <aambrogi@eac.gov>

cc

bcc

Subject Re: Fw: AZ DOJ response

I'm actually out of the office today, so let's talk more when I get back, but in answer to one of your questions -- yes, the CHC has spoken out against ID requirements in the past, especially during the HAVA debate.

Michael Torra
Office of Congressman Charles A. Gonzalez

-----Original Message-----

From: aambrogi@eac.gov <aambrogi@eac.gov>
To: Torra, Michael <Michael.Torra@mail.house.gov>
Sent: Fri Sep 02 15:50:41 2005
Subject: Re: Fw: AZ DOJ response

Thanks-- we had, and it's good coverage. The AP had a piece as well-- this can be seen as a victory. Has the CHC come out officially on these ID issues? It is my opinion that the movements are being made in state legs. that will apply AZ type laws elsewhere. We obviously have good communications with House Admin and Senate Rules, as well as Whip Hoyer's office, but increased communications with Hill member offices would be helpful, if you have any suggestions.

AP Article:

Feds revise stance on Arizona voter ID requirement

Wednesday, August 31, 2005 7:43 PM PDT

PHOENIX (AP) - Arizona voters may be able to obtain at least a provisional ballot at polling places even if they don't show required identification despite the ID requirement in a ballot measure approved by voters last year. Whether that provisional ballot gets counted is another question.

The U.S. Justice Department in January signed off on election-law changes made by Proposition 200 itself. And a top department official in April signaled that the state would not run afoul of federal law if it put into place procedures to implement the ballot measure's voter ID mandate.

However, a different department official on Thursday wrote the state, saying it was "necessary to clarify our earlier interpretation in order to ensure an accurate representation of the Justice Department's views."

Acting Assistant Attorney General Bradley J. Schlozman's letter to a state official said the federal Help America Vote Act of 2002 requires that a person claiming to be an eligible voter and willing to sign a statement to that effect be given at least a provisional ballot.

However, HAVA leaves it up to states to decide whether a person who casts a provisional ballot is actually eligible to vote and therefore whether a provisional ballot should be counted, Schlozman wrote. Therefore, the state is free to

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Karen Lynn-Dyson/EAC/GOV

09/19/2005 01:05 PM

To Gracia Hillman/EAC/GOV@EAC, Paul DeGregorio/EAC/GOV@EAC, Raymundo Martinez/EAC/GOV@EAC, Donetta L. cc Sheila A. Banks/EAC/GOV@EAC, Amie J. Sherrill/EAC/GOV@EAC, Adam Ambrogi/EAC/GOV@EAC bcc

Subject Fw: August Progress Report - Eagleton Institute of Politics

Commissioners-

FYI-

Eagleton's August progress report.

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

— Forwarded by Karen Lynn-Dyson/EAC/GOV on 09/18/2005 01:02 PM —



"Lauren Vincelli"
<Vincelli@rutgers.edu>

09/15/2005 12:04 PM

Please respond to
Vincelli@rutgers.edu

To klynndyson@eac.gov

cc [REDACTED] jobrich@eden.rutgers.edu

Subject August Progress Report - Eagleton Institute of Politics

Hi Karen,

Attached is the August progress report in fulfillment of our Contract to Provide Research Assistance to the EAC for the Development of Voluntary Guidance on Provisional Voting and Voter Identification Procedures. Please note, as per your instructions earlier this month, that the financial report will be sent via Fedex under separate cover to: Ms. Dianna Scott, Administrative Officer, EAC. Also attached to the progress report is a finalized list of our Peer Review Group members. If you have any questions regarding this report, please contact Tom O'Neill at (908) 794-1030 or [REDACTED]

Have a great day,
Lauren Vincelli

Lauren Vincelli
Business Assistant, Eagleton Center for Public Interest Polling
Eagleton Institute of Politics, Rutgers University
Carriage House, 185 Ryders Lane
New Brunswick, NJ 08901
Phone: (732) 932-9384, ext. 237
Fax: (732) 932-1551

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EAGLETON INSTITUTE OF POLITICS

*Contract to Provide Research Assistance to The EAC
For the Development of Voluntary Guidance on
Provisional Voting and Voter Identification Procedures*

**MONTHLY PROGRESS REPORT
AUGUST 2005**

For
UNITED STATES ELECTION ASSISTANCE COMMISSION
1225 New York Avenue N.W., Suite - 1100
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September 15, 2005

Prepared by:
Eagleton Institute of Politics
Rutgers, The State University of New Jersey
191 Ryders Lane
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**Deliberative Process
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OUTLINE

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 - Task 3.5
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INTRODUCTION

This report describes our progress from August 1 through August 31, 2005. It includes brief descriptions of key tasks; progress made; challenges encountered or anticipated; milestones reached; and projections for work to be completed in the coming month.

Research on Provisional Voting and a draft of reports on the analysis and alternatives were substantially completed in preparation for the September 6 briefing for the EAC. Important reports such as the National Survey of Local Election Officials' Experience with Provisional Voting; Statistical Review Provisional Voting in the 2004 Election; State-by-state Narrative of Developments in Provisional Voting and the compilation of Provisional Voting statutes, regulations, and litigation from the 50 states, were all completed in August.

We made further progress on recruiting a balanced and authoritative Peer Review Group (which, as this report is written, is receiving all the documents listed above for review). Ingrid Reed of Eagleton will coordinate the work of the Peer Review Group. A list of the members of the Peer Review Group is attached.

This report is divided into 3 sections: Provisional Voting, Voter Identification Requirements, and Project Management. Each section references specific tasks described in paragraph 3 of the contract. The Financial Report will be sent separately by the Rutgers Division of Grant and Contract Accounting.

Please direct questions or comments about this report to Tom O'Neill at:

[REDACTED]

PROVISIONAL VOTING

Tasks 3.4 – 3.9 in our contract relate to provisional voting. Work on the first of these must be complete before proceeding to later tasks. Task 3.4 was completed in August, and Task 3.5 is well underway.

Task 3.5: Analysis and Alternative Approaches. Assess the potential, problems, and challenges of provisional voting and develop alternative means to achieve the goals of provisional voting.

LEGISLATION, REGULATIONS, AND LITIGATION

The research team at the Moritz College of Law has the lead responsibility for the collection and analysis of legislation, administrative procedures and litigation. This information constitutes the compendium of legislation, administrative regulations, and case law called for under this task. It has provided a base of understanding for the analysis of states' actual experience with provisional voting in 2004, for which the Eagleton team has lead responsibility.

Description: The Moritz team has created a 50-state chart to summarize information on provisional voting, compiled statutes, case law and administrative procedures regarding Provisional Voting and is near completion with this research.

Progress: We completed the state by state summaries of provisional voting in August. Also complete is a memorandum outlining provisional voting legislative changes since the 2004 election. This material was sent to the EAC as part of the package for briefing on September 6.

Challenges: The variety in the form and frequency of provisional voting legislation from state to state makes creating a snap-shot view across states a challenge.

Work Plan: The analysis of all the information, data, and survey results concerning provisional voting data will be completed in September, on schedule. The alternatives document should also be complete in September, pending response from the EAC on which direction those alternatives should follow.

PREPARATION FOR AND EXPERIENCE WITH PROVISIONAL VOTING

The Eagleton team has researched and compiled a narrative of each state's experience with provisional voting in 2004. The report findings from the survey of 400 local election officials is now complete. The survey results improve our understanding of actual practice in administering provisional voting, including the steps local officials took to prepare for the election.

PROVISIONAL VOTING NARRATIVES

Description: To construct the narratives, a researcher examined newspaper accounts, state websites, and reports from third-party organizations to gather information on the experience with provisional voting in the 2004 election. To organize the information derived from this examination, we created an information system that catalogues information about the states (i.e. whether a state was new to provisional voting, the percentage of provisional votes counted, the method of notifying voters if their vote was counted, etc.) and combined it with Moritz's collection and analysis of statutes, regulations and litigation.

Progress: A state-by-state narrative of developments in Provisional Voting is complete and has been distributed to the EAC and the Peer Review Group. This work has been crucial to the process of constructing our draft analysis and recommendation of alternative approaches for provisional voting required under Task 3.5.

Challenges: The primary obstacle to constructing the narratives was difficulty in communicating and obtaining necessary information from various state officials. As a result, the narratives underwent multiple revisions in order to incorporate the most up-to-date material available. Had the Election Day Study been available, this task would probably have been simplified considerably.

Work Plan: We completed revisions of the narratives.

SURVEY OF COUNTY ELECTION OFFICIALS

Description: The Center for Public Interest Polling (CPIP) at Eagleton conducted a national survey of county election officials to measure several aspects of provisional voting.

Progress: The analysis of the survey results and findings report are complete.

Work Plan: We used the information from the survey in drafting the analysis and alternatives document required under Task 3.5.

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VOTER IDENTIFICATION REQUIREMENTS

The contract lists 7 tasks (3.10 – 3.16) related to Voter Identification Requirements. The research on Voter ID requirements is proceeding concurrently with our work on the experience of provisional voting, and is becoming the principal focus of our research.

Task 3.10: Legislation, regulations, and litigation

The research team at the Moritz College of Law has the lead responsibility for the collection and analysis of legislation, administrative procedures and litigation with regard to Voter Identification Requirements. This collection of material is nearing completion. It will constitute the compendium of legislation, administrative regulations, and case law called for under this task.

Description: The Moritz team has compiled statutes on Voter Identification, and will provide a summarized analysis of this research to the project team for review.

Progress: We are refining the 50 state (plus District of Columbia) chart of data on voter identification. So far collected are voter identification statutes for 35 states. Summaries of the existing voter identification statutes have been written for forty states.

Challenges: Identifying the relevant statutes has been challenging because of the different terminology used from state to state to codify voter identification issues, and because many states have scattered election law provisions throughout their codes. This variety from state to state makes creating a snap-shot view across states a challenge.

Work Plan: The state by state voter identification statute summaries will be completed for the remaining ten states and D.C. and the review of the chart will be completed. Analysis of voter identification data will begin.

SUPPLEMENTS TO LEGAL ANALYSIS

To supplement the legal analysis, the Eagleton team is undertaking two research efforts: First, compiling information on the debate over voter ID in the states; and second, estimating the effect on turnout of different voter ID regimes. Tracking the continuing political debate over voter identification reveals that the relatively narrow HAVA requirements for voter identification have apparently sparked in many states a broader concern, and a sharp political debate over rigorous identification requirements for all voters. The research follows these developments both to monitor possible secondary effects of HAVA on voter ID, and to provide a rich collection of alternative approaches for consideration.

Individual narratives for the states with significant activity in voter ID will provide a resource for understanding the wide range of experience in the 2004 election. The narratives will include an appraisal of the prevalence and nature of vote fraud, a focus of the concern with

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increasing the rigor of voter ID requirements. The next key milestones will be the completion of the state database and drafting the first narratives.

VOTER ID AND TURNOUT ANALYSIS

The second supplemental analysis will provide objective information on a contentious feature of the debate over voter ID in the states: the effects of more rigorous voter ID regimes on voter turnout and the relationship between the voter ID regime and vote fraud. As part of this effort, Eagleton is undertaking a statistical analysis to gauge the effect of a state's voter ID regime on turnout, especially turnout by minority and elderly voters.

Description: We are creating a database and gathering statistics on the effects of state-level voter identification requirements on voter turnout at the county-level in the 2004 election.

Progress: The collection of data for the Voter ID-Turnout analysis is complete. The assembled database contains population demographic data, voter registration data and voter turnout data from all 50 states, 3113 Counties, and the District of Columbia. We have also utilized exit poll data collected on Election Day 2004 as a resource for understanding the demographics of voter turnout. The analysis of that data is underway.

Challenges: The main challenges to this task include gathering the complete set of changes to Voter ID laws over the past 5 years, and then incorporating those changes into a sound statistical methodology.

Projection: We will continue to work towards resolving the methodology issue, and ultimately produce a final report on this subject. The analysis of the impact that voter identification requirements have upon voter turnout should be completed around mid-September.

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PROJECT MANAGEMENT

PEER REVIEW GROUP

Description: A feature of our proposal was the creation of a Peer Review Group (PRG). The Peer Review Group will review our research and methodology and provide valuable feedback and suggestions for the direction of our work.

Progress: The composition of the Peer Review Group has been determined and the membership has been submitted to the EAC. Additionally, as of the date of this report all PRG members have received their first mailing, which included several reports from our research, and a draft of our analysis and alternatives outline for their review.

Challenges: Our timeline for circulating and discussing our research with the PRG has been compromised due to delays in completing the recruitment of members of the group.

Projections: We are in the process of scheduling our first conference call with PRG members for the week of Sept. 19, 2005.

COORDINATION AND INFORMATION MANAGEMENT

Collecting and merging information and data from myriad sources is a demanding requirement of this research. We have developed two principal mechanisms to facilitate the analysis of the material collected or created in the project: an information system and an internal website for easy access to drafts and reports.

INFORMATION SYSTEM

Description: The statutory data and reports prepared by the Moritz College of Law is being merged with the political and procedural data and analysis prepared by the Eagleton Institute of Politics to provide a cohesive final product to the EAC, which will include a compendium of case law and statutes regarding provisional voting and voter identification.

Progress: At this point in the research process, many documents are complete after a lengthy process of circulating drafts among team members. As we near the end of the Provisional Voting research and move into the Voter Identification research, we will re-evaluate the volume of files contained in the Information System and update the system.

Projections: The entire project team continues to review all project drafts, and will staff members combine and format all documents and materials in preparation for our final reporting to the EAC.

INTRANET

Description: All project team members have signed on to the Intranet site. The Intranet facilitates the exchange of information and collaboration among project participants.

Progress: Project team members regularly post drafts, completed materials and spreadsheets online for internal review. The intranet has been extremely helpful to team members and serves as an internal website with announcements and important documents readily available to all team members.

FINANCIAL REPORT

The financial reporting for this project is supervised and prepared by the Division of Grant and Contract Accounting (DGCA) at Rutgers. Financial reporting on grant accounts is limited to actual expenses that have been incurred during the reporting period. Our contact at DGCA is: Constance Bornheimer, (732) 932-0165, EXT. 2235.

A detail of expenses incurred from project August 1- August 31, 2005, will be sent under separate cover to: Ms. Dianna Scott, Administrative Officer, EAC.

**ATTACHMENT:
PEER REVIEW GROUP
FINAL LIST (09/13/05)**

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rma@hss.caltech.edu
Tel: (626)395-4422

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pverniero@sillscummins.com
Tel: (973) 643-7000



"Tova Wang"
<wang@tcf.org>
10/06/2005 11:39 AM

To aambrogi@eac.gov
cc
bcc
Subject October 28 meeting

History  This message has been replied to

Hi Adam,

It was great meeting you at the UDC Law Symposium last week. I wanted to let you know that we are having a meeting about the voter fraud and intimidation meeting at 10 AM on October 28 at the EAC, and it would be great if you and Commissioner Martinez could be there. Let me know, and let's stay in touch. Thanks so much.

Tova

Tova Andrea Wang
Senior Program Officer and Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

Visit our Web site, www.tcf.org, for the latest news, analysis, opinions, and events.

[Click here](#) to receive our weekly e-mail updates.

014174



"Tova Wang"
<wang@tcf.org>
10/06/2005 12:04 PM

To aambrogi@eac.gov
cc
bcc
Subject RE: October 28 meeting

History: This message has been replied to

Adam,

Just to make sure we're talking about the same thing, I'm actually not going to be at the "kick-off" on the 14th. This is a meeting just about our project on the 28th. The project is already underway and the contracts finalized.

Since the meeting I refer to on the 28th is from 10-12, is there any possibility of the three of us having lunch after that?

Tova

-----Original Message-----

From: aambrogi@eac.gov [mailto:aambrogi@eac.gov]
Sent: Thursday, October 06, 2005 11:01 AM
To: wang@tcf.org
Subject: Re: October 28 meeting

Tova:

I was about to email you as well. It was certainly good to meet you last week, as I've heard about your work through numerous sources, and am glad we have finally been able to chat. As with many things (we started to discuss), the EAC is doing a lot of these projects for the first time. And unlike a thinktank, or nonprofit, we are constrained in a number of ways, and there are "sensitivities" that exist. Of course, there are benefits to not being a nonprofit, as well.

I'll state that at least myself, but hopefully Cmsr. Martinez will be at the kickoff meeting. You may do this already, but I would attempt to lay out the ideal structure for your involvement in the contract, and perhaps communicate this to Karen and the other contractor immediately before the meeting. That will frame this contract structure (beyond the terms of the agreement) to your liking.

Obviously a suggestion. However, I think that the goal is good, efficient research that is unimpeachable in partisan or methodological grounds—that will then be submitted to the Commission for its approval (and actually getting its approval).

Feel free to call me anytime. If you're in DC before then, and have some time, let's get Cmsr Martinez, you and I together for lunch or coffee.

Best,
Adam

Adam D. Ambrogi

014175

Special Assistant to Commissioner Ray Martinez III
U.S. Election Assistance Commission
1225 New York Ave. NW - Suite 1100
Washington, DC 20005
202-566-3105

"Tova Wang" <wang@tcf.org>

10/06/2005 11:39 AM

To aambrogi@eac.gov
cc
Subject October 28 meeting

Hi Adam,

It was great meeting you at the UDC Law Symposium last week. I wanted to let you know that we are having a meeting about the voter fraud and intimidation meeting at 10 AM on October 28 at the EAC, and it would be great if you and Commissioner Martinez could be there. Let me know, and let's stay in touch. Thanks so much.

Tova

Tova Andrea Wang
Senior Program Officer and Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

Visit our Web site, www.tcf.org, for the latest news, analysis, opinions, and events.

[Click here](#) to receive our weekly e-mail updates.

014176

Karen Lynn-Dyson/EAC/GOV

To Adam Ambrogi/EAC/GOV@EAC

cc

10/18/2005 04:36 PM

bcc

Subject Fw: Requested Documents

History  This message has been forwarded

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

— Forwarded by Karen Lynn-Dyson/EAC/GOV on 10/17/2005 04:35 PM —

Karen Lynn-Dyson/EAC/GOV

To aimee sherrill

cc

10/18/2005 04:24 PM

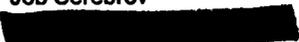
Subject Fw: Requested Documents

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

— Forwarded by Karen Lynn-Dyson/EAC/GOV on 10/17/2005 04:23 PM —



"Job Serebrov"


08/19/2005 12:16 PM

To "Karen Lynn Dyson" <klynndyson@eac.gov>

cc

Subject Requested Documents

Karen:

Here are the documents that you requested.

Regards,



Job ResumeReg.doc Summary of Election Activities

014177

JOB SEREBROV

2110 S. Spring St.
Little Rock, AR 72206

501.324.7330 (O)

LEGAL

PRACTICE:

Law clerk to Judge Lavenski R. Smith, U.S. Court of Appeals for the Eighth Circuit; 425 West Capitol Ave., Ste. 3110, Metropolitan Bank Bldg., Little Rock, Arkansas 72201

Supervisor: Judge Lavenski R. Smith, 501.324.7310

Hours per week: 40+Dates of employment: August 2004-August 2005

Job duties: Legal research for cases assigned monthly by the judge, drafting of case memorandums and opinions, review of administrative panel and death penalty appeals and attendance at oral argument when required

Private practice of law

Supervisor: Self

Hours per week: 40+Dates of employment: April 1991 - December 1998, May 1999 - July 2004

Associate attorney, The Nixon Law Firm; 2340 Green Acres Road, Ste. 12, Fayetteville, Arkansas 72703

Supervisor: David Nixon, 479. 582.0020

Hours per week: 40+Dates of employment: December 1998-April 1999

Areas of legal practice:

- Federal and state voting issues and election law
- Federal and state civil and criminal appeals and habeas petitions
- Discovery, trial preparation, trial briefs, trial strategy
- Legislative drafting and review
- Legislative and regulatory advocacy
- Initiatives and referendums
- Administrative law
- Constitutional law
- Legal research and writing
- Election consulting for federal and state candidates
- International development projects

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**Special Law Clerk, Judge Jay Finch, Nineteenth Judicial Circuit
West, Division 3, 203 East Central, Bentonville, AR 72712**

Supervisor: Judge Jay Finch, 479.271.1020
Hours per week: varied Dates of employment: December 1998-
January 1999

Job duties: research and writing, attendance at hearings,
drafting of the opinion

BAR

ADMISSIONS:

FEDERAL

- U.S. Supreme Court
- U.S. Court of Appeals for the following circuits:
First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth,
Ninth, Tenth, D.C., and Federal
- U.S. Court of Appeals for the Armed Forces
- U.S. Court of Federal Claims
- U.S. Court of International Trade

STATE

- Supreme Court of Oklahoma (1991)
- Supreme Court of Nebraska (1992)
- Supreme Court of Arkansas (1994)

LEGAL

ASSOCIATIONS

- Oklahoma Bar Association
- Nebraska Bar Association
- Arkansas Bar Association
- Inter-American Bar Association

BAR

ACTIVITIES:

**Chairman/Founder, Appellate Practice Committee, Arkansas Bar
Association, Little Rock, Arkansas, 1993-1996**

**Member, Drafting Committee, Appeals in Arkansas, Arkansas Bar
Association, Little Rock, Arkansas, 1996**

014179

PUBLICATION:

- "Arkansas Appellate Motion Practice" in *Handling Appeals in Arkansas*, Arkansas Bar Association, 1996

LEGISLATIVE

EXPERIENCE:

Senior consultant, AfricaGlobal, Inc., Washington, D.C., March 2001-December 2003

- Advised on African political and economic affairs
- Served as a liaison for the company in a sugar development/refinery project in the Caprivi region of Namibia and interacted with the Office of the Namibian President and National Assembly
- Retained by the Namibian government and AfricaGlobal to draft a sugar act

Legislative Adviser to the Speaker of the Namibian National Assembly, the Director of the Namibian Election Commission, and the Vice Chancellor of the University of Namibia, January 2000-June 2002

- Reviewed Namibian Election Code and drafted memorandum with recommended improvements
- Drafted national legislation merging the independent agricultural college into the University of Namibia system
- Drafted national legislation guaranteeing voting rights to agricultural workers

Registered Election Expert with the United Nations, IFES, and the Electoral Institute of Southern Africa, 2002-present
Consultant to various members of the Arkansas General Assembly, Little Rock, Arkansas, 1994-1999

- Advised on constitutionality of proposed legislation
- Drafted legislation

Consultant to the Arkansas Court of Appeals Redistricting Commission, Little Rock, Arkansas, 1996-1998

- Drafted five redistricting bills and maps for the constitutionally required redistricting of the Court of Appeals

Member of the Committee on Department of Corrections, Murphy Commission - Restructure of Arkansas Government, Little Rock, Arkansas, 1996-1997

- Reviewed the existing structure of the state Department of Corrections
- Advised on how to streamline the department

**ADMINISTRATIVE & QUASI-JUDICIAL
EXPERIENCE:**

Commissioner, Little Rock Historic District Commission, Little Rock, Arkansas, 2005-2008

- Enforce city regulations regarding alteration to structures in the Little Rock Historic District
- Sit as an administrative tribunal for approval of petitions under the Historic Design Guidelines

Member, Board of Directors of the Arkansas Historic Museum, Little Rock, Arkansas, 2005-2006

- Approve museum operations and budget
- Attend museum functions and fund raisers

Director of International Development, Louisiana State University, 107 Hatcher Hall, Baton Rouge, Louisiana 70803

Supervisor: Dr. Stephen Lucas, 225. 578.6801

Hours per week: 40+ Dates of employment: February 2000-August 2003

Job duties:

- Interacted with U.S. and state government agencies, NGOs, foreign governments and universities, and other LSU departments and officials
 - Worked with the Louisiana congressional delegation to get a \$12.5 million international project funded in fiscal years 2002 and 2003
 - Drafted a proposal for the president of the Louisiana Chemical Association and U.S. Senator John Breaux on building a regional system to neutralize transuranic waste from nuclear power plants
- Developed, drafted, wrote grants for, and administered international research, training, education, and consulting projects, especially those dealing with democratization issues
- Drafted and negotiated international contractual agreements for research and faculty and student exchange with universities and research centers

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- Hired and supervised staff
- Drafted office budget, project budgets, and strategic plans
- Reorganized and expanded the role of the Office of International Development
- Advised the Office of International Programs and individual units on improving public relations; consulted on PR strategies

Chairman, Committee for the Revision of the Arkansas Constitution, State Political Party of Arkansas, Little Rock, Arkansas, 1995-1996

- Headed committee comprised of state legislators, attorneys, business people, and an appellate judge to review the proposed state Constitution and make recommendations

Member, Washington County Board of Election Commissioners, Fayetteville, Arkansas

No supervisor Dates: 1990-1996

Job duties:

- Enforced election laws within the county
- Drafted administrative regulations for the commission
- Supervised the training of poll workers
- Evaluated various voting systems and purchased an optical scan system to be used countywide
- Prepared and defended annual budgets before the Washington County Quorum Court
- Sat as a member of an administrative tribunal
- Hired and supervised staff

EDUCATION:

- **Graduate Certificate, Election Governance, Griffith University, Queensland, Australia (2003)**
- **Master of Law, University of Arkansas School of Law, 204 Waterman Hall, Fayetteville, Arkansas 72701 (1993) Mini Thesis: "Water Rights in Indian Country"**
- **Juris Doctorate, Washburn University School of Law, 1700 College Ave., Topeka, Kansas 66621 (1984)**
- **Bachelor of Arts in History, Rutgers University, Administrative Services Bldg., 65 Davidson Road, Bush Campus, Piscataway, New Jersey 08854-8096 (1980)**

REFERENCES:

Judge Morris Arnold
U.S. Court of Appeals
for the Eighth Circuit
P.O. Box 2060
Little Rock, AR 72203-2060
501.324.6880

Judge Lavenski Smith
U.S. Court of Appeals
for the Eighth Circuit
425 West Capitol, Ste. 3110
Little Rock, AR 72203
501.324.7310

Brenda Turner
Chief of Staff
Office of the Governor
State Capitol Building, Suite 250
Little Rock, AR 72201
501.682.3608

Judge Herb Ashby
Former judge, Second Appellate District, Division 5
2691 Baywater Place
Thousand Oaks, CA 91362
805.493.8205

Judge Jay Finch
Nineteenth Judicial
Circuit West, Division 3
203 East Central
Bentonville, AR 72712
479.271.1020

Karen Lynn-Dyson/EAC/GOV

To Amie J. Sherrill/EAC/GOV@EAC

10/18/2005 04:38 PM

cc

bcc Adam Ambrogi/EAC/GOV

Subject Fw: Requested Documents

Aimee-

In case you couldn't open up the document which describes Job's elections background

K
Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

— Forwarded by Karen Lynn-Dyson/EAC/GOV on 10/17/2005 04:36 PM —



"Job Serebrov"

08/19/2005 04:14 PM

To klynndyson@eac.gov

cc

Subject Re: Requested Documents

Karen:

I enjoyed the discussion too. I really think that this project will be of national importance and can positively affect elections administration while providing an answer to the handling of the vote fraud problem for the future.

On another note, why don't you leave an evening free while I am there for dinner. I am trying to bring my wife along. If you can bring your husband it could make for an interesting evening.

Regards,

Job

Summary of Election Activities of Job Serebrov

Background to Election Problems in Arkansas

Ever since Reconstruction, Arkansas has had a history of election problems. The election fraud that gave rise to the Brooks-Baxter War in Arkansas in the 1870s involved people from both sides of the aisle voting more than once, the dead rising to cast a ballot or two, destroying ballots, creating ballots and making ballot boxes disappear. A strong one-party system

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perpetuated this tradition into modern times.

In 1995, I met with Arkansas Supreme Court Justice Tom Glaze to discuss voting issues and my efforts to clean up the electoral process. Although supportive, Justice Glaze encouraged me to proceed with caution. Before being elected to the Supreme Court, Justice Glaze had been employed in the 1960s by Gov. Win Rockefeller to clean up ballot fraud throughout Arkansas. He was nearly disbarred in the process by those involved in ballot fraud in a small, rural county.

Shortly after my discussion with Justice Glaze, I discovered how pervasive the election problems were in the state. For instance, ballot boxes were stuffed or disappeared into the night only to return altered. Contrary to state law, county sheriffs running in contested elections maintained custody of the ballot boxes. In one instance, 20 voted ballot boxes were found in the attic of a sheriff's deputy after he died.

Attorney (1991-2004)

In my private practice as an attorney, I represented numerous clients in county election contests throughout Arkansas. I also represented clients in matters before the Federal Election Commission. I have never lost an election case. Finally, I was hired as a consultant to a major nonprofit legal organization to review and summarize the 2002 amendments to federal election laws and apply the new law to 10 scenarios.

Member, Washington County Board of Election Commissioners, Fayetteville, Arkansas (1990-1996)

This board consisted of three commissioners; I was the lone Republican. We were charged with supervising the training of poll workers, evaluating voting systems and then purchasing an optical scan system to be used countywide, preparing and justifying our annual budget before the Washington County Quorum Court, hiring and supervising staff and sitting as an administrative tribunal.

When I first came on the board, Washington County was primarily a one-party county and the Democrats were used to running elections according to tradition rather than the law. I had to battle with the two Democrats on the board to enforce election laws within the county. As I started to force the issue in the courts, the Republican Party gained strength. Four years later and after outlasting eight Democrat commissioners, I was able to work with new Democrat commissioners who recognized the need to enforce the law. At this point, the commission requested that I draft administrative regulations for the board. These remain in place today.

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Founder, President, General Counsel; Arkansans for Fair Elections (1994-1999)

In 1994, Gov. Mike Huckabee (R), then a candidate for lieutenant governor, asked me to serve as his general counsel for ballot fraud protection. Thinking it best to act independently of any candidate, I formed Arkansans for Fair Elections. I served as the organization's president and, later, general counsel. This group launched a statewide educational campaign to train poll watchers to recognize irregular or fraudulent electoral procedures; this included the creation of literature and a video. Our extensive public relations campaign brought media attention to the issue. We also organized a statewide team of citizen poll watchers and attorneys to ensure that the election laws were fairly enforced. We were so successful in the lieutenant governor's race that Arkansans for Fair Elections was asked to continue the effort until 1999 when I moved to Louisiana.

General Counsel - Ballot Fraud Protection Committee, Republican Party of Arkansas (1995-1999)

In late 1995, Asa Hutchinson, chairman of the Republican Party of Arkansas, appointed me as general counsel for the newly formed Ballot Fraud Protection Committee of the state party. I retained this position until 1999. I was responsible for coordinating statewide enforcement efforts and directing a legal team to respond to problematic situations prior to and on election day.

(Through my role with Arkansans for Fair Elections and the Ballot Fraud Protection Committee, I successfully sued or negotiated a settlement in more than two-thirds of the 75 counties in Arkansas over electoral irregularities.)

Legal Consultant to Republican Members of the Arkansas General Assembly (1994-1996)

Republicans in the General Assembly requested that I review and draft suggested changes to Arkansas election law. Based on my personal experience as an election commissioner and as an election attorney, I identified a number of areas of concern and drafted new statutes modeled on the best examples that I could find from other states. My proposal was not passed by the Democrat-controlled General Assembly as a package, however, several of its components were passed into law.

Consultant to the Arkansas Court of Appeals Redistricting Commission (1996-1999)

I drafted five redistricting bills and maps for the

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constitutionally required redistricting of the Arkansas Court of Appeals. These bills were based on current U.S. Supreme Court precedent regarding gerrymandering. I had to present each bill and give supporting testimony to the commission.

Director of International Development - Louisiana State University, Baton Rouge, Louisiana (2000-2003)

Part of my duties as director was to develop international cooperative projects. The theme of several of these proposals was democratization. In each case, I required review of the national election code of the country involved.

My activities in Namibia led to a request by the director of the Namibian Election Commission, Joram Rukambe and the Speaker of the Namibian National Assembly, Dr. Mose Tjitendero to review and suggest changes to the Namibian election code. This review took three months and resulted in proposed alterations a number of code sections. These suggestions were considered by the Namibian National Assembly and a number were incorporated into the code revisions. Additionally, I drafted legislation for the Speaker to guarantee voting rights to agricultural workers that were being denied by the owners of the farms. This legislation also was passed into law.

During this time, I was qualified as an election expert and placed on an election consultant list by the United Nations, IFES and the Electoral Institute of Southern Africa.

Related Memberships

- Republican Party of Arkansas (1990-1999)
- Benton County, Arkansas, Republican Committee (1996-1999)
- Washington County, Arkansas, Republican Committee (1990-1996)

(When we moved to Louisiana in 1999, the party was in such turmoil that it was difficult to get involved. This past year, I have been prohibited by the Hatch Act from participating in partisan politics. This prohibition ends August 19 when my judicial clerkship ends.)

Related Education

- Graduate certificate in electoral governance, Griffith University, Queensland, Australia (2003)

014187

Karen Lynn-Dyson/EAC/GOV

11/14/2005 05:35 PM

To Paul DeGregorio/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC, Raymundo Martinez/EAC/GOV@EAC, Donetta L. Amie J. Sherrill/EAC/GOV@EAC, Sheila A. Banks/EAC/GOV@EAC, Adam Ambrogi/EAC/GOV@EAC, Elieen L. Collver/EAC/GOV@EAC, Bert A.

bcc

Subject Fw: October Progress Report

FYI-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

— Forwarded by Karen Lynn-Dyson/EAC/GOV on 11/13/2005 05:32 PM —



"Tom O'Neill"

11/14/2005 05:27 PM

To klyndyson@eac.gov

cc tokaji.1@osu.edu, foley.33@osu.edu, lauracw@columbus.rr.com, Vincelli@rutgers.edu, arapp@rci.rutgers.edu, davander@eden.rutgers.edu, dlinky@rci.rutgers.edu, ireed@rutgers.edu, joharris@eden.rutgers.edu, john.weingart@rutgers.edu, rmandel@rci.rutgers.edu, "Johanna Dobrich" <jdobrich@eden.rutgers.edu>

Subject FW: October Progress Report

Tom O'Neill

-----Original Message-----

From: Tom O'Neill [mailto: [REDACTED]]
Sent: Monday, November 14, 2005 5:26 PM
To: klyndyson@eac.gov
Cc: Vincelli@rutgers.edu; arapp@rci.rutgers.edu; davander@eden.rutgers.edu; dlinky@rci.rutgers.edu; ireed@rutgers.edu; joharris@eden.rutgers.edu; john.weingart@rutgers.edu; rmandel@rci.rutgers.edu; 'Johanna Dobrich'; tokaji.1@osu.edu; foley.33@osu.edu; lauracw@columbus.rr.com
Subject: October Progress Report

Karen,

014188

Attached is the Progress Report for October. Please note that this report includes an attachment showing how our study classifies each state on key variables, such as counting out-of-precinct ballots, requirements for ballot evaluation, and other variables. It also displays how the data we used differs for some states for the vote counts reported by the Election Day Survey. We believe that our data is more accurate and complete (see for example the data for New Mexico and Pennsylvania).

I look forward to responding to any questions or concerns you or others at the EAC may have.

Tom O'Neill



OctoberFinal.doc



EAGLETON INSTITUTE OF POLITICS

*Contract to Provide Research Assistance to the EAC For
the Development of Voluntary Guidance on Provisional
Voting and Voter Identification Procedures*

MONTHLY PROGRESS REPORT
October 2005

For
UNITED STATES ELECTION ASSISTANCE COMMISSION
1225 New York Avenue N.W., Suite - 1100
Washington, DC 20005

November 15, 2005

Prepared by:
Eagleton Institute of Politics
Rutgers, The State University of New Jersey
191 Ryders Lane
New Brunswick, NJ 08901-8557

014190

**Deliberative Process
Privilege**

OUTLINE

- Introduction
- Provisional Voting
 - Task 3.5
- Voter Identification Requirements
 - Task 3.10
 - Task 3.11
- Project Management
 - Task 3.1
- Financial Report

INTRODUCTION

This report describes our progress from October 1 through October 31, 2005. It includes brief descriptions of key tasks; progress made; challenges encountered or anticipated; milestones reached; and projections for work to be completed in the coming month.

In October we focused on finalizing our Provisional Voting analysis paper, including the development of recommendations to the EAC for a draft guidance document and best practices. These policy prescriptions are based on our research and the comments of the Peer Review Group. We completed a careful review of our data to reconcile it with other sources and identify the latest, most reliable information to use in the analysis. (See the attachment to this Progress Report for the details.) The importance of this demanding effort was described in September's Progress Report.

Also in October we revised the schedule for the project in light of the additional time that has been needed for review of earlier drafts by the EAC and the late completion of the Election Day Study. We will seek a meeting with the EAC in the next several weeks to confer about the schedule to complete the project and alternative approaches that could speed the conclusion of our work.

We will submit to the EAC a final draft of our report, a preliminary guidance document, and draft best practices before Thanksgiving. We project that EAC will take 3 to 4 weeks to review and react to that final draft. And we understand that after its review, the EAC will decide if it should move towards issuing a Guidance Document or recommending best practices. If the EAC does decide to issue a Guidance Document on Provisional Voting, the time needed for a review by the advisory boards is likely to delay a public hearing until early February.

This report is divided into 3 sections: Provisional Voting, Voter Identification Requirements, and Project Management. Each section references specific tasks described in paragraph 3 of the contract. The Financial Report will be sent separately by the Rutgers Division of Grant and Contract Accounting.

Please direct questions or comments about this report to [REDACTED]

PROVISIONAL VOTING

Tasks 3.4 – 3.9 in our contract relate to Provisional Voting. Work on the first of these must be complete before proceeding to later tasks. Task 3.4 was completed in August, Tasks 3.5 and 3.6 are nearing completion.

Task 3.5: Analysis and Alternative Approaches. Assess the potential, problems, and challenges of Provisional Voting and develop alternative means to achieve the goals of Provisional Voting.

LEGISLATION, REGULATIONS, AND LITIGATION

The research team at the Moritz College of Law has the lead responsibility for the collection and analysis of legislation, administrative procedures and litigation. This information constitutes the compendium of legislation, administrative regulations, and case law called for under this task. It has provided a base of understanding for the analysis of states' actual experience with Provisional Voting in 2004, for which the Eagleton team has lead responsibility.

Description: The Moritz team has created a 50-state chart to summarize information on Provisional Voting, compiled statutes, case law and administrative procedures regarding Provisional Voting and has completed this research.

Progress: We have completed the memorandum outlining Provisional Voting legislative changes since the 2004 election and we are continuing to clarify the laws prior to these changes.

Challenges: The variety in the form and frequency of Provisional Voting legislation from state to state makes creating a snap-shot view across states a challenge.

Work Plan: The final analysis will be sent to the EAC by Thanksgiving.

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PREPARATION FOR AND EXPERIENCE WITH PROVISIONAL VOTING

The Eagleton team has researched and compiled a narrative of each state's experience with Provisional Voting in 2004. The report findings from the survey of 400 local election officials are now complete. The survey results have proven to be instrumental in shaping our understanding of actual practice in administering Provisional Voting, including the steps local officials took to prepare for the election.

PROVISIONAL VOTING NARRATIVES

Description: To construct the narratives, a researcher examined newspaper accounts, state websites, and reports from third-party organizations to gather information on the experience with Provisional Voting in the 2004 election. To organize the information derived from this examination, we created an information system that catalogues information about the states (i.e. whether a state was new to Provisional Voting, the percentage of provisional votes counted, the method of notifying voters if their vote was counted, etc.) and combined it with Moritz's collection and analysis of statutes, regulations and litigation.

Progress: We completed a state-by-state narrative of developments in Provisional Voting and distributed it to the EAC and the PRG. This work has been helpful in understanding the context of the data collected on provisional voting from the states.

Challenges: The primary obstacle to constructing the narratives was difficulty in communicating and obtaining necessary information from various state officials. As a result, the narratives underwent several revisions to incorporate up-to-date and reliable information. Now that so many other analyses, including the Election Day Survey, have been released, we were challenged by different interpretations of the same basic facts. But the reconciliation of interpretation and data collection has been invaluable in establishing rigor in our report.

Work Plan: We completed revisions of the narratives incorporating comments from the PRG and addressing any discrepancies between our findings and other interpretations of similar information included in other studies.

PROVISIONAL VOTING STATISTICAL ANALYSIS

Description: During October the Eagleton research team continued to check its statistical analysis, and worked to reconcile the classifications of this analysis (such as states counting only those provisional ballots cast within the proper precinct versus states that counted ballots cast within the proper county) with the classification made in other parts of this study or in other studies (such as the Election Day Study or *Electionline* reports).

Progress: The effort to double check all of the classifications used in the study is complete. The results of this effort are displayed in the attachment to this progress report, "Characteristics of the Provisional Voting Process -- Classification of the States,"

beginning on page 9. Only Delaware and Arkansas remain unclear in regard to one of the measures, and both states have been contacted to receive clarification in this area..

Challenges: The difficulties encountered have been a result of communication delays and time constraints. Some states have been more responsive to our inquiries about their practices than others. Overall, this is not an irresolvable problem but it does slow the process of completion down.

Work Plan: By early-November the final revision of the statistical analysis, which includes full reconciliation of all data within the study, will be complete. The reconciliation of data is displayed in the attachment to this progress report.

SURVEY OF COUNTY ELECTION OFFICIALS

Description: The Eagleton Center for Public Interest Polling (CPIP) conducted a national survey of county election officials to measure several aspects of Provisional Voting.

Progress: The analysis of the survey results and findings report is complete. As a result of the critique by the PRG, the research team is revising and clarifying the descriptions of the survey design and sample selection process to make the research methods more transparent.

Work Plan: We used the information from the survey in drafting the analysis and alternatives document required under Task 3.5. We will include necessary clarifications regarding survey design and sample selection in the final analysis and alternatives document.

<p>Task 3.6: Prepare preliminary draft guidance document.</p>
--

The report and recommendations now nearing completion constitutes the draft preliminary guidance document. Based on our conversation with the EAC, the draft gives the EAC the option of proceeding with a guidance document or issuing recommendations to the state for best practices, recommendations that would not constitute voluntary guidance. Before proceeding to Task 3.7 (revise the guidance document for publication) or 3.8 (arrange a public hearing on the draft guidance), we will await the EAC's decision on how to proceed.

014194

VOTER IDENTIFICATION REQUIREMENTS

The contract lists 7 tasks (3.10 – 3.16) related to Voter Identification Requirements. The research on Voter ID requirements is proceeding concurrently with our work on the experience of Provisional Voting, and is becoming the principal focus of our research.

Task 3.10: Legislation, regulations, and litigation

The research team at the Moritz College of Law has the lead responsibility for the collection and analysis of legislation, administrative procedures and litigation with regard to Voter Identification Requirements. This collection of material is nearing completion. It will constitute the compendium of legislation, administrative regulations, and case law called for under this task.

Description: The Moritz team has compiled statutes on Voter Identification, and will provide a summarized analysis of this research to the project team for review.

Progress: The 50 State (plus the District of Columbia) chart has been completed, the voter identification statutes have been collected for all states and D.C., and summaries of the existing voter identification statutes have been written for all states and D.C.

Challenges: Identifying the relevant statutes has been challenging because of the different terminology used from state to state to codify voter identification issues, and because many states have scattered election law provisions throughout their codes. This variety from state to state makes creating a snap-shot view across states a challenge.

Work Plan: Analysis of voter identification data has begun and will increasingly become the central focus of our work.

SUPPLEMENTS TO LEGAL ANALYSIS

To supplement the legal analysis, the Eagleton team is undertaking two research efforts: First, compiling information on the debate over voter ID in the states; and second, estimating the effect on turnout of different voter ID regimes. Tracking the continuing political debate over voter identification reveals that the relatively narrow HAVA requirements for voter identification have apparently sparked in many states a broader concern and a sharp political debate over rigorous identification requirements for all voters. The research follows these developments both to monitor possible secondary effects of HAVA on voter ID, and to provide a rich collection of alternative approaches for consideration.

VOTER ID AND TURNOUT ANALYSIS

The second supplemental analysis will provide objective information on a contentious feature of the debate over voter ID in the states: the effects of more rigorous voter ID regimes on voter turnout and the relationship between the voter ID regime and vote fraud. As part of this effort, Eagleton is undertaking a statistical analysis to gauge the effect of a state's voter ID regime on turnout, especially turnout by minority and elderly voters.

Description: We have created a database and gathered statistics on the effects of state-level voter identification requirements on voter turnout at the county-level in the 2004 election

Progress: The collection of data for the Voter ID-Turnout analysis is complete. The assembled database contains population demographic data, voter registration data and voter turnout data from all 50 states, 3113 Counties, and the District of Columbia. We have also used exit poll data collected on Election Day 2004 as a resource for understanding the demographics of voter turnout.

Challenges: The analysis of these data had been postponed until the data reconciliation of Provisional Voting is complete. As a result of the extensive revision and data reconciliation efforts aimed at the Provisional Voting section of our work VID had been temporarily placed on hold. We are now beginning data analysis on the impact of voter identification requirements on voter turnout.

Work Plan: The analysis of the impact that voter identification requirements have upon voter turnout should be completed by early December. Early January is our target to deliver the draft report and outline of alternative policies to the Peer Review Group. In mid January, the EAC would receive a draft report and recommendations that take into account the comments of the PRG.

PROJECT MANAGEMENT

PEER REVIEW GROUP

Description: A feature of our proposal was the creation of a Peer Review Group (PRG). It reviews our research and methodology and provides valuable feedback and suggestions for the direction of our work.

Progress: Eagleton has stayed in touch with members of the Peer Review Group since the September 21st conference call, and has solicited their final comments on the Provisional Voting research. During October, we telephoned two members who did not participate in the conference call to confirm their commitment to serving as members of the Peer Review Group. Profess Guy Charles affirmed his interest. Professor Pamela Karlan did not return the call. The revisions in the schedule for the project have now made it possible to begin the process of scheduling a meeting of the PRG to consider our draft report and recommendations on Voter Identification Issues. We anticipate that meeting will take place the second week of January.

Challenges: No new challenges were encountered during October.

COORDINATION AND INFORMATION MANAGEMENT

Collecting and merging information and data from myriad sources is a demanding requirement of this research. We have developed two principal mechanisms to facilitate the analysis of the material collected or created in the project: an information system and an internal website for easy access to drafts and reports.

INFORMATION SYSTEM

Description: The statutory data and reports prepared by the Moritz College of Law is being merged with the political and procedural data and analysis prepared by the Eagleton Institute of Politics to provide a cohesive final product to the EAC, which will include a compendium of case law and statutes regarding Provisional Voting and voter identification.

Progress: At this point in the research process, many documents are complete after a lengthy process of circulating drafts among team members. We have reorganized our system by separating final drafts from earlier versions of documents, discarding dated files contained in the Information System, and updating the system as a whole. Upon their completion, new documents continue to be added.

Projections: The entire project team continues to use the Information System which contains the above referenced research, in working toward the preparation for our final reports to the EAC.

INTRANET

Description: All project team members have signed on to the Intranet site, and regularly post drafts, completed materials and spreadsheets online for internal review. The Intranet facilitates the exchange of information and collaboration among project participants.

FINANCIAL REPORT

The financial reporting for this project is supervised and prepared by the Division of Grant and Contract Accounting (DGCA) at Rutgers. Financial reporting on grant accounts is limited to actual expenses that have been incurred during the reporting period. Our contact at DGCA is: Constance Bornheimer, (732) 932-0165, EXT. 2235.

A detail of expenses incurred from project October 1- October 31, 2005, will be sent under separate cover to: Ms. Dianna Scott, Administrative Officer at the EAC.

ATTACHMENT TO OCTOBER PROGRESS REPORT

Characteristics of the Provisional Voting Process

Classification of the States

Our research on provisional voting divided the various states into several categories to allow an assessment of how different factors may have influenced the process of casting and counting provisional ballots. This analysis was conducted before the release of the Election Day Study, and the categories we used may differ in some respects from its work. The categories analyzed here are:

1. New vs. Old (states that used a provisional ballot before the 2004 election)
2. Use of a statewide database of registered voters vs. no use of a statewide database
3. Counting out-of-precinct ballots vs. not counting out-of-precinct ballots
4. Voter identification requirements
5. Method used to verify provisional ballots
6. Levels of provisional ballots cast and counted

We first assigned states within these categories based on classifications done by Electionline.org in its studies. The Electionline data was the only published information available at the time of our research. We reviewed the Electionline data carefully, and, in select cases, updated it with new, detailed information that had become available after its publication. The changes we made are explained below.

Please note that:

--Idaho, Maine, Minnesota, New Hampshire, Wisconsin and Wyoming were excluded from our analysis. They have election-day registration systems, and did not need to use HAVA-compliant provisional ballots.

--North Dakota does not register voters, so it also was excluded from HAVA requirements and did not use provisional voting.

--Mississippi has not reported its provisional voting results and could not be included in our analysis, though it was compliant in 2004.

--Pennsylvania did not report its totals for the Election Day Study, but we obtained information on Pennsylvania and did include it in our analysis.

New vs. Old States

We classified states as “new” or “old” based on the 2001 Electionline study of provisional voting¹ and condensing its classifications into a single dichotomous variable, new/old with all other cases excluded. The Electionline study divided states into five categories of their use of provisional ballots in the 2000 election:

1. Use of provisional ballots (P)
2. Limited use of provisional ballots (LP)
3. Affidavit ballots (A)
4. No system in place (N)
5. Unnecessary/Not Applicable (U/NA)

We collapsed all of the states listed as using provisional ballots, limited use of provisional ballots or affidavit ballots as “old” states, because the states in all three categories would have been familiar with key aspects of provisional voting.. States that had no provisional voting system in place for the 2002 election, and were HAVA compliant in 2004, were listed as “new” states, as 2004 would have been the first year in which they would be offering the option of provisional voting. States that were listed as unnecessary or not applicable were excluded from this study, as they were exempt from the HAVA regulations in 2004 because they either allowed same-day registration or did not register voters.

Rhode Island is the only state categorized as an old state by Electionline that we moved into the list of new states. Electionline’s map shows Rhode Island as a state that used provisional voting in 2000, but in the state description, it is listed as having no system in place. We learned from the Rhode Island Board of Elections that the state had previously permitted potential voters to sign an affidavit if they did not appear on a precinct’s list of registered voters, but felt they were registered to vote. Based on the signed affidavit, the election official would then contact a county official to see if the voter was on a more complete registration list. If the voter’s name was on the complete list, that voter was permitted to cast a regular ballot. As this process did not grant the voter a provisional ballot, but served as a different type of administrative failsafe, we concluded that Rhode Island’s first use of provisional voting was in 2004 and, therefore, classified the state as “new” to the system of provisional balloting.

¹ This study can be found at: <http://electionline.org/Portals/1/Publications/Provisional%20Voting.pdf>.

Table 1 CATEGORIZATION OF STATES -- Old vs New		
Old States	New States	HAVA Exempt or NA
Alaska	Connecticut	Idaho
Alabama	Delaware	Maine
Arkansas	Georgia	Minnesota
California	Hawaii	New Hampshire
Colorado	Illinois	North Dakota
DC	Indiana	Wisconsin
Florida	Louisiana	Wyoming
Iowa	Massachusetts	
Kansas	Missouri	
Kentucky	Montana	
Maryland	Nevada	
Michigan	Oklahoma	
Mississippi	Pennsylvania	
Nebraska	Rhode Island	
New Jersey	South Dakota	
New Mexico	Tennessee	
New York	Utah	
North Carolina	Vermont	
Ohio		
Oregon		
South Carolina		
Texas		
Virginia		
Washington		
West Virginia		
26	18	7

Statewide List of Registered Voters

The Electionline preview of the 2004 Election² was the starting point for compiling a list of states that had a statewide database of registered voters. That study listed 34 States that did not have their statewide database systems complete, and 16 that did, including the District of Columbia. North Dakota does not register voters, so does not need to compile such a database. Electionline's criterion for concluding that a state had a statewide list was that the state have participation from all jurisdictions in a statewide system. We added Oklahoma to the list of states with statewide databases

² "Election Preview 2004: What's changed, What Hasn't and Why". This study can be found at: <http://electionline.org/Portals/1/Publications/Election.preview.2004.report.final.update.pdf>

because we found they had met the Electionline criteria by the 2004 election, albeit too late for inclusion in the Electionline survey.

Had Database 2004	No Database A-N	No Database N-W	HAVA Exempt or NA
Alaska	Alabama	Ohio	Idaho
Arizona	Arkansas	Oregon	Maine
Connecticut	California	Pennsylvania	Mississippi
Delaware	Colorado	Rhode Island	Minnesota
District of Columbia	Florida	Tennessee	New Hampshire
Georgia	Iowa	Texas	North Dakota
Hawaii	Illinois	Utah	Wisconsin
Kentucky	Indiana	Vermont	Wyoming
Louisiana	Kansas	Virginia	
Massachusetts	Maryland	Washington	
Michigan	Missouri		
New Mexico	Montana		
Oklahoma	Nebraska		
South Carolina	Nevada		
South Dakota	New Jersey		
West Virginia	New York		
	North Carolina		
16	27		8

Minnesota has a statewide database but was excluded from the analysis because it did not offer provisional ballots and was exempt from the HAVA requirements.

Out-of-Precinct Ballots

We based our classification of states that allow the counting of ballots cast outside the correct precinct on the data in the 2004 Electionline preview of the 2004 election². States that evaluated ballots cast in a precinct where the voter was not registered were categorized as “out-of-precinct.” States that invalidated such ballots were categorized as “In-precinct only.”

Table 3 CATEGORIZATION OF STATES -- Counting Out-Of-Precinct Ballots		
Out-of-Precinct	In-Precinct Only	HAVA EXEMPT OR NA
Alaska	Alabama	Idaho
Arkansas	Arizona	Maine
California	Colorado	Mississippi
Delaware	Connecticut	New Hampshire
Georgia	District of Columbia	North Dakota
Illinois	Florida	Wisconsin
Kansas	Hawaii	Wyoming
Louisiana	Indiana	
Maryland	Iowa	
New Mexico	Kentucky	
North Carolina	Massachusetts	
Oregon	Michigan	
Pennsylvania	Missouri	
Rhode Island	Montana	
Utah	Nebraska	
Vermont	Nevada	
Washington	New Jersey	
	New York	
	Ohio	
	Oklahoma	
	South Carolina	
	South Dakota	
	Tennessee	
	Texas	
	Virginia	
	West Virginia	
17	26	7

Voter Identification

We relied on Electionline studies, including the Voter Identification study³ and the 2004 Election Preview, to classify the states on their requirements for voter identification. Each state's categorization is taken directly from the Electionline studies except Hawaii.⁴ The five different, and increasingly rigorous, categories are: Give Name (8 states), Sign Name (14 states), Match Signature (8 states), Provide ID (15 states), and Photo ID (5 states).

³ This study can be found at: <http://electionline.org/Portals/1/Publications/Voter%20Identification.pdf>

⁴ In 2004, ElectionLine listed Hawaii as requiring identification. Our review of statutes revealed that Hawaii could require photo ID. Since that is the most rigorous form of identification that may be required of voters, we classified Hawaii under this category.

Table 4**CATEGORIZATION OF STATES -- Forms of Identification Required**

States in italics are exempt from HAVA or did not report Provisional Ballot data and are not included in the analysis.

Give Name	Sign Name	Match Signature	Provide ID	Photo ID
<i>Maine</i>	California	Illinois	Alabama	Florida
Massachusetts	DC	Nevada	Alaska	Hawaii
<i>New Hampshire</i>	<i>Idaho</i>	New Jersey	Arizona	Louisiana
North Carolina	Indiana	New York	Arkansas	South Carolina
Rhode Island	Iowa	Ohio	Colorado	South Dakota
Utah	Kansas	Oregon	Connecticut	
Vermont	Maryland	Pennsylvania	Delaware	
<i>Wisconsin</i>	Michigan	West Virginia	Georgia	
<i>Wyoming</i>	Minnesota		Kentucky	
	<i>Mississippi</i>		Missouri	
	Nebraska		Montana	
	New Mexico		<i>North Dakota</i>	
	Oklahoma		Tennessee	
	Washington		Texas	
			Virginia	
9	14	8	15	5

South Dakota complicates the effort to assign each state to a category. It permits voters to sign an affidavit that would allow them to vote without presenting photo ID. While Hawaii did not normally require photo ID, its statutes gave challenged voters the opportunity to respond by producing a photo ID.

Verification Method

We identified four different ways states assessed provisional ballots to determine if they should be counted: signature match, match voter data, signed affidavits, and bringing back identification later. We gathered information about these verification techniques by checking state websites and consulting journalistic accounts. We consulted state legislation to provide further information where needed.

Table 5**CATEGORIZATION OF STATES -- Ballot Evaluation Methods**

States in italics are exempt from HAVA or did not report Provisional Ballot data and are not included in the analysis.

Signature Match	Data Match	Affidavit	Return with ID	NA
Alaska	Alabama	Connecticut	Indiana	Idaho
California	Arizona	Delaware	Iowa	Maine
Florida	Arkansas	Georgia	Kansas	Mississippi
Oregon	Colorado	Hawaii	Maryland	Minnesota
	DC	Illinois	Michigan	New Hampshire
	Louisiana	Kentucky	Montana	N. Carolina*
	Missouri	Massachusetts	New Jersey	N. Dakota
	Ohio	Nebraska	New Mexico	Wisconsin
	Oklahoma	Nevada	Texas	Wyoming
	Pennsylvania	New York	Utah	
	Rhode Island	South Dakota		
	S. Carolina	Tennessee		
	Washington	Vermont		
	West Virginia	Virginia		
4	14	14	10	9

Data Collection

To assemble our data for analysis, we began by using the data on provisional votes cast and counted reported by Electionline. To increase the accuracy of this data, we surveyed each state's election websites for updated data, and for reported numbers on the county level. We then sent emails to 49 (we excluded Alaska, see below) states and the District of Columbia, requesting updated data on the number of provisional votes cast and counted by county. We received information from 25 states by our cut-off date of August 25, 2005.

* North Carolina lacked clear standards to evaluate provisional ballots and is excluded from this analysis.

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Table 6	
Updated information by State	
Received Updated Data	Did Not Receive Updated Data
California	Alabama
District of Columbia	Alaska ⁵
Florida	Arizona
Hawaii	Arkansas
Indiana	Colorado
Iowa	Connecticut
Kansas	Delaware
Louisiana	Georgia
Maryland ⁶	Idaho
Missouri	Illinois
Montana	Kentucky
Nebraska ⁷	Maine
Nevada	Massachusetts
New Jersey	Michigan
New Mexico	Minnesota
Ohio	Mississippi
Oklahoma	New Hampshire
Oregon	New York
Pennsylvania	North Carolina
Rhode Island	North Dakota
South Dakota	South Carolina
Tennessee	Utah
Texas	Vermont
Virginia	Wisconsin
Washington	Wyoming
West Virginia	
26 States	25 States

⁵ Alaska was not contacted via email, as the state does not have voting districts comparable to counties in other states and could not be matched with comparable census data.

⁶ Maryland reported provisional ballots that were counted per county, but not number cast.

⁷ Nebraska reported an incomplete list of provisional ballots cast and counted by county, but designated counties by number, rather than by name.

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Data Differences with Election Day Study

The data used in this study differs from the data reported in the Election Day Study for 19 states. The Election Day Study was not completed until well after our statistical analysis of provisional voting was finished, on the schedule laid out in our work plan. Where there are differences, they are typically very small, usually fewer than 100 votes either cast or counted. Of the 9 states that have differences of more than 100 votes cast or counted, 7 have reported their numbers directly to us and can be considered updated data that EDS had not obtained. For one of those states, New Mexico, EDS had incomplete data, and for another, Pennsylvania, EDS had no data at all. The data that we have collected reflects updated numbers from the states that have changed following recounts and litigation that altered how ballots were evaluated.

State	EDS Numbers Cast/Counted	Our Numbers Cast/Counted	Differences	Updated Info from State?
Alabama	6,478/1,865	6560/1836	82/29	No
Alaska	23,285/22,498	23,275/22,498	10/0	No
Colorado	51,529/39,086	51,477/39,163	52/77	No
Georgia	12,893/4,489	12,893/3,839	0/650	No
Hawaii	346/25	348/25	2/0	Yes
Iowa	15,406/8,038	15,454/8,048	48/10	Yes
Kansas	45,535/32,079	45,563/31,805	28/274	Yes
Montana	688/378	653/357	35/21	Yes
Nebraska	17,421/13,788	17,003/13,298	418/490	Yes
Nevada	6,153/2,446	6,154/2,447	1/1	Yes
New Mexico	6,410/2,914	15,360/8,767	8,950/5,853	Yes
N. Carolina	77,469/50,370	77,469/42,348	0/8,022	No
Ohio	157,714/123,902	158,642/123,548	928/354	Yes
Pennsylvania	No data	53,698/26,092	N/A	Yes
Texas	35,282/7,156	36,193/7,770	911/614	Yes
Vermont	121/30	101/37	20/7	No
Virginia	4,608/728	4,609/728	1/0	Yes
Washington	92,402/73,806	86,239/69,273	6,163/4,533	Yes
Wisconsin	374/119	373/120	1/1	No

Karen Lynn-Dyson/EAC/GOV

12/13/2005 01:41 PM

To Adam Ambrogi/EAC/GOV@EAC, Amie J. Sherrill/EAC/GOV@EAC, Sheila A. Banks/EAC/GOV@EAC, Eileen L. Colver/EAC/GOV@EAC

cc

bcc

Subject Fw: November's Progress Report

Eagleton's latest monthly report for your Commissioner's review.

K
Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

— Forwarded by Karen Lynn-Dyson/EAC/GOV on 12/12/2005 01:39 PM —



"Johanna Dobrich"
<jdobrich@eden.rutgers.edu>

12/13/2005 12:29 PM

To klynndyson@eac.gov

cc "tim.vercellotti@rutgers.edu" <tim.vercellotti@rutgers.edu>, davander@eden.rutgers.edu, dlinky@rci.rutgers.edu, ireed@rutgers.edu, joharris@eden.rutgers.edu, john.weingart@rutgers.edu, tokaji.1@osu.edu, foley.33@osu.edu, lauracw@columbus.rr.com,

Subject November's Progress Report

Dear Ms. Karen Lynn-Dyson:

Attached please find the Eagleton/Moritz Progress Report for the month of November.

Please direct any questions about this report to Tom O'Neill

Sincerely,

Johanna Dobrich

--

Johanna Dobrich
jdobrich@eden.rutgers.edu



ProgressReport_NOVEMBER 2005_Eagleton Institute of Politics.doc

014207



EAGLETON INSTITUTE OF POLITICS

***Contract to Provide Research Assistance to the EAC For
the Development of Voluntary Guidance on Provisional
Voting and Voter Identification Procedures***

**MONTHLY PROGRESS REPORT
November 2005**

**For
UNITED STATES ELECTION ASSISTANCE COMMISSION
1225 New York Avenue N.W., Suite - 1100
Washington, DC 20005**

December 15, 2005

**Prepared by:
Eagleton Institute of Politics
Rutgers, The State University of New Jersey
191 Ryders Lane
New Brunswick, NJ 08901-8557**

014208

**Deliberative Process
Privilege**

OUTLINE

- Introduction
- Provisional Voting
 - Task 3.7
 - Task 3.8
- Voter Identification Requirements
 - Task 3.10
 - Task 3.11
- Project Management
 - Task 3.1
- Financial Report

INTRODUCTION

This report describes our progress from November 1 through November 30, 2005. It includes brief descriptions of key tasks; progress made; challenges encountered or anticipated; milestones reached; and projections for work to be completed in the coming month.

In November we completed and submitted our Provisional Voting analysis paper, including recommendations to the EAC for best practices. These policy prescriptions are based on our research and the comments of the Peer Review Group on that research. We completed a careful review of our data to reconcile it with other sources and identify the latest, most reliable information to use in the analysis. The importance of this demanding effort was described in October's Progress Report. We continue to await the EAC's comments on that final draft.

Also in November we revised the schedule for the project in light of the additional time that has been needed for review of earlier drafts by the EAC and the late completion of the Election Day Study. We made a written request to the EAC for a no-cost extension of the contract through the end of February which we understand is likely to be approved before Christmas.

Since the submission of our Provisional Voting report to the EAC on November 28, 2005, our efforts have been entirely aimed at the completion of the voter identification research. We have been advised that EAC will take several weeks to review and react to our final draft on provisional voting. As we await a January meeting on that topic, we are moving ahead

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quickly on the statistical analysis of voter identification data and summarizing the legal research that was completed earlier.

This Monthly Progress Report is divided into 3 sections: Provisional Voting, Voter Identification Requirements, and Project Management. Each section references specific tasks described in paragraph 3 of the contract. The Financial Report will be sent separately by the Rutgers Division of Grant and Contract Accounting.

Please direct questions or comments about this report to [REDACTED] or by telephone at [REDACTED].

PROVISIONAL VOTING

Tasks 3.4 – 3.9 in our contract relate to Provisional Voting. Task 3.4 was completed in August, and Tasks 3.5 and 3.6 were completed in November.

Task 3.6: Prepare preliminary draft guidance document.

The report and recommendations which were sent to the EAC on November 28, 2005 recommends against the adoption of a guidance document per se and advises that the EAC adopt its recommendations as best practices. That recommendation followed agreement by the EAC with that course of action. The submission of that report and recommendations, however, constitutes the document required under this task. Before proceeding to Task 3.7 (revise the guidance document for publication) or 3.8 (arrange a public hearing on the draft guidance), we await the EAC's decision on how to proceed.

014210

VOTER IDENTIFICATION REQUIREMENTS

The contract lists 7 tasks (3.10 – 3.16) related to Voter Identification Requirements. The research on Voter ID requirements is proceeding concurrently with our work on the experience of Provisional Voting, and is the principal focus of our research at this time.

Task 3.10: Legislation, regulations, and litigation

The research team at the Moritz College of Law has the lead responsibility for the collection and analysis of legislation, administrative procedures and litigation with regard to Voter Identification Requirements. This collection of material is nearing completion. It will constitute the compendium of legislation, administrative regulations, and case law called for under this task.

Description: The Moritz team has compiled statutes on Voter Identification, and will provide a summarized analysis of this research to the project team for review.

Progress: The 50 state (plus District of Columbia) chart has been completed, the voter identification statutes have been collected for all states and D.C., and summaries of the existing voter identification statutes have been written for all states and D.C. Moritz has completed its review of voter identification litigation. Moritz and Eagleton have worked together to review the research, clarify the categorization of that research on our charts, and reconcile the data developed in our two different research techniques categorizations.

Challenges: The biggest challenge facing the reconciliation process of research findings, descriptions and categorizations is that it is being done by two different teams (Moritz and Eagleton) who rely on different primary source materials. Despite the necessity this has created to reconcile conflicting data from time to time, the collaboration has also been very beneficial because it has made our research efforts more rigorous.

Work Plan: During December we will conclude our reconciliation and continue analysis of voter identification research, including an analysis of the most important issues and trends in voter identification litigation.

SUPPLEMENTS TO LEGAL ANALYSIS

To supplement the legal analysis, the Eagleton team is undertaking two research efforts: First, compiling information on the debate over voter ID in the states; and second, estimating the effect on turnout of different voter ID regimes. Tracking the continuing political debate over voter identification reveals that the relatively narrow HAVA requirements for voter identification have apparently sparked in many states a broader concern and a sharp political debate over rigorous identification requirements for all voters. The research follows these developments both to monitor possible secondary effects of HAVA on voter ID, and to provide a rich collection of alternative approaches for consideration.

014211

During the month of November, we developed narratives to establish how laws were passed, looking at when they were proposed and when they were eventually enacted. In the upcoming month, Eagleton will examine voter registration forms across the states to see what forms of identification are requested from mail-in registrants. The difficulty will be determining the 2004 status of the states.

VOTER ID AND TURNOUT ANALYSIS

Now under way is a statistical analysis to gauge the effect of a state's voter ID regime on turnout, especially turnout by minority and elderly voters.

Description: We have created a database and gathered statistics on the effects of state-level voter identification requirements on voter turnout at the county-level in the 2004 election. In November, we have analyzed both aggregate- and individual-level data to determine whether there is any relationship between voter turnout and the various forms of voter identification states require.

Progress: Analysis is under way for two data sets: County-level data that includes registration and turnout rates for 2000 and 2004, as well as Census measures and indicators of the type of voter identification requirements that were in existence at the time of the 2004 presidential election. The second data set consists of the voter supplement to the November 2004 Current Population Survey. This data set allows for testing of the same hypotheses at the individual level. Preliminary findings from the aggregate data set suggest that voter ID requirements have their greatest effect at the registration stage, as opposed to the turnout stage. This is a first cut at the data, however, and we will be adding a number of control variables to the analysis to see if the relationship holds.

Challenges: These analyses use hierarchical linear modeling. Because voter identification requirements vary by state, one must pay special attention to other, unseen state-level influences on the data. The models are difficult to run and interpret, so the analyses are time-consuming.

Work Plan: The statistical analyses will continue during the month of December, and a draft of the findings is anticipated by the end of the month.

PROJECT MANAGEMENT

PEER REVIEW GROUP

Description: A feature of our proposal was the creation of a Peer Review Group (PRG). It reviews our research and methodology and provides valuable feedback and suggestions for the direction of our work.

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Progress: During the month of November, Eagleton contacted the PRG Members on two occasions. First, all members received the final draft provisional voting report that was submitted to the EAC. Further comments are welcome but not expected from the PRG. Second, we have asked PRG members to reserve two dates in mid-January for potential conference call sessions to review the voter identification report.

Challenges: No new challenges were encountered during November.

COORDINATION AND INFORMATION MANAGEMENT

Collecting and merging information and data from myriad sources is a demanding requirement of this research. We have developed two principal mechanisms to facilitate the analysis of the material collected or created in the project: an information system and an internal website for easy access to drafts and reports.

INFORMATION SYSTEM

Description: The statutory data and reports prepared by the Moritz College of Law is being merged with the political and procedural data and analysis prepared by the Eagleton Institute of Politics to provide a cohesive final product to the EAC, which will include a compendium of case law and statutes regarding Provisional Voting and voter identification.

Progress: At this point in the research process, many documents are complete after a lengthy process of circulating drafts among team members. We have reorganized our system by separating final drafts from earlier versions of documents, discarding dated files contained in the Information System, and updating the system as a whole. Upon their completion, new documents continue to be added.

Projections: The entire project team continues to use the Information System which contains the above referenced research, in working toward the preparation for our final reports to the EAC.

INTRANET

Description: All project team members have signed on to the Intranet site, and regularly post drafts, completed materials and spreadsheets online for internal review. The Intranet facilitates the exchange of information and collaboration among project participants.

FINANCIAL REPORT

The financial reporting for this project is supervised and prepared by the Division of Grant and Contract Accounting (DGCA) at Rutgers. Financial reporting on grant accounts is limited to actual expenses that have been incurred during the reporting period. Our contact at DGCA is: Constance Bornheimer, (732) 932-0165, EXT. 2235.

014213

A detail of expenses incurred from project November 1- November 30, 2005, will be sent under separate cover to: Ms. Dianna Scott, Administrative Officer at the EAC.

014214



U.S. ELECTION ASSISTANCE COMMISSION

**Status Report on the
Voting Fraud-Voter Intimidation Research
Project**

May 17, 2006

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INTRODUCTION

Section 241 of the Help America Vote Act of 2002 (HAVA) requires EAC to conduct research on election administration issues. Among the tasks listed in the statute is the development of:

- nationwide statistics and methods of identifying, deterring, and investigating voting fraud in elections for Federal office [section 241(b)(6)]; and
- ways of identifying, deterring, and investigating methods of voter intimidation [section 241(b)(7)].

EAC's Board of Advisors recommended that the agency make research on these matters a high priority.

FOCUS OF CURRENT RESEARCH

In September 2005, the Commission hired two consultants with expertise in this subject matter, Job Serebrov and Tova Wang, to:

- develop a comprehensive description of what constitutes voting fraud and voter intimidation in the context of Federal elections;
- perform background research (including Federal and State administrative and case law review), identify current activities of key government agencies, civic and advocacy organizations regarding these topics, and deliver a summary of this research and all source documentation;
- establish a project working group, in consultation with EAC, composed of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation;
- provide the description of what constitutes voting fraud and voter intimidation and the results of the preliminary research to the working group, and convene the working group to discuss potential avenues for future EAC research on this topic; and
- produce a report to EAC summarizing the findings of the preliminary research effort and working group deliberations that includes recommendations for future research, if any;

As of the date of this report, the consultants have drafted a definition of election fraud, reviewed relevant literature and reports, interviewed persons from government and private sectors with subject matter expertise, analyzed news reports of alleged election fraud, reviewed case law, and established a project working group.

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DEFINITION OF ELECTION FRAUD

The consultants drafted a definition of election fraud that includes numerous aspects of voting fraud (including voter intimidation, which is considered a subset of voting fraud) and voter registration fraud, but excludes campaign finance violations and election administration mistakes. This draft will be discussed and probably refined by the project working group, which is scheduled to convene on May 18, 2006.

LITERATURE REVIEW

The consultants found many reports and books that describe anecdotes and draw broad conclusions from a large array of incidents. They found little research that is truly systematic or scientific. The most systematic look at fraud appears to be the report written by Lori Minnite, entitled "Securing the Vote: An Analysis of Election Fraud". The most systematic look at voter intimidation appears to be the report by Laughlin McDonald, entitled "The New Poll Tax". The consultants found that books written about this subject all seem to have a political bias and a pre-existing agenda that makes them somewhat less valuable.

Moreover, the consultants found that reports and books make allegations but, perhaps by their nature, have little follow up. As a result, it is difficult to know when something has remained in the stage of being an allegation and gone no further, or progressed to the point of being investigated or prosecuted or in any other way proven to be valid by an independent, neutral entity. This is true, for example, with respect to allegations of voter intimidation by civil rights organizations, and, with respect to fraud, John Fund's frequently cited book, "Stealing Elections".

Consultants found that researchers agree that measuring something like the incidence of fraud and intimidation in a scientifically legitimate way is extremely difficult from a methodological perspective and would require resources beyond the means of most social and political scientists. As a result, there is much more written on this topic by advocacy groups than social scientists.

Other items of note:

- There is as much evidence, and as much concern, about structural forms of disenfranchisement as about intentional abuse of the system. These include felon disenfranchisement, poor maintenance of databases and identification requirements.
- There is tremendous disagreement about the extent to which polling place fraud, e.g. double voting, intentional felon voting, noncitizen voting, is a serious problem. On balance, more researchers find it to be less of a problem than is commonly described in the political debate; but some reports say it is a major problem, albeit hard to identify.

- There is substantial concern across the board about absentee balloting and the opportunity it presents for fraud.
- Federal law governing election fraud and intimidation is varied and complex and yet may nonetheless be insufficient or subject to too many limitations to be as effective as it might be.
- Deceptive practices, e.g. targeted flyers and phone calls providing misinformation, were a major problem in 2004.
- Voter intimidation continues to be focused on minority communities, although the American Center for Voting Rights uniquely alleges it is focused on Republicans.

Recommendations

The consultants recommend that subsequent EAC research include a follow up study of allegations made in reports, books and newspaper articles. They also suggest that the research should focus on filling the gap between the lack of reports based on methodical studies by social or political scientists and the numerous, but less scientific, reports published by advocacy groups.

INTERVIEWS

The consultants jointly selected experts from the public and private sector for interviews. The consultants' analysis of their discussions with these members of the legal, election official, advocacy, and academic communities follows.

Common Themes

- There is virtually universal agreement that absentee ballot fraud is the biggest problem, with vote buying and registration fraud coming in after that. The vote buying often comes in the form of payment for absentee ballots, although not always. Some absentee ballot fraud is part of an organized effort; some is by individuals, who sometimes are not even aware that what they are doing is illegal. Voter registration fraud seems to take the form of people signing up with false names. Registration fraud seems to be most common where people doing the registration were paid by the signature.
- There is widespread but not unanimous agreement that there is little polling place fraud, or at least much less than is claimed, including voter impersonation, "dead" voters, noncitizen voting and felon voters. Those few who believe it occurs often enough to be a concern say that it is impossible to show the extent to which it happens, but do point to instances in the press of such incidents. Most people believe that false registration forms have not resulted in polling place fraud,

although it may create the perception that vote fraud is possible. Those who believe there is more polling place fraud than reported/investigated/prosecuted believe that registration fraud does lead to fraudulent votes. Jason Torchinsky from the American Center for Voting Rights is the only interviewee who believes that polling place fraud is widespread and among the most significant problems in the system.

- Abuse of challenger laws and abusive challengers seem to be the biggest intimidation/suppression concerns, and many of those interviewed assert that the new identification requirements are the modern version of voter intimidation and suppression. However there is evidence of some continued outright intimidation and suppression, especially in some Native American communities. A number of people also raise the problem of poll workers engaging in harassment of minority voters. Other activities commonly raised were the issue of polling places being moved at the last moment, unequal distribution of voting machines, videotaping of voters at the polls, and targeted misinformation campaigns.
- Several people – including representatives from the Department of Justice (DOJ) - indicate that, for various reasons, DOJ is bringing fewer voter intimidation and suppression cases now, and has increased its focus on matters such as noncitizen voting, double voting, and felon voting. While DOJ's Voting Section, Civil Rights Division, focuses on systemic patterns of malfeasance, the Election Crimes Branch, Public Integrity Section, has increased prosecutions of individual instances of felon, alien, and double voting at the same time as it maintains an aggressive pursuit of systematic schemes to corrupt the electoral process.
- The problem of badly kept voter registration lists, with both ineligible voters remaining on the rolls and eligible voters being taken off, remains a common concern. A few people are also troubled by voters being on registration lists in two states. They said that there was no evidence that this had led to double voting, but it opens the door to the possibility. There is great hope that full implementation of the new requirements of HAVA – done well, a major caveat – will reduce this problem dramatically.

Common Recommendations:

- Many of those interviewed recommend better poll worker training as the best way to improve the process; a few also recommended longer voting times or voting on days other than election day (such as weekends) but fewer polling places so only the best poll workers would be employed.
- Many interviewed support stronger criminal laws and increased enforcement of existing laws with respect to both fraud and intimidation. Advocates from across the spectrum expressed frustration with the failure of the Department of Justice to pursue complaints.

- With respect to DOJ's Voting Section, Civil Rights Division, John Tanner indicated that fewer cases are being brought because fewer are warranted – it has become increasingly difficult to know when allegations of intimidation and suppression are credible since it depends on one's definition of intimidation, and because both parties are doing it. Moreover prior enforcement of the laws has now changed the entire landscape – race based problems are rare now. Although challenges based on race and unequal implementation of identification rules would be actionable, Mr. Tanner was unaware of such situations actually occurring and his office has not pursued any such cases.
- Craig Donsanto of DOJ's Election Crimes Branch, Public Integrity Section, says that while the number of election fraud related complaints have not gone up since 2002, nor has the proportion of legitimate to illegitimate claims of fraud, the number of cases DOJ is investigating and the number of indictments his office is pursuing are both up dramatically. Since 2002, DOJ has brought more cases against alien voters, felon voters and double voters than ever before. Mr. Donsanto would like more resources so that his agency can do more and would like to have laws that make it easier for the federal government to assume jurisdiction over voter fraud cases.
- A couple of interviewees recommend a new law that would make it easier to criminally prosecute people for intimidation even when there is not racial animus.
- Several advocate expanded monitoring of the polls, including some associated with the Department of Justice.
- Almost everyone hopes that administrators will maximize the potential of statewide voter registration databases to prevent fraud.
- Challenge laws, both with respect to pre-election day challenges and challengers at the polls, need to be revised by all states to ensure they are not used for purposes of wrongful disenfranchisement and harassment.
- Several people advocate passage of Senator Barak Obama's "deceptive practices" bill.
- There is a split on whether it would be helpful to have nonpartisan election officials – some indicated they thought even if elections officials are elected as non partisan officials, they will carry out their duties in biased ways nonetheless. However, most agree that elections officials pursuing partisan agendas are a problem that must be addressed in some fashion. Suggestions included moving election responsibilities out of the secretary of states' office; increasing transparency in the process; and enacting conflict of interest rules.
- A few recommend returning to allowing use of absentee ballots "for cause" only if it were politically feasible.

- A few recommend enacting a national identification card, including Pat Rogers, an attorney in New Mexico, and Jason Torchinsky from ACVR, who advocates the proposal in the Carter-Baker Commission Report.
- A couple of interviewees indicated the need for clear standards for the distribution of voting machines

NEWS ARTICLES

Consultants conducted a Nexis search of related news articles published between January 1, 2001 and January 1, 2006. A systematic, numerical analysis of the data collected during this review is currently being prepared. What follows is an overview of these articles provided by the consultants.

Absentee Ballots

According to press reports, absentee ballots are abused in a variety of ways:

- Campaign workers, candidates and others coerce the voting choices of vulnerable populations, usually elderly voters.
- Workers for groups and individuals have attempted to vote absentee in the names of the deceased.
- Workers for groups, campaign workers and individuals have attempted to forge the names of other voters on absentee ballot requests and absentee ballots and thus vote multiple times.

It is unclear how often actual convictions result from these activities (a handful of articles indicate convictions and guilty pleas), but this is an area in which there have been a substantial number of official investigations and actual charges filed, according to news reports where such information is available. A few of the allegations became part of civil court proceedings contesting the outcome of the election.

While absentee fraud allegations turn up throughout the country, a few states have had several such cases. Especially of note are Indiana, New Jersey, South Dakota, and most particularly, Texas. Interestingly, there were no articles regarding Oregon, where the entire system is vote by mail.

Voter Registration Fraud

According to press reports, the following types of allegations of voter registration fraud are most common:

- Registering in the name of dead people;
- Fake names and other information on voter registration forms;
- Illegitimate addresses used on voter registration forms;
- Voters being tricked into registering for a particular party under false pretenses;
and
- Destruction of voter registration forms depending on the party the voter registered with.

There was only one self evident instance of a noncitizen registering to vote. Many of the instances reported included official investigations and charges filed, but few actual convictions, at least from the news reporting. There have been multiple reports of registration fraud in California, Colorado, Florida, Missouri, New York, North Carolina, Ohio, South Dakota and Wisconsin.

Voter Intimidation and Suppression

This is the area which had the most articles, in part because there were so many allegations of intimidation and suppression during the 2004 election. Most of these remained allegations and no criminal investigation or prosecution ensued. Some of the cases did end up in civil litigation.

This is not to say that these alleged activities were confined to 2004 – there were several allegations made during every year studied. Most notable were the high number of allegations of voter intimidation and harassment reported during the 2003 Philadelphia mayoral race.

A very high number of the articles were about the issue of challenges to voters' registration status and challengers at the polling places. There were many allegations that planned challenge activities were targeted at minority communities. Some of the challenges were concentrated in immigrant communities.

However, the tactics alleged varied greatly. The types of activities discussed also include the following:

- Photographing or videotaping voters coming out of polling places;
- Improper demands for identification;

- Poll watchers harassing voters;
- Poll workers being hostile to or aggressively challenging voters;
- Disproportionate police presence;
- Poll watchers wearing clothes with messages that seemed intended to intimidate; and
- Insufficient voting machines and unmanageably long lines.

Although the incidents reported on occurred everywhere, not surprisingly, many came from “battleground” states. There were several such reports out of Florida, Ohio and Pennsylvania.

“Dead Voters and Multiple Voting”

There were a high number of articles about people voting in the names of the dead and voting more than once. Many of these articles were marked by allegations of big numbers of people committing these frauds, and relatively few of these allegations turning out to be accurate according to investigations by the newspapers themselves, elections officials, and criminal investigators. Often the problem turned out to be a result of administrative error, poll workers mis-marking voter lists, a flawed registration list and/or errors made in the attempt to match names of voters on the list with the names of the people who voted. In a good number of cases, there were allegations that charges of double voting by political leaders were an effort to scare people away from the voting process.

Nonetheless there were a few cases of people actually being charged and/or convicted for these kinds of activities. Most of the cases involved a person voting both by absentee ballot and in person. A few instances involved people voting both during early voting and on Election Day, which calls into question the proper marking and maintenance of the voting lists. In many instances, the person charged claimed not to have voted twice on purpose. A very small handful of cases involved a voter voting in more than one county and there was one substantiated case involving a person voting in more than one state. Other instances in which such efforts were alleged were disproved by officials.

In the case of voting in the name of a dead person, the problem lay in the voter registration list not being properly maintained, i.e. the person was still on the registration list as eligible to vote, and a person took criminal advantage of that. In total, the San Francisco Chronicle found five such cases in March 2004; the AP cited a newspaper analysis of five such persons in an Indiana primary in May 2004; and a senate committee found two people to have voted in the names of the dead in 2005.

As usual, there were a disproportionate number of such articles coming out of Florida. Notably, there were three articles out of Oregon, which has one hundred percent vote-by-mail.

Vote Buying

There were a surprising number of articles about vote buying cases. A few of these instances involved long-time investigations concentrated in three states (Illinois, Kentucky, and West Virginia). There were more official investigations, indictments and convictions/pleas in this area.

Deceptive Practices

In 2004 there were numerous reports of intentional disinformation about voting eligibility and the voting process meant to confuse voters about their rights and when and where to vote. Misinformation came in the form of flyers, phone calls, letters, and even people going door to door. Many of the efforts were reportedly targeted at minority communities. A disproportionate number of them came from key battleground states, particularly Florida, Ohio, and Pennsylvania. From the news reports found, only one of these instances was officially investigated, the case in Oregon involving the destruction of completed voter registration applications. There were no reports of prosecutions or any other legal proceeding.

Non-citizen Voting

There were surprisingly few articles regarding noncitizen registration and voting – just seven all together, in seven different states across the country. They were also evenly split between allegations of noncitizens registering and noncitizens voting. In one case, charges were filed against ten individuals. In another case, a judge in a civil suit found there was illegal noncitizen voting. Three instances prompted official investigations. Two cases, from this Nexis search, remained just allegations of noncitizen voting.

Felon Voting

Although there were only thirteen cases of felon voting, some of them involved large numbers of voters. Most notably, of course, are the cases that came to light in the Washington gubernatorial election contest (see Washington summary) and in Wisconsin (see Wisconsin summary). In several states, the main problem was the large number of ineligible felons that remained on the voting list.

Election Official Fraud

In most of the cases in which fraud by elections officials is suspected or alleged, it is difficult to determine whether it is incompetence or a crime. There are several cases of ballots gone missing, ballots unaccounted for and ballots ending up in a worker's possession. In two cases workers were said to have changed peoples' votes. The one

instance in which widespread ballot box stuffing by elections workers was alleged was in Washington State. The judge in the civil trial of that election contest did not find that elections workers had committed fraud. Four of the cases are from Texas.

Recommendation

The consultants recommend that subsequent EAC research should include a Nexis search that specifically attempts to follow up on the cases for which no resolution is evident from this particular initial search.

CASE LAW RESEARCH

After reviewing over 40,000 cases from 2000 to the present, the majority of which came from appeals courts, the consultants found comparatively few applicable to this study. Of those that were applicable, the consultants found that no apparent thematic pattern emerges. However, it appears to them that the greatest areas of fraud and intimidation have shifted from past patterns of stealing votes to present problems with voter registration, voter identification, the proper delivery and counting of absentee and overseas ballots, provisional voting, vote buying, and challenges to felon eligibility.

Recommendation

Because so few cases provided a picture of these current problems, consultants suggest that subsequent EAC research include a review of state trial-level decisions.

PROJECT WORKING GROUP

Consultants and EAC worked together to select members for the Voting Fraud-Voter Intimidation Working Group that included election officials and representatives of advocacy groups and the legal community who have an interest and expertise in the subject matter. (See Attachment A for a list of members.) The working group is scheduled to convene at EAC offices on May 18, 2006 to consider the results of the preliminary research and to offer ideas for future EAC activities concerning this subject.

FINAL REPORT

After convening the project working group, the consultants will draft a final report summarizing the results of their research and the working group deliberations. This report will include recommendations for future EAC research related to this subject matter. The draft report will be reviewed by EAC and, after obtaining any clarifications or corrections deemed necessary, will be made available to the EAC Standards Board and EAC Board of Advisors for review and comment. Following this, a final report will be prepared.

Attachment A

Voting Fraud-Voter Intimidation Project Working Group

The Honorable Todd Rokita

Indiana Secretary of State
Member, EAC Standards Board and the Executive Board of the Standards Board

Kathy Rogers

Georgia Director of Elections, Office of the Secretary of State
Member, EAC Standards Board

J.R. Perez

Guadalupe County Elections Administrator, TX

Barbara Arnwine

Executive Director, Lawyers Committee for Civil Rights Under Law
Leader of Election Protection Coalition
(To be represented at May 18, 2006 meeting by Jon M. Greenbaum, Director of the Voting Rights Project for the Lawyers Committee for Civil Rights Under Law)

Robert Bauer

Chair of the Political Law Practice at the law firm of Perkins Coie, DC
National Counsel for Voter Protection, Democratic National Committee

Benjamin L. Ginsberg

Partner, Patton Boggs LLP
Counsel to national Republican campaign committees and Republican candidates

Mark (Thor) Hearne II

Partner-Member, Lathrop & Gage, St Louis, MO
National Counsel to the American Center for Voting Rights

Barry Weinberg

Former Deputy Chief and Acting Chief, Voting Section, Civil Rights Division, U.S.
Department of Justice

EAC Invited Technical Advisor:

Craig Donsanto

Director, Election Crimes Branch, U.S. Department of Justice

Karen Lynn-Dyson/EAC/GOV
06/27/2005 05:45 PM

To "Tom O'Neill" [REDACTED] GSAEXTERNAL
cc
bcc Adam Ambrogi/EAC/GOV
Subject RE: Peer Review Group [REDACTED]

Tom-

Had a very good review and discussion of the PRG at this morning's Commissioner meeting.

Also, the Commissioners have marked their calendars for a conference call with the Eagleton/Moritz team on July 12 at 9:30 AM.

Several concerns were raised about the composition of the PRG and, after some discussion, I indicated that Eagleton will provide the EAC with a revised participant list, and with a more detailed description of the PRG's mission, goals, objectives, workplan and timelines for accomplishing its work.

The Vice Chair is concerned that there is not sufficient conservative representation on the PRG. I would suggest the team do more research to identify well-recognized conservative academics to put on the Group.

Further, the Commissioners recommend a tiered process in which the PRG will prepare a "dispassionate" analysis of the issues and draw some tentative conclusions. This analysis and these conclusions will then be vetted with a defined/select group of local election officials, and then, with a defined/select group of advocacy organizations.

It was also suggested that a final round of focus group meetings be held with a cross-section of these election officials, advocates and academics for an overall interactive reaction to the analysis and recommendations.

Hope this helps clarify concerns; I look forward to sharing your revisions to the PRG with them.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'Neill" [REDACTED]



"Tom O'Neill"
[REDACTED]
06/23/2005 02:43 PM

To klynndyson@eac.gov
cc
Subject RE: Peer Review Group

014227

Thanks, Karen.

Tom

-----Original Message-----

From: klynndyson@eac.gov [mailto:klynndyson@eac.gov]

Sent: Thursday, June 23, 2005 2:24 PM

To: [REDACTED]

Subject: Re: Peer Review Group

Tom-

I will be back to you early next week with EAC's feedback on this.

Our initial reaction is that the group needs to include some local and/or state-level election officials, who have first-hand experience with these issues.

We will get you additional names and reactions by mid-week next week.

Thanks

K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'Neill" [REDACTED]

06/22/2005 03:29 PM

To klynndyson@eac.gov

cc

Subject Peer Review Group

Karen,

As you probably recall, one of the features of our proposal was the creation of a Peer Review Group to look over our findings, conclusions and draft reports before we prepare final drafts for the EAC's review. The EAC asked that before recruiting members of the PRG we submit names for EAC's review. The aim, course, is to assemble a panel that is experienced, informed, and

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balanced.

Attached is a list of potential PRG members drawn from academia, the law, and non-profit organizations with interests in this area. Please look it over.

We may conclude that the PRG should also include two or three former government officials now in academia or related fields. We have a conference call with our partners at Moritz planned for tomorrow or Friday to decide a) if former officials should be included in the PRG and b) if so, who they should be. I'll keep you informed of our thinking as it develops.

Tom

014229

Karen Lynn-Dyson/EAC/GOV

07/15/2005 04:16 PM

To Thomas R. Wilkey/EAC/GOV@EAC, Juliet E. Thompson/EAC/GOV@EAC
cc Sheila A. Banks/EAC/GOV@EAC, Adam Ambrogi/EAC/GOV@EAC, Amie J. Sherrill/EAC/GOV@EAC
bcc

Subject Fw: Eagleton Institute June 2005 Progress Report

Should any of you all need or want a sense of what Eagleton has done on provisional voting and voter identification in preparation for the Cal Tech meeting, attached is their June monthly report.

K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

— Forwarded by Karen Lynn-Dyson/EAC/GOV on 07/15/2005 03:57 PM —



"Lauren Vincelli "
<Vincelli@rutgers.edu>

07/14/2005 04:43 PM

Please respond to
Vincelli@rutgers.edu

To klynndyson@eac.gov

cc "Tom O'Neill" [REDACTED]
john.weingart@rutgers.edu

Subject Eagleton Institute June 2005 Progress Report

Ms. Dyson,

Attached please find the June 2005 Progress Report for the project entitled, "Contract to Provide Research Assistance to the EAC for the Development of Voluntary Guidance on Provisional Voting and Voter Identification Procedures." If you have any questions regarding any part of this document please direct them to Tom O'Neill at [REDACTED]

The financial reporting for this project is performed by the Division of Grant and Contract Accounting at Rutgers University. A copy of this report was not made available to us in an electronic format. Hard copies of the Progress Report and Financial Report have been Fedex'ed to you this afternoon and should arrive to your attention tomorrow morning. Please let me know if you do not receive this package by tomorrow afternoon.

Thank you for your time, have a great evening.

Best,
Lauren Vincelli

Lauren Vincelli
Business Assistant, Eagleton Center for Public Interest Polling
Eagleton Institute of Politics, Rutgers University
Carriage House, 185 Ryders Lane
New Brunswick, NJ 08901
Phone: (732) 932-9384, ext. 237

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Fax: (732) 932-1551



ProgressReport_JUNE2005_EagletonInst.doc

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EAGLETON INSTITUTE OF POLITICS

*Contract to Provide Research Assistance to The EAC
For the Development of Voluntary Guidance on
Provisional Voting and Voter Identification Procedures*

**MONTHLY PROGRESS REPORT
JUNE 2005**

For
UNITED STATES ELECTION ASSISTANCE COMMISSION
1225 New York Avenue N.W., Suite - 1100
Washington, DC 20005

July 14, 2005

Prepared by:
Eagleton Institute of Politics
Rutgers, The State University of New Jersey
191 Ryders Lane
New Brunswick, NJ 08901-8557

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OUTLINE

- Introduction
- Provisional Voting
 - Task 3.4
- Voter Identification Requirements
 - Task 3.10
 - Task 3.11
- Project Management
 - Task 3.1
- Financial Report

INTRODUCTION

This report describes our progress from the start of the project on May 26 through June 30, 2005. It includes brief descriptions of key tasks; progress made; challenges encountered or anticipated; milestones reached; and projections for work to be completed in the coming month.

The objective of the contract is to assist the EAC in the collection, analysis and interpretation of information regarding HAVA provisional voting and voter identification requirements on which to base policy recommendations as guidance for the states in the conduct of the 2006 elections. The work has begun well, thanks to the clarity of the EAC's expectations and the strong collaboration by the scholars and staff at the Eagleton Institute of Politics at Rutgers, The State University of New Jersey, and the Moritz College of Law at the Ohio State University.

The document report is divided into 4 sections that cover: Provisional Voting, Voter Identification Requirements, Project Management, and the Financial Report. Each section references the specific tasks described in paragraph 3 of the contract.

Please direct any questions or comments about this report to Tom O'Neill at:

[REDACTED]

014233

PROVISIONAL VOTING

Tasks 3.4 – 3.9 in our contract relate to provisional voting. Work on the first of these must be complete before proceeding to later tasks. The work plan provides for two months to complete Task 3.4. Work on this task is on schedule.

Task 3.4: Collect and analyze state legislation, administrative procedures, and court cases. Understand the disparities and similarities of how provisional voting was implemented around the country.

LEGISLATION, REGULATIONS, AND LITIGATION

The research team at the Moritz College of Law has the lead responsibility for the collection and analysis of legislation, administrative procedures and litigation. When complete, this information will constitute the compendium of legislation, administrative regulations, and case law called for under this task. It also will provide a base of understanding for the analysis of states' actual experience with provisional voting in 2004, for which the Eagleton team has lead responsibility.

Description: The Moritz team includes faculty, an executive administrator, a reference librarian, and several research assistants. It began immediately to compile statutes, case law and administrative procedures regarding Provisional Voting. The team has created a 50 state chart to summarize information on provisional voting. Categories for which state statutes and administrative procedures are being reviewed include:

- *When did the state create a system compliant with the HAVA provisional ballot requirements?*
- *Who may be eligible to cast a provisional ballot? and*
- *What is the process for discovering whether your provisional ballot was counted in the election?*

Progress: Initial research for 27 states, including the collection of provisional voting statutes is complete. This phase of the work is on schedule for completion by August 1. By the beginning of the week of July 11, Moritz's full time research assistant will move from voter identification research to gathering and organizing case law on provisional voting.

Challenges: Identifying the relevant statutes has been challenging; states use different terminology to codify provisional voting issues. Many states have scattered election law provisions throughout their codes. This variation from state to state makes creating a snapshot view across states a challenge. The team is meeting this challenge, and the work is on schedule.

014234

PREPARATION FOR AND EXPERIENCE WITH PROVISIONAL VOTING

The Eagleton team is constructing a narrative description for each state of the 50 states and the District of Columbia. It is also surveying a stratified random sample of county election officials to improve its understanding of actual practice in administering provisional voting.

Description: To construct the narratives, a researcher is examining newspaper accounts, state websites, and reports from third-party organizations to determine what information is publicly available about these issues during the 2004 election. To organize the information derived from this examination, we are creating an information system that will make it possible to catalog the basic information about the states (i.e. whether a state was new to provisional voting, the percentage of provisional votes counted, the method of notifying voters if their vote was counted, etc.) and combine it with Moritz's collection and analysis of statutes, regulations and litigation. The information system will make it possible to provide answers to such topics of particular interest listed in the contract as: How did preparation for provisional voting vary between states that had some form of provisional voting and those that did not?" and "How did litigation affect implementation?"

Progress: The researcher in this area has identified sources of information for every state and the collection process is well underway. Verified database entries for 24 states are complete, as are two state narrative summaries. This phase of the research is on schedule for completion by the end of July.

Challenges: A key challenge is determining just what states actually did in practice to verify and count provisional ballots. A second challenge has been determining the variations in policy within individual states. We are still wrestling with resolving this challenge, but the work is on schedule.

Work Plan: By the end of the July, the compilation of statutes, administrative regulations, and litigation will be complete and ready to be combined with the state-by-state narrative compiled by Eagleton. That will form the basis for the analysis and recommendation of alternative approaches for provisional voting required under Task 3.5.

SURVEY OF COUNTY ELECTION OFFICIALS

This survey will help the research team understand more about such key topics of interest as:

- "How did the experience of provisional voting vary between states that previously had some form of provisional voting and those where provisional voting was new in 2004?"
- "Did state and local processes provide for consistent counting of provisional ballots?"
- "Did local officials have a clear understanding of how to implement provisional voting?"

The survey results will supplement the information on these topics from the compilation of statutes, regulations and cases and from the narrative we are constructing for each state.

Description: The Center for Public Interest Polling (CPIP) at Eagleton is conducting a national survey of county election officials to measure several aspects of provisional voting. The survey is designed to determine the following factors related to provisional voting at the county level:

- The content and quality of instructions provided to county officials by the states
- The steps taken by county officials to pass information on to poll workers;
- Differences in experience between states new to provisional voting and those that had some form of provisional ballot before HAVA; and
- Recommendations to improve and/or reduce the need for provisional voting

Progress: The survey instrument is complete. CPIP has compiled a list of election officials at the county level and at the municipal or regional level for states that do not assign the election responsibility to counties. It was forwarded to the call center, Schulman, Ronca & Bucuvalas Inc., (SRBI) the week of July 5, 2005. A sample will be drawn the week of July 12. Human Subjects Approval from Rutgers University was granted July 12. Pre-notification letters will be sent to election officials around July 12-13, 2005. The EAC has reviewed a draft of this letter, which we have now revised to make clear that the survey will increase our understanding of the provisional voting process, but is not being conducted on behalf of the EAC.

Challenges: We made special efforts to expedite Human Subject Approval to meet the schedule in the work plan. In the absence of an existing, reliable database of local election officials, we had to create one especially for this project. In order to provide a valid comparison between the states new to provisional voting with those that previously had some form of provisional ballot we doubled the sample size from 200 to 400. This increase will require an increase in the budget for the survey from \$15,000 to about \$24,000. We intend to reallocate costs within the existing budget to make this improvement possible, and will submit a letter describing the reallocation to the EAC in mid-July.

The sample has been, and will continue to represent the biggest challenge in this survey. Compiling the sample required substantial coordination and research to determine the accuracy of the identity and contact information for potential respondents. The difficulty in determining the appropriate contact is attributed to variation in county election officials' titles, jurisdiction types, and state and county election structures across the country. In addition to the potential pitfalls of reaching the appropriate county official, another factor in actually making contact with this special population will be dependent upon the hours that they keep, and may be hindered by the summer season.

Work Plan: This questionnaire will be pre-tested by July 15, and will field July 18 through August 5, 2005. This is somewhat later than projected in the revised work plan, but the information will arrive in time to be considered in drafting the analysis and alternatives document required under Task 3.5.

VOTER IDENTIFICATION REQUIREMENTS

The contract lists 7 tasks (3.10 – 3.16) related to Voter Identification Requirements. During the reporting period, we have made substantial progress in the first two tasks, which constitute the information-gathering phase of the work on Voter ID. The research of Voter ID requirements is proceeding concurrently with our work on the experience of provisional voting.

Task 3.10: Legislation, regulations, and litigation

The research team at the Moritz College of Law has the lead responsibility for the collection and analysis of legislation, administrative procedures and litigation. When complete, this information will constitute the compendium of legislation, administrative regulations, and case law called for under this task.

Description: A team of Election Law@Moritz faculty, executive administrator, a reference librarian, and several research assistants is compiling statutes on Voter Identification, and providing a summarized analysis of this research.

Progress: The Moritz team has created a 50-state chart to record data on voter identification. Categories for which state statutes and administrative regulations are being reviewed include: “*Who is required to present ID*”, “*Types of ID required*”, and “*Consequences of having no ID*”. We have completed the initial research for 45 states and have collected the voter identification statutes for those states. An *Election Law@Moritz* Fellow is conducting an academic literature review on voter identification. This literature review will help shape the analytical framework that will guide us when the compendium of statutes and administrative regulations is complete.

Challenges: Identifying the relevant statutes has been challenging because of the different terminology used from state to state to codify voter identification issues, and because many states have scattered election law provisions throughout their codes. This variety from state to state makes creating a snap-shot view across states a challenge.

Projections: At the current rate, a draft of the voter identification chart should be complete on schedule, by the end of July. Work on the literature review will continue into August, but will be available to inform the analysis of alternative approaches for voter identification called for by Task 3.12 of the contract.

SUPPLEMENTS TO LEGAL ANALYSIS

To supplement the legal analysis, the Eagleton team is undertaking two research efforts: First, compiling information on the debate over voter in the states; and second, estimating the effect on turnout of voter id requirements. Tracking the continuing political debate over voter identification reveals that the relatively narrow HAVA requirements for voter identification have apparently sparked in many states a broader concern with more rigorous identification requirements for all voters. We are following these developments both to

monitor possible secondary effects of HAVA on voter ID, and to provide a rich collection of alternative approaches for consideration.

Individual narratives for the states with significant activity in voter ID will provide a resource for understanding the wide range of experience in the 2004 election. The narratives will include an appraisal of the prevalence and nature of vote fraud, a focus of the concern with increasing the rigor of voter ID requirements. This work is on schedule to be completed by the end of July. The next key milestones will be the completion of the state database and drafting the first narratives.

VOTER ID AND TURNOUT ANALYSIS

The second supplemental analysis will provide objective information on a contentious feature of the debate over voter ID in the states: the effects of more rigorous voter ID regimes on voter turnout and the relationship between the voter ID regime and vote fraud. As part of this effort, Eagleton is undertaking a statistical analysis to gauge the effect of a state's voter ID regime on turnout, especially turnout by minority and elderly voters.

Description: We are creating a database and gathering statistics on the effects of state-level voter identification requirements on voter turnout at the county-level in the 2004 election. Analysis on the county-level will enable us to estimate the influence of ID requirements on various age groups, races, ethnicities and gender groups. We are compiling data from both the 2000 and 2004 Presidential elections to measure the effect that changes in ID requirements may have had on voter turnout through two national election cycles.

Progress: The structure of the database is complete. It contains demographic information from the Census, and turnout data from various sources. The researcher assigned to this task is devising the syntax that will be required to run the statistics when the dataset is complete. The methodology for this part of the study is complete, and the actual data collection will soon be finished.

Projection: We are waiting for the Census Bureau to release the 2004 County Demographic Estimates. We have ordered and await the arrival of 2 datasets that contain voter turnout and voter registration numbers on the county-level for both the 2000 and 2004 elections. Once these two sources of information are received, the researcher will insert this information into the existing database, clean up the dataset, and begin to run the statistics. By that point, the researcher will have separated the states into various ID-requirement groupings that have been determined by the team, which will require coordination with several other parts of the study. This work is on schedule. By the end of July, the researcher should have county-level and state-level statistics on the impact of each ID system upon turnout, analyzed through various demographic features on the county-level.

Task 3.11 Public meeting on Voter Identification Requirements

Description: We are working closely with EAC staff, particularly the General Counsel, to plan a half day public meeting on Voter ID requirements. Presentations at the meeting will form an important part of the information we are compiling about Voter ID requirements and the strengths and shortcomings of a range of alternative approaches.

Progress: We have recommended a focus on the debate over Voter ID now underway in the states. To provide a vivid picture of the debate, we have recommended that one panel include legislators on opposite sides of the issue from two different states. Our research identified Mississippi and Wisconsin as two states to focus on, and we have recommended specific legislators from each. We have discussed with staff adding a researcher to the panel to put the debate in Wisconsin and Mississippi in either a national or historic context. We also recommended two researchers from contrasting points of view, to address the effects of Voter ID provisions under HAVA and broader provisions that are now the subject of national debate. EAC staff recommended a panel of two state election directors to address the interaction of Voter ID with HAVA. We are awaiting a decision on our recommendations from EAC staff. We have no reason not to believe that the work is on schedule to be completed in time to organize a productive meeting on July 28.

Challenges: The date and location of this hearing has been changed twice since the beginning of the project. It was originally scheduled to take place in late June, but was rescheduled for July to allow the June hearing to focus on voting machine technology. The regular meeting was rescheduled for July 26 in Minneapolis, and was recently changed to July 28 in Pasadena. The changes in the scheduling of the July meeting have complicated our choice of panelists. More seriously, the changes mean that information from the hearing will not be available as early in the research process as contemplated in the contract. This timeframe will now require the team to summarize the hearing events at the same time that we are drafting the analysis and alternatives paper in early August.

Additionally, while our contract states that the "Contractor shall be responsible for all aspects of planning and conducting this hearing in consultation with the EAC," we have been asked only to make recommendations of topics and panelists, and the arrangements for the organization of the hearing are in other hands. This lack of clarity has caused some confusion and has delayed invitations to panelists. Thanks to frequent communication with members of the EAC, the process now seems to be working smoothly.

Projection: We believe the work is on schedule for completion in time to recruit the panelists for the July 28 hearing. Preparation of the hearing summary will likely be delayed because of the need to complete the analysis and alternatives paper.

PROJECT MANAGEMENT

Immediately after announcement of the award of the contract, Eagleton and Moritz began supplementing the core group that had prepared to proposal to building a highly qualified team to undertake the work. That team was in place by mid June, just a few weeks after the contract award.

As described in the proposal, the direction of the project is the responsibility of a five-person committee of faculty and staff from Eagleton and Moritz, chaired by Dr. Ruth Mandel, Director of the Eagleton Institute of Politics. Project Director Thomas O'Neill, a consultant to Eagleton, reports to this team and provides day-to-day guidance and coordination for the research. A weekly meeting of all the researchers engaged in the project if the primary means of coordinating the work. We have recently added an internal website to facilitate the review and revision of written materials.

Task 3.1 Update the Work Plan

The first task was completed on time with the submission of a detailed work plan and timeline. EAC staff requested that the work plan be supplemented with a Gantt chart created on MS Project, and we submitted that a few days later.

PEER REVIEW GROUP

Description: A feature of our proposal was the creation of a Peer Review Group (PRG). The EAC indicated at our first meeting in May that it would review our recommendations for members of the PRG. Our initial vision of the PRG was a small group of scholars and representatives of advocacy organizations that would comment on the research design, review drafts of our analyses and reports, and, in general, identify areas of the research that should be strengthened and help us improve the breadth, depth and clarity of reports based on that research.

Progress: Upon reflection, the project team agreed that the PRG should not include representatives of advocacy groups. We concluded, as representatives they would feel obligated to act as advocates for positions already taken by their groups. While advocacy organizations should be consulted as stakeholders during the course of our work, they were unlikely to achieve the goals we had in mind for the PRG as a source of advice on research design, methodology, and analysis. We submitted a revised list of potential members, substantially comprised of academics, to EAC for review.

The EAC responded with suggestions concerning both the balance of the PRG's membership and the creation of additional committees to review our work. We answered with an analysis of the cost and time involved adopting the EAC's suggestions as well as with suggestions for a balanced selection of academics for the Peer Review Group. We have not received response on this correspondence from the EAC, and the recruitment of the group is on hold.

Challenges: Communications on this issue with the EAC have not been clear or timely. The PRG should be in place now to comment on our research design while there is still time to refine it. While we are confident in the quality of our work, the wisdom and perspective of the outstanding candidates we have proposed for membership would strengthen the analysis and reports of our work.

Projections: We have effectively brought these challenges to the attention of EAC staff and look forward to a resolution speedy enough to allow recruitment of the PRG's members before the end of the month. If we meet that goal, the work of the PRG will be about 2 weeks behind the milestones indicated in the work plan.

COORDINATION AND INFORMATION MANAGEMENT

Collecting and merging information and data from myriad sources is a demanding requirement of this research. We have developed two principal mechanisms to facilitate the analysis of the material collected or created in the project: an information system and a website for easy access to drafts and reports.

INFORMATION SYSTEM

Description: The statutory data and reports prepared by the Moritz College of Law will be merged with the political and procedural data and analysis prepared by the Eagleton Institute of Politics to provide a cohesive final product to the EAC, which will include a compendium of case law and statutes regarding provisional voting and voter identification.

Progress: The Moritz team has provided Eagleton staff with samples of the work that they are performing. An Eagleton staff member will be reviewing the content and formats of data from all supporting research and (re-)formatting once the work has been completed. The researchers and staff at Eagleton have created a shared folder on the Institute's server for the safe storage of work and access for those staff members. All of this work is being reviewed by the project team to ensure that a broad survey is being performed.

Challenges: There are no evident challenges to this task at this time.

Projections: By the end of July 2005, much of the above referenced research will have been completed with respective materials and charts near completion. At that time, staff at Eagleton will review, combine and format all documents and materials in preparation for our final reporting to the EAC.

INTRANET

Description: A trial Intranet for the project became available during the week of June 26. The Intranet will facilitate the exchange of information and collaboration among project participants.

Progress: After meetings with staff members of Rutgers University Computer Services (RUCS) and subsequent submission of a proposal by RUCS for technical support and hosting of the Intranet and the evaluation of alternative commercial services, the project team decided at its June 28th meeting to publish the Intranet through www.intranets.com,

one of the leading commercial services. This decision was based on lower costs and earlier publication schedules than offered under the RUCS proposal. The Intranet services were evaluated during a free trial period, which demonstrated the ease of design and navigation of the proposed service.

Challenges: There are no immediate challenges to completion of this task by the timeframe specified below.

Projections: Design, testing and publication of initial content of the Intranet service is continuing, with all participants expected to be provided access by July 8, 2005.

FINANCIAL REPORT

The financial reporting for this project is supervised and prepared by the Division of Grant and Contract Accounting (DGCA) at Rutgers. Financial reporting on grant accounts is limited to actual expenses that have been incurred during the reporting period. Given that the report reflects the first month of the project, several procedures for payment of subcontractors on the project were initiated. Expenses related to those members of the team are not reflected in this report because they have not yet been incurred.

Our contact at DGCA is: Constance Bornheimer, (732) 932-0165, EXT. 2235.

A detail of expenses incurred from project inception through June 30, 2005, is attached.

Karen Lynn-Dyson/EAC/GOV

08/15/2005 04:43 PM

To Thomas R. Wilkey/EAC/GOV@EAC, Adam
Ambrogi/EAC/GOV@EAC, Juliet E.
Thompson/EAC/GOV@EAC
cc Raymundo Martinez/EAC/GOV@EAC

bcc

Subject Fw: Eagleton Institute of Politics - July 2005 - Monthly
Progress Report

FYI-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

— Forwarded by Karen Lynn-Dyson/EAC/GOV on 08/14/2005 04:42 PM —



"Lauren Vincelli"
<Vincelli@rutgers.edu>

08/15/2005 03:01 PM

Please respond to
Vincelli@rutgers.edu

To klynndyson@eac.gov

cc "Tom O'Neill" [REDACTED]
rmandel@rci.rutgers.edu, john.weingart@rutgers.edu

Subject Eagleton Institute of Politics - July 2005 - Monthly Progress
Report

Ms. Dyson,

Attached please find the July 2005 Progress Report for the project entitled, "Contract to Provide Research Assistance to the EAC for the Development of Voluntary Guidance on Provisional Voting and Voter Identification Procedures." If you have any questions regarding any part of this document please contact Tom O'Neill at: [REDACTED]

The financial reporting for this project is performed by the Division of Grant and Contract Accounting at Rutgers University. A copy of this report was not made available to us in an electronic format. Hard copies of the Progress Report and Financial Report have been Fedex'ed to you this afternoon and should arrive to your attention tomorrow morning. Please let me know if you do not receive this package by tomorrow afternoon.

Thank you for your time, have a great evening.

Best,
Lauren Vincelli

Lauren Vincelli
Business Assistant, Eagleton Center for Public Interest Polling
Eagleton Institute of Politics, Rutgers University
Carriage House, 185 Ryders Lane

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New Brunswick, NJ 08901
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EAGLETON INSTITUTE OF POLITICS

*Contract to Provide Research Assistance to The EAC
For the Development of Voluntary Guidance on
Provisional Voting and Voter Identification Procedures*

**MONTHLY PROGRESS REPORT
JULY 2005**

For
UNITED STATES ELECTION ASSISTANCE COMMISSION
1225 New York Avenue N.W., Suite - 1100
Washington, DC 20005

August 15, 2005

Prepared by:
Eagleton Institute of Politics
Rutgers, The State University of New Jersey
191 Ryders Lane
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014245

**Deliberative Process
Privilege**

OUTLINE

- Introduction
- Provisional Voting
 - Task 3.4
- Voter Identification Requirements
 - Task 3.10
 - Task 3.11
- Project Management
 - Task 3.1
- Financial Report

INTRODUCTION

This report describes our progress from July 1 through July 31, 2005. It includes brief descriptions of key tasks; progress made; challenges encountered or anticipated; milestones reached; and projections for work to be completed in the coming month.

The effort this month continued to focus on research for the analysis and alternatives paper, including the compilation of Provisional Voting statutes, regulations, and litigation from the 50 states. We also prepared and delivered testimony at the EAC's regular monthly meeting in Pasadena on July 28.

The data collection, analysis, and compilation are all on schedule. Because of delays in agreeing on the composition of the Peer Review Group with EAC, however, the actual completion and submission of the analysis and alternatives paper to the EAC will most likely be delayed about a week beyond the target date in the work plan. We are scheduled to discuss the draft paper and guidance document prior to submission, with the EAC on September 6, and the final draft cannot be completed until several days after that date.

The document report is divided into 4 sections that cover: Provisional Voting, Voter Identification Requirements, Project Management, and the Financial Report. Each section references the specific tasks described in paragraph 3 of the contract.

Please direct any questions or comments about this report to Tom O'Neill at:

[REDACTED]

014246

PROVISIONAL VOTING

Tasks 3.4 – 3.9 in our contract relate to provisional voting. Work on the first of these must be complete before proceeding to later tasks. Task 3.4 was completed this month.

Task 3.4: Collect and analyze state legislation, administrative procedures, and court cases. Understand the disparities and similarities of how provisional voting was implemented around the country.

LEGISLATION, REGULATIONS, AND LITIGATION

The research team at the Moritz College of Law has the lead responsibility for the collection and analysis of legislation, administrative procedures and litigation. This information constitutes the compendium of legislation, administrative regulations, and case law called for under this task. It also will provide a base of understanding for the analysis of states' actual experience with provisional voting in 2004, for which the Eagleton team has lead responsibility.

Description: The Moritz team has created a 50-state chart to summarize information on provisional voting, compiled statutes, case law and administrative procedures regarding Provisional Voting.

Progress: The 50-state (plus District of Columbia) chart created to collect data on provisional voting is complete. We have collected the statutes for all states. State by state summaries of provisional voting have been written for 47 states and D.C. A memorandum summarizing provisional voting litigation is complete. The collection of the documents associated with the litigation is nearing completion.

Challenges: The variety in the form of provisional voting legislation from state to state makes creating a snap-shot view across states a challenge.

Work Plan: The remaining 3 state summaries of provisional voting will be completed by August 8. Analysis of all the information, data, and survey results concerning provisional voting data will be performed in August.

PREPARATION FOR AND EXPERIENCE WITH PROVISIONAL VOTING

The Eagleton team has researched and compiled a narrative of each state's experience with provisional voting in 2004. At the end of July the survey of 400 local election officials was nearing its end, and – as of this writing – is now complete with an analysis and report in draft form. We will rely on the survey results to improve our understanding of actual practice in administering provisional voting, including the steps local officials took to prepare for the election.

PROVISIONAL VOTING NARRATIVES

Description: To construct the narratives, a researcher examined newspaper accounts, state websites, and reports from third-party organizations to gather information on the experience with provisional voting in the 2004 election. To organize the information derived from this examination, we created an information system that catalogues information about the states (i.e. whether a state was new to provisional voting, the percentage of provisional votes counted, the method of notifying voters if their vote was counted, etc.) and combined it with Moritz's collection and analysis of statutes, regulations and litigation.

Progress: The state-by-state database is complete, as is a first draft of all state narratives. This work has been shared with the larger team and is being reviewed currently in preparation for constructing analysis and recommendation of alternative approaches for provisional voting required under Task 3.5.

Work Plan: In the next month, revisions of the narratives will be complete. In addition to this research, we will expand upon vote fraud research and examine further the relationship between instances of vote fraud and ensuing election reforms.

SURVEY OF COUNTY ELECTION OFFICIALS

Description: The Center for Public Interest Polling (CPIP) at Eagleton conducted a national survey of county election officials to measure several aspects of provisional voting. The survey was designed to determine the following factors related to provisional voting at the county (or equivalent election jurisdiction) level:

- The content and quality of instructions provided to county officials by the states;
- The steps taken by county officials to pass information on to poll workers;
- Differences in experience between states new to provisional voting and those that had some form of provisional ballot before HAVA; and
- Recommendations to improve and/or reduce the need for provisional voting.

Progress: The fielding and initial analysis of the survey results are complete.

Work Plan: The information derived from the survey will be considered in drafting the analysis and alternatives document required under Task 3.5.

VOTER IDENTIFICATION REQUIREMENTS

The contract lists 7 tasks (3.10 – 3.16) related to Voter Identification Requirements. During the reporting period, we have completed tasks 3.10 and 3.11. The research on Voter ID requirements is proceeding concurrently with our work on the experience of provisional voting.

Task 3.10: Legislation, regulations, and litigation

The research team at the Moritz College of Law has the lead responsibility for the collection and analysis of legislation, administrative procedures and litigation with regard to Voter Identification Requirements. When complete, this information will constitute the compendium of legislation, administrative regulations, and case law called for under this task.

Description: The Moritz team has compiled statutes on Voter Identification, and will provide a summarized analysis of this research to the project team for review.

Progress: The chart created to collect data on voter identification is complete and is now being reviewed. Voter identification statutes are being collected.

Challenges: Identifying the relevant statutes has been challenging because of the different terminology used from state to state to codify voter identification issues, and because many states have scattered election law provisions throughout their codes. This variety from state to state makes creating a snap-shot view across states a challenge.

Work Plan: Review of the voter identification chart, the collection of the voter identification statutes, and the writing of the state by state summaries will be completed by the end of August.

SUPPLEMENTS TO LEGAL ANALYSIS

To supplement the legal analysis, the Eagleton team is undertaking two research efforts: First, compiling information on the debate over voter ID in the states; and second, estimating the effect on turnout of voter ID requirements. Tracking the continuing political debate over voter identification reveals that the relatively narrow HAVA requirements for voter identification have apparently sparked in many states a broader concern with more rigorous identification requirements for all voters. We are following these developments both to monitor possible secondary effects of HAVA on voter ID, and to provide a rich collection of alternative approaches for consideration.

Individual narratives for the states with significant activity in voter ID will provide a resource for understanding the wide range of experience in the 2004 election. The narratives will include an appraisal of the prevalence and nature of vote fraud, a focus of the concern

with increasing the rigor of voter ID requirements. The next key milestones will be the completion of the state database and drafting the first narratives.

VOTER ID AND TURNOUT ANALYSIS

The second supplemental analysis will provide objective information on a contentious feature of the debate over voter ID in the states: the effects of more rigorous voter ID regimes on voter turnout and the relationship between the voter ID regime and vote fraud. As part of this effort, Eagleton is undertaking a statistical analysis to gauge the effect of a state's voter ID regime on turnout, especially turnout by minority and elderly voters.

Description: We are creating a database and gathering statistics on the effects of state-level voter identification requirements on voter turnout at the county-level in the 2004 election.

Progress: The collection of data for the Voter ID-Turnout analysis is complete. The assembled database contains population demographic data, voter registration data and voter turnout data from all 50 states, 3113 Counties, and the District of Columbia. It also contains exit poll data from the 50 states, providing demographic data of voter turnout. The analysis of that data is well underway.

Challenges: The initial methodology that was devised to investigate the questions involved in this part of the study proved insufficient, as the necessary data was unobtainable (the Census Bureau has not yet released their 2004 data). After re-developing an appropriate methodology, the necessary data has been assembled, we have resumed the analysis of this data.

Projection: The analysis of the impact that voter identification requirements have upon voter turnout should be completed around mid-August.

Task 3.11 Public meeting on Voter Identification Requirements

Description: In early July, we continued our efforts to identify specific Voter ID topics or issues and panelists who could shed light on them. We recommended a focus on the debate over Voter ID now underway in the states. To provide a vivid picture of the debate, we recommended that one panel include specific legislators on opposite sides of the issue from two different states, Mississippi and Wisconsin. We also discussed adding a researcher to the panel in order to place the debate in a national or historical context. We also recommended a panel of two academic researchers with contrasting points of view, to address the effects of Voter ID provisions under HAVA. In response to our suggestions, EAC staff recommended a panel of two state election directors to address the interaction of Voter ID with HAVA.

By mid-July, the EAC had decided which topics and speakers should be invited, however most of those speakers proved unable to attend.

Progress: Tom O'Neill and Dan Tokaji attended the EAC Public Meeting held in Pasadena on July 28. Their presentations at the meeting described the progress of the research and our developing perspective on how to assess the quality of the provisional voting process in the states and identify possible steps for improvement.

Challenges: The changes in the scheduling of the July meeting delayed and ultimately made it impossible to assemble a panel, from which we could derive substantive insight into voter identification issues as they are playing out in the states. Additionally, due to the date of the hearing, the information from the hearing was not available as early in the research process as contemplated in the contract.

Projection: Preparation of the hearing summary will likely be delayed, due to the team's focus on preparation of the analysis and alternatives paper.

PROJECT MANAGEMENT

PEER REVIEW GROUP

Description: A feature of our proposal was the creation of a Peer Review Group (PRG). The EAC indicated at our first meeting in May that it would review our recommendations for members of the PRG. Our initial vision of the PRG was a small group of scholars and representatives of advocacy organizations that would comment on the research design, review drafts of our analyses and reports, and, in general, identify areas of the research that should be strengthened and help us improve the breadth, depth and clarity of reports based on that research.

Progress: Upon reflection, the project team agreed that the PRG should not include representatives of advocacy groups. We concluded that as representatives they would feel obligated to act as advocates for positions already taken by their groups. While advocacy organizations might be consulted as stakeholders during the course of our work, they were unlikely to achieve the goals we had in mind for the PRG as a source of advice on research design, methodology, and analysis. We submitted a revised list of potential members, substantially comprised of academics, to the EAC for review.

The EAC responded with suggestions concerning both the balance of the PRG's membership and the creation of additional committees to review our work. We provided an analysis of the cost and time involved in adopting the EAC's suggestions as well as with suggestions for a balanced selection of academics for the Peer Review Group. In the end, the EAC determined that Eagleton should appoint a balanced Peer Review Group of its own choosing. Initial phone calls were made to all members of that group by the end of July, and written invitations and descriptions of the process have gone to all possible members who had indicated their interest in serving.

Challenges: Communications on this issue with the EAC were not clear or timely. The purpose of the PRG is to review our work, and to comment on our research design, which is well underway. We had planned to have the PRG in place early enough in the project to enable them to provide feedback, including the research design. While we are

confident in the quality of our work, the experience and perspective of the Peer Review Group will strengthen our analysis and recommendations as we find a way to receive its critique in the more limited time now available. The delay in creating the Peer Review Group will result in a delay in the completion of the final draft of the analysis and alternatives paper and in the preliminary guidance document.

Projections: The work of the PRG will be about 2 weeks behind the milestones indicated in the work plan.

COORDINATION AND INFORMATION MANAGEMENT

Collecting and merging information and data from myriad sources is a demanding requirement of this research. We have developed two principal mechanisms to facilitate the analysis of the material collected or created in the project: an information system and an internal website for easy access to drafts and reports.

INFORMATION SYSTEM

Description: The statutory data and reports prepared by the Moritz College of Law will be merged with the political and procedural data and analysis prepared by the Eagleton Institute of Politics to provide a cohesive final product to the EAC, which will include a compendium of case law and statutes regarding provisional voting and voter identification.

Progress: The Moritz team has provided Eagleton staff with all completed work. An Eagleton staff member reviews the content and formats of data from all supporting research and will (re-)format once the work has been completed for the compendium and reports submitted to the EAC. The researchers and staff at Eagleton have created a shared folder on the Institute's server for the safe storage of work and access for those staff members. All of this work is being reviewed by the project team to ensure that a broad survey is being performed.

Projections: By the end of July 2005, much of the above referenced research has been completed. The entire project team has begun the process of reviewing all work, and will combine and format all documents and materials in preparation for our final reporting to the EAC.

INTRANET

Description: All project team members have signed on to the Intranet site. The Intranet facilitates the exchange of information and collaboration among project participants.

Progress: Project team members regularly post drafts, completed materials and spreadsheets online for internal review. The intranet has been extremely helpful to team members and serves as an internal website with announcements and important documents readily available to all team members.

52

FINANCIAL REPORT

The financial reporting for this project is supervised and prepared by the Division of Grant and Contract Accounting (DGCA) at Rutgers. Financial reporting on grant accounts is limited to actual expenses that have been incurred during the reporting period. Our contact at DGCA is: Constance Bornheimer, (732) 932-0165, EXT. 2235.

A detail of expenses incurred from project inception through June 30, 2005, is attached.

014253

Karen Lynn-Dyson/EAC/GOV
08/19/2005 03:41 PM

To "Tom O'Neill" [REDACTED]@GSAEXTERNAL
cc
bcc Adam Ambrogi/EAC/GOV
Subject Re: Peer Review Group [REDACTED]

Tom-

Thank you for sharing this list of your Peer Review Group members, to-date. I will share this list with the Commissioners and will be certain to let your know of their feedback, if any.

I will also be back in touch regarding Eagleton's research around voter fraud and the research project EAC will be undertaking, this fall, around voting fraud and voter intimidation. The EAC is presently in the process of finalizing a work and staff plan for this project and once it is completed, I will be certain to brief you on it.

In the meantime, EAC staff and several of the Commissioners looks forward to meeting with the Eagleton/Moritz team on September 6 at 1:30 PM.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'Neill" [REDACTED] >



"Tom O'Neill"
[REDACTED]
08/19/2005 02:20 PM

To klynndyson@eac.gov
cc
Subject Peer Review Group

Karen,

Attached is a report on the status of recruitment of members of the Peer Review Group. We extended 9 invitations. We have four confirmed members, one reluctant turn-down, one who has yet to respond to an initial inquiry, and are awaiting confirmation from 3 others who initially agreed. Please let me know if you need additional information.

Tom O'Neill



RecruitmentStatus.doc

014254

STATUS OF PEER REVIEW GROUP RECRUITMENT

(As of August 17, 2005)

R. Michael Alvarez, Ph.D. Professor of Political Science California Institute of Technology	YES/CONFIRMED
Guy-Uriel Charles Associate Professor, School of Law University of Minnesota 612-626-9154	YES*
Brad Clark Professor of Law George Washington University School of Law	NO
Pamela Susan Karlan Montgomery Professor of Public Interest Law Stanford Law School 650-725-4851	YES
Martha E. Kropf, Ph.D. Assistant Professor of Political Science University of Missouri-Kansas City 816-235-5948; KropfM@umkc.edu	YES/CONFIRMED
Daniel H. Lowenstein Professor of Law UCLA 310-825-4841	YES
John F. Manning Professor Harvard Law School	NO RESPONSE
Tim Storey Program Principal Legislative Management Program National Conference of State Legislatures	YES/CONFIRMED
Peter G. Verniero, Esq. Counsel Sills, Cummis, Epstein and Gross, PC (Former NJ Attorney General and Supreme Court Justice)	YES/CONFIRMED

Karen Lynn-Dyson/EAC/GOV

09/19/2005 01:05 PM

To Gracia Hillman/EAC/GOV@EAC, Paul
DeGregorio/EAC/GOV@EAC, Raymundo
Martinez/EAC/GOV@EAC, Donetta L.
cc Sheila A. Banks/EAC/GOV@EAC, Amie J.
Sherrill/EAC/GOV@EAC, Adam Ambrogio/EAC/GOV@EAC
bcc

Subject Fw: August Progress Report - Eagleton Institute of Politics

Commissioners-

FYI-

Eagleton's August progress report.

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

— Forwarded by Karen Lynn-Dyson/EAC/GOV on 09/18/2005 01:02 PM —



"Lauren Vincelli "
<Vincelli@rutgers.edu>

09/15/2005 12:04 PM

Please respond to
Vincelli@rutgers.edu

To klynndyson@eac.gov

cc [REDACTED] jdobrich@eden.rutgers.edu

Subject August Progress Report - Eagleton Institute of Politics

Hi Karen,

Attached is the August progress report in fulfillment of our Contract to Provide Research Assistance to the EAC for the Development of Voluntary Guidance on Provisional Voting and Voter Identification Procedures. Please note, as per your instructions earlier this month, that the financial report will be sent via Fedex under separate cover to: Ms. Dianna Scott, Administrative Officer, EAC. Also attached to the progress report is a finalized list of our Peer Review Group members. If you have any questions regarding this report, please contact Tom O'Neill [REDACTED]

Have a great day,
Lauren Vincelli

Lauren Vincelli
Business Assistant, Eagleton Center for Public Interest Polling
Eagleton Institute of Politics, Rutgers University
Carriage House, 185 Ryders Lane
New Brunswick, NJ 08901
Phone: (732) 932-9384, ext. 237
Fax: (732) 932-1551

014256



Progress Report_AUGUST2005_EagletonInst.pdf

014257



EAGLETON INSTITUTE OF POLITICS

*Contract to Provide Research Assistance to The EAC
For the Development of Voluntary Guidance on
Provisional Voting and Voter Identification Procedures*

**MONTHLY PROGRESS REPORT
AUGUST 2005**

For
UNITED STATES ELECTION ASSISTANCE COMMISSION
1225 New York Avenue N.W., Suite - 1100
Washington, DC 20005

September 15, 2005

Prepared by:
Eagleton Institute of Politics
Rutgers, The State University of New Jersey
191 Ryders Lane
New Brunswick, NJ 08901-8557

014258

**Deliberative Process
Privilege**

OUTLINE

- Introduction
- Provisional Voting
 - Task 3.5
- Voter Identification Requirements
 - Task 3.10
 - Task 3.11
- Project Management
 - Task 3.1
- Financial Report

INTRODUCTION

This report describes our progress from August 1 through August 31, 2005. It includes brief descriptions of key tasks; progress made; challenges encountered or anticipated; milestones reached; and projections for work to be completed in the coming month.

Research on Provisional Voting and a draft of reports on the analysis and alternatives were substantially completed in preparation for the September 6 briefing for the EAC. Important reports such as the National Survey of Local Election Officials' Experience with Provisional Voting; Statistical Review Provisional Voting in the 2004 Election; State-by-state Narrative of Developments in Provisional Voting; and the compilation of Provisional Voting statutes, regulations, and litigation from the 50 states, were all completed in August.

We made further progress on recruiting a balanced and authoritative Peer Review Group (which, as this report is written, is receiving all the documents listed above for review). Ingrid Reed of Eagleton will coordinate the work of the Peer Review Group. A list of the members of the Peer Review Group is attached.

This report is divided into 3 sections: Provisional Voting, Voter Identification Requirements, and Project Management. Each section references specific tasks described in paragraph 3 of the contract. The Financial Report will be sent separately by the Rutgers Division of Grant and Contract Accounting.

Please direct questions or comments about this report to Tom O'Neill at:

[REDACTED]

014259

PROVISIONAL VOTING

Tasks 3.4 – 3.9 in our contract relate to provisional voting. Work on the first of these must be complete before proceeding to later tasks. Task 3.4 was completed in August, and Task 3.5 is well underway.

Task 3.5: Analysis and Alternative Approaches. Assess the potential, problems, and challenges of provisional voting and develop alternative means to achieve the goals of provisional voting.

LEGISLATION, REGULATIONS, AND LITIGATION

The research team at the Moritz College of Law has the lead responsibility for the collection and analysis of legislation, administrative procedures and litigation. This information constitutes the compendium of legislation, administrative regulations, and case law called for under this task. It has provided a base of understanding for the analysis of states' actual experience with provisional voting in 2004, for which the Eagleton team has lead responsibility.

Description: The Moritz team has created a 50-state chart to summarize information on provisional voting, compiled statutes, case law and administrative procedures regarding Provisional Voting and is near completion with this research.

Progress: We completed the state by state summaries of provisional voting in August. Also complete is a memorandum outlining provisional voting legislative changes since the 2004 election. This material was sent to the EAC as part of the package for briefing on September 6.

Challenges: The variety in the form and frequency of provisional voting legislation from state to state makes creating a snap-shot view across states a challenge.

Work Plan: The analysis of all the information, data, and survey results concerning provisional voting data will be completed in September, on schedule. The alternatives document should also be complete in September, pending response from the EAC on which direction those alternatives should follow.

PREPARATION FOR AND EXPERIENCE WITH PROVISIONAL VOTING

The Eagleton team has researched and compiled a narrative of each state's experience with provisional voting in 2004. The report findings from the survey of 400 local election officials is now complete. The survey results improve our understanding of actual practice in administering provisional voting, including the steps local officials took to prepare for the election.

014250

PROVISIONAL VOTING NARRATIVES

Description: To construct the narratives, a researcher examined newspaper accounts, state websites, and reports from third-party organizations to gather information on the experience with provisional voting in the 2004 election. To organize the information derived from this examination, we created an information system that catalogues information about the states (i.e. whether a state was new to provisional voting, the percentage of provisional votes counted, the method of notifying voters if their vote was counted, etc.) and combined it with Moritz's collection and analysis of statutes, regulations and litigation.

Progress: A state-by-state narrative of developments in Provisional Voting is complete and has been distributed to the EAC and the Peer Review Group. This work has been crucial to the process of constructing our draft analysis and recommendation of alternative approaches for provisional voting required under Task 3.5.

Challenges: The primary obstacle to constructing the narratives was difficulty in communicating and obtaining necessary information from various state officials. As a result, the narratives underwent multiple revisions in order to incorporate the most up-to-date material available. Had the Election Day Study been available, this task would probably have been simplified considerably.

Work Plan: We completed revisions of the narratives.

SURVEY OF COUNTY ELECTION OFFICIALS

Description: The Center for Public Interest Polling (CPIP) at Eagleton conducted a national survey of county election officials to measure several aspects of provisional voting.

Progress: The analysis of the survey results and findings report are complete.

Work Plan: We used the information from the survey in drafting the analysis and alternatives document required under Task 3.5.

014261

VOTER IDENTIFICATION REQUIREMENTS

The contract lists 7 tasks (3.10 – 3.16) related to Voter Identification Requirements. The research on Voter ID requirements is proceeding concurrently with our work on the experience of provisional voting, and is becoming the principal focus of our research.

Task 3.10: Legislation, regulations, and litigation

The research team at the Moritz College of Law has the lead responsibility for the collection and analysis of legislation, administrative procedures and litigation with regard to Voter Identification Requirements. This collection of material is nearing completion. It will constitute the compendium of legislation, administrative regulations, and case law called for under this task.

Description: The Moritz team has compiled statutes on Voter Identification, and will provide a summarized analysis of this research to the project team for review.

Progress: We are refining the 50 state (plus District of Columbia) chart of data on voter identification. So far collected are voter identification statutes for 35 states. Summaries of the existing voter identification statutes have been written for forty states.

Challenges: Identifying the relevant statutes has been challenging because of the different terminology used from state to state to codify voter identification issues, and because many states have scattered election law provisions throughout their codes. This variety from state to state makes creating a snap-shot view across states a challenge.

Work Plan: The state by state voter identification statute summaries will be completed for the remaining ten states and D.C. and the review of the chart will be completed. Analysis of voter identification data will begin.

SUPPLEMENTS TO LEGAL ANALYSIS

To supplement the legal analysis, the Eagleton team is undertaking two research efforts: First, compiling information on the debate over voter ID in the states; and second, estimating the effect on turnout of different voter ID regimes. Tracking the continuing political debate over voter identification reveals that the relatively narrow HAVA requirements for voter identification have apparently sparked in many states a broader concern, and a sharp political debate over rigorous identification requirements for all voters. The research follows these developments both to monitor possible secondary effects of HAVA on voter ID, and to provide a rich collection of alternative approaches for consideration.

Individual narratives for the states with significant activity in voter ID will provide a resource for understanding the wide range of experience in the 2004 election. The narratives will include an appraisal of the prevalence and nature of vote fraud, a focus of the concern with

increasing the rigor of voter ID requirements. The next key milestones will be the completion of the state database and drafting the first narratives.

VOTER ID AND TURNOUT ANALYSIS

The second supplemental analysis will provide objective information on a contentious feature of the debate over voter ID in the states: the effects of more rigorous voter ID regimes on voter turnout and the relationship between the voter ID regime and vote fraud. As part of this effort, Eagleton is undertaking a statistical analysis to gauge the effect of a state's voter ID regime on turnout, especially turnout by minority and elderly voters.

Description: We are creating a database and gathering statistics on the effects of state-level voter identification requirements on voter turnout at the county-level in the 2004 election.

Progress: The collection of data for the Voter ID-Turnout analysis is complete. The assembled database contains population demographic data, voter registration data and voter turnout data from all 50 states, 3113 Counties, and the District of Columbia. We have also utilized exit poll data collected on Election Day 2004 as a resource for understanding the demographics of voter turnout. The analysis of that data is underway.

Challenges: The main challenges to this task include gathering the complete set of changes to Voter ID laws over the past 5 years, and then incorporating those changes into a sound statistical methodology.

Projection: We will continue to work towards resolving the methodology issue, and ultimately produce a final report on this subject. The analysis of the impact that voter identification requirements have upon voter turnout should be completed around mid-September.

PROJECT MANAGEMENT

PEER REVIEW GROUP

Description: A feature of our proposal was the creation of a Peer Review Group (PRG). The Peer Review Group will review our research and methodology and provide valuable feedback and suggestions for the direction of our work.

Progress: The composition of the Peer Review Group has been determined and the membership has been submitted to the EAC. Additionally, as of the date of this report all PRG members have received their first mailing, which included several reports from our research, and a draft of our analysis and alternatives outline for their review.

Challenges: Our timeline for circulating and discussing our research with the PRG has been compromised due to delays in completing the recruitment of members of the group.

Projections: We are in the process of scheduling our first conference call with PRG members for the week of Sept. 19, 2005.

COORDINATION AND INFORMATION MANAGEMENT

Collecting and merging information and data from myriad sources is a demanding requirement of this research. We have developed two principal mechanisms to facilitate the analysis of the material collected or created in the project: an information system and an internal website for easy access to drafts and reports.

INFORMATION SYSTEM

Description: The statutory data and reports prepared by the Moritz College of Law is being merged with the political and procedural data and analysis prepared by the Eagleton Institute of Politics to provide a cohesive final product to the EAC, which will include a compendium of case law and statutes regarding provisional voting and voter identification.

Progress: At this point in the research process, many documents are complete after a lengthy process of circulating drafts among team members. As we near the end of the Provisional Voting research and move into the Voter Identification research, we will re-evaluate the volume of files contained in the Information System and update the system.

Projections: The entire project team continues to review all project drafts, and will staff members combine and format all documents and materials in preparation for our final reporting to the EAC.

INTRANET

Description: All project team members have signed on to the Intranet site. The Intranet facilitates the exchange of information and collaboration among project participants.

Progress: Project team members regularly post drafts, completed materials and spreadsheets online for internal review. The intranet has been extremely helpful to team members and serves as an internal website with announcements and important documents readily available to all team members.

FINANCIAL REPORT

The financial reporting for this project is supervised and prepared by the Division of Grant and Contract Accounting (DGCA) at Rutgers. Financial reporting on grant accounts is limited to actual expenses that have been incurred during the reporting period. Our contact at DGCA is: Constance Bornheimer, (732) 932-0165, EXT. 2235.

A detail of expenses incurred from project August 1 - August 31, 2005, will be sent under separate cover to: Ms. Dianna Scott, Administrative Officer, EAC .

014265

**ATTACHMENT:
PEER REVIEW GROUP
FINAL LIST (09/13/05)**

R. Michael Alvarez

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Tel: (202) 624-5400

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Sills, Cummins, Epstein and Gross, PC
One Riverfront Plaza
Newark, NJ 07102
pverniero@sillscummins.com
Tel: (973) 643-7000

Karen Lynn-Dyson/EAC/GOV

11/14/2005 05:35 PM

To Paul DeGregorio/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC, Raymundo Martinez/EAC/GOV@EAC, Donetta L. Amie J. Sherrill/EAC/GOV@EAC, Sheila A. Banks/EAC/GOV@EAC, Adam Ambrogio/EAC/GOV@EAC, Elieen L. Collver/EAC/GOV@EAC, Bert A.
bcc

Subject Fw: October Progress Report

FYI-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

— Forwarded by Karen Lynn-Dyson/EAC/GOV on 11/13/2005 05:32 PM —



"Tom O'Neill"

11/14/2005 05:27 PM

To klynndyson@eac.gov

cc tokaji.1@osu.edu, foley.33@osu.edu, lauracw@columbus.rr.com, Vincelli@rutgers.edu, arapp@rci.rutgers.edu, davander@eden.rutgers.edu, dlinky@rci.rutgers.edu, ireed@rutgers.edu, joharris@eden.rutgers.edu, john.weingart@rutgers.edu, rmandel@rci.rutgers.edu, "Johanna Dobrich" <jdobrich@eden.rutgers.edu>

Subject FW: October Progress Report

Tom O'Neill

-----Original Message-----

From: Tom O'Neill [redacted]
Sent: Monday, November 14, 2005 5:26 PM
To: klynndyson@eac.gov

Cc: Vincelli@rutgers.edu; arapp@rci.rutgers.edu; davander@eden.rutgers.edu; dlinky@rci.rutgers.edu; ireed@rutgers.edu; joharris@eden.rutgers.edu; john.weingart@rutgers.edu; rmandel@rci.rutgers.edu; 'Johanna Dobrich'; tokaji.1@osu.edu; foley.33@osu.edu; lauracw@columbus.rr.com
Subject: October Progress Report

Karen,

014287

Attached is the Progress Report for October. Please note that this report includes an attachment showing how our study classifies each state on key variables, such as counting out-of-precinct ballots, requirements for ballot evaluation, and other variables. It also displays how the data we used differs for some states for the vote counts reported by the Election Day Survey. We believe that our data is more accurate and complete (see for example the data for New Mexico and Pennsylvania).

I look forward to responding to any questions or concerns you or others at the EAC may have.

Tom O'Neill



OctoberFinal.doc



EAGLETON INSTITUTE OF POLITICS

*Contract to Provide Research Assistance to the EAC For
the Development of Voluntary Guidance on Provisional
Voting and Voter Identification Procedures*

**MONTHLY PROGRESS REPORT
October 2005**

**For
UNITED STATES ELECTION ASSISTANCE COMMISSION**
1225 New York Avenue N.W., Suite - 1100
Washington, DC 20005

November 15, 2005

Prepared by:
Eagleton Institute of Politics
Rutgers, The State University of New Jersey
191 Ryders Lane
New Brunswick, NJ 08901-8557

014369

**Deliberative Process
Privilege**

OUTLINE

- Introduction
- Provisional Voting
 - Task 3.5
- Voter Identification Requirements
 - Task 3.10
 - Task 3.11
- Project Management
 - Task 3.1
- Financial Report

INTRODUCTION

This report describes our progress from October 1 through October 31, 2005. It includes brief descriptions of key tasks; progress made; challenges encountered or anticipated; milestones reached; and projections for work to be completed in the coming month.

In October we focused on finalizing our Provisional Voting analysis paper, including the development of recommendations to the EAC for a draft guidance document and best practices. These policy prescriptions are based on our research and the comments of the Peer Review Group. We completed a careful review of our data to reconcile it with other sources and identify the latest, most reliable information to use in the analysis. (See the attachment to this Progress Report for the details.) The importance of this demanding effort was described in September's Progress Report.

Also in October we revised the schedule for the project in light of the additional time that has been needed for review of earlier drafts by the EAC and the late completion of the Election Day Study. We will seek a meeting with the EAC in the next several weeks to confer about the schedule to complete the project and alternative approaches that could speed the conclusion of our work.

We will submit to the EAC a final draft of our report, a preliminary guidance document, and draft best practices before Thanksgiving. We project that EAC will take 3 to 4 weeks to review and react to that final draft. And we understand that after its review, the EAC will decide if it should move towards issuing a Guidance Document or recommending best practices. If the EAC does decide to issue a Guidance Document on Provisional Voting, the time needed for a review by the advisory boards is likely to delay a public hearing until early February.

014270

This report is divided into 3 sections: Provisional Voting, Voter Identification Requirements, and Project Management. Each section references specific tasks described in paragraph 3 of the contract. The Financial Report will be sent separately by the Rutgers Division of Grant and Contract Accounting.

Please direct questions or comments about this report to [REDACTED] or by [REDACTED]

PROVISIONAL VOTING

Tasks 3.4 – 3.9 in our contract relate to Provisional Voting. Work on the first of these must be complete before proceeding to later tasks. Task 3.4 was completed in August, Tasks 3.5 and 3.6 are nearing completion.

Task 3.5: Analysis and Alternative Approaches. Assess the potential, problems, and challenges of Provisional Voting and develop alternative means to achieve the goals of Provisional Voting.

LEGISLATION, REGULATIONS, AND LITIGATION

The research team at the Moritz College of Law has the lead responsibility for the collection and analysis of legislation, administrative procedures and litigation. This information constitutes the compendium of legislation, administrative regulations, and case law called for under this task. It has provided a base of understanding for the analysis of states' actual experience with Provisional Voting in 2004, for which the Eagleton team has lead responsibility.

Description: The Moritz team has created a 50-state chart to summarize information on Provisional Voting, compiled statutes, case law and administrative procedures regarding Provisional Voting and has completed this research.

Progress: We have completed the memorandum outlining Provisional Voting legislative changes since the 2004 election and we are continuing to clarify the laws prior to these changes.

Challenges: The variety in the form and frequency of Provisional Voting legislation from state to state makes creating a snap-shot view across states a challenge.

Work Plan: The final analysis will be sent to the EAC by Thanksgiving.

014271

PREPARATION FOR AND EXPERIENCE WITH PROVISIONAL VOTING

The Eagleton team has researched and compiled a narrative of each state's experience with Provisional Voting in 2004. The report findings from the survey of 400 local election officials are now complete. The survey results have proven to be instrumental in shaping our understanding of actual practice in administering Provisional Voting, including the steps local officials took to prepare for the election.

PROVISIONAL VOTING NARRATIVES

Description: To construct the narratives, a researcher examined newspaper accounts, state websites, and reports from third-party organizations to gather information on the experience with Provisional Voting in the 2004 election. To organize the information derived from this examination, we created an information system that catalogues information about the states (i.e. whether a state was new to Provisional Voting, the percentage of provisional votes counted, the method of notifying voters if their vote was counted, etc.) and combined it with Moritz's collection and analysis of statutes, regulations and litigation.

Progress: We completed a state-by-state narrative of developments in Provisional Voting and distributed it to the EAC and the PRG. This work has been helpful in understanding the context of the data collected on provisional voting from the states.

Challenges: The primary obstacle to constructing the narratives was difficulty in communicating and obtaining necessary information from various state officials. As a result, the narratives underwent several revisions to incorporate up-to-date and reliable information. Now that so many other analyses, including the Election Day Survey, have been released, we were challenged by different interpretations of the same basic facts. But the reconciliation of interpretation and data collection has been invaluable in establishing rigor in our report.

Work Plan: We completed revisions of the narratives incorporating comments from the PRG and addressing any discrepancies between our findings and other interpretations of similar information included in other studies.

PROVISIONAL VOTING STATISTICAL ANALYSIS

Description: During October the Eagleton research team continued to check its statistical analysis, and worked to reconcile the classifications of this analysis (such as states counting only those provisional ballots cast within the proper precinct versus states that counted ballots cast within the proper county) with the classification made in other parts of this study or in other studies (such as the Election Day Study or *Electionline* reports).

Progress: The effort to double check all of the classifications used in the study is complete. The results of this effort are displayed in the attachment to this progress report, "Characteristics of the Provisional Voting Process -- Classification of the States,"

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beginning on page 9. Only Delaware and Arkansas remain unclear in regard to one of the measures, and both states have been contacted to receive clarification in this area.

Challenges: The difficulties encountered have been a result of communication delays and time constraints. Some states have been more responsive to our inquiries about their practices than others. Overall, this is not an irresolvable problem but it does slow the process of completion down.

Work Plan: By early-November the final revision of the statistical analysis, which includes full reconciliation of all data within the study, will be complete. The reconciliation of data is displayed in the attachment to this progress report.

SURVEY OF COUNTY ELECTION OFFICIALS

Description: The Eagleton Center for Public Interest Polling (CPIP) conducted a national survey of county election officials to measure several aspects of Provisional Voting.

Progress: The analysis of the survey results and findings report is complete. As a result of the critique by the PRG, the research team is revising and clarifying the descriptions of the survey design and sample selection process to make the research methods more transparent.

Work Plan: We used the information from the survey in drafting the analysis and alternatives document required under Task 3.5. We will include necessary clarifications regarding survey design and sample selection in the final analysis and alternatives document.

<p>Task 3.6: Prepare preliminary draft guidance document.</p>
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The report and recommendations now nearing completion constitutes the draft preliminary guidance document. Based on our conversation with the EAC, the draft gives the EAC the option of proceeding with a guidance document or issuing recommendations to the state for best practices, recommendations that would not constitute voluntary guidance. Before proceeding to Task 3.7 (revise the guidance document for publication) or 3.8 (arrange a public hearing on the draft guidance), we will await the EAC's decision on how to proceed.

VOTER IDENTIFICATION REQUIREMENTS

The contract lists 7 tasks (3.10 – 3.16) related to Voter Identification Requirements. The research on Voter ID requirements is proceeding concurrently with our work on the experience of Provisional Voting, and is becoming the principal focus of our research.

Task 3.10: Legislation, regulations, and litigation

The research team at the Moritz College of Law has the lead responsibility for the collection and analysis of legislation, administrative procedures and litigation with regard to Voter Identification Requirements. This collection of material is nearing completion. It will constitute the compendium of legislation, administrative regulations, and case law called for under this task.

Description: The Moritz team has compiled statutes on Voter Identification, and will provide a summarized analysis of this research to the project team for review.

Progress: The 50 State (plus the District of Columbia) chart has been completed, the voter identification statutes have been collected for all states and D.C., and summaries of the existing voter identification statutes have been written for all states and D.C.

Challenges: Identifying the relevant statutes has been challenging because of the different terminology used from state to state to codify voter identification issues, and because many states have scattered election law provisions throughout their codes. This variety from state to state makes creating a snap-shot view across states a challenge.

Work Plan: Analysis of voter identification data has begun and will increasingly become the central focus of our work.

SUPPLEMENTS TO LEGAL ANALYSIS

To supplement the legal analysis, the Eagleton team is undertaking two research efforts: First, compiling information on the debate over voter ID in the states; and second, estimating the effect on turnout of different voter ID regimes. Tracking the continuing political debate over voter identification reveals that the relatively narrow HAVA requirements for voter identification have apparently sparked in many states a broader concern and a sharp political debate over rigorous identification requirements for all voters. The research follows these developments both to monitor possible secondary effects of HAVA on voter ID, and to provide a rich collection of alternative approaches for consideration.

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VOTER ID AND TURNOUT ANALYSIS

The second supplemental analysis will provide objective information on a contentious feature of the debate over voter ID in the states: the effects of more rigorous voter ID regimes on voter turnout and the relationship between the voter ID regime and vote fraud. As part of this effort, Eagleton is undertaking a statistical analysis to gauge the effect of a state's voter ID regime on turnout, especially turnout by minority and elderly voters.

Description: We have created a database and gathered statistics on the effects of state-level voter identification requirements on voter turnout at the county-level in the 2004 election

Progress: The collection of data for the Voter ID-Turnout analysis is complete. The assembled database contains population demographic data, voter registration data and voter turnout data from all 50 states, 3113 Counties, and the District of Columbia. We have also used exit poll data collected on Election Day 2004 as a resource for understanding the demographics of voter turnout.

Challenges: The analysis of these data had been postponed until the data reconciliation of Provisional Voting is complete. As a result of the extensive revision and data reconciliation efforts aimed at the Provisional Voting section of our work VID had been temporarily placed on hold. We are now beginning data analysis on the impact of voter identification requirements on voter turnout.

Work Plan: The analysis of the impact that voter identification requirements have upon voter turnout should be completed by early December. Early January is our target to deliver the draft report and outline of alternative policies to the Peer Review Group. In mid January, the EAC would receive a draft report and recommendations that take into account the comments of the PRG.

PROJECT MANAGEMENT

PEER REVIEW GROUP

Description: A feature of our proposal was the creation of a Peer Review Group (PRG). It reviews our research and methodology and provides valuable feedback and suggestions for the direction of our work.

Progress: Eagleton has stayed in touch with members of the Peer Review Group since the September 21st conference call, and has solicited their final comments on the Provisional Voting research. During October, we telephoned two members who did not participate in the conference call to confirm their commitment to serving as members of the Peer Review Group. Profess Guy Charles affirmed his interest. Professor Pamela Karlan did not return the call. The revisions in the schedule for the project have now made it possible to begin the process of scheduling a meeting of the PRG to consider our draft report and recommendations on Voter Identification Issues. We anticipate that meeting will take place the second week of January.

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Challenges: No new challenges were encountered during October.

COORDINATION AND INFORMATION MANAGEMENT

Collecting and merging information and data from myriad sources is a demanding requirement of this research. We have developed two principal mechanisms to facilitate the analysis of the material collected or created in the project: an information system and an internal website for easy access to drafts and reports.

INFORMATION SYSTEM

Description: The statutory data and reports prepared by the Moritz College of Law is being merged with the political and procedural data and analysis prepared by the Eagleton Institute of Politics to provide a cohesive final product to the EAC, which will include a compendium of case law and statutes regarding Provisional Voting and voter identification.

Progress: At this point in the research process, many documents are complete after a lengthy process of circulating drafts among team members. We have reorganized our system by separating final drafts from earlier versions of documents, discarding dated files contained in the Information System, and updating the system as a whole. Upon their completion, new documents continue to be added.

Projections: The entire project team continues to use the Information System which contains the above referenced research, in working toward the preparation for our final reports to the EAC.

INTRANET

Description: All project team members have signed on to the Intranet site, and regularly post drafts, completed materials and spreadsheets online for internal review. The Intranet facilitates the exchange of information and collaboration among project participants.

FINANCIAL REPORT

The financial reporting for this project is supervised and prepared by the Division of Grant and Contract Accounting (DGCA) at Rutgers. Financial reporting on grant accounts is limited to actual expenses that have been incurred during the reporting period. Our contact at DGCA is: Constance Bornheimer, (732) 932-0165, EXT. 2235.

A detail of expenses incurred from project October 1- October 31, 2005, will be sent under separate cover to: Ms. Dianna Scott, Administrative Officer at the EAC.

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ATTACHMENT TO OCTOBER PROGRESS REPORT
Characteristics of the Provisional Voting Process
Classification of the States

Our research on provisional voting divided the various states into several categories to allow an assessment of how different factors may have influenced the process of casting and counting provisional ballots. This analysis was conducted before the release of the Election Day Study, and the categories we used may differ in some respects from its work. The categories analyzed here are:

1. New vs. Old (states that used a provisional ballot before the 2004 election)
2. Use of a statewide database of registered voters vs. no use of a statewide database
3. Counting out-of-precinct ballots vs. not counting out-of-precinct ballots
4. Voter identification requirements
5. Method used to verify provisional ballots
6. Levels of provisional ballots cast and counted

We first assigned states within these categories based on classifications done by Electionline.org in its studies. The Electionline data was the only published information available at the time of our research. We reviewed the Electionline data carefully, and, in select cases, updated it with new, detailed information that had become available after its publication. The changes we made are explained below.

Please note that:

--Idaho, Maine, Minnesota, New Hampshire, Wisconsin and Wyoming were excluded from our analysis. They have election-day registration systems, and did not need to use HAVA-compliant provisional ballots.

--North Dakota does not register voters, so it also was excluded from HAVA requirements and did not use provisional voting.

--Mississippi has not reported its provisional voting results and could not be included in our analysis, though it was compliant in 2004.

--Pennsylvania did not report its totals for the Election Day Study, but we obtained information on Pennsylvania and did include it in our analysis.

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New vs. Old States

We classified states as “new” or “old” based on the 2001 Electionline study of provisional voting¹ and condensing its classifications into a single dichotomous variable, new/old with all other cases excluded. The Electionline study divided states into five categories of their use of provisional ballots in the 2000 election:

1. Use of provisional ballots (P)
2. Limited use of provisional ballots (LP)
3. Affidavit ballots (A)
4. No system in place (N)
5. Unnecessary/Not Applicable (U/NA)

We collapsed all of the states listed as using provisional ballots, limited use of provisional ballots or affidavit ballots as “old” states, because the states in all three categories would have been familiar with key aspects of provisional voting. States that had no provisional voting system in place for the 2002 election, and were HAVA compliant in 2004, were listed as “new” states, as 2004 would have been the first year in which they would be offering the option of provisional voting. States that were listed as unnecessary or not applicable were excluded from this study, as they were exempt from the HAVA regulations in 2004 because they either allowed same-day registration or did not register voters.

Rhode Island is the only state categorized as an old state by Electionline that we moved into the list of new states. Electionline’s map shows Rhode Island as a state that used provisional voting in 2000, but in the state description, it is listed as having no system in place. We learned from the Rhode Island Board of Elections that the state had previously permitted potential voters to sign an affidavit if they did not appear on a precinct’s list of registered voters, but felt they were registered to vote. Based on the signed affidavit, the election official would then contact a county official to see if the voter was on a more complete registration list. If the voter’s name was on the complete list, that voter was permitted to cast a regular ballot. As this process did not grant the voter a provisional ballot, but served as a different type of administrative failsafe, we concluded that Rhode Island’s first use of provisional voting was in 2004 and, therefore, classified the state as “new” to the system of provisional balloting.

¹ This study can be found at: <http://electionline.org/Portals/1/Publications/Provisional%20Voting.pdf>.

Table 1 CATEGORIZATION OF STATES – Old vs New		
Old States	New States	HAVA Exempt or NA
Alaska	Connecticut	Idaho
Alabama	Delaware	Maine
Arkansas	Georgia	Minnesota
California	Hawaii	New Hampshire
Colorado	Illinois	North Dakota
DC	Indiana	Wisconsin
Florida	Louisiana	Wyoming
Iowa	Massachusetts	
Kansas	Missouri	
Kentucky	Montana	
Maryland	Nevada	
Michigan	Oklahoma	
Mississippi	Pennsylvania	
Nebraska	Rhode Island	
New Jersey	South Dakota	
New Mexico	Tennessee	
New York	Utah	
North Carolina	Vermont	
Ohio		
Oregon		
South Carolina		
Texas		
Virginia		
Washington		
West Virginia		
26	18	7

Statewide List of Registered Voters

The Electionline preview of the 2004 Election² was the starting point for compiling a list of states that had a statewide database of registered voters. That study listed 34 States that did not have their statewide database systems complete, and 16 that did, including the District of Columbia. North Dakota does not register voters, so does not need to compile such a database. Electionline’s criterion for concluding that a state had a statewide list was that the state have participation from all jurisdictions in a statewide system. We added Oklahoma to the list of states with statewide databases

² “Election Preview 2004: What’s changed, What Hasn’t and Why”. This study can be found at: <http://electionline.org/Portals/1/Publications/Election.preview.2004.report.final.update.pdf>

because we found they had met the Electionline criteria by the 2004 election, albeit too late for inclusion in the Electionline survey.

Table 2 CATEGORIZATION OF STATES -- Statewide Registration Database			
Had Database 2004	No Database A-N	No Database N-W	HAVA Exempt or NA
Alaska	Alabama	Ohio	Idaho
Arizona	Arkansas	Oregon	Maine
Connecticut	California	Pennsylvania	Mississippi
Delaware	Colorado	Rhode Island	Minnesota
District of Columbia	Florida	Tennessee	New Hampshire
Georgia	Iowa	Texas	North Dakota
Hawaii	Illinois	Utah	Wisconsin
Kentucky	Indiana	Vermont	Wyoming
Louisiana	Kansas	Virginia	
Massachusetts	Maryland	Washington	
Michigan	Missouri		
New Mexico	Montana		
Oklahoma	Nebraska		
South Carolina	Nevada		
South Dakota	New Jersey		
West Virginia	New York		
	North Carolina		
16	27		8

Minnesota has a statewide database but was excluded from the analysis because it did not offer provisional ballots and was exempt from the HAVA requirements.

Out-of-Precinct Ballots

We based our classification of states that allow the counting of ballots cast outside the correct precinct on the data in the 2004 Electionline preview of the 2004 election². States that evaluated ballots cast in a precinct where the voter was not registered were categorized as “out-of-precinct.” States that invalidated such ballots were categorized as “In-precinct only.”

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Table 4**CATEGORIZATION OF STATES -- Forms of Identification Required**

States in italics are exempt from HAVA or did not report Provisional Ballot data and are not included in the analysis.

Give Name	Sign Name	Match Signature	Provide ID	Photo ID
<i>Maine</i>	California	Illinois	Alabama	Florida
Massachusetts	DC	Nevada	Alaska	Hawaii
<i>New Hampshire</i>	<i>Idaho</i>	New Jersey	Arizona	Louisiana
North Carolina	Indiana	New York	Arkansas	South Carolina
Rhode Island	Iowa	Ohio	Colorado	South Dakota
Utah	Kansas	Oregon	Connecticut	
Vermont	Maryland	Pennsylvania	Delaware	
<i>Wisconsin</i>	Michigan	West Virginia	Georgia	
<i>Wyoming</i>	Minnesota		Kentucky	
	<i>Mississippi</i>		Missouri	
	Nebraska		Montana	
	New Mexico		<i>North Dakota</i>	
	Oklahoma		Tennessee	
	Washington		Texas	
			Virginia	
9	14	8	15	5

South Dakota complicates the effort to assign each state to a category. It permits voters to sign an affidavit that would allow them to vote without presenting photo ID. While Hawaii did not normally require photo ID, its statutes gave challenged voters the opportunity to respond by producing a photo ID.

Verification Method

We identified four different ways states assessed provisional ballots to determine if they should be counted: signature match, match voter data, signed affidavits, and bringing back identification later. We gathered information about these verification techniques by checking state websites and consulting journalistic accounts. We consulted state legislation to provide further information where needed.

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Table 5**CATEGORIZATION OF STATES – Ballot Evaluation Methods**

States in italics are exempt from HAVA or did not report Provisional Ballot data and are not included in the analysis.

Signature Match	Data Match	Affidavit	Return with ID	NA
Alaska	Alabama	Connecticut	Indiana	Idaho
California	Arizona	Delaware	Iowa	Maine
Florida	Arkansas	Georgia	Kansas	Mississippi
Oregon	Colorado	Hawaii	Maryland	Minnesota
	DC	Illinois	Michigan	New Hampshire
	Louisiana	Kentucky	Montana	N. Carolina*
	Missouri	Massachusetts	New Jersey	N. Dakota
	Ohio	Nebraska	New Mexico	Wisconsin
	Oklahoma	Nevada	Texas	Wyoming
	Pennsylvania	New York	Utah	
	Rhode Island	South Dakota		
	S. Carolina	Tennessee		
	Washington	Vermont		
	West Virginia	Virginia		
4	14	14	10	9

Data Collection

To assemble our data for analysis, we began by using the data on provisional votes cast and counted reported by Electionline. To increase the accuracy of this data, we surveyed each state's election websites for updated data, and for reported numbers on the county level. We then sent emails to 49 (we excluded Alaska, see below) states and the District of Columbia, requesting updated data on the number of provisional votes cast and counted by county. We received information from 25 states by our cut-off date of August 25, 2005.

* North Carolina lacked clear standards to evaluate provisional ballots and is excluded from this analysis.

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Table 6	
Updated information by State	
Received Updated Data	Did Not Receive Updated Data
California	Alabama
District of Columbia	Alaska ⁵
Florida	Arizona
Hawaii	Arkansas
Indiana	Colorado
Iowa	Connecticut
Kansas	Delaware
Louisiana	Georgia
Maryland ⁶	Idaho
Missouri	Illinois
Montana	Kentucky
Nebraska ⁷	Maine
Nevada	Massachusetts
New Jersey	Michigan
New Mexico	Minnesota
Ohio	Mississippi
Oklahoma	New Hampshire
Oregon	New York
Pennsylvania	North Carolina
Rhode Island	North Dakota
South Dakota	South Carolina
Tennessee	Utah
Texas	Vermont
Virginia	Wisconsin
Washington	Wyoming
West Virginia	
26 States	25 States

⁵ Alaska was not contacted via email, as the state does not have voting districts comparable to counties in other states and could not be matched with comparable census data.

⁶ Maryland reported provisional ballots that were counted per county, but not number cast.

⁷ Nebraska reported an incomplete list of provisional ballots cast and counted by county, but designated counties by number, rather than by name.

Data Differences with Election Day Study

The data used in this study differs from the data reported in the Election Day Study for 19 states. The Election Day Study was not completed until well after our statistical analysis of provisional voting was finished, on the schedule laid out in our work plan. Where there are differences, they are typically very small, usually fewer than 100 votes either cast or counted. Of the 9 states that have differences of more than 100 votes cast or counted, 7 have reported their numbers directly to us and can be considered updated data that EDS had not obtained. For one of those states, New Mexico, EDS had incomplete data, and for another, Pennsylvania, EDS had no data at all. The data that we have collected reflects updated numbers from the states that have changed following recounts and litigation that altered how ballots were evaluated.

State	EDS Numbers Cast/Counted	Our Numbers Cast/Counted	Differences	Updated Info from State?
Alabama	6,478/1,865	6560/1836	82/29	No
Alaska	23,285/22,498	23,275/22,498	10/0	No
Colorado	51,529/39,086	51,477/39,163	52/77	No
Georgia	12,893/4,489	12,893/3,839	0/650	No
Hawaii	346/25	348/25	2/0	Yes
Iowa	15,406/8,038	15,454/8,048	48/10	Yes
Kansas	45,535/32,079	45,563/31,805	28/274	Yes
Montana	688/378	653/357	35/21	Yes
Nebraska	17,421/13,788	17,003/13,298	418/490	Yes
Nevada	6,153/2,446	6,154/2,447	1/1	Yes
New Mexico	6,410/2,914	15,360/8,767	8,950/5,853	Yes
N. Carolina	77,469/50,370	77,469/42,348	0/8,022	No
Ohio	157,714/123,902	158,642/123,548	928/354	Yes
Pennsylvania	No data	53,698/26,092	N/A	Yes
Texas	35,282/7,156	36,193/7,770	911/614	Yes
Vermont	121/30	101/37	20/7	No
Virginia	4,608/728	4,609/728	1/0	Yes
Washington	92,402/73,806	86,239/69,273	6,163/4,533	Yes
Wisconsin	374/119	373/120	1/1	No

Margaret Sims /EAC/GOV
11/16/2005 01:12 PM

To ghillman@eac.gov, pdegregorio@eac.gov,
rmartinez@eac.gov, donetta.davidson@sos.state.co.us
cc Sheila A. Banks/EAC/GOV@EAC, Amie J.
Sherrill/EAC/GOV@EAC, Adam Ambrogi/EAC/GOV@EAC,
Elieen L. Collver/EAC/GOV@EAC, Gavin S.
bcc
Subject RESPONSE REQUESTED-Working Group for Voting Fraud
and Voter Intimidation Project

Dear Commissioners:

The consultants' contracts for EAC's voting fraud and voter intimidation project require Tova Wang and Job Serebrov to work in consultation with EAC staff and the Commissioners "to identify a working group of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation". The contracts do not specify the number of working group members but, as EAC has to pay for the group's travel and we want the size of the group to be manageable, I recommend that we limit the number to 6 or 8. **Please let me know if you think that this limit is too conservative .**

Attached for your review and comment are two lists of potential working group members for this project. One list was submitted by Job, the other by Tova. Tova and Job have provided brief summaries of each candidate's relevant experience and have placed asterisks next to the names of the individuals whom they particularly recommend. I can provide more extensive biographies of these individuals, if you need them. If EAC agrees that the recommended working group members are acceptable, an equal number may be selected from each list in order to maintain a balanced perspective.

Absent from the attached lists is the name of a representative from the U.S. Department of Justice's Election Crimes Branch. At this time, I am working through the DOJ bureaucracy to determine to what degree Craig Donsanto will be permitted to participate. If he cannot be named as a working group member, we may still be able to use him as a resource.

Please provide your feedback to me no later than Monday , November 28. I am available to meet with you if you would like to discuss this matter further.

Peggy Sims
Research Specialist



Possible Working Group Members -Serebrov.doc Possible Working Group Members- Wang.doc

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Possible Working Group Members - Serebrov

I recommend the first four with an *

***Mark (Thor) Hearne II**-Counsel to Republican National Committee; National Counsel to American Center for Voting Rights; National election counsel to Bush-Cheney, '04; Testified before U.S. House Administration Committee hearings into conduct of Ohio presidential election; Academic Advisor to Commission on Federal Election Reform (Baker-Carter Commission).

***Todd Rokita**-Secretary of State, Indiana; Secretary Rokita strives to reform Indiana's election practices to ensure Indiana's elections are as fair, accurate and accessible as possible; Secretary Rokita serves on the nine-member Executive Board of the Election Assistance Commission Standards Board, charged by federal law to address election reform issues.

***Patrick J. Rogers**-Partner/Shareholder, Modrall, Sperling, Roehl, Harris and Sisk, P.A., Albuquerque, New Mexico; 1991-2003 General Counsel to the New Mexico Republican Party; Election cases: *The Coalition to Expose Ballot Deception, et al v. Judy N. Chavez, et al*; Second Judicial District Court of Bernalillo County, New Mexico (2005); represented plaintiffs challenging petition procedures; *Miguel Gomez v. Ken Sanchez and Judy Chaves*; Second Judicial District Court of Bernalillo County, New Mexico (2005); residency challenge; *Moises Griego, et al v. Rebecca Vigil-Giron v. Ralph Nader and Peter Miguel Camejo*, Supreme Court for the State of New Mexico (2004); represented Ralph Nader and Peter Camejo, ballot access issues; *Larry Larrañaga, et al v. Mary E. Herrera and Rebecca Vigil-Giron*, Supreme Court of New Mexico (2004); voter identification and fraudulent registration issues; *Decker, et al v. Kunko, et al*; District Court of Chaves County, New Mexico (2004); voter identification and fraudulent registration issues; *Kunko, et al v. Decker, et al*; Supreme Court of New Mexico (2004); voter identification and fraudulent registration issues; *In the Matter of the Security of Ballots Cast in Bernalillo County in the 2000 General Election*; Second Judicial District Court of Bernalillo County, New Mexico (2000); voting and counting irregularities and fraud.

***David A. Norcross**- Partner, Blank Rome LLP, Trenton NJ, Washington D.C; Chairman, New Jersey Republican State Committee, 1977 – 1981; General Counsel, Republican National Committee, 1993 – 1997; General Counsel, International Republican Institute; Counsel, The Center for Democracy; Vice Chairman, Commission on Presidential Debates; Executive Director, New Jersey Election Law Enforcement Commission

Benjamin L. Ginsberg-Served as national counsel to the Bush-Cheney presidential campaign; He played a central role in the 2000 Florida recount; He also represents the campaigns and leadership PACs of numerous members of the Senate and House, as well as the Republican National Committee, National Republican Senatorial Committee and

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National Republican Congressional Committee; His expertise is more in campaign finance.

Cleta Mitchell-Partner in the Washington, D.C. office of Foley & Lardner LLP; She advises corporations, nonprofit organizations, candidates, campaigns, and individuals on state and federal election and campaign finance law, and compliance issues related to lobbying, ethics and financial disclosure; Ms. Mitchell practices before the Federal Election Commission and similar federal and state enforcement agencies; Her expertise is more in campaign finance law.

Mark Braden-Of counsel at Baker & Hostetler; He concentrates his work principally on election law and governmental affairs, including work with Congress, the Federal Election Commission, state campaign finance agencies, public integrity issues, political broadcast regulation, contests, recounts, the Voting Rights Act, initiatives, referendums and redistricting; His expertise is mainly outside of the voter fraud area.

To: Peggy Sims
From: Tova Wang
Re: Working Group Recommendations
Date: November 12, 2005

*Wendy R. Weiser, Associate Counsel in the Democracy Program at the Brennan Center for Justice at NYU School of Law and an expert in federal and constitutional law, has done a great deal of research, writing, speaking, and litigating on voting rights and election law issues. As part of the Brennan Center's wide ranging activities in the area of democracy, Ms. Weiser is currently overseeing an analysis and investigation of recent allegations of voter fraud throughout the country.

*Barbara Arnwine is Executive Director of the Lawyers Committee for Civil Rights Under Law, an organization that for four decades has been at the forefront of the legal struggle to secure racial justice and equal access to the electoral process for all voters. Notably, Ms. Arnwine and the organization have led the Election Protection program for the last several years, a nationwide grassroots education and legal effort deploying thousands of volunteers and using a nationally recognized voter hotline to protect voters' rights on election day.

*Daniel Tokaji, professor and associate director of the Election Law Center at the Moritz College of Law at the Ohio State University, is one of the nation's foremost experts in election law and reform and ensuring equality in the voting system. Professor Tokaji frequently writes and speaks on democracy related issues at academic and practitioner conferences, on such issues as voting technology, fraud, registration, and identification requirements, as well as the interplay between the election administration practices and voting rights laws.

Donna Brazile is Chair of the Democratic National Committee's Voting Rights Institute, the Democratic Party's major initiative to promote and protect the right to vote created in response to the irregularities of the 2000 election, and former Campaign Manager for Gore-Lieberman 2000 (the first African American to lead a major presidential campaign.) Brazile is a weekly contributor and political commentator on CNN's Inside Politics and American Morning, a columnist for Roll Call Newspaper and a contributing writer for Ms. Magazine.

Wade Henderson is the Executive Director of the Leadership Conference on Civil Rights (LCCR) and Counsel to the Leadership Conference on Civil Rights Education Fund (LCCREF), an organization at the forefront of defending voting rights for the last fifty years. Prior to his role with the Leadership Conference, Mr. Henderson was the Washington Bureau Director of the National Association for the Advancement of Colored People (NAACP)

Robert Bauer is the Chair of the Political Law Practice at the law firm of Perkins Coie, National Counsel for Voter Protection, Democratic National Committee, Counsel to the Democratic Senatorial and Congressional Campaign Committees and Co-Author, Report

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of Counsel to the Senate Rules and Administration Committee in the Matter of the United States Senate Seat from Louisiana in the 105th Congress of the United States, (March 27, 1997). He is the author of *United States Federal Election Law*, and one of the foremost attorneys in the country in the area of federal/state campaign finance and election laws.

Laughlin McDonald has been the executive director of the Southern Regional Office of the ACLU since 1972 and as the Director of the ACLU Voting Rights Project, McDonald has played a leading role eradicating discriminatory election practices and protecting the gains in political participation won by racial minorities since passage of the 1965 federal Voting Rights Act. During the past two decades, McDonald has broken new ground by expanding ACLU voting rights cases to include representation of Native Americans in various western states, and written innumerable publications on voting rights issues.

Joseph E. Sandler is a member of the firm of Sandler, Reiff & Young, P.C., in Washington, D.C., concentrating in campaign finance and election law matters, and general counsel to the Democratic National Committee. As an attorney he has handled campaign finance and election law matters for Democratic national and state party organizations, Members of Congress, candidates and campaigns. He served as general co-counsel of the Association of State Democratic Chairs, as general counsel for the Democratic Governors' Association and as counsel to several state Democratic parties.

Cathy Cox is serving her second term as Georgia's Secretary of State, having first been elected in 1998. In 2002 she earned re-election with over 61 percent of the vote, winning 146 out of 159 counties. Because of Secretary Cox's efforts Georgia has become a national leader in election reform. Her initiative made Georgia the first state in America to deploy a modern, uniform electronic voting system in every county

Karen Lynn-Dyson/EAC/GOV

12/13/2005 01:41 PM

To Adam Ambrogi/EAC/GOV@EAC, Amie J. Sherrill/EAC/GOV@EAC, Sheila A. Banks/EAC/GOV@EAC, Eileen L. Collver/EAC/GOV@EAC

cc

bcc

Subject Fw: November's Progress Report

Eagleton's latest monthly report for your Commissioner's review.

K
Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

— Forwarded by Karen Lynn-Dyson/EAC/GOV on 12/12/2005 01:39 PM —



"Johanna Dobrich "
<jdobrich@eden.rutgers.edu>

12/13/2005 12:29 PM

To klynndyson@eac.gov

cc "tim.vercellotti@rutgers.edu" <tim.vercellotti@rutgers.edu>, davander@eden.rutgers.edu, dlinky@rci.rutgers.edu, ireed@rutgers.edu, joharris@eden.rutgers.edu, john.weingart@rutgers.edu, tokaji.1@osu.edu, foley.33@osu.edu, lauracw@columbus.rr.com,

Subject [REDACTED] November's Progress Report

Dear Ms. Karen Lynn-Dyson:

Attached please find the Eagleton/Moritz Progress Report for the month of November.

Please direct any questions about this report to Tom O'Neill
[REDACTED]

Sincerely,

Johanna Dobrich

--

Johanna Dobrich
jdobrich@eden.rutgers.edu



ProgressReport_NOVEMBER 2005_Eagleton Institute of Politics.doc

014291



EAGLETON INSTITUTE OF POLITICS

*Contract to Provide Research Assistance to the EAC For
the Development of Voluntary Guidance on Provisional
Voting and Voter Identification Procedures*

MONTHLY PROGRESS REPORT
November 2005

For
UNITED STATES ELECTION ASSISTANCE COMMISSION
1225 New York Avenue N.W., Suite - 1100
Washington, DC 20005

December 15, 2005

Prepared by:
Eagleton Institute of Politics
Rutgers, The State University of New Jersey
191 Ryders Lane
New Brunswick, NJ 08901-8557

014292
**Deliberative Process
Privilege**

OUTLINE

- Introduction
- Provisional Voting
 - Task 3.7
 - Task 3.8
- Voter Identification Requirements
 - Task 3.10
 - Task 3.11
- Project Management
 - Task 3.1
- Financial Report

INTRODUCTION

This report describes our progress from November 1 through November 30, 2005. It includes brief descriptions of key tasks; progress made; challenges encountered or anticipated; milestones reached; and projections for work to be completed in the coming month.

In November we completed and submitted our Provisional Voting analysis paper, including recommendations to the EAC for best practices. These policy prescriptions are based on our research and the comments of the Peer Review Group on that research. We completed a careful review of our data to reconcile it with other sources and identify the latest, most reliable information to use in the analysis. The importance of this demanding effort was described in October's Progress Report. We continue to await the EAC's comments on that final draft.

Also in November we revised the schedule for the project in light of the additional time that has been needed for review of earlier drafts by the EAC and the late completion of the Election Day Study. We made a written request to the EAC for a no-cost extension of the contract through the end of February which we understand is likely to be approved before Christmas.

Since the submission of our Provisional Voting report to the EAC on November 28, 2005, our efforts have been entirely aimed at the completion of the voter identification research. We have been advised that EAC will take several weeks to review and react to our final draft on provisional voting. As we await a January meeting on that topic, we are moving ahead

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quickly on the statistical analysis of voter identification data and summarizing the legal research that was completed earlier.

This Monthly Progress Report is divided into 3 sections: Provisional Voting, Voter Identification Requirements, and Project Management. Each section references specific tasks described in paragraph 3 of the contract. The Financial Report will be sent separately by the Rutgers Division of Grant and Contract Accounting.

Please direct questions or comments about this report to [REDACTED] by [REDACTED]

PROVISIONAL VOTING

Tasks 3.4 – 3.9 in our contract relate to Provisional Voting. Task 3.4 was completed in August, and Tasks 3.5 and 3.6 were completed in November.

Task 3.6: Prepare preliminary draft guidance document.

The report and recommendations which were sent to the EAC on November 28, 2005 recommends against the adoption of a guidance document per se and advises that the EAC adopt its recommendations as best practices. That recommendation followed agreement by the EAC with that course of action. The submission of that report and recommendations, however, constitutes the document required under this task. Before proceeding to Task 3.7 (revise the guidance document for publication) or 3.8 (arrange a public hearing on the draft guidance), we await the EAC's decision on how to proceed.

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VOTER IDENTIFICATION REQUIREMENTS

The contract lists 7 tasks (3.10 – 3.16) related to Voter Identification Requirements. The research on Voter ID requirements is proceeding concurrently with our work on the experience of Provisional Voting, and is the principal focus of our research at this time.

Task 3.10: Legislation, regulations, and litigation

The research team at the Moritz College of Law has the lead responsibility for the collection and analysis of legislation, administrative procedures and litigation with regard to Voter Identification Requirements. This collection of material is nearing completion. It will constitute the compendium of legislation, administrative regulations, and case law called for under this task.

Description: The Moritz team has compiled statutes on Voter Identification, and will provide a summarized analysis of this research to the project team for review.

Progress: The 50 state (plus District of Columbia) chart has been completed, the voter identification statutes have been collected for all states and D.C., and summaries of the existing voter identification statutes have been written for all states and D.C. Moritz has completed its review of voter identification litigation. Moritz and Eagleton have worked together to review the research, clarify the categorization of that research on our charts, and reconcile the data developed in our two different research techniques categorizations.

Challenges: The biggest challenge facing the reconciliation process of research findings, descriptions and categorizations is that it is being done by two different teams (Moritz and Eagleton) who rely on different primary source materials. Despite the necessity this has created to reconcile conflicting data from time to time, the collaboration has also been very beneficial because it has made our research efforts more rigorous.

Work Plan: During December we will conclude our reconciliation and continue analysis of voter identification research, including an analysis of the most important issues and trends in voter identification litigation.

SUPPLEMENTS TO LEGAL ANALYSIS

To supplement the legal analysis, the Eagleton team is undertaking two research efforts: First, compiling information on the debate over voter ID in the states; and second, estimating the effect on turnout of different voter ID regimes. Tracking the continuing political debate over voter identification reveals that the relatively narrow HAVA requirements for voter identification have apparently sparked in many states a broader concern and a sharp political debate over rigorous identification requirements for all voters. The research follows these developments both to monitor possible secondary effects of HAVA on voter ID, and to provide a rich collection of alternative approaches for consideration.

During the month of November, we developed narratives to establish how laws were passed, looking at when they were proposed and when they were eventually enacted. In the upcoming month, Eagleton will examine voter registration forms across the states to see what forms of identification are requested from mail-in registrants. The difficulty will be determining the 2004 status of the states.

VOTER ID AND TURNOUT ANALYSIS

Now under way is a statistical analysis to gauge the effect of a state's voter ID regime on turnout, especially turnout by minority and elderly voters.

Description: We have created a database and gathered statistics on the effects of state-level voter identification requirements on voter turnout at the county-level in the 2004 election. In November, we have analyzed both aggregate- and individual-level data to determine whether there is any relationship between voter turnout and the various forms of voter identification states require.

Progress: Analysis is under way for two data sets: County-level data that includes registration and turnout rates for 2000 and 2004, as well as Census measures and indicators of the type of voter identification requirements that were in existence at the time of the 2004 presidential election. The second data set consists of the voter supplement to the November 2004 Current Population Survey. This data set allows for testing of the same hypotheses at the individual level. Preliminary findings from the aggregate data set suggest that voter ID requirements have their greatest effect at the registration stage, as opposed to the turnout stage. This is a first cut at the data, however, and we will be adding a number of control variables to the analysis to see if the relationship holds.

Challenges: These analyses use hierarchical linear modeling. Because voter identification requirements vary by state, one must pay special attention to other, unseen state-level influences on the data. The models are difficult to run and interpret, so the analyses are time-consuming

Work Plan: The statistical analyses will continue during the month of December, and a draft of the findings is anticipated by the end of the month.

PROJECT MANAGEMENT

PEER REVIEW GROUP

Description: A feature of our proposal was the creation of a Peer Review Group (PRG). It reviews our research and methodology and provides valuable feedback and suggestions for the direction of our work.

Progress: During the month of November, Eagleton contacted the PRG Members on two occasions. First, all members received the final draft provisional voting report that was submitted to the EAC. Further comments are welcome but not expected from the PRG. Second, we have asked PRG members to reserve two dates in mid-January for potential conference call sessions to review the voter identification report.

Challenges: No new challenges were encountered during November.

COORDINATION AND INFORMATION MANAGEMENT

Collecting and merging information and data from myriad sources is a demanding requirement of this research. We have developed two principal mechanisms to facilitate the analysis of the material collected or created in the project: an information system and an internal website for easy access to drafts and reports.

INFORMATION SYSTEM

Description: The statutory data and reports prepared by the Moritz College of Law is being merged with the political and procedural data and analysis prepared by the Eagleton Institute of Politics to provide a cohesive final product to the EAC, which will include a compendium of case law and statutes regarding Provisional Voting and voter identification.

Progress: At this point in the research process, many documents are complete after a lengthy process of circulating drafts among team members. We have reorganized our system by separating final drafts from earlier versions of documents, discarding dated files contained in the Information System, and updating the system as a whole. Upon their completion, new documents continue to be added.

Projections: The entire project team continues to use the Information System which contains the above referenced research, in working toward the preparation for our final reports to the EAC.

INTRANET

Description: All project team members have signed on to the Intranet site, and regularly post drafts, completed materials and spreadsheets online for internal review. The Intranet facilitates the exchange of information and collaboration among project participants.

FINANCIAL REPORT

The financial reporting for this project is supervised and prepared by the Division of Grant and Contract Accounting (DGCA) at Rutgers. Financial reporting on grant accounts is limited to actual expenses that have been incurred during the reporting period. Our contact at DGCA is: Constance Bornheimer, (732) 932-0165, EXT. 2235.

A detail of expenses incurred from project November 1- November 30, 2005, will be sent under separate cover to: Ms. Dianna Scott, Administrative Officer at the EAC.

014298
7



Bert A. Benavides/EAC/GOV
08/21/2006 05:09 PM

To PDegregorio@eac.gov, Donetta L. Davidson/EAC/GOV,
Gracia Hillman/EAC/GOV, Thomas R.
Wilkey/EAC/GOV@EAC, Juliet E.
cc Edgardo Cortes/EAC/GOV@EAC, Amie J.
Sherrill/EAC/GOV, Sheila A. Banks/EAC/GOV, Elieen L.
Collver/EAC/GOV@EAC, Adam Ambrogio/EAC/GOV,
bcc

Subject Commissioners' Staff Briefing for 8-24-06

Commissioners' Staff Briefing: Thursday, 8-24-06
9:30 AM - 11:30 AM EST, Small Conference Room

- Commissioners DeGregorio, Davidson and Hillman will participate.

- | | |
|---|---------------------------------------|
| 1. CA Appeal (EC / MS) | Mats to be distributed by COB 8-02-06 |
| 2. Vendor Responses (BH) | Mats to be distributed by COB 8-22-06 |
| 3. Indirect Cost Response Policy (MS) | Mats to be distributed by COB 8-22-06 |
| 4. Eagleton Update (KLD) | Mats to be distributed by COB 8-22-04 |
| 5. Gov Works Update (KLD) | No materials |
| 6. Addition to NAS Contract (TW/KLD) | No materials |
| 7. September Public Mtg Draft Agenda (TW) | Draft Agenda attached |
| 8. Private Briefing (Tom/Gavin) | No materials |



Public Mtg. St. Louis, MO, 9-21-06 - DRAFT AGENDA.doc

Bert A. Benavides
Special Assistant to the Executive Director
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1225 New York Avenue, Suite 1100
Washington, DC 20005
202.566.3114 direct line
202.566.3128 fax
bbenavides@eac.gov

014299



"Daniel Tokaji"
<tokaji.1@osu.edu>
03/17/2006 01:51 PM

To aambrogi@eac.gov
cc
bcc
Subject RE: Martinez ELJ Submission

Will do. I didn't have time to review the final version before it went to you guys, but will do so. The last one I read was an improvement over prior drafts.

Daniel P. Tokaji
Assistant Professor of Law
The Ohio State University
Moritz College of Law
614.292.6566
<http://moritzlaw.osu.edu/blogs/tokaji/>

From: aambrogi@eac.gov [mailto:aambrogi@eac.gov]
Sent: Friday, March 17, 2006 12:05 PM
To: tokaji.1@osu.edu
Subject: RE: Martinez ELJ Submission

Dan:

Also, I know we talked about this before, but I just received a draft of the Eagleton ID Provision piece. If you have comments or follow-up, pls let me know...

Thanks.
Adam

Adam D. Ambrogi
Special Assistant to Commissioner Ray Martinez III
U.S. Election Assistance Commission
1225 New York Ave. NW - Suite 1100
Washington, DC 20005
202-566-3105

"Daniel Tokaji" <tokaji.1@osu.edu>

03/17/2006 11:21 AM

To aambrogi@eac.gov
cc
Subject RE: Martinez ELJ Submission

014300

Adam: Just read this and think it's perfect. Thanks to both you and the Commissioner! Dan

Daniel P. Tokaji
Assistant Professor of Law
The Ohio State University
Moritz College of Law
614.292.6566
<http://moritzlaw.osu.edu/blogs/tokaji/>

From: aambrogi@eac.gov [mailto:aambrogi@eac.gov]
Sent: Thursday, March 16, 2006 6:43 PM
To: tokaji.1@osu.edu; lowenstein@law.ucla.edu; mathews@law.ucla.edu; Rick.Hasen@lls.edu
Cc: rmartinez@eac.gov
Subject: Martinez ELJ Submission

Profs. Hasen, Lowenstein, and Tokaji:

Attached please find the submission of the Martinez Submission to the Election Law Journal's Mortiz Edition.

We apologize for turning in this paper late; we have unfortunately been occupied with a series of fast-moving election administration events (largely beyond our control). That said, we believe this to be a strong, well researched piece that makes an important statement, and are proud to submit it for consideration.

We are, of course, open to any edits that you may have to this papers, and as to structure, or footnoting improvements. I will provide your staff with any items that you may need to keep "on file" that are not readily available in the public for the cited material. I have taken the opportunity to do a generic law review style format, but you can obviously alter that as per ELJ's specifications. I have limited the "short cite" format-- because the piece isn't terribly long, but I have attempted to follow the Bluebook as much as possible.

Again, I know that Commissioner Martinez truly appreciates the opportunity to write for the ELJ, and the encouragement that you all have provided him to get this piece done. We welcome your comments, and will be happy to work with you on further improving this piece.

Very truly yours,
Adam Ambrogi

Adam D. Ambrogi
Special Assistant to Commissioner Ray Martinez III
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014301

202-566-3105

014302



U.S. ELECTION ASSISTANCE COMMISSION

**Status Report on the
Voting Fraud-Voter Intimidation Research
Project**

May 17, 2006

014303

INTRODUCTION

Section 241 of the Help America Vote Act of 2002 (HAVA) requires EAC to conduct research on election administration issues. Among the tasks listed in the statute is the development of:

- nationwide statistics and methods of identifying, deterring, and investigating voting fraud in elections for Federal office [section 241(b)(6)]; and
- ways of identifying, deterring, and investigating methods of voter intimidation [section 241(b)(7)].

EAC's Board of Advisors recommended that the agency make research on these matters a high priority.

FOCUS OF CURRENT RESEARCH

In September 2005, the Commission hired two consultants with expertise in this subject matter, Job Serebrov and Tova Wang, to:

- develop a comprehensive description of what constitutes voting fraud and voter intimidation in the context of Federal elections;
- perform background research (including Federal and State administrative and case law review), identify current activities of key government agencies, civic and advocacy organizations regarding these topics, and deliver a summary of this research and all source documentation;
- establish a project working group, in consultation with EAC, composed of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation;
- provide the description of what constitutes voting fraud and voter intimidation and the results of the preliminary research to the working group, and convene the working group to discuss potential avenues for future EAC research on this topic; and
- produce a report to EAC summarizing the findings of the preliminary research effort and working group deliberations that includes recommendations for future research, if any;

As of the date of this report, the consultants have drafted a definition of election fraud, reviewed relevant literature and reports, interviewed persons from government and private sectors with subject matter expertise, analyzed news reports of alleged election fraud, reviewed case law, and established a project working group.

DEFINITION OF ELECTION FRAUD

The consultants drafted a definition of election fraud that includes numerous aspects of voting fraud (including voter intimidation, which is considered a subset of voting fraud) and voter registration fraud, but excludes campaign finance violations and election administration mistakes. This draft will be discussed and probably refined by the project working group, which is scheduled to convene on May 18, 2006.

LITERATURE REVIEW

The consultants found many reports and books that describe anecdotes and draw broad conclusions from a large array of incidents. They found little research that is truly systematic or scientific. The most systematic look at fraud appears to be the report written by Lori Minnite, entitled "Securing the Vote: An Analysis of Election Fraud". The most systematic look at voter intimidation appears to be the report by Laughlin McDonald, entitled "The New Poll Tax". The consultants found that books written about this subject all seem to have a political bias and a pre-existing agenda that makes them somewhat less valuable.

Moreover, the consultants found that reports and books make allegations but, perhaps by their nature, have little follow up. As a result, it is difficult to know when something has remained in the stage of being an allegation and gone no further, or progressed to the point of being investigated or prosecuted or in any other way proven to be valid by an independent, neutral entity. This is true, for example, with respect to allegations of voter intimidation by civil rights organizations, and, with respect to fraud, John Fund's frequently cited book, "Stealing Elections".

Consultants found that researchers agree that measuring something like the incidence of fraud and intimidation in a scientifically legitimate way is extremely difficult from a methodological perspective and would require resources beyond the means of most social and political scientists. As a result, there is much more written on this topic by advocacy groups than social scientists.

Other items of note:

- There is as much evidence, and as much concern, about structural forms of disenfranchisement as about intentional abuse of the system. These include felon disenfranchisement, poor maintenance of databases and identification requirements.
- There is tremendous disagreement about the extent to which polling place fraud, e.g. double voting, intentional felon voting, noncitizen voting, is a serious problem. On balance, more researchers find it to be less of a problem than is commonly described in the political debate; but some reports say it is a major problem, albeit hard to identify.

- There is substantial concern across the board about absentee balloting and the opportunity it presents for fraud.
- Federal law governing election fraud and intimidation is varied and complex and yet may nonetheless be insufficient or subject to too many limitations to be as effective as it might be.
- Deceptive practices, e.g. targeted flyers and phone calls providing misinformation, were a major problem in 2004.
- Voter intimidation continues to be focused on minority communities, although the American Center for Voting Rights uniquely alleges it is focused on Republicans.

Recommendations

The consultants recommend that subsequent EAC research include a follow up study of allegations made in reports, books and newspaper articles. They also suggest that the research should focus on filling the gap between the lack of reports based on methodical studies by social or political scientists and the numerous, but less scientific, reports published by advocacy groups.

INTERVIEWS

The consultants jointly selected experts from the public and private sector for interviews. The consultants' analysis of their discussions with these members of the legal, election official, advocacy, and academic communities follows.

Common Themes

- There is virtually universal agreement that absentee ballot fraud is the biggest problem, with vote buying and registration fraud coming in after that. The vote buying often comes in the form of payment for absentee ballots, although not always. Some absentee ballot fraud is part of an organized effort; some is by individuals, who sometimes are not even aware that what they are doing is illegal. Voter registration fraud seems to take the form of people signing up with false names. Registration fraud seems to be most common where people doing the registration were paid by the signature.
- There is widespread but not unanimous agreement that there is little polling place fraud, or at least much less than is claimed, including voter impersonation, "dead" voters, noncitizen voting and felon voters. Those few who believe it occurs often enough to be a concern say that it is impossible to show the extent to which it happens, but do point to instances in the press of such incidents. Most people believe that false registration forms have not resulted in polling place fraud,

although it may create the perception that vote fraud is possible. Those who believe there is more polling place fraud than reported/investigated/prosecuted believe that registration fraud does lead to fraudulent votes. Jason Torchinsky from the American Center for Voting Rights is the only interviewee who believes that polling place fraud is widespread and among the most significant problems in the system.

- Abuse of challenger laws and abusive challengers seem to be the biggest intimidation/suppression concerns, and many of those interviewed assert that the new identification requirements are the modern version of voter intimidation and suppression. However there is evidence of some continued outright intimidation and suppression, especially in some Native American communities. A number of people also raise the problem of poll workers engaging in harassment of minority voters. Other activities commonly raised were the issue of polling places being moved at the last moment, unequal distribution of voting machines, videotaping of voters at the polls, and targeted misinformation campaigns.
- Several people indicate that, for various reasons, DOJ is bringing fewer voter intimidation and suppression cases now, and has increased its focus on matters such as noncitizen voting, double voting, and felon voting. Interviews with DOJ personnel indicate that the Voting Section, Civil Rights Division, focuses on systemic patterns of malfeasance in this area. While the Election Crimes Branch, Public Integrity Section, continues to maintain an aggressive pursuit of systematic schemes to corrupt the electoral process (including voter suppression), it also has increased prosecutions of individual instances of felon, alien, and double voting.
- The problem of badly kept voter registration lists, with both ineligible voters remaining on the rolls and eligible voters being taken off, remains a common concern. A few people are also troubled by voters being on registration lists in two states. They said that there was no evidence that this had led to double voting, but it opens the door to the possibility. There is great hope that full implementation of the new requirements of HAVA – done well, a major caveat – will reduce this problem dramatically.

Common Recommendations:

- Many of those interviewed recommend better poll worker training as the best way to improve the process; a few also recommended longer voting times or voting on days other than election day (such as weekends) but fewer polling places so only the best poll workers would be employed.
- Many interviewed support stronger criminal laws and increased enforcement of existing laws with respect to both fraud and intimidation. Advocates from across the spectrum expressed frustration with the failure of the Department of Justice to pursue complaints.

- With respect to DOJ's Voting Section, Civil Rights Division, John Tanner indicated that fewer cases are being brought because fewer are warranted – it has become increasingly difficult to know when allegations of intimidation and suppression are credible since it depends on one's definition of intimidation, and because both parties are doing it. Moreover prior enforcement of the laws has now changed the entire landscape – race based problems are rare now. Although challenges based on race and unequal implementation of identification rules would be actionable, Mr. Tanner was unaware of such situations actually occurring and his office has not pursued any such cases.
- Craig Donsanto of DOJ's Election Crimes Branch, Public Integrity Section, says that while the number of election fraud related complaints have not gone up since 2002, nor has the proportion of legitimate to illegitimate claims of fraud, the number of cases DOJ is investigating and the number of indictments his office is pursuing are both up dramatically. Since 2002, in addition to pursuing systematic election corruption schemes, DOJ has brought more cases against alien voters, felon voters and double voters than ever before. Mr. Donsanto would like more resources so that his agency can do more and would like to have laws that make it easier for the federal government to assume jurisdiction over voter fraud cases.
- A couple of interviewees recommend a new law that would make it easier to criminally prosecute people for intimidation even when there is not racial animus.
- Several advocate expanded monitoring of the polls, including some associated with the Department of Justice.
- Almost everyone hopes that administrators will maximize the potential of statewide voter registration databases to prevent fraud.
- Challenge laws, both with respect to pre-election day challenges and challengers at the polls, need to be revised by all states to ensure they are not used for purposes of wrongful disenfranchisement and harassment.
- Several people advocate passage of Senator Barak Obama's "deceptive practices" bill.
- There is a split on whether it would be helpful to have nonpartisan election officials – some indicated they thought even if elections officials are elected as non partisan officials, they will carry out their duties in biased ways nonetheless. However, most agree that elections officials pursuing partisan agendas are a problem that must be addressed in some fashion. Suggestions included moving election responsibilities out of the secretary of states' office; increasing transparency in the process; and enacting conflict of interest rules.

- A few recommend returning to allowing use of absentee ballots “for cause” only if it were politically feasible.
- A few recommend enacting a national identification card, including Pat Rogers, an attorney in New Mexico, and Jason Torchinsky from ACVR, who advocates the proposal in the Carter-Baker Commission Report.
- A couple of interviewees indicated the need for clear standards for the distribution of voting machines

NEWS ARTICLES

Consultants conducted a Nexis search of related news articles published between January 1, 2001 and January 1, 2006. A systematic, numerical analysis of the data collected during this review is currently being prepared. What follows is an overview of these articles provided by the consultants.

Absentee Ballots

According to press reports, absentee ballots are abused in a variety of ways:

- Campaign workers, candidates and others coerce the voting choices of vulnerable populations, usually elderly voters.
- Workers for groups and individuals have attempted to vote absentee in the names of the deceased.
- Workers for groups, campaign workers and individuals have attempted to forge the names of other voters on absentee ballot requests and absentee ballots and thus vote multiple times.

It is unclear how often actual convictions result from these activities (a handful of articles indicate convictions and guilty pleas), but this is an area in which there have been a substantial number of official investigations and actual charges filed, according to news reports where such information is available. A few of the allegations became part of civil court proceedings contesting the outcome of the election.

While absentee fraud allegations turn up throughout the country, a few states have had several such cases. Especially of note are Indiana, New Jersey, South Dakota, and most particularly, Texas. Interestingly, there were no articles regarding Oregon, where the entire system is vote by mail.

Voter Registration Fraud

According to press reports, the following types of allegations of voter registration fraud are most common:

- Registering in the name of dead people;
- Fake names and other information on voter registration forms;
- Illegitimate addresses used on voter registration forms;
- Voters being tricked into registering for a particular party under false pretenses; and
- Destruction of voter registration forms depending on the party the voter registered with.

There was only one self evident instance of a noncitizen registering to vote. Many of the instances reported included official investigations and charges filed, but few actual convictions, at least from the news reporting. There have been multiple reports of registration fraud in California, Colorado, Florida, Missouri, New York, North Carolina, Ohio, South Dakota, and Wisconsin.

Voter Intimidation and Suppression

This is the area which had the most articles, in part because there were so many allegations of intimidation and suppression during the 2004 election. Most of these remained allegations and no criminal investigation or prosecution ensued. Some of the cases did end up in civil litigation.

This is not to say that these alleged activities were confined to 2004 – there were several allegations made during every year studied. Most notable were the high number of allegations of voter intimidation and harassment reported during the 2003 Philadelphia mayoral race.

A very high number of the articles were about the issue of challenges to voters' registration status and challengers at the polling places. There were many allegations that planned challenge activities were targeted at minority communities. Some of the challenges were concentrated in immigrant communities.

However, the tactics alleged varied greatly. The types of activities discussed also include the following:

- Photographing or videotaping voters coming out of polling places;
- Improper demands for identification;

- Poll watchers harassing voters;
- Poll workers being hostile to or aggressively challenging voters;
- Disproportionate police presence;
- Poll watchers wearing clothes with messages that seemed intended to intimidate; and
- Insufficient voting machines and unmanageably long lines.

Although the incidents reported on occurred everywhere, not surprisingly, many came from “battleground” states. There were several such reports out of Florida, Ohio, and Pennsylvania.

“Dead Voters and Multiple Voting”

There were a high number of articles about people voting in the names of the dead and voting more than once. Many of these articles were marked by allegations of big numbers of people committing these frauds, and relatively few of these allegations turning out to be accurate according to investigations by the newspapers themselves, elections officials, and criminal investigators. Often the problem turned out to be a result of administrative error, poll workers mis-marking voter lists, a flawed registration list and/or errors made in the attempt to match names of voters on the list with the names of the people who voted. In a good number of cases, there were allegations that charges of double voting by political leaders were an effort to scare people away from the voting process.

Nonetheless there were a few cases of people actually being charged and/or convicted for these kinds of activities. Most of the cases involved a person voting both by absentee ballot and in person. A few instances involved people voting both during early voting and on Election Day, which calls into question the proper marking and maintenance of the voting lists. In many instances, the person charged claimed not to have voted twice on purpose. A very small handful of cases involved a voter voting in more than one county and there was one substantiated case involving a person voting in more than one state. Other instances in which such efforts were alleged were disproved by officials.

In the case of voting in the name of a dead person, the problem lay in the voter registration list not being properly maintained, i.e. the person was still on the registration list as eligible to vote, and a person took criminal advantage of that. In total, the San Francisco Chronicle found five such cases in March 2004; the AP cited a newspaper analysis of five such persons in an Indiana primary in May 2004; and a senate committee found two people to have voted in the names of the dead in 2005.

As usual, there were a disproportionate number of such articles coming out of Florida. Notably, there were three articles out of Oregon, which has one hundred percent vote-by-mail.

Vote Buying

There were a surprising number of articles about vote buying cases. A few of these instances involved long-time investigations concentrated in three states (Illinois, Kentucky, and West Virginia). There were more official investigations, indictments and convictions/pleas in this area.

Deceptive Practices

In 2004 there were numerous reports of intentional disinformation about voting eligibility and the voting process meant to confuse voters about their rights and when and where to vote. Misinformation came in the form of flyers, phone calls, letters, and even people going door to door. Many of the efforts were reportedly targeted at minority communities. A disproportionate number of them came from key battleground states, particularly Florida, Ohio, and Pennsylvania. From the news reports found, only one of these instances was officially investigated, the case in Oregon involving the destruction of completed voter registration applications. There were no reports of prosecutions or any other legal proceeding.

Non-citizen Voting

There were surprisingly few articles regarding noncitizen registration and voting – just seven all together, in seven different states across the country. They were also evenly split between allegations of noncitizens registering and noncitizens voting. In one case, charges were filed against ten individuals. In another case, a judge in a civil suit found there was illegal noncitizen voting. Three instances prompted official investigations. Two cases, from this Nexis search, remained just allegations of noncitizen voting.

Felon Voting

Although there were only thirteen cases of felon voting, some of them involved large numbers of voters. Most notably, of course, are the cases that came to light in the Washington gubernatorial election contest (see Washington summary) and in Wisconsin (see Wisconsin summary). In several states, the main problem was the large number of ineligible felons that remained on the voting list.

Election Official Fraud

In most of the cases in which fraud by elections officials is suspected or alleged, it is difficult to determine whether it is incompetence or a crime. There are several cases of ballots gone missing, ballots unaccounted for and ballots ending up in a worker's possession. In two cases workers were said to have changed peoples' votes. The one

instance in which widespread ballot box stuffing by elections workers was alleged was in Washington State. The judge in the civil trial of that election contest did not find that elections workers had committed fraud. Four of the cases are from Texas.

Recommendation

The consultants recommend that subsequent EAC research should include a Nexis search that specifically attempts to follow up on the cases for which no resolution is evident from this particular initial search.

CASE LAW RESEARCH

After reviewing over 40,000 cases from 2000 to the present, the majority of which came from appeals courts, the consultants found comparatively few applicable to this study. Of those that were applicable, the consultants found that no apparent thematic pattern emerges. However, it appears to them that the greatest areas of fraud and intimidation have shifted from past patterns of stealing votes to present problems with voter registration, voter identification, the proper delivery and counting of absentee and overseas ballots, provisional voting, vote buying, and challenges to felon eligibility.

Recommendation

Because so few cases provided a picture of these current problems, consultants suggest that subsequent EAC research include a review of state trial-level decisions.

PROJECT WORKING GROUP

Consultants and EAC worked together to select members for the Voting Fraud-Voter Intimidation Working Group that included election officials and representatives of advocacy groups and the legal community who have an interest and expertise in the subject matter. (See Attachment A for a list of members.) The working group is scheduled to convene at EAC offices on May 18, 2006 to consider the results of the preliminary research and to offer ideas for future EAC activities concerning this subject.

FINAL REPORT

After convening the project working group, the consultants will draft a final report summarizing the results of their research and the working group deliberations. This report will include recommendations for future EAC research related to this subject matter. The draft report will be reviewed by EAC and, after obtaining any clarifications or corrections deemed necessary, will be made available to the EAC Standards Board and EAC Board of Advisors for review and comment. Following this, a final report will be prepared.

Attachment A

Voting Fraud-Voter Intimidation Project Working Group

The Honorable Todd Rokita

Indiana Secretary of State

Member, EAC Standards Board and the Executive Board of the Standards Board

Kathy Rogers

Georgia Director of Elections, Office of the Secretary of State

Member, EAC Standards Board

J.R. Perez

Guadalupe County Elections Administrator, TX

Barbara Arnwine

Executive Director, Lawyers Committee for Civil Rights Under Law

Leader of Election Protection Coalition

(To be represented at May 18, 2006 meeting by Jon M. Greenbaum, Director of the Voting Rights Project for the Lawyers Committee for Civil Rights Under Law)

Robert Bauer

Chair of the Political Law Practice at the law firm of Perkins Coie, DC

National Counsel for Voter Protection, Democratic National Committee

Benjamin L. Ginsberg

Partner, Patton Boggs LLP

Counsel to national Republican campaign committees and Republican candidates

Mark (Thor) Hearne II

Partner-Member, Lathrop & Gage, St Louis, MO

National Counsel to the American Center for Voting Rights

Barry Weinberg

Former Deputy Chief and Acting Chief, Voting Section, Civil Rights Division, U.S.

Department of Justice

EAC Invited Technical Advisor:

Craig Donsanto

Director, Election Crimes Branch, U.S. Department of Justice

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U.S. ELECTION ASSISTANCE COMMISSION
STANDARDS BOARD MEETING

Taken at the Hamilton Crown Plaza Hotel
1001 14th Street, Northwest
Washington, D.C.

Taken on the date of:
Tuesday, May 23, 2006

21 Start time: 10:00 o'clock, a.m.
22 Taken before: Pauline Jansen, court reporter

- 1 AGENDA:
- 2 Brief Welcoming Remarks Commissioner Ray Martinez
- 3 EAC Staff Presentations:
- 4 Legal on-line Information
- 5 Clearinghouse Julie Hodgkins
- 6 Design for Democracy Karen Lynn-Dyson

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7 Public Access Portals Edgardo Cortes
8 Spanish and Asian Language
9 Working Groups Edgardo Cortes
10 Standards Board Plenary Session: Peggy Nighswonger
11 1) Adoption of Parliamentary
12 2) Adoption of Agenda
13 3) Review of Meeting
14 4) Review of Present Standards Board Bylaws
15 5) Briefing on Re-adoption of Standards Board Charter
16 6) Election of Executive Board Vacancy
17 DISCUSSION DRAFT REPORT ON PROVISIONAL VOTING
18 Presenters: Thomas O'Neill and Edward Foley
19 DISCUSSION: RESEARCH ON POLL WORKER RECRUITMENT,
20 TRAINING AND RETENTION
21 Presenters: Jennifer Collins-Foley and Abby Horn
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1 P-R-O-C-E-E-D-I-N-G-S
2 MR. MARTINEZ: Good afternoon, everybody.
3 Please continue with your lunch. We are going to get
4 started with the program. And what I am going to do for
5 a quick two or three minutes is just to lay the
6 groundwork if you will and try to let you all know what
7 we are going to attempt to accomplish over the next
8 couple of days. And give you an idea as to what issues
9 we hope to put in front of you et. Cetera.
10 Again I am Ray Martinez. I am a Commissioner
11 with the U.S. Elections Assistance Commission. I do
12 want you to recognize my esteemed colleague the former
13 Secretary of State of the great State of Colorado and
14 now Commissioner with EAC, Betty Davidson. Madame

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15 Commissioner if you will stand up (Applause).

16 what we hope to accomplish-- well, we are
17 here to discuss and get advice, the EAC, to get advice
18 from our Statutory Advisory Boards. We have two main
19 Statutory Advisory Boards created by(inaudible) which
20 is our government statute. One is the Board of Advisors
21 which is meeting up on the second floor and is
22 conducting concurrent meetings doing and hearing

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1 exactly the same issues that you all will be hearing
2 about as well.

3 we have a presenter upstairs and as soon as
4 they are done we switch places and we will run
5 concurrent agenda with the Board of Advisors up stairs.

6 And of course our second important Advisory
7 Board committee is this great body right here and that
8 is the 110 Member Standards Board.

9 what we have done in preparing your agenda
10 for this particular meeting is different from what we
11 did in Denver last September, In Denver last September
12 we had a very important issue that we had to put before
13 our two Statutory Advisory Boards and the Board of
14 Advisors met separately for that meeting in a different
15 location.

16 what we did is focus on the voluntary voting
17 system guidelines lines back in Denver back in
18 September of last year. We broke up into break out
19 sessions on the various aspects of the BBSG, security,

20 accessibility human factors et cetera. We had a very
21 productive meeting about the voluntary voting system
22 guidelines.

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1 For this particular meeting what you have is
2 an agenda full of Commissions and working EAC research
3 projects. Just about our full research agenda will be
4 presented to you throughout the next two days. And the
5 reason for us to do that is because the EAC-- a very
6 important function of the EAC in addition to working as
7 your full partner in implementing the various
8 requirements in HAVA will also be a national clearing
9 house for best practices on election administration.
10 And to be able to fully play and fulfill that role as
11 an agency it is incumbent upon us to commission
12 objective and professional and sound research so we can
13 fully inform our partners in the election community and
14 in the advocacy community, all our stake holders as to
15 what we find our best practices in election
16 administration.

17 So you will hear a series of presentations
18 that begin almost immediately as soon as I get off the
19 podium here. They will start to tell you here are the
20 things that we are working. And the goal that we want
21 to try to accomplish in the next day and a half is to
22 get your candid advice of what we are working on. I

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1 strongly encourage as much feed back questions whether
2 they are positive or challenging. We want to get a
3 sense of direction on the projects we are going to be
4 presenting to you over the next day and a half. So we
5 want to encourage your candid interaction as you hear
6 these presentations and we need to get fully informed
7 as to the direction that we are headed.

8 So the goal of this meeting is to give you a
9 full briefing of all of our research projects we are
10 working on. If you look at the agenda you will see at
11 the end of the next day and a half, meaning tomorrow
12 afternoon, you will have a two block. And that block
13 can be extended even further if necessary for a plenary
14 session time were you will be able to talk among
15 yourselves as members of the Standards Board and to
16 discuss what you heard from the EAC and if necessary
17 if it is so desired pass resolutions and speak formally
18 as a Standards Board, as an Advisory Board as to your
19 collective opinion about the work that we are doing
20 here.

21 We truly value the feed back we get from all
22 of you. We don't just meet in a vacuum. I see so many

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7

1 faces out in this room that we at the EAC call on just
2 about every day for advice and for input.

3 So it is a very unique situation for us to
4 have so many of you that we call upon almost daily to
5 have you all collectively in the same room and to be
6 able to draw from your vast experience and expertise
7 for the next day and a half. We feel very fortunate to
8 have you here. We are very thankful that you have
9 traveled a great distance for many of you to spend the
10 next day and a half with us. Thank you in advance.

11 So with that let me say I do need to
12 announce anybody that needs to have an interpreter or
13 signage can come and sit in the front row or we will
14 make better accommodations for you to have a better
15 view of the interpreter. This meeting is open to the
16 public as have all of our Standards Board meetings have
17 been. So there is a section in the back where non
18 Standards Board Members are present. However Q and A
19 and actual interaction is limited to the Standards
20 Board members who are present. The members of the
21 public who are here may observe but they may not ask
22 questions or engage in any of the discussions or

1 presentations. It is strictly for the members of the
2 Standards Board.

3 After we do some quick presentations here for
4 the remainder of our lunch hour this meeting will be
5 turned over the members of your executive board,
6 meaning your acting chair, Peggy Nighswonger and her
7 colleagues on the Executive Board, will then come up to
8 the head table and begin to work you through the agenda
9 and solicit your feed back.

10 So with that I will go ahead and ask our
11 first presenter, our current General Counsel, Julie
12 Thompson Hodgkins to come up and give us a brief
13 presentation on our Legal Resources web page. After
14 that we will have three more presentations. And then we
15 will take a break and go into your first Plenary
16 Session. Julie, if you will come up, please.

17 MS. THOMPSON-HODGKINS: Thank you Mr. Martinez
18 and welcome everyone to Washington D.C. I am so pleased
19 to be the first presenter. To be able to talk about,
20 well, what is a small project for EAC, but one that I
21 hope will bring a lot of value to the election.

22 Just to briefly give you a little insight

1 into this project I remember the days back when I was a
2 State Election Administrator being general counsel for
3 the Department of Elections in Louisiana thinking it
4 really would be nice to have one source to be able to
5 go to take a look at all of the laws, all of the
6 regulations, all of the cases country wide that dealt
7 with elections.

8 I remember those days when you got frantic
9 calls from the Legislature wanting to know how another
10 state dealt with provisional voting or casting ballots
11 or absentee voting or what have you and wishing I had a
12 resource.

13 Actually at the Denver meeting I took a
14 little poll of a few of you asking what you would think
15 about EAC putting together this kind of resource. And
16 it got some support. I brought it to the Commissioners
17 and said, you know, hey what do you think about this?
18 And they thought it was a good idea to.

19 So what we are doing is putting together a
20 website to provide access for all of you, all the
21 members of the public, to legal materials related to
22 elections. It will provide you with up to date

10

1 information, current statues, current cases, and in a
2 format that is user friendly.

3 We decided to start this project with a

4 rather simple focus and that is State and Federal
5 elections. Anything from State Constitutions, Federal
6 Constitutions, Federal law, such as Help America Vote
7 Act, and NVRA, The Voting Rights Act. Certainly the
8 Voting Accessibility for the Elderly and Handicapped,
9 ADA and the rehab act. Anything that we could think of
10 either in the Federal or State arena in terms of
11 Legislation that would impact the elections process.

12 We are also going to have State Statutes.
13 Constitutions, Administrative Rules and Regs. They will
14 be categorized by state and by topical area. So if
15 you're interested in knowing how California deals with
16 provisional voting you can go to California and take a
17 look at Provisional Voting Statutes or cases. The same
18 thing with voting equipment and various other
19 categories.

20 However if you are looking for a broader
21 search you will also be able to key in the terms that
22 you're interested in finding and take a look across all

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1 of the States to see a sort of panorama of how that
2 particular topic is dealt with.

3 As far as the cases are concerned we asked
4 our contractor to summarize the cases for you at the
5 beginning so that you didn't have to read the whole

6 case in order to determine whether or not it was
7 something that really applied to your particular
8 situation. You will also have a link to the full text
9 of that decision. We started with a narrow focus and
10 that is State and Federal elections particularly Help
11 America Vote Act and the NVRA, and those issues which
12 would be the most important to you guys as you are
13 implementing HAVA.

14 As far as the time line is concerned on this
15 project our contractor is just about finished
16 identifying all of the resources that we need to be
17 contained in the data base. They are in the process of
18 summarizing those cases. And we will be populating that
19 data base.

20 I am thrilled actually today to be able to
21 give you a little bit of a preview of the data base. I
22 hope you guys can see this. The text is a little small.

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1 But these are some screen shots that we have. And this
2 a look into the actual key word search where you would
3 be able to enter in for instance: "Cast Ballot". And
4 pull up cases, statutes, regulations that deal with how
5 various different states are casting ballots. You can
6 also of course, as I told you before, search by
7 category or by state. So there will be a browsing
8 function there that you can go to those into a drop

9 down menu and choose from various different sources.

10 And this is sort of an example of what the
11 results page would look like. The information that you
12 will be needing.

13 we are very excited about this. I hope that
14 you guys share the excitement and hope this will be a
15 great resource for you. This is another little screen
16 shot here of browsing a particular record for a single
17 state.

18 If you have any questions, comments anything
19 that I can answer right now I would be happy to take
20 questions.

21 MS. LYNN BAILEY: (Georgia) when do you
22 anticipate that project will be available for the

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1 public.

2 MS. THOMPSON-HODGKINS: I believe the tract
3 that the contractor is on right now we should have this
4 up by mid July. They are well into identifying all of
5 the resources. There are quite a number of cases that
6 they have summarized. But we try to ask them to do that
7 on a priority bases, the newest cases first so that we
8 can get that information out to you in that time frame.

9 BRAD CLARK: (California) will this be
10 available to a regular EAC website? Will there be a be

11 a link to that legal resources.

12 MS. THOMPSON-HODGKINS: That is correct. There
13 will be a link to Legal Resources Clearing House or
14 Legal resources. You will be able to just go get that
15 right off the EAC page.

16 The court Reporter has asked me to tell those
17 who are speaking to identify yourselves so we will know
18 who is speaking. Thank you so much for this opportunity
19 to come and talk to you about this. I will be around
20 for the next day and a half. So if any other questions
21 come up with regard to Legal Resource Clearing House or
22 in regard to anything else please do not hesitate to

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14

1 come and find me.

2 MR. MARTINEZ: I think Julie actually makes a
3 good point at the end. And that is our staff will be
4 around for the next couple of days. The presentations
5 that you're hearing today at lunch are going to be kind
6 of rushed because we are trying to get you as much
7 information as we can. And we are starting with this
8 lunch hour. But after the lunch hour the presentations
9 that you will have will be issue specific. You will not
10 not have four in a one hour block of time. There will
11 be a time when you will get a ten or fifteen minute
12 presentation with about thirty to forty minutes to ask
13 questions on a particular issue.

14 So these are the ones we thought we could do
15 rather quickly. But still even so we encourage you to
16 ask to ask questions even if it means we need to
17 readjust our agenda this afternoon.

18 Okay. Our next presenter-- I am going to ask
19 Karen Lynn-Dyson who is our research manager. Karen
20 manages all of our research agenda. And Karen, why
21 don't you come on up to the microphone if you don't
22 mind. And Karen will introduce our next presenter who

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15

1 will give a very a quick, brief, presentation. This
2 project is on the work that we are doing to redesign or
3 to offer more user friendly designs for various
4 products that our presenter will explain to you. Karen
5 come on up.

6 MS. KAREN LYNN-DYSON: I just want to
7 reiterate what Commission Martinez said in terms of my
8 availability to everyone here over the next couple of
9 days. Am the individual responsible for oversight for
10 all of the agencies research works and projects. I look
11 forward very much to hearing from you all, your
12 concerns, you issues, things you would like to see us
13 addressing or addressing in more detail.

14 We have with us today Rick Grafe who is the
15 CEO of the American Institute of Graphic Art. This

16 project which the Elections Assistance Commission is
17 contracted for is one that Commissioner Martinez
18 indicated where we are trying to provide to you all a
19 series of best practices on ballot design and on
20 signage. And with these best practices and these
21 exhibits, if you will, of possibilities for approaches
22 to ballot design and polling place signage we will take

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1 into consideration literacy, readability, usability
2 alternate languages, braille, audio accessibility and
3 ADA compliance.

4 The American Institute of Graphic Art is the
5 professional association of design. It has some 17,000
6 designers working in a variety of communication media.
7 And they through their Design for Democracy which is
8 their non profit affiliate can assist you all,
9 government agencies, in finding national or local
10 professional designers and researchers who can help you
11 on a for hire basis to implement some of these designs.

12 So with that very brief introduction I am
13 going to Mr. Grafe Korfe go ahead and describe to you
14 all the work they have been doing for the EAC on this
15 contract

16

17

DESIGN FOR DEMOCRACY

18 MR. RICK KORFE:

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19 All right. Thank you Karen. Again I am Rick
20 Grafe sic) I want to thank you, Karen and also
21 Commissioner Martinez. And I think some of the comments
22 that he made are so very critical to what we want to

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17

1 share with you. That is he talked about the importance
2 of best practices; he talked about the importance of
3 research; and he talked about how critical input is.
4 And I think all of those are reflected in what we are
5 trying to share with you today.

6 This is going to be very brief. And one of
7 the reasons it is going to be brief is that this isn't
8 really about you listening to me it is really about our
9 me listening to you.

10 Our project is effective design in election
11 administration (sic) and as Karen pointed out Sign
12 for Democracy is an initiative for AIGA which has been
13 around since 1999.

14 It eventually focused on clear communication
15 and more thoughtful experiences in public sphere so we
16 can trust in government and increase citizen
17 participation.

18 The specific project we are working on is
19 aimed at building expertise, or building from our
20 expertise, experience and new research to create models

21 for optical scan electronic ballots and also for
22 polling place signage.

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18

1 Now the exhibits we actually created are
2 under Tab five in your binders. And I mention that
3 because I am going to do something that is a little
4 unusual in talking about design. And that is I am not
5 going to show you the designs because what we really
6 want to do is gain your input. And there is an
7 opportunity for you to look at the work under tab five
8 and get a sense of it. And also in a room right across
9 the hall we have two staff people, user specialists and
10 researchers who are there to gain your input on various
11 of the exhibits that are over there.

12 So during the next day, well actually two
13 days, we will have the room, again, right across the
14 hall. There is Elizabeth Hare, our Project Director and
15 Mary Kwan who is our experienced strategist and
16 usability specialist strategist. And they both will be
17 over there looking for your input on some the exhibits.
18 The exhibits are things like this. And while they are
19 all drafts the intention is to get your reaction so we
20 can refine them.

21 I want to mention now a couple of things
22 quickly about designers and try to disavow you of

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19

1 certain preconceptions about about design. what we are
2 talking about here is not people in flip flops and long
3 pony tails who are trying to design this stuff. And we
4 are not talking about arrogant artists wearing all
5 black. what we are talking about are professionals who
6 can take an experience and define and break it down
7 into the small pieces that make an experience, like the
8 voting experience, like the election experience and
9 break it up into segments. And research how people
10 react to information and then craft a solution.

11 So what we are really talking about is a
12 process, a designing process, a way of thinking about a
13 problem and the election process itself.

14 We broke it down into identification,
15 orientation, instruction, action, is the voting part,
16 completion. And what you do is you look at the election
17 process and say what are all the pieces and how do
18 people relate to that.

19 And out of that what we are going to do is we
20 are going to propose to you guidelines that respect a
21 number of issues, that respects a number of issues. It
22 respects HAVA compliance; it will respect need to adapt

1 materials for local applications; it will always to
2 seek to find clarity and simplicity in what we are
3 doing. And it will also reflect the need to respond to
4 the technical requirements of voting equipment.

5 So right now our approach, and what happened
6 to our project, right now our approach will deal with
7 guidelines on the content, on what information is
8 really needed by people at various stages.

9 You will deal with the voting system
10 implication of course responding to the technical
11 issues. It will deal with layout systems, the way
12 people work through information. We know patterns that
13 are most effective. And we will share those with you as
14 well as issues of layout that reflect the needs of
15 different technical systems. And also principles of
16 design so that materials being adapted for the local
17 level there are certain principles that you will know
18 to follow.

19 what you see here are twelve stages in the
20 design process. And I need to mention this again to
21 point out that when you are dealing with a designer you
22 shouldn't just expect them to design a ballot.

1 You should deal with designers who are
2 actually asking you more about the process of design.
3 And the issues that are highlighted, five and six,
4 gather information and develop prototype ideas is a
5 stage that we are at. With that, that is an important
6 stage.

7 We need to understand how people need, use
8 information. What information is needed and then you
9 develop prototypes which are like the draft examples
10 you will see across the hall and then you gain greater
11 information.

12 This is one case where when we talk about
13 testing we are not testing to figure out how well we
14 have done. We are testing to inform what we do. So the
15 idea here is that we have materials for you to react to
16 and it is your reaction that is as critical as it is to
17 what we bring to the project.

18 I know that for many dealing with this issue
19 isn't traumatic but it is a tough one because ballots
20 have been developed over the years and they have
21 accommodated a huge amount of information, a huge
22 amount of requirements that are very local. And most

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1 people in this room, and most people in most of the

2 elections systems, feel very strongly, they feel the
3 issues we are confronting are unique. And they are
4 concerned that all of the challenges they have already
5 faced be accommodated in the outcome.

6 Let me assure you that that is exactly why we
7 want to hear from you. Understanding what you bring
8 about, what is important, is actually critical for us
9 to be able to adapt to something that you can use
10 effectively at the local level.

11 One of the advantages of the work we have
12 done. One of the advantages of the work that we have
13 done our election design project team has already
14 worked with election officials in Cook County, Illinois
15 and the state of Oregon. And so in terms of the
16 testing process we have actually have not only the
17 kinds of test that we do in order to perform research,
18 to understand how people can best understand the issues
19 and answer the ballot. But also we have had field
20 testing and post election use. And we bring to the
21 project here not only that experience but also certain
22 things that are true of virtually any information

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1 design issue.

2 And our objective here is useful usable
3 design. And our core team and what we bring to it,
4 among other things, in addition to that experience, we

5 bring what we know from other research in terms of how
6 people use information. And we know that there are
7 certain principles that we will share with you that
8 regardless of how your design evolves that you need to
9 keep in mind and that is the design is not because it
10 makes things look pretty but because it makes things
11 useful. It makes things usable. They are effective.
12 They are clear, they are simple.

13 These are things like using clear capital
14 letters; not center lining type; keep the number of
15 type variations down; understand information hierarchy;
16 and using graphics to help illustrate points. We will
17 share those things. And that's where we start.

18 Then we have our own panel of experts and
19 project advisors that advise us and become part of that
20 process of testing. Are we making the right conclusion
21 when we are coming up with certain solutions?

22 And the next critical aspect is all of you.

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1 That's why we will be here for two days because we need
2 to hear from you the issues that are most important to
3 you and make sure we can accommodate them.

4 And then of course there are the voters as
5 well. We look to them and their response in two ways.
6 One is through putting together some test situations

7 with prototypical or typical voters in advance and also
8 the outcomes of actual use.

9 The concept we are taking here is we want to
10 create a design that is simple enough to address
11 exceptional means. And by dealing with the needs at the
12 extremes, the exceptional needs, and making something
13 simple and clear for them we believe we will meet
14 everyone's requirements.

15 So in this next round of testing that we do
16 we are going to include people from 18 to 21 years of
17 age, 65 to 80 and address the kind of issues that Karen
18 pointed are the object of the issues and that is
19 dealing with literacy issues, readability, usability,
20 alternate languages, braille and audio accessibility
21 and ADA compliance. And then in addition we will try to
22 see what the requirements are for localization, for low

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1 experience levels and also for cultural obstacles.
2 Ultimately again the outcome will be models that are
3 other compliant, capable for local variability, easy to
4 implement and sensitive to technical requirements.

5 The next stage will be some tests that we
6 will do in the field, task based usability testing. We
7 plane to do it on the east coast, midwest and west
8 coast. And certainly if any of you want to be involved
9 in this be sure to let Elizabeth or Mary know because

10 we have not selected sights yet. And the testing will
11 be putting together, presumably, test labs and bring in
12 volunteers to actually use the information.

13 I mention we will be in the room across the
14 hall in the McPhearson Square Room, oh, I guess
15 tomorrow is in the Board Room, it is not across the
16 hall. So in the McPhearson Square Room, all day today
17 until 6 o'clock. And tomorrow it will be in the Board
18 Room which is also on this level Board Room one I
19 believe from 10 a.m., to 6 p.m. And you can also
20 respond and even if it is not responding to what you
21 see sharing with us your concerns.

22 Now what is this? We also want to get your

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1 feed back on line. But this is one of those slides from
2 hell. You know you try to come up with a simple
3 solution, especially for designers who talk about
4 simplicity. You try to come up with a simple solution
5 and you get a URL that no one can remember. So we will
6 skip that. We are looking for a survey monkey to do
7 another job.

8 Nest, you can use this link on the Home page
9 of Design for Democracy.org./participate URL there is
10 a link of that on line survey which is going to be
11 available through the end of the month for any of your

12 comments on any materials in Tab 5. And again: Design
13 for Democracy.org/participate. And that will be up for
14 ten more days, until the end of the month to gather
15 your comments.

16 There are the names of Mary and Elizabeth who
17 we be here the next two says seeking your input. And we
18 certainly welcome it in any way or form you choose to
19 get it to us. But it is critical for us to hear from
20 all of you on this in order to accommodate your needs.
21 Thank you.

22 MR. MARTINEZ: Any questions on this

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1 particular presentation? Okay. Great thank you.

2 It occurs to me as I was listening to that
3 presentation that perhaps this room could have been
4 designed a little better for our meeting. Howard is
5 that you behind the pillar? I think so. So our
6 apologies for columns that are blocking the view, not
7 that you want to see us up here anyway. But hopefully
8 you can hear us back there, Howard.

9 what we want to do next, the final
10 presentation both of this presentations on Public
11 Access Portals and Spanish and Asian Language Working
12 Groups that we have assembled will be presented by
13 Edgardo Cortes who is one of our research specialists
14 at the EAC. He will talk to you very quickly about

15 these issues and give you a chance to ask questions.

16 I also want to say about the previous
17 presentation we reached out to Design for Democracy and
18 to pull together best practices on ballot design and
19 polling place signage et cetera. Based upon the input
20 and urging from many of you out there we actually got a
21 lot of feed back from, in particular, our Board of
22 Advisors, upstairs, that this was a useful project for

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1 us to do with a lot of positive feedback from election
2 officials who had worked with Design for Democracy. And
3 we felt they were an important group to bring in. Have
4 them do some templates and some best practice
5 documents that we could put out for your consumption to
6 see if you want to follow up with any of their work.
7 And that is why you heard that presentation.

8 Okay. The following two presentations very
9 quickly, Edgardo Cortes with the EAC staff:

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12 PUBLIC ACCESS PORTALS & SPANISH & ASIAN

13 LANGUAGE WORKING GROUPS .

14

15 MR. CORTES:

16 Thank you Mr. Vice Chairman. Give me just a

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17 minute to set this up.

18 Good afternoon, everyone, my name is Edgardo
19 Cortes. I have been with EAC since late July of last
20 year. Prior to that I used to run a National Voter
21 Registration campaign that was funded by the government
22 of Puerto Rico as well as did some political

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1 consulting work for a couple of campaigns around the
2 country. Probably working with Peggy Sims dealing with
3 all the requirement payments issues, the HAVA funding
4 questions that come in, the College Board Approval
5 Programs, any NVRA issues that come up and so anything
6 I am Peggy's backup for that. So a lot of stuff you
7 send in to us she and I work on getting your responses
8 to.

9 First thing I am going to talk about is the
10 Public Access Portal Project that we have been working
11 on since last fall. We awarded a contract to
12 Publius.org to conduct a study which will examine and
13 create a best practices document about Public Access
14 Portals.

15 Publius is a non partisan, non profit 501C3
16 based out of Detroit Michigan. They have been in
17 existence for about ten years now. And actually got
18 their start setting up an information web site like
19 this for the state of Michigan.

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20 The methods up here is essentially from the
21 research that is ongoing, it is kind of a color coded
22 map as to what sorts of web sites by available by

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1 state. You can see some of them have state wide sites
2 available. Some just have independent jurisdictions,
3 half sites. Some are county based. And you can also see
4 there are quite a few states that don't have anything
5 set up so far. So those are kind of-- in terms of the
6 research that is a visual representation of what they
7 have looked at so far.

8 They have from September through December
9 what they did was they went out and started doing an
10 initial search of what web sites were out there and who
11 is running them. And to this point they have identified
12 and reviewed approximately 425 state, county and local
13 web sites that provide information to voters.

14 Of those 425 what they did was, starting in
15 January, they started a more comprehensive look at a
16 much smaller section of those, approximately fifty.
17 what they have done is they are going in an ah, number
18 one, going through the process of looking up
19 information on the site, capturing what information is
20 provided, how it is being provided all those sorts of
21 things.

And then they have also conducted about 100

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1 interviews so far, finance reviews with the
2 administrator that run these sites, with the IG folks.
3 And what they have done in terms of those 50 sites they
4 really went out and got a variety of state, county and
5 local web sites to look at. They focused on urban and
6 rural web sites, you know various that were urban and
7 rural. They looked at as much geographic diversity as
8 possible so that the Best Practices Document that comes
9 out in the end will address some of the regional
10 differences that might exist in terms of how
11 information is presented. And will look at the
12 differences throughout the states.

13 A couple facts about the web site. The
14 actual first source of these informational web sites
15 actually date back to around 1996, when the Internet,
16 the use was not very wide spread yet. And so they
17 really advanced a lot between then and now.

18 In terms of their initial research one of the
19 things that they have found to be the most popular
20 function-- when we went into this we really thought
21 that the big questions were people wanting the check
22 their registrations status, their voter registration

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1 status. And to know where their polling place was
2 located.

3 That was one of the reasons we received this
4 project, the kind of internal, initial research that we
5 did to prepare to let this out a contractor indicated
6 that those were the two big questions.

7 what we actually found is that aside from
8 those, those are very important actually, but one of
9 the things that draws people most to these sites are
10 the sites that have candidate information and sample
11 ballot information on the sites. Which is something
12 they are taking a look at in terms of what ways that
13 can be readily presented to folks. And what they found
14 is that sites that have the usage increases
15 dramatically once that information goes up closer to
16 election time. Once those sites put that information up
17 the usage goes up.

18 Another interesting thing that we were able
19 to take a look at this year, and it is going into the
20 final report actually, is Louisiana set up a web site
21 to provide voter information to displaced voters. Folks
22 that were displaced after Hurricane Katrina. And they

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1 set up this web site so that those folks, prior to the
2 special election in New Orleans, would be able to, from
3 anywhere in the country, go in and access not only the
4 information of, you know, the dates and everything,
5 but were able to get information on the absentee ballot
6 process, were able to down load applications for
7 absentee ballots and really provided a lot of
8 information and was kept up to date. So Publius was
9 actually able to, because of the timing of our project
10 was actually able to look at from beginning to end this
11 process and has spoken with folks in Louisiana about
12 it. And that is one of the things we will be dealing
13 with in the final report which we might be able to use
14 in the future for other studies as well.

15 One of the things that may or may not
16 surprise you is that number one there is a lot of
17 interest at all levels for providing these sites. It is
18 has really been an issue of resources up until now as
19 to whether or not jurisdictions provide these sites and
20 how advanced they are.

21 One of the things through the phone calls and
22 interviews that they have done with existing sites is a

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1 lot of the smaller jurisdictions and the counties have
2 been kind of stalling further development of these
3 sites because there is a lot of concern out there about
4 how the switch to a statewide voter registration list
5 is going to impact states providing this information
6 whether or not it is going to be done at a state level.
7 And kind of remove the need for them to have it at the
8 local level. So that is one of the concerns that has
9 come up during the research as well.

10 One thing that shouldn't surprise anybody is
11 there is no one promotion strategy for these sites that
12 works. Every location that has them is different as to
13 how they get the word out about them and how they draw
14 people to those sites.

15 In terms of timing, just go give everybody an
16 idea, they have been doing this research for a while
17 now. They are hoping to-- we are hoping to have the
18 draft document ready by mid to late summer. So July or
19 August we are hoping to have a draft document available
20 which we will-- I will work with the Commissioner to
21 make sure that we are able to distribute that to both
22 the Standards Board and the Board of Advisors for

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1 people to be able to look at it, give their feed back
2 before it goes into the final version which we hope if

3 we can get the draft in mid Summer and we are hoping
4 that sometime in the early Fall we will be able to have
5 a final document out there.

6 In terms of the time line we realize it is an
7 election year. We realize this information is going out
8 in the Fall. One of the things that we realized early
9 on was that even last Fall it was to the point where it
10 was pretty much too late for states and jurisdictions to
11 implement the suggestions that were going to come out of
12 this in time to impact this year's elections. So what
13 we are really hoping to get out of this document is
14 that it will be available toward the end of this cycle
15 so that once we get into next year and people start
16 looking toward the '08 Presidential elections. And we
17 have gotten past the HAVA deadlines and everybody's
18 attention starts to shift this information will be out
19 there so that states, and counties and local
20 jurisdictions can take the information in here and be
21 able to implement these sites with enough time to make
22 them functional and work out all the bugs and

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1 everything before we move into the election year. So
2 that's what we are looking at in terms of time lines
3 for this project.

4 I will take questions about both of these
5 after I finish the second topic

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SPANISH AND ASIAN LANGUAGES WORKING GROUPS.

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9 Many of you know there have been a lot demographic
10 changes in the country and a lot of-- particularly in
11 the past decade there is a lot of jurisdictions that
12 have sizeable populations that fall under Section 203
13 of Voting Rights Act, or who will soon be, and a lot
14 jurisdictions. And lot of jurisdictions that didn't
15 before now have to provide information in alternative
16 languages.

17 We have seen it and we realize the issues
18 that come up in terms of jurisdictions that have never
19 dealt with alternative languages or to some of the
20 issues that come up and how can they implement this
21 properly.

22 Prior to my getting here the work had already

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1 started on these projects. It was decided by the
2 Commission that we should-- really what we should do is
3 to bring together some working groups that consist of
4 election administrators, advocacy organizations,
5 different people that deal with the issues that come up
6 and deal with them first hand and let us know what sort
7 of research we can conduct that will help you in that

8 process.

9 HAVA Section 241, which is the section that
10 talks about the studies of election administrations one
11 of the things that it charges the EAC to do is conduct
12 research on making information most convenient,
13 accessible and easy to use for voters including voters
14 with limited proficiency in the English language. So
15 that is actually in HAVA. And one of our mandates is to
16 go out there and find information to make it easier to
17 provide or to administer elections using alternative
18 languages.

19 The way we started out was last August we had
20 the first meeting of the Spanish language working
21 group. We had that at the EAC offices. And the reason
22 we chose to deal with the Spanish language first is

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1 number one it is largest alternative language that
2 folks are dealing with. Most of the-- the majority of
3 jurisdictions out there that deal with alternative
4 languages have been dealing with Spanish. And that
5 really has been because of the growing population size
6 it has been an issue that a lot of knew jurisdictions
7 have had to deal with. So we wanted to bring that group
8 together and see what sort of things we could do. That
9 was in early August.

10 The next group we decided to bring together
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11 was a group to discuss access to different Asian
12 languages. Under Section 203 of the Voting Rights Act
13 there are actually five Asian languages, Asian and
14 Pacific Islander languages that are covered and that
15 certain jurisdictions have to provide information in
16 those languages. That is Chinese, Japanese, Korean,
17 Vietnamese and Tadolwin (sic). So that working group we
18 actually had at the end of April, so just about a month
19 ago we brought that group together.

20 We are looking toward the future, hopefully
21 sometime next year to be able to bring together a
22 working group dealing with native American languages.

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1 And that one is going to be really interesting because
2 with a lot of languages we are talking about languages
3 that have no written form, they are all spoken
4 languages. And so that presents a whole additional set
5 of issues when you're talking about administering
6 elections and providing information in an alternative
7 language that you can't write.

8 So basically what all three of these groups
9 are meant to do is provide the EAC with, or help us in
10 accessing what sort of language specific projects we
11 can conduct as an agency.

12 Some of the things that have already come up

13 and that we are actually are working towards is number
14 one creating translation dictionaries of election
15 terminology to have a document that would provide a
16 whole list of election terms and provide a translation
17 from English to whatever the alternative language is.
18 The first one we are working on is actually English to
19 Spanish. And so we are also looking towards doing the
20 five Asian languages.

21 And one of the biggest complaints we have
22 gotten in terms of, and I am sure you have all heard,

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1 in terms of trying to provide this information is that
2 the translation services that are out there aren't
3 always the best. And when election information gets
4 translated a lot of time it is a literal translation
5 and the meaning is really lost when you translate it to
6 the other language.

7 So we are hoping by providing this tool for
8 election administrators it can help you all meet the
9 needs of the communities that you are serving, and the
10 electorate that you serve.

11 The other project that we actually are
12 working and we hope to have ready by mid summer is
13 providing a translation of the National Voter
14 Registration form. We have the Spanish language
15 version, the updated one already up on our website.

16 Both the English and the Spanish were recently updated.
17 But the form hasn't been translated into the five Asian
18 languages since the FEC first created the initial voter
19 registration form. So it has been quite a while. And we
20 are hoping to get that done fairly quickly so that
21 those jurisdiction can have voter registration forms
22 available in those languages later this year.

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1 And then finally we are-- one of the roles of
2 these groups is to provide us not only with the feed
3 back but to help us prioritize. I mean there is all
4 these questions all the time for different research
5 projects that you all think would be useful. And by
6 bringing these groups together we are hoping to
7 establish some sort of priority for what we can do
8 short term to get some immediate assistance out there
9 and then look at what we can do long term in terms of
10 these issues.

11 So that is pretty much what the language
12 groups are doing. So I can take some questions.

13 MR. MARTINEZ: We can move very quickly for
14 some questions or comments from anybody out there? Any
15 questions or comments about Public Access Portals or
16 the working groups we have assembled, Secretary
17 Kidmeyer.

18 SECRETARY KIDMEYER: A question in regards to
19 dialects how do you handle dialects even though it is
20 the same language?

21 MR. CORTES: That is actually one of the
22 things we spent a lot of time on actually during both

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1 working groups. The Spanish language translations are
2 the first ones we are working on so I can tell you a
3 little bit about how we are going to handle that.

4 One of the suggestions we had was to bring
5 together a group of language experts, academics to
6 review the work we are doing in terms of translation.
7 But the other thing that we are doing is we are going
8 to look at what the regional differences are and
9 provide alternative terms to reference the same thing.

10 For instance the word ballot is translated
11 into Spanish is different if you go to Florida if you
12 go to New York , if you go to California. They all use
13 different terms for that. In the instances were we can
14 provide some sort of standard translation term that
15 everybody understands or alternatively for those were
16 that doesn't exist to provide, you know, multiples
17 translations so that depending on where you're at you
18 can look and see what sort of populations you are
19 coming from.

20 A lot has to do with country of origin. So

21 providing that information you will be able to go to
22 the list and say well my jurisdiction has a very large

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1 Puerto Rican population this is probably the
2 translation form I should use.

3 MR. MARTINEZ: Other questions please? Yes,
4 John.

5 JOHN LINDBACK: It is a really basic
6 question. I don't understand the difference between a
7 Public Access Portal and conventional website. Because
8 we have had a ton of information out there on a
9 conventional website. When you talk Public Access
10 Portals what do you mean exactly?

11 MR. CORTES: It is essentially a voter
12 information website. And what they are looking at is a
13 website where you can go in and get information as far
14 as registration status. It is a polling state
15 locations, candidate information, all those very
16 specific election information.

17 We do realize that most states do have basic
18 sites, whether it is the Chief Election Officer or the
19 local jurisdictions that have polling place hours and
20 those things. We are really looking at sites that open
21 further and are more interactive in terms of the
22 information that people can pull from them.

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1 MR. MARTINEZ: And some states, I think, have
2 more experience in putting forth what is regarded as
3 Public Access Portals. I am looking at Sarah Ball
4 Johnson who is right next to you because I think
5 Kentucky is one of the states that has been something
6 like this for a while. She is whispering to you right
7 now.

8 I broke my own rule. When you raises your
9 hand to speak if you can introduce yourself, state your
10 name for the court reporter. And I apologize, Secretary
11 Mary Kiffmeyer and John Lindback from Oregon. Mary
12 Kiffmeyer from Minnesota.

13 Any other questions or comments on anything
14 that was presented, please.

15 Okay. Edgardo, thank you very much. I
16 appreciate your work.

17 Again as a quick background what we are
18 presenting to you over the next day and a half, and
19 what we just started with the first four presentations
20 are research projects that are grounded in some place
21 in our government statute, within HAVA.

22 We are either wearing a hat of producing a

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1 national clearing house of best practices; or we are
2 wearing a hat of having to produce voluntary guidance
3 to help clarify title free requirements. So there are
4 different hats that the EAC will wear statutorily that
5 when we wear the hat we want to wear it in the manner
6 that is consistent with the advice that we get from our
7 statutory boards, and that is you.

8 Again what we do proactively is to try to
9 reach out to all of you, as many as we can
10 individually, throughout the course of our fiscal year,
11 asking you to participate in working groups, many of
12 you have done so, seeking your advice through our
13 fiscal year. We have a chance to get you all in one
14 room once or twice a year to put it all in front of you
15 and solicit your candid feedback.

16 So again I encourage your questions. And it
17 doesn't have to happen in this hour. We can continue
18 this conversation throughout the duration of the next
19 day and a half I am going to turn the mic over, after
20 the break, to your Executive Board and they will
21 commence the official gavel of your Standards Board
22 Meeting. So thank you very much for being here once.

1 Thank you for what I know will be a productive day and
2 a half. The four Commissioners will be in and out
3 because we have the Board of Advisors going on
4 simultaneously two floors above you we will be
5 alternating in and out. But all four Commissioners will
6 be around for the next couple of days. We look forward,
7 I certainly look forward to engaging in conversation
8 both with the body collectively and all of you
9 individually.

10 So with that Madam Chair, I have 1:25 if you
11 want to allow for a ten break we can just go five
12 minutes off your schedule. I have 1:25 if we can
13 reassemble at 1:35. Thank you very much.

14 (Recess from 1:25 to 1:45 P.M.)

15 MS. NIGHTSWONGER: Okay. Commission Martinez
16 has already welcomes you and I would also like to
17 welcome you to our meeting here of the National
18 Standards Board. And I am only here because Mike left
19 us. He had the nerve to go out on us. And you all
20 probably got that email about him getting a new
21 fantastic job. So he kind of left me hanging out here.
22 So all of you are going to have to be very patient with

1 me today and tomorrow and please don't throw tomatoes
Page 42

2 at me from the crowd. I will try to get someone up here
3 in a few minutes to help keep me in line.

4 Before we begin to day I guess I should call
5 this meeting to order first of all. I don't have a
6 gavel. I don't know if Adam took it or what happened. I
7 would like to just talk about a couple of ground
8 rules that I'd like to put in place here and that is
9 for our Court Reporter here is going to be taking the
10 minutes, the official minutes of this meeting so we
11 really do need to speak in a microphone when we go to
12 the floor. And we are going to have some roving mics
13 so that you don't always have to get out of your seat.
14 So if you will raise your hand I will call on you and
15 the people carrying the mic will get a microphone to
16 you. And I would like you to address the group with
17 your name and where you are from please. And then you
18 can give your question or whatever. So if you can just
19 try to do that. That way we will know who is talking
20 and what they are saying and we can hear very well.

21 The first thing we need to do is call the
22 role. So I would like to have Bill Campbell if you

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1 would go ahead and do that. If you would respond when
2 he call your name so we can make sure we have a quorum
3 at this meeting.

4 MR. CAMPBELL: I will read the state name and
5 then the members.
6 Alabama, Nancy Worley.
7 MS. WORLEY: Here.
8 MR. CAMPBELL: Luke Cooley (no response).
9 Alaska, Whitney Brewster.
10 MS. BREWSTER: Here.
11 MR. CAMPBELL: Shelly Crowden?
12 MS. CROWDEN: Here.
13 MR. CAMPBELL: American Samoa? Soliai T.
14 Fuimaono?
15 MR. FUIMAONO: Here.
16 MR. CAMPBELL: FILIVAA MAGEO? (No response).
17 MR. CAMPBELL: Arizona? Kevin Tyne.
18 MR. TYNE: Here.
19 MR. CAMPBELL: Mitch Etter?
20 MR. ETTER: Here.
21 MR. CAMPBELL: Arkansas, Charlie Daniels? (No
22 response) .

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1 MR. CAMPBELL: Mary Lou Slinkard?
2 MS SLINKARD: Here.
3 MR. CAMPBELL: California, Brad Clark?
4 MR. CLARK: Here.
5 MR. CAMPBELL: Coney McCormack? (no response).
6 MR. CAMPBELL: Colorado, Gigi Dennis (no
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7 response).

8 MR. CAMPBELL: Russ Ragsdale? (No response).

9 Connecticut. Michael Kozik? (No response).

10 Sandra Hutton? (No response).

11 Delaware, Frank Calio? (no response).

12 Howard Sholl?

13 MR. SHOLL: Present.

14 MR. CAMPBELL: District of Columbia, Alice

15 Miller?

16 MS. MILLER: Here.

17 MR. CAMPBELL: Jonda McFarlane? (no response)

18 Florida; Dawn Kimmel Roberts?

19 MS. ROBERTS: Here.

20 MR. CAMPBELL: Bill Cowles?

21 MR. COWLES: Here.

22 MR. CAMPBELL: Georgia, Kathy Rogers (No

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1 response) Lynn Bailey?

2 MS. BAILEY: Here.

3 MR. CAMPBELL: Guam, Gerald Taitano?

4 MR. TAITANO: Here.

5 MR. CAMPBELL: Hawaii, Scott Nago?

6 MR. NAGO: Here.

7 MR. CAMPBELL: Glenn Takahashi?

8 MR. TAKAHASKI: Here.

9 MR. CAMPBELL: Idaho. Timothy Hurst? (no
 10 response) Dan English? (no response).
 11 Illinois, Daniel W, White?
 12 MR. WHITE: Here.
 13 MR. CAMPBELL: Richard Cowen? (No response)
 14 Indiana, Todd Rolita?
 15 MR. ROKITA: Here.
 16 MR. CAMPBELL: The Honorable Shannon
 17 Weisheit?
 18 MS SHANNON WEISHEIT: Here.
 19 MR. CAMPBELL: Iowa, Chet Culver? (No
 20 response) Renee McClellan? (No response).
 21 Kansas Ron Thornburgh? (No response).
 22 Donald Merriman? (no response).

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1 Kentucky. Sarah Ball Johnson?
 2 MS. JOHNSON: Here.
 3 MR. CAMPBELL: Don Blevins?
 4 MR. BLEVINS: Here.
 5 MR. CAMPBELL: Louisiana, Marietta Spencer
 6 Norton? (No response).
 7 Louie Bernard?
 8 MR. BERNARD: Here.
 9 MR. CAMPBELL: Maine, Julie Flynn?
 10 MS. FLYNN: Here.
 11 MR. CAMPBELL: Clairma Matherne?
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12 MS. MATHERNE: Here.
13 MR. CAMPBELL: Maryland, Linda H. Lamone? (No
14 response).
15 Kim A. Atkins? (No response).
16 Massachusetts, William Francis Calvin? (No
17 response) William.
18 MR. CAMPBELL: I am here.
19 Michigan, Thomas Luitje?
20 MR. LUITJE: Here.
21 MR. CAMPBELL: Tony Bartholomew?
22 MR. BARTHOLOMEW: Here.

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1 MR. CAMPBELL: Minnesota, Mary Kiffmeyer?
2 MS. KIFFMEYER: Present.
3 MR. CAMPBELL: Sharon Anderson?
4 MS. ANDERSON: Here.
5 MR. CAMPBELL: Mississippi, Jay Eads? (No
6 response) Marilyn Avery? (No response).
7 Missouri, Leslye Winslow?
8 MS. WINSLOW: Here.
9 MR. CAMPBELL: Richard T. Struckhoff?
10 MR. STRUCKHOFF: Here.
11 MR. CAMPBELL: Montana, Elaine Gravelly? (No
12 response) Vickie Zeier?
13 MS. ZEIER: Here.

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14 MR. CAMPBELL: Nebraska, John Gale? (no
 15 response) Roberta Zoucha? (No response).
 16 Nevada, Dean Heller? (No response).
 17 Harvard L. Lomax?
 18 MR. LOMAX: Here.
 19 MR. CAMPBELL: New Hampshire, Anthony Stevens?
 20 MR. STEVENS: Here.
 21 MR. CAMPBELL: Carol Johnson?
 22 MS. JOHNSON: Here.

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1 MR. CAMPBELL: New Jersey, Maria Delcoch?
 2 MS. DELCOCH: Here.
 3 MR. CAMPBELL: Joanne Ambruster?
 4 MS. AMBRUSTER: Here.
 5 MR. CAMPBELL: New Mexico, Rebecca
 6 Vigil-Geron?
 7 MS. VIGIL-GERON: Here.
 8 MR. CAMPBELL: David Kunko? (no response)
 9 New York, John Haggerty?
 10 MR. HAGGERTY: Here.
 11 MR. CAMPBELL: Edward Szczesniak?
 12 MR. SZCZESNIAK: Here.
 13 MR. CAMPBELL: North Carolina, Johnnie
 14 McLean?
 15 MS. MCLEAN: Here.
 16 MR. CAMPBELL: Kathie Cooper? (No response)

17 North Dakota, James Silrum?
18 MR. SILRUM: Here.
19 MR. CAMPBELL: Michael M. Montplairer?
20 MR. MONTPLAISER: Here.
21 MR. CAMPBELL: Ohio, J.Kenneth Blackwell?
22 (no response).

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1 Steve Harsman?
2 MR. HARSMAN: Here.
3 MR. CAMPBELL: Oklahoma, Clint Parr? (No
4 response).
5 Oregon, Jack Lindback?
6 MR. LINDBACK: Here.
7 MR. CAMPBELL: John Kauffman?
8 MR. KAUFFMAN: Here.
9 MR. CAMPBELL: Pennsylvania, Pedro Cortes?
10 (No response) Regis Young?
11 MR. YOUNG: Present.
12 MR. CAMPBELL: Puerto Rico, Nester J. Colon
13 Berlinger? (No response).
14 Juan M. Toledo-Diaz?
15 MR. TOLEDO-DIAZ: Here.
16 MR. CAMPBELL: Rhode Island, Jan Ruggerio?
17 (no response).
18 Marian Clarke? (no response).

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19 South Carolina, Marci Andino? (No response)
20 Marilyn Bowers?
21 MS. BOWERS: Here.
22 MR. CAMPBELL: South Dakota, Kea Warne.

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1 MS. WARNE: Here.
2 MR. CAMPBELL: Sue Roust?
3 MS. ROUST: Here.
4 MR. CAMPBELL: Tennessee, Brook Thompson? (No
5 response) Joe Enock? (No response).
6 Texas, Trey Trainor?
7 MR. TRAINER: Here.
8 MR. CAMPBELL: Dana DeBeauvoir?
9 MS. DeBEAUVOIR: Here.
10 MR. CAMPBELL: Utah, Michael Cragun?
11 MR. CRAGUN: Here.
12 MR. CAMPBELL: Robert Pero?
13 MR. PERO: Here.
14 MR. CAMPBELL: Vermont, Deborah Markowitz?
15 MS. MARKOWITZ: Here.
16 MR. CAMPBELL: Arnette Cappy? (No response).
17 MR. CAMPBELL: Virginia, Jean Jansen?
18 MS. JANSEN: Here.
19 MR. CAMPBELL: Allan Harrison, Jr.?
20 MR. ALLAN HARRISON, JR.: Here.
21 MR. CAMPBELL: Virgin Islands, Corinna
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22 Halyyard Plaskett?

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1 MS. PLASKETT: Here.
2 MR. CAMPBELL: Natalie Thomas?
3 MS. THOMAS: Here.
4 MR. CAMPBELL: Washington, Paul Miller?
5 MR. MILLER: Here.
6 MR. CAMPBELL: Bob Terwilliger?
7 MR. TERWILLIGER: Here.
8 MR. CAMPBELL: West Virginia, Benjamin
9 Beakes? (No response).
10 Gary Williams? (No response) .
11 Wisconsin, Kevin Kennedy?
12 MR. KENNEDY: Here.
13 MR. CAMPBELL: Sandra L. Wesolowski?
14 MS. WESOLOWSKI: Here.
15 MR. CAMPBELL: Wyoming, Peggy Nightswonger?
16 MS. NIGHTSWONGER: Present.
17 MR. CAMPBELL: Julie Freese?
18 MS. FREESE: Here
19 .
20 MS. NIGHTSWONGER I believe we need 56
21 members for a quorum, so we will figure this out.
22 MR. CAMPBELL: Is there anyone that did not

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1 respond to the roll call?

2 MS. NIGHTSWONGER: Okay. We have a sufficient
3 number of members to conduct business. We will move
4 ahead.

5 Before we get started here with some other
6 things on the agenda I would like to introduce the
7 Executive Board if I could. Probably most of you know
8 who they are but I'd like them to stand so you can make
9 sure you know what their face looks like in case you
10 want to bombard them with a problem or an issue that
11 you're having.

12 Actually is the room okay? I want to ask
13 that. Is anyone too hot or too cold or do we care that
14 they are uncomfortable?

15 So if I could just have you stand when I call
16 your name. First of all Indiana Secretary of State Todd
17 Rokita. And Vermont's Secretary of State Deborah
18 Markowitz. Oregon Director of Elections John Lindback.
19 Kentucky Executive Director Sarah Ball Johnson. City
20 Clerk of Woburn, Massachusetts Bill Campbell who is up
21 here with me. And Clark County Registrar of Voters,
22 Harvard Lomax. And last but not least, even though he

1 came last Natchitoches Clerk of the Court, Louie
2 Bernard. And Louie do you want to come up. You have
3 something to say. I am almost afraid to call him to the
4 table. So that's your Executive Board. And I really
5 appreciate all of them and the help they haven given
6 me. Now you know what they look like in case you have
7 forgotten since Denver.

8 MR. BERNARD: I was asked to be the chaperon
9 for the Executive Board when we were first elected. I
10 was not here last night. I have nothing to do with last
11 night. I don't know what they did and I don't want to
12 know what they did.

13 It is very good to see all of you. I couldn't
14 come in until this morning. Beverly Kauffman and I flew
15 up together from Houston. We just happened to meet up,
16 it is good to be here and see all these familiar faces
17 again.

18 As most of you know Ray Martinez has
19 announced that he will be leaving the EAC in June. I am
20 personally very pleased about that because anyone who
21 has worked with Ray, you know how pushy he can be
22 (laughter). For almost two years we all have had the

1 honor and privilege to work with this tireless and
2 selfless man. And we all better people for and a better
3 EAC for him having come our way.

4 I don't know about you, I sense in this
5 country a partisanship that almost strangles everything
6 we try to do. Our Commissioner since the day I came in
7 here at the meeting in Houston. I've always been amazed
8 how they seem to get along and work together with one
9 another. I have no doubt that behind closed doors when
10 we go home they may holler and scream but there is an
11 outward appearance that lets try to respect each other
12 and accomplish something for the entire
13 group. And I think that is a good thing to do.

14 Ray Martinez has been at the heart of all
15 that is positive, that has happened with EAC in this
16 relatively short period of time.

17 He is one of the four, what I call one of the
18 four T-Rex's at the EAC but the endearing quality
19 about Ray is that he doesn't know he is one of those.
20 He is a man of great humility. He is a man of great
21 sincerity and he is someone more than anything else
22 respects someone's point of view.

□

1 where I come from the nicest thing that can
2 be said about a man is that he is truly a gentleman.

3 And I think without question, despite if you agree with
4 everything that Ray has said or done, that Ray Martinez
5 is truly a gentleman.

6 Ray, the Executive Board and the Standards
7 Board would like to wish the very best in all that
8 comes down your way in the future we want to give to
9 you our heartfelt appreciation for all you have done
10 for us.

11 I think it would be a shame for anybody to be
12 a part of any organization and leave without being able
13 to say they made a difference. I don't think Ray
14 Martinez has anything to worry about when it comes to
15 having made a difference at the EAC.

16 So I will close it by allowing Peggy to
17 present this plaque. And Ray I just want to tell you
18 that on behalf of all of us it is not an original
19 blessing but it is something that I feel is very
20 appropriate as you leave, the old Irish blessing, we
21 would all say to you:

22 "May the Road rise to meet you.

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1 May the wind be always at your back.
2 May the sun shine warm upon your face.
3 May the rain fall softly upon your fields.
4 And until we all meet again may the Lord.

5 Hold you in the palm of His hand."

6

7 Ray, would you come forward you. (Applause).

8 Presented to Ray Martinez III for selfless

9 and exemplary service to the Elections Assistance

10 Standards Board, our heartfelt thanks for going the

11 extra mile for America's voters this 23rd day of May

12 2006, by a very appreciative Executive Board.

13 MR. MARTINEZ: Thank you very much. I am

14 going to get out of your way quickly. I can not thank

15 you, Louie, for the wonderful words and my thanks to

16 all of the members of the Executive Board. I have had

17 the distinct privilege of working very closely now for

18 the past year that I feel like I am a close friend with

19 each and every one of them for a very long time now. I

20 am so appreciative.

21 And you know I am still the Commissioner for

22 at least a few more weeks and I am going to savor every

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1 moment of it because has been truly for me the most

2 fulfilling professional experience in my life.

3 In my household growing up in south Texas

4 public service meant something. And I am proud to say

5 to my family and all my friends that I have tried to

6 fulfill that. So I thank you very much. It is with

7 genuine sincerity it has been a privilege for me, a

8 real privilege and honor, to work with all of you. So
9 thank you very much now get to work.

10 (Applause).

11 MS. NIGH SWONGER: Thank you Commissioner.

12 The first order of business is we need to
13 a appoint a Parliamentarian. And Julie has been so kind
14 to do that for us in the past. She too has left us. I
15 don't know what is going on here. Everyone is leaving
16 us.

17 So I would like to open this up. I am sure
18 many of you are Parliamentarians and would love the
19 opportunity to sit up here beside me and keep me in
20 line. So is there anyone who would like to do that
21 today? Don't be shy. We know who you are. Some on.
22 Nobody? Lou, what do you think.

□

1 MR. BERNARD: I think they are being shy.

2 I know there is someone out there who can do
3 it. You don't want me.

4 MS. NIGH SWONGER: Anybody? I really do need
5 help, honest. Secretary Kiffmeyer, oops she is still
6 deciding here. Thank you so much for volunteering, if
7 you will come up and take the seat on my left. Are you
8 right handed.

9 MS. KIFFMEYER: Either hand will do.

10 MS. NIGHSWONGER: Thank you so much.

11 The next thing on our agenda here, and I
12 think all of you got an agenda I hope. They were in
13 your books. If you need an agenda please raise your
14 hand we can get you one for today's meeting. As we look
15 down over the agenda we are going to do a little bit of
16 Board business here. And then following that we will
17 move into some presentations from the EAC.

18 If we can move ahead with the agenda the
19 chair will entertain a motion to adopt the agenda if we
20 could first.

21 MS. BARTHOLOMEW: I so move.

22 MS. NIGHSWONGER: All in favor?

□

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1 (Aye).

2 MS. NIGHSWONGER: Opposed? I hear no opposed,
3 okay. The Aye's have it and we have an agenda.

4 As for the minutes in your book, behind Tab 4
5 I believe it is we have a synthesis of the Denver
6 meeting. I don't know about you but I probably would
7 like to look over those a little bit. And I was
8 wondering if we can postpone talking about the minutes
9 until tomorrow sometime. That would give you tonight
10 to look over the minutes of the synthesis of what was
11 done in the Denver meeting.

12 I think that would be better. There is quite

13 a lot for you to read after just picking up your books.
14 So we will postpone that on the agenda until tomorrow
15 that would work better.

16 Okay. You all have your books. And I think
17 the books are pretty self explanatory. Everything is
18 tabbed and put together very nicely. So we will be
19 working from the agenda. As you notice all of the
20 presenters have information in our books. And you will
21 find them behind the tabs as indicated in your book.

22 Right now we do have some discussion about

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1 our bylaws when we were in Denver last year as many of
2 you probably remember. And we actually adopted our
3 bylaws when we were in Denver. But I am going to ask
4 Kevin Kennedy if he would come up. Kevin worked on the
5 original bylaws committee, or whatever that committee
6 was called, when we were trying to establish bylaws.
7 And I would like him to give us a brief presentation on
8 sort of what is going on and the history.

9 I know many of you are new to our Board
10 because someone has left and you have been appointed
11 to this position and you may not even know some of the
12 things that have gone on in the past. So Kevin if you
13 would just give us a brief presentation about that I
14 would appreciate it.

15 MR. KENNEDY: Thank you. First I would like
16 to welcome Peggy to this new position. And challenge her
17 during the course of this meeting to pronounce the name
18 of the New Mexico Secretary of State and the Travis
19 County clerk (laughter).

20 MS. NIGH SWONGER: I have been working at it.

21 MR. KENNEDY: The minutes-- I'm sorry. The
22 bylaws are set up behind Tab 2. And as Peggy said were

□

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1 adopted at the last meeting. The minutes provide a
2 very good summary of the fact that we had three motions
3 to change those bylaws. All three of those bylaws
4 failed. So what you see in front of you are the bylaws.

5 I would like to draw your attention to a few
6 sections of that so that your familiar with it because
7 as a new organization. I think this tells you how we
8 are going to operate. It is a point of reference.

9 One of the motions that failed dealt with
10 Section 23 on authority, page one on how to treat non
11 partisan members of the Commission of the Standards
12 Board.

13 I'd also want to make sure you are familiar
14 with the Procedures of Nominating of new members of the
15 Board, members of the Executive Board that are set out
16 on page 2 of the materials under Section 4.

17 Section C of the bylaws themselves, the
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18 Chair, on page 3 certain duties of a client, we have
19 two standing committees according to the bylaws. One is
20 a nominating committee. So there will be some action on
21 that towards the end of the year. And our President
22 will appoint a Chair for that committee and the Board

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1 will find members.

2 The same is true of the bylaws committee. A
3 Chair will be appointed in the interim. And committee
4 members will volunteer for that. That is in Section 4F,
5 on page 3.

6 The final thing we had some questions that
7 failed at the last meeting dealing on how we establish
8 quorum. And whether or not we use proxy votes. And if
9 you look at Section 5-- I'm sorry, Section 6 on page 8
10 it describes the voting procedures.

11 Section 7 proposes how we handle the actual
12 bylaws for the committee. And with Section 7 I will
13 point out the committee wants us to establish and be
14 charged with developing a forum. My experience of
15 working with this group in the last year in putting a
16 these bylaws together is that there is no shortness of
17 ideas on how to come up with rules and regulations. One
18 of the proposals is there will be a sample form so that
19 we can have a very orderly process in doing this.

20 I think it is very important for all of the
21 members to take the time to review the materials that
22 are on pages one through ten before the next meeting,

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1 if you have ideas on changes to the bylaws. In terms of
2 that my guess is that the Bylaws Committee will have a
3 form in place.

4 And what I would like to do for my final
5 comment before is there any questions is to point out
6 these initial set of bylaws would not have happened if
7 it were not for Joanne Armbruster, Bill Campbell, Tonni
8 Bartholomew, Howard Sholl all made dedicated attempts
9 to review these bylaws, make suggestions and edit the
10 initial document that was put together by Julie
11 Horowits (sic) so with that unless there are any
12 questions that is mu summary.

13 MS. NIGH SWONGER: I think I might before take
14 questions from the floor. I think a little apology to
15 the Executive Board I believe we asked for people who
16 had an interest in working on the bylaws committee to
17 indicate that somehow while we were at the Denver
18 meeting. And we never really formally asked for that.
19 So I would just indicate that right now that if you
20 want to look at our bylaws and propose any changes we
21 do need a committee to work on that. So I would really
22 like you to let me know if you have any interest in

□

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1 doing that because I think it is out job to appoint a
2 Bylaws Committee. Seven members?

3 MR. KENNEDY: Seven members.

4 MS. NIGHSWONGER:

5 So if you have an interest on working on bylaws I
6 would really challenge you to let me know that. You can
7 email me. My email address is in the book. And I would
8 be happy to hear you about that. Any questions for
9 Kevin?

10 MS. Nighswonger: One thing that I failed to
11 mention. It was just a little housekeeping thing. In
12 the book where the members are listed. Behind Tab 3. I
13 want you all to really take a good look at that list
14 and also the bios for all of the members of the
15 Standards Board because I think there are some people
16 who thing that maybe they were left out, or maybe their
17 bio isn't correct, or it is an old one. Anyway please
18 look at that while you're here at this meeting and make
19 sure that everything on your information is correct.
20 Read your bio. And if there are any changes to anything
21 on that page or in that section I would suggest you get
22 hold of Adam. You can email Adam at the EAC and he will

□

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1 get those changes made before we send out anymore
2 mailings or meet again. So it you will take a look at
3 that that will be great.

4 Okay. I think I would like to call
5 Commissioner Martinez to the front again. He is going
6 to review and present the Standards Board charter. And
7 we can talk about that little bit.

8 MR. MARTINEZ: Thank you, Madam Chair.

9 One person, and actually I believe you have
10 heard his name over and over again, but needs to be
11 properly introduced is Adam Ambrosi(sic) who is my
12 special assistant and who had helped to pull together
13 all of the logistics and all of the preparations for
14 this meeting. He has done a terrific job. He did it in
15 Denver. Adam is your point of contact for anything that
16 you need. He will be floating around here for the next
17 couple of days and will be available to help in any
18 way. So that is who Adam Ambrosi is.

19 The Charter that we took up, the Federal
20 Advisory Act, governs advisory committees to Federal
21 agencies. It requires that we adopt a charter in the
22 next couple of days.

□

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1 MS. NIGHSWONGER: If you don't have a copy of
2 the charter it is outside on the table.

3 MR. MARTINEZ: Adam can you get a stack of
4 copies and make them available.

5 MS. NIGHSWONGER: Maybe we can them pass out.

6 MR. MARTINEZ: Right.

7 MS. NIGHSWONGER: I am sorry. I meant to do
8 that.

9 MR. MARTINEZ: Yes i should have done that.
10 But we have them up front and Adam will get a stack and
11 walk down the center isle here and pass them out.

12 The Charter, Madam Chair, is required under
13 the Federal Advisory Committee Act and it essentially,
14 I have a copy of one in front of me this is the Charter
15 that governed the authority of this Advisory Committee
16 for the past two years. And it simply has to be
17 readopted. It is required to be readopted. And we
18 readopt it every two years. And you have reached the
19 two year mark.

20 Essentially the Charter reiterates it just
21 takes the authority and responsibilities that come
22 straight out of our governing statute which is the Help

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1 America Vote Act puts it into a Charter type of format
2 and says, here are your responsibilities, here is how
3 we are going to carry out those responsibilities. It a
4 s pretty straight forward document. And we will ask
5 that you all will allow for the Charter to be adopted
6 once again.

7 And, Madam Chair, of course, if there is any
8 questions or if there is a desire to wait until your
9 plenary session tomorrow in case anybody has any
10 questions or concerns obviously I don't think that is a
11 problem from our perspective. It is just before you
12 leave here at the close of business tomorrow we
13 obviously need to readopt your Charter. As it is now
14 about to expire. Thank you. Back to you Madam Chair.

15 MS. NIGH SWONGER: Thank you, Commissioner. I
16 need a motion.

17 MS. VIGIL-GORON: Rebecca Vigil-Gorom from
18 the State of New Mexico. I make a motion for adoption
19 if there is no objection from the other members.

20 MR. KENNEDY; I will second that motion. I am
21 Kevin Kennedy.

22 MS. NIGH SWONGER: All in favor?

□

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1 (Ayes from the audience).

2 MS. NIGH SWONGER: Opposed? Motion carries.

3 MR. MARTINEZ: Thank you very much.

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4 MS. NIGH SWONGER: I'm sorry. I am out of
5 order. We did not have discussion. Too late the motion
6 carried.

7 Would like to introduce my secretary, Joe
8 Meyer. I am so nervous about this you all conduct
9 these meetings a lot on a local level. This is not
10 like we do in Wyoming. We take a sot gun and when
11 someone is out of order we just shoot it. (laughter) I
12 guess that would go over big here.

13 Okay. Next item on our agenda is the
14 election of our Executive Board vacancy. With Mike
15 leaving that left a vacancy on the Standards Board and
16 on the Executive Board. Now when we went to figure out
17 how to figure out how to fill this vacancy nothing was
18 very clear about that in our Bylaws. So there is
19 something for you to do.

20 So what the Board talked about-- many of you,
21 or all of you, should have received emails from Adam
22 with the names of the people who are interested in

□

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1 filling that vacancy. What the Executive Board talked
2 and decided to do because we didn't have a nominating
3 committee either, which is something that we need to
4 appoint and get a nominating committee before our next
5 meeting. We decided to go ahead and throw that out for

6 people to put their names in for that position. We did
7 have four people that showed interest for that
8 position. And I believe Adam set their bios out, that
9 are over there on the table. That is another thing that
10 is on the table. So if you don't have them with you
11 maybe raise your hand and we can get you a copy of that
12 also.

13 what we decided to do is take these names-- I
14 would like the four people who did submit their names
15 and their bio to give us a two or three minute
16 introduction to themselves so that we will know their
17 face and know who they really are. And I am going to
18 give them that opportunity. And then we would like to
19 pass out a paper ballot. And we are going to let all
20 the voting members vote for one person that he would
21 like to fill this vacancy on the Executive Board. And
22 we have a very responsible Counting Board that is going

□

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1 to handle those ballots for us. Did everyone get a copy
2 of the bios?

3 MR. CAMPBELL: Can I say something?

4 MS. NIGHSWONGER: Yes, Bill, you can say
5 anything that you want.

6 MR. CAMPBELL: The bylaws do provide a method
7 by which a method is filled. And that is the Executive
8 Board Interim appointment. But we, as an Executive

9 Board, have discussed this. We took the message and
10 hold closely the message that we received when we were
11 first appointed or elected as an Executive Board and
12 that is we never want the full Board to feel that we
13 are trying to usurp any authority. And although you
14 have delegated it to us we decided the best practice
15 although it was only a four or five month period was
16 actually wait to hold the position vacant and have the
17 full election take place today.

18 So the by laws do have a provision that it
19 didn't have to have sufficient information to allow us
20 to set up that election today. We have a Nominating
21 Committee and deadlines to next February. So I hope you
22 understand how we got here and how we tried to limit

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1 the selection process without limiting the selection
2 process and that the Bylaws Committee will know that
3 one of their first tasks is to try to work out how this
4 interim election will be can be made.

5 MS. NIGHSWONGER: Secretary Markowitz?

6 MS. MARKOWITZ: I am sorry for not thinking
7 about this morning at our Executive Board meeting
8 preparing for this today. But under Roberts Rules in
9 order to have a paper ballot for elections we need to
10 have a vote to do so. So I will actually so move.

11 MS. NIGH SWONGER: It is in the regular bylaws
12 already.

13 MS. MARKOWITZ; Oh, good so it's in the
14 regular bylaw. But thank you. Anyone else on our board
15 want to make any comments about how we came to this
16 process?

17 okay. If not I'd like to introduce the four
18 people. And if you would just step to the microphone.
19 First I am going to call Carol Johnson who is the
20 Deputy City Clerk from Manchester, New Hampshire.
21 Anything you want to say, you can tell us about
22 yourself.

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1 MS. JOHNSON: Good afternoon, my name is
2 Carol Johnson. I am from Manchester, New Hampshire and
3 I am the local election official. I have been in this
4 municipal business for 29 years, hopefully I don't look
5 it. So I have been around for a while. I am a certified
6 municipal clerk. I have been involved in the City
7 Clerk's Office since 1988. It was not my first
8 introduction to elections but that is where I started
9 helping run them for the city.

10 I guess somebody said to me very nicely in
11 the hallway a little while ago that with every great
12 act there are some unattended consequences which is why
13 I responded to the email.

14 My bio is not contained in the book which is
15 why I am mentioning that although I have been around
16 for a couple of years. I am a certified municipal
17 clerk. I have worked as the mediator, if you will, with
18 the State and a lot of local election officials in the
19 process of delving out the processes that Howard has
20 brought us.

21 And the reason for responding to all of that
22 was I think local election officials are the ones that

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1 frequently advise State because we are in the nitty
2 gritty and we are in with the details of it. And we
3 frequently work with other municipal and local election
4 officials and help get through the process in a
5 positive manner which is not always easy talk but
6 usually we can get there.

7 The Standards Board is very much that. It is
8 in an advisory capacity but the devil is in the detail.
9 And I think this is the Board that needs to focus on
10 those details for the EAC. So with that I will part
11 company because we have a lot on our agenda today.
12 Thank you.

13 MS. NIGH SWONGER: Thank you, Carol. Okay,
14 Sandi Wasolowski. I hope I said that correctly Sandi is
15 the Franklin City Clerk. She is from Franklin,

01315

16 wisconsin.

17 MS. WASOLOWSKI: Thank you. I am Sandi

18 wasolowski. You pronounced it pretty close.

19 I am the Director of Clerk Services, City
20 Clerk for the city of Franklin, Wisconsin. As a local
21 election official election official I represent 1850
22 local election officials in the state of Wisconsin. I

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1 have been involved in the administration of election
2 since 1976. So for some 30 years that has been my
3 desire my strong field.

4 I have been on the Standards Board since its
5 inception. I briefly was the State of Wisconsin
6 elections director and HAVA coordinator. I was-- I
7 returned to the city of Franklin after a new months of
8 doing that for the state. The weather in Washington has
9 taken my throat and voice.

10 You can see on the bio that I have been
11 involved with the state of Wisconsin HAVA State Plan
12 Committee. I was a former member of the SVRS, the State
13 Regulation Administration Steering Committee. I was-- I
14 am still on the Standards Board for the state of
15 Wisconsin. I am a member of the International Institute
16 of Municipal Clerks. I am also a member of the
17 Wisconsin Municipal Clerks Association. I am the past
18 president of the Metro Milwaukee Municipal Clerks

19 Association.

20 I would be honored to fill the unexpired term
21 of Mike. And I will be brief and that is it.

22 MS. NIGHSWONGER: Thank you. You all have

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1 weird names, Ed Szczesniak, they are worse than my
2 name Ed is from New York. He is Onondaga County
3 Commissioner of Elections for Syracuse.

4 MR. SZCZESNIAK: Thank you. Good afternoon.

5 The reason I responded positively I was
6 selected and I was honored by back in 2003, January, to
7 be selected to be as a local official on this Standards
8 Board.

9 what I have attempted to do over the years is
10 attend every meeting and be as active as I can in this
11 particular group. I think it is a meaningful role for a
12 very meaningful organization, the Election Assistance
13 Commission in terms of the revolutionary impact it is
14 having on elections administrations across this
15 country.

16 Being from New York as you see I feel a
17 little overwhelmed by three women and myself on this
18 floor of candidates here. But what I want to say
19 is rather than read through all my notes I have been
20 involved in all levels from the local town level as a

21 candidate, as a party official right through county
22 level, state level and national level in terms of

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1 involvement in the party as well with elections.

2 I think I have a fair understanding what it
3 looks like at the County level. And I happen to be from
4 New York State. But we have had the distinction of
5 being the only state that has had DOG lawsuit against
6 it to enforce HAVA. And I won't take responsibility for
7 the lawsuit. But I know the difficulty that you all
8 are going through in terms of trying to make this work.
9 And the time lines that Congress has set for us to try
10 to make this work.

11 I think that participating in things like the
12 Standards Board goes a long way toward making sure
13 everyone understands how things are happening at the
14 local level to make this thing happen. I think our
15 mission, if there is one, is to have a can do attitude
16 to make this system work whether it is through Best
17 Practices or whatever. We can share that knowledge and
18 do it right at the county level as well as the state
19 level and of course it all becomes the Federal level.

20 So with that I would be honored if you would
21 consider me to be the replacement for the unexpired
22 term. Thank you very much.

1 MS. NIGH SWONGER: There are other people
2 trying to get rid of met to.

3 Last but not least Tonni Bartholomew, is the
4 City Clerk of Troy, Michigan.

5 MS. BARTHOLOMEW: Thank you very much for
6 letting me have this opportunity to speak to you. I too
7 am very interested in this Directors position on the
8 Executive Board. I am a local clerk for a Municipality
9 of about 90,000 people. I do everything from recruit
10 people to code the devices. I have been involved at
11 various levels in the State. I do instructions for the
12 MNL as well as the Michigan Tactical Association and I
13 have been involved on various advisory boards for the
14 state of Michigan. I am currently Voter File Advisory
15 Board. I was on the JEC for the State Devices for the
16 State of Michigan.

17 If you talk to people from Michigan they will
18 say I am a very detailed person. I am all about all
19 about code standards and laws and if it says do it they
20 we do it. I think I can lend that kind of expertise
21 from my experience which I am much older than I look, I
22 have been involved with elections since 1986, '87. And

1 I would really like the opportunity to serve you and
2 serve the people of the United States.

3 MS. NIGHSWONGER: Thank you, Tonni. How many
4 of us can say we are older than we look?

5 Okay. If there is no objections we will
6 proceed with the lucky new candidate to join us on this
7 Executive Board. Oh yes, did we get the ballots past
8 out? Would you pass the ballots out please and while
9 you are doing that I want to remind you to vote for
10 one, please do not over vote or under vote, vote for
11 one. And if you can you can fold your ballot in half
12 once. I am going to have Sarah and John collect the
13 ballots. Sarah I am going to ask you to take this side
14 of the room, on my right. John if you will collect the
15 ballots on the left side of the room please. Todd would
16 you like to get the map? So if you will mark your
17 ballot and fold it in half they will pick up your
18 ballot. And then we will have a group of people who
19 will be counting the votes and we will announce to you
20 on one of our breaks who the lucky person is.

21 Oh, yes, is there anyone in the room that did
22 not respond to the first roll call? That is one thing I

1 want to ask you. Julie as been running around trying to
2 track down her luggage. That is always a hard thing.

3 Sara John and Todd are going to be picking up
4 the ballots and I would like to remind you that voting
5 members only will be marking the ballots. Polls are
6 officially closed.

7 Again I would like to remind you before we
8 close this session of our meeting I would just like to
9 remind you if you are interested in serving on a
10 nominating committee before the next meeting we will
11 have to utilize a nominating committee in order to
12 get-- Phil I believe there are two more positions on
13 our Board that will be vacant by people-- Oh, three?
14 One State and two local. If you're interested in
15 serving on a nominating committee I would appreciate
16 getting information about that so we can do this
17 process appropriately at our next meeting.

18 Thank you so much. And we will move on into
19 the next portion of our meetings. If I can get
20 Commissioner Martinez' attention. He is in the hallway
21 there. We will move on to our next report on Getting a
22 report on Provisional Voting. So will the panel who

1 going to be talking on Provisional Voting if you can

2 come on up here we will give you our seats.

3 MR. MARTINEZ: We will move into our next
4 presentation. We are, by my watch, about 11 minutes
5 off schedule right now. So we will make up the time
6 during break, or at some point we will figure out how
7 to do that. I know some of you had plans after the
8 meeting is over to get out of the hotel and so forth.
9 So we will try to honor our agenda as closely as
10 possible.

11 Out next pane will give us an important
12 presentation on Provisional Voting. The Help America
13 Vote Act requires as all of you know that the EAC at a
14 minimum consider the development of voluntary guidance
15 on any of the Title 3 requirements the Title 3
16 requirements of course for those of us with voting
17 systems that require section 301, State Wide
18 Voter Registration Voter Data Basis and Voter ID for
19 certain voters that are in Section 303 and Section 302
20 which is Provisional Voting and Poling Place Signage.
21 So in looking at that mandate that the EAC developed
22 Voluntary Guidance on Provisional Voting, we felt we

1 needed to commission some sound research and analysis
2 on the issue of provisional voting.

3 we turned for that task to the Eagleton--
4 Tom, forgive me is it Eagleton Institute, yes, I almost

5 lost it there, at Rutgers University. And in turn
6 Eagleton Institute also brought in Moritz School of Law
7 at the Ohio State University and thus we have Professor
8 Edward Foley.

9 Tom O'Neil is the Project Manager, the lead
10 consultant, if you will, to the EAC for the study that
11 has been conducted on provisional voting. They will
12 give you the details. We have been working with Tom now
13 for perhaps the last eight or ten months perhaps longer
14 than that. Lots of discussions about the issue. Tom
15 will present, as well as professor Ed Foley who is the
16 director of Election Law at Moritz program, an expert,
17 well known national expert on election law issues
18 covering the whole gamut of election law from
19 redistricting to election administration.

20 we are very pleased to have their
21 participation in this project. And particularly please
22 to have them here today to present the draft product of

1 what they have been working on and to answer your
2 questions. what we have asked our presenters to do is
3 give you an audio visual presentation that will be
4 short and to the point we hope. After which our counsel
5 Julie Thompson-Hodgkins is here. She is listed as the
6 resource person and she will lead the discussion upon.

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7 the end of the presentation. And we hope that you will
8 be-- that you will not be shy in asking questions and
9 give us your opinions and advice on the work product
10 you are about to hear about.

11 With that, Tom, I will give you the podium
12

13 DISCUSSION: DRAFT REPORT ON PROVISIONAL VOTING

14 Presenters: Thomas O'Neill, Provisional Voting/ Voter
15 Identification

16 Tim Vercellotti, Eagleton Institute.

17 Edward Foley, Election Law @ Moritz School
18 of Law .

19 MR. O'NEIL: Thank you Commissioner Martinez,
20 I am happy to be here. We regard the presentation we
21 are making at this meeting as phase of our research. We
22 are going to be presenting our final draft, report and

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1 recommendations. And we hope that it will elicit from
2 you comments and questions that will become part and
3 parcel of our research efforts to understand the
4 dynamics of provisional voting in 2004 and going
5 forward. And we hope that the states have much to learn
6 from one another in the provisional voting process and
7 that we can do something to act as a catalyst in that
8 mutual learning exercise that all of you are engaged in
9 here as members of this Board.

10 As as Commissioner Martinez said we are
11 looking at provisional voting. We have been working on
12 this project just shy of a year. And today you're to
13 going to the see sum of what we have concluded and our
14 recommendations to the EAC. In term what we are
15 recommending to the EAC is that they make
16 recommendations for Best Practices to States and
17 localities to improve the functioning of the
18 provisional voting system.

19 Commissioner Martinez described the parties
20 that are doing this, the Eagleton Institute of Politics
21 at Rutgers State University in New Jersey, the Moritz
22 College of Law at the Ohio State University which is

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1 well known for the website it maintains on election law
2 all around the county.

3 Ed Foley and I are happy to be up here on the
4 podium but we represent a larger group. This is the
5 project management team. The principal investigators
6 Dr. Ruth Mandel, the Director of the Eagleton Institute
7 of Politics. With us here today, from the Project
8 Management Team, are Ingrid Reed, Ansa Cadgie from the
9 Moritz College of Law and one of our lead researchers
10 Tim Bersolli, Assistant Director from the Center of
11 Public Interest Polling that undertook the survey of

12 local election officials on which some of our findings
13 are based.

14 We proceeded by looking at six questions that
15 the EAC raised with us. And those questions are
16 displayed on this slide they are basic, they are
17 important and some of them I have to tell you are very
18 hard indeed to answer.

19 How do states prepare for HAVA's
20 Provisional Voting Requirements?. How did preparation
21 and performance vary between states that previously had
22 some form of provisional ballot and those that did not?

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1 We will be coming back to that issue several times via
2 this report. And so we have developed a short hand for
3 it. We call them Old states and New States. And I hope
4 you will bear with me. If you come from one of those
5 Old States we don't mean it personally.

6 How did litigation effect the implementation
7 of provisional voting? How effective was provisional
8 voting in enfranchising qualified? Did state and
9 local processes provide for consistent counting of
10 provisional ballots? Did local election officials have
11 a clear understanding on how to implement provisional
12 voting?

13 To answer those questions we undertook
14 several steps. Our aim being throughout this to provide

15 the EAC with a strategy to engage the states in a
16 continuing effort to strengthen the provisional voting
17 process and increase the consistency, this is
18 important, increase the consistency by which
19 provisional voting was administered. Particularly
20 consistency within the State as opposed to consistency
21 on the States.

22 We surveyed 400 local election officials. We

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1 reviewed the EAC election day survey. We analyzed the
2 states experience with provisional voting mostly on a
3 statistical basis. We collected the provisional voting
4 statutes and regulations for each State in the country.
5 And in fact part of our deliverables to the EAC was a
6 continuum of those statutes and regulations. And they
7 will all be on one CD rom for easy access. And we
8 analyzed the litigation that took place concerning
9 provisional voting issues in 2004.

10 Summary of findings, again looking at this
11 consistency issue which is so important. There was
12 considerable variation among the States. HAVA allows
13 the States considerable latitude in how to implement
14 provisional voting including deciding who beyond the
15 required categories of voters should receive
16 provisional ballots. And how to determine which

17 provisional ballots should be counted. We had just shy
18 of two million ballots cast in 2004 and 63 percent of
19 them were counted.

20 Now the variation of among the States is
21 enormous. The percentage of provisional ballot in the
22 total vote varied by a factor of a thousand. From as

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1 high as seven percent in Alaska to Vermont's six one
2 thousands of one percent. Now that's like the lobster
3 production between Maine and Utah. You don't find that
4 large a difference among States on measures like this.
5 So there is an enormous variation.

6 And the portion of the provisional ballots
7 counted varied significantly from 96 percent in Alaska
8 to 6 percent in Delaware. We don't need to tell you is
9 that the percentage of total votes cast rises in terms
10 of provisional votes being a greater that becomes more
11 and more significant in closer elections. If the
12 election margin of victory is two percent but seven
13 percent in provisional ballots that is a very
14 different scenario than if one percent was of ballots
15 are provisional but the victory was ten percent.

16 There are some sources of the variation among
17 the States. Number one that jumped out at us was
18 experience. The share of provisional ballots in the
19 total vote was six times greater in States that had

20 used provisional ballots before than in States where
21 the provisional ballot was new before.

22 MR. VERCELLOTTI: It is good to be an old

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1 State.

2 MR. O'NEILL: In the 25 states, 25 States
3 that had experience with provisional balloting 18 were
4 new.

5 Administrative arrangements. Simple
6 administrative differences also I think go a long way
7 in explaining the variation in the use of provisional
8 ballots.

9 The time to evaluate ballots. How much time
10 after the election do you give officials to determine
11 whether a provisional ballot should be counted? States
12 that provided less than a week, counted a little bit
13 more of a third of the provisional ballots counted.
14 States that permitted more than two weeks counted 61
15 percent. That time factor is important.

16 And voter registration data basis. States
17 with voter registration data basis, and there were only
18 a few of them in 2004, counted an average of only 20
19 percent of the provisional ballots cast. States without
20 those data basis counted twice that number.

21 MR. FOLEY: If I can just underscore these two

22 points that you're going to hear throughout this

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1 presentation the importance of both of them. In other
2 words the time to evaluate the ballots increasing the
3 the accuracy is a very important finding. And it leads
4 to an issue on how to trade off the value of accuracy
5 verses speed or completeness of finality of the
6 election. And we will be talking ore about that.

7 Likewise another theme that will run
8 throughout this presentation is the important
9 relationship between the provisional voting system as
10 one component of an overall election system with the
11 registration data basis. Those two subsystems if you
12 will are very much integrated as you know.

13 And they will be increasingly integrated
14 under HAVA and under centralized voter data basis.

15 MR. O' NEILL: Now turning from looking at
16 variation across States to variation within States.

17 We gathered county election-- provisional
18 ballot data for 20 States. Had we been able to get data
19 from all of the States at a county level the ranges and
20 variation I am reporting to you might be wider than
21 what we found. So bear that in mind. The rate of
22 counting provisional ballots within the same State

1 varied by as much as 90 to 100 percent among counties
2 in the State. The resources available to administer
3 provisional voting varied significantly within the same
4 State.

5 The election day study found that staffing
6 problems appeared to be particularly acute in
7 jurisdictions in the lower income and education
8 category. Small rural jurisdictions, large poor urban
9 jurisdictions have higher rates of inadequate training
10 for poll workers. The jurisdictions in poorer areas
11 reported more inactive voter registrations and more
12 provisional ballots cast. Richer areas had more poll
13 workers per polling place and reported lower rates of
14 staffing problems per precinct.

15 There are other effects that go beyond what
16 is going on at the State other than socio-economic. Some
17 reports from the States suggest possible sources of
18 lack of consistency. You know Iowa cast some
19 provisional not signed in the assigned precincts. Even
20 thought the States policy was to count only those
21 ballots cast in the correct precinct. So you could see
22 how that would enlarge the variation among counties in

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1 the percentage of provisional votes that were cast.
2 Similar kinds of free lancing were going on in
3 Washington state.

4 MR. FOLEY:: Another theme that we found.
5 There is a difference between the rules on the books
6 and the rules as they were enforced in practice. And
7 that obviously is of concern potentially in respect to
8 litigation when we get to that point.

9 MR. O'NEILL: Turning to from this sort of
10 summary in terms of what the variation was all about to
11 some of the details of the answers we developed in each
12 of the questions that were put to us by the EAC.

13 First how did States prepare for the
14 provisional voting requirement? Most election
15 officials we talked to in our survey received
16 provisional voting instructions from State government.
17 But the type and amount of that instructions varied
18 very widely across the States. Almost all of them
19 provided training or written instruction to precinct
20 public poll workers. Only in about one in ten made
21 available to poll workers the voter registration data
22 base. Equally rare was training or written procedures

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1 for poll workers to understand how provisional ballots
2 would be evaluated.

3 Second question, how did preparation and
4 performance vary between States, the old States and the
5 new States? The local election officials in the old
6 States felt more confident about exercising their
7 responsibilities for provisional voting. As we earlier
8 18 States were new to provisional voting, 25 others had
9 experience.

10 The New State officials I thought they did
11 not receive enough information more frequently and felt
12 and felt more funding was necessary to educate voters
13 about, their rights to cast a provisional ballot.
14 Ballot .

15 Local Officials in the old states counted
16 more ballots, were better prepared to direct voters to
17 their correct precincts with maps and other types of
18 information. And regarded provisional voting as easy to
19 implement.

20 Officials from new states were more likely to
21 believe that voters needed more information where to
22 vote and to feel that provisional voting created

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1 unnecessary problems. There was much less if a response
2 than from officials in the old states.

3 MR. FOLEY: One could abstract from that
4 provisional voting is a dynamic process. It is not
5 static, it's not that HAVA created provisional voting
6 and now we have it and we are done. There is a learning
7 curve here. It is not an all or nothing situation.
8 There are shades of gray involved. Sometimes it is sold
9 as a safety mechanism, or fail safe. But the ability
10 for it to perform as a fail safe is dependant on
11 various factors. It's not automatic.

12 MR. O'NEILL: Question three: How did
13 litigation effect the implementation of provisional
14 voting?

15 Litigation before the election clarified
16 voters rights. To sue in federal Court to remedy
17 violations of HAVA; to receive provisional ballots even
18 though they wouldn't be counted; have the voters be
19 directed to the right precinct. And most of the
20 litigations occurred to late to influence how states
21 implemented provisional voting in the year 2004. Even
22 with that finding I think it is a fair assessment to

1 say that pre election litigation was more successful in
2 changing the dynamic of at least the rules. And to
3 clarify what the rules were going into election day.
4 And therefore could be perceived as having some utility
5 in the process. Post election litigation only invited

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6 more complexity, more problems, more uncertainty and
7 usually unsuccessful from the litigants perspective and
8 obviously for complicated from the administrative
9 perspective as well.

10 How effective was provisional voting in
11 enfranchising qualified voters?

12 And I suggested at the outset some of these
13 questions were very hard to answer. And this was among
14 the hardest. To know the answer to how effective was
15 provisional voting in providing that fail safe that Ed
16 just mentioned and you show up and your not on the
17 registration rolls how effective is getting that
18 provisional to you? Ideally to know that we have to
19 know the decisions that were made in 200,000 precincts
20 around the country. And we would have to know the
21 criteria that the evaluators of provisional ballot used
22 when the process came to them to decide which ones

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1 counted and which ones didn't. And there is a
2 considerable element of individual eccentricity in
3 making these decisions. It is hard to predict and
4 therefore we had to look for a more abstract way to
5 have some kind of number to attach effectiveness. If
6 that batter hits the ball one third of the time as it
7 comes across the plate it is .333. So we are aiming for

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8 something not quite as precise as Ted Williams 405 but
9 something that would at least put us in the order of
10 magnitude.

11 We know that 1.2 million voters, or about
12 one percent of the turnout, got to vote by provisional
13 ballot who otherwise would have been turned away. But
14 what is the denominator of that? What do you divide
15 into? Well in 2000 the CalTech MIT voting technology
16 estimated that two and a half million to four million
17 votes were lost in the 2000 Presidential election
18 because of registration mix ups or confusion at the
19 polling place.

20 Now registration mix up and confusion at the
21 polling place are pretty good description of what is
22 going to put someone in the line for provisional ballot

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1 instead of to get on the regular machine. So 1.2
2 million voters casting a provisional ballot and maybe
3 two and a half to three million figure in the number of
4 them who were there but didn't get one, we figure that
5 provisional balloting might just have been 50 percent
6 effective in 2004. It's an approximation but it
7 indicates something I think we all will agree about
8 which is there is room for improvement.

9 Indeed legislative activity in the states
10 following the 2004 election leads us to believe that

11 the states themselves recognized that they were not
12 satisfied with the effectiveness of their provisional
13 voting systems and made efforts to improve that through
14 legislation.

15 Question five: Did state and local processes
16 provide for consistent counting of provisional
17 ballots?

18 Again this is a topic of considerable
19 interest. As we have already talked about there was
20 little consistency among states and within states. That
21 the use of provisional ballots was not distributed
22 evenly across the country. In fact six states accounted

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1 for two thirds of all the provisional ballots cast. The
2 share of provisional ballots in the total vote was six
3 times greater in experiences states than in new states.
4 The more rigorous the state's voter ID requirements the
5 smaller percentage of provisional ballots that were
6 counted. And new states with registration data bases
7 counted 20 percent of the ballots past. Those without
8 data bases counted more than double that rate, 44
9 percent.

10 MR. FOLEY: And I can add to that. The most
11 common reason why a provisional ballot was not counted
12 in most states it was reported that the provisional

13 voter was not a registered voter. That was the reason
14 given. What is poorly understood unfortunately at this
15 point is what underlies the reason why that voter was
16 not registered according to the system, yet that voter
17 attested that to believing he or she was registered by
18 HAVA. And what our research has shown, as Tom just
19 suggested, is that there is a considerable variation
20 both among states and within states as the method for
21 checking whether or not the provisional voter is
22 registered.

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1 The methods and the processes that the system
2 uses to try to verify whether this ballot should count
3 varied considerably. And there is very little rule
4 guidance as to what that methodology should be.

5 So an important part of our presentation
6 today is the need to better understand that and to
7 develop more guidelines. The theme here is there is
8 just a lot of difference just about the mechanics on
9 how to go about determining whether this voter is even
10 an eligible.

11 MR. O'NEILL: Continuing on with the
12 consistency question.

13 States that allowed out of precinct ballots
14 counted 65 percent of the provisional ballots cast.
15 States that recognized only ballots cast in the proper

16 precinct counted 42 percent. In old states the
17 difference was greater than that 52 percent were
18 counted in states requiring new district ballots and 70
19 percent were counted in those allowing other precinct
20 ballots.

21 This aspect of the consistency issue takes us
22 back to the time question. Fourteen states permitted

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1 less than a week to evaluate provisional ballots, they
2 counted 35 percent of the ballots. Fifteen states
3 between one and two weeks, they counted 47 percent of
4 the ballot. And 14 states that permitted more than two
5 weeks they counted 61 percent of the ballots. Just the
6 administrative handling of the ballots makes a
7 difference in the performance of the state.

8 Conclusions with this? The states have
9 latitude on how they meet under the HAVA requirements.
10 A considerable degree of variation among the states are
11 to be expected. And here is the interesting observation
12 about that. If the variation among the states reflects
13 differences in their political cultures it is likely to
14 persist. If it reflects a learning curve for the new
15 states figuring out how to do this provisional ballot
16 thing then consistency among the states is likely to be
17 achieved much more quickly than if some states have a

18 fundamental philosophic objection to the concept of the
19 provisional ballot.

20 Questions six: Did local election officials
21 have a clear understanding on how to implement
22 provisional voting?

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1 what we did was ask the local officials
2 themselves to characterize understanding. From a sample
3 of about 400 of them around the country eight out of
4 ten reported receiving instructions from state
5 government; four out of ten, only four out of ten I
6 should say, felt poll workers needed more training to
7 understand their responsibilities.

8 Moving back now from asking the local
9 officials themselves for some kind of objective
10 evaluation on how the process was managed. The lack of
11 consistency among and within states indicates the
12 differences in how our election officials understand
13 their responsibilities and managed the 2004 election.

14 In thinking through this body of information
15 we have to recognize the existence of inconsistency of
16 understanding between the states and within the states.
17 Particularly of concern are the inconsistencies within
18 a state. And that we need to forge away to approach
19 this as a learning experience, a way to understand and
20 explain the rules by which each state governs

21 provisional voting .

22 And we will phrase this as a set of

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1 questions. Does the provisional ballot system
2 distribute, collect, record and tally provisional
3 ballots with sufficient accuracy as to be seen as
4 procedurally legitimate by both supporters and
5 opponents of the winning candidate. That is the acid
6 test here.

7 Second: Does the provisional balloting
8 system place administrative demands on local
9 jurisdictions that are realistically related to the
10 staff and other resources available to fulfill those
11 demand?

12 Third: Is the variation within state great
13 enough to cause concern that the system might not be
14 administered uniformly from county to county.

15 MR. FOLEY: I just want to act on Tom's point
16 about the acid test of legitimacy. The reason why
17 clarity is so important to that is again because the
18 provisional votes matter as you know when there is a
19 close race and when there is a dispute about what to do
20 with these ballots. Should they be verified or not?
21 And if the rules for that process are unclear and
22 disputable that casts everything in doubt. It casts the

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1 process in doubt; it casts the results of the election
2 in doubt. So clarity is the first and most important
3 value for bringing legitimacy to the process. Because
4 it will be a process that unfolds after election day in
5 the heat of the moment. And to avoid litigation, and
6 particularly destabilizing litigation, clarity has to be
7 the first priority.

8 MR. O'NEILL: In looking for clarity a place
9 the states often turn to is the history of litigation.
10 Litigation coming out of the 2004 election clarified
11 the right of voters to receive provisional ballots even
12 though the election officials were certain they would
13 not be counted. And lawsuits prompted election
14 officials to take better care in instructing precinct
15 officials on how to notify voters about the needs and
16 go to the correct precinct in order to cast a countable
17 ballot. Those are the issues of clarity like we have
18 just been discussing.

19 We recommending to the EAC that it recommend
20 as Best Practices to states the promulgation of clear
21 standards for evaluating provisions ballots. And
22 provide training for the officials who will apply those

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1 ballots. We believe they should provide materials to
2 local jurisdictions. To train polling workers on such
3 procedures as how to locate polling places for
4 potential voters who show up at the wrong place. And
5 to think that the only permissible requirement to
6 obtain a provisional ballot is an affirmation by that
7 voter standing in front of a local election official
8 that that voter is registered in the jurisdiction and
9 eligible to vote in an election for federal office. And
10 poll workers need the training to understand their duty
11 to give those voters a provisional ballot.

12 MR. FOLEY: And on that point, on the voters
13 affirmation, it's their sincere belief that they think
14 that they are registered. The polling place is not the
15 time or place to verify eligibility in determining
16 whether the voter is correct or not.

17 And in that sense as a working rule, as a
18 practical matter given long lines in a high turn out
19 election, you know if a voter asks for provisional
20 ballot they really ought to get one. Then you can
21 figure out what to do with it later the one question
22 that can be asked is: Do you really think you are

1 registered? If they think they are registered they
2 should get that provisional ballot. It should not be a
3 complicated process to administer provisional voting at
4 the precinct.

5 There maybe complexities that are unavoidable
6 after election day. And again it might be best to
7 minimize those complexities as we get into. But it is
8 very, very important to stream line the process at the
9 polling place itself. And so it should be virtually
10 automatic that if a voter says: I think I am entitled
11 to vote; that they get the provisional ballot.

12 MR. O'NEILL: We believe the general way the
13 states can most effectively pursue improvements in the
14 provisional voting process is to take a quality
15 improvement approach.

16 Defining quality begins in asking how well
17 the system works now. But figuring it out to how open
18 it is to error, recognition and correction. And by
19 asking how well our provisional voting process is
20 connected to the other parts of the machine that they
21 need to be well characterized to the registration and
22 voter identification names. So to do all that requires

1 a systematic quality improvement program that starts by
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2 collecting data that is not now generally available.

3 The data collected should insure a list of
4 the specific reasons why provisional ballots were not
5 counted; measures of variance among jurisdictions,
6 counties or even precincts; a hard look at the time
7 actually required to evaluate the ballots by
8 jurisdiction and then comparing that to what the
9 statute or regulation allows in that state. If it is
10 simply unrealistic what kind of changes are needed? And
11 an accurate and timely report on provisional votes cast
12 and counted by jurisdiction down to the precinct level
13 so you can spot anomalies and take a look at where more
14 poll worker training may necessary to get them up to
15 the standard you would like the entire state operate
16 at.

17 MR. FOLEY: Just to give an example of this.
18 Most of you know about Washington State's experience
19 with its gubernatorial election in 2004. That
20 illustrated several things about this process. One of
21 which was this issue is the provisional voter
22 registered? And in some localities the answer came

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1 back yes, and this was not true by the way of only
2 Washington State, this occurred in other states in
3 lower profile races. So the answer comes down back "no,

4 we have looked at our data base, our files and we don't
5 have this voter as a registered voter." Then the
6 question arises well they are not in the system but did
7 you go back to the original voter registration card and
8 see for whatever reason that card for a new registrant
9 was not entered in the system in the run up to this
10 particular election? Sure enough it turned out there
11 were a substantial number of voters in Washington
12 state, and elsewhere, that had submitted timely
13 registration forms; that had submitted timely
14 registration forms; had submitted procedurally proper
15 registration forms and they should have been in the
16 system but were not through no fault of their own.

17 That's the very thing that a provisional
18 voting fail safe is supposed to protect against. But it
19 couldn't protect against it if the only checking
20 mechanism is to go back to the data base as opposed to
21 going back to the original voter registration card. The
22 reason why the poll book, the precinct official has,

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1 didn't the registered voter is because they weren't in
2 the system to begin with. So there was a match between
3 what the poll book said and what the system said but
4 the misstep was getting that card entered in the system
5 in the first place given the high volume of new
6 registrations filed at the deadline.

7 The courts ordered those forms to be entered
8 into the system and ordered those provisional ballots
9 to count several weeks after the election had already
10 be certified.

11 So here is an example of where the
12 methodology used and the process used determined what
13 does it mean to be a registered voter really matters
14 which is why there has to specific standards on that.

15 And that gets into the finality point, or the
16 timing point that we have already talked about. If it
17 takes, five, six, eight weeks to add those hundreds of
18 voters to the certified total you run up against
19 serious deadlines. You have past certification
20 deadlines. In some cases you have past inauguration
21 deadline. You have past the Federal so called safe
22 harbor deadline for Presidential races.

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1 So there was an ability to increase accuracy
2 that had outcome determinative effects in terms of who
3 was the winner of the governor's race in Washington.
4 That final certification occurred two days before New
5 Year's Eve. So again accuracy verses timing is a these
6 that needs to be evaluated as you specify what are best
7 practices for implementing the evaluation process.

8 MR. O'NEILL: The heart of this quality

9 approach for improving the provisional voting process
10 is to access each stage of the provisional voting
11 process. Before the election the better the voters
12 understand their rights and obligations the easier the
13 system will be to manage and the more legitimate the
14 appearance of the process.

15 At the polling place? Avoiding error at the
16 polling place will allow more voters to cast a regular
17 ballot and all others who requested cast a provisional
18 ballot. In the evaluation process the clarity of the
19 criteria for evaluating voter eligibility is critical
20 to a sound process for deciding which of the cast
21 provisional ballots should be counted.

22 And post election we believe the best practice

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1 is for states to consider how to complete, as Ed was
2 just saying, all the steps in the evaluation of
3 ballots and challenges to that determinations within
4 the five weeks available in Presidential elections it
5 is important to provide timely information to voters
6 about the disposition of their provisional ballot. For
7 instance having cast a provisional ballot this time are
8 they now registered for future elections. They should
9 know that. If not what do they need to do to be
10 covered?

11 As I said at the opening we look at this
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12 briefing as an opportunity to continue our research by
13 hearing from you. The detailed examination of each
14 stage in the provisional voting process we hope can lay
15 the foundation that each state needs to improve its
16 system.

17 Efforts to improve provisional voting may be
18 most effective as a part of a broader effort to
19 strengthen voting systems. Collecting and analyzing
20 data about those systems will enable states to
21 identify which aspects of the registration and
22 electoral process are most important into the

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1 provisions voting process. Responsible officials
2 can then look to their registration system, their
3 identification requirements, poll worker training, as
4 ways to reduce the need for voters to cast their ballot
5 provisionally and evaluate them consistently. Thank you
6 and we are looking forward to our discussion.

7 MR. FOLEY: Likewise. Thank you.

8 And just one more general remark to share
9 with you before turning it over for questions and so
10 forth. If 2004 was a learning experience in terms of
11 the provisional voting process. And we saw stresses
12 imposed on that system and we were asking could the
13 provisional voting process handle the stresses of a

14 close election and the demands put on it. I think right
15 now, two years later in 2006 we are in an interesting
16 situation because there has been reaction to 2004, as
17 Tomb said. There has been new legislation.

18 Some of that new legislation has alleviated
19 some of the stresses that were imposed onto the
20 provisional voting system, having increased its ability
21 to be the fail safe that HAVA and Congress spoke of.

22 But some of the legislation and some of the

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1 developments candidly put more stresses on the
2 provisional voting system. It is possible that as we go
3 forward in elections this Fall and in the future we
4 will see higher rates of provisional ballots past, not
5 lower rates more demands in terms of how to evaluate
6 them. Some of this again is maybe good and important
7 for understandable reasons, but as the data bases get
8 rolled out and as there are complexities in terms of
9 rolling out the data bases that may cause more
10 questions to be asked about the eligibility of a
11 registered voter. And that may cause that voter to cast
12 a provisional ballot whereas in the past the question
13 would not have been raised and would have cast a
14 regular ballot.

15 Likewise in the states without the voter ID
16 requirements those new requirements may raise questions

17 about eligibility causing more votes to be cast as
18 provisional votes in stead of regular votes.

19 So that has created a rather interesting
20 phenomenon and that HAVA said from a voting rights
21 perspective, if you will, said we saw the situation in
22 which a voter went to vote, turned up at the voting

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1 place on election day believing that they were entitled
2 and then finding that they were purged, sometimes
3 erroneously purged, and they were turned away. So what
4 provisional voting was designed to do is to make sure
5 no one was ever turned away like that. They could at
6 least cast a provisional ballot and then we could ask
7 questions.

8 Some of the new legislation and some of the
9 new demands being put on the system have instead of
10 saying this is really for the voter. They are saying
11 this a reason to check eligible voters and therefore
12 instead of using a provisional ballot to give the voter
13 an opportunity so that they are not cast away we are
14 going to use this provisional ballot so that the voter
15 doesn't case a regular ballot. We are going to put
16 them in the question mark category rather than the yes
17 category which is different than putting them in the
18 question mark category rather than the no category. But

19 as that happens more questions marks get raised so
20 more stress gets put on the system. Thank you.

21 MS. HODGKINS: Thank you Mr. O'Neill and
22 Professor Foley. Members of the Standards Board we

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1 have about 35 minutes until the end of this session
2 for your discussion, comments. I know many of you have
3 questions about perhaps the methodology, their
4 conclusions maybe experiences you would like to share.
5 I am going to be here to make sure this is an orderly
6 process. And as you had in your previous session there
7 are several hand held mics that are around the room.

8 If you will indicate to me that you're
9 interested in making a statement will recognize you and
10 then we bring a mic to you and let you speak. Please do
11 remember to identify yourself before you start speaking
12 Mr. Szczesniak?

13 MR. SZCZESNIAK: Yes. I guess through from
14 the presentation I got the sense that many states as
15 part of your survey have coworkers make the
16 determination as to whether or not the provisional
17 ballot was a good deal or not; is that correct, or was
18 I misunderstanding something.

19 MR. O'NEILL: We did not mean to imply that.

20 MR. SZCZESNIAK: That's good because it
21 didn't make any sense to me.

22 MR. FOLEY: It is after determination. And

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1 sometimes it's two after the facts that the process
2 gets wrapped up. Sometimes it is two weeks. So there is
3 considerable variation on how long the boards take to
4 process the provisionals.

5 MR. O'NEILL: Another comment is many people
6 that do put that out are the old states. But it is
7 truly a fail safe provision and we focus that in the
8 training of the inspectors, poll workers so they
9 understand that nobody leaves the polling place
10 without having had the opportunity to vote either on
11 the machine, by court order or by provisional ballot.

12 MR. SZCZESNIAK: But many people cast a
13 ballot thinking they are registered voters and they
14 aren't. There is a requirement that we do not put in
15 our poll box any inactive voters whether active or not.
16 Many people who show up at the right place but they
17 just can't. We give them the affidavit and we check
18 them out and give them a chance.

19 Some reason they are not counted is that
20 people have moved within out jurisdiction. They are in
21 the right church and the wrong pew. They are still
22 eligible to vote but now with the new requirement and

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1 because of federal lawsuits says right church wrong pew
2 that's okay. But if they are in the wrong church they
3 just can't be counted. So we tell them to go to the
4 right polling place if they want to get counted.

5 MS. HODGKINS: Mr. Kennedy?

6 MR. KENNEDY: Kevin Kennedy from Wisconsin. I
7 have a question about the methodology in the sense that
8 you have 43 states that do not include the six states
9 with election day registration?

10 MR. O'NEILL: That is correct, yes .

11 MS. HODGKINS: Yes, ma'am behind A1.

12 MS. ROUST: Sue Roust from South Dakota. On
13 page eight of your handout at the top that says: "EAC
14 should recommend to the states that they" and one of
15 the bullet points is: " Make clear the only permissible
16 requirement to obtain a provisional ballot is an
17 affirmation that the voter is registered in the
18 jurisdiction and eligible to vote in a federal
19 election."

20 Are you saying that you feel that the EAC
21 should recommend that on that question of do you have
22 to be at the right precinct or you just have to be

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1 eligible to be registered anywhere in the jurisdiction.
2 Are you saying that the EAC should come down on the
3 side that if you go to the wrong precinct that your
4 registered somewhere in that jurisdiction that you
5 should be allowed to vote or that your provisional
6 ballot should count?

7 MR. FOLEY: Well first of all it is our
8 understanding in examining the case law that has
9 developed on this that HAVA itself does not require the
10 states to adopt the so called wrong precinct you count
11 the ballot rule.

12 So it couldn't be mandated as a matter of
13 what HAVA requires. In terms of-- if EAC considers
14 itself in a position to provide best practice type
15 recommendations that aren't necessarily HAVA
16 requirements then it could be considered whether or not
17 as a policy matter is there something advisable. And
18 actually in reference to the New York litigation it
19 seemed that a middle step position is that if a state
20 is going to allow for multiple precincts to exist
21 within the same location and the voter shows up at the
22 correct location but ends up in the wrong line at that

1 location could that be considered attributable to
2 administrative error as opposed to voter error? That
3 was the holding of the New York case.

4 So that the voter should get the benefit of
5 the doubt if they go to the right place even if they
6 ended up in the wrong line. And we thought as a policy
7 matter that was appropriate to recommend as best
8 practices. Beyond that probably it makes sense to say
9 that as a matter of Federalism in federal law it's
10 really up to the state whether to go beyond that.

11 MS. HODGKINS: Mr. Clark.

12 MR. CLARK: Bradley Clark from California.

13 I was just curious.

14 How you on methodology how you selected your
15 400 jurisdictions to survey?

16 MR. O'NEILL: It was a stratified random
17 sample we looked for size, a mix of size, a mix of
18 urban and suburban and then selected randomly from
19 within that. We have our poll director here if you
20 would like more details.

21 MS. HODGKINS: Mr. Sholl.

22 MR. SHOLL: Howard Sholl from Delaware. I

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1 have a few comments.

2 First of all in your analysis you seemed to
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3 forget there are different types of provisional
4 ballots. By that I mean in Delaware we had 300 and some
5 odd provisional ballots that were cast between 400.000
6 people and you were saying we were doing a very good
7 job. well, actually if you would count our fail safe if
8 someone changes an address instead of sending them to a
9 different a different polling or giving them a
10 provisional ballot we made every effort to qualify them
11 and let them vote normal. So instead of having 6
12 percent rate that we counted you count the 6 or 7
13 thousand change of addresses that we did at the polling
14 place we ended up counting 95 percent of our so called
15 provisional ballots.

16 So there is a difference of what a state
17 calls a provisional ballot. You will find that it
18 varies across the country and that could effect your
19 analysis to some degree.

20 Second of all. You are very correct
21 information needs to be distributed to the election
22 officials and their friends. It also needs to go to the

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1 media who consistently misrepresented what provisional
2 voting was. The media in the Philadelphia market said
3 you can vote anywhere you want to. well that wrong in
4 Pennsylvania, that was wrong in Delaware and I don't

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5 know about New Jersey. But people picked up information
6 from elsewhere in the country and misrepresented it to
7 their populations. So the media needs a heck of a lot
8 of education about what provisional voting is so they
9 don't misrepresent it to the voter, because we can't
10 counter what the media blitz misrepresents.

11 MR. FOLEY: Well that underscores what we
12 were saying were A this is a dynamic evolving process
13 and not static. We couldn't agree more with that point.
14 Secondly we agreed very much as Tom said that there
15 were challenges, methodological challenges in terms of
16 finding the right data, evaluating the right data, and
17 one theme in our recommendation, and you know-- besides
18 we are a snapshot or synopsis of the larger report. But
19 one theme is that a very helpful role that the EAC can
20 play is that of data collection, data consistency in
21 terms of terminology or data classification of data. So
22 we hope that through this cycle of empirical studies is

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1 just the first in a series of cycles of empirical
2 studies that increase knowledge and increase
3 understanding of the mechanics of the process.

4 MR. O'NEILL: Can I respond also.

5 MS. HODGKINS: Sure.

6 MR. O'NEILL: Mr. Shall you said that there
7 are different kinds of provisional ballots in Delaware.

8 Is there more than one category of provisional ballot
9 that you report? Or are there some sorts of things that
10 provisional ballots aren't really provisional ballots
11 as we have been referring to? When you talk about
12 qualifying voters for instance to make sure that they
13 can vote a regular ballot?

14 MR. SHOLL: Howard Sholl from Delaware.

15 No, we call a provisional ballot exactly
16 what it is it is a provisional ballot. It's the last
17 chance to vote. So that's what we report, we don't
18 report fail safe, what we call fail safe voting call.
19 We update your address at the polling place, we verify
20 the registration and we let them vote it. That's not in
21 our lingo a provisional ballot. But it is in the lingo
22 of other states what a provisional ballot is.

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1 So when you're looking at Delaware verses
2 Ohio verses California you're looking at apples and
3 oranges.

4 MR. O'NEILL: Thank you.

5 MR. HODGKINS: The lady in the back and then
6 we will come over here for Mr. Lomax.

7 MS. ANDERSON: Sharon Anderson from Minnesota.

8 My question is about limiting the study to 43
9 states that do not now have election day registration,

10 and I guess North Dakota doesn't have registration at.
11 I am curious about studying those EDR states in the
12 future. And the reason that I ask that is I have spent
13 my entire 27 years in the county office is riveted with
14 election day registration. And certainly on election
15 day in those EDR states is moving that whole decision
16 making process to election day. And one of the slides
17 that you were showing is training between the poll
18 workers makes a big difference, I can assure you that
19 makes a huge difference when you are a EDR state. So my
20 question is based in the thought that perhaps perhaps
21 things to be learned from EDR states that could improve
22 the provisional ballot process.

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1 MS. HODGKINS: Mr. Lomax?

2 MR. LOMAX: Harvey Lomax, Clark county,
3 Nevada.

4 I guess your sources of variation you listed
5 is the experience of the state and how long a time the
6 state has given to resolve the provisional ballot. Yet
7 I would suggest kind of piggy backing on what Howard
8 said that the laws of the state-- if you take the laws
9 of California and Nevada and look at the laws of who
10 past the provisional ballot. They drive (sic) more the
11 number of provisional ballots cast, how long it takes
12 to resolve those issues and how many are going to be

13 excepted. And most of that has to do with how people
14 changes in address and if you allow changes in address
15 up to the last minute.

16 In Nevada for instance no changes in address
17 are allowed. So all we are dealing with are they
18 registered or are they not registered. That's pretty
19 much it. So it doesn't take us as long. And you're
20 going to have a much higher rejection rate.

21 Just on the side a different issue. I can
22 also speak loud and clear not all voters who show up

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1 and attest that they are registered voters even begin
2 to qualify. In Nevada a high tourism state down there
3 in Las Vegas in the 2004 elections we had people from
4 all over the country insisting they had a right to vote
5 in Nevada. And we let them vote provisionally and we
6 didn't count them.

7 MR. FOLEY: And we are by no means suggesting
8 that provisional votes should be counted if in fact the
9 provisional voter was not properly registered voter.
10 And in fact one of the problems that occurred in the
11 state of Washington was the erroneous inclusion of
12 provisional voters, of some provisional ballots in the
13 final certified total that should not have been
14 included. They were included prior to the evaluation

15 process. So there are two possible errors. There is the
16 exclusion of one that should have been validated. And
17 the other kind of error is the inclusion of those that
18 should not have been validated. In a well designed
19 system we try to minimize both types of error.

20 MR. O'NEILL: Let me supplement that a little
21 bit.

22 I think what is driving our recommendation is

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1 anybody that comes in and affirms that he or she is
2 registered and eligible to get a provisional ballot is
3 driven by the pressures on the poll workers on election
4 day. And we gladly not see those poll workers time
5 taken up by sort of a quasi traditional process in
6 deciding whether any particular voter really deserves a
7 provisional ballot. Everybody should get it and sort
8 out later when you have a matter of weeks rather than
9 matter of hours. That is the burden of our argument.

10 MS. HODGKINS: The gentleman in the blue
11 shirt?

12 MR. TERWILLIGER: Bob Terwilliger from the
13 state of Washington.

14 I hear categorizations of states by the way
15 the they verify (inaudible) the ballot. You talk about
16 a voters affidavit and current ID as if they exclusive.
17 In the state of Washington we actually use three. To

18 determine whether or not they get a mechanical ballot.
19 The only thing we don't have is to return with your
20 ID. If we have an affidavit on the envelope we check
21 the signature. We also verify that he or she is an
22 actual registered voter which to is three of the four

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1 that you list there.

2 MR. O'NEILL: We will clarify that.

3 MR. MILLER: Paul Miller also from the state
4 of Washington.

5 And I was interested in your comments about
6 going back and checking against the actual original
7 registration card for a couple of reasons.

8 One the practical administration implications
9 of that. And two because you cited Washington state
10 specifically in regards to that. And I think that there
11 may be possibly some misunderstanding as to what came
12 out of the 2004 gubernatorial election in that regards.

13 First of all as a practical matter what I
14 understand you to say is we ought to be going back and
15 checking all of our voter registration cards to make
16 sure we didn't inadvertently miss one or more.
17 Obviously in King County where they have 1.2 million
18 registered voters, as an administrative matter that is
19 an impossibility.

20 Two, what I am understanding you to refer to
21 actually is a little more complex; but, raises some
22 additional questions I think you might want to

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1 investigate in your survey which is what can be
2 remedied in voters registration when either the
3 provisional affidavit is incomplete or when the
4 original voter registration form is incomplete. If the
5 person, for example, didn't sign the voter registration
6 form they can't be made inactive registered voter. Can
7 that be remedied with a provisional ballot and a
8 signature verification if the address was an invalid
9 address and couldn't be precincted can we give them a
10 provisional ballot? Those are some of the kinds of
11 issues that did come out and we were forced, in
12 Washington, to clarify those kinds of questions.

13 MR. FOLEY: Those are really important
14 questions. And absolutely that's where clarify is the
15 primary value. It's much more important to have an
16 answer to that question ahead of time that it matters
17 what the answer is. So if the issue is a missing
18 address we should ahead of time what the consequences
19 of that missing address is. It either counts or it
20 won't count. But at least you know the rule ahead of
21 time So I absolutely agree with that.

22 MR. O'NEILL: And I believe the court case
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1 you are referring to is the Judge ordered King County
2 to seek signatures for provisional when they hadn't
3 signed the provisional ballot. That's my understanding
4 of the decision in that case. My guess is that was the
5 court case you were referring to.

6 MR. FOLEY: Well there were multiple cases as
7 you know. And one piece of good news on this I do
8 think the HAVA requirement of statewide centralized
9 voter registration data bases will help because I think
10 a well designed data base will always archive any
11 retained historical records with respect to registered
12 voter. In the event of a purge or in the event of some
13 action on that registered voter you can go back and
14 archive the history. And that will minimize to a
15 considerable degree issues about the validity of the
16 status should they arise in the context of a
17 provisional ballot.

18 But there is still a question of the point of
19 intake question. In other words until you get that
20 registrant within the system, in the centralized data
21 base there is a gap and we have seen it. It is not just
22 in Washington. There are gaps in terms of forms

1 delivered to DMV that are not transferred timely to the
2 Board of Elections, who bears the burden of that risk?
3 Of course there is a different burden of risk if the
4 form is delivered to one of the third party groups. And
5 they make a mistake. I am not saying that all risks
6 should be borne by the state. Some risk should be borne
7 by the voters. Some risks maybe should be borne by the
8 system. But the most important issue is to clarify
9 ahead of time is who bears the risk of a missed form,
10 and under what circumstances?

11 MS. HODGKINS: The gentleman in the back and
12 then we will go to Mr. McCormack .

13 REGIS YOUNG: Regis Young from Pennsylvania.
14 You made several points about educating the
15 polls workers throughout your presentation. But nowhere
16 did you mention educating the news media. I am
17 following up on what Howard mentioned before especially
18 in Pennsylvania in 2004 the news media kind of took
19 over our election by advertising and saying it doesn't
20 matter if you're registered or not just go vote. It
21 doesn't matter where you live just go vote to your
22 nearest polling place. And I was wondering did you

1 gather any statistics on your survey in Pennsylvania?
2 we had a low percentage of counting the provisional
3 ballots because of that. It was too late for us to get
4 to the the news media to change.

5 I think it should be noted that on the
6 national level the news media should be trained right
7 down to the local newspapers.

8 MR. O'NEILL: They usually resist training .

9 MS. HODGKINS: Okay. Mr. Lindback and then
10 Secretary Markowitz.

11 MR. LINDBACK: John Lindback, I am Director
12 of Elections in Oregon.

13 You know we are one of those odd ball states
14 where we do things very differently and it effects your
15 study I am sure. One of those states that make you rip
16 your hair out.

17 One of the things we found with
18 implementation of state wide voter registration program
19 is in a primary election last week is it appears that
20 the number of provisional ballots went dramatically
21 down because of our statewide voter registration
22 system. It sort of strikes me that your research team

1 lists us as a moving target in regards to the dynamics
2 of elections changing in this country. And I sympathize
3 with. And I am wondering if you could go back for a
4 second to your slide on your quality improvement
5 program because I have a question about that.

6 MR. O'NEILL: Tell me when.

7 MR. LINDBACK: That one. As election officials
8 we get told we ought to do a lot of things. And in fact
9 I have gotten kind of used to it. Ever since 2000 we
10 have to do this and we have to do that we have to do a
11 lot of things that are very good ideas. Rarely do we
12 get a suggestion are we told how to do it. And a cost
13 effective in a efficient way. And I am looking
14 specifically for example at time required to evaluate
15 ballots by jurisdiction.

16 when we get into that level of detain and
17 data collection I need to hire a full time person to
18 collect that data at election time. I don't have the
19 budget to do that or the resources to do it and that
20 kind of thing.

21 I think we are appreciated as election
22 officials when folks from the academic world do studies

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1 and make recommendations. We don't only need
2 recommendations on what we ought to do as to how we
3 ought to do it and how we can do it in a cost effective

4 and efficient way. I think if you folks would look at
5 that specifically with request to these four
6 suggestions because to me they look expensive and
7 overwhelming in some respects when we are trying to
8 collect the data.

9 MR. FOLEY: I hope we were sensitive to that.
10 we tried to be, maybe not sufficiently, but we wrestled
11 with the notion of trying get specific. And there are
12 downsides to getting too specific on some of these
13 issues, particularly as to what date should this be
14 done by. It also relates to a larger theme which I
15 theme which I as an academic.

16 I think requires a dialogue between people
17 who are implementing election law in practice as
18 administrators and then people who are studying it. And
19 a real genuine back and forth ongoing dynamic dialogue
20 because what would it take to build an optimal
21 provisional voting system is not an easy task just in
22 terms of identifying the values. And there are trade

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1 off values, there is a trade off between accuracy and
2 finality not to mention not to mention budgets and
3 expenses. And I think it is unfair to election
4 officials that the media in particular and public
5 rhetoric demands more than is achievable. It is sort of

6 an expectation that the system is going to be perfect
7 that provisional voting is going to be that automatic
8 fail safe.

9 I think one of the education functions that
10 hopefully the EAC can play given its public profile is
11 that there needs to be more sophisticated
12 understanding that a well designed system can't promise
13 too much. And it can work without the-- cars, you know
14 well designed cars sometimes break down but we don't
15 think the car was poorly designed because you have to
16 take it to the shop every few years. And it may be that
17 a well designed election system, you know, is still
18 well designed it still functions appropriately given
19 the budget and so forth even though it has glitches
20 here and there.

21 I don't think the public is not quite at that
22 point in the conversation, and hopefully our process

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1 and the EAC can help with that understanding.

2 MR. O'NEILL: We agree with the thrust of
3 your comments I believe somewhere in here we have a
4 bullet point that calls for an assessment of cost
5 effectiveness of the kinds of regulations you set up to
6 improve and evaluate provisional ballots.

7 You will find also here a specific reference
8 to the check list that has been using, Colorado to

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9 record the reasons provisional ballots were not
10 excepted with a simple three letter code and will allow
11 you to go back at the end of the election and process
12 and evaluate why persons are getting into the
13 provisional ballot line and why they are failing to
14 have their ballots evaluated and counted. It will give
15 you a check on the functioning of many parts of the
16 system.

17 And many of these pieces of information are
18 collected for other purposes. You know how many
19 provisional ballots are cast. You know how many are
20 counted. But they are not necessarily compiled in a way
21 that allows you to analyze the data at leisure once
22 the election is over. So in general what we are calling

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1 for is using the data for two purposes; to call the
2 election and after it is all over to analyze why the
3 system worked the way it did in that particular
4 election. Your right it is a moving target and each
5 year will be a little different.

6 MS. HODGKINS; Secretary Markowitz? And Adam
7 if you wouldn't mind the gentleman on the front row
8 will be next and secretary Ruggiero will have the last
9 word.

10 MS. MARKOWITZ: Secretary of State, Deborah

11 Markowitz from Vermont.

12 I like to go back to the comments from
13 Delaware. As you continue to study this issue you look
14 at what the goal of provisional balloting is and then
15 evaluate how it is working state by state. Vermont is
16 your lowest participant in provisional voting and
17 that's because our-- we actually do something better
18 than that like Delaware where we have affidavit voting.
19 So somebody comes in-- and we have a terrible problem
20 with motor voter, and I don't know about the rest of
21 the other states, but routinely there are thousands of
22 people who never make it on the voter rolls because

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1 those registration forms aren't filled out correctly
2 and don't get to us or don't get to the right place and
3 really, in most cases, through no fault of the voter.
4 So for many years and we are called an old state with
5 provisional balloting and we have resolved by allowing
6 somebody to swear or affirm that they were registered
7 and we simply add them to the check list on election
8 day and allow them to vote.

9 In Vermont provisional voting is reflected in
10 two things: One was town clerks or election officials
11 who misunderstood provisional voting and used it
12 instead of the activating list and we should have a
13 lower number than that. Or there were people from

14 Connecticut who come to Vermont and think they have a
15 right to vote in any polling place because they are
16 Americans. So we should say that we have something
17 better that allows them to have an actual ballot.

18 MR. FOLEY: Oh, absolutely. Like Tom said and
19 I will definitely repeat. A large number of provisional
20 ballots cast in a jurisdiction is by no means
21 necessarily a good thing. And a large number of
22 provisional ballots counted is not necessarily a good

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1 thing because maybe those folks should have gotten an
2 actual ballot in the first place, if it was determined
3 that they were registered voters why weren't they
4 voting a regular ballot.

5 Now, again, a fire extinguisher is good. It
6 is good to have safety measures. It is good to have
7 fire extinguisher if there is a fire that you have to
8 put out. It would be nice to avoid the first in the
9 first place. And some of the academic research that we
10 drew upon was efforts to have improvements in
11 registration systems that would avoid the need for
12 provisional voting and put less stress on the on
13 provisional voting precisely because provisional voting
14 is after election day when the litigants want to gain
15 the system. In other words in a post election

16 environment there is inevitably going to be extra
17 stress if the election is close. So it would be much,
18 much better if you could reduce the number of
19 provisional ballots cast and have those be actual
20 ballots if that is a feasible thing. So that's why we
21 talk about the relationship between the provisional
22 voting system as a subsystem, with the data bases

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1 another subsystem. It is an important component and it
2 is provided by HAVA and it is good to have fire
3 extinguishes. But one needs an overall assessment of
4 the totality of the states election system really to be
5 able to evaluate its component that is provisional
6 voting.

7 MR. BLEVINS: Don Blevins, Lexington,
8 Kentucky. I have got a couple of things.

9 Number one you say that everybody should get
10 a provisional ballot. And the application, if we decide
11 to put it in place, is not a good thing. We only allow
12 a provisional ballot for federal elections only. And
13 given that there is no such thing really as a federal
14 election. There is an election day in America where we
15 elect officers of all levels of government including
16 six cities where half a dozen people get together and
17 decide they want to have a little city. So for those of
18 us who administer elections on the local level we have

19 to absorb the entire scheme of officers and issues that
20 are on the ballot. So in our state the way we put it in
21 place in a perfect situation we would never count a
22 provisional ballot. We have it orchestrated so that

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1 that truly is a last resort. On the other hand we want
2 the voters to be able to vote in all election issues
3 and races that they are eligible to vote in. And when
4 they choose the provisional ballot route they have
5 opted out of that. So that is not necessarily the best
6 route to go.

7 We have a statewide data base. We have had it
8 for a long time. We have a leg up on the states that
9 don't have that. And we have a telecommunications
10 system that allows us check the registration. The size
11 of the population of the state plays a roll we have
12 four million people, two million registered voters.
13 They top that in Los Angeles county in California. So I
14 can tell you from my administration we would have to
15 look at this in a different context by virtue of sheer
16 volume.

17 The second thing I want to point out to you
18 is that I think the biggest over simplification that
19 was in HAVA was this idea that we are not training poll
20 workers well enough. Or we are not training the public

21 well enough. I don't think the federal government has
22 got enough money to train the electorate out there on

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1 how to do this voting. So the burden of the election on
2 the county. When people talk about.

3 Educating poll workers I hear what I think
4 must be a two, three or four day training session. And
5 you're lucky if you get them in for 30, 40 minutes.
6 They have the attention span of a kindergartner. So
7 this is over glorified and under appreciated that these
8 poll workers are volunteers and get paid poorly. And
9 until there is some heat built up on the state to put
10 up more money poll workers were are we going to get
11 that?

12 Another thing that HAVA wants is we are
13 supposed to teach them a sensitivity about disabled. We
14 are supposed to teach them about provisional ballots.
15 we have to teach them about state law and all this. You
16 know, I don't know about anybody else but we get a them
17 for two hours we have performed a miracle. So this idea
18 of training being the answer to everything I think you
19 are going to find between academics and practice there
20 is a big over simplification difference.

21 MR. FOLEY: I think we are very much in the
22 arena because it is because of that complexity and

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1 difficulty that out point about the practical rule of
2 thumb is to give them a provisional ballot. And I
3 stress that is when the poll workers are in a position
4 to say I am in a position were I can not give this
5 voter standing in front of me, or a would be voter, a
6 regular ballot. Something has caused me to make the
7 determination that they can't vote a regular ballot.
8 They are not on my list; they don't have the right ID
9 whatever. If at that point the voter says I don't want
10 to go home empty handed I would like to vote a
11 provisional ballot because I believe I am eligible it
12 is at that point that our recommendation is don't take
13 time to worry about that. You have too much on your
14 mind poll worker. At that point you know you're not
15 going to let them in the regular booth or regular
16 ballot give them a provisional ballot. So it is not
17 giving them a provisional ballot instead of letting
18 them vote regularly. That is not an issue.

19 MR. O'NEILL: I did not follow one part of
20 your comment, maybe you can straighten it out for me.
21 You said you don't like the issue of the provisional
22 ballot in Kentucky. And if you do the person who get it

1 doesn't get to vote in a local election. That's the
2 part I didn't understand.

3 MR. BLEVINS: We chose to make the
4 provisional ballot only for federal elections. We went
5 with HAVA in that regard that it only applied to
6 federal elections.

7 MR. O'NEILL: I understand. Thank you.

8 MR. BLEVINS: And we did that for several
9 reasons that may not make a lot sense here. Voter
10 fraud, and vote ban and those sort of things.

11 MR. O'NEILL: You're talking to someone from
12 New Jersey.

13 MS. HODGKINS: Thank you Mr. Blevins.
14 Secretary Rokita.

15 MR. ROKITA; I have a couple comments and a
16 couple of questions if you can bear with me.

17 First of all for the record I also agree that
18 there is much more relationship between this subject
19 and ERA than to your research currently. And I would
20 suggest doing a little more research in that regard.
21 For example when EAC requires that full service
22 agencies to continue to accept voter registrations it's

1 a great thing. But you're also at the same time right
2 after the election and if you would the election coming
3 up after registering it might be driving more people to
4 the polling place like NVRA requires only to have them
5 cast a provisional ballot because the registrant won't
6 let us pass. So issues like that I think might be
7 right for some of your discussions.

8 What data point did you specifically come up
9 to conclude that if someone is in the right polling
10 site, all be it not the right precinct, that their
11 ballot should count?

12 MR. FOLEY: It was a core decision, correct.

13 MR. ROKITA: I understand. Just for example a
14 photo ID, I will use that as an example, are you saying
15 that there is a causal effect between the time allowed
16 to count a provisional ballot and the rate-- are you
17 saying there is a causal effect and the rate of
18 counting that provisional ballot and voter ID are you
19 saying it causal?

20 MR. FOLEY: No. We found correlation if you
21 will, I don't have the time but I could go into this
22 more. But I don't think we are making a finding on

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1 causation.

2 MR. ROKITA: Well, if it is not causal I
3 guess my point would be, so you can respond, what value
4 is it to be in this report?

5 MR. O'NEILL: The existence of the correlation
6 between having less time to evaluate ballots and with
7 fewer ballots being excepted it is an indication to us
8 that something is going on. We don't know exactly
9 whether it is causative or merely highly correlated.
10 But whatever it is it makes it worth while looking at
11 the time period allowed to evaluate ballots and try to
12 figure out if it is causing it. And you can do that
13 for instance by finding out are there a bunch of
14 ballots that you never got to at the end of the
15 process, the process was only three days long. It is
16 worthy of further investigation.

17 My own suspicion is that the arrow of
18 causality does flow that way but it is only a
19 suspicion.

20 MR. FOLEY: And there would be reasons to
21 look at the timing issue even if that data didn't
22 exist. I mean it maybe anecdotal but I mean I keep

1 referring to Washington but half of the Washington
2 governor's race the process for evaluating the ballots
3 shut down on the same date in 2004 as a matter of state
4 law that the federal Supreme Court in Bush vs. Gore

5 shut down the counting process in 2000, the current
6 governor would be a different incumbent. So the fact
7 that the the process took longer than the five weeks
8 that federal law allows for Presidential elections
9 shows that timing can be outcome determinative.

10 And I simply wanted to share that knowledge
11 with all of you as you determine for your own races
12 what is the appropriate time table to utilize before
13 bringing the process to conclusion.

14 MR. O'NEILL: And my recommendation for the
15 EAC is that they be very careful with this research
16 where things are not causal or currently suspicions that
17 we say that.

18 I think at the outset with some of these
19 subjects, and I am usually the first on up to bat, but
20 some of the other subjects that we are going to deal
21 with maybe the same way, maybe not. But these issues
22 these themes are not conducive to very easy data

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1 gathering. I must have said that ten times here. And
2 maybe it has to stop right there or slow down right
3 there. Maybe there is value in just saying that, rather
4 than try to fit a square peg in a round hole where
5 these potential conclusions or these correlations that
6 you're saying could be taken by the public as

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7 conclusion or causality when there really is none.

8 MS. HODGKINS: Thank you. Mr. Martinez, we
9 do apologize for running this session over time but--

10 MR. MARTINEZ: That was great. We were looking
11 for the kind of discussion we had today. It's very
12 valuable to us. We are on the record and we can come
13 back and really consider the comments. We really do
14 appreciate them all and are looking for this kind of
15 discussion.

16 I am speaking for myself and not the EAC in
17 saying this I think there is strong sentiment at the
18 EAC, at least from my perspective, to evaluate in very
19 sound and deliberative manner, Mr. Secretary, the kinds
20 of reports of reports that were presented to you.

21 Keep in mind these reports are from our
22 consultants to the EAC and we are sharing them with

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1 you. These were not EAC reports that we have adopted
2 and are presenting to you for final analysis.

3 There is a complete difference in those areas
4 and that's why we took these extremely important steps
5 to show you what the consultants have brought to us and
6 sharing it with you at this stage in the development so
7 we can then honor that importance to deliberate and
8 contemplate very thoroughly before we embrace whether
9 it is voluntary guidance or best practices. So we are

10 very much in that period. I encourage it for the rest
11 of the discussions we are going to discuss.

12 All right. We are going to take a quick
13 break our next topic will be Research on Poll worker
14 Recruitment.

15 Madam Chair, it is 4:20 and I am calling for
16 a 15 minutes break or so. Reassemble in 15 minutes,
17 please.

18 (Recess taken at 4:20 p.m., and reconvened at
19 4:40).

20 MR. MARTINEZ: We are starting again. We have
21 one more session left. I know it has been a long
22 afternoon full of a lot of information. We have one

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1 session left for today and tomorrow we will hit you
2 again with a long session.

3 what we are going to do today is give you a
4 presentation regarding another one of our contracted
5 research projects and that is pertaining to poll worker
6 recruitment, training and retention for poll workers
7 who are generally used at the polls but targeted
8 specifically as well to college poll workers, to the
9 population of college poll workers.

10 we have a couple of consultants that we have
11 hired that have done some tremendous work and want to

12 share the results of that work.

13 what I am going to do is ask Karen Lynn Dyson
14 who we all heard before. She is our project research
15 manager at the EAC and has been with us for quite some
16 time now to stand up and give us a quick introduction
17 of our project consultants and anything else she might
18 want to say.

19 However I forgot I am supposed to recognize
20 your chair, Peggy Nighswonger who wants to give you a
21 quick piece of information, Madam Chair .

22 MS. NIGHSWONGER: Okay. I am just going to

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1 tell you that 66 ballots were counted successfully. So
2 please welcome Tonni as our new Executive Director.

3 we are leaving right after this session.

4 MR. MARTINEZ: Congratulations. Karen
5 Lynn-Dyson will make the introductions and we will get
6 to the last presentation of the afternoon.

7 MS. LYNN-DYSON: Commissioner Martinez just
8 mentioned that I have been with the EAC for some time
9 and I could swear either he said or Chairman Boyer
10 said I have been here for years. He said a lifetime.

11 I am pleased to introduce two of our
12 contractors Abby Horn who is to my immediate right. And
13 Abbey is the Assistant Director for the Center for
14 Election Integrity at Cleveland State University. Abby

15 leads the Center as Acting Assistant Director and she
16 came to the Center as a democracy for the United States
17 for International Development and did a lot of work
18 all over the world, primarily in Central America related
19 to democracy and citizenship.

20 The Center for Election Integrity at
21 Cleveland State University is a partnership of the
22 Cleveland Marshall of Law and the Massey, Goodman,

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1 Levine College of Urban Affairs. She draws upon the
2 long standing expertise from those colleges in
3 electoral and regulatory law, public education and
4 civic education the Center for Election Integrity
5 provides research, training consultation to assist
6 Ohio in becoming a national leader in transparent,
7 legal, efficient and accurate elections. It is three
8 organizations dedicated to three interconnected
9 missions: To assist Ohio in becoming the national
10 leader in elections; to help assure the citizens trust
11 that their elections are fair, lawful and accurate and
12 to undertake scholarly studies and offer
13 recommendations on election administration and legal
14 reform at the state, local and international level.

15 Again Abby is overseeing the Cleveland
16 State's efforts related to college poll worker

17 recruitment and training and retention.
18 Jennifer Collins-Foley to Abby's right is an
19 attorney who has provided democracy development around
20 the world since 1989 working with election
21 administrators, civic organizations and politic
22 parties in the former Soviet Union, Central Asia and

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1 the Middle East.
2 Jennifer has served in the Elections
3 Administration Community since 1996, spending seven
4 years as Assistant Registrar of Voters of LA County.
5 She now serves as an Election Administration
6 Consultant. And has worked in recent years with us and
7 on this project with IFES. And IFES for those of you
8 who don't know was established in 1987 as a non
9 governmental, non partisan, non profit organization.
10 IFES has provided assistance to current elections, the
11 rule of law, civil society and good government in more
12 than a hundred countries including the US.

13 IFES is headquartered in Washington with
14 offices in nearly 30 countries and it specializes in
15 technical assessments, poll worker training programs
16 technical observations, election commission management
17 reviews and election equipment and commodities
18 procurement systems.

19 IFES is the contractor for the Elections
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20 Assistance Commission is doing work on the general
21 poll worker recruitment and training and retention
22 project. So with that I am going to turn it over to

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1 Jennifer who is going to make her presentation that
2 will last for about 15 minutes. And then Abby will go
3 for about 15 minutes. And then I will open it up for
4 questions. Thank you

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6 RESEARCH ON POLL WORKER RECRUITMENT AND
7 RETENTION (INCLUDING COLLEGE POLL WORKERS)

8

9 Presenters: Jennifer Collins-Foley, IFES.
10 Abby Horn, Cleveland State University
11 Karen Lynn-Dyson, EAC.

12 MS. COLLINS-FOLEY: First off I want to say
13 it is an honor it is to work on this project because I
14 am a self proclaimed poll geek. And to be part of a
15 team that gets to look at these issues for 15 months
16 and actually get paid for it. And talk to hundreds of
17 election places across the country it's really neat.
18 And I have been having a lot of fun with it.

19 went over a little bit of where the project
20 came from, of course it stems from a Help America Vote
21 Act that is such an important program and is the heart

22 of successful elections.

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1 We were awarded this project in September
2 2005 and it goes until the end of this year 2006, a
3 fifteen month applied research project.

4 We are working under IFES, International
5 Foundation Election Systems, and it has been terrific
6 working with them. It is a fantastic international
7 program offering technical systems to jurisdictions in
8 the US, and visa versa offering models from the US to
9 international partners.

10 I am President of an organization called the
11 Poll Worker Institute which is a relatively new non
12 profit focusing on poll worker issues in the US, and we
13 have a Board that is quite active. Conny McCormack is
14 on the Board; Beverly Kauffman from Harris County
15 Texas and Lynn Shadman from Washington D.C. And we
16 are also very fortunate to have the League of Women
17 Voters working on this project as well. I don't have to
18 introduce the League I guess.

19 what we have been working on these past 13
20 months is we have been partners with Cleveland State
21 University to compile 50 state laws as they apply to
22 Poll workers to compile field tested practices in poll

1 worker recruiting, training and retention. We pulled
2 together a working group to give us guidance over the
3 course of this program.

4 We conducted some focus groups with the
5 League of Women Voters project earlier this year. We
6 are developing a how to practical guide book which we
7 will talk about in a few minutes. And I hope you have
8 the job table of contents that was supposed to have
9 been distributed to you earlier today. We will be
10 conducting some pilot projects to test the guidebook.

11 I won't go too much into the compilation of
12 state laws because Abby is going to talk about that
13 more in a bit.

14 The three things we found really impacted the
15 ability to have innovative poll worker programs were
16 age requirement, obviously if you want to bring high
17 school or college students in that can sometimes can be
18 an impediment. Residency requirement become an issue if
19 the poll worker can only serve in that precinct. They
20 can start more innovative programs like corporate or
21 college. And being required to be nominated by your
22 political party can also achieve programs that are a

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1 little more out of the box.

2 We were very fortunate to partner with the
3 National Association of Counties. They were going to do
4 an intensive survey of counties on poll worker
5 practices. So we worked with them to have their survey
6 be as helpful to us as it could be in terms of
7 collecting practices. We also went to some fabulous
8 programs or collection of practices that had been put
9 together by NEMS, by NASED, by IACREAT, the Election
10 Center and the EAC. So we began pulling together
11 practices that we thought were bordering on
12 successful. Some of them were not so successful,
13 bordering on best practices but certainly in the
14 successful realm. Early on we started pulling together
15 our guidebook and then of course together with NECO
16 Survey we were thrilled that we got three hundred
17 responses out of three thousand counties,.

18 Before I was in this project I used to think
19 a ten percent response rate that is terrible. But that
20 is really good when you are doing research. And our
21 research people was thrilled with that. And of course
22 it has given us fabulous stuff to work from. So we are

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1 going to be putting out some results soon. And it is
2 going to be great on who is doing what kinds of
3 practices; who doing what kind recruiting. We also
4 pulled together a great working group to guide us
5 through the projects. I should have mentioned earlier
6 IFES and the poll workers we pulled together were a
7 terrific group for consultants to work on this project.
8 All retired or current election officials who really
9 had some field tested practices to share.

10 And on our working group we had State
11 Election Directors, two local election directors from
12 large and small jurisdictions from from large and small
13 jurisdictions, Academic advisor a research advisor, an
14 adult learning advisor and a training expert form the
15 private sector. So we really were able to pull together
16 some good folks to help us look at whether these
17 programs we were compiling really are successful. We
18 also were fortunate to have advocates from the multi
19 lingual and voters with Disabilities community.

20 We have tried to call in as many (inaudible)
21 as we can in addition to the NECO survey we are really
22 trying to find out what is going on out there and

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1 pulling in some practices, and our working group
2 pulling some information from them. We also pulled

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3 together a round table with volunteers. Not all of us
4 consider poll workers volunteers, in some places they
5 do.

6 They gave us some pretty good thoughts on
7 when you are working with volunteers apparently there
8 is a growing trend in what we call episodic volunteers
9 which means you get all your volunteering done in one
10 big chunk. So really you would think that poll workers
11 would follow that trend.

12 All you need to do is ask. And they said if
13 you don't mind us telling you, your election officials
14 don't ask the right questions if you're really going
15 coworkers as volunteers. Uncle Sam needs you they tell
16 us is a bomb. They advised us to think more about your
17 community needs you on election day to serve in this
18 place and this is what you are going to be doing. They
19 said the more specific the request the better. So
20 you're going to hear feedback from people who, like the
21 the Points of Light Foundation, people who are really
22 in the field of volunteerism.

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1 we talked to and interviewed training
2 experts. A lot of you know Ray Hawkins and Robert
3 Lovejoy (sic) absolute opinion leaders in the field.
4 They gave us some terrific feedback. We had voters
5 with Disability round table talk about some practices

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6 on recruiting poll workers with disabilities. And also
 7 some pieces that are going to go in our guidebook that
 8 are really good for sensitivity training. Getting your
 9 poll workers to go out there and, you know, really make
 10 polls set up the best way to accommodate these folks.

11 The League of Women Voters in an amazing two
 12 or three month period did 19 focus groups in 17
 13 jurisdictions. Obviously they were trying to compile
 14 strategies and also to underscore some potential pit
 15 falls. They came back with some shocking survey
 16 analysis which is that election officials do work on
 17 shoe string budgets. I was amazed to know that. They
 18 also said that election officials had limited staff,
 19 and also that the election environment system
 20 historically had little need for change. Those of you
 21 or started transitioning from punch card voting back in
 22 the 60's will welcome the change. I am not supposed to

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1 side with the focus group results.

2 Now some current reasons for change include a
 3 course of Help America Vote Act, bringing in new
 4 technology that will have big impacts on poll workers.
 5 The increase of public scrutiny of election
 6 administrators obviously we all under the microscope
 7 now. And that means our poll workers are under the

8 microscope. Razor thin margins of electoral victories
9 in recent elections. Obviously the candidates know who
10 their voters are, and if they loose it must be our
11 fault, or the poll workers fault. And finally the
12 anticipated demographic changes that have served as
13 agents for change. And this is everything from
14 increasing needs to have more bilingual poll workers
15 that kind of thing. So lots of change going on there.

16 The most common recruiting practices include
17 word of mouth, personal networks, referrals, more
18 people are paying more money. Lead poll workers in some
19 places are selecting their own team. And some other
20 very common recruiting practices, flyers, posters,
21 adds. Check boxes on voter registration forms. This is
22 traditionally you put something out there as an

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1 election official and the voter, the potential poll
2 worker contacts you.

3 Some of the more innovative recruiting
4 methods are were you find the partner and the partner
5 gets you your poll workers and gets you-- instead of
6 one poll worker they get you multiple poll workers.
7 These program include what we call county poll worker
8 programs, also called governmental private sector, also
9 called corporate poll worker programs, high school
10 college student programs, civic organization programs

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11 and bilingual poll worker programs.

12 One thing that came out of the focus groups
13 is that it is generally more difficult to recruit poll
14 workers from lower income areas and very wealthy areas.
15 And for those of you who have read or will read our
16 guidebook you will see that the chapter that says:"Tips
17 for Recruiting Poll Workers in Low Income Areas" is
18 blank. And that's because we actually haven't found
19 very many good tips. We have spoken to literally dozens
20 of election officials in low income areas, that have to
21 recruit for low income areas including me in Los
22 Angeles, and we are drawing a blank. There really are

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1 not too many successful tips. We are getting there. We
2 are talking to churches. If anybody has any ideas I am
3 listening so please do let me know. Another thing that
4 the focus group found is it is especially difficult to
5 get technological savvy poll workers in economically
6 disadvantaged areas.

7 when we put this in our guidebook we are
8 going to say: "well, you have two choices you can kill
9 yourself trying to find tech savvy people in those
10 precincts or you shut them down" . So our guidebook we
11 are really trying to be very practical.

12 Strategies that met with mixed results

13 included recruiting a partnership of political parties.
14 Obviously there are practices out there of how many
15 have this in their state law that you have to work with
16 political parties. And the reality is that election
17 officials have told us that this is mostly a bomb. Very
18 few election officials have said: " Oh this is a
19 fabulous recruiting technique." Most people have said
20 this is the biggest pain in the neck ever. The people
21 we get we can't place them, they are dead by the time--
22 I mean no disrespect. I mean very mixed results on this

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1 particular type of recruiting. Offering split shifts
2 is another thing we found. First thing a voter on the
3 street, a potential poll worker will say: "Well if I
4 was offered split shifts I would be glad to do it."
5 Then they find out that you-- that they have to find
6 their partner because Hello we are not going to find
7 their partner for them on the split shift and they
8 quit. Or they say: "Do I have to share my stipend?
9 There is no way I am doing that." So you know the
10 perception is okay if we just this practice everything
11 will be great. The reality is a little different. And
12 our guidebook goes into some of these nuances.

13 And one things that has become a kind of
14 undertone of our whole project is that there is, you
15 know, strategies that give you the balmies (sic). Like

014466

16 you know we always talk laughingly about the breathing
17 test. If they are breathing we will hire them. And
18 those strategies really go by the wayside in the time
19 when we are using new technologies and we are under the
20 microscope and there are all these tight elections. We
21 really need to be working on strategies that provide
22 the best poll poll workers not just enough poll

□

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1 workers.

2 Some successful messages that the League came
3 back with from their focus groups are based on the
4 person you ask you need to ask is it a family; is it a
5 neighbor is it somebody calling person to person asking
6 some kind of connection. The more specific you can be
7 the better. And stress the benefit to the community.

8 Key findings on poll worker training. We
9 found that in the focus groups and also in the NECO
10 (sic) survey and also in talking to literally hundreds
11 of election workers across the country there is a trend
12 from moving away from talking head training more to
13 hands on roll playing, setting up a full poll worker
14 station, a full mock polling place and the training and
15 allowing as much hands on as possible. And one
16 interesting thing that we found in both the survey and
17 the focus groups is that paying poll workers to attend

18 training dramatically increases the people who turn out
19 for your training programs.

20 I am going to read this because I think it is
21 important: " The most important theme is--" You're
22 supposed to read from your power point." That is one

□

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1 of the things that we learned when we were just
2 developing our conflict chapter in the manual. You're
3 not supposed to read from your manual but it is a good
4 quote you are allowed to. "The most important thing to
5 arise from the discussions of all the state holders is
6 there is no magic bullet. There is not a one size fits
7 all solutions for every jurisdiction or for reaching
8 out to every population. Election officials must
9 experiment to find the right balance for their
10 jurisdictions needs." I am sure that does not surprise
11 any of you. We all know everybody has had different
12 site jurisdictions, different demographics, different
13 support from your bosses, different size staffs. And so
14 because this is a kind of a theme of our project.

15 Our guidebook has become what we call a
16 recipe book. Let me share with you this is what I call
17 my Betty Crocker Cookbook. And in our guidebook we
18 actually do have practices that are the very basic,
19 boiling an egg. And you know the hamburger version of
20 recipe books. And in our guidebook we have some very

21 basic practices such as word of mouth, or putting up a
22 poster at the polling place. And this is the diet

□

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1 cookbook it's an Oprah cookbook. This is an analogy
2 for the smaller jurisdictions that needed a different
3 kind of recipe because they are trying to stretch their
4 calories further sort of speak. Then you have the
5 connoisseurs cookbook. So there are pieces of the
6 guidebook that are a little bit more for a jurisdiction
7 that is really trying to be cutting edge and wants to
8 do all sorts of fancy new things, new ways of
9 recruiting, new ways of training, fancy power points.
10 All of, you know, more hands on training. They have
11 more money to pay for more in-depth training for some
12 of their poll workers, some of their trouble shooters
13 type of thing. And then we also have-- I have my
14 little New York cookbook. This is to show that we were
15 really ambitious in trying to get models from as many
16 jurisdictions of different sizes and different
17 resources as possible around the country. I promise you
18 this is the end of my little cookbook schmeel.

19 So if you look at our table of contents you
20 will see that we hope to have covered the whole realm
21 of practices that are out there. We have called our,
22 book successful practices. We didn't say they were best

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1 practices and what we tried to do as we talked to
2 practitioners across the country, as we were gathering
3 their thoughts on their programs and their practices
4 and their tools we asked them okay that's great but is
5 this sustainable? Is this something you can keep doing
6 for years to come? Or is this a one time things where
7 you had a bunch of money and you have a fabulous
8 employee who can champion it? Is it measurable? Is it
9 something you can say okay this actually did have an
10 impact of getting better poll workers or having people
11 retain the training pieces better. And we also asked
12 them is it replicable ? Is it something that could only
13 happen in your county? Or is it something that really
14 can be shared with other counties, and they won't have
15 to reinvent the wheel? Then what we did is when we
16 found out, we got the responses, their nuance responses
17 about their practices, and so in our book we also
18 talk-- for each practice we have, we discuss the
19 benefits of the practice, the pitfalls and challenges
20 because we don't want other people to reinvent the
21 wheel. Some tips for in making it happen in your
22 jurisdiction. And we are also providing a methodology

□

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1 of whether it can work long term for you.

2 That's what the guidebook is. What the
3 guidebook is not is it is not magic bullet. Obviously
4 you're not going to read this guidebook and say: "okay,
5 if I do all this good stuff I am going to have no
6 problems getting fabulous poll workers. We are going to
7 do the training and be brilliant on election day. What
8 we hope is that you will pick and choose and really
9 come out with some good stuff to chew on.

10 It is not a poll worker management program.
11 we really had to step back from doing some of the
12 management pieces because that's going to be in the EAC
13 Management Guidelines for one thing. It wasn't part of
14 our contract. Although we did cheat a little bit, we
15 couldn't help ourselves we put in a chapter on poll
16 trouble shooters because although we are not
17 technically poll workers we all know that they can be a
18 fantastic saving grace on election day.

19 What we really hope is that this is not a
20 static document. We are really hoping that all of you
21 will think about ways that once this guidebook hits the
22 streets, maybe at the end of this year, early next

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1 year, that it will be, you know, disseminated as much
2 as possible. Think about maybe having it discussed at
3 lunches and conferences, on IACREAT conferences. Think
4 about maybe at your state associations summer meetings.
5 We are hoping that some of our workers can be on a
6 speaker circuit to get out there and introduce them to
7 folks that can't come to meetings like this. And if you
8 can think about that we would ask you to do that in
9 your feedback form.

10 we also have not yet, if any of you got the
11 electronic copy of this, we haven't yet put in some of
12 the models we have gotten because people are still
13 getting us electronic models. We really would like to
14 have as many models as possible. So if you can send us
15 things electronically we really appreciate it. We
16 haven't it in the book yet because then it becomes
17 difficult to share it. And it would have blown out your
18 systems, you know, if we sent it to you that way. But
19 we are looking for more models. And we are going to be
20 testing-- I am going to wrap this up because Karen just
21 stood up. That is my sign to wrap this up.

22 we are going to be testing this guidebook in

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1 three pilot jurisdictions this summer. We are going to
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2 be going to be going to Hamilton County, Ohio, to Santa
3 Fe New Mexico and to Milwaukee, Wisconsin. So we will
4 be seeing if this guidebook really works. As as we go
5 through changing or updating the guidebook to fit the
6 realities of the jurisdictions that we are working with
7 we definitely will be very happy to have more ideas
8 more models from you all. So please look at that
9 feedback form and provide us with, you know, some good
10 stuff to put in here.

11 MS. HORN: I am Abergail Horn with the Center
12 for Election Integrity from Cleveland State University.
13 Thank you very much for having me today. It has been a
14 real pleasure working with the EAC and an honor getting
15 to speak to you all of you today.

16 I came to this not as a poll worker junkie or
17 geek, I believe Jennifer said. But I have to admit that
18 since working on this since October I guess I have to
19 describe myself as a poll worker geek as well. But it
20 is a proud term and we had a lot of fun with it.

21 Again, the Center for Election Integrity
22 pulls expertise from the law school as well as the

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1 Urban Affairs College that has a focus on public
2 administration so we really have a nice (inaudible)
3 going. College students are in the learning mold. They

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4 are tech savvy. They tend to be young and more
5 energetic. They are generally physically fit and can
6 set up heavy equipment, carry things around. They tend
7 to have more flexible schedules and this is my
8 favorite, but no proven over time, but this is a
9 hypothesis that if you hook them now you have them for
10 the future. Not necessarily as a poll worker. But if
11 you get them engaged now in a real way within the
12 democratic process , within the electoral process they
13 will see the value of it and they will become
14 physically engaged individuals throughout their
15 lifetime. So that is part of it and that's why I became
16 part of the program. But it is not a panacea, it is not
17 a solution for every jurisdiction for the entire
18 nations shortage of poll workers. There are a bunch of
19 hurdles and I am going to go into them in more detail
20 both legal hurdles as well as structural and
21 circumstantial.

22 The three main ones are students are often

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1 not registered to vote in the same state or in the
2 county or sometimes were necessary in the precinct
3 where they are living and where the college is. And
4 that can be a problem. They generally do not want to
5 work, nor do they want to commit to work for more than
6 one election. " I know what my schedule is this

7 semester and I am not signing up for anything that says
8 I have to work more than this one". And indeed
9 although they are flexible classes and assignments can
10 get in the way and they can get in the way at the last
11 minute about working on a full day schedule. That is
12 why we put an emphasis in our guidebook in trying to
13 get a University wide policy of excused absences for
14 anyone who is going to be working as a poll worker. And
15 that is something to work on as they get going.

16 Our project is set up in the same way that
17 Jennifer's is in terms of having a project working
18 group and having focus groups. We have a seven person
19 team; three elections officials, three professors and
20 indeed college students who are all providing us really
21 wonderful feedback on the work as we move along.

22 we set out to collect what began from initial

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1 work to be best practices but we quickly included that
2 to become effective strategies. We were really lucky.
3 we had a wonderful pool of things to start looking at
4 which was in 2004 the EAC provided grants to 15
5 different colleges and non profits to run college poll
6 worker programs. So we looked at those really
7 carefully, talked to most of them and got a really good
8 sense of what worked for them and what didn't. We went

9 on and looked at lots of different surveys and other
10 materials. In fact Jennifer was a wonderful resource
11 for us and fed us whenever she heard about college poll
12 worker programs in different shapes and forms. And we
13 have been following up in collecting lots of different
14 examples. And please if you have any send them my way.
15 My email will be at the end of this presentation. You
16 may have it in your packet already, I'm not sure it
17 already.

18 But, surprisingly, there are very few
19 structured programs. And a lot of people look to
20 colleges and universities in getting students to be
21 poll workers but they don't have ongoing relationship
22 with a particular college or university with a

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1 structured program in place. Not a lot of overtime
2 programs. And that's what we really focused on in our
3 guidebook which is to develop a long term relationship
4 between the election jurisdiction and the college or
5 university.

6 we had four things for the focus groups and
7 most of them we did. One with students who had worked
8 as poll workers and one who did not. Overall their
9 findings reiterated what we had already found through
10 our research so that was great. We mainly talked to the
11 students about incentives for being a poll worker and

12 hurdles. And we pulled that all together.

13 The next part of the project was pulling
14 together the state statutes requirements. We looked at
15 the statutory law in all 50 states territories etcetera
16 related case law, anything pertaining to college poll
17 workers popped us as well as where applicable in some
18 states that we had to also look at the administrative
19 code and the state constitution and of course at times
20 they were in conflict with each other. But that is just
21 to be expected.

22 We then really-- it took a long time to

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1 confirm all the data that we had. And send out to all
2 of the states their particular information trying to
3 get confirmation. We're just about there. And if you
4 happen to notice any errors in there let us know. We
5 are in an ongoing cleaning up process of the data.

6 And then there is always this issue of the
7 fact that sometimes practice at the local level is not
8 quite equal with what the policies say. And that is
9 true in many, many cases. And sometimes, quite frankly,
10 that is a good thing because the policies were pretty
11 new and if practiced exactly as they are written often
12 times it would be really hard to get college students
13 to work. And I will go into those later.

14 The state statues. We collected all the
15 information and several more but I thought these were
16 the more interesting ones so I stuck them up there.
17 Each state, we have a three or four page information
18 sheet and that all will be available on the EAC website
19 when this project is all done. You can click on the
20 page and see carious requirements for poll workers. We
21 have synthesized that into a chart that is in our
22 guidebook, and I believe you have a copy of the

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1 guidebook.

2 This leads me to the actual guidebook which
3 some of you may have. I have a few color versions with
4 me so if you're really excited about college poll
5 workers and want to see the color version let me know
6 and I will give you one of those.

7 One issue that we struggled with in writing
8 is that we are writing for two different audiences. And
9 i would love feedback from any of you on that in that
10 we are writing for both elections officials who want to
11 figure out to develop a program with college students.
12 As well as for college and university representatives
13 who want to get their students more integrated. So
14 they are really two very different audiences. And at
15 times that can be challenging.

16 we have three different sort of call out
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17 boxes that you will notice in the handbook. We suggest
18 handing these out prior to election day. And to
19 consider using the students they make really great
20 temporary election workers as things get hectic.

21 A how to box for example we have one on how
22 to develop a course reading, a big emphasis in the book

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1 is incorporating poll work into a class curriculum
2 either has a service learning assignment or as extra
3 credit. Or developing a whole course around the idea of
4 citizenship. We have suggested reading that you might
5 use to build a course around.

6 Ignore at your own risk for example one of
7 the color boxes is designing equipment materials for
8 college students be careful not to inadvertently insult
9 your older veteran poll workers. You don't want to say
10 we really need young smart people.

11 And there is a table of contents for the
12 guidebook is a campus champion that is something we
13 have put emphasis on. You really need to find somebody
14 at the college or university who is going to be that
15 champion a person who is really going to get out there
16 put the word out and make it happen. At the same point
17 you also need to have a strong liaison with the
18 Election office.

19 Now I want to talk about retention and
20 sustainability in college poll worker programs. We see
21 that we are not able to retain these students. At most
22 you're going to get a student for four years. And most

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1 likely you're not going to get the same student for
2 their four years of college. But the emphasis is really
3 on having sustainable programs. What you want to know
4 is that you have this ongoing relationship that you
5 work on and instruct with the local college or
6 university. So that you can count on having 200
7 students every year. They may be different faces and
8 have to go through the training and so on. But you
9 know that you have those bodies and that your partner
10 at the college is going to come through for you. And
11 indeed they are going to be quality poll workers.

12 There are examples of various programs that
13 we talk about in the guidebook. They really come in
14 different shapes and sizes Professor Ken built it into
15 the curriculum as a service assignment. As I explained
16 that is great. It might pull in 25 to 30 students in
17 the class that way.

18 Campus wide recruiting campaign posts a lot
19 of information. A lot of the EAC grantees followed
20 this model they might have gotten 150 students by just
21 getting the word out. Clinical science department

22 provides five extra credits. At large universities them

□

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1 have ten political science classes each one with 200
2 students. It's a pool of 2000 potential students all
3 offered five extra credit points. They bring in 250
4 students easily to be poll workers. I just added this
5 one the university sent out a mass email. That is not
6 really a program that is an ongoing relationship but in
7 fact it can work because in Cleveland in a recent
8 primary I ended up contacting the President of
9 Cleveland State and a community college and a four year
10 college and they all sent out massive emails to their
11 students. Faculty and staff saying they needed people
12 who could come and work at the elections. And they got
13 a huge turnout despite the fact it was the week of
14 finals.

15 We are going to be running three pilot
16 projects that are basically designed to field test our
17 guide book. The criteria there is having strong
18 interest from the election official and from the
19 school. We are really excited in conducting this
20 project.

21 Some major findings just a few of them. The
22 emphasis in these programs is developing that

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1 relationship. We are talking about having sustainable
2 program you want to have the time for relationships
3 building. And on the colleges side if you want to
4 incorporate it into curriculum and into classes you
5 have to get your faculty at least a semester before.
6 They are going to be tweaking their curriculum and they
7 need that time ahead to make that a reality. It is
8 really important to start early to get everyone on
9 board because if you're going to have a university wide
10 policy of excused absences on election days of poll
11 workers you better get working nine or ten months ahead
12 of time in order for it to go through the university
13 system.

14 Let's see, Jennifer mentioned you don't want
15 to see Uncle Sam needs you but with college students
16 really stressing the important in your message that
17 they play that this is not just some boring game but
18 that in fact explaining the importance of poll workers
19 which is in the democratic process students find
20 interesting and indeed motivates them. That said skip
21 down to my last point which are the two best incentives
22 which by far blew out every other incentive you could

□

1 possibly think of.

2 First one is money and the second one is
3 extra credit. So if you can work it through a college
4 or university and professors to build it into their
5 curriculum, fabulous. The students eat that up. And
6 again students are cash starved.

7 Training on campus indeed should be very
8 hands on, roll playing, lots of questions. In our focus
9 groups students complained about not being-- feeling
10 intimidated to ask questions. So lots of question and
11 answers. And emphasis on the etiquette and
12 intergenerational communication.

13 Again off year elections are not sexy, it's
14 going to be easiest to get college students engaged for
15 the Presidential elections. But that said, indeed there
16 are many examples of students working primary. And
17 other students working in between presidential
18 elections. It is not impossible but you need to
19 recognize that.

20 In getting students you will be surprised how
21 often or an assignment will pop up just a week before
22 when you thought you had everybody signed up and they

□

1 can't work on election days. So getting that commitment
2 from the University or college is really important.

3 Quickly on the legal impediments. Indeed most
4 states require poll workers to be registered voters of
5 the state, usually of the county and in fact usually a
6 resident of the precinct that they are going to be
7 working in. Now again that policy practice issue comes
8 into play there a lot. That can be a big problem for a
9 poor college student. Sometimes they don't want to
10 change their registration from their home town to where
11 they are at college. And then on the flip side some
12 states restrict college students from registering to
13 vote in their college town. That can also be a big
14 legal impediment.

15 Political affiliation: Only six states don't
16 provide require some sort of political affiliation. Now
17 at the county level they are not necessarily relying on
18 political party lists to get their poll workers. And
19 the time requirements as I mentioned students really
20 don't want to commit to more than one election so if
21 they are required to sign on the line to work for two
22 straight years every election they are going to balk.

□

1 And please sent me your ides if you know of
2 any projects out there I would love to hear about them.
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3 And as you read through it any comments about format or
4 language I would be more than happy to receive them
5 any questions?

6 MR. BERNARD: Louie Bernard, Louisiana.

7 I wanted to ask Jennifer did you find
8 somewhere that a split shift program that was really
9 working. And B., was it the responsibility for the poll
10 worker to find the partner or the election official?

11 MS. COLLINS-FOLEY: Interestingly enough we
12 really tried to find a split shift program that really
13 worked and we haven't found one. We found that most
14 jurisdictions have tried it and given it up entirely. I
15 talked to five different jurisdictions in Virginia last
16 week. They said try this city or try Arlington I
17 finally gave up. And then there are some that keep it
18 just for the sake of showing that they are flexible.
19 For example in Los Angeles County we found that poll
20 workers don't want to do it. They don't want to find
21 their own partner and they don't want to split the
22 stipend. But we had to keep offering it just so we

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1 could say that we do. So we have a contract, you know
2 and especially we found is that election officials are
3 very reluctant to do this because you compromise the
4 integrity of the process. What happens if the other

5 person doesn't show up? That is the key thing for
6 elections officials is that integrity issue. And we
7 found that even the jurisdictions that had tried it and
8 given it up would never allow the lead poll worker to
9 split a shift. That was one thing that was constant.
10 So we had in our guidebook that was a big chapter and
11 we moved it into a one pager. It is out there and
12 people do it with limited success. We kept it in there
13 and there is w whole big section of the pitfalls and
14 challenges so that nobody had any doubt that it was not
15 the most successful practice.

16 MS. MARKOWITZ: Deborah Markowitz, Vermont .

17 In Vermont we only use split shifts. The
18 chief election official is there all day. And one of
19 the things we recommend is that the people who count
20 the votes, we hand count, except in eighty precincts
21 and we recommend that the people who count are never
22 the same people who sat there all day because it is

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1 hard to be precise at the end of the day. And we
2 recommend for that late shift starting at three or four
3 in the afternoon to school teachers. And that maybe
4 useful for you for LA of some of these hard to places.
5 Or they are people who work as bank tellers. They are
6 very good at counting and are very precise. It is
7 interesting although our chief election official in

8 every polling place stays the same because you need
9 continuity. But that is the only person that we
10 recommend be there all day.

11 MS. FOLEY: I will definitely look into that
12 be cause we are about to do a case study on your
13 program.

14 MS. MARKOWITZ: You should also look at the
15 fact that our polls open up at five in the morning. So
16 it is a long day.

17 MS. JOHNSON: Carol Johnson, New Hampshire.

18 we also do split shifts in our community in
19 Manchester. And we do it quite successfully as well. We
20 also have an interesting problem with people showing up
21 for training sessions. We do a two hour training
22 session before every single election. We have had as

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1 many eight elections in an 18 month period. what we
2 found was as an incentive showing up we changed the
3 ordinance that provides payment. So if they show up at
4 the training session they get more money than if they
5 don't show up at the training.

6 MS. FOLEY: I definitely will come up there
7 as well. One of the things that is going to be in our
8 guidebook is a discussion of the money and how there is
9 this trend for add on's people had their base

10 stipends . And then you can have all these little add
11 on's seem to be a trend . And we are hoping this could
12 be used by election officials in their budgeting
13 process. They have to go to their bosses and say hey we
14 are at the low end of the spectrum we need to give our
15 poll workers a raise for picking up supplies extra.

16 MS. BOWERS: Marilyn Bowers, South Caroling.

17 We were almost successful this year in
18 getting legislation past to allow registered voters
19 within the state to expand to the use of college
20 students but got it knocked down. We will try again.

21 I don't know if anyone has thought about
22 doing online training for poll workers I got the idea

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1 because I had do a course because I was with the EAC
2 during activation. And we did online training. we went
3 through the training chapter by chapter, took the test
4 and received notice that you were certified.

5 when I checked into some programs that were
6 out there they are very expensive initial cost plus
7 yearly cost and the logistics of training large numbers
8 prior to every election which our law requires it takes
9 a lot of classes to do all those elections. You could
10 reach a larger number of people by certifying them
11 through a computer course.

12 MS. FOLEY: In the guidebook we have a whole
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13 chapter on online training. And we are adding models of
14 training that is bringing in a vender. And also we are
15 doing home grown versions. We are also doing-- in the
16 jurisdictions that are doing their normal training
17 classes and using the online training as a refresher.
18 And we are also focusing on jurisdictions that are
19 doing their entire training on line with some heavy
20 emphasis on evaluating, whether this is effective or
21 not. Are they getting their teenage sons go through and
22 answer the questions. There is some good stuff in

□

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1 there. And again if anybody has models we are looking
2 for them. But we have some good stuff already.

3 MS. KIFFMEYER: Mary Kiffmyer from Minnesota.

4 First of all I just wanted to mention that
5 National Associations of Secretary's of State
6 regularly send out surveys. Our national association
7 can reach immediately into many states and within the
8 states. This is something t hat may make it a little
9 easier to find out where some of this things are. It
10 could be a good resource for you. Only because even in
11 Minnesota we have election training program and video
12 brochures. I have not see the references here but I
13 just wanted to suggest that maybe before you add on's
14 or something to use our national association. We could

15 be a resource to help you gather some information and
16 data. Maybe make some of those contacts you will be
17 hearing about.

18 MS. FOLEY: Thank you.

19 MS. BARTHOLOMEW: Tonni Bartholomew, State of
20 Michigan.

21 we as well pay the part time workers. We
22 choose to pay them a high rate. And we find that by

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1 doing that we can not only get housewives but we can
2 get high school students. We use a lot of high school
3 students that come in at 3 o'clock. We also do the add
4 on pay for cell phone usage.

5 MS. LYNN-DYSON: One of the things I have not
6 circled, Jennifer is you gave folks your contact
7 information.

8 MS. FOLEY: One contact that you can use is I
9 am at [REDACTED] more importantly IFES
10 has set up an email address that is: Guidebook-feedback
11 @ IFES. Org .

12 And it is also on your feedback form at the
13 table of contents that was a hand out.

14 MS. LYNN-DYSON: I think as the Election
15 Assistance Commission moves forward through the summer
16 on these pilot projects it will be-- and we actually
17 get to the Fall get to the point with these manuals and

18 the college and the general poll worker manuals and
19 also with our materials that you have heard about this
20 afternoon with our ballot design and polling place
21 signage it will be extremely helpful to our agency and
22 to me to have feedback on marketing and distribution

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1 of these materials.

2 We are very proud of them. We are pleased
3 that we have them. They also represent a good deal of
4 investment on the part of our agency and your federal
5 government. So these documents will do no one no good
6 if they are just sitting on our website and we are not
7 getting-- and people are not downloading them. Even in
8 terms of actual production the old fashioned way and
9 sitting on peoples book shelves collecting dust. So it
10 would be very helpful to me to hear from you all about
11 marketing and distribution of these products.

12 My email address is: Klynndyson@EAC.com so
13 let me hear from you about our venues, setting, Mary
14 mentioned mass. We certainly anticipate this summer
15 through IACREAT and NASED and NEC meetings getting the
16 word out. But I'd like to hear if you have any other
17 ideas for us.

18 MR. MARTINEZ: Thank you very much for a very
19 successful session. We are done for the afternoon. I

20 am going to turn the mic over to MS. Nighswonger and
21 let her any final remarks. Tomorrow we have a
22 continental breakfast that starts at 8 a.m., I am told

□

194

1 they should be set up at 7:35. We will start our first
2 session promptly at 8:30. Tomorrow's topics are very
3 important. We start with a presentation on management
4 guidelines and we go throughout the morning until 4:30
5 on important subjects that we are doing research on.
6 And I can't think of any other announcements to end our
7 day. Madam Chair?

8 MR. NIGHSWONGER: All right. I just want to
9 thank all off the staff for their help, the
10 interpreters we appreciate their long day. And also our
11 court reporter. And I think if there are no objections
12 we will adjourn for the evening.

13 (Thereupon, the above meeting was adjourned
14 for the evening at approximately 5:35 o'clock,
15 p.m.)

16 * * * * *

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CERTIFICATE OF COURT REPORTER

I, Pauline Jansen, court reporter in and for the District of Columbia, before whom the foregoing meeting was taken, do hereby certify that the meeting was taken by me at the time and place mentioned in the caption hereof and thereafter transcribed by me; that said transcript is a true record of the meeting.

Pauline Jansen

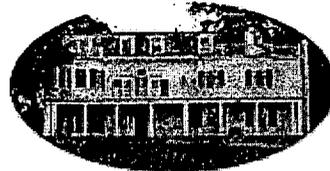
**Briefing for
U. S. Election Assistance Commission
Standards Board**

May 23 , 2006



Provisional Voting

...ing ...mmendatio...



EAGLETON INSTITUTE OF POLITICS

Rutgers, The State University of New Jersey

MORITZ COLLEGE OF LAW THE OHIO STATE UNIVERSITY

014495

Project Management Team

Dr. Ruth B. Mandel, Director. Eagleton Institute of Politics

Board of Governors Professor of Politics

Principal Investigator and Chair of the Project Management Team

Edward B. Foley, Robert M. Duncan/Jones Day Designated Professor of Law

The Moritz College of Law

Director of Election Law @ Moritz

Ingrid Reed, Director of the New Jersey Project

The Eagleton Institute of Politics

Daniel P. Tokaji, Assistant Professor of Law

The Moritz College of Law

John Weingart, Associate Director

The Eagleton Institute of Politics

Thomas M. O'Neill, Consultant

The Eagleton Institute of Politics

Project Director

QUESTIONS RAISED BY THE EAC

- 1. How did states prepare for HAVA's provisional voting requirements?**
- 2. How did preparation and performance vary between states that had previously had some form of Provisional Ballot and those that did not?**
- 3. How did litigation affect the implementation of Provisional Voting?**
- 4. How effective was provisional voting in enfranchising qualified voters?**
- 5. Did State and local processes provide for consistent counting of provisional ballots?**
- 6. Did local election officials have a clear understanding of how to implement provisional voting?**

TO ANSWER THOSE QUESTIONS

- Surveyed 400 local election officials
- Reviewed the EAC's Election Day Survey
- Analyzed states' experience with provisional voting:
 - use of statewide registration database
 - treatment of out-of-precinct ballots
 - use of different approaches to voter ID
 - consistency
 - time period allowed for ballot evaluation
- Collected provisional voting statutes and regulations
- Analyzed litigation

Variation among the states

- In 2004 nationwide about 1.9 million provisional ballots cast, 1.2 million, or just over 63%, were counted.
- The percentage of provisional ballots in the total vote varied by a factor of 1,000 -- from a high of 7% in Alaska to Vermont's 0.006%.
- The portion of provisional ballots cast that were counted ranged from 96% in Alaska to 6% in Delaware.

Some sources of variation among states

Experience

Share of provisional ballots in the total vote was 6 times greater in states that had used provisional ballots before than in states where the provisional ballot was new.

Administrative Arrangements

Time to evaluate ballots

- States that provided less than one week counted an average of 35.4% of their ballots.
- States that permitted more than 2 weeks counted 60.8%.

Voter registration data bases

- States with voter registration databases counted an average of 20% of the provisional ballots cast.
- States without databases counted 44%.]

Variation within states

Rate of counting provisional ballots varied by as much as 90% to 100% among counties in the same state.

Resources available to administer provisional voting varied.

--The Election Day Study found that staffing problems appeared to be particularly acute for jurisdictions in the lowest income and education categories.

--Small, rural jurisdictions and large, urban jurisdictions reported higher rates of an inadequate number of poll workers.

--Jurisdictions in poor areas reported more inactive voter registrations and more provisional ballots cast.

--Richer areas had more poll workers per polling place and reported lower rates of staffing problems per precinct.

1. How did states prepare for HAVA's provisional voting requirements?

Most election officials received provisional voting instructions from state government. The type and amount of instruction received varied widely across the states.

Almost all provided training or written instruction to precinct-level poll workers on how to administer provisional ballots.

- **Only about 1 in 10 made available to poll workers a voter registration database.**

- **Almost equally rare were training and written procedures for poll workers on the counting of provisional ballots.**

2. How did preparation and performance vary between states that had previously had some form of provisional ballot and those that did not?

Local election officials in the “old” states felt more confident.

18 states were new to provisional voting; 25 others had experience.

“New” state officials felt:

-- Voters did not receive enough information about where to cast a provisional ballot in order to be counted.

-- More funding was needed to educate voters about their rights to cast a provisional ballot.

Provisional ballots in “old states” : more than 2% of the total vote, 4 times the proportion in “new” states.

Counting provisional ballots in the final vote, the “old” states averaged 58% nearly double the average (33%) in “new” states.

Question 3: How did litigation affect the implementation of Provisional Voting?

Pre-election litigation clarified voters' rights to:

- **Sue in federal court to remedy violations of HAVA**
- **Receive provisional ballots, even though they would not be counted**
- **Be directed to the correct precinct**
- **Most pre-election litigation occurred too late to influence how states implemented provisional voting.**

4. How effective was provisional voting in enfranchising qualified voters?

Provisional ballots enfranchised 1.2 million voters, or 1.01% of turnout, who otherwise would have been turned away.

The number of voters who could be helped by provisional voting may be about 2.5 – 3 million. Provisional voting might be about 50% effective.

There is room for improvement.

Legislative activity gives evidence that states were not satisfied with the effectiveness of their provisional voting systems.

Those voting with provisional ballots in states with experience were enfranchised more frequently than those in the “new” states.

Question 5: Did State and local processes provide for consistent counting of provisional ballots?

Little consistency existed among and within states.

The use of provisional ballots was not distributed evenly across the country. A few states accounted for most of the ballots cast.

Share of provisional ballots in the total vote was six times greater in experienced states than in new states.

More rigorous the state's Voter ID requirements the smaller the percentage of provisional ballots that were counted.

"New" states with registration databases counted 20% of the ballots cast. Those without databases counted more than double that rate (44%).

Question 5: Did State and local processes provide for consistent counting of provisional ballots?

In-precinct versus out-of-precinct states had different outcomes.

States that allowed out-of-precinct ballots counted 56% of the provisional ballots.

States that recognized only ballots cast in the proper precinct counted an average of 42% of provisional ballots cast.

In "old" states, this difference was greater.

52% of ballots cast were counted in states requiring in-district ballots, 70% were counted in those allowing out-of-precinct ballots.

Question 5: Did State and local processes provide for consistent counting of provisional ballots?

States that provide a longer the time to evaluate provisional ballots counted a higher proportion of those ballots.

14 states permitted less than 1 week :	35.4%
15 states permitted 1 – 2 weeks:	47.1%
14 states permitted more than 2 week:	60.8%

Effect felt most strongly in states where more than 1% of the overall turnout was of provisional ballots.

Less than 1 week:	58.6%
1 – 2 weeks:	65.0%
More than 2 weeks:	73.8%.

Question 5: Did State and local processes provide for consistent counting of provisional ballots?

Conclusions

States have latitude in how they meet HAVA requirements.

A considerable degree of variation among the states is to be expected.

If that variation stems from differences in political culture among the states, it is likely to persist. If it reflects a learning curve for "new" states, consistency may increase more quickly.

Question 6: Did local election officials have a clear understanding of how to implement provisional voting?

8 out of 10 county-level elections officials reported receiving instructions from their state government

4 out of 10 local election officials felt poll workers needed more training to understand their responsibilities

Objectively, how well did the process appear to be managed?

Lack of consistency among and within states indicates wide differences in understanding by election officials.

The number of states that have amended statutes on provisional voting to include poll worker training is a sign of dissatisfaction with the level of understanding in 2004.

RECOMMENDATIONS TO THE EAC

BEST PRACTICES

The importance of clarity

EAC should emphasize the importance of clarity in the rules by which each state governs provisional voting. Does the provisional ballot system:

1. Distribute, collect, record, and tally provisional ballots with sufficient accuracy to be seen as procedurally legitimate by both supporters and opponents of the winning candidate?
2. Place administrative demands on local jurisdictions that are realistically related to the staff and other resources available?
3. Display variation within the state great enough to cause concern that the system may not be administered uniformly from county to county?

Lessons of litigation for achieving clarity

Look to litigation from the 2004 election to shape new statutes or regulations that will increase the clarity of provisional voting procedures, increase predictability, and bolster confidence in the system.

1. Litigation clarified the right of voters to receive provisional ballots, even though the election officials were certain they would not be counted.
2. Lawsuits prompted election officials to take better care in instructing precinct officials on how to notify voters about the need to go to the correct precinct in order to cast a countable ballot.

EAC should recommend to the states that they:

Promulgate clear standards for evaluating provisional ballots, and provide training for the officials who will apply those standards.

Provide materials for local jurisdictions to train poll workers on such procedures as how to locate polling places for potential voters who show up at the wrong place.

Make clear that the only permissible requirement to obtain a provisional ballot is an affirmation that the voter is registered in the jurisdiction and eligible to vote in an election for federal office.

-- Provide poll workers the training they need to understand their duty to give those voters a provisional ballot.

EAC should recommend quality improvement

Begin a systematic quality improvement program by collecting data on the provisional voting process. Data collected should include:

- Specific reasons why provisional ballots were not counted
- Measures of variance among jurisdiction
- Time required to evaluate ballots by jurisdiction
- Provisional votes cast and counted by jurisdiction

Assess each stage of the provisional voting process

Before the election

- Clear information for voters on websites and in sample ballots.
- Training materials in every jurisdiction make poll workers familiar with the options available to voters.

At the polling place

- Design of provisional ballot
- Estimate supply of provisional ballots needed at polling places

Evaluating provisional ballots

- Define and adopt a reasonable period for voters who lack ID or other eligibility information bearing to provide it.
- A voter's provisional ballot should count so long as the voter cast that ballot at the correct polling site even if at the wrong precinct within that location.
- Follow written procedure or checklist to record why a provisional ballot is rejected.

Assess each stage of the provisional voting process

Post-election

Best practice is for states to consider how to complete all steps in the evaluation of ballots and challenges to those determinations within the five weeks available in presidential elections.

Provide timely information to voters about the disposition of their provisional ballot.

- Are they now registered for future elections?
- If not, what they need to do to become registered?

Briefing for
U. S. Election Assistance Commission
Advisory and Standards Board

DISCUSSION AND QUESTIONS

May 2006

Raymundo
Martinez/EAC/GOV
07/12/2005 05:24 PM

To Thomas R. Wilkey/EAC/GOV, Karen Lynn-Dyson/EAC/GOV
cc
bcc
Subject Fw: Follow-up

Tom/Karen:

Here is an email from Dan Lowenstein (presenter in LaJolla and co-editor of Election Law Journal) who made some suggestions on names for the voter fraud work we are trying to do. Perhaps a call to Bruce Cain at Berkeley would be appropriate.

Karen, what do you think?

RAY MARTINEZ III
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— Forwarded by Raymundo Martinez/EAC/GOV on 07/12/2005 05:19 PM —



"Lowenstein, Daniel"
<lowenstein@law.ucla.edu>
06/21/2005 03:28 PM

To "Rick Hasen" <Rick.Hasen@lls.edu>, rmartinez@eac.gov
cc "Lowenstein, Daniel" <lowenstein@law.ucla.edu>
Subject RE: Follow-up

Ray,

Before I read Rick's message, Steve Ansolabehere was the first name that came to my mind. This assumes you are looking for part-time, not full-time consultants. I would categorize Steve as very moderate left. I am not certain he is Democrat but would be very surprised to learn he is not. But the main thing about him is that he calls things as he sees them. So if you found a Republican with the same characteristics, that would be ideal. Charles Bullock of the University of Georgia would be a possibility. (Actually, I'm not sure of his party either, but I think he may be a Republican.)

I would also suggest you talk to Bruce Cain in the Institute of Governmental Studies at Berkeley. He is very savvy and knows more political scientists than Rick and I do.

014519
Deliberative Process
Privilege

When I have questions about the political science profession, he's usually the person I go to. His phone number is 510-642-1739. He is also going to be running a UC office in Washington, so he will be more or less living there for the indefinite future. He is someone you ought to get to know.

Best,

Daniel Lowenstein
UCLA Law School
405 Hilgard
Los Angeles, California 90095-1476
310-825-5148

-----Original Message-----

From: Rick Hasen [mailto:Rick.Hasen@lls.edu]
Sent: Tuesday, June 21, 2005 11:56 AM
To: rmartinez@eac.gov
Cc: Lowenstein, Daniel
Subject: Re: Follow-up

We are now editing articles for our next issue, which is due out in October. We need to get everything to the printer for this issue in mid-July. So we'd need something from you by early July if it were to make it into that issue. Our deadlines after that are about three months later for each issue.

As far as researchers, I give my highest recommendation to Steve Ansolabehere of MIT, who has already done a bit of research on this issue. He is truly one of the top political scientists in the country working in this field, and he is careful and very fair (I don't know whether I'd count him as "left" or "right").

Dan may have other ideas.

Rick

rmartinez@eac.gov wrote:

Rick / Dan:

Thanks for the follow-up. As I mentioned to Dan in La Jolla, I do want to commit to doing a paper for ELJ. Aside from my own interest in election law and election administration, I think it is important for your readers to gain a better understanding of the role of the EAC and all that we are doing, particularly in the area of voting system standards and certification. Please tell me what the new deadline is and I will make sure to get you an outline of my intended submission, and of course, a timely draft for your consideration. Thanks again to both of you for the continued

014520

opportunity.

On a related note, in Section 241 of HAVA, Congress gives the EAC a laundry list of possible research topics related to improving the process of election administration. Among the suggested topics are the following:

- "(6) Nationwide statistics and methods of identifying, deterring, and investigating voting fraud in elections for Federal office;
- (7) Identifying, deterring, and investigating methods of voter intimidation."

In order to get this research project started, the EAC would like to engage two research consultants who could bring some level of knowledge and expertise to the table and help the commissioners to come to an agreement on the framework and/or scope of such a research project. Rather than sending something out on the listserve, I thought I would directly solicit your opinions about any names in the academic field that you think we ought to consider. The reason we are looking to employ two consultants is because we would like to achieve a political balance -- one from the left, and one from the right, so to speak. Any thoughts you have on this would be greatly appreciated.

Regards,

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--

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<http://www.lls.edu/academics/faculty/hasen.html>

014521



Paul DeGregorio /EAC/GOV
08/19/2005 11:06 AM

To Gracia Hillman/EAC/GOV, Raymundo Martinez/EAC/GOV,
ddavidson@eac.gov, twilkey@nycap.rr.com, Juliet E.
Thompson/EAC/GOV, Karen Lynn-Dyson/EAC/GOV, Carol
cc
bcc
Subject Eagleton

History

This message has been forwarded

In his note regarding the Eagleton contract, Hans has raised some of the same concerns I raised from the beginning of any discussions I had regarding this contract with our staff, and at our first formal meeting with Eagleton. In reviewing their work product from time to time, I continue to have concerns about a lack of balanced input and have repeatedly voiced them with staff and with Eagleton. I did this when the initial peer review group was proposed and again during their presentation at our meeting in Pasadena (the outreach slide in their public presentation showed outreach to seven groups, of which only one could be considered conservative-leaning). Now, as I have just had the opportunity to read their July progress report, it appears that Eagleton seems to be going into a larger analysis of the voter fraud issue than was authorized in the contract. My suspicion is that Dan Tokaji is injecting his views into this to dismiss or diminish the concerns some people may have about voter fraud. I could be wrong, but his previous writings lead me to believe otherwise.

I only found one mention of voter fraud in the contract with Eagleton. It is in Section 3.5 regarding provisional voting, where it discusses "minimizing opportunity for voter fraud." Yet, on page 4 of the July progress report from Eagleton, in describing their work plan for the next month it states: "we will expand upon vote fraud research and examine further the relationship between instances of vote fraud and ensuing election reforms." This clearly seems to be going beyond the mandate we gave them as I thought they were going to be looking at voter fraud relating to provisional voting (as the contract calls for), not voter fraud as it relates to election reforms. While voter fraud was never mentioned in the contract regarding the voter ID issue, page 5 of their July report indicates that their narratives "will include an appraisal of the prevalence and nature of vote fraud." In addition to this, page 6 describes a look into the "relationship between voter ID regime and vote fraud."

Voter fraud is clearly an issue that is perceived differently from the Right and from the Left. I have struggled with determining what a clear definition of voter fraud is myself, and therefore want to obtain various perspectives and good analysis on this issue before I formulate a solid conclusion in my mind. It has been my understanding all along that the whole voter fraud/voter intimidation issue is going to be studied by the EAC using a balanced group of consultants--not Eagleton and Moritz, who are likely to focus on just on the number of prosecutions of voter fraud, rather than the complaints made or the fact that many election officials are frustrated that some prosecutors don't take their complaints about voter fraud seriously. I am not convinced at this point that we will get a balanced and objective study from Eagleton/Moritz on voter fraud. I am puzzled on why they seem to be expending a significant portion of their time on this and would want to know if we somehow authorized them to do more research into the voter fraud issue.

On page 7 of their July report Eagleton indicates that communications with the EAC on the Peer Review Group "were not clear or timely." I would like to know what this refers to. Also, I may have missed it, but I do not recall seeing the final list of who is serving as the Peer Review group.

The August 15th copy of the July report that I received from Karen did not include the attachment of the financial report of expenses incurred. I would like to see that attachment.

Outside of our NIST work, this contract represents our largest single outside expenditure of our operational funds. Any single expenditure of \$500,000+ needs to be closely monitored. I, for one, am not going to sign off on any report that appears to have been written from a biased viewpoint, especially one that doesn't appear to be interested in hearing from conservative organizations or right-leaning researchers, or seems to minimize any input from them. I've already had questions from congressional

014522

staff and others on why we picked Eagleton and Moritz, as they are perceived by some as biased against Republicans. I assured the critics that we have insisted all along on an objective study from Eagleton. An unbalanced or biased study from them will not only hurt my credibility, but also that of the EAC. I'm not suggesting that we stop their work, but I do want Tom and Julie to inform them in no uncertain terms that we will not accept a report that does not seriously consider all viewpoints on provisional voting and the voter ID issue, and that any study or interpretations they present to us reflect a diversity of opinions on these subjects. We also need for staff to determine whether their considerable work into the voter fraud area is authorized in the contract. We should not be paying for and receiving work we did not authorize.

The contract clearly calls for "alternative approaches" on voter ID requirements and "alternatives" on provisional voting. I agreed to support this contract to Eagleton because I was assured that we would receive a variety of approaches from their work, and not just those from a liberal perspective.

Paul DeGregorio
Vice Chairman
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pdegregorio@eac.gov
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014523



Raymundo
Martinez/EAC/GOV
08/19/2005 02:37 PM

To Paul DeGregorio/EAC/GOV@EAC
cc Gracia Hillman/EAC/GOV@EAC, Donetta L.
Davidson/EAC/GOV@EAC, Raymundo
Martinez/EAC/GOV@EAC

bcc

Subject Eagleton

Paul:

I am directing this email only to the commissioners, because I don't think we should air our disagreements among staff until we have at least had a chance to discuss controversial issues with each other in person. It appears from Gracia's email that we will have a chance do so next week in Denver.

In the meantime, I feel compelled to respond to your email regarding Eagleton.

(1) As I stated last night in my email to Hans, we have an on-going responsibility to monitor the expenditure of all our federal funds, including to government contractors who are contractually obligated to deliver unbiased research. However, I will remind you that we did not contract with Eagleton merely to provide a compilation of state laws and procedures. Rather, we contracted with Eagleton (and indirectly with Moritz through Eagleton) to provide both research AND analysis of provisional voting and voter ID. Invariably, the analysis portion of their final product will be from a professional (and institutional) perspective, and will NOT represent any one researcher's personal point of view. If it does, then Eagleton and Moritz risk damaging their credibility not just with the EAC, but with other federal government agencies which undoubtedly contract with their respective institutions on other projects. I doubt seriously that either institution would risk such damage and allow one team member to inject bias into the work. Moreover, the peer review group that is (or has) been assembled by Eagleton is designed to cure any lingering concerns about potential insitutional or personal bias...Eagleton has been responsive to your feedback on this issue, to the point where they have removed all perspective representatives of the advocacy community on the peer review group (because they felt they could not achieve political "balance" from the advocacy groups). If there is some person (or persons) which you would like to see Eagleton include in the review group, it is my understanding that such inclusion is but a mere phone call away.

(2) You will recall that at our meeting last week, I raised the exact same concern about the Eagleton progress report, and asked for clarification from staff regarding the details of this particular work (i.e., fraud) on the part of Eagleton. I expect staff (or us directly) to ask questions of Eagleton (as we would any contractor) and determine if their work in this area is within the scope of work (and contract) we all agreed to. If it isn't then we re-direct them, just as we have done, for example with Kim Brace and EDS.

(3) Finally, I must express my disappointment, Paul, regarding your comments on Professor Tokagi that you chose to include in your email. While I may disagree with Hans on his particular analysis of the perceived personal bias of this contract, at least his allegations regarding Professor Tokagi's potential bias are grounded in fact (and he recited them as such in his email). You, on the other hand, have chosen to accuse Professor Tokagi of manipulating the work on this project based on your "suspicion." With all due respect, that unfortunate accusation borders, in my view, on a breach of professional decorum and I cannot let it go without response.

We clearly have some political issues that are increasingly being injected into nearly every discussion at the EAC table. I have stated both to you and Gracia individually that I believe this trend in part represents a "maturation" of the EAC and I am not uncomfortable with it. However, if we are going to bring accusations of subjectivity and bias to the table, then I will expect that such a filter will be applied across the board to ALL projects undertaken by the EAC, and that such a filter will be based solidly on fact, and not on innuendo, personal hunches or suspicions.

014524

I send this email, as always, with the highest degree of respect and friendship toward you. And yet, my disappointment is evident in your comments regarding an esteemed and respected member of the legal academic community (and someone whom I regard as a personal friend.)

I look forward to our continued discussion on this matter. And as for the substance of Hans' concern regarding Moritz, I stand by my email which I sent to everyone last night.

Regards,

RAY MARTINEZ III
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014525

Raymundo
Martinez/EAC/GOV
08/30/2005 11:34 AM

To Gracia Hillman/EAC/GOV
cc
bcc
Subject Consultants

Since we are about to hire Tova Wang (and two others) to be our consultants/researchers on the voter fraud study, I thought I would give you a heads-up about a well-written commentary that Tova just published. It is attached below. Paul's newfound political "fervor" still has me riled-up, needless to say. Hope your travels are going well.

ID and Voting Rights

Laws requiring voters to present very specific forms of ID are becoming the voting rights barrier of the 21st Century.

Tova Andrea Wang
August 29 , 2005

Laws requiring all voters to present very specific forms of identification before exercising their right to vote are rapidly becoming the voting rights barrier of the 21st Century. Last Friday, the Department of Justice approved a new Georgia law requiring every voter to show a government-issued photo ID. The Department of Justice was required to review the measure and "preclear" it because that state is covered by Section 5 of the Voting Rights Act. Although many legal scholars and voting rights advocates had argued the Department should deny its implementation because it would lead to disenfranchisement of minority voters, the Department evidently did not agree. Indiana passed similar legislation this year, and several groups have sued the state on the grounds that it violates the Voting Rights Act.

Next up is Arizona. Last week, after months of resisting, the governor of Arizona signed off on a plan for implementing Proposition 200, which required identification from all voters. Arizona's new rule is that all voters must show government issued photo identification or a tribal identification to vote. Alternatively, the voter may present two current pieces of identification from a narrow list of potential documents that show the voter's name and current address, such as a utility and phone bills.

The most problematic provision is this: if the voter is not able to present a government issued photo ID or these two documents to the satisfaction of the poll worker, that voter is simply disenfranchised, asked to leave the polling place without casting a ballot. The voter may not even cast a provisional ballot. For example, if the voter brings a gas bill and a water bill, but the poll worker decides the water bill is not "dated within ninety days of the election," that person will be absolutely denied the right to vote. In addition to being a violation of the Help America Vote Act's mandate that any voter who shows up at the polls and believes he or she is registered and eligible to vote must be given a provisional ballot, this raises serious voting rights issues.

014526

As a group of preeminent voting rights scholars have argued in Georgia, under Section 5 of the Voting Rights Act, a covered jurisdiction may not implement a change in its election laws or practices *unless the jurisdiction demonstrates* the change will be free of any racially discriminatory purpose or effect. The objective of Section 5 “has always been to insure that no voting-procedure changes would be made that would lead to a retrogression in the position of racial minorities with respect to their effective exercise of the electoral franchise.”

As in Georgia, Arizona—especially given the possibility of a complete denial of the vote—has not met that burden of proof. It is up to the state to demonstrate that the ID requirement, which contemplates complete disenfranchisement of certain voters, will not have a discriminatory impact. So, for example, has the state examined whether most voters have or have easy access to the necessary documents? Have state officials investigated what groups are likely to lack the kinds of identification required? Since the law puts the burden on the state, the state must undertake these types of inquiries before it is permitted to go forward with this scheme—for there is a great deal of evidence indicating that it is indeed minorities who lack even one form let alone two forms of the types of identification contemplated.

The difficulty is that the poor and minorities are least likely to own motor vehicles and possess a driver’s license—the most commonly accepted form of identification. Indeed, in 1994, the U.S. Department of Justice found that African-Americans in Louisiana were 4 to 5 times less likely to have government-sanctioned photo ID than white residents. As a result, the Department denied pre-clearance for that state’s proposed photo ID requirement because it “would lead to retrogression in the position of racial minorities with respect to their effective exercise of the electoral franchise.”

The evidence continues to mount. A June 2005 study by the University of Wisconsin found that less than half (47 percent) of Milwaukee County African American adults and 43 percent of Hispanic adults have a valid drivers license compared to 85 percent of white adults outside Milwaukee. One Arizona county reported in February that it was forced to reject nearly 75 percent of new voter registration forms for failure to provide adequate proof of citizenship.

Furthermore, for those who do not have the kinds of up-to-date non-photo ID necessary—and many minority and urban voters, for example those who live in multiple family dwellings simply will not—getting identification from the government will present costs and burdens for voters who simply want to exercise their constitutional right to vote. A certified copy of a birth certificate costs from \$10.00 to \$45.00, depending on the state; a passport costs \$85.00; and certified naturalization papers cost \$19.95. It may not be so very easy for people who work more than one job or have small children to take the time during business hours, drive to a Department of Drivers Services, and wait on line to get necessary identification. Indeed, most of the state’s offices are open 8:00 a.m. to 5:00 p.m. Monday through Friday. Has the state researched the potential disparate impacts on getting non-photo ID? If not, it has not met its burden under the Act.

There has been a great deal of controversial discussion over the Voting Rights Act recently because some sections—including Section 5—are due to expire. The Act was passed in order to eliminate procedures aimed at the disenfranchisement of particular groups. That it is still necessary is being demonstrated today in Arizona and Georgia

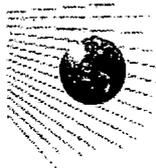
Tova Andrea Wang is a senior program officer and Democracy Fellow at The Century Foundation, where this article first appeared.

RAY MARTINEZ III
Commissioner
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014528



Paul DeGregorio /EAC/GOV

11/09/2005 11:28 AM

To Gracia Hillman/EAC/GOV, ddauidson@eac.gov, Raymundo
Martinez/EAC/GOV, Juliet E. Thompson/EAC/GOV, Thomas
R. Wilkey/EAC/GOV

cc Karen Lynn-Dyson/EAC/GOV

bcc

Subject Call from Paul Vinovich

I took a telephone call this morning from Paul Vinovich. He had attempted to reach Gracia, but since she was not here, he asked Sheila if I was in the office so he spoke to me.

Paul was very upset with comments that Tova Wang had made at yesterday's AEI's meeting in which she basically indicated that voter fraud did not exist in the USA. He asked how a person who believes that voter fraud does not exist--or not seem at least willing to listen to both sides--can be hired by the EAC to do a study on voter fraud/voter intimidation. I explained to Paul (as I have now had to explain to many others) that Tova was "balanced" on the study with Job Severbrov. He did not know Job but was well-aware of Tova's positions and was concerned that her public comments indicate that she will not be fair in looking at this issue. I explained to Paul that we were monitoring the work of our consultants on this study and no report would be issued publicly without the support of at least three commissioners. I sent him some background information on Job. I think this study will need close monitoring.

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014529



Gracia Hillman/EAC/GOV

11/09/2005 12:40 PM

To Paul DeGregorio/EAC/GOV@EAC, Donetta L. Davidson/EAC/GOV, Raymundo Martinez/EAC/GOV, Juliet E. Thompson/EAC/GOV, Thomas R. Wilkey/EAC/GOV
cc Karen Lynn-Dyson/EAC/GOV

bcc

Subject Re: Call from Paul Vinovich

What Paul V said is NOT at all an accurate statement of what Tova said. I was there. This is very disappointing to read. I may call Mr. V myself.

I watched and heard what was said and by whom. I will be glad to brief you tomorrow morning.

Sent from my BlackBerry Wireless Handheld
Paul DeGregorio

From: Paul DeGregorio
Sent: 11/09/2005 11:28 AM
To: Gracia Hillman; Donetta Davidson; Raymundo Martinez; Juliet Thompson; Thomas Wilkey
Cc: Karen Lynn-Dyson
Subject: Call from Paul Vinovich

I took a telephone call this morning from Paul Vinovich. He had attempted to reach Gracia, but since she was not here, he asked Sheila if I was in the office so he spoke to me.

Paul was very upset with comments that Tova Wang had made at yesterday's AEI's meeting in which she basically indicated that voter fraud did not exist in the USA. He asked how a person who believes that voter fraud does not exist--or not seem at least willing to listen to both sides--can be hired by the EAC to do a study on voter fraud/voter intimidation. I explained to Paul (as I have now had to explain to many others) that Tova was "balanced" on the study with Job Severbrov. He did not know Job but was well-aware of Tova's positions and was concerned that her public comments indicate that she will not be fair in looking at this issue. I explained to Paul that we were monitoring the work of our consultants on this study and no report would be issued publicly without the support of at least three commissioners. I sent him some background information on Job. I think this study will need close monitoring.

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014530



Gracia Hillman /EAC/GOV

11/21/2005 05:04 PM

To pdegregorio@eac.gov, rmartinez@eac.gov,
Ddavidson@eac.gov
cc asherrill@eac.gov, aambrogi@eac.gov, Elieen L.
Collver/EAC/GOV, sbanks@eac.gov
bcc

Subject 9:30 Discussion on Tuesday

I am suggesting that we have our 9:30 discussion tomorrow to cover a couple of things:

1. The four of us need to spend some "quality" time together. Tomorrow will be a good time to pin down the earliest date when we will all be in DC and can devote a 1/2 day or so to discuss election of officers, etc. Perhaps on tomorrow we can develop an agenda for those discussions.
2. Defining balance for the make-up of the Working Group for our Voter Fraud/Intimidation project.

014531



Gracia Hillman /EAC/GOV

11/30/2005 04:17 PM

To pdegregorio@eac.gov, rmartinez@eac.gov,
Ddavidson@eac.gov

cc

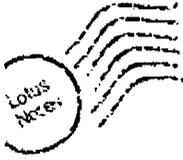
bcc

Subject Thursday Comm Discussion

For our private time discussions, I propose that we add the composition of the Voter Fraud/Voter Intimidation Working Group to our list of topics to discuss.

As you will recall, we did not complete the discussion because Paul was not able to participate.

014532



Gracia Hillman /EAC/GOV

12/01/2005 12:47 PM

To Margaret Sims/EAC/GOV@EAC

cc Thomas R. Wilkey/EAC/GOV@EAC, pdegregorio@eac.gov,
rmartinez@eac.gov, Ddavidson@eac.gov,
klynn-dyson@eac.gov

bcc

Subject Working Group for Voter Fraud/Intimidation Project

Peg:

Following is the guidance that the commissioners are providing with respect to the composition of the working group for the Voter Fraud/Voter Intimidation project and the selection process.

8 Member Working Group

Participants to be chosen by the two consultants in consultation with you. There are two slots that will require consensus. If consensus can't be reached, then you should make the decision. If there is real disagreement among the three of you, then the commissioners will make the selection.

The participation process prescribed below provides for political balance. As always, we ask that the group be diverse with respect to participation of men, women and minorities.

4 people from the Academic , Legal and Advocacy sectors - 2 to be chosen by Tova and 2 to be chosen by Job. We support your recommendation that there be at least one academic in the working group to help advise and comment on the construct of the database and you should provide that guidance to Tova and Job.

2 State Level Election Officials - 1 selected by Tova and 1 selected by Job

1 Nonpartisan local election official (selected by you or by consensus among the 3 of you)

1 Representative from DOJ - you had recommended a man who was retired from the Voting Section or perhaps someone else with similar credentials to be selected by you or by consensus among the three of you. We assume that Craig Dosantos (?sp) will participate in this project as an "advisor" and therefore would not take up a slot on the working group.

I will be on travel on Friday (tomorrow), however please feel free to call me on my cell should you have questions or need additional clarification.

Many thanks for your terrific work.

Gracia M. Hillman
Chair
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014533

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014534

Raymundo
Martinez/EAC/GOV
04/05/2006 04:12 PM

To Paul DeGregorio/EAC/GOV
cc Amie J. Sherrill/EAC/GOV@EAC, Adam
Ambrogi/EAC/GOV@EAC
bcc
Subject Draft Agenda for Standards Board

Paul:

I've taken a shot at a draft agenda, but we have much work to do on this item. As you will see, my current vision, at least with regard to the Standards Board, is to have a series of presentations regarding all of our research projects, particularly those in which written draft reports will be ready for consideration, such as the provisional voting study and the voter ID study. However, there are too many research projects on the plate right now, and not enough time in a day and a half to be able to present all of them to both the Standards Board and BOA (not to mention "fatigue factor" if we overload these folks during this meeting). So, I've had to prioritize.

Anyway, attached is what I have come up with, and at the very bottom of the draft agenda, you will see the research projects that I left off the list. Next steps are for you to develop a similar draft agenda for the BOA, and I would suggest that you do something similar for the BOA, such that we will have concurrent session going on (Standards Board in one room, BOA in another)...for example, when the briefing for provisional voting is taking place for the SB members, you can be having a concurrent session for the BOA in another room on voter ID. Then we switch. (Same type of format for Day 2). This will allow us to have concurrent sessions going on simultaneously but we'll have to coordinate the schedule of these sessions. In the current draft agenda, I have the two boards coming together in the afternoon of the second day, but we may want them to start with a joint plenary session and end with a joint plenary session (though that is tough because they each have group-specific business to conduct when they first arrive -- at least the Standards Board does, such as adoption of permanent bylaws).

Anyway, this is still VERY MUCH a work in progress, so I welcome your feedback. Also, I think we need to get Tom and Karen involved in this discussion very soon, and then kick it over to the other commissioners for their input once you and I have agreement on a rough draft. After that, I will then want to send it to Peggy Nighswonger so that she can share it with the Executive Board to get their input before it goes final.

I'll wait to hear back from you.



DRAFT AGENDA (Standards Board) 2006.doc

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014535

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014536



MEMORANDUM

TO: MEMBERS OF EAC STANDARDS BOARD
FROM: PEGGY NIGHSWONGER, CHAIR, EXECUTIVE BOARD
RAY MARTINEZ, EAC COMMISSIONER
DATE: APRIL 10, 2006
SUBJECT: UPCOMING MEETING OF STANDARDS BOARD, MAY 23-24, 2006

The next meeting of the EAC Standards Board (to be held jointly with the EAC Board of Advisors) will be held in Washington, D.C. on Tuesday, May 23 and Wednesday, May 24, 2006 at the Hamilton Crown Plaza hotel. We hope you will be able to attend this important meeting, which will focus on consideration and discussion of a number of ongoing election administration research projects currently underway by the EAC. Additionally, there will also be a discussion regarding recent work conducted by the National Institute of Standards and Technology (NIST) regarding voter verifiable audit trail. (Please see the draft agenda attached for additional information.)

As was the case with our previous meetings of the EAC Standards Board, the EAC will pay the cost of travel, hotel and a Federal per diem for any member of the Standards Board wishing to attend the May 2006 meeting. Upon receipt of this memorandum, please contact the EAC's travel agent, Adventure Travel, at (877) 472-6718 to make your travel arrangements. Additionally, if you have any questions or need assistance in making your travel plans, please call _____ (email address is _____).

Thank you in advance for your willingness to join us in Washington, D.C. We look forward to seeing you soon.



**U.S. ELECTION ASSISTANCE COMMISSION
Standards Board Meeting Agenda
Washington, D.C.
May 23 – 24, 2006**

Tuesday, May 23, 2006

1:00 – 2:30 a.m.

PLENARY SESSION

Session Chaired by Peggy Nighswonger
Chair, Executive Board

Appointment of Parliamentarian

Adoption of Agenda

Review of Meeting Book Materials

Presentation of Proposed Permanent Bylaws

Juliet Thompson, EAC General Counsel

Kevin Kennedy, Executive Director, State Elections Board,
Wisconsin

Joanne Armbruster, Atlantic County Superintendent of
Elections, New Jersey

William Campbell, City Clerk, City of Woburn, MA.

2:30 – 2:45 a.m.

BREAK

2:45 – 4:00 p.m.

**PRESENTATION AND CONSIDERATION OF DRAFT
REPORT ON PROVISIONAL VOTING**

Presentors:

Thomas O’Neil: Project Manager, EAC Provisional Voting

Ingrid Reed: Director, Eagleton Institute New Jersey Project

Dan Tokaji: Associate Director, Election Law@Moritz

Resource Person: Juliet Thompson, EAC General Counsel

4:00 – 4:15 p.m.

BREAK

4:15 – 5:30 p.m.

**PRESENTATION AND CONSIDERATION OF DRAFT
REPORT ON VOTER IDENTIFICATION**

Presentors:

Thomas O'Neil: Project Manager, EAC Provisional Voting

Ingrid Reed: Director, Eagleton New Jersey Project

Dan Tokaji: Associate Director, Election Law@Moritz

Resource Person: Juliet Thompson, EAC General Counsel

NOTE: Attendees on their own for dinner.

Wednesday, May 24, 2006

8:00 a.m. CONTINENTAL BREAKFAST

**8:30 – 9:30 a.m. PRESENTATION AND CONSIDERATION OF DRAFT
REPORT ON POLL WORKER RECRUITMENT, TRAINING
AND RETENTION (INCLUDING COLLEGE POLL
WORKERS)**

Presentors:

Tracy Warren, Poll Worker Institute

Jeannette Senecal, League of Women Voters

Dora Rose, Center for Election Integrity, Cleveland State University

Resource Person: Karen Lynn-Dyson, EAC Research Manager

**9:30 – 10:30 a.m. PRESENTATION AND CONSIDERATION OF DRAFT
REPORT ON VOTE COUNT/RECOUNT**

Presentors:

Dr. Thad Hall, Assistant Professor of Political Science, University of Utah

Dr. Michael Alvarez, Professor of Political Science, California Institute of
Technology

Resource Person: Juliet Thompson, EAC General Counsel

10:30 – 10:45 a.m. BREAK

**10:45 – 11:30 a.m. PRESENTATION AND CONSIDERATION OF DRAFT
REPORT ON IMPROVING DATA COLLECTION**

Presentors:

Karen Lynn-Dyson, Research Director, Election Assistance Commission

Laiza Otero, Research Associate, Election Assistance Commission

Resource Person: Brian Hancock, Research Associate

**11:30 – 12:15 p.m. PRESENTATION AND CONSIDERATION OF DRAFT
REPORT ON VOTER FRAUD/VOTER INTIMIDATION**

Presentors:

014539

Job Serebrov, Associate, The Nixon Law Firm
Tova Wang, Democracy Fellow, The Century Foundation
Resource Person: Juliet Thompson, EAC General Counsel

12: 15- 1:30 p.m. LUNCH

**PRESENTATION REGARDING PROPOSED MODULE FOR VOTER
VERIFIABLE PAPER AUDIT TRAIL (VVPAT) OF THE VOLUNTARY VOTING
SYSTEM GUIDELINES (VVSG)**

Presentors:

Mark Skall, NIST

John Wack, NIST

1:30 – 3:15 p.m. JOINT PLENARY SESSION
Session Jointly Chaired by Peggy Nighswonger, Chair, Executive
Board and Beverly Kaufman, Chair, Board of Advisors

Discussion and deliberation.

3:15– 3:30 p.m. BREAK

3:30 – 5:00 p.m. JOINT PLENARY SESSION (CONTINUED)
Session Jointly Chaired by Peggy Nighswonger, Chair, Executive
Board and Beverly Kaufman, Chair, Board of Advisors

Discussion and deliberation.

5:00 p.m. ADJOURN

* Not included in the current list of projects briefed:

- ◆ Design for Democracy updates and improvements to ballot design and polling-place signage.
- ◆ Public Access Portal research.
- ◆ Katrina Voting Assistance Relief research.
- ◆ Legal Online clearinghouse of election law materials.



Gracia Hillman/EAC/GOV

09/17/2005 09:09 AM

To Carol A. Paquette/EAC/GOV@EAC, Karen
Lynn-Dyson/EAC/GOV@EAC
cc Thomas R. Wilkey/EAC/GOV@EAC, Juliet E.
Thompson/EAC/GOV@EAC, Paul
DeGregorio/EAC/GOV@EAC, Raymundo

bcc

Subject Plz Respond, Tally Vote Questions

I see only 2 consultants on the Tally Vote for the Voter Fraud/Voter Intimidation project. What happened to the third consultant?

Remind me how it is that EAC can sole source a contract to NASED? I don't have an objection; I am merely seeking information.

Thank you,

Gracia M. Hillman

Chair

U.S. Election Assistance Commission

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014541



"Tova Wang" <wang@tcf.org>

12/14/2005 11:16 AM

To DRomig@eac.gov

cc "Job Serebrov" <[REDACTED]@eac.gov

bcc

Subject checking in

Hi Devon,

I just wanted to check in and see how the nexis searching and sorting is going. Have you made any progress? Any questions come up? Let us know. Thanks.

Tova

Tova Andrea Wang
Senior Program Officer and Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

Visit our Web site, www.tcf.org, for the latest news, analysis, opinions, and events.

[Click here](#) to receive our weekly e-mail updates.

014542

Margaret Sims /EAC/GOV
11/30/2005 11:00 AM

To Devon E. Romig/CONTRACTOR/EAC/GOV@EAC
cc
bcc
Subject Nexis Search Terms

Devon:

In preparation for this afternoon's teleconference, you may want to review the attached list of Nexis search terms. If you have any questions, we can discuss them before the teleconference or, if I can't provide answers, we can ask our consultants who prepared the list. --- Peggy



nexis word search 1128.doc

014543

Nexis Word Search Terms

November 28, 2005

The following are the terms that should be entered to search for news articles from 2000 to the present. The list assumes the intern has little experience with Nexis – there are ways to do the searches with far fewer terms than those below. We can train the intern if that is a better way to go.

Election and fraud
Voter and fraud
Vote and fraud
Voter and challenge
Vote and challenge
Election and challenge
Election and irregularity
Election and irregularities
Election and violation
Election and stealing
Ballot box and tampering
Ballot box and theft
Ballot box and stealing
Election and officers
Election and Sheriff
Miscount and votes
Election and crime
Election and criminal
Vote and crime
Vote and criminal
Double voting
Multiple voting
Dead and voting
Election and counting and violation
Election and counting and error
Vote and counting and violation
Vote and counting and error
Voter and intimidation
Voter and intimidating
Vote and intimidation
Denial and voter and registration
Voter identification
Vote and identification
Voter and racial profiling
Vote and racial profiling
Voter and racial
Vote and racial

014544

Voter and racial and challenge
Vote and racial and challenge
Voter and deny and racial
Vote and deny and racial
Voter and deny and challenge
Vote and deny and challenge
Voter and deny and black
Vote and deny and black
Voter and black and challenge
Vote and black and challenge
Voter and deny and African American
Vote and deny and African American
Voter and African American and challenge
Vote and African American and challenge
Election and black and challenge
Election and African American and challenge
Voter and deny and Hispanic
Voter and deny and Latino
Vote and deny and Hispanic
Vote and deny and Latino
Voter and Hispanic and challenge
Voter and Latino and challenge
Vote and Hispanic and challenge
Vote and Latino and challenge
Election and Hispanic and challenge
Election and Latino and challenge
Voter and deny and Native American
Vote and deny and Native American
Voter and Native American and challenge
Vote and Native American and challenge
Election and Native American and challenge
Voter and deny and Asian American
Vote and deny and Asian American
Voter and Asian American and challenge
Vote and Asian American and challenge
Voter and Asian American and challenge
Election and Asian American and challenge
Voter and deny and Indian
Vote and deny and Indian
Voter and Indian and challenge
Vote and Indian and challenge
Election and Indian and challenge
Poll tax
Voting and test
Absentee ballot and deny
Absentee ballot and reject

Absentee ballot and challenge
Vote and challenge
Voter and challenge
Election and challenge
Vote and police
Voter and police
Poll and police
Vote and law enforcement
Voter and law enforcement
Poll and law enforcement
Vote and deceptive practices
Voter and deceptive practices
Election and deceptive practices
Voter and deceive
Voter and false information
Dirty tricks
Vote and felon
Vote and ex-felon
Disenfranchisement
Disenfranchise
Law and election and manipulation
Vote and purging
Vote and purge
Registration and removal
Registration and purging
Registration and purge
Vote buying
Vote and noncitizen
Voter and noncitizen
Vote and selective enforcement
Identification and selective
Election and misinformation
Registration and restrictions
Election and administrator and fraud
Election and official and fraud
Provisional ballot and deny
Provisional ballot and denial
Affidavit ballot and deny
Affidavit ballot and denial
Absentee ballot and coerce
Absentee ballot and coercion
Registration and destruction
Voter and deter
Vote and deterrence
Voter and deterrence
Ballot integrity

Ballot security
Ballot security and minority
Ballot security and black
Ballot security and African American
Ballot security and Latino
Ballot security and Hispanic
Ballot security and Native American
Ballot security and Indian
Vote and suppression
Minority and vote and suppression
Black and vote and suppression
African American and vote and suppression
Latino and vote and suppression
Hispanic and vote and suppression
Native American and vote and suppression
Vote and suppress
Minority and vote and suppress
African American and vote and suppress
Latino and vote and suppress
Native American and vote and suppress
Vote and depress
Jim Crow
Literacy test
Voter and harass
Voter and harassment
Vote and mail and fraud
Poll and guards
Election and consent decree
Vote and barrier
Voting and barrier
Voter and barrier
Election and long line
Voter and long line

Poll worker and challenge
Poll worker and intimidate
Poll worker and intimidation
Poll worker and intimidating
Poll worker and threatening
Poll worker and abusive
Election official and challenge
Election official and intimidate
Election official and intimidation
Election official and intimidating
Election official and threatening
Election official and abusive

Poll watcher and challenge
Poll watcher and intimidate
Poll watcher and intimidating
Poll watcher and intimidation
Poll watcher and abusive
Poll watcher and threatening
Poll inspector and challenge
Poll inspector and intimidate
Poll inspector and intimidating
Poll inspector and intimidation
Poll inspector and abusive
Poll inspector and threatening
Poll judge and challenge
Poll judge and intimidate
Poll judge and intimidating
Poll judge and intimidation
Poll judge and abusive
Poll judge and threatening
Poll monitor and challenge
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Election judge and challenge
Election judge and intimidate
Election judge and intimidating
Election judge and intimidation
Election judge and abusive
Election judge and threatening
Election monitor and challenge
Election monitor and intimidate
Election monitor and intimidating
Election monitor and intimidation
Election monitor and abusive
Election monitor and threatening
Election observer and challenge
Election observer and intimidate
Election observer and intimidating
Election observer and intimidation
Election observer and abusive
Election observer and threatening

Margaret Sims /EAC/GOV
11/30/2005 10:58 AM

To Tamar Nedzar/EAC/GOV@EAC
cc Devon E. Romig/CONTRACTOR/EAC/GOV@EAC
bcc
Subject Re: Fw: Updated Word Search List 

Tamar:

Don't worry about responding to this email , as I know you have to pay attention in class .

I questioned the length of the search term list and also thought that there would be ways to combine some of the search terms. It has been awhile since I have done a Westlaw search, however, which is why I need your input during the teleconference. Yes, I recognize that going through the list of search terms and printing off or saving the resulting references will take time. I'll need you to provide that feedback to our consultants so that we all are on the same page.

Devon has not done a Nexis search before; but, if EAC has access to that database, she is willing to conduct that search. The work would go along with other help she is providing. She will be sorting through my huge files of press clippings on voting fraud, will PDF the sorted clippings, and drop the PDF files onto CDs for our consultants' review.

Peggy Sims
Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
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014549

Margaret Sims /EAC/GOV
11/30/2005 04:41 PM

To: Tamar Nedzar/EAC/GOV@EAC, Devon E.
Romig/CONTRACTOR/EAC/GOV@EAC
cc
bcc
Subject: Tova and Job Contact Information

Tamar and Devon:

The phone numbers and email addresses for Tova and Job follow. I would appreciate it if you would cc: me on any emails you send to them and summarize any phone calls with them. That way, I can be kept in the loop without serving as a roadblock or go-between. Thanks! --- Peggy

Tova Wang (New York)
Phone: 212-452-7704
Email: wang@tcf.org

Job Serebrov (Arkansas - one hour earlier time zone)
Phone: [REDACTED]
Email: [REDACTED]



"Tova Wang" <wang@tcf.org>

12/14/2005 11:16 AM

To DRomig@eac.gov

cc "Job Serebrov" [REDACTED]@sims@eac.gov

bcc

Subject checking in

Hi Devon,

I just wanted to check in and see how the nexis searching and sorting is going. Have you made any progress? Any questions come up? Let us know. Thanks.

Tova

Tova Andrea Wang
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014551



"Tova Wang"
<wang@tcf.org>
05/10/2006 11:45 AM

To psims@eac.gov
cc [REDACTED] dromig@eac.gov
bcc [REDACTED]
Subject Material I may not have included

Peg,

Correct me if I'm wrong, but I think I omitted sending you these specific summaries that are based on complex cases that could not be adequately described within the confines of the nexis article excel spreadsheets. If we can, these should be included, probably on the disc. Sorry.

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Summary of Wisconsin Voting Irregularities November 2004

Instances of Illegal Voting, Milwaukee:

A probe led by U.S. Attorney Steve Biskupic and Milwaukee County District Attorney Michael McCann found about 200 cases of illegal felon voting and at least 100 cases of other forms of illegal voting in the city of Milwaukee. Of these, 14 were prosecuted:

10 were instances of felons voting while on probation or parole:

5 are awaiting trial. (one of them is DeShawn Brooks)¹

1 has been acquitted²

1 has been found guilty in trial (Kimberly Prude)²

3 have reached plea agreements (Milo Ocasio³)

[names: Ethel M. Anderson, Correan F. Edwards, Jiyto L. Cox, Joseph J. Gooden⁴]

4 were instances of double voting:

1 produced a hung jury (Enrique Sanders)²

1 was found incompetent to stand trial and his case was dismissed

1 initially pleaded guilty but now wants a trial.⁵

1 is awaiting trial.

Two of those accused of double voting were driven to multiple polling places in a van, but the identity of the driver of the vehicle is not known, and the DA does not suspect conspiracy.⁶

In addition to these, four people were charged with felonies in the Milwaukee County Circuit Court; two cases were filed against people accused of sending in false registration cards under the auspices of the Association of Community Organizations for Reform Now; the other two were felons who voted illegally.⁷

Instances of Illegal Voting, Statewide:

The Legislative Audit Bureau, a nonpartisan research agency, released its analysis of state-wide 2004 election results in September 2005. The agency reviewed the names, addresses, and birthdates of over 348,000 individuals credited with having voted in November 2004, from the electronic voter registration records of 6 cooperating municipalities, and compared them to lists from the Department of Corrections of felons serving sentences on election day, and to lists from the municipalities (to check up on

¹ Barton, Gina. "Man acquitted in voter fraud trial; Felon had been under supervision at time." *Milwaukee Journal-Sentinel*. October 6, 2005.

² Schultze, Steve. "No vote fraud plot found. Inquiry leads to isolated cases, Biskupic says." *Milwaukee Journal-Sentinel*. December 5, 2005.

³ "Felon says he voted illegally." *Milwaukee Journal-Sentinel*. September 17, 2005.

⁴ Barton, Gina. "4 charged with voting illegally in November." *Milwaukee Journal-Sentinel*. August 17, 2005.

⁵ Milwaukee J-S. December 5, 2005.

⁶ Milwaukee J-S. December 5, 2005.

⁷ Milwaukee J-S. December 5, 2005.

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double-voting) and to lists from the US Social Security Administration. LAB's search revealed 105 "questionable" votes:

- 98 ballots cast by ineligible felons, 57 of which were in Madison, 2 in Waukesha, 15 in Eau Claire, 16 in Appleton, 1 in the Village of Ashwaubenon
- 2 instances of double-voting (one in Madison, one in Waukesha).
- 4 votes counted despite the voter's having died two weeks or less before the election.
- 1 case in which a 17-year-old voted in Madison.⁸

The LAB referred the names of these people to the appropriate District Attorney for prosecution, and several cases are awaiting trial.

It should be noted that this study is not a complete survey of election returns state-wide in Wisconsin; the LAB's analysis is based on the voting records of the six municipalities that provided the LAB with sufficient information to conduct this study.

It should also be noted that the LAB discovered significant error in the data provided them by these municipalities, including:

- 91 records in which the individual's birthdate was incorrectly recorded as later than November 2, 1986
- 97 cases in which a person was mistakenly recorded as having voted twice
- More than 15,000 records were missing birthdates, making it more difficult to determine voter eligibility by comparing these records to lists of felons and deceased persons.⁹

General Findings

Both reports (the Legislative Audit Bureau's and the report of the Joint Task Force on Election Reform convened in Milwaukee) that did in-depth studies of the Wisconsin election returns in 2004 found that there was no evidence of systematic, wide-spread fraud.¹⁰ As the above statistics indicate, there are very few cases in which an individual intentionally voted illegally, and the majority of the discovered instances of fraudulent voting involved felons who were unaware that they were committing a crime. Certainly the number of fraudulent votes, intentional and unintentional, is dwarfed by the amount of administrative error – and the amount of potential there was for fraud.

Registration Irregularities

⁸ Borowski, Greg J. "State audit digs up wider vote problems; Thousands of voters on rolls more than once." *Milwaukee Journal-Sentinel*. September 17, 2005

⁹ "An Evaluation: Voter Registration." *Legislative Audit Bureau*. Madison, Wisconsin. September 2005. Pg. 50-52.

¹⁰ Brinkman, Phil. "Voting fraud in November not a problem in Madison; Nearly all suspect voters turn out to be people who moved or made innocent mistakes." *Wisconsin State Journal*. May 11, 2005.

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Duplicate Registrations: In the data from the six participating municipalities, LAB found 3116 records for individuals who appear to be registered more than once in the same municipality (0.9% of the records they reviewed). These duplications were primarily the result of name changes, in which the registrar neglected to remove the old name from the registration list, previous addresses that were not deleted, and misspellings and other typographical errors.

Deceased Voters: the LAB study found 783 persons who were deceased, but whose records had not been eliminated from the registration lists. Most of the municipalities participating in the survey rely on obituaries and notifications from family members to purge their voter registration lists of deceased voters.

Felons: Comparing a list of felons from the Department of Corrections to their voter registration data lists, LAB found 453 felons who were registered to vote. This is largely because, although municipal clerks are informed of federal felony convictions, they have no way of obtaining records on state felony convictions. ¹¹

¹¹ Legislative Audit Bureau Report: pg 43-47.

Summary of South Dakota Election Irregularities in 2002 and 2004

2002

In fall 2002, one of South Dakota's Senators, Democrat Tim Johnson, was up for re-election, and was engaged in a very close race with his Republican challenger, John Thune. Both parties were engaged in a massive voter registration effort, and registered over 24,000 new voters in the five months between the June primary and the November election, increasing the number of registered voters in the state from around 452,000 to 476,000.¹

A month before the election, several counties reported irregularities in some of the voter registration documents they'd received. In response to these reports, South Dakota Attorney General, Mark Barnett, with the state US Attorney and the FBI, launched an investigation.² Because of the importance of the race in determining the partisan balance of power in the Senate, the voter registration discrepancies got a good deal of national press, including a number of editorials accusing American Indians of stuffing ballot boxes.³ The following allegations were also picked up by out-of-state newssources, including Fox News and the Wall Street Journal:

- Supporters of Thune, who lost the election by 524 votes, collected 47 affidavits from poll watchers claiming voting irregularities.
- Allegations were made that three individuals were offered money by Johnson supporters to vote.

Barnett, who was alerted to the affidavits when he read an early media report that referred to them, stated that these allegations were either false or didn't warrant concern. "Most of the stuff that's in those other 47 affidavits are the kind of problems that we see in every election. People parking too close to the polling place with a sign in their window, people shooting their mouths off at the polling place. The kind of things that local election officials generally do a pretty good job of policing."⁴ The allegations of voter bribery were false.

Though most of the allegations of fraud that were filed turned out to be false, Attorney General Barnett's investigation did uncover two cases of voter registration fraud:

- The most high-profile case was that of Becky Red Earth-Villeda. Ms. Red Earth-Villeda was hired by the state Democratic party to register voters on the American Indian reservations. She was charged with 19 counts of forgery. No fraudulent voting was associated with Ms. Red Earth-Villeda, nor was there any evidence

¹ Kafka, Joe. "More people registered to vote." *Associated Press State and Local Wire*. October 29, 2002.

² Kafka, Joe. "Voter registration fraud being investigated." *Associated Press State and Local Wire*. October 11, 2002.

³ "Barnett: No evidence that fraud affected vote." *Associated Press State and Local Wire*. Sioux Falls, South Dakota. November 21, 2002.

⁴ Kafka, Joe. "Woman charged in voter-fraud case, other claims false." *Associated Press State and Local Wire*. Pierre, South Dakota. December 14, 2002.

that fraudulent voting occurred in the state.⁵ All charges were dropped in January 2004, when, in court, it was determined by the state handwriting specialist that Ms. Red Earth-Villeda had not forged the signatures.⁶

- Lyle Nichols. Mr. Nichols was arrested for submitting five forged voter registration cards to his county office. He was working for an organization called the Native American Voter Registration Project, and was paid \$3 for each registration. The five charges were dropped after Mr. Nichols pleaded guilty to possession of a forgery, and was sentenced with 54 days in jail, which is how much time he'd already spent there because of the charges.⁷

2004

In October 2004, just before the general election, eight people working for a campus GOP Get-out-the-Vote organization resigned their positions after they were accused of submitting absentee ballot requests that had not been notarized properly. Because many of these ballot requests had already been processed and the ballots themselves had been cast, county auditors decided not to pursue the issue.⁸

Besides this incident, there were no reports of voter registration or voting irregularities in the run-up to the November 2004 election, as there were in 2002.⁹ However, as with the primary and special elections in June 2004, there were complaints about voter intimidation from American Indians attempting to vote, as well as difficulties with the adoption of the state's new photo identification regulations (after the 2002 election, the state legislature passed more stringent requirements about the kind of identification voters would need to provide at the polls.)

Incidents:

Voter Intimidation: The Four Directions Committee, an organization dedicated to helping American Indians register to vote and get to the polls, got a temporary restraining order on several Republican supporters who, they alleged, had been setting up video equipment outside of polling places on American Indian reservations and following around American Indians who voted early and recording their license plates.¹⁰

Vote Buying: A Republican election monitor from Virginia, Paul Brenner, claimed that Senator Tom Daschle's campaign was paying people to vote. Local county auditors

⁵ Kafka, Joe. "Woman charged in voter-fraud case, other claims false." *Associated Press State and Local Wire*. Pierre, South Dakota. December 14, 2002.

⁶ Walker, Carson. "Charges dropped against woman accused of voter fraud." *Associated Press State and Local Wire*. Sioux Falls, South Dakota. January 28, 2004.

⁷ "Rapid City man arrested for voter fraud." *Associated Press State and Local Wire*. Rapid City, South Dakota. October 18, 2002.

⁸ Melmer, David. "Voting problems resurface in South Dakota." *Indian Country Today*. October 27, 2004.

⁹ Melmer, David. "Election Day goes smoothly on Pine Ridge, S.D., reservation." *Indian Country Today*. November 10, 2004.

¹⁰ Walker, Carson. "Observer alleges vote buying; worker says he never went to Pine Ridge." *Associated Press State and Local Wire*. October 31, 2004.

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believe Brenner started the rumor himself. As there was no evidence for either side, the claims were not taken seriously.¹¹

¹¹ Walker, Carson. "Some problems and oddities reported on Election Day." *Associated Press State and Local Wire*. November 2, 2004.

Summary of Election Irregularities in Washington State 2004

The 2004 Washington state gubernatorial election was decided by one of the narrowest margins in American electoral history; 261 votes – less than a millionth of the 2.8 million votes cast statewide - separated the leading candidate, Republican Dino Rossi, from his competitor, Democrat Christine Gregoire. The state law-mandated recount that followed brought the margin down to 42 votes, and the subsequent hand recount ordered by the state Democratic Party gave Gregoire the lead, with 129 more votes than Rossi.

The race was so close that the parties decided to go to court to dispute the tally – the Republicans wanted the election results set aside and to have a revote; the Democrats sought a court-legitimated win. Each side set out into the field to find a way to swing the election in their favor. The trial and accompanying investigation, which lasted through the spring of 2005, revealed a litany of problems with the state's election system:

- The process by which absentee ballots are matched to the voters who requested them led to discrepancies between the number of absentee ballots received and the number of votes counted.¹
- After the final certification of the election results, King County discovered 96 uncounted absentee ballots, Pierce county found 64, and Spokane County found eight; all had been misplaced following the election, but there was no mechanism for reconciling the number of absentee ballots received with the number counted.²
- Hundreds of felons who were ineligible to vote were able to cast ballots because they were not aware that they needed to apply to have their voting rights reinstated.³
- The system for verifying the eligibility of voters who had cast provisional ballots was found to be questionable.⁴
- Due to poll worker error, about 100 provisional ballots were improperly cast, and a hundred more were counted, though they were not verified as having been cast by eligible voters.⁵

The trial also revealed that most of these problems were the result of understaffing and human error.⁶ In total, 1,678 ballots were proven to have been cast illegally, but none of these votes was subtracted from the candidates' totals because no evidence was produced in court as to how each individual voted.⁷ Further, despite the scrutiny that the election

¹ Ervin, Keith. "County elections official demoted; 2004 balloting fallout – Chief predicts 'series of changes'." *The Seattle Times*. June 15, 2005. See also Postman, David. "Judge left to mull vote-fraud claim." *The Seattle Times*. June 5, 2005.

² Ervin, Keith. "Voters irked by uncounted ballots." *The Seattle Times*. June 17, 2005.

³ Postman, David. "Judge left to mull vote-fraud claim." *The Seattle Times*. June 5, 2005.

⁴ Roberts, Gregory. "GOP contrasts elections offices; Chelan County's work better than King's, judge in gubernatorial case told." *The Seattle Post-Intelligencer*. May 25, 2005.

⁵ Ervin, Keith. "Prosecutors to challenge 110 voters; They are said to be felons – 2 counties discover uncounted ballots." *The Seattle Times*. April 29, 2005.

⁶ Ervin, Keith. "King County ballot numbers don't add up; 4000 discrepancies – Review of records finds flaws at each stage of the election; voting, processing, counting." *The Seattle Times*. May 25, 2005.

⁷ *Borders v. King County*. Court's Oral Decision. 6. June. 2005.

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returns revealed, and the extensive discussion of voter fraud throughout the investigation, just eight cases of voter fraud were discovered:

- 4 people were accused of casting absentee ballots for their deceased spouses.⁸
- A mother and daughter were charged with the absentee ballot of the mother's husband who had died earlier in the year
- 1 man cast the ballot of the deceased prior resident of his home.
- A homeless resident of Seattle cast two ballots, one in the name of Dustin Ocoilain.⁹

⁸ Johnson, Gene. "Two plead guilty to voting twice in 2004 general election." *Associated Press*. June 2, 2005.

⁹ Ervin, Keith. "6 accused of casting multiple votes; King County voters face criminal charges - Jail time, fines possible." *Seattle Times*. June 22, 2005.



"Tova Wang"
<wang@tcf.org>
05/10/2006 12:16 PM

To psims@eac.gov, dromig@eac.gov
cc [REDACTED]
bcc
Subject another one

Plus, I found a few typos on the nexis analysis. Sorry about this.

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votebuyingsummary.doc



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Major Vote Buying Cases Summary

Between 2001 and 2006, allegations and convictions for vote buying and conspiracies to buy votes were concentrated in three states: Illinois, West Virginia and Kentucky.

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In East St. Louis, Illinois, nine individuals, including a former city council member and the head of the local Democratic Party, Charles Powell, Jr., were convicted or pled guilty to vote buying and conspiracy to commit election fraud during the 2004 general election. The government's conspiracy case was almost entirely based on taped conversations in which the defendants discussed buying votes for \$5 and whether this would be adequate. Federal prosecutors alleged that the vote buying was financed with \$79,000 transferred from the County Democratic Party shortly before the election, although county officials have not been charged. Four defendants were convicted of purchasing or offering to purchase at least one vote directly, while Democratic Party chairman was only convicted of conspiracy.¹ Earlier, three precinct officials and one precinct worker pled guilty to buying votes for \$5 or \$10 in that same election.²

Eastern Kentucky has witnessed a series of vote buying cases over the last several years. The most recent revolved around Ross Harris, a Pike County political fundraiser and coal executive, and his associate Loren Glenn Turner. Harris and Turner were convicted in September 2004 of vote buying, mail fraud, and several other counts.³ Prosecutors alleged Harris and Turner conspired to buy votes and provided the necessary funds in an unsuccessful 2002 bid for Pike County district judge by former State Senator Doug Hays. Harris supplied nearly \$40,000, Turner laundered the money through straw contributors, and the cash was then disbursed in the form of \$50 checks ostensibly for 'vote hauling', the legal practice of paying campaign workers to get voters to the polls which is notorious as a cover for buying votes.⁴ Harris attempted to influence the race on behalf of Hays in order to get revenge on Hays' opponent for a personal matter.⁵

A grand jury initially indicted 10 individuals in connection with the Harris and Turner case, including Hays and his wife, and six campaign workers. Of the remaining defendants, only one, Tom Varney, also a witness in the Hays case, pled guilty. The others were either acquitted of vote buying charges or had vote buying charges dropped.⁶ Prosecutors have announced that their investigation continues into others tied to Harris and may produce further indictments.

The Harris case follows a series of trials related to the 1998 Knott County Democratic primary. Between 2003 and 2004, 10 individuals were indicted on vote buying charges, including a winning candidate in those primaries, Knott County judge-executive Donnie Newsome, who was reelected in 2002. In 2004 Newsome and a supporter were sent to jail and fined. Five other

¹ "Five convicted in federal vote-fraud trial" Associated Press, June 30, 2005; "Powell gets 21 months" Belleville News-Democrat, March 1, 2006.

² "Four Plead Guilty To Vote-Buying Cash Was Allegedly Supplied By St. Clair Democratic Machine" Belleville News-Democrat, March 23, 2005.

³ "2 found guilty in pike county vote-fraud case; Two-year sentences possible," Lexington Herald Leader, September 17, 2004.

⁴ "Jury weighing vote-fraud case," Lexington Herald Leader, September 16, 2004.

⁵ "Pike Election Trial Goes To Jury" Lexington Herald Leader, January 1, 2006.

⁶ "Former state senator acquitted of vote buying," Lexington Herald Leader, November 2, 2004.

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defendants pled guilty to vote buying charges, and three were acquitted. The primary means of vote buying entailed purchasing absentee votes from elderly, infirm, illiterate or poor voters, usually for between \$50 and \$100. This resulted in an abnormally high number of absentee ballots in the primary.⁷ Indictments relating to that same 1998 primary were also brought in 1999, when 6 individuals were indicted for buying the votes of students at a small local college. Five of those indicted were convicted or pled guilty.⁸

Absentee vote buying was also an issue in 2002, when federal prosecutors opened an investigation in Kentucky's Clay County after an abnormal number of absentee ballots were filed in the primary and the sheriff halted absentee voting twice over concerns.⁹ Officials received hundreds of complaints of vote-buying during the 2002 primary, and state investigators performed follow up investigations in a number of counties, including Knott, Bell, Floyd, Pike, and Maginoff.¹⁰ No indictments have been produced so far.

So far, relatively few incidents of vote-buying have been substantially identified or investigated in the 2004 election. Two instances of vote buying in local 2004 elections have been brought before a grand jury. In one, a Casey County man was indicted for purchasing votes in a local school board race with cash and whiskey.¹¹ In the second, the grand jury chose not to indict an individual accused of offering to purchase a teenager's vote on a local proposal with beer.¹²

An extensive vote buying conspiracy has also been uncovered in southern **West Virginia**. The federal probe, which handed down its first indictment in 2003, has yielded more than a dozen guilty pleas to charges of vote buying and conspiracy in elections since the late 1980s. As this area is almost exclusively dominated by the Democratic Party, vote-buying occurred largely during primary contests.

The first phase of the probe focused on Logan County residents, where vote buying charges were brought in relation to elections in 1996, 2000, 2002 and 2004. In an extraordinary tactic, the FBI planted the former mayor of Logan City, Tom Esposito, as a candidate in a state legislative race. Esposito's cooperation led to guilty pleas from the Logan County Clerk, who pled guilty to selling his vote to Esposito in 1996,¹³ and another man who took money from Esposito for the purpose of vote buying in 2004.¹⁴

Guilty pleas were also obtained in connection with former county sheriff Johnny Mendez, who pled guilty to buying votes in two primary elections in order to elect candidates including

⁷ "Knott County, KY., Judge Executive sentenced on vote-buying conspiracy charges," Department of Justice, March 16, 2004.

⁸ "6 men accused of vote fraud in '98 Knott primary; Charges include vote buying and lying to FBI"

⁹ "Election 2002: ABSENTEE BALLOTING; State attorney general's office investigates voting records in some counties" The Courier-Journal, November 7, 2002.

¹⁰ "Election 2002: Kentucky; VOTE FRAUD; Investigators monitor 17 counties across state" The Courier-Journal, November 6, 2002.

¹¹ "Jury finds man guilty on vote-buying charges" Associated Press, November 11, 2005.

¹² "Man in beer vote case files suit" The Cincinnati Enquirer, March 17, 2005.

¹³ "Two plead to vote fraud; Logan clerk sold vote; politician tried to buy votes" Charleston Gazette, December 14, 2005.

¹⁴ "Logan man gets probation in vote-fraud scandal" Charleston Gazette, March 1, 2006.

himself. In 2000, with a large amount of funding from a prominent local lawyer seeking to influence a state delegate election for his wife, Mendez distributed around \$10,000 in payments to voters of \$10 to \$100. Then, in the 2004 primary, Mendez distributed around \$2,000 before his arrest.¹⁵ A deputy of Mendez', the former Logan police chief, also pled guilty to a count of vote buying in 2002.¹⁶

Prosecutors focusing on neighboring Lincoln County have alleged a long-standing vote-buying conspiracy extending back to the late 1980s. The probe identified Lincoln County Circuit Clerk Greg Stowers as head of a Democratic Party faction which routinely bought votes in order to maintain office. Stowers pled guilty in December 2005 to distributing around \$7,000 to buy votes in the 2004 primary. The Lincoln County Assessor, and Stowers' longtime political ally, Jerry Allen Weaver, also pled guilty to conspiracy to buy votes.¹⁷ These were accompanied by four other guilty pleas from party workers for vote buying in primaries. While most specific charges focused on vote buying in the 2004 primary, defendants also admitted buying votes as far back as the 1988, 1990, and 1992 primaries.

The leading conspirators would give party workers candidate slates and cash, which workers would then take to the polling place and use to purchase votes for amounts between \$10 and \$40 and in one instance, for liquor. Voters would be handed the slate of chosen candidates, and would then be paid upon exiting the polling place. In other cases, the elected officials in question purchased votes in exchange for non-cash rewards, including patronage positions, fixed tickets, favorable tax assessments, and home improvements.¹⁸

The West Virginia probe is ongoing, as prosecutors are scrutinizing others implicated during the proceedings so far, including a sitting state delegate, who may be under scrutiny for vote buying in a 1990 election, and one of the Lincoln county defendants who previously had vote buying charges against him dropped.¹⁹

¹⁵ "Mendez confined to home for year Ex-Logan sheriff was convicted of buying votes" Charleston Gazette, January 22, 2005.

¹⁶ "Ex-Logan police sentenced for buying votes" Associated Press, February 15, 2005.

¹⁷ "Clerk says he engaged in vote buying" Charleston Gazette, December 30, 2005.

¹⁸ "Lincoln clerk, two others plead guilty to election fraud" Charleston Daily Mail, December 30, 2005.

¹⁹ "Next phase pondered in federal vote-buying probe" Associated Press, January 1, 2006.

Nexis Search Articles Analysis

Note: The search terms used were ones agreed upon by both Job Serebrov and Tova Wang and are available upon request. A more systematic, numerical analysis of the data contained in the Nexis charts is currently being undertaken. What follows is an overview.

Recommendation: In phase 2, consultants should conduct a Nexis search that specifically attempts to follow up on the cases for which no resolution is evident from this particular initial search.

Overview of the Articles

Absentee Ballots

According to press reports, absentee ballots are abused in a variety of ways:

1. Campaign workers, candidates and others coerce the voting choices of vulnerable populations, usually elderly voters
2. Workers for groups and individuals have attempted to vote absentee in the names of the deceased
3. Workers for groups, campaign workers and individuals have attempted to forge the names of other voters on absentee ballot requests and absentee ballots and thus vote multiple times

It is unclear how often actual convictions result from these activities (a handful of articles indicate convictions and guilty pleas), but this is an area in which there have been a substantial number of official investigations and actual charges filed, according to news reports where such information is available. A few of the allegations became part of civil court proceedings contesting the outcome of the election.

While absentee fraud allegations turn up throughout the country, a few states have had several such cases. Especially of note are Indiana, New Jersey, South Dakota, and most particularly, Texas. Interestingly, there were no articles regarding Oregon, where the entire system is vote by mail.

Voter Registration Fraud

According to press reports, the following types of allegations of voter registration fraud are most common:

1. Registering in the name of dead people
2. Fake names and other information on voter registration forms
3. Illegitimate addresses used on voter registration forms
4. Voters being tricked into registering for a particular party under false pretenses

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5. Destruction of voter registration forms depending on the party the voter registered with

There was only one self evident instance of a noncitizen registering to vote. Many of the instances reported on included official investigations and charges filed, but few actual convictions, at least from the news reporting. There have been multiple reports of registration fraud in California, Colorado, Florida, Missouri, New York, North Carolina, Ohio, South Dakota and Wisconsin.

Voter Intimidation and Suppression

This is the area which had the most articles in part because there were so many allegations of intimidation and suppression during the 2004 election. Most of these remained allegations and no criminal investigation or prosecution ensued. Some of the cases did end up in civil litigation.

This is not to say that these alleged activities were confined to 2004 – there were several allegations made during every year studied. Most notable were the high number of allegations of voter intimidation and harassment reported during the 2003 Philadelphia mayoral race.

A very high number of the articles were about the issue of challenges to voters' registration status and challengers at the polling places. There were many allegations that planned challenge activities were targeted at minority communities. Some of the challenges were concentrated in immigrant communities.

However, the tactics alleged varied greatly. The types of activities discussed also include the following:

- Photographing or videotaping voters coming out of polling places.
- Improper demands for identification
- Poll watchers harassing voters
- Poll workers being hostile to or aggressively challenging voters
- Disproportionate police presence
- Poll watchers wearing clothes with messages that seemed intended to intimidate
- Insufficient voting machines and unmanageably long lines

Although the incidents reported on occurred everywhere, not surprisingly, many came from "battleground" states. There were several such reports out of Florida, Ohio and Pennsylvania.

"Dead Voters and Multiple Voting"

There were a high number of articles about people voting in the names of the dead and voting more than once. Many of these articles were marked by allegations of big numbers of people committing these frauds, and relatively few of these allegations

turning out to be accurate according to investigations by the newspapers themselves, elections officials and criminal investigators. Often the problem turned out to be a result of administrative error, poll workers mis-marking of voter lists, a flawed registration list and/or errors made in the attempt to match names of voters on the list with the names of the people who voted. In a good number of cases, there were allegations that charges of double voting by political leaders were an effort to scare people away from the voting process.

Nonetheless there were a few cases of people actually being charged and/or convicted for these kinds of activities. Most of the cases involved a person voting both by absentee ballot and in person. A few instances involved people voting both during early voting and on Election Day, which calls into question the proper marking and maintenance of the voting lists. In many instances, the person charged claimed not to have voted twice on purpose. A very small handful of cases involved a voter voting in more than one county and there was one substantiated case involving a person voting in more than one state. Other instances in which such efforts were alleged were disproved by officials.

In the case of voting in the name of a dead person, the problem lay in the voter registration list not being properly maintained, i.e. the person was still on the registration list as eligible to vote, and a person taking criminal advantage of that. In total, the San Francisco Chronicle found 5 such cases in March 2004; the AP cited a newspaper analysis of five such persons in an Indiana primary in May 2004; and a senate committee found two people to have voted in the names of the dead in 2005.

As usual, there were a disproportionate number of such articles coming out of Florida. Notably, there were three articles out of Oregon, which has one hundred percent vote-by-mail.

Vote Buying

There were a surprising number of articles about vote buying cases. A few of these instances involved long-time investigations in three particular jurisdictions as detailed in the vote buying summary. There were more official investigations, indictments and convictions/pleas in this area. All of these cases are concentrated in the Midwest and South.

Deceptive Practices

In 2004 there were numerous reports of intentional disinformation about voting eligibility and the voting process meant to confuse voters about their rights and when and where to vote. Misinformation came in the form of flyers, phone calls, letters, and even people going door to door. Many of the efforts were reportedly targeted at minority communities. A disproportionate number of them came from key battleground states, particularly Florida, Ohio, and Pennsylvania. From the news reports found, only one of these instances was officially investigated, the case in Oregon involving the destruction

of voter registration forms. There were no reports of prosecutions or any other legal proceeding.

Non-citizen Voting

There were surprisingly few articles regarding noncitizen registration and voting – just seven all together, in seven different states across the country. They were also evenly split between allegations of noncitizens registering and noncitizens voting. In one case charges were filed against ten individuals. In one case a judge in a civil suit found there was illegal noncitizen voting. Three instances prompted official investigations. Two cases, from this nexis search, remained just allegations of noncitizen voting.

Felon Voting

Although there were only thirteen cases of felon voting, some of them involved large numbers of voters. Most notably, of course, are the cases that came to light in the Washington gubernatorial election contest (see Washington summary) and in Wisconsin (see Wisconsin summary). In several states, the main problem has the large number of ineligible felons that remained on the voting list.

Election Official Fraud

In most of the cases in which fraud by elections officials is suspected or alleged, it is difficult to determine whether it is incompetence or a crime. There are several cases of ballots gone missing, ballots unaccounted for and ballots ending up in a worker's possession. In two cases workers were said to have changed peoples' votes. The one instance in which widespread ballot box stuffing by elections workers was alleged was in Washington State. The judge in the civil trial of that election contest did not find that elections workers had committed fraud. Four of the cases are from Texas.



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Subject list of interviewees

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List of Experts Interviewed.doc

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List of Experts Interviewed

Wade Henderson, Executive Director, Leadership Conference for Civil Rights

Wendy Weiser, Deputy Director, Democracy Program, The Brennan Center

William Groth, attorney for the plaintiffs in the Indiana voter identification litigation

Lori Minnite, Barnard College, Columbia University

Neil Bradley, ACLU Voting Rights Project

Nina Perales, Counsel, Mexican American Legal Defense and Education Fund

Pat Rogers, attorney, New Mexico

Rebecca Vigil-Giron, Secretary of State, New Mexico

Sarah Ball Johnson, Executive Director of the State Board of Elections, Kentucky

Stephen Ansolobehere, Massachusetts Institute of Technology

Chandler Davidson, Rice University

Tracey Campbell, author, *Deliver the Vote*

Douglas Webber, Assistant Attorney General, Indiana, (defendant in the Indiana voter identification litigation)

Heather Dawn Thompson, Director of Government Relations, National Congress of American Indians

Jason Torchinsky, Assistant General Counsel, American Center for Voting Rights

Robin DeJarnette, Executive Director, American Center for Voting Rights

Joseph Rich, former Director of the Voting Section, Civil Rights Division, U.S. Department of Justice

Joseph Sandler, Counsel to the Democratic National Committee

John Ravitz, Executive Director, New York City Board of Elections

John Tanner, Director, Voting Section, Civil Rights Division, U.S. Department of Justice

Kevin Kennedy, Executive Director of the State Board of Elections, Wisconsin

014570

**Deliberative Process
Privilege**

Evelyn Stratton, Justice, Supreme Court of Ohio

Tony Sirvello, Executive Director, International Association of
Clerks, Recorders, Election Officials and Treasurers

Harry Van Sickle, Commissioner of Elections, Pennsylvania

Craig Donsanto, Director, Public Integrity Section, U.S. Department of Justice

Sharon Priest, former Secretary of State, Arkansas



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Subject research summaries

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Analysis of the September 15, 2005 Voter Fraud Report Submitted to the New Jersey Attorney General

By The Brennan Center for Justice at NYU School of Law and Dr. Michael McDonald of George Mason University

General

A September 15, 2005 Report submitted to the New Jersey Attorney General included lists of purportedly illegitimate votes in New Jersey in the 2004 general election, including lists of 10,969 individuals who purportedly voted twice and lists of 4,756 voters who were purportedly dead or incarcerated in November 2004. For the present Analysis of the Report, the lists of voters submitted to the New Jersey Attorney General, as well as a copy of the New Jersey county voter registration files were obtained, and an initial investigation of the report's claims was conducted. The analysis shows that the lists submitted are substantially flawed.

The Analysis is based on methodology only: its authors did not gain access to original documents related to registration or original pollbook records; only recently were copies of the counties' original registration data files acquired and compiled, which contain some notable gaps; and the lists submitted to the Attorney General contain significant errors and little documentation, which complicated the analysis. Nonetheless, the analysts say that information collected is sufficient for generally assessing the quality of evidence presented to support the September 15 report. Analysis of the suspect lists reveals that the evidence submitted does not show what it purports to show: cause for concern that there is serious risk of widespread fraud given the state of the New Jersey voter registration rolls.

These suspect lists were compiled by attempting to match the first name, last name, and birth date of persons on county voter registration files. Entries that supposedly "matched" other entries were apparently deemed to represent the same individual, voting twice. This methodology was similar to the method used in compiling the notoriously inaccurate Florida "purge lists" of suspected ineligible felons in 2000 and 2004. As Florida's experience shows, matching names and birth dates in the voter registration context can easily lead to false conclusions – as was almost certainly the case here.

This Analysis reveals several serious problems with the methodology used to compile the suspect lists that compromise the lists' practical value. For example, the data used in the Report from one county appears to be particularly suspect and anomalous, and may have substantially skewed the overall results. In addition, middle initials were ignored throughout all counties, so that "J _____ A. Smith" was presumed to be the same person as "J _____ G. Smith." Suffixes were also ignored, so that fathers and sons – like "B _____ Johnson" and "B _____ Johnson, Jr." – were said to be the same person.

Underlying many of the entries on these lists, and similar lists compiled in Florida and elsewhere, is a presumption that two records with the same name and date of birth must

represent the same person. As *explained* in this analysis, this presumption is not consistent with basic statistical principles. Even when votes appear to have been cast in two different cities under the same name and birth date, statistics show that voter fraud is not necessarily to blame. With 3.6 million persons who voted in the 2004 election in New Jersey, the chance that some have the same name and birth date is not far-fetched.

Analysis of the Claim of Double Voting by 4,497 Individuals

Attempts to match data on one list to data on another list will often yield “false positives:” two records that at first appear to be a match but do not actually represent the same person. The natural incidence of “false positives” for a matching exercise of this scale – especially when, as here, conducted with relatively little attention to detail – readily explains the ostensible number of double votes.

1,803 of these 4,397 records of ostensibly illegal votes seem to be the product of a glitch in the compilation of the registration files. These records reflect two registration entries by the same person from the same address, with a notation next to each that the individual has voted. For example, 55-year-old W_____ A. Connors, living at 253 B_____ Ave. in a New York commuter suburb, is listed on the data files with an (erroneous) first registration date in 1901 and a second registration date in 1993; Mr. Connors is thus represented twice on the data files submitted. Each of these entries also indicates that W_____ A. Connors at 253 B_____ Ave voted in 2004. There is no credible indication, however, that Mr. Connors actually voted twice; indeed, given the clearly erroneous registration date on the files, it is far more likely that data error is to blame for the doubly logged vote as well.

More plausibly, the bulk of these 1,803 records may be traced to irregularities in the data processing and compilation process for one single county: the Middlesex County registration file accounts for only 10% of registered voters in the state but 78% of these alleged double votes. The suspect lists themselves contain an acknowledgment that the problem in Middlesex is probably not fraud: 99% of these Middlesex voters are labeled on the lists submitted to the Attorney General with a notation that the record is “less likely” to indicate an illegal double vote.

Another 1,257 entries of the 4,397 records probably represent similar data errors – also largely driven by a likely glitch in the Middlesex County file, which is also vastly over represented in this category. These records show ever-so-slight variations in records listed with the same date of birth at the same address: for example, the same first and last names, but different middle initials or suffixes (e.g., J_____ T. Kearns, Sr., and J_____ T. Kearns, Jr., both born the same day and living at the same address; or J_____ E. Allen and J_____ P. Allen, born the same day and living at the same address).

Approximately 800 of the entries on the list likely represent different people, with different addresses and different middle initials or suffixes. For example, W_____ S. Smith, living in a northern New Jersey town, and W_____ C. Smith, living in another town two hours away, share the same date of birth but are not the same person. Nor are

T_____ Brown, living in a New York commuter suburb, and T_____ H. Brown, Jr., living in a small town over an hour west, despite the fact that they also share the same birth date. About three-quarters of the entries in this category reveal data that affirmatively conflict – for example, a middle initial (“W_____ S.”) in one case, and a different middle initial (“W_____ C.”) in another, listed at different addresses. There is absolutely no good reason to conclude that these individuals are in fact the same, when the available evidence indicates the contrary.

For approximately 200 of the entries in this category, however, less information is available. These entries show a middle initial (“J_____ W. Davis”) in one case, and no middle initial (“J_____ Davis”) in another – again, at different addresses. The lack of the middle initial is ambiguous: it could mean that one of the J_____ Davis in question has no middle name, or it could mean that the middle initial was simply omitted in a particular registration entry. Although these entries involve less conclusive affirmative evidence of a false match than the entries noted above, there is still no good reason to believe that “J_____ W. Davis” and “J_____ Davis,” at different addresses, represent the same person.

Of the individuals remaining, there are serious concerns with the accuracy of the dates of birth. Seven voters were apparently born in January 1, 1880 – which is most likely a system default for registrations lacking date-of-birth information. For 227 voters, only the month and year of birth are listed: this means only that two voters with the same name were born in the same month and year, an unsurprising coincidence in a state of several million people.

That leaves approximately 289 votes cast under the same name and birth date – like votes cast by “P_____ S. Rosen,” born in the middle of the baby boom – but from two different addresses. It may appear strange, but there may be two P_____ S. Rosens, born on the same date in 1948 – and such coincidences are surprisingly common. For any one person, the odds of someone else having the same name and birth date is small. But because there are so many voters in New Jersey, a sizable number will have the same name and birth date simply by chance. In a group of just 23 people, it is more likely than not that two will share the same birthday. For 40 people, the probability is 90%. Many, if not most, of the 289 alleged double votes of persons registered at different addresses most likely reflect two separate individuals sharing a first name, last name, middle initial, and birth date.

The September 15 Report makes much of the raw potential for foul play based on the unsurprising fact that there are voters who appear on the New Jersey registration rolls more than once. As noted above, many of the names identified reflect two different individuals and not simply duplicate entries. But there is no doubt that there are duplicate entries on New Jersey’s registration rolls. It is well known that voter registration rolls contain “deadwood” – registration entries for individuals no longer living at a given address or deceased. There is no evidence, however, that these extra registrations are used for widespread illegal voting. Moreover, the problem of deadwood will soon be largely resolved: both the National Voter Registration Act of 1993 and the Help America

Vote Act of 2002 require states to implement several systems and procedures as of January 1, 2006, that will clean the voter rolls of duplicate or invalid entries while protecting eligible voters from unintended disfranchisement.

The Federal Crime of Election Fraud

By Craig Donsanto

In The Federal Crime of Election Fraud, Donsanto addresses the role of the United States Department of Justice in matters of election fraud. Specifically, it answers the most frequently asked questions concerning the federal law enforcement role in election matters. Particularly, what sort of election-related conduct is potentially actionable as a federal crime, what specific statutory theories apply to frauds occurring in elections lacking federal candidates on the ballot, what federalism, procedural, and policy considerations impact on the federalization of this type of case, and how Assistant United States Attorneys should respond to this type of complaint.

Donsanto indicates that as a general rule, the federal crime of voter fraud embraces only organized efforts to corrupt of the election process itself: i.e., the registration of voters, the casting of ballots, and the tabulation and certification of election results. Moreover, this definition excludes all activities that occur in connection with the political campaigning process, unless those activities are themselves illegal under some other specific law or prosecutorial theory. This definition also excludes isolated acts of individual wrongdoing that are not part of an organized effort to corrupt the voting process. Finally, Donsanto points out that mistakes and other gaffs that inevitably occur are not included as voter fraud. Where mistakes occur on a significant enough level to potentially affect the outcome of an election, the appropriate remedy is an election contest brought by the loser seeking civil judicial redress through the appropriate state election contest process.

Along with the limits discussed above, prosecuting election fraud offenses in federal court is further complicated by the constitutional limits that are placed on federal power over the election process. The conduct of elections is primarily a state rather than a federal activity.

Donsanto lists four types of election fraud: schemes to purposely and corruptly register voters who either do not exist, or who are known by the putative defendant to be ineligible to vote under applicable state law; schemes to cast, record or fraudulently tabulate votes for voters who do not participate in the voting act at all; schemes to corrupt the voting act of voters who do participate in the voting act to a limited extent; and, schemes to knowingly prevent voters qualified voters from voting.

Donsanto lists four situations where federal prosecution is appropriate: Where the objective of the conduct is to corrupt the outcome of a federal elective contest, or where the consequential effect of the corrupt conduct impacts upon the vote count for federal office; Where the object of the scheme is to discriminate against racial, ethnic or language minority groups, the voting rights of which have been specifically protected by federal statutes such as the Voting Rights Act, 42 U.S.C. section 1973 et seq.; Where federalization is required in order to redress longstanding patterns of electoral fraud, either at the request of state or local authorities, or in the face of longstanding inaction by state authorities who appear to be unwilling or unable to respond under local law; and, Where

there is a factual basis to believe that fraudulent registration or voting activity is sufficiently connected to other forms of criminal activity that perusing the voter fraud angle will yield evidence useful in the prosecution of other categories of federal offense.

Donsanto lists four advantages to federal prosecution: voter fraud investigations are labor intensive. Local law enforcement agencies often lack the manpower and the financial resources to take these cases on; voter fraud matters are always politically sensitive and very high profile endeavors at the local level. Local prosecutors (who are usually themselves elected) often shy away from prosecuting them for that reason; the successful prosecution of voter fraud cases demands that critical witnesses be examined under oath before criminal charges based on their testimony are filed. Many states lack the broad grand jury process that exists in the federal system; and, the defendants in voter fraud cases are apt to be politicians - or agents of politicians - and it is often impossible for either the government or the defendant to obtain a fair trial in a case that is about politics and is tried to a locally-drawn jury. The federal court system provides for juries to be drawn from broader geographic base, thus often avoiding this problem.

Several prosecutorial theories used by United States Attorneys to federalize election frauds are discussed. These include: schemes by polling officers to violate their duty under state law to safeguard the integrity of the election process by purposefully allowing void ballots to be cast (stuffing the ballot box), or by intentionally rendering fraudulent vote tallies which can be prosecuted as civil rights violations under 18 U.S.C. sections 241 or 242; schemes to stimulate or reward voter registration by offering or giving voters things having monetary value violate the "payment for registering" clause of 42 U.S.C. section 19731(c); schemes to register voters fraudulently through providing election officials materially false information about the voter's eligibility for the franchise; and, schemes to obtain and cast ballots that are materially defective in nonfederal elections can still be prosecuted under 18 U.S.C. section 1341. There are also some other federal statutes involved in election fraud cases such as 18 U.S.C. section 597 that prohibits making expenditures for the specific purpose of stimulating voters to cast ballots for candidates seeking the federal offices of Senator, Congressman or President and 42 U.S.C. section 1973i (e) that prohibits voting more than once in elections where federal candidates are on the ballot.

Donsanto lists four questions used by prosecutors in evaluating the credibility of election complaints: does the substance of the complaint assuming it can be proven through investigation - suggest a potential crime; is the complaint sufficiently fact-specific that it provides leads for investigators to pursue; is there a federal statute that can be used to federalize the criminal activity at issue; and, is there a special federal interest in the matter that warrants federalization rather than deferral to state law enforcement.

All federal election investigations must avoid the following: non-interference in elections unless absolutely necessary to preserve evidence; interviewing voters during active voting periods; seizing official election documentation; investigative activity inside open polls; and prosecutors must adhere to 18 U.S.C. section 592, prohibiting the stationing of armed men at places where voting activity is taking place.

Finally, Donsanto indicates that election crimes based on race or language minority status are treated as civil rights matters under the Voting Rights Act.



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Subject RE: research summaries

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Reports

The Long Shadow of Jim Crow, People for the American Way and the NAACP

The New Poll Tax, Laughlin McDonald

Wisconsin Audit Report, Voter Registration Elections Board

Preliminary Findings, Milwaukee Joint Task Force Investigating Possible Election Fraud

Building Confidence in U.S. Elections, National Commission on Federal Election Reform (Carter/Baker Report)

Response to the Report of the 2005 Commission on Federal Election Reform (Carter/Baker Report), The Brennan Center and Professor Spencer Overton

Republican Ballot Security Programs: Vote Protection or Minority Vote Suppression – or Both?, Chandler Davidson

A Crazy Quilt of Tiny Pieces: State and Local Administration of American Criminal Disenfranchisement Law, Alec Ewald

Vote Fraud, Intimidation and Suppression in the 2004 Presidential Election, American Center for Voting Rights

America's Modern Poll Tax, The Advancement Project

Analysis of the September 15, 2005 Voter Fraud Report Submitted to the New Jersey Attorney General, The Brennan Center and Professor Michael McDonald

Democracy at Risk: The November 2004 Election in Ohio, Democratic National Committee

Department of Justice Public Integrity Reports 2002, 2003, 2004

Prosecution of Election Fraud under United States Federal Law, Craig Donsanto

Election Protection 2004, Election Protection Coalition

The Federal Crime of Election Fraud, Craig Donsanto

Views of Selected Local Election Officials on Managing Voter Registration and Ensuring Eligible Citizens Can Vote, General Accounting Office

Securing the Vote: An Analysis of Election Fraud, Lori Minnite

Shattering the Myth: An Initial Snapshot of Voter Disenfranchisement in the 2004 Elections, People for the American Way, NAACP, Lawyers Committee for Civil Rights

Books

Stealing Elections, John Fund

Steal this Vote: Dirty Elections and the Rotten History of Democracy in American, Andrew Gumbel

Deliver the Vote: A History of Election Fraud, An American Political Tradition – 1742-2004, Tracey Campbell

A Funny Thing Happened on the Way to the White House, David E. Johnson and Jonny R. Johnson

Foiled Again, Mark Crispin Miller

Legal

Indiana Democratic Party vs. Rokita

Common Cause of Georgia vs. Billup

U.S. Department of Justice Section 5 Recommendation Memorandum (Georgia voter identification)



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I don't think I sent this to you either. Can we hand it out at the meeting as an addendum? Its another summary that would have gone in the news article section. I'm usually so organized, I'm very embarrassed. Too many things! Thanks

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Major Vote Buying Cases Summary

Between 2001 and 2006, allegations and convictions for vote buying and conspiracies to buy votes were concentrated in three states: Illinois, West Virginia and Kentucky.

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In East St. Louis, Illinois, nine individuals, including a former city council member and the head of the local Democratic Party, Charles Powell, Jr., were convicted or pled guilty to vote buying and conspiracy to commit election fraud during the 2004 general election. The government's conspiracy case was almost entirely based on taped conversations in which the defendants discussed buying votes for \$5 and whether this would be adequate. Federal prosecutors alleged that the vote buying was financed with \$79,000 transferred from the County Democratic Party shortly before the election, although county officials have not been charged. Four defendants were convicted of purchasing or offering to purchase at least one vote directly, while Democratic Party chairman was only convicted of conspiracy.¹ Earlier, three precinct officials and one precinct worker pled guilty to buying votes for \$5 or \$10 in that same election.²

Eastern Kentucky has witnessed a series of vote buying cases over the last several years. The most recent revolved around Ross Harris, a Pike County political fundraiser and coal executive, and his associate Loren Glenn Turner. Harris and Turner were convicted in September 2004 of vote buying, mail fraud, and several other counts.³ Prosecutors alleged Harris and Turner conspired to buy votes and provided the necessary funds in an unsuccessful 2002 bid for Pike County district judge by former State Senator Doug Hays. Harris supplied nearly \$40,000, Turner laundered the money through straw contributors, and the cash was then disbursed in the form of \$50 checks ostensibly for 'vote hauling', the legal practice of paying campaign workers to get voters to the polls which is notorious as a cover for buying votes.⁴ Harris attempted to influence the race on behalf of Hays in order to get revenge on Hays' opponent for a personal matter.⁵

A grand jury initially indicted 10 individuals in connection with the Harris and Turner case, including Hays and his wife, and six campaign workers. Of the remaining defendants, only one, Tom Varney, also a witness in the Hays case, pled guilty. The others were either acquitted of vote buying charges or had vote buying charges dropped.⁶ Prosecutors have announced that their investigation continues into others tied to Harris and may produce further indictments.

The Harris case follows a series of trials related to the 1998 Knott County Democratic primary. Between 2003 and 2004, 10 individuals were indicted on vote buying charges, including a winning candidate in those primaries, Knott County judge-executive Donnie Newsome, who was reelected in 2002. In 2004 Newsome and a supporter were sent to jail and fined. Five other

¹ "Five convicted in federal vote-fraud trial" Associated Press, June 30, 2005; "Powell gets 21 months" Belleville News-Democrat, March 1, 2006.

² "Four Plead Guilty To Vote-Buying Cash Was Allegedly Supplied By St. Clair Democratic Machine" Belleville News-Democrat, March 23, 2005.

³ "2 found guilty in pike county vote-fraud case; Two-year sentences possible," Lexington Herald Leader, September 17, 2004.

⁴ "Jury weighing vote-fraud case," Lexington Herald Leader, September 16, 2004.

⁵ "Pike Election Trial Goes To Jury" Lexington Herald Leader, January 1, 2006.

⁶ "Former state senator acquitted of vote buying," Lexington Herald Leader, November 2, 2004.

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defendants pled guilty to vote buying charges, and three were acquitted. The primary means of vote buying entailed purchasing absentee votes from elderly, infirm, illiterate or poor voters, usually for between \$50 and \$100. This resulted in an abnormally high number of absentee ballots in the primary.⁷ Indictments relating to that same 1998 primary were also brought in 1999, when 6 individuals were indicted for buying the votes of students at a small local college. Five of those indicted were convicted or pled guilty.⁸

Absentee vote buying was also an issue in 2002, when federal prosecutors opened an investigation in Kentucky's Clay County after an abnormal number of absentee ballots were filed in the primary and the sheriff halted absentee voting twice over concerns.⁹ Officials received hundreds of complaints of vote-buying during the 2002 primary, and state investigators performed follow up investigations in a number of counties, including Knott, Bell, Floyd, Pike, and Maginoff.¹⁰ No indictments have been produced so far.

So far, relatively few incidents of vote-buying have been substantially identified or investigated in the 2004 election. Two instances of vote buying in local 2004 elections have been brought before a grand jury. In one, a Casey County man was indicted for purchasing votes in a local school board race with cash and whiskey.¹¹ In the second, the grand jury chose not to indict an individual accused of offering to purchase a teenager's vote on a local proposal with beer.¹²

An extensive vote buying conspiracy has also been uncovered in southern West Virginia. The federal probe, which handed down its first indictment in 2003, has yielded more than a dozen guilty pleas to charges of vote buying and conspiracy in elections since the late 1980s. As this area is almost exclusively dominated by the Democratic Party, vote-buying occurred largely during primary contests.

The first phase of the probe focused on Logan County residents, where vote buying charges were brought in relation to elections in 1996, 2000, 2002 and 2004. In an extraordinary tactic, the FBI planted the former mayor of Logan City, Tom Esposito, as a candidate in a state legislative race. Esposito's cooperation led to guilty pleas from the Logan County Clerk, who pled guilty to selling his vote to Esposito in 1996,¹³ and another man who took money from Esposito for the purpose of vote buying in 2004.¹⁴

Guilty pleas were also obtained in connection with former county sheriff Johnny Mendez, who pled guilty to buying votes in two primary elections in order to elect candidates including

⁷ "Knott County, KY., Judge Executive sentenced on vote-buying conspiracy charges," Department of Justice, March 16, 2004.

⁸ "6 men accused of vote fraud in '98 Knott primary; Charges include vote buying and lying to FBI"

⁹ "Election 2002: ABSENTEE BALLOTING; State attorney general's office investigates voting records in some counties" The Courier-Journal, November 7, 2002.

¹⁰ "Election 2002: Kentucky; VOTE FRAUD; Investigators monitor 17 counties across state" The Courier-Journal, November 6, 2002.

¹¹ "Jury finds man guilty on vote-buying charges" Associated Press, November 11, 2005.

¹² "Man in beer vote case files suit" The Cincinnati Enquirer, March 17, 2005.

¹³ "Two plead to vote fraud; Logan clerk sold vote; politician tried to buy votes" Charleston Gazette, December 14, 2005.

¹⁴ "Logan man gets probation in vote-fraud scandal" Charleston Gazette, March 1, 2006.

himself. In 2000, with a large amount of funding from a prominent local lawyer seeking to influence a state delegate election for his wife, Mendez distributed around \$10,000 in payments to voters of \$10 to \$100. Then, in the 2004 primary, Mendez distributed around \$2,000 before his arrest.¹⁵ A deputy of Mendez', the former Logan police chief, also pled guilty to a count of vote buying in 2002.¹⁶

Prosecutors focusing on neighboring Lincoln County have alleged a long-standing vote-buying conspiracy extending back to the late 1980s. The probe identified Lincoln County Circuit Clerk Greg Stowers as head of a Democratic Party faction which routinely bought votes in order to maintain office. Stowers pled guilty in December 2005 to distributing around \$7,000 to buy votes in the 2004 primary. The Lincoln County Assessor, and Stowers' longtime political ally, Jerry Allen Weaver, also pled guilty to conspiracy to buy votes.¹⁷ These were accompanied by four other guilty pleas from party workers for vote buying in primaries. While most specific charges focused on vote buying in the 2004 primary, defendants also admitted buying votes as far back as the 1988, 1990, and 1992 primaries.

The leading conspirators would give party workers candidate slates and cash, which workers would then take to the polling place and use to purchase votes for amounts between \$10 and \$40 and in one instance, for liquor. Voters would be handed the slate of chosen candidates, and would then be paid upon exiting the polling place. In other cases, the elected officials in question purchased votes in exchange for non-cash rewards, including patronage positions, fixed tickets, favorable tax assessments, and home improvements.¹⁸

The West Virginia probe is ongoing, as prosecutors are scrutinizing others implicated during the proceedings so far, including a sitting state delegate, who may be under scrutiny for vote buying in a 1990 election, and one of the Lincoln county defendants who previously had vote buying charges against him dropped.¹⁹

¹⁵ "Mendez confined to home for year Ex-Logan sheriff was convicted of buying votes" Charleston Gazette, January 22, 2005.

¹⁶ "Ex-Logan police sentenced for buying votes" Associated Press, February 15, 2005.

¹⁷ "Clerk says he engaged in vote buying" Charleston Gazette, December 30, 2005.

¹⁸ "Lincoln clerk, two others plead guilty to election fraud" Charleston Daily Mail, December 30, 2005.

¹⁹ "Next phase pondered in federal vote-buying probe" Associated Press, January 1, 2006.



"Tova Wang" <wang@tcf.org>

05/15/2006 09:56 AM

To dromig@eac.gov

cc psims@eac.gov

bcc

Subject RE: I'm sorry

Great -- thanks so much and apologies for the false alarm.

-----Original Message-----

From: dromig@eac.gov [mailto:dromig@eac.gov]

Sent: Monday, May 15, 2006 8:51 AM

To: wang@tcf.org

Cc: psims@eac.gov

Subject: RE: I'm sorry

This article is on the CD, it is located in the "Nexis Article Charts" folder.

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov

"Tova Wang" <wang@tcf.org>

05/15/2006 09:26 AM

To psims@eac.gov

cc dromig@eac.gov

Subject RE: I'm sorry

Thats good. I'm probably just getting crazy, trying to make sure everything is perfect. Devon, maybe you can check? Otherwise I'll check it when it comes. Thanks. And be well Peg.

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Monday, May 15, 2006 8:23 AM

To: Tova Andrea Wang

Subject: Re: I'm sorry

014588

Tova:

I think you did send this --- or is this a revised version of one you sent earlier? It should be on the CD in the packet you should receive today.. (Can't check that right now as I am at the clinic.) If I put anything on the CD that you want to highlight at the meeting, let me know and we'll make copies for those attending.

Peggy

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: "Tova Wang" [wang@tcf.org]

Sent: 05/15/2006 09:07 AM

To: Margaret Sims

Cc: Devon Romig

Subject: I'm sorry

I don't think I sent this to you either. Can we hand it out at the meeting as an addendum? Its another summary that would have gone in the news article section. I'm usually so organized, I'm very embarrassed. Too many things! Thanks

Tova Andrea Wang
Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

Visit our Web site, www.tcf.org, for the latest news, analysis, opinions, and events.

[Click here](#) to receive our weekly e-mail updates.

014589



"Tova Wang" <wang@tcf.org>

05/15/2006 09:26 AM

To psims@eac.gov

cc dromig@eac.gov

bcc

Subject RE: I'm sorry

History:  This message has been replied to.

Thats good. I'm probably just getting crazy, trying to make sure everything is perfect. Devon, maybe you can check? Otherwise I'll check it when it comes. Thanks. And be well Peg.

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Monday, May 15, 2006 8:23 AM

To: Tova Andrea Wang

Subject: Re: I'm sorry

Tova:

I think you did send this --- or is this a revised version of one you sent earlier? It should be on the CD in the packet you should receive today.. (Can't check that right now as I am at the clinic.) If I put anything on the CD that you want to highlight at the meeting, let me know and we'll make copies for those attending.

Peggy

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: "Tova Wang" [wang@tcf.org]

Sent: 05/15/2006 09:07 AM

To: Margaret Sims

Cc: Devon Romig

Subject: I'm sorry

I don't think I sent this to you either. Can we hand it out at the meeting as an addendum? Its another summary that would have gone in the news article section. I'm usually so organized, I'm very embarrassed. Too many things! Thanks

Tova Andrea Wang

Democracy Fellow

The Century Foundation

41 East 70th Street - New York, NY 10021

phone: 212-452-7704 fax: 212-535-7534

Visit our Web site, www.tcf.org, for the latest news, analysis, opinions, and events.

[Click here](#) to receive our weekly e-mail updates.

014590



"Rogers, Kathy"
<krogers@sos.state.ga.us>
05/16/2006 01:31 PM

To dromig@eac.gov
cc
bcc

Subject RE: Voter Fraud/Voter Intimidation Working Group, May
18th, 2006

History:  This message has been replied to.

Devon,
Just checking – did you send this yet? I also do not have the e-ticket.
Kathy

From: dromig@eac.gov [mailto:dromig@eac.gov]
Sent: Wednesday, May 10, 2006 4:59 PM
To: Rogers, Kathy
Subject: RE: Voter Fraud/Voter Intimidation Working Group, May 18th, 2006

Thank you, I will fax you a copy of your travel authorization form as soon as it is available. Please remember to bring this form with you on your day of travel, there is a small possibility that you may be asked to present this form at the airport.

Best Regards,

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov

014591



"Marvin Brokaw"
<marvin.brokaw@adtrav.com>
>

05/16/2006 02:14 PM

To "Devon Romig" <dromig@eac.gov>

cc

bcc

Subject Perez and Rogers

History

✉ This message has been replied to.

Hi Devon:

Judy said you had inquired about hotel reservations for J.R. Perez and Kathy Rogers. They are booked at the Sheraton College Park Hotel for arrival on May 17 and departure on May 18. J. R. Perez confirmation number is 51423 and Kathy Rogers confirmation number is 51424. I apologize for not getting them to you earlier.

Kind Regards,
Marvin

Marvin Brokaw
ADTRAV Meetings and Incentives
4555 Southlake Parkway
Birmingham, AL 35244
(205)444-4800 ext. 3501- phone
(205)444-4822 - fax
e-mail - marvin.brokaw@adtrav.com
visit our website at www.adtrav.com

014592

Margaret Sims /EAC/GOV

04/20/2006 07:12 PM

To "Tova Andrea Wang" <wang@tcf.org>

cc Devon E. Romig/EAC/GOV

bcc

Subject Re: wg meeting

For some reason, I thought Job was not available next week. If we do set up a teleconference, I'll need to do it later in the week (Thursday afternoon or on Friday).

Peggy

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: "Tova Wang" [wang@tcf.org]

Sent: 04/20/2006 10:58 AM

To: Margaret Sims

Cc: Devon Romig

Subject: wg meeting

Hi Peg,

I think I might have told you only that I am unavailable on the 5th. I'm actually unavailable on the 4th as well. Any news on this front? We should also arrange a conference call next week about preparing for the meeting, don't you think? Thanks Tova

Tova Andrea Wang

Democracy Fellow

The Century Foundation

41 East 70th Street - New York, NY 10021

phone: 212-452-7704 fax: 212-535-7534

Visit our Web site, www.tcf.org, for the latest news, analysis, opinions, and events.

[Click here](#) to receive our weekly e-mail updates.

014593

Margaret Sims /EAC/GOV
05/16/2006 01:36 PM

To Elieen L. Collver/EAC/GOV@EAC
cc dromig@eac.gov
bcc
Subject Tent Cards

Attached is a list of folks who will be attending the Voting Fraud-Voter Intimidation Working Group meeting. I have asterisked the names that will require tent cards. I am working on a seating chart so that we can be sure the Ds and the Rs aren't all seated together in a "them vs. us" pattern. --- Peggy

014594

Margaret Sims /EAC/GOV
05/16/2006 02:37 PM

To Elieen L. Collver/EAC/GOV@EAC
cc dromig@eac.gov
bcc
Subject Re: Tent Cards 

Oops! I hit send prematurely. Here is the attachment. --- Peggy

Elieen L. Collver/EAC/GOV

05/16/2006 01:38 PM

To Margaret Sims/EAC/GOV@EAC
cc dromig@eac.gov
Subject Re: Tent Cards [Link](#)

Please forward list...there was no attachment. thanks!

Elle L.K Collver
U.S. Election Assistance Commission
1225 New York Avenue, Suite 1100
Washington, D.C. 20005
office: (202) 566-2256
blackberry: (202) 294-9251
www.eac.gov

Margaret Sims/EAC/GOV

05/16/2006 01:36 PM

To Elieen L. Collver/EAC/GOV@EAC
cc dromig@eac.gov
Subject Tent Cards

Attached is a list of folks who will be attending the Voting Fraud-Voter Intimidation Working Group meeting. I have asterisked the names that will require tent cards. I am working on a seating chart so that we can be sure the Ds and the Rs aren't all seated together in a "them vs. us" pattern. --- Peggy

014595



Working Group Attendees 5-18-06.doc

014596

Voting Fraud-Voter Intimidation Working Group Attendees
May 18, 2006

The Honorable Todd Rokita*

Indiana Secretary of State

Kathy Rogers*

Director of Elections, Georgia Office of the Secretary of State

J.R. Perez*

Guadalupe County Elections Administrator, TX

Jon Greenbaum*

Director, Voting Rights Project, Lawyers Committee for Civil Rights Under Law
*(Representing Working Group member Barbara Arnwine, Executive Director,
Lawyers Committee for Civil Rights Under Law and Leader of Election Protection
Coalition)*

Robert Bauer*

Partner, Perkins Coie

Benjamin Ginsberg*

Partner, Patton Boggs LLP

Mark (Thor) Hearne II

Partner-Member, Lathrop & Gage

Barry Weinberg*

Former Deputy Chief and Acting Chief, Voting Section, Civil Rights Division, U.S.
Department of Justice

EAC Invited Technical Advisor:

Craig Donsanto*

Director, Election Crimes Branch, U.S. Department of Justice

EAC Commissioners, Consultants & Staff

Job Serebrov*

EAC Consultant

Tova Wang*

EAC Consultant

Paul DeGregorio*

EAC Chairman

014597

Ray Martinez*
EAC Vice Chairman

Gavin Gilmour*
EAC Associate General Counsel

Peggy Sims*
EAC Staff

Edgardo Cortés*
EAC Staff

Elle Collver
EAC Staff

Devon Romig
EAC Intern

Will stop by to greet, but will not sit at table

Tom Wilkey
EAC Executive Director

Julie Thompson-Hodgkins
EAC General Counsel

*** To be seated at table with name tents.**

Margaret Sims /EAC/GOV
05/18/2006 12:02 PM

To dromig@eac.gov
cc
bcc
Subject Seating Chart



May 18 Seating Chart.doc

014539

VOTING FRAUD-VOTER INTIMIDATION MEETING SEATING CHART

	Tova Wang EAC Consultant	Job Serebrov EAC Consultant
The Honorable Todd Rokita Indiana Secretary of State		Peggy Sims EAC Staff & COTR
Robert Bauer Partner, Perkins Coie		Craig Donsanto Director, Election Crimes Branch, DOJ (<i>Technical Consultant</i>)
Mark (Thor) Hearne II Partner-Member, Lathrop & Gage		Ray Martinez EAC Vice Chairman
Jon Greenbaum Director, Voting Rights Project, Lawyers Committee for Civil Rights Under Law		Paul DeGregorio EAC Chairman
Benjamin Ginsberg Partner, Patton Boggs LLP		Gavin Gilmour EAC Associate General Counsel
Kathy Rogers Director of Elections, Georgia Office of the Secretary of State		Edgardo Cortés EAC Staff
	Barry Weinberg Former Deputy Chief and Acting Chief, Voting Section, Civil Rights Division, U.S. Department of Justice	J.R. Perez Guadalupe County Elections Administrator, TX

014600



"Dottie Simmons"
<dottie.simmons@adtrav.com
>

05/16/2006 10:27 AM

To dromig@eac.gov

cc

bcc

Subject Trave authorizations

History:  This message has been replied to

Devon,

I have the authorization for J.R.Perez but I need to get the authorizations for the other 3 as well.

Let me know.

Dottie Simmons
ADTRAV Meetings and Incentives
205-444-4833-ext.3212

014601



"Dottie Simmons"
<dottie.simmons@adtrav.com
>

05/16/2006 01:18 PM

To dromig@eac.gov

cc

bcc

Subject RE: Trave authorizations

Thanks!

-----Original Message-----

From: dromig@eac.gov [mailto:dromig@eac.gov]

Sent: Tuesday, May 16, 2006 11:10 AM

To: dottie.simmons@adtrav.com

Subject: Re: Trave authorizations

Dottie,

I just received the approved authorizations, I will fax them to you now.

Thanks!

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov

"Dottie Simmons" <dottie.simmons@adtrav.com>

05/16/2006 10:27 AM

To dromig@eac.gov

cc

Subject Trave authorizations

Devon,

I have the authorization for J.R.Perez but I need to get the authorizations for the other 3 as well.

Let me know.

Dottie Simmons
ADTRAV Meetings and Incentives
205-444-4833-ext.3212

014632



Devon E. Romig/EAC/GOV

04/19/2006 04:20 PM

To assisstant@sos.in.gov

cc

bcc

Subject Voting Fraud - Voter Intimidation Project Working Group

Dear Nathan,

Here is the information that you requested.

Secretary Rokita was recommended by one of our consultants, Job Serebrov, to participate in the Voting Fraud - Voter Intimidation Project Working Group. This working group will last for one day and it will be held in Washington, DC. The purpose of this working group is to bring together experts and representatives of organizations that are knowledgeable about the topics of voting fraud and voter intimidation in order to foster a discussion on related issues and preliminary research.

The following are a list of the other potential participants; Barbara Arnwine, Robert Bauer, Craig Donsanto, Mark Hearne III, David Norcross, Kathy Rogers, and Barry Weinberg

We are hoping to hold this meeting in May, between the 1rst and the 19th (excluding the following dates; 4, 5, 6, 7, 13, 14). Please let me know any and all of the dates that would be the most convenient for Secretary Rokita.

Best,

Devon Romig
U.S. Election Assistance Commission
1225 New York Ave. NW - Suite #1100
Washington, D.C. 20005
(202)566-2377
www.eac.gov

014603

**Deliberative Process
Privilege**



Devon E. Romig/EAC/GOV

04/19/2006 04:57 PM

To assistant@sos.in.gov

cc

bcc

Subject Voting Fraud - Voter Intimidation Project Working Group

Dear Nathan,

Here is the information that you requested.

Secretary Rokita was recommended by one of our consultants, Job Serebrov, to participate in the Voting Fraud - Voter Intimidation Project Working Group. This working group will last for one day and it will be held in Washington, DC. The purpose of this working group is to bring together experts and representatives of organizations that are knowledgeable about the topics of voting fraud and voter intimidation in order to foster a discussion on related issues and preliminary research.

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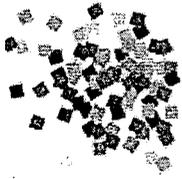
We are hoping to hold this meeting in May, between the 1rst and the 19th (excluding the following dates; 4, 5, 6, 7, 13, 14). Please let me know any and all of the dates that would be the most convenient for Secretary Rokita.

Best,

Devon Romig
U.S. Election Assistance Commission
1225 New York Ave. NW - Suite #1100
Washington, D.C. 20005
(202)566-2377
www.eac.gov

014604

**Deliberative Process
Privilege**



Devon E. Romig/EAC/GOV

06/05/2006 01:36 PM

To Bryan Whitener/EAC/GOV

cc

bcc

Subject Voter Fraud/Intimidation Working Group

Bryan,

The date of this meeting was May 18 , 2006

Thanks,

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov

014605



Devon E. Romig/EAC/GOV

05/09/2006 09:32 AM

To bschuler@lathropgage.com, mhearne@lathropgage.com,
[REDACTED] ssistant@sos.in.gov,
krogers@sos.state.ga.us

cc Margaret Sims/EAC/GOV@EAC

bcc

Subject Voter Fraud/Voter Intimidation Working Group, May 18th,
2006

Dear Meeting Participants,

Thank you for confirming your participation in the upcoming Voter Fraud/Voter Intimidation Working Group Meeting in Washington, D.C.. This meeting will take place at our office from 1:00 PM to 5:30 PM on Thursday May 18th, 2006.

The Election Assistance Commission (EAC) will cover the cost of your flight, the cost of your hotel room and provide you with a daily per diem. The cost of the airfare and the hotel stay will be paid directly by the EAC, as long as you book your travel through Adventure Travel.

To coordinate your flight and hotel stay, please contact Marvin Brokaw of Adventure Travel at (205) 444-4800, ext. 3501. Please note that the eligible dates of the hotel accommodation include the evenings on May 17th and May 18th. Once you have contacted him and you have received the itinerary via e-mail you must forward me a copy immediately so that I can complete a travel authorization form.

I have included two attachments with this email; the first attachment is a letter that contains important information that you will need to know before calling the travel agent and the second attachment provides some general information that should help you get around the city during your trip.

In addition to your travel itinerary, I will also need the following information by the close of business this Friday May 12, 2006 in order to complete your travel authorization:

Full Name:

Title:

Entity for whom you work:

Address to Which the Reimbursement Check Will Be Mailed:

Work Telephone:

Fax Number:

Social Security #: (if uncomfortable e-mailing this, feel free to call me):

Feel free to contact me with any questions.

Sincerely,

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov



Per Diem Letter VFVI.doc



Logistics Sheet VFVI.doc

014606



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW - Suite 1100
Washington, DC 20005

Dear Meeting Participant:

On behalf of the entire U.S. Election Assistance Commission (EAC), I would like to thank you for agreeing to attend the Voter Fraud/Voter Intimidation Working Group Meeting on May 18th, 2006.

The EAC will pay for your roundtrip airfare and hotel, and based on your dates of travel to attend our meeting and will pay a daily per diem to cover meals not provided by EAC and incidental expenses (M&IE). Car rental costs or mileage incurred through the use of a rental car are not reimbursable, as well as costs associated with redcaps, baggage delivery, long distance telephone calls, pay per view cable, room service, laundry service, and wet bars. These charges, if used, must be borne by you at the time services were rendered. **Ground transportation (ex. metro, bus, taxi), hotel parking, airport parking, and any mileage incurred using your privately owned vehicle will be reimbursed.**

The EAC will provide hotel accommodations. If you are traveling from one of the following States than you are authorized for a two-night hotel room stay in Washington D.C.; Georgia, Indiana, Missouri, New Mexico and Texas.

The per diem rates listed below provide a guide for you to use in order to calculate your per diem for your stay. A discounted per diem rate is applicable if any travel occurs on that day. For example, if you arrive on May 17th and leave on May 18th, both of these days will be considered travel days and you will receive the discounted rate. I will provide you with a travel reimbursement form at the meeting.

The current federal per diem rates are as follows;

- Meals & Incidentals Expenses (M&IE) = \$64 per day (the discounted rate for the first and last day of travel is \$48)
- Mileage for Personally Owned Vehicle = \$.445 per mile

If you have any questions, please do not hesitate to contact me at (202) 566-2377 or via email at dromig@eac.gov.

014607



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW - Suite 1100
Washington, DC 20005

May 18, 2006 – EAC Meeting

Logistics Fact Sheet

Date: Thursday, May 18th, 2006

Time: 1:00PM – 5:00PM

Location: U.S. Election Assistance Commission – Conference Room
1225 New York Ave, NW, Suite 1100
Washington, DC 20005
Tel. (202) 566-3100

Transportation: **Via Metro** – take blue, orange, or red line to Metro Center; walk up to New York Ave (2 blocks from Metro – corner of New York Ave and 12th St.)
To EAC offices

Bus service at Metro Center:

11Y (on 14th St.)
42 (on 11th St.)
52, 53, 54 (on 14th St.; also 54 on F St. between 11th & 14th)
66, 68 (on 11th St.)
80 (on H St.)
D1, D3, D6 (on 13th St.)
G8 (on 11th St. north of H, on H St. west of 11th)
P17, P19 (inbound on 11th St.; outbound on 13th St.)
P6 (on 11th St.)
S2, S4 (on 11th St.)
W13 (inbound on 11th St.; outbound on 13th St.)
X2 (on H St.)

From Reagan National Airport:

- take blue line Metro towards Largo Town Center; exit at Metro Center station
- taxi services available (fare will be approximately \$15-\$20)

Parking:

Parking garage available behind building on I Street, NW.

Contact: For more information, contact the U.S. Election Assistance Commission at (202) 566-3100.

014608



Devon E. Romig/EAC/GOV
05/16/2006 01:09 PM

To "Dottie Simmons"
<dottie.simmons@adtrav.com>@GSAEXTERNAL
cc
bcc
Subject Re: Trave authorizations 

Dottie,

I just received the approved authorizations, I will fax them to you now.

Thanks!

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov
"Dottie Simmons" <dottie.simmons@adtrav.com>



"Dottie Simmons"
<dottie.simmons@adtrav.com
>
05/16/2006 10:27 AM

To dromig@eac.gov
cc
Subject Trave authorizations

Devon,

I have the authorization for J.R.Perez but I need to get the authorizations for the other 3 as well.

Let me know.

Dottie Simmons
ADTRAV Meetings and Incentives
205-444-4833-ext.3212

014609



Devon E. Romig/EAC/GOV
05/09/2006 05:04 PM

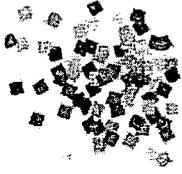
To "Dottie Simmons"
<dottie.simmons@adtrav.com>@GSAEXTERNAL
cc
bcc
Subject RE: Kathy Rogers itinerary 

Yes, I have received the itineraries for Rogers, Hearne and Perez.

Thanks!

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov

014610



Devon E. Romig/EAC/GOV
05/09/2006 04:41 PM

To "Dottie Simmons"
<dottie.simmons@adtrav.com>@GSAEXTERNAL
cc
bcc
Subject RE: Kathy Rogers itinerary 

Thanks!

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov

014611



Devon E. Romig/EAC/GOV
05/09/2006 04:26 PM

To "Dottie Simmons"
<dottie.simmons@adtrav.com>@GSAEXTERNAL
cc
bcc
Subject Re: Kathy Rogers itinerary 

Ms. Simmons,

Thanks again for the itineraries. Can you tell me what hotels that J.R. Perez and Kathy Rogers are staying at?

Best,

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov

014612



Devon E. Romig/EAC/GOV

05/09/2006 03:25 PM

To "Dottie Simmons"

<dottie.simmons@adtrav.com>@GSAEXTERNAL

cc

bcc

Subject Re: Travel Itinerary 18MAY HEARNE 

Thanks so much!

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov

014613



Devon E. Romig/EAC/GOV
05/11/2006 12:46 PM

To dottie.simmons@adtrav.com
cc
bcc
Subject Fax number

Dottie,

Can you send me your fax number? Once I get it I will start faxing the travel authorizations to you.

Thanks,

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov

014614



Devon E. Romig/EAC/GOV

05/15/2006 02:25 PM

To Elieen L. Collver/EAC/GOV@EAC

cc Laiza N. Otero/EAC/GOV@EAC, Margaret
Sims/EAC/GOV@EAC

bcc

Subject Re: working group 

I have attached the list of the working groups participants. Peggy, you may want to double check this list incase I have left anyone out.

In place of name tags we just used the tent cards for the APIA working group. This seemed to be effective because it was easier to identify the person who was speaking but we could use both.



Meeting Participants for VFVI Working Group.doc

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov
Elieen L. Collver/EAC/GOV



Elieen L. Collver/EAC/GOV

05/15/2006 12:19 PM

To Margaret Sims/EAC/GOV@EAC

cc Laiza N. Otero/EAC/GOV@EAC, dromig@eac.gov@EAC

Subject working group

Peggy,

In preparation for the logistics of this week's working group, I need to know how many people to expect for the meeting. Also, if you still need me to make name tags, I will need a list of attendees and the avery label size.

Also, I will need help from Laiza on the table tents, or we can see if she has the time to help with that.

Thanks!

Elle

Elle L.K Collver
U.S. Election Assistance Commission
1225 New York Avenue, Suite 1100
Washington, D.C. 20005
office: (202) 566-2256
blackberry: (202) 294-9251
www.eac.gov

014615

Meeting Participants for VFVI Working Group

OUT OF STATE PARTICIPANTS						
Participant	Title	Point of Contact	Email	Phone Number	City, State	
Mark (Thor) Hearne	Partner-Member	Bethany Schuler	bschuler@lathropgage.com; mheame@lathropgage.com	BS (314) 613 – 2510; MH314-613-2522; Fax314-613-2550	St. Louis, MO	
J.R. Perez	Election Administrator		[REDACTED]	830-303-6363; Fax 830-303-6373	Seguin, TX	
Todd Rokita	Secretary of State	Nathan Cane	assistant@sos.in.gov	NC317-232-6536; TR 317-232-6531; Fax 317-233-3283	Indianapolis, IN	
Kathy Rogers	Director of Elections		krogers@sos.state.ga.us	404-657-5380; Fax 404-651-9531	Atlanta, GA	
LOCAL AREA PARTICIPANTS (NOT ELIGIBLE FOR TRAVEL)						
Jon Greenbaum (Representing Barbara Amwine)	Executive Director	Valerie Johnson	vjohnson@lawyerscommittee.org; barnwine@lawyerscommittee.org	VJ (202) 662-8382; BA 202-662-8300; Fax 202-783-0857	Washington, DC	
Robert F. Bauer	Partner	Donna Lovecchio	dlovecchio@perkinscoie.com; Rbauer@perkinscoie.com	202-434-1602; Fax 202-434-1690	Washington, DC	
Benjamin L. Ginsberg	Partner		[REDACTED]			
Barry Weinberg			[REDACTED]	301-493-5343	Bethesda, MD	
Craig C. Donsanto	Director		cdonsanto@usdoj.gov	202-514-1421; Fax 202-514-3003	Washington, DC	

Not emailed

014617



Devon E. Romig/EAC/GOV
05/15/2006 03:28 PM

To Elieen L. Collver/EAC/GOV@EAC
cc Margaret Sims/EAC/GOV@EAC
bcc
Subject Re: working group

I have arranged for a transcriptionist to be at the meeting but I am not sure about the snacks for the break.

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov
Elieen L. Collver/EAC/GOV



Elieen L. Collver/EAC/GOV
05/15/2006 03:19 PM

To Margaret Sims/EAC/GOV@EAC
cc dromig@eac.gov
Subject Re: working group

Sounds great. It did seem to work just fine for our Asian Language group. Is there going to be a transcriptionist? If so, has anyone taken care of that?

Did you still want to provide the cookies or snacks, or shall I get that from Cafe Mozart (where I am planning to get the coffee). I can just buy a few boxes of cookies for the break.

Elle

Elle L.K Collver
U.S. Election Assistance Commission
1225 New York Avenue, Suite 1100
Washington, D.C. 20005
office: (202) 566-2256
blackberry: (202) 294-9251
www.eac.gov

Margaret Sims /EAC/GOV

05/15/2006 02:48 PM

To Elieen L. Collver/EAC/GOV@EAC
cc dromig@eac.gov
Subject Re: working group Link

014618

Elle:

I think our number will be about 21 (with the Working Group members, consultants, possible EAC Commissioners and staff, and the court reporter). I'll have a better idea of the final list after I brief Commissioners tomorrow morning. Devon noted that they used only tent cards for the Asian Language Working Group. That might be sufficient for this group and would cut back on some of the work we have to do in preparation. --- Peggy

Elleen L. Colver/EAC/GOV

05/15/2006 12:19 PM

To Margaret Sims/EAC/GOV@EAC

cc Laiza N. Otero/EAC/GOV@EAC, dromig@eac.gov@EAC

Subject working group

Peggy,

In preparation for the logistics of this week's working group, I need to know how many people to expect for the meeting. Also, if you still need me to make name tags, I will need a list of attendees and the avery label size.

Also, I will need help from Laiza on the table tents, or we can see if she has the time to help with that.

Thanks!

Elle

Elle L.K Collver
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1225 New York Avenue, Suite 1100
Washington, D.C. 20005
office: (202) 566-2256
blackberry: (202) 294-9251
www.eac.gov

014619



Devon E. Romig/EAC/GOV
05/11/2006 03:51 PM

To "J. R. Perez" [REDACTED]@GSAEXTERNAL
cc
bcc
Subject RE: Travel Authorization Form [REDACTED]

You are welcome!

Adventure Travel should send you all of your travel information once they verify the travel authorization. If you do not receive your itinerary by Monday morning please let me know.

It is a good idea to carry your travel authorization with you at the airport because occasionally (although very rarely) some of our guests have been asked to show their authorization numbers.

Let me know if you have any other questions.

Best Regards,

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov
"J. R. Perez" [REDACTED]



"J. R. Perez"
[REDACTED]
05/11/2006 03:41 PM

To dromig@eac.gov
cc
Subject RE: Travel Authorization Form

Thank you, Devon. I have not heard from the travel agency since I picked the travel times, and do not have an itinerary, nor hotel information. The last time I traveled to the EAC I did not receive this form till afterwards. Is there something I may need this for in advance or during my travel?

J.R. Perez
Elections Administrator
Guadalupe County

-----Original Message-----

From: dromig@eac.gov [mailto:dromig@eac.gov]
Sent: Thursday, May 11, 2006 12:12 PM
To: [REDACTED]
Subject: Travel Authorization Form

Mr. Perez,

014620

I have just faxed your travel authorization form.

Best Regards,

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov

014621



Devon E. Romig/EAC/GOV

05/09/2006 12:52 PM

To "J. R. Perez" [REDACTED] GSAEXTERNAL

cc

bcc

Subject RE: Voter Fraud/Voter Intimidation Working Group, May 18th, 2006

Thank you, I will fax you a copy of your travel authorization form as soon as it is available. Please remember to bring this form with you on your day of travel, there is a small possibility that you may be asked to present this form at the airport.

Best Regards,

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov

014622



Devon E. Romig/EAC/GOV

06/07/2006 10:08 AM

To Margaret Sims/EAC/GOV

cc jwilson@eac.gov

bcc

Subject Re: Transcript of 5-18-06 Working Group Meeting 

Tim at Carol reporting said the transcript will be here today or tomorrow.

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov

Margaret Sims/EAC/GOV

Margaret Sims /EAC/GOV

06/07/2006 09:47 AM

To dromig@eac.gov, jwilson@eac.gov

cc

Subject Transcript of 5-18-06 Working Group Meeting

Have we had any word about the transcript for the 5-18-06 Voting Fraud-Voter Intimidation Working Group meeting? Our consultants each need a copy so that they can draft the final report? If we have it in electronic form, so much the better. --- Peggy

014623



Devon E. Romig/EAC/GOV

06/07/2006 10:01 AM

To Margaret Sims/EAC/GOV

cc jwilson@eac.gov

bcc

Subject Re: Transcript of 5-18-06 Working Group Meeting

I will call the transcript company and ask them about it.

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov
Margaret Sims/EAC/GOV

Margaret Sims /EAC/GOV

06/07/2006 09:47 AM

To dromig@eac.gov, jwilson@eac.gov

cc

Subject Transcript of 5-18-06 Working Group Meeting

Have we had any word about the transcript for the 5-18-06 Voting Fraud-Voter Intimidation Working Group meeting? Our consultants each need a copy so that they can draft the final report? If we have it in electronic form, so much the better. --- Peggy

014624



Devon E. Romig/EAC/GOV
05/25/2006 02:37 PM

To Margaret Sims/EAC/GOV@EAC
cc
bcc
Subject Summary for VFVI working group meeting

Peggy,

Here is the summary that you requested. Let me know if this works.

Thanks!

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov



VFVI Meeting Summary.doc

014625



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW - Suite 1100
Washington, DC 20005

Voting Fraud – Voter Intimidation Working Group Meeting Summary

Overview of Current Research Project

- Current research performed Tova Wang and Job Serebrov
 - the current research has been a challenge because of the need for the information to be collected and analyzed in a scientific manner
 - especially when working the “perception” of intimidation
- Both consultants cross-checked each others work in order to maintain a bipartisan balance
- Literature was anecdotal, not much follow-up on the articles
- No interviews with DA's and only one interview with a judge
- Absentee ballots seemed to be the biggest problem
- The articles found that most of reported vote buying is concentrated in the Midwest and the South
- Very little non-citizen voting, dead voting and impersonation was reported

Purpose of Current Working Group

- To provide background information for current research
- To brainstorm for potential research ideas

Talking Points of Working Group

- Discussion of value of research because of the language of section 241 of HAVA; where is the methodology?
- History of the definition of “fraud”
- Most voter fraud happens outside of the polling centers
- Research must address existing problems, not perceived problems
- Intimidation is a subset of suppression, and considered to be physical or economic threat and/or coercion
- Suppression that is not a form of intimidation is intended to interfere with voting rights and the election process without physical or economic threat and/or coercion
- Department of Justice primarily investigated individual cases of voter fraud
- Risk analysis can be used as an indicator of legitimacy for the need to allocate funding to research in the area of voter fraud
- Current statewide database list will be useful in the deterrence of voter fraud

014626

Ideas for Future EAC Activities

- Bipartisan observers/poll watchers
 - Used in the collection of data
 - Used to deter fraud
- Surveys
 - Survey of state laws
 - Specific states
 - Survey of local election officials
 - Voter surveys (this suggestion was rejected by the panel)
 - Survey state election offices
 - Survey use of administrative complaint procedures
- Follow up on initial reports of fraud/intimidation from the survey of news articles
- Better poll worker training
- Longer hours for polling centers
 - Including hours on weekends
- Fewer polling center locations
 - More qualified poll workers
- Absentee balloting process
 - Methodology of “for cause” absentee voting
- Risk-analysis for voting fraud
 - Who?
 - What part of process?
 - ease of use
 - Which elections?
- Broaden scope of interviews to local officials and district attorneys
- Analysis
 - Phone logs from toll-free lines for election concerns
 - Federal observer reports
 - Local newspapers
 - State District Court Cases
 - Determination of challenging a voter at the polls (in some states there is little or no cause required to challenge a voters eligibility)
- Academic statistical research
- Search and match procedures for voter registration list maintenance and voter fraud identification (subject to confirmation)
- Election courts
- Model statutes

014627



Devon E. Romig/EAC/GOV
05/19/2006 10:15 AM

To Margaret Sims/EAC/GOV@EAC
cc
bcc
Subject Summary of notes for VFVI meeting

Peggy,

Here are the notes from the meeting.



Summary of VFVI Meeting.doc

Thanks!

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov

014628



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW - Suite 1100
Washington, DC 20005

❖ Overview of EAC Research

- Poll worker recruiting, training and retention
- Management guidelines for voting systems
- Vote counting and recounting
- Provisional voting
- Voter Identification

❖ Recommendations for Future Research by Working Group Members

- Bipartisan observers/poll watchers
 - Used in the collection of data
 - Used to deter fraud
- Surveys
 - Survey of state laws
 - Specific states
 - Survey of local election officials
 - Voter surveys (this suggestion was rejected by the panel)
 - Survey state election offices
 - Survey use of administrative complaint procedures
- Follow up on initial reports of fraud/intimidation from the survey of news articles
- Absentee balloting process
 - Methodology of "for cause" absentee voting
- Risk-analysis for voting fraud
 - Who?
 - What part of process?
 - ease of use
 - Which elections?

014629

**Deliberative Process
Privilege**

- Broaden scope of interviews to local officials and district attorneys
- Analysis
 - Phone logs from toll-free lines for election concerns
 - Federal observer reports
 - Local newspapers
- Academic statistical research
- Search and match procedures for voter registration list maintenance and voter fraud identification (subject to confirmation)
- Election courts
- Model statutes



Devon E. Romig/EAC/GOV
05/10/2006 10:44 AM

To Margaret Sims/EAC/GOV@EAC
cc
bcc
Subject Re: Fw: Court Reporter for Working Group Meeting 

Great, I will get it scheduled.

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov
Margaret Sims/EAC/GOV

Margaret Sims /EAC/GOV
05/10/2006 10:32 AM

To dromig@eac.gov
cc
Subject Fw: Court Reporter for Working Group Meeting

Devon:

We have the OK from Tom to obtain a court reporter. Per his response (attached), please coordinate with Joyce. Also, I understand the reporter for the Asian Language Working Group arrived late. Please find out how we can ensure the one for our meeting arrives on time. Thanks! --- Peggy

----- Forwarded by Margaret Sims/EAC/GOV on 05/10/2006 10:31 AM -----

Thomas R. Wilkey/EAC/GOV

05/10/2006 10:29 AM

To Margaret Sims/EAC/GOV@EAC
cc
Subject Re: Fw: Court Reporter for Working Group Meeting [Link](#)

Yes. please let Joyce know and she will get someone
Tom

014631

Thomas R. Wilkey
Executive Director
US Election Assistance Commission
1225 New York Ave, NW - Suite 1100
Washington, DC 20005
(202) 566-3109 phone
TWilkey@eac.gov

Margaret Sims/EAC/GOV

05/10/2006 10:26 AM

To twilkey@eac.gov
cc DScott@eac.gov, Karen Lynn-Dyson/EAC/GOV@EAC
Subject Fw: Court Reporter for Working Group Meeting

Tom:

I understand that EAC hired a court reporter for the Asian Language Working Group meeting. I would like to do the same for the May 18 Voting Fraud-Voter Intimidation Working Group meeting, but I did not include funds in my budget for this service. Do we have funds that could be used for this purpose? (See Devon's cost estimate below.) --- Peggy

--- Forwarded by Margaret Sims/EAC/GOV on 05/10/2006 10:18 AM ----
Devon E. Romig/EAC/GOV

05/10/2006 09:54 AM

To Margaret Sims/EAC/GOV@EAC
cc
Subject Court reporter

Peggy,

I spoke to the people who usually handle the EAC court reporting. They charge \$9.00 per page with an average of 40 pages per hour. This service would cost about \$1800.00.

The turn around time for the transcript is 10 to 15 days. The transcripts comes in a bound paper copy and an electronic copy.

014632

I can also check around for different prices.

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov

014633



Devon E. Romig/EAC/GOV
05/10/2006 09:54 AM

To Margaret Sims/EAC/GOV@EAC
cc
bcc
Subject Court reporter

Peggy,

I spoke to the people who usually handle the EAC court reporting. They charge \$9.00 per page with an average of 40 pages per hour. This service would cost about \$1800.00.

The turn around time for the transcript is 10 to 15 days. The transcripts comes in a bound paper copy and an electronic copy.

I can also check around for different prices.

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Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov

014634



Devon E. Romig/EAC/GOV

05/09/2006 04:43 PM

To Margaret Sims/EAC/GOV@EAC

cc

bcc

Subject Hotel for Job

Peggy,

A possible hotel suggestion for Job might be the Sheraton College Park in Beltsville, MD. They have room availability for the nights of the 17th and the 18th for \$159.00 a night.

They have what is called the Sheraton Sweet Sleeper Bed. More information at:

http://www.starwoodhotels.com/promotions/promo_landing.html?category=sweet_sleeper

This hotel is a little out of the way but the members of the Asian Language Working Group and others have stayed there. The hotel does offer a shuttle to and from Reagan airport and the metro.

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov

014635



Devon E. Romig/EAC/GOV

05/09/2006 11:34 AM

To Margaret Sims/EAC/GOV

cc

bcc

Subject Re: May 18 Meeting 

No, but I have left a message for her assistant and I am waiting for her to return my call. I will let you know as soon as I hear anything.

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov
Margaret Sims/EAC/GOV

Margaret Sims /EAC/GOV

05/09/2006 11:19 AM

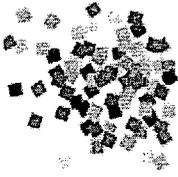
To dromig@eac.gov

cc

Subject May 18 Meeting

Did Barbara Arnwine's office indicate who they propose to send in her place? --- Peggy

014636



Devon E. Romig/EAC/GOV

05/09/2006 11:12 AM

To Margaret Sims/EAC/GOV

cc

bcc

Subject Fw: May 18th Meeting at EAC

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov

----- Forwarded by Devon E. Romig/EAC/GOV on 05/09/2006 11:12 AM -----



"Marvin Brokaw"

<marvin.brokaw@adtrav.com

To dromig@eac.gov

>

cc

05/09/2006 11:04 AM

Subject RE: May 18th Meeting at EAC

Hi Devon:

We have heard from Mark Hearne and Todd Rokita. They are both flying in and out on the 18th and will not need hotel rooms. We're kind of waiting to see if Perez and Rogers need rooms before booking any hotel. As soon as we get approval of Hearne and Rokita air schedules and get them booked, we'll forward their itineraries to you.

Kind Regards,
Marvin

-----Original Message-----

From: dromig@eac.gov [mailto:dromig@eac.gov]

Sent: Tuesday, May 09, 2006 8:31 AM

To: marvin.brokaw@adtrav.com

Cc: psims@eac.gov

Subject: May 18th Meeting at EAC

Hello Marvin,

I just wanted to follow up with the voicemail message that I left for you yesterday. We will be holding a meeting at our offices in Washington DC on May 18, 2006. I have informed the out of state attendees to contact you for their travel arrangements.

We have been authorized to pay for the attendees airfare and hotel arrangements. Please note that all of the participants are authorized for a two night hotel room stay, as long as the dates are May 17th and 18th.

I attached the list of the meeting participants that will be contacting you about their travel arrangements for the May 18th meeting in Washington DC.

014637

Let me know if you have any questions for me or if you need any more information from me.

Thanks for your help!

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov

014638



Devon E. Romig/EAC/GOV
05/04/2006 12:33 PM

To Margaret Sims/EAC/GOV
cc Edgardo Cortes/EAC/GOV@EAC
bcc
Subject VFVI Working Group

Peggy,

I have called each of the participants. So far I have a definite confirmation from Kathy Rogers.

Here is the list of the out of town participants for the Voter Fraud/Voter Intimidation Project Working Group:

Mark Hearne II - St. Louis, MO
Todd Rokita - Indianapolis, IN
Kathy Rogers - Atlanta, GA

Possible Participant:

Patrick Rogers - New Mexico

Thanks,

Devon Romig
U.S. Election Assistance Commission
1225 New York Ave. NW - Suite #1100
Washington, D.C. 20005
(202)566-2377

014639



Devon E. Romig/EAC/GOV

05/03/2006 03:23 PM

To Margaret Sims/EAC/GOV

cc

bcc

Subject David Norcross

Peggy,

I just spoke to Mr. Norcross's assistant, he cannot attend the meeting on the 18th, he will be out of town at another event.

Devon Romig
U.S. Election Assistance Commission
1225 New York Ave. NW - Suite #1100
Washington, D.C. 20005
(202)566-2377

014640



Devon E. Romig/EAC/GOV

05/03/2006 10:50 AM

To Margaret Sims/EAC/GOV

cc

bcc

Subject Secretary Rokita's schedule

Peggy,

I just spoke to Nathan Cane (Secretary Rokita's assistant). He did not have any new information but they are going to have a scheduling meeting tomorrow morning and he will ask specifically about the afternoon of May 18th. I also reminded him to find out any of the days that he was not available or any of the days that he had could attend the meeting in the morning or the afternoon.

Thanks,

Devon

014641



Devon E. Romig/EAC/GOV

05/02/2006 01:11 PM

To Margaret Sims/EAC/GOV

cc

bcc

Subject Re: Barbara Arnwine 

Peggy,

I just received an update about Ms. Arnwine's schedule. She is not available on May 9th.

Thanks,

Devon

014642



Devon E. Romig/EAC/GOV
04/24/2006 04:41 PM

To Margaret Sims/EAC/GOV@EAC
cc
bcc
Subject Updated scheduling list and Contact info

Peggy,

Here is the most updated version of the list that I have available.



Work Group Contact-Availability Info.xls

Thanks,

Devon Romig
U.S. Election Assistance Commission
1225 New York Ave. NW - Suite #1100
Washington, D.C. 20005
(202)566-2377

014643

AVAILABILITY IN MAY

FIRST NAME	LAST NAME	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Barbara	Arnwine																				
Robert F.	Bauer																				
Craig C.	Donsanto															?	?	?	?	?	
Mark (Thor)	Hearne II								?	?											
David A.	Norcross																				
Todd	Rokita																				
Kathy	Rogers																				
Barry	Weinberg															?	?	?	?	?	

	Available
	Not Available
	Consultants Not Available

014644

VOTING FRAUD-VOTER INTIMIDATION PROJECT WORKING GROUP CONTACT INFORMATION AS OF 4-3-06

FIRST NAME	LAST NAME	TITLE	ADDRESS 1	ADDRESS 2	ADDRESS 3	CITY	STATE	ZIP	SALUTATION	PHONE	FAX
Barbara	Arnwine	Executive Director	Lawyers Committee for Civil Rights Under Law	1401 New York Avenue, NW, Suite 400		Washington	DC	20005	Ms.	202-662-8300	202-783-0857
Robert F.	Bauer	Partner	Perkins Coie, LLP	607 Fourteenth Street		Washington	DC	20005-2011	Mr.	202-434-1602	202-434-1690
Craig C.	Donsanto	Director	Election Crimes Branch	U.S. Department of Justice	1400 New York Avenue, NW, 12th Floor	Washington	DC	20005	Mr.	202-514-1421	202-514-3003
Mark (Thor)	Hearne II	Partner-Member	Lathrop & Gage, LC	The Equitable Building	10 South Broadway,	St. Louis	MO	63102-1708	Mr.	314-613-2522	314-613-2550
David A.	Norcross	Sustaining Member	Blank Rome, LLP	Watergate, Twelfth Floor	600 New Hampshire Avenue, N.W	Washington	DC	20037	Mr.	202-772-5898	202-772-5876
Todd	Rokita	Secretary of State	State House, Room 201	200 West Washington Street		Indianapolis	IN	46204	Secretary	317-232-6531, Asst 317-232-6536	317-233-3283
Kathy	Rogers	Director of Elections	Office of the Secretary of State	West Tower Suite 1104	2 Martin Luther King, Jr. Drive, SE	Atlanta	GA	30334-1505	Ms.	404-657-5380	404-651-9531
Barry	Weinberg								Mr.	301-493-5343	

014645

014646

EMAIL
<u>bamwine@lawyerscommittee.org</u>
[REDACTED]
<u>cdonsanto@usdoj.gov</u>
[REDACTED]
Maria Rivers, Assistant: [REDACTED]
Nathan Cane, Executive Assistant <u>assistant@sos.in.gov</u>
<u>krogers@sos.state.ga.us</u>
[REDACTED]



Devon E. Romig/EAC/GOV

05/09/2006 11:34 AM

To Margaret Sims/EAC/GOV

cc

bcc

Subject Re: May 18 Meeting 

No, but I have left a message for her assistant and I am waiting for her to return my call. I will let you know as soon as I hear anything.

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov
Margaret Sims/EAC/GOV

Margaret Sims /EAC/GOV

05/09/2006 11:19 AM

To dromig@eac.gov

cc

Subject May 18 Meeting

Did Barbara Arnwine's office indicate who they propose to send in her place? --- Peggy

014647



Devon E. Romig/EAC/GOV
05/09/2006 11:12 AM

To Margaret Sims/EAC/GOV
cc
bcc
Subject Fw: May 18th Meeting at EAC

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov

----- Forwarded by Devon E. Romig/EAC/GOV on 05/09/2006 11:12 AM -----



"Marvin Brokaw"

<[REDACTED]>

05/09/2006 11:04 AM

To dromig@eac.gov
cc
Subject RE: May 18th Meeting at EAC

Hi Devon:

We have heard from Mark Hearne and Todd Rokita. They are both flying in and out on the 18th and will not need hotel rooms. We're kind of waiting to see if Perez and Rogers need rooms before booking any hotel. As soon as we get approval of Hearne and Rokita air schedules and get them booked, we'll forward their itineraries to you.

Kind Regards,
Marvin

-----Original Message-----

From: dromig@eac.gov [mailto:dromig@eac.gov]
Sent: Tuesday, May 09, 2006 8:31 AM
To: [REDACTED]
Cc: psims@eac.gov
Subject: May 18th Meeting at EAC

Hello Marvin,

I just wanted to follow up with the voicemail message that I left for you yesterday. We will be holding a meeting at our offices in Washington DC on May 18, 2006. I have informed the out of state attendees to contact you for their travel arrangements.

We have been authorized to pay for the attendees airfare and hotel arrangements. Please note that all of the participants are authorized for a two night hotel room stay, as long as the dates are May 17th and 18th.

I attached the list of the meeting participants that will be contacting you about their travel arrangements for the May 18th meeting in Washington DC.

014648

Let me know if you have any questions for me or if you need any more information from me.

Thanks for your help!

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov

014649



Devon E. Romig/EAC/GOV
05/04/2006 12:33 PM

To Margaret Sims/EAC/GOV
cc Edgardo Cortes/EAC/GOV@EAC
bcc
Subject VFVI Working Group

Peggy,

I have called each of the participants. So far I have a definite confirmation from Kathy Rogers.

Here is the list of the out of town participants for the Voter Fraud/Voter Intimidation Project Working Group:

Mark Hearne II - St. Louis, MO
Todd Rokita - Indianapolis, IN
Kathy Rogers - Atlanta, GA

Possible Participant:

Patrick Rogers - New Mexico

Thanks,

Devon Romig
U.S. Election Assistance Commission
1225 New York Ave. NW - Suite #1100
Washington, D.C. 20005
(202)566-2377

014650



Devon E. Romig/EAC/GOV
05/03/2006 03:23 PM

To Margaret Sims/EAC/GOV
cc
bcc
Subject David Norcross

Peggy,

I just spoke to Mr. Norcross's assistant, he cannot attend the meeting on the 18th, he will be out of town at another event.

Devon Romig
U.S. Election Assistance Commission
1225 New York Ave. NW - Suite #1100
Washington, D.C. 20005
(202)566-2377

014651



Devon E. Romig/EAC/GOV
05/03/2006 10:50 AM

To Margaret Sims/EAC/GOV
cc
bcc
Subject Secretary Rokita's schedule

Peggy,

I just spoke to Nathan Cane (Secretary Rokita's assistant). He did not have any new information but they are going to have a scheduling meeting tomorrow morning and he will ask specifically about the afternoon of May 18th. I also reminded him to find out any of the days that he was not available or any of the days that he had could attend the meeting in the morning or the afternoon.

Thanks,

Devon

014652



Devon E. Romig/EAC/GOV
05/02/2006 01:11 PM

To Margaret Sims/EAC/GOV
cc
bcc
Subject Re: Barbara Arnwine 

Peggy,

I just received an update about Ms. Arnwine's schedule. She is not available on May 9th.

Thanks,

Devon

01/653

Devon E. Romig/EAC/GOV

04/03/2006 04:21 PM

To Margaret Sims/EAC/GOV@EAC

cc

bcc

Subject Re: DOJ Training Materials 

Peggy,

The sections that you listed below are also empty in our copy. I have attached a copy of the complete table of contents with all of the section that are empty in our copy of the 2004 DOJ training binder.

Thanks,

Devon



TOC-BallotAccess2.doc

Margaret Sims/EAC/GOV

Margaret Sims /EAC/GOV

04/03/2006 03:47 PM

To dromig@eac.gov

cc

Subject DOJ Training Materials

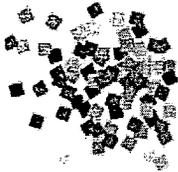
Devon:

One of our consultants noted that there are several sections appear to be missing from the 2004 DOJ training binder. She wasn't sure if it is because of what DOJ sent over to EAC or a problem in the photocopying. From what she can see, some of the table of contents is missing and tabs 14, 15, 16, 17, 21, 23 and 26 are all empty. I think we must have provided the T of C because I don't see one in the binder. Can you please retrieve the binder and check this out for me? Thanks! --- Peggy

014654

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Devon E. Romig/EAC/GOV

05/09/2006 11:34 AM

To Margaret Sims/EAC/GOV

cc

bcc

Subject Re: May 18 Meeting 

No, but I have left a message for her assistant and I am waiting for her to return my call. I will let you know as soon as I hear anything.

Devon Romig
United States Election Assistance Commission
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202.566.2377 phone
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www.eac.gov
Margaret Sims/EAC/GOV

Margaret Sims /EAC/GOV

05/09/2006 11:19 AM

To dromig@eac.gov

cc

Subject May 18 Meeting

Did Barbara Arnwine's office indicate who they propose to send in her place? --- Peggy

014656



Devon E. Romig/EAC/GOV

05/03/2006 10:50 AM

To Margaret Sims/EAC/GOV

cc

bcc

Subject Secretary Rokita's schedule

Peggy,

I just spoke to Nathan Cane (Secretary Rokita's assistant). He did not have any new information but they are going to have a scheduling meeting tomorrow morning and he will ask specifically about the afternoon of May 18th. I also reminded him to find out any of the days that he was not available or any of the days that he had could attend the meeting in the morning or the afternoon.

Thanks,

Devon

014657



Devon E. Romig/EAC/GOV

05/09/2006 11:34 AM

To Margaret Sims/EAC/GOV

cc

bcc

Subject Re: May 18 Meeting 

No, but I have left a message for her assistant and I am waiting for her to return my call. I will let you know as soon as I hear anything.

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
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www.eac.gov
Margaret Sims/EAC/GOV

Margaret Sims /EAC/GOV

05/09/2006 11:19 AM

To dromig@eac.gov

cc

Subject May 18 Meeting

Did Barbara Arnwine's office indicate who they propose to send in her place? --- Peggy

014658



Devon E. Romig/EAC/GOV

05/15/2006 09:51 AM

To "Tova Wang" <wang@tcf.org>@GSAEXTERNAL

cc psims@eac.gov

bcc

Subject RE: I'm sorry

This article is on the CD, it is located in the "Nexis Article Charts" folder.

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov
"Tova Wang" <wang@tcf.org>



"Tova Wang"
<wang@tcf.org>

05/15/2006 09:26 AM

To psims@eac.gov

cc dromig@eac.gov

Subject RE: I'm sorry

Thats good. I'm probably just getting crazy, trying to make sure everything is perfect. Devon, maybe you can check? Otherwise I'll check it when it comes. Thanks. And be well Peg.

-----Original Message-----

From: psims@eac.gov [mailto:psims@eac.gov]

Sent: Monday, May 15, 2006 8:23 AM

To: Tova Andrea Wang

Subject: Re: I'm sorry

Tova:

I think you did send this --- or is this a revised version of one you sent earlier? It should be on the CD in the packet you should receive today.. (Can't check that right now as I am at the clinic.) If I put anything on the CD that you want to highlight at the meeting, let me know and we'll make copies for those attending.

Peggy

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: "Tova Wang" [wang@tcf.org]

Sent: 05/15/2006 09:07 AM

To: Margaret Sims

Cc: Devon Romig

Subject: I'm sorry

014659

I don't think I sent this to you either. Can we hand it out at the meeting as an addendum? Its another summary that would have gone in the news article section. I'm usually so organized, I'm very embarrassed. Too many things! Thanks

Tova Andrea Wang

Democracy Fellow

The Century Foundation

41 East 70th Street - New York, NY 10021

phone: 212-452-7704 fax: 212-535-7534

Visit our Web site, www.tcf.org, for the latest news, analysis, opinions, and events.

[Click here](#) to receive our weekly e-mail updates.

014660



Devon E. Romig/EAC/GOV

05/02/2006 09:45 AM

To wang@tcf.org

cc Margaret Sims/EAC/GOV@EAC

bcc

Subject Voting Fraud/Voter Intimidation Project Working Group

Dear Tova,

I am working with Peggy Sims in order to set a date for the Voting Fraud/Voter Intimidation Project Working Group. I have been trying to reach Barbara Arnwine in order to find out which days in May she is potentially available to attend this meeting but all of my attempts have been unsuccessful.

I would appreciate any help that you could provide in this matter.

Sincerely,

Devon Romig
U.S. Election Assistance Commission
1225 New York Ave. NW - Suite #1100
Washington, D.C. 20005
(202)566-2377

014661

Jeannie Layson /EAC/GOV
05/09/2007 04:45 PM

To ggordon@mcclatchydc.com
cc
bcc
Subject IG review of EAC

Mr. Gordon,

Per our conversation, EAC chair Donetta Davidson asked our IG to review the circumstances surrounding both the voter ID and vote fraud and voter intimidation projects. Go here for more info, which includes some of the inquiries we've gotten from Congress about these projects.

I'm already working on your request, and I will keep you apprised of my progress. Call if you need anything or have questions about the material you just picked up.

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

014662

Jeannie Layson /EAC/GOV
05/09/2007 01:28 PM

To "Gordon, Greg"
<ggordon@mcclatchydc.com>@GSAEXTERNAL
cc
bcc
Subject RE: Your FOIA request

No problem. I can't WAIT to get the new request. See you later this afternoon.

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov
"Gordon, Greg" <ggordon@mcclatchydc.com>



"Gordon, Greg"
<ggordon@mcclatchydc.com>
>
05/09/2007 01:26 PM
To jlayson@eac.gov
cc
Subject RE: Your FOIA request

I'll get the new request to you this afternoon and will phone you before walking over. Thanks, Jeanne.

Greg Gordon
National Correspondent
McClatchy Newspapers Washington Bureau
202-383-0005
ggordon@mcclatchydc.com
Visit McClatchy's 31 daily newspapers, including the Miami Herald, Sacramento Bee, Ft. Worth Star-Telegram, Kansas City Star, Charlotte Observer, Raleigh News & Observer and others, at www.mcclatchy.com.

From: jlayson@eac.gov [mailto:jlayson@eac.gov]
Sent: Wednesday, May 09, 2007 12:25 PM
To: Gordon, Greg
Subject: Your FOIA request

Hello Greg,
Just following up from our conversation yesterday -- your FOIA request regarding emails b/w staff and commishes and Tova Wang and Job Serebrov is ready. I can have someone walk it over if you want. Also, don't forget to send your other request, which as I understood it is emails/correspondence b/w DOJ and EAC commissioners and staff regarding vote fraud and voter intimidation. If that's the case, I'll go ahead and start pulling this info.

Thanks. If you need to call me my number is 202-566-3103.

014663

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

014664

Jeannie Layson /EAC/GOV
05/04/2007 02:36 PM

To Thomas R. Wilkey/EAC/GOV@EAC, Juliet E.
Hodgkins/EAC/GOV@EAC

cc

bcc

Subject Wendy Weiser

Just wanted to let you know that I called her today to tell her that I would be sending some responsive documents per her FOIA request about the vote fraud project that were not included in my previous response. Mostly these are emails that were not provided to me before, as well as a few memos and letters that were also not provided.

She said she was getting ready to send an appeal based on the belief that I did not provide her all of the emails and relevant letters, memos, and other documents. She noted that most of the emails involved only two EAC staffers. I explained that the new documents I was sending would include emails from additional staffers. However, I believe the bulk of what she has includes CCs of other staffers, so another search would only turn up duplicates, but I will verify that.

Wendy also asked about all of the attachments in the emails. I told her it would have taken many months to print all of those out and make the determination whether they were releasable under FOIA. She offered to identify the attachments they would like to see, and I told her that would be helpful. She also noted that in my letter, I estimated that she was received about 1,500 pages. She said they counted and there were only 800. I told her I estimated the page count, and she accepted that.

I asked her if she would consider holding off on the appeal until she received the additional documents, as they may satisfy her appeal. She agreed, and I told her I would send everything by the end of next week. She also requested that I send a scanned copy. I explained that only one of our scanners was working, and that it did not have the capacity to scan huge files.

I will keep you apprised...

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

014665

Jeannie Layson /EAC/GOV
05/04/2007 10:12 AM

To Curtis Crider/EAC/GOV@EAC
cc Thomas R. Wilkey/EAC/GOV@EAC, Juliet E.
Hodgkins/EAC/GOV@EAC
bcc
Subject FOIA requests

Curtis,

In reference to FOIA requests about the vote fraud and voter intimidation and voter ID projects, and whether EAC should respond while the Office of Inspector General reviews circumstances surrounding these projects, I have come to a decision regarding this issue. After speaking with EAC's general counsel and reviewing your response to the chair's questions about communication during your review, I conclude that as EAC's FOIA officer, I must continue to follow the law and respond to FOIA requests regarding these topics. I will certainly provide copies of my responses to your reviewers and answer any questions you have. However, per your recommendation, I will decline answering questions from the media and the public until your review is complete. Please let me know if you have questions, and I appreciate your cooperation and counsel in this matter.

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
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Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

014666

Margaret Sims/EAC/GOV
04/18/2007 05:40 PM

To Jeannie Layson/EAC/GOV@EAC
cc Juliet E. Hodgkins/EAC/GOV@EAC, Thomas R.
Wilkey/EAC/GOV@EAC
bcc
Subject Re: Need your help ASAP 

Jeannie:

I did not receive your request in time to type responses on my blackberry by 2 PM, given the information needed. Here are the answers to your questions:

1. Why did we only contact DOJ officials regarding the accuracy of their interviews?

As far as I know, we didn't. contact DOJ officials about this except in response to concerns they had previously expressed to us. Also, I don't believe we ever allowed DOJ to edit the summaries. (I certainly didn't.) I believe the consultants and I discussed the idea of having all the interviewees review their respective interview summaries, but the consultants objected to the idea and there were concerns that the all of the money remaining available was needed to complete the final report.

Craig Donsanto, Election Crimes Branch, saw the summary of his interview among the documents provided to the Working Group (prior to the meeting of that group), and pointed out an important factual error. The summary, as originally written, portrayed DOJ as switching from the prosecution of conspiracies to the prosecution of individuals. I was present at this interview and this was not what Craig had said, nor is it supported by the information available on the election crimes pursued by that branch. DOJ continues to pursue conspiracies and, in addition, has begun to pursue individuals (specifically, double voting, felon voting and alien voting) in an effort to deter others from election crime.

To my knowledge, John Tanner, Voting Section, Civil Rights Division, had not seen the consultants' full summary of his interview; but he expressed concern to Tova Wang and EAC about the consultants' characterization of the interviews with Donsanto and him that had been included in the May 2006 status report. This report was provided to the members of the EAC Standards and Advisory Boards. Per HAVA requirements, the Voting Section is represented on the Advisory Board. Tanner pointed to the following errors:

- First, the consultants stated that DOJ was not pursuing voter suppression cases. Tanner responded that "[t]he Department has brought two 11(b) cases, one of the two in this Administration. The focus of DOJ activity has shifted, in fact, to voter suppression as there are fewer cases over voter dilution (challenges to at-large election systems, etc.) being brought by anyone as the number of jurisdictions with at-large election systems has shrunk dramatically. This Administration has, in fact, brought far more voter-suppression cases ... than ever in the past, including a majority of all cases under Sections 203 and 208 of the Act, and such key recent Section 2 cases as US v. City of Boston and US v. Long County, Georgia."
- Second, the consultants implied that DOJ is not pursuing instances of unequal implementation of ID rules. Tanner's response was that "[c]hallenges based on race and unequal implementation of ID rules are indeed actionable and we have brought lawsuits, such as in Boston and Long County; we have not identified instances of such discrimination in which we have not taken action."

Tanner also pointed to the consultants' refusal during the interview to define what they meant by "voter intimidation", which Tanner suspected did not jibe with the meaning of the term in federal prosecutions and probably contributed to misunderstandings. (Federal voter intimidation prosecutions require the threat of economic or physical harm.)

By the way, both of these officials are career attorneys, not political appointees. They have years of service at DOJ, working under a number of different administrations.

014667

2. Exactly what did we change and why?

In the case of the Donsanto interview summary, I spoke with our consultants and asked them to make the correction. At first, they both refused. Later, they revised the summary to be a little less blatant, but the implication that there had been a complete change in approach remained. We revised the summary to clearly indicate that prosecution of conspiracies continues. The revised paragraph is on page 4 of the published summary. We also added an intro paragraph similar to other interview summaries submitted by the consultants to summarize the enforcement authority of the Election Crimes Branch and to distinguish it from the Voting Section, Civil Rights Division.

In the case of the actual John Tanner interview summary, we added an intro paragraph similar to other interview summaries submitted by the consultants to summarize the enforcement authority of the Voting Section and to distinguish it from the Election Crimes Branch. We also moved the consultants' note about the refusal to share certain internal working papers to the end of the summary because it seemed to distract from the main interview points if left as an introduction.

Making the distinction between the Election Crimes Branch and the Voting Section is important. The Voting Section brings cases involving "systemic" discrimination because federal voting statutes focus on discriminatory action by local governments. It is criminal statutes that involve malfeasance by individuals and that are enforced by the Election Crimes Branch through Us Attorneys' offices. The difference is key to understanding federal election law enforcement.

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

Jeannie Layson/EAC/GOV

Jeannie Layson /EAC/GOV

04/18/2007 12:17 PM

To psims@eac.gov

cc Juliet E. Hodgkins/EAC/GOV@EAC, Thomas R.
Wilkey/EAC/GOV@EAC

Subject Need your help ASAP

Peg,

If possible, I need answers for these questions in reference to the vote fraud/voter intimidation project by 2 p.m. today for an inquiry for Congressional Quarterly:

1. Why did we only contact DOJ officials regarding the accuracy of their interviews?
2. Exactly what did we change and why?

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW

014668

Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

014669

Juliet E. Hodgkins/EAC/GOV

04/18/2007 12:19 PM

To Jeannie Layson/EAC/GOV@EAC

cc

bcc

Subject Re: Need your help ASAP 

History:

 This message has been replied to.

I sent this comparison to the committee. It shows in track changes the changes that were made to the interview summaries (I assume that is what you are looking for).



Summaries of Interviews with Donsanto-Tanner revised.pdf

Juliet T. Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100
Jeannie Layson/EAC/GOV

Jeannie Layson /EAC/GOV

04/18/2007 12:17 PM

To psims@eac.gov

cc Juliet E. Hodgkins/EAC/GOV@EAC, Thomas R.

Wilkey/EAC/GOV@EAC

Subject Need your help ASAP

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2. Exactly what did we change and why?

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U.S. Election Assistance Commission
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014670

Deliberative Process Privilege

Interview with Craig Donsanto, Director, Elections Crimes Branch, Public Integrity
Section, U.S. Department of Justice

January 13, 2006

The Department of Justice's (DOJ) Election Crimes Branch is responsible for supervising
federal criminal investigations and prosecutions of election crimes.

Questions

How are Prosecution Decisions Made?

Craig Donsanto must approve all investigations that go beyond a preliminary stage, all charges, search warrant applications and subpoenas and all prosecutions. The decision to investigate is very sensitive because of the public officials involved. If a charge seems political, Donsanto will reject it. Donsanto gives possible theories for investigation. Donsanto and Noel Hillman will decide whether to farm out the case to an Assistant U.S. Attorney (AUSA). Donsanto uses a concept called predication. In-other-words, there must be enough evidence to suggest a crime has been committed. The method of evaluation of this evidence depends on the type of evidence and its source. There are two types of evidence---factual (antisocial behavior) and legal (antisocial behavior leading to statutory violations). Whether an indictment will be brought depends on the likelihood of success before a jury. Much depends on the type of evidence and the source. Donsanto said he "knows it when he sees it." Donsanto will only indict if he is confident of a conviction assuming the worst case scenario – a jury trial.

A person under investigation will first receive a target letter. Often, a defendant who gets a target letter will ask for a departmental hearing. The defendant's case will be heard by Donsanto and Hillman. On occasion, the assistant attorney general will review the case. The department grants such hearings easily because such defendants are likely to provide information about others involved.

The Civil Rights Division, Voting Rights Section makes its own decisions on prosecution. The head of that division is John Tanner. There is a lot of cooperation between the Voting Section and the Election Crimes Branch.

Does the Decision to Prosecute Incorporate Particular Political Considerations within a State Such as a One Party System or a System in which the Party in Power Controls the Means of Prosecution and Suppresses Opposition Complaints?

Yes. Before, the department would leave it to the states. Now, if there is racial animus involved in the case, there is political bias involved, or the prosecutor is not impartial, the department will take it over.

Does it Matter if the Complaint Comes from a Member of a Racial Minority?

014671

No. But if the question involves racial animus, that has also always been an aggravating factor, making it more likely the Department will take it over

What Kinds of Complaints Would Routinely Override Principles of Federalism?

Federalism is no longer big issue. DOJ is permitted to prosecute whenever there is a candidate for federal office on the ballot.

Are There Too Few Prosecutions?

DOJ can't prosecute everything.

What Should Be Done to Improve the System?

The problem is asserting federal jurisdiction in non-federal elections. It is preferable for the federal government to pursue these cases for the following reasons: federal districts draw from a bigger and more diverse jury pool; the DOJ is politically detached; local district attorneys are hamstrung by the need to be re-elected; DOJ has more resources – local prosecutors need to focus on personal and property crimes--fraud cases are too big and too complex for them; DOJ can use the grand jury process as a discovery technique and to test the strength of the case.

In *U.S. v. McNally*, the court ruled that the mail fraud statute does not apply to election fraud. It was through the mail fraud statute that the department had routinely gotten federal jurisdiction over election fraud cases. 18 USC 1346, the congressional effort to "fix" *McNally*, did not include voter fraud.

As a result, the department needs a new federal law that allows federal prosecution whenever a federal instrumentality is used, e.g. the mail, federal funding, interstate commerce. The department has drafted such legislation, which was introduced but not passed in the early 1990s. A federal law is needed that permits prosecution in any election where any federal instrumentality is used.

Other Information

The Department has held four symposia for District Election Officers (DEOs) and FBI agents since the initiation of the Ballot Access and Voting Integrity Initiative. In 2003, civil rights leaders were invited to make speeches, but were not permitted to take part in the rest of the symposium. All other symposia have been closed to the public. ~~(Peg will be sending us the complete training materials used at those sessions. These are confidential and are the subject of FOIA litigation).~~

There are two types of attorneys in the division: prosecutors, who take on cases when the jurisdiction of the section requires it; the US Attorney has recused him or herself; or when the US Attorney is unable to handle the case (most frequent reason) and braintrust attorneys who analyze the facts, formulate theories, and draft legal documents.

Cases:

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Donsanto provided us with three case lists: ~~Open~~ cases (still being investigated) as of January 13, 2006 – confidential; election fraud prosecutions and convictions as a result of the Ballot Access and Voting Integrity Initiative October 2002-January 13, 2006; and cases closed for lack of evidence as of January 13, 2006.

If we want more documents related to any case, we must get those documents from the states. The department will not release them to us.

Although the number of election fraud related complaints have not gone up since 2002, nor has the proportion of legitimate to illegitimate complaints of fraud, *the number of cases that the department is investigating and the number of indictments the department is pursuing are both up dramatically.*

Since 2002, the department has brought more cases against alien voters, felon voters, and double voters than ever before. Previously, cases were only brought against conspiracies when there was a pattern or scheme to corrupt the process rather than individual offenders acting alone. For deterrence purposes, charges were not brought against individuals—those cases went un-prosecuted. This change in direction, focus, and level of aggression was by the decision of the Attorney General. The reason for the change was for deterrence purposes he Attorney General decided to add the pursuit of individuals who vote when not eligible to vote (noncitizens, felons) or who vote more than once.

The department is currently undertaking three pilot projects to determine what works in developing the cases and obtaining convictions and what works with juries in such matters to gain convictions:

1. Felon voters in Milwaukee.

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2. Alien voters in the Southern District of Florida. FYI – under 18 USC 611, to prosecute for “alien voting” there is no intent requirement. Conviction can lead to deportation. Nonetheless, the department feels compelled to look at mitigating factors such as was the alien told it was OK to vote, does the alien have a spouse that is a citizen.

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3. Double voters in a variety of jurisdictions.

Formatted: Bullets and Numbering

The department does not maintain records of the complaints that come in from DEOs, U.S attorneys and others during the election that are not pursued by the department. Donsanto asserted that U.S. attorneys never initiate frivolous investigations.

According to the new handbook, the department can take on a case whenever there is a federal candidate on the ballot

014673

Interview with John Tanner, ~~Director~~ Chief, Voting Section, Civil Rights Division,
U.S. Department of Justice

February 24, 2006

The Department of Justice's (DOJ) Voting Section is charged with the civil enforcement of the Voting Rights Act, the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), the National Voter Registration Act (NVRA), and Title III of the Help America Vote Act (HAVA).

Note: Mr. Tanner's reluctance to share data, information and his perspective on solving the problems presented an obstacle to conducting the type of interview that would help inform this project as much as we would have hoped. Mr. Tanner would not give us any information about or data from the section's election complaint intake phone logs; data or even general information from the Interactive Case Management (ICM) system its formal process for tracking and managing work activities in pursuing complaints and potential violations of the voting laws; and would give us only a selected few samples of attorney observer reports, reports that every Voting Section attorney who is observing elections at poll sites on Election Day is required to submit. He would not discuss in any manner any current investigations or cases the section is involved in. He also did not believe it was his position to offer us recommendations as to how his office, elections, or the voting process might be improved.

Authority and Process

The Voting Section, in contrast to the Public Integrity Section as Craig Donsanto described it, typically focuses looks only on ~~not~~ systemic problems resulting from government action or inaction, not problems caused by individuals. Indeed, the section never goes after individuals because it does not have the statutory authority to do so. In situations in which individuals are causing problems at the polls and interfering with voting rights, the section calls the local election officials to resolve it.

Federal voting laws enforced by the section only apply to state action, so the section only sues state and local governments – it does not have any enforcement power over individuals. Most often, the section enters into consent agreements with governments that focus on poll worker training, takes steps to restructure how polls are run, and deals with problems on Election Day on the spot. Doing it this way has been most effective – for example, while the section used to have the most observers in the South, with systematic changes forced upon those jurisdictions, ~~have made it so now~~ the section now does not get complaints from the South.

The section can get involved even where there is no federal candidate on the ballot if there is a racial issue under the 14th and 15th Amendments.

When the section receives a complaint, attorneys first determine whether it is a matter that involves ~~of~~ individual offenders or a systemic problem. When deciding what to do

with the complaint, the section errs on the side of referring it criminally to avoid having any because they do not want civil litigation to complicate a possible criminal case.

When a complaint comes in, the attorneys ask questions to see if there are even problems there that the complainant is not aware are violations of the law. For example, in the Boston case, the attorney did not just look at Spanish language cases under section 203, but also brought a Section 2 case for violations regarding Chinese and Vietnamese voters. When looking into a case, the attorneys look for specificity, witnesses and supporting evidence.

Often, lawsuits bring voluntary compliance.

Voter Intimidation

Many instances of what some people refer to as voter intimidation are more unclear now. For example, photographing voters at the polls has been called intimidating, but now everyone is at the polls with a camera. It is hard to know when something is intimidation and it is difficult to show that it was an act of intimidation.

The fact that both parties are engaging in these tactics now makes it more complicated. It makes it difficult to point the finger at any one side.

The inappropriate use of challengers on the basis of race would be a violation of the law. Mr. Tanner was unaware that such allegations were made in Ohio in 2004. He said there had never been a formal investigation into the abusive use of challengers.

Mr. Tanner said a lot of the challenges are legitimate because you have a lot of voter registration fraud as a result of groups paying people to register voters by the form. They turn in bogus registration forms. Then the parties examine the registration forms and challenge them because 200 of them, for example, have addresses of a vacant lot.

However, Mr. Tanner said the Department was able to informally intervene in challenger situations in Florida, Atkinson County, Georgia and in Alabama, as was referenced in a February 23 Op-Ed in USA Today. Mr. Tanner reiterated the section takes racial targeting very seriously.

Refusal to provide provisional ballots would be a violation of the law that the section would investigate.

Deceptive practices are committed by individuals and would be a matter for the Public Integrity Section. Local government would have to be involved for the ~~voting~~ Voting Section to become involved.

Unequal implementation of ID rules, or asking minority voters only for ID would be something the section would go after. Mr. Tanner was unaware of allegations of this in 2004. He said this is usually a problem where you have language minorities and the poll workers cannot understand the voters when they say their names. The section has never

014675

formally investigated or solely focused a case based on abuse of ID provisions. However, implementation of ID rules was part of the Section 2 case in San Diego. Mr. Tanner reiterated that the section is doing more than ever before.

When asked about the section's references to incidents of vote fraud in the documents related to the new state photo identification requirements, Mr. Tanner said the section only looks at retrogression, not at the wisdom of what a legislature does. In Georgia, for example, everyone statistically has identification, and more blacks have ID than whites. With respect to the letter to Senator Kit Bond regarding voter ID, the section did refer to the perception of concern about dead voters because of reporting by the Atlanta Journal-Constitution. It is understandable that when you have thousands of bogus registrations that there would be concerns about polling place fraud. Very close elections make this even more of an understandable concern. Putting control of registration lists in the hands of the states will be helpful because at this higher level of government you find a higher level of professionalism.

It is hard to know how much vote suppression and intimidation is taking place because it depends on one's definition of the terms – they are used very loosely by some people. However, the enforcement of federal law over the years has made an astounding difference so that the level of discrimination has plummeted. Registration of minorities has soared, as can be seen on the section's website. Mr. Tanner was unsure if the same was true with respect to turnout, but the gap is less. That information is not on the section's website.

The section is not filing as many Section 2 cases as compared to Section 203 cases because many of the jurisdictions sued under Section 2 in the past do not have issues anymore. Mr. Tanner said that race based problems are rare now.

NVRA has been effective in opening up the registration process. In terms of enforcement, Mr. Tanner said they do what they can when they have credible allegations. There is a big gap between complaints and what can be substantiated. Mr. Tanner stated that given the high quality of the attorneys now in the section, if they do not investigate it or bring action, that act complained of did not happen.

Recommendations

Mr. Tanner did not feel it was appropriate to make recommendations.

Note: Mr. Tanner's reluctance to share data, information and his perspective on solving the problems presented an obstacle to conducting the type of interview that would help inform this project as much as we would have hoped. We did not have access to any information about or data from the section's election complaint in-take phone logs or data or even general information from the Interactive Case Management (ICM) system-its formal process for tracking and managing work activities in pursuing complaints and potential violations of the voting laws. Only a selected few samples of attorney-observer reports were provided, reports that every Voting Section attorney who is observing

elections at poll sites on Election Day is required to submit. Mr. Tanner would not discuss any current investigations or cases the section is involved in.

014677

Margaret Sims /EAC/GOV
04/17/2007 01:27 PM

To Jeannie Layson/EAC/GOV@EAC
cc Juliet E. Hodgkins/EAC/GOV@EAC
bcc
Subject Re: Vote fraud report 

As far as I know, you are absolutely correct! Julie did the bulk of the rewrite and used my analyses of the preliminary info submitted by our contractors. I know that I had no contact with the administration regarding this study. --- Peggy

Jeannie Layson/EAC/GOV

Jeannie Layson /EAC/GOV
04/17/2007 01:16 PM

To psims@eac.gov, Thomas R. Wilkey/EAC/GOV@EAC,
jthompson@eac.gov
cc
Subject Vote fraud report

The St. Louis Post Dispatch wrote an editorial that said the administration edited our report. I am almost absolutely sure that is not true, but I wanted to confirm that with you before I request a correction. Thanks.

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

014678

Juliet E. Hodgkins/EAC/GOV

04/17/2007 01:25 PM

To Jeannie Layson/EAC/GOV@EAC

cc

bcc

Subject Re: Vote fraud report 

I did not request that the White House or administration review our report, nor did I send it to them.

Juliet T. Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100
Jeannie Layson/EAC/GOV

Jeannie Layson /EAC/GOV

04/17/2007 01:16 PM

To psims@eac.gov, Thomas R. Wilkey/EAC/GOV@EAC,
jthompson@eac.gov

cc

Subject Vote fraud report

The St. Louis Post Dispatch wrote an editorial that said the administration edited our report. I am almost absolutely sure that is not true, but I wanted to confirm that with you before I request a correction. Thanks.

Jeannie Layson
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1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

014679



Sheila A. Banks/EAC/GOV
04/17/2007 11:28 AM

To jlayson@eac.gov
cc
bcc
Subject Statement for PDF'ing

History:  This message has been replied to.



Hillman Statement on the release of the voting fraud report 12.01.06 (DRAFT).doc



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW – Suite 1100
Washington, DC 20005

**STATEMENT BY ELECTION ASSISTANCE COMMISSIONER GRACIA HILLMAN ON
“THE EAC REPORT ON VOTING FRAUD AND VOTER INTIMIDATION STUDY”**

Washington, D.C. – December 7 – Today the Election Assistance Commission (EAC) voted on the findings of the “Voting Fraud and Voter Intimidation Study” and accepted recommendations to conduct a comprehensive study to assess all claims, charges and prosecutions of voting crimes. This report, which was largely based on anecdotal information, was months in development and is the result of two independent researchers’ assessment of what characterizes voting fraud and voter intimidation in the United States.

Today’s vote sets in motion the EAC’s acceptance of the researchers’ and subsequent working group’s core recommendation that the matter of voting fraud and voter intimidation deserves more than just an anecdotal assessment, but rather a “comprehensive survey and study of the information available from investigatory agencies, prosecutorial bodies and courts on the number and types of complaints, charges and prosecutions of election crimes” based on “hard data on complaints, charges and prosecutions”.

While I would have liked this report to have been made to the recent 2006 mid-term elections, I am confident that the EAC is on the right path toward next steps which include:

- 1) A comprehensive survey/study on voting fraud and voter intimidation based on hard data by the end of calendar year 2007, and
- 2) By mid-2008, a set of standards/best practices for state election officials and prosecuting authorities to use in assessing legitimate claims and bringing them to justice.

For the EAC’s full report and news release on the “Voting Fraud and Voter Intimidation Study” please visit www.eac.gov.

014681

Rosemary E.
Rodriguez/EAC/GOV
04/12/2007 12:25 PM

To Jeannie Layson/EAC/GOV@EAC
cc Bert A. Benavides/EAC/GOV@EAC, bwhitener@eac.gov,
Caroline C. Hunter/EAC/GOV@EAC, Donetta L.
Davidson/EAC/GOV@EAC, Elieen L.
bcc
Subject Re: FOIA Request

I do not have anything. Thanks.

Rosemary E. Rodriguez
Commissioner
United States Election Assistance Commission
1225 New York Avenue, N.W.
Suite 1100
Washington, D.C. 20005
Telephone: 202-566-3104
Facsimile: 202-566-3127
www.eac.gov
rrodriguez@eac.gov

Jeannie Layson/EAC/GOV

Jeannie Layson /EAC/GOV
04/12/2007 08:38 AM

To Donetta L. Davidson/EAC/GOV, ghillman@eac.gov, Caroline
C. Hunter/EAC/GOV@EAC, Rosemary E.
Rodriguez/EAC/GOV@EAC, Thomas R.
Wilkey/EAC/GOV@EAC, jthompson@eac.gov,
klynndyson@eac.gov, psims@eac.gov, sbanks@eac.gov,
Elieen L. Kuala/EAC/GOV@EAC, Bert A.
Benavides/EAC/GOV@EAC, Gavin S. Gilmour/EAC/GOV,
bwhitener@eac.gov,
cc
Subject FOIA Request

Today I will circulate a formal FOIA request to all of you. Please note that this request is from a journalist. The information I circulate will include a copy of the original request, which was made by the DC bureau of McClatchy Newspapers. An abbreviated version of the request follows:

"Copies of all emails between Job Serebrov and Election Assistance Commission staff or members and all emails between Tova Wang and commission staff or members pertaining to a voter fraud study the two were contracted to perform for EAC."

Some of you have provided similar information in the past, but I will need another complete submission that includes any related files that may have been generated since your last submission.

Please anticipate a formal request to be distributed to everyone today, and take note that the deadline to provide this information is April 30. Thank you.

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100

014682

Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

014683



Sheila A. Banks/EAC/GOV
04/12/2007 11:14 AM

To jlayson@eac.gov
cc
bcc
Subject Research Document



Voter_Intimidation Synopsis.doc

Statement	Respondents	Source of Data
<p>There is little polling place fraud or at least much less than is claimed, including voter impersonation, "dead" voters, non-citizen voting and felon voters.</p>	<p>Harry Van Sickle & Larry Boyle</p> <p>Sharon Priest</p> <p>Douglas Webber</p> <p>John Ravitz</p> <p>Kevin Kennedy</p> <p>Lori Minnite</p> <p>Wendy Weiser</p> <p>Neil Bradley</p>	<p>No data support. Cited local case of voter intimidation.</p> <p>No data support - anecdotal references.</p> <p>No prosecuted cases of polling place fraud, "but it does happen".</p> <p>No data source.</p> <p>Wisconsin case in spring of 2003 or 2004.</p> <p>Securing the Vote report</p> <p>Brennan Center report.</p> <p>No data source.</p>
<p>New Identification requirements are the modern version of voter intimidation and suppression.</p>	<p>Joe Rich</p> <p>Wade Henderson</p> <p>Bill Groth</p> <p>Heather Dawn Thompson</p>	<p>No data source.</p> <p>No data source.</p> <p>No data source.</p> <p>Cases in South Dakota – No ID, can't vote; some voters lived up to 60 miles away and suppression by party structures.</p> <p>Cases in Minnesota – would not allow tribal ID.</p>

<p>Native American communities</p>	<p>Heather Dawn Thompson</p> <ul style="list-style-type: none"> • Power of the native vote and active participation has resulted in an increase in intimidation tactics. • Non-Indians running elections in Native communities. • Photo ID • Poll Monitoring • Vote Buying and Fraud <p>Rebecca Vigil-Giron</p>	<p>Washington State 2000 Cantwell election & South Dakota 2002 Johnson election where Native American voters made a difference.</p> <p>South Dakota</p> <p>See above Voter ID.</p> <p>U.S. Attorney chose Election Day to give out subpoenas.</p> <p>No data source.</p> <p>No data source</p>
------------------------------------	--	---

Jeannie Layson /EAC/GOV
04/12/2007 10:51 AM

To Margaret Sims/EAC/GOV@EAC
cc
bcc
Subject Re: FOIA Request

Peg,

No problem. I will cull from what you sent earlier. I just wanted to make sure there were no other records that had been generated since then.

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov
Margaret Sims/EAC/GOV

Margaret Sims /EAC/GOV
04/12/2007 10:45 AM

To Jeannie Layson/EAC/GOV@EAC
cc
Subject Re: FOIA Request

Jeannie:

I haven't had any relevant emails with Job or Tova that occurred after the batch I gave you in response to the Brennan Center FOIA. I last heard from Tova in August 2006 and included that message in the stuff I sent you earlier. Job and I corresponded in February 2007 about how his pay had been reported (what amounts were reported in which tax year). As there was no discussion of the research project itself, I don't think that is relevant.

If you could reuse the information I provided last time, I would really appreciate it. (It took me hours to pull that together and I would rather not have to repeat that.) I think the stuff I sent you earlier also included correspondence with Working Group and other folks outside of the EAC, which would need to be culled.. --- Peggy

Jeannie Layson/EAC/GOV

Jeannie Layson /EAC/GOV
04/12/2007 08:38 AM

To Donetta L. Davidson/EAC/GOV, ghillman@eac.gov, Caroline C. Hunter/EAC/GOV@EAC, Rosemary E. Rodriguez/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC, jthompson@eac.gov, klynndyson@eac.gov, psims@eac.gov, sbanks@eac.gov, Elieen L. Kuala/EAC/GOV@EAC, Bert A. Benavides/EAC/GOV@EAC, Gavin S. Gilmour/EAC/GOV, bwhitener@eac.gov, [REDACTED]
cc
Subject FOIA Request

014687

Today I will circulate a formal FOIA request to all of you. Please note that this request is from a journalist. The information I circulate will include a copy of the original request, which was made by the DC bureau of McClatchy Newspapers. An abbreviated version of the request follows:

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Some of you have provided similar information in the past, but I will need another complete submission that includes any related files that may have been generated since your last submission.

Please anticipate a formal request to be distributed to everyone today, and take note that the deadline to provide this information is April 30. Thank you.

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

014688

Jeannie Layson /EAC/GOV
04/12/2007 08:38 AM

To Donetta L. Davidson/EAC/GOV, ghillman@eac.gov, Caroline
C. Hunter/EAC/GOV@EAC, Rosemary E.
Rodriguez/EAC/GOV@EAC, Thomas R.

cc

bcc

Subject FOIA Request

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Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

014689

Jeannie Layson /EAC/GOV
04/11/2007 01:04 PM

To jthompson@eac.gov, Gavin S. Gilmour/EAC/GOV
cc
bcc
Subject Fw: new foia

Okay... I think this is manageable.

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

--- Forwarded by Jeannie Layson/EAC/GOV on 04/11/2007 01:02 PM ---



"Gordon, Greg"
<ggordon@mcclatchydc.com
>
04/11/2007 10:32 AM

To jlayson@eac.gov
cc
Subject new foia

April 11, 2007

Ms. Jeannie Layson
Director of Communications
Suite 110
1225 New York Avenue NW
Washington, D.C. 20005
Fax: 202-566-3127
Phone: 202-566-3100
HAVAinfo@eac.gov

Dear Ms. Layson:

This is an official request under the Freedom of Information Act, 5 U.S.C., 552 as amended.

I am writing on behalf of McClatchy Newspapers to request copies of all emails between Job Serebrov and Elections Assistance Commission staff or members and all emails between Tova Wang and commission staff or members pertaining to a voter fraud study the two were contracted to perform for the EAC.

014690

In the event that this request results in research or copying, McClatchy Newspapers requests a public interest fee waiver because the material being sought is likely to be used in a newspaper story. We would argue strongly that there is a significant public interest in our reviewing the material being sought. As the nation's second largest newspaper group with 32 daily newspapers and a new service serving 400 newspapers, McClatchy easily qualifies as acting in the public interest.

If possible, I would appreciate your expediting this request, especially any emails transmitted after the draft report was submitted, because of the obvious topical import of these documents.

Should this letter prompt questions, please feel free to phone me at 202-383-0005. Thanks for your assistance.

Sincerely,

Gregory Gordon
McClatchy Newspapers
Washington correspondent

Greg Gordon
National Correspondent
McClatchy Newspapers Washington Bureau
202-383-0005
ggordon@mcclatchydc.com

Visit McClatchy's 31 daily newspapers, including the Miami Herald, Sacramento Bee, Ft. Worth Star-Telegram, Kansas City Star, Charlotte Observer, Raleigh News & Observer and others, at www.mcclatchy.com.

014691

Gavin S. Gilmour/EAC/GOV
04/11/2007 11:52 AM

To Jeannie Layson/EAC/GOV, Juliet E.
Hodgkins/EAC/GOV@EAC
cc
bcc
Subject An unsolicited thought/statement

The stated purpose of the EAC's recently released "fraud report" was not to draw conclusions about fraud, but determine how the subject should be studied by the EAC. As such, it would inappropriate for the EAC to make unsupported conclusions regarding fraud in its preliminary report. Such speculative statements would only serve to compromise its future effort to study this matter in an nonpartisan fashion.

Gavin S. Gilmour
Deputy General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

THIS MESSAGE IS FOR ITS INTENDED RECIPIENT ONLY. IT IS A PRIVILEGED DOCUMENT AND SHALL NOT BE RELEASED TO A THIRD PARTY WITHOUT THE CONSENT OF THE SENDER.

014692

Juliet E. Hodgkins/EAC/GOV
04/04/2007 05:38 PM

To Thomas R. Wilkey/EAC/GOV@EAC, jlayson@eac.gov
cc
bcc
Subject Fw: Revised summaries of interviews with Donsanto and
Tanner

Take a look at these and see if you agree that the changes are technical.

Juliet T. Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 04/04/2007 05:34 PM -----

Juliet E. Hodgkins/EAC/GOV

12/01/2006 03:23 PM

To Paul DeGregorio, Gracia Hillman, Donetta Davidson, Thomas R. Wilkey/EAC/GOV
cc jlayson@eac.gov
Subject Revised summaries of interviews with Donsanto and Tanner

Commissioners,

Per your request, please see attached the proposed edits to the summaries of the interviews with Craig Donsanto and John Tanner.

Please get me your comments by Monday COB so that we can finalize this document in time for the meeting next week.

Juliet Thompson Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005



(202) 566-3100 Summaries of Interviews with Donsanto-Tanner redacted-revised.doc

014693

Interview with Craig Donsanto, Director, Elections Crimes Branch, Public Integrity Section, U.S. Department of Justice
January 13, 2006

The Department of Justice's (DOJ) Election Crimes Branch is responsible for supervising federal criminal investigations and prosecutions of election crimes.

Questions

How are Prosecution Decisions Made?

Craig Donsanto must approve all investigations that go beyond a preliminary stage, all charges, search warrant applications and subpoenas and all prosecutions. The decision to investigate is very sensitive because of the public officials involved. If a charge seems political, Donsanto will reject it. Donsanto gives possible theories for investigation. Donsanto and Noel Hillman will decide whether to farm out the case to an Assistant U.S. Attorney (AUSA). Donsanto uses a concept called predication. In-other-words, there must be enough evidence to suggest a crime has been committed. The method of evaluation of this evidence depends on the type of evidence and its source. There are two types of evidence---factual (antisocial behavior) and legal (antisocial behavior leading to statutory violations). Whether an indictment will be brought depends on the likelihood of success before a jury. Much depends on the type of evidence and the source. Donsanto said he "knows it when he sees it." Donsanto will only indict if he is confident of a conviction assuming the worst case scenario – a jury trial.

A person under investigation will first receive a target letter. Often, a defendant who gets a target letter will ask for a departmental hearing. The defendant's case will be heard by Donsanto and Hillman. On occasion, the assistant attorney general will review the case. The department grants such hearings because such defendants are likely to provide information about others involved.

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The Civil Rights Division, Voting Rights Section makes its own decisions on prosecution. The head of that division is John Tanner. There is a lot of cooperation between the Voting Section and the Election Crimes Branch.

Does the Decision to Prosecute Incorporate Particular Political Considerations within a State Such as a One Party System or a System in which the Party in Power Controls the Means of Prosecution and Suppresses Opposition Complaints?

Yes. Before, the department would leave it to the states. Now, if there is racial animus involved in the case, there is political bias involved, or the prosecutor is not impartial, the department will take it over.

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Does it Matter if the Complaint Comes from a Member of a Racial Minority?

No. But if the question involves racial animus, that has also always been an aggravating

| factor, making it more likely the department will take it over

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What Kinds of Complaints Would Routinely Override Principles of Federalism?

Federalism is no longer big issue. DOJ is permitted to prosecute whenever there is a candidate for federal office on the ballot.

Are There Too Few Prosecutions?

DOJ can't prosecute everything.

What Should Be Done to Improve the System?

The problem is asserting federal jurisdiction in non-federal elections. It is preferable for the federal government to pursue these cases for the following reasons: federal districts draw from a bigger and more diverse jury pool; the DOJ is politically detached; local district attorneys are hamstrung by the need to be re-elected; DOJ has more resources -- local prosecutors need to focus on personal and property crimes---fraud cases are too big and too complex for them; DOJ can use the grand jury process as a discovery technique and to test the strength of the case.

In *U.S. v. McNally*, the court ruled that the mail fraud statute does not apply to election fraud. It was through the mail fraud statute that the department had routinely gotten federal jurisdiction over election fraud cases. 18 USC 1346, the congressional effort to "fix" *McNally*, did not include voter fraud.

As a result, the department needs a new federal law that allows federal prosecution whenever a federal instrumentality is used, e.g. the mail, federal funding, interstate commerce. The department has drafted such legislation, which was introduced but not passed in the early 1990s. A federal law is needed that permits prosecution in any election where any federal instrumentality is used.

Other Information

| The Department has held four symposia for District Election Officers (DEOs) and FBI agents since the initiation of the Ballot Access and Voting Integrity Initiative. In 2003, civil rights leaders were invited to make speeches, but were not permitted to take part in the rest of the symposium. All other symposia have been closed to the public.

Deleted: (Peg will be sending us the complete training materials used at those sessions. These are confidential and are the subject of FOIA litigation).

There are two types of attorneys in the division: prosecutors, who take on cases when the jurisdiction of the section requires it; the US Attorney has recused him or herself; or when the US Attorney is unable to handle the case (most frequent reason) and braintrust attorneys who analyze the facts, formulate theories, and draft legal documents.

| Cases

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Donsanto provided us with three case lists: cases still being investigated as of January 13, 2006 – confidential; election fraud prosecutions and convictions as a result of the Ballot Access and Voting Integrity Initiative October 2002-January 13, 2006; and cases closed for lack of evidence as of January 13, 2006.

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If we want more documents related to any case, we must get those documents from the states. The department will not release them to us.

Although the number of election fraud related complaints have not gone up since 2002, nor has the proportion of legitimate to illegitimate complaints of fraud, *the number of cases that the department is investigating and the number of indictments the department is pursuing are both up dramatically.*

Since 2002, the department has brought more cases against alien voters, felon voters, and double voters than ever before. Previously, cases were only brought against conspiracies to corrupt the process rather than individual offenders acting alone. For deterrence purposes, the Attorney General decided to add the pursuit of individuals who vote when not eligible to vote (noncitizens, felons) or who vote more than once. The department is currently undertaking three pilot projects to determine what works in developing the cases and obtaining convictions and what works with juries in such matters to gain convictions:

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Deleted: Charges were not brought against individuals – those cases went unprosecuted. This change in direction, focus, and level of aggression was by the decision of the Attorney General. The reason for the change was for deterrence purposes.
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1. Felon voters in Milwaukee.
2. Alien voters in the Southern District of Florida. FYI – under 18 USC 611, to prosecute for “alien voting” there is no intent requirement. Conviction can lead to deportation. Nonetheless, the department feels compelled to look at mitigating factors such as was the alien told it was OK to vote, does the alien have a spouse that is a citizen.
3. Double voters in a variety of jurisdictions.

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The department does not maintain records of the complaints that come in from DEOs, U.S attorneys and others during the election that are not pursued by the department. Donsanto asserted that U.S. attorneys never initiate frivolous investigations.

According to the new handbook, the department can take on a case whenever there is a federal candidate on the ballot

Interview with John Tanner, Chief, Voting Section, Civil Rights Division, U.S. Department of Justice

Deleted: Director

February 24, 2006

The Department of Justice's (DOJ) Voting Section is charged with the civil enforcement of the Voting Rights Act, the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), the National Voter Registration Act (NVRA), and Title III of the Help America Vote Act (HAVA).

Authority and Process

The Voting Section, in contrast to the Public Integrity Section as Craig Donsanto described it, typically focuses only on systemic problems resulting from government action or inaction, not problems caused by individuals. Indeed, the section never goes after individuals because it does not have the statutory authority to do so. In situations in which individuals are causing problems at the polls and interfering with voting rights, the section calls the local election officials to resolve it.

Deleted: Note: Mr. Tanner's reluctance to share data, information and his perspective on solving the problems presented an obstacle to conducting the type of interview that would help inform this project as much as we would have hoped. Mr. Tanner would not give us any information about or data from the section's election complaint in-take phone logs; data or even general information from the Interactive Case Management (ICM) system-its formal process for tracking and managing work activities in pursuing complaints and potential violations of the voting laws; and would give us only a selected few samples of attorney-observer reports, reports that every Voting Section attorney who is observing elections at poll sites on Election Day is required to submit. He would not discuss in any manner any current investigations or cases the section is involved in. He also did not believe it was his position to offer us recommendations as to how his office, elections, or the voting process might be improved.¶

Federal voting laws enforced by the section only apply to state action, so the section only sues state and local governments – it does not have any enforcement power over individuals. Most often, the section enters into consent agreements with governments that focus on poll worker training, takes steps to restructure how polls are run, and deals with problems on Election Day on the spot. Doing it this way has been most effective – for example, while the section used to have the most observers in the South, with systematic changes forced upon those jurisdictions, the section now does not get complaints from the South.

The section can get involved even where there is no federal candidate on the ballot if there is a racial issue under the 14th and 15th Amendments.

When the section receives a complaint, attorneys first determine whether it is a matter that involves individual offenders or a systemic problem. When deciding what to do with the complaint, the section errs on the side of referring it criminally to avoid having any civil litigation complicate a possible criminal case.

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When a complaint comes in, the attorneys ask questions to see if there are even problems there that the complainant is not aware are violations of the law. For example, in the Boston case, the attorney did not just look at Spanish language cases under section 203, but also brought a Section 2 case for violations regarding Chinese and Vietnamese voters. When looking into a case, the attorneys look for specificity, witnesses and supporting evidence.

Often, lawsuits bring voluntary compliance.

Voter Intimidation

Many instances of what some people refer to as voter intimidation are more unclear now. For example, photographing voters at the polls has been called intimidating, but now everyone is at the polls with a camera. It is hard to know when something is intimidation and it is difficult to show that it was an act of intimidation.

The fact that both parties are engaging in these tactics now makes it more complicated. It makes it difficult to point the finger at any one side.

The inappropriate use of challengers on the basis of race would be a violation of the law. Mr. Tanner was unaware that such allegations were made in Ohio in 2004. He said there had never been a formal investigation into the abusive use of challengers.

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Mr. Tanner said a lot of the challenges are legitimate because you have a lot of voter registration fraud as a result of groups paying people to register voters by the form. They turn in bogus registration forms. Then the parties examine the registration forms and challenge them because 200 of them, for example, have addresses of a vacant lot.

However, Mr. Tanner said the department was able to informally intervene in challenger situations in Florida, Atkinson County, Georgia and in Alabama, as was referenced in a February 23 Op-Ed in USA Today. Mr. Tanner reiterated the section takes racial targeting very seriously.

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Refusal to provide provisional ballots would be a violation of the law that the section would investigate.

Deceptive practices are committed by individuals and would be a matter for the Public Integrity Section. Local government would have to be involved for the Voting Section to become involved.

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Unequal implementation of ID rules, or asking minority voters only for ID would be something the section would go after. Mr. Tanner was unaware of allegations of this in 2004. He said this is usually a problem where you have language minorities and the poll workers cannot understand the voters when they say their names. The section has never formally investigated or solely focused a case based on abuse of ID provisions. However, implementation of ID rules was part of the Section 2 case in San Diego. Mr. Tanner reiterated that the section is doing more than ever before.

When asked about the section's references to incidents of vote fraud in the documents related to the new state photo identification requirements, Mr. Tanner said the section only looks at retrogression, not at the wisdom of what a legislature does. In Georgia, for example, everyone statistically has identification, and more blacks have ID than whites. With respect to the letter to Senator Kit Bond regarding voter ID, the section did refer to the perception of concern about dead voters because of reporting by the Atlanta Journal-Constitution. It is understandable that when you have thousands of bogus registrations that there would be concerns about polling place fraud. Very close elections make this even more of an understandable concern. Putting control of registration lists in the hands

of the states will be helpful because at this higher level of government you find a higher level of professionalism.

It is hard to know how much vote suppression and intimidation is taking place because it depends on one's definition of the terms – they are used very loosely by some people. However, the enforcement of federal law over the years has made an astounding difference so that the level of discrimination has plummeted. Registration of minorities has soared, as can be seen on the section's website. Mr. Tanner was unsure if the same was true with respect to turnout, but the gap is less. That information is not on the section's website.

The section is not filing as many Section 2 cases as compared to Section 203 cases because many of the jurisdictions sued under Section 2 in the past do not have issues anymore. Mr. Tanner said that race based problems are rare now.

NVRA has been effective in opening up the registration process. In terms of enforcement, Mr. Tanner said they do what they can when they have credible allegations. There is a big gap between complaints and what can be substantiated. Mr. Tanner stated that given the high quality of the attorneys now in the section, if they do not investigate it or bring action, that act complained of did not happen.

Recommendations

Mr. Tanner did not feel it was appropriate to make recommendations.

Note: We contend that Mr. Tanner's reluctance to share data, information and his perspective on solving the problems presented an obstacle to conducting the type of interview that would help inform this project as much as we would have hoped. We did not have access to any information about or data from the section's election complaint intake phone logs or data or even general information from the Interactive Case Management (ICM) system-its formal process for tracking and managing work activities in pursuing complaints and potential violations of the voting laws. Only a selected few samples of attorney-observer reports were provided, reports that every Voting Section attorney who is observing elections at poll sites on Election Day is required to submit. Mr. Tanner would not discuss any current investigations or cases the section is involved in.

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Jeannie Layson /EAC/GOV
04/02/2007 11:55 AM

To: Juliet E. Hodgkins/EAC/GOV@EAC
cc
bcc
Subject: Re: the aftermath

They already have, and asked me not to share it and to delete it.

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Juliet E. Hodgkins
Sent: 04/02/2007 11:51 AM EDT
To: Jeannie Layson
Subject: Re: the aftermath

Wonder how long it will take them to realize that they sent this to you?

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Jeannie Layson
Sent: 04/02/2007 11:58 AM EDT
To: Tom Wilkey; Juliet Hodgkins
Subject: Fw: the aftermath

Tim from Eagleton sent me this email by mistake. Interesting...

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

----- Forwarded by Jeannie Layson/EAC/GOV on 04/02/2007 11:55 AM -----
"Thomas O'Neill" [REDACTED]

04/02/2007 11:41 AM

To: jlayson@eac.gov
cc
Subject RE: the aftermath

014700

John, Based on the 6 article Layson sent and the others that I distributed over the weekend, I conclude this: We lost the battle, but won the war.

I am concerned about the news that Rush Holt's election reform bill would make the EAC permanent. Perhaps we could arrange to talk to him during the 2 week House Easter break and make some suggestions about how the EAC should be restructured before it is made permanent. (Ray Martinez would, I believe, have much to contribute on that topic.)

Tom

From: jlayson@eac.gov [mailto:jlayson@eac.gov]
Sent: Monday, April 02, 2007 10:56 AM
To: tim.vercellotti@rutgers.edu; john.weingart@rutgers.edu
Subject: the aftermath

I'm sure both of you have already seen the commentary, but just in case you haven't, here it is. Also, I'll let you know if I get any more inquiries about it. Thanks again.

- [Congressman Maurice Hinchey Statement on U .S. Election Assistance Commission 's Release of Report on Voter Identification Issues](#)
- [EAC Finally Releases Previously Withheld , 9 Month Old Report on 'Voter ID' Concerns After Congressional Prodding](#)
- [BREAKING: Federal Election Agency Plays Politics with Voter ID Study](#) (EAC voter ID study)
- [Project Vote : Federal Election Agency Plays Politics With Voter ID Study](#) (more Project Vote)
- [Is The EAC Being Appropriately Cautious or Cowardly on Voter Identification Research ?](#) (Rick Hasen)
- [Conflicted loyalties ?](#) (Donna Brazile: EAC "....can't even agree upon a definition of 'voter fraud,' much less prove its existence")

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014701

Jeannie Layson /EAC/GOV
04/02/2007 10:55 AM

To tim.vercellotti@rutgers.edu, john.weingart@rutgers.edu
cc
bcc

Subject the aftermath

I'm sure both of you have already seen the commentary, but just in case you haven't, here it is. Also, I'll let you know if I get any more inquiries about it. Thanks again.

- **Congressman Maurice Hinchey Statement on U .S. Election Assistance Commission 's Release of Report on Voter Identification Issues**
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- **Conflicted loyalties ? (Donna Brazile: EAC "....can't even agree upon a definition of 'voter fraud,' much less prove its existence")**

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014702

Jeannie Layson /EAC/GOV
03/29/2007 02:31 PM

To PFessler@npr.org
cc
bcc
Subject your questions

Pam,

Per your question, Congressman Hinchey requested that the following be sent to the House Appropriations Committee, Subcommittee on Financial Services and General Government: EAC's assessment report on CIBER, Inc., the draft report submitted to EAC regarding voter fraud and intimidation, and the draft report submitted to EAC concerning voter identification. The assessment report on CIBER, Inc. and the final culmination of the voter fraud and intimidation research - Election Crimes: An Initial Review and Recommendations for Further Study -- are available at www.eac.gov, but we also provided hard copies to the committee.

Regarding the voter ID research project, as I mentioned at our Feb. public meeting EAC Chair Donetta Davidson requested that staff review the initial research provided by Eagleton and produce a final report, which would include recommendations for further study on this subject. However, we provided the Committee the initial information Eagleton provided to EAC.

Regarding the voter fraud and intimidation research, we provided the Committee EAC's final report and all of the information provided by the consultants. At a May 2006 public meeting of our Standards Board and Board of Advisors, the EAC project manager for this research presented a staff update on the project. Go here to view the public meeting agenda, page 3. The update the project manager gave at this public meeting has been made available to anyone who asked for it, and I've attached it for your review. The final culmination of this project can be found here. Go to page 24, where you will find links to attachments, which provide the data reviewed by the consultants. The commissioners adopted this report, including four recommendations for further study at a public meeting in Dec. 2006. The final report includes all of the recommendations put forth by the consultants as well the research they provided. (Consultants provided 16 suggestions for further study. See pages 16-22.)

Please let me know if you would like to speak with EAC Chair Davidson if you need sound or something for attribution. She'd also be glad to discuss our approach for these research projects. Again, my direct number is 202-566-3103 or you can reach me on my cell after 5:30 [REDACTED]



VF-VI Study Status 5-17-06.pdf
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014703



U.S. ELECTION ASSISTANCE COMMISSION

**Status Report on the
Voting Fraud-Voter Intimidation Research
Project**

May 17, 2006

014704

INTRODUCTION

Section 241 of the Help America Vote Act of 2002 (HAVA) requires EAC to conduct research on election administration issues. Among the tasks listed in the statute is the development of:

- nationwide statistics and methods of identifying, deterring, and investigating voting fraud in elections for Federal office [section 241(b)(6)]; and
- ways of identifying, deterring, and investigating methods of voter intimidation [section 241(b)(7)].

EAC's Board of Advisors recommended that the agency make research on these matters a high priority.

FOCUS OF CURRENT RESEARCH

In September 2005, the Commission hired two consultants with expertise in this subject matter, Job Serebrov and Tova Wang, to:

- develop a comprehensive description of what constitutes voting fraud and voter intimidation in the context of Federal elections;
- perform background research (including Federal and State administrative and case law review), identify current activities of key government agencies, civic and advocacy organizations regarding these topics, and deliver a summary of this research and all source documentation;
- establish a project working group, in consultation with EAC, composed of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation;
- provide the description of what constitutes voting fraud and voter intimidation and the results of the preliminary research to the working group, and convene the working group to discuss potential avenues for future EAC research on this topic; and
- produce a report to EAC summarizing the findings of the preliminary research effort and working group deliberations that includes recommendations for future research, if any;

As of the date of this report, the consultants have drafted a definition of election fraud, reviewed relevant literature and reports, interviewed persons from government and private sectors with subject matter expertise, analyzed news reports of alleged election fraud, reviewed case law, and established a project working group.

DEFINITION OF ELECTION FRAUD

The consultants drafted a definition of election fraud that includes numerous aspects of voting fraud (including voter intimidation, which is considered a subset of voting fraud) and voter registration fraud, but excludes campaign finance violations and election administration mistakes. This draft will be discussed and probably refined by the project working group, which is scheduled to convene on May 18, 2006.

LITERATURE REVIEW

The consultants found many reports and books that describe anecdotes and draw broad conclusions from a large array of incidents. They found little research that is truly systematic or scientific. The most systematic look at fraud appears to be the report written by Lori Minnite, entitled "Securing the Vote: An Analysis of Election Fraud". The most systematic look at voter intimidation appears to be the report by Laughlin McDonald, entitled "The New Poll Tax". The consultants found that books written about this subject all seem to have a political bias and a pre-existing agenda that makes them somewhat less valuable.

Moreover, the consultants found that reports and books make allegations but, perhaps by their nature, have little follow up. As a result, it is difficult to know when something has remained in the stage of being an allegation and gone no further, or progressed to the point of being investigated or prosecuted or in any other way proven to be valid by an independent, neutral entity. This is true, for example, with respect to allegations of voter intimidation by civil rights organizations, and, with respect to fraud, John Fund's frequently cited book, "Stealing Elections".

Consultants found that researchers agree that measuring something like the incidence of fraud and intimidation in a scientifically legitimate way is extremely difficult from a methodological perspective and would require resources beyond the means of most social and political scientists. As a result, there is much more written on this topic by advocacy groups than social scientists.

Other items of note:

- There is as much evidence, and as much concern, about structural forms of disenfranchisement as about intentional abuse of the system. These include felon disenfranchisement, poor maintenance of databases and identification requirements.
- There is tremendous disagreement about the extent to which polling place fraud, e.g. double voting, intentional felon voting, noncitizen voting, is a serious problem. On balance, more researchers find it to be less of a problem than is commonly described in the political debate; but some reports say it is a major problem, albeit hard to identify.

- There is substantial concern across the board about absentee balloting and the opportunity it presents for fraud.
- Federal law governing election fraud and intimidation is varied and complex and yet may nonetheless be insufficient or subject to too many limitations to be as effective as it might be.
- Deceptive practices, e.g. targeted flyers and phone calls providing misinformation, were a major problem in 2004.
- Voter intimidation continues to be focused on minority communities, although the American Center for Voting Rights uniquely alleges it is focused on Republicans.

Recommendations

The consultants recommend that subsequent EAC research include a follow up study of allegations made in reports, books and newspaper articles. They also suggest that the research should focus on filling the gap between the lack of reports based on methodical studies by social or political scientists and the numerous, but less scientific, reports published by advocacy groups.

INTERVIEWS

The consultants jointly selected experts from the public and private sector for interviews. The consultants' analysis of their discussions with these members of the legal, election official, advocacy, and academic communities follows.

Common Themes

- There is virtually universal agreement that absentee ballot fraud is the biggest problem, with vote buying and registration fraud coming in after that. The vote buying often comes in the form of payment for absentee ballots, although not always. Some absentee ballot fraud is part of an organized effort; some is by individuals, who sometimes are not even aware that what they are doing is illegal. Voter registration fraud seems to take the form of people signing up with false names. Registration fraud seems to be most common where people doing the registration were paid by the signature.
- There is widespread but not unanimous agreement that there is little polling place fraud, or at least much less than is claimed, including voter impersonation, "dead" voters, noncitizen voting and felon voters. Those few who believe it occurs often enough to be a concern say that it is impossible to show the extent to which it happens, but do point to instances in the press of such incidents. Most people believe that false registration forms have not resulted in polling place fraud,

although it may create the perception that vote fraud is possible. Those who believe there is more polling place fraud than reported/investigated/prosecuted believe that registration fraud does lead to fraudulent votes. Jason Torchinsky from the American Center for Voting Rights is the only interviewee who believes that polling place fraud is widespread and among the most significant problems in the system.

- Abuse of challenger laws and abusive challengers seem to be the biggest intimidation/suppression concerns, and many of those interviewed assert that the new identification requirements are the modern version of voter intimidation and suppression. However there is evidence of some continued outright intimidation and suppression, especially in some Native American communities. A number of people also raise the problem of poll workers engaging in harassment of minority voters. Other activities commonly raised were the issue of polling places being moved at the last moment, unequal distribution of voting machines, videotaping of voters at the polls, and targeted misinformation campaigns.
- Several people indicate that, for various reasons, DOJ is bringing fewer voter intimidation and suppression cases now, and has increased its focus on matters such as noncitizen voting, double voting, and felon voting. Interviews with DOJ personnel indicate that the Voting Section, Civil Rights Division, focuses on systemic patterns of malfeasance in this area. While the Election Crimes Branch, Public Integrity Section, continues to maintain an aggressive pursuit of systematic schemes to corrupt the electoral process (including voter suppression), it also has increased prosecutions of individual instances of felon, alien, and double voting.
- The problem of badly kept voter registration lists, with both ineligible voters remaining on the rolls and eligible voters being taken off, remains a common concern. A few people are also troubled by voters being on registration lists in two states. They said that there was no evidence that this had led to double voting, but it opens the door to the possibility. There is great hope that full implementation of the new requirements of HAVA – done well, a major caveat – will reduce this problem dramatically.

Common Recommendations:

- Many of those interviewed recommend better poll worker training as the best way to improve the process; a few also recommended longer voting times or voting on days other than election day (such as weekends) but fewer polling places so only the best poll workers would be employed.
- Many interviewed support stronger criminal laws and increased enforcement of existing laws with respect to both fraud and intimidation. Advocates from across the spectrum expressed frustration with the failure of the Department of Justice to pursue complaints.

- With respect to DOJ's Voting Section, Civil Rights Division, John Tanner indicated that fewer cases are being brought because fewer are warranted – it has become increasingly difficult to know when allegations of intimidation and suppression are credible since it depends on one's definition of intimidation, and because both parties are doing it. Moreover prior enforcement of the laws has now changed the entire landscape – race based problems are rare now. Although challenges based on race and unequal implementation of identification rules would be actionable, Mr. Tanner was unaware of such situations actually occurring and his office has not pursued any such cases.
- Craig Donsanto of DOJ's Election Crimes Branch, Public Integrity Section, says that while the number of election fraud related complaints have not gone up since 2002, nor has the proportion of legitimate to illegitimate claims of fraud, the number of cases DOJ is investigating and the number of indictments his office is pursuing are both up dramatically. Since 2002, in addition to pursuing systematic election corruption schemes, DOJ has brought more cases against alien voters, felon voters and double voters than ever before. Mr. Donsanto would like more resources so that his agency can do more and would like to have laws that make it easier for the federal government to assume jurisdiction over voter fraud cases.
- A couple of interviewees recommend a new law that would make it easier to criminally prosecute people for intimidation even when there is not racial animus.
- Several advocate expanded monitoring of the polls, including some associated with the Department of Justice.
- Almost everyone hopes that administrators will maximize the potential of statewide voter registration databases to prevent fraud.
- Challenge laws, both with respect to pre-election day challenges and challengers at the polls, need to be revised by all states to ensure they are not used for purposes of wrongful disenfranchisement and harassment.
- Several people advocate passage of Senator Barak Obama's "deceptive practices" bill.
- There is a split on whether it would be helpful to have nonpartisan election officials – some indicated they thought even if elections officials are elected as non partisan officials, they will carry out their duties in biased ways nonetheless. However, most agree that elections officials pursuing partisan agendas are a problem that must be addressed in some fashion. Suggestions included moving election responsibilities out of the secretary of states' office; increasing transparency in the process; and enacting conflict of interest rules.

- A few recommend returning to allowing use of absentee ballots "for cause" only if it were politically feasible.
- A few recommend enacting a national identification card, including Pat Rogers, an attorney in New Mexico, and Jason Torchinsky from ACVR, who advocates the proposal in the Carter-Baker Commission Report.
- A couple of interviewees indicated the need for clear standards for the distribution of voting machines

NEWS ARTICLES

Consultants conducted a Nexis search of related news articles published between January 1, 2001 and January 1, 2006. A systematic, numerical analysis of the data collected during this review is currently being prepared. What follows is an overview of these articles provided by the consultants.

Absentee Ballots

According to press reports, absentee ballots are abused in a variety of ways:

- Campaign workers, candidates and others coerce the voting choices of vulnerable populations, usually elderly voters.
- Workers for groups and individuals have attempted to vote absentee in the names of the deceased.
- Workers for groups, campaign workers and individuals have attempted to forge the names of other voters on absentee ballot requests and absentee ballots and thus vote multiple times.

It is unclear how often actual convictions result from these activities (a handful of articles indicate convictions and guilty pleas), but this is an area in which there have been a substantial number of official investigations and actual charges filed, according to news reports where such information is available. A few of the allegations became part of civil court proceedings contesting the outcome of the election.

While absentee fraud allegations turn up throughout the country, a few states have had several such cases. Especially of note are Indiana, New Jersey, South Dakota, and most particularly, Texas. Interestingly, there were no articles regarding Oregon, where the entire system is vote by mail.

Voter Registration Fraud

According to press reports, the following types of allegations of voter registration fraud are most common:

- Registering in the name of dead people;
- Fake names and other information on voter registration forms;
- Illegitimate addresses used on voter registration forms;
- Voters being tricked into registering for a particular party under false pretenses; and
- Destruction of voter registration forms depending on the party the voter registered with.

There was only one self evident instance of a noncitizen registering to vote. Many of the instances reported included official investigations and charges filed, but few actual convictions, at least from the news reporting. There have been multiple reports of registration fraud in California, Colorado, Florida, Missouri, New York, North Carolina, Ohio, South Dakota, and Wisconsin.

Voter Intimidation and Suppression

This is the area which had the most articles, in part because there were so many allegations of intimidation and suppression during the 2004 election. Most of these remained allegations and no criminal investigation or prosecution ensued. Some of the cases did end up in civil litigation.

This is not to say that these alleged activities were confined to 2004 – there were several allegations made during every year studied. Most notable were the high number of allegations of voter intimidation and harassment reported during the 2003 Philadelphia mayoral race.

A very high number of the articles were about the issue of challenges to voters' registration status and challengers at the polling places. There were many allegations that planned challenge activities were targeted at minority communities. Some of the challenges were concentrated in immigrant communities.

However, the tactics alleged varied greatly. The types of activities discussed also include the following:

- Photographing or videotaping voters coming out of polling places;
- Improper demands for identification;

- Poll watchers harassing voters;
- Poll workers being hostile to or aggressively challenging voters;
- Disproportionate police presence;
- Poll watchers wearing clothes with messages that seemed intended to intimidate; and
- Insufficient voting machines and unmanageably long lines.

Although the incidents reported on occurred everywhere, not surprisingly, many came from "battleground" states. There were several such reports out of Florida, Ohio, and Pennsylvania.

"Dead Voters and Multiple Voting"

There were a high number of articles about people voting in the names of the dead and voting more than once. Many of these articles were marked by allegations of big numbers of people committing these frauds, and relatively few of these allegations turning out to be accurate according to investigations by the newspapers themselves, elections officials, and criminal investigators. Often the problem turned out to be a result of administrative error, poll workers mis-marking voter lists, a flawed registration list and/or errors made in the attempt to match names of voters on the list with the names of the people who voted. In a good number of cases, there were allegations that charges of double voting by political leaders were an effort to scare people away from the voting process.

Nonetheless there were a few cases of people actually being charged and/or convicted for these kinds of activities. Most of the cases involved a person voting both by absentee ballot and in person. A few instances involved people voting both during early voting and on Election Day, which calls into question the proper marking and maintenance of the voting lists. In many instances, the person charged claimed not to have voted twice on purpose. A very small handful of cases involved a voter voting in more than one county and there was one substantiated case involving a person voting in more than one state. Other instances in which such efforts were alleged were disproved by officials.

In the case of voting in the name of a dead person, the problem lay in the voter registration list not being properly maintained, i.e. the person was still on the registration list as eligible to vote, and a person took criminal advantage of that. In total, the San Francisco Chronicle found five such cases in March 2004; the AP cited a newspaper analysis of five such persons in an Indiana primary in May 2004; and a senate committee found two people to have voted in the names of the dead in 2005.

As usual, there were a disproportionate number of such articles coming out of Florida. Notably, there were three articles out of Oregon, which has one hundred percent vote-by-mail.

Vote Buying

There were a surprising number of articles about vote buying cases. A few of these instances involved long-time investigations concentrated in three states (Illinois, Kentucky, and West Virginia). There were more official investigations, indictments and convictions/pleas in this area.

Deceptive Practices

In 2004 there were numerous reports of intentional disinformation about voting eligibility and the voting process meant to confuse voters about their rights and when and where to vote. Misinformation came in the form of flyers, phone calls, letters, and even people going door to door. Many of the efforts were reportedly targeted at minority communities. A disproportionate number of them came from key battleground states, particularly Florida, Ohio, and Pennsylvania. From the news reports found, only one of these instances was officially investigated, the case in Oregon involving the destruction of completed voter registration applications. There were no reports of prosecutions or any other legal proceeding.

Non-citizen Voting

There were surprisingly few articles regarding noncitizen registration and voting – just seven all together, in seven different states across the country. They were also evenly split between allegations of noncitizens registering and noncitizens voting. In one case, charges were filed against ten individuals. In another case, a judge in a civil suit found there was illegal noncitizen voting. Three instances prompted official investigations. Two cases, from this Nexis search, remained just allegations of noncitizen voting.

Felon Voting

Although there were only thirteen cases of felon voting, some of them involved large numbers of voters. Most notably, of course, are the cases that came to light in the Washington gubernatorial election contest (see Washington summary) and in Wisconsin (see Wisconsin summary). In several states, the main problem was the large number of ineligible felons that remained on the voting list.

Election Official Fraud

In most of the cases in which fraud by elections officials is suspected or alleged, it is difficult to determine whether it is incompetence or a crime. There are several cases of ballots gone missing, ballots unaccounted for and ballots ending up in a worker's possession. In two cases workers were said to have changed peoples' votes. The one

instance in which widespread ballot box stuffing by elections workers was alleged was in Washington State. The judge in the civil trial of that election contest did not find that elections workers had committed fraud. Four of the cases are from Texas.

Recommendation

The consultants recommend that subsequent EAC research should include a Nexis search that specifically attempts to follow up on the cases for which no resolution is evident from this particular initial search.

CASE LAW RESEARCH

After reviewing over 40,000 cases from 2000 to the present, the majority of which came from appeals courts, the consultants found comparatively few applicable to this study. Of those that were applicable, the consultants found that no apparent thematic pattern emerges. However, it appears to them that the greatest areas of fraud and intimidation have shifted from past patterns of stealing votes to present problems with voter registration, voter identification, the proper delivery and counting of absentee and overseas ballots, provisional voting, vote buying, and challenges to felon eligibility.

Recommendation

Because so few cases provided a picture of these current problems, consultants suggest that subsequent EAC research include a review of state trial-level decisions.

PROJECT WORKING GROUP

Consultants and EAC worked together to select members for the Voting Fraud-Voter Intimidation Working Group that included election officials and representatives of advocacy groups and the legal community who have an interest and expertise in the subject matter. (See Attachment A for a list of members.) The working group is scheduled to convene at EAC offices on May 18, 2006 to consider the results of the preliminary research and to offer ideas for future EAC activities concerning this subject.

FINAL REPORT

After convening the project working group, the consultants will draft a final report summarizing the results of their research and the working group deliberations. This report will include recommendations for future EAC research related to this subject matter. The draft report will be reviewed by EAC and, after obtaining any clarifications or corrections deemed necessary, will be made available to the EAC Standards Board and EAC Board of Advisors for review and comment. Following this, a final report will be prepared.

Attachment A

Voting Fraud-Voter Intimidation Project Working Group

The Honorable Todd Rokita

Indiana Secretary of State

Member, EAC Standards Board and the Executive Board of the Standards Board

Kathy Rogers

Georgia Director of Elections, Office of the Secretary of State

Member, EAC Standards Board

J.R. Perez

Guadalupe County Elections Administrator, TX

Barbara Arnwine

Executive Director, Lawyers Committee for Civil Rights Under Law

Leader of Election Protection Coalition

(To be represented at May 18, 2006 meeting by Jon M. Greenbaum, Director of the Voting Rights Project for the Lawyers Committee for Civil Rights Under Law)

Robert Bauer

Chair of the Political Law Practice at the law firm of Perkins Coie, DC

National Counsel for Voter Protection, Democratic National Committee

Benjamin L. Ginsberg

Partner, Patton Boggs LLP

Counsel to national Republican campaign committees and Republican candidates

Mark (Thor) Hearne II

Partner-Member, Lathrop & Gage, St Louis, MO

National Counsel to the American Center for Voting Rights

Barry Weinberg

Former Deputy Chief and Acting Chief, Voting Section, Civil Rights Division, U.S. Department of Justice

EAC Invited Technical Advisor:

Craig Donsanto

Director, Election Crimes Branch, U.S. Department of Justice

Juliet E. Hodgkins/EAC/GOV
03/29/2007 02:15 PM

To Jeannie Layson/EAC/GOV@EAC
cc
bcc
Subject Re: is this okay for NPR? 

Fine -- except for the typo in the third paragraph.

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Jeannie Layson
Sent: 03/29/2007 02:01 PM EDT
To: Juliet Hodgkins
Subject: is this okay for NPR?

Pam,

Per your question, Congressman Hinchey requested three documents be sent to the House Appropriations Committee Subcommittee on Financial Services and General Government: EAC's assessment report on CIBER, Inc., the draft report submitted to EAC regarding voter fraud and intimidation, and the draft report submitted to EAC concerning voter identification. The assessment report on CIBER, Inc. and the final culmination of the voter fraud and intimidation research – Election Crimes: An Initial Review and Recommendations for Further Study -- are available at www.eac.gov, but we also provided hard copies to the committee.

Regarding the voter ID research project, as I mentioned at our Feb. public meeting EAC Chair Donetta Davidson requested that staff review the initial research provided by Eagleton and produce a final report, which would include recommendations for further study on this subject. However, we provided the Committee the initial information Eagleton provided to EAC.

Regarding the voter fraud and intimidation research, we provided the Committee EAC's final report and all of the information provided by the consultants. At a May 2006 public meeting of our Standards Board and Board of Advisors, the EAC project manager for this research presented a staff update on the project. Go here to view the public meeting agenda, page 3. The update the project manager gave at this public meeting has been made available to anyone who asked for it. The final culmination of this project can be found here. Go to page 24, where you will find links to attachments, which provide the data reviewed by the consultants. The commissioners adopted this report, including four recommendations for further study at a public meeting in Dec. 2006. The final report includes all of the recommendations put forth by the consultants as well the research they provided. (Consultants provided 16 suggestions for further study. See pages 16-22.)

Please let me know if you would like to speak with EAC Chair Davidson if you need something for attribution. She'd also be glad to discuss our approach to both of these research projects. Again, my direct number is 202-566-3103 or

014716

you can reach me on my cell after 5:30 a 

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

014717

Jeannie Layson /EAC/GOV
03/22/2007 09:38 AM

To [REDACTED]
cc
bcc
Subject voter ID info

Here's the latest press release and the document they are actually voting on. Jennifer -- it would be great if you would work with me to come up with a roll out strategy. Nothing elaborate, as this may happen rather quickly. Also, I am working on some Q&A.



VoterID release jhunter edits.doc Voter ID edited 32107- with changed footnote.doc
Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
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Washington, DC 20005
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www.eac.gov

014718



U.S. ELECTION ASSISTANCE COMMISSION
 1225 New York Ave. NW – Suite 1100
 Washington, DC 20005

EAC to Launch Comprehensive Study of Voter ID Laws

For Immediate Release
 March 23, 2007

Contact: Jeannie Layson
 Bryan Whitener
 (202) 566-3100

Deleted: Releases Initial Research

WASHINGTON – The U.S. Election Assistance Commission (EAC) has voted unanimously to launch a comprehensive, multi-year study focused on voter identification laws after concluding that initial research covering only one election cycle was not sufficient to draw any conclusions. The Commission declined to adopt a report based on the initial research, but to release all of the information to the public. The information is available at www.eac.gov.

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“Many new voter identification laws have been enacted recently, and the Commission began working to determine the impact of these new laws,” said EAC Chair Donetta Davidson. “However, after careful consideration of the initial research conducted by our contractor, the Commission decided this important issue deserves a more in-depth research approach and that it should be examined beyond only one election cycle. The bottom line is that the research raises more questions than provides answers.”

Comment [C1]: I would add some of the language from the other document on this topic that we already approved. The action we took was to not adopt the report due to our concerns but to release all info to the public. The Contractor and the EAC agree that the report raises more questions than provides answers. Thus, EAC will not adopt the Contractor's study and will not issue an EAC report based upon this study. All of the material provided by the Contractor is attached.

EAC's strategy for moving forward is based upon an examination of the initial research and the testimony and discussion about this research project at the Commission's February 8, 2007 public meeting. For more information about the public meeting agenda, transcript, and testimony go to http://www.eac.gov/Public_Meeting_020807.asp

Deleted: declined to adopt the report.

Deleted: f

EAC's future research on this topic will be expanded to include more than one election cycle, environmental and political factors, and the numerous changes in state laws and regulations related to voter identification requirements that have occurred since 2004. EAC comprehensive research approach will undertake the following activities:

Deleted: issue a report based upon the initial research conducted by Rutgers, the State University of New Jersey, through its Eagleton Institute of Politics, but voted to make all of the research available.

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- Conduct an ongoing state-by-state review, reporting and tracking of voter identification requirements. This will include tracking states' requirements which require a voter to state this or her name, to sign his or her name, to match his or her signature to a signature on file, to provide photo or non-photo identification or to swear an affidavit affirming his or her identify.
- Establish a baseline of information that will include factors that may affect or influence Citizen Voting Age Population (CVAP) voter participation, including various voter identification requirements, the competitiveness of a race and certain environmental or political factors. EAC will use some of the information collected by Eagleton as well as additional data from the states to develop this baseline.
- Convene a working group of advocates, academics, research methodologists and election officials to discuss EAC's next study of voter identification. Topics to be discussed include methodology, specific issues to be covered in the study and timelines for completing an EAC study on voter identification.

014719

- Study how voter identification provisions that have been in place for two or more Federal elections have impacted voter turnout, voter registration figures, and fraud. Included in this study will be an examination of the relationship between voter turnout and other factors such as race and gender. Study the effects of voter identification provisions, or the lack thereof, on early, absentee and vote-by-mail voting.
- Publish a series of best practice case studies which detail a particular state's or jurisdiction's experiences with educating poll workers and voters about various voter identification requirements. Included in the case studies will be detail on the policies and practices used to educate and inform poll workers and voters.

EAC is an independent bipartisan commission created by the Help America Vote Act of 2002 (HAVA). It is charged with administering payments to states and developing guidance to meet HAVA requirements, implementing election administration improvements, adopting voluntary voting system guidelines, accrediting voting system test laboratories and certifying voting equipment and serving as a national clearinghouse and resource of information regarding election administration. The four EAC commissioners are Donetta Davidson, chair; Rosemary Rodriguez, Caroline Hunter and Gracia Hillman.

###

DRAFT

EAC Study of Voter Identification Requirements

Background

The Help America Vote Act of 2002 (HAVA) authorizes the United States Election Assistance Commission (EAC) to conduct periodic studies of election administration issues. In May 2005, EAC contracted with Rutgers, the State University of New Jersey through its Eagleton Institute of Politics (“Contractor”) to perform a review and legal analysis of state legislation, administrative procedures and court cases, and to perform a literature review on other research and data available on the topic of voter identification requirements. Further, the Contractor was asked to analyze the problems and challenges of voter identification, to hypothesize alternative approaches and to recommend various policies that could be applied to these approaches.

The Contractor performed a statistical analysis of the relationship of various requirements for voter identification to voter turnout in the 2004 election. Drawing on its nationwide review and legal analysis of state statutes and regulations for voter identification, the contractor compared states with similar voter identification requirements and drew conclusions based on comparing turnout rates among states for one election – November 2004. For example, the turnout rate in 2004 in states that required the voter to provide a photo identification document¹ was compared to the turnout rate in 2004 in states with a requirement that voters give his or her name in order to receive a ballot. Contractor used two sets of data to estimate turnout rates: 1) voting age population estimates² and 2) individual-level survey data from the November 2004 Current Population Survey conducted by the U.S. Census Bureau.³

The Contractor presented testimony summarizing its findings from this statistical and data analysis at the February 8, 2007 public meeting of the U.S. Election Assistance Commission. The Contractor’s testimony, its summary of voter identification requirements by State, its summary of court decisions and literature on voter identification and related issues, an annotated bibliography on voter identification issues and its summary of state statutes and regulations affecting voter identification are attached to this report and can also be found on EAC’s website, www.eac.gov.

EAC Declines to Adopt Draft Report

¹ In 2004, three of the states that authorized election officials to request photo identification allowed voters to provide a non-photo ID and still vote a regular ballot and two others permitted voters who lacked photo ID to vote a regular ballot by swearing and affidavit.

² The July 2004 estimates for voting age population were provided by the U.S. Census Bureau. These data did not differentiate between citizens and non-citizens; because these numbers include non-citizens, the Contractor applied the percentage of citizens included in voting age population statistics in 2000 to the U.S. Census Bureau estimated voting age population in 2004. Thus, 2004 estimates of voting age population include persons who are not registered to vote.

³ The Current Population Survey is based on reports from self-described registered voters who also describe themselves as U.S. citizens.

EAC finds the Contractor's summary of States' voter identification requirements and its summary of state laws, statutes, regulations and litigation surrounding the implementation of voter identification requirements, to be a first step in the Commission's efforts to study the possible impact of voter identification requirements.

However, EAC has concerns regarding the data, analysis, and statistical methodology the Contractor used to analyze voter identification requirements to determine if these laws have an impact on turnout rates. The Contractor used a single election's statistics to conduct this analysis. The two sets of data came from the Census Bureau and included persons who were not eligible to and did not vote. The first analysis using averaged county-level turnout data from the U.S. Census showed no statistically significant correlations. So, a second analysis using a data set based upon the Current Population Survey (which was self-reported and showed a significantly higher turnout rate than other conventional data) was conducted that produced only some evidence of correlation between voter identification requirements and turnout. Furthermore, the initial categorization of voter identification requirements included classifications that actually require no identification at all, such as "state your name." The research methodology and the statistical analysis used by the Contractor were questioned by independent working and peer review groups comprised of social scientists and statisticians. The Contractor and the EAC agree that the report raises more questions than provides answers.⁴ Thus, EAC will not adopt the Contractor's study and will not issue an EAC report based upon this study. All of the material provided by the Contractor is attached.

Further EAC Study on Voter Identification Requirements

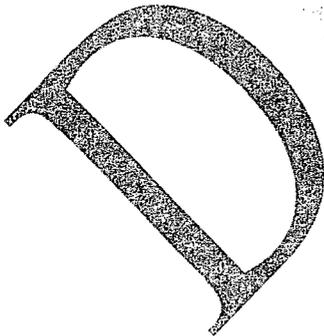
EAC will engage in a longer-term, more systematic review of voter identification requirements. Additional study on the topic will include more than one Federal election cycle, additional environmental and political factors that effect voter participation, and the numerous changes in state laws and regulations related to voter identification requirements that have occurred since 2004.

EAC will undertake the following activities:

- Conduct an ongoing state-by-state review, reporting and tracking of voter identification requirements. This will include tracking states' requirements which require a voter to state this or her name, to sign his or her name, to match his or her signature to a signature on file, to provide photo or non-photo identification or to swear an affidavit affirming his or her identify.
- Establish a baseline of information that will include factors that may affect or influence Citizen Voting Age Population (CVAP) voter participation, including various voter identification requirements, the competitiveness of a race and certain environmental or political factors. EAC will use some of the information collected by Eagleton as well as additional data from the states to develop this baseline.

⁴ See Transcript of EAC Public Meeting, February 8, 2007, page 109.

- In 2007, convene a working group of advocates, academics, research methodologists and election officials to discuss EAC's next study of voter identification. Topics to be discussed include methodology, specific issues to be covered in the study and timelines for completing an EAC study on voter identification.
- Study how voter identification provisions that have been in place for two or more Federal elections have impacted voter turnout, voter registration figures, and fraud. Included in this study will be an examination of the relationship between voter turnout and other factors such as race and gender. Study the effects of voter identification provisions, or the lack thereof, on early, absentee and vote-by-mail voting.
- Publish a series of best practice case studies which detail a particular state's or jurisdiction's experiences with educating poll workers and voters about various voter identification requirements. Included in the case studies will be detail on the policies and practices used to educate and inform poll workers and voters.



Jeannie Layson /EAC/GOV
03/14/2007 09:55 AM

To "Marie Cocco" [REDACTED] SAEXTERNAL
cc
bcc
Subject RE: your inquiry

No problem. Just let me know if I can be of further assistance or if you'd like to discuss this with the EAC chair.

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov
"Marie Cocco" [REDACTED] >



"Marie Cocco"
[REDACTED]
03/14/2007 09:41 AM

To jlayson@eac.gov
cc
Subject RE: your inquiry

thanks a lot for your help and especially for your follow up call last night. it was above and beyond the call of duty.

Marie Cocco

>From: jlayson@eac.gov
>To: [REDACTED]
>Subject: your inquiry
>Date: Tue, 13 Mar 2007 15:30:37 -0400
>

>Ms. Cocco,
>Per your questions, go here to view the testimony regarding voter ID from
>our Feb. 2 public meeting. As I mentioned, at this meeting EAC Chair
>Donetta Davidson requested that staff review the initial research provided
>by Eagleton and produce a final report, which would include
>recommendations for further study on this subject. Currently, staff is
>working to finalize the voter ID report.
>

>Regarding the voter fraud and intimidation research, at a May 2006 public
>meeting of our Standards Board and Board of Advisors, the EAC project
>manager for this research presented a staff update on the project. Go here
>to view the public meeting agenda, page 3. The document you referred to
>was an update the project manager gave at this public meeting, and it has
>been made available to anyone who asked for it. (It's attached.) The final
>culmination of this project can be found here. Go to page 24, where you
>will find links to attachments, which provide the data reviewed by the
>consultants. The commissioners adopted this report, including four

014724

>recommendations for further study at a public meeting in Dec. 2006.
>(Consultants provided 16 suggestions for further study. See pages 16-22.)
>
>As a small agency of 23 employees, including the four commissioners, it is
>necessary for the agency to contract with consultants to gather the
>initial data for these projects. After EAC receives the initial data, the
>agency reviews the data for accuracy and then releases a final report.
>
>Please let me know if you would like to speak with EAC Chair Davidson if
>you need something for attribution. She'd also be glad to discuss our
>approach to both of these research projects. Again, my direct number is
>[REDACTED] you can reach me on my cell after 5:30 a [REDACTED]
>
>
>Jeannie Layson
>U.S. Election Assistance Commission
>1225 New York Ave., NW
>Suite 1100
>Washington, DC 20005
>Phone: 202-566-3100
>www.eac.gov

><< VF-VIStudyStatus5-17-06.pdf >>

Get a FREE Web site, company branded e-mail and more from Microsoft Office
Live! <http://clk.atdmt.com/MRT/go/mcrssaub0050001411mrt/direct/01/>

014725

Caroline C. Hunter/EAC/GOV
03/13/2007 04:36 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc Donetta L. Davidson/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC, Jeannie Layson/EAC/GOV@EAC, Juliet E. Hodgkins/EAC/GOV@EAC,
bcc

Subject Re: Latest draft of the EAC Voter ID statement 

Attached, please find my edits. My intention was to try to explain in English how the Contractor conducted the study in the 2nd graph of the background statement. I realize I left some information out; for example, how he ran the numbers based on maximum and minimum id requirements. I am open to any suggestions on how to better describe what they did; however, despite reading the report and Appendix C many times, I am still do not understand exactly how the study was conducted. I think we should run the 2nd graph by the Contractor to ensure its accuracy.



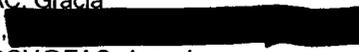
VoterID Hunter edits.doc

Caroline C. Hunter
Commissioner
Election Assistance Commission
1225 New York Avenue, NW
Suite 1100
Washington, DC 20005
(202) 566-3107
chunter@eac.gov
www.eac.gov

Karen Lynn-Dyson/EAC/GOV

Karen Lynn-Dyson/EAC/GOV

03/09/2007 05:20 PM

To Caroline C. Hunter/EAC/GOV@EAC, Donetta L. Davidson/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC, 
cc Juliet E. Hodgkins/EAC/GOV@EAC, Jeannie Layson/EAC/GOV@EAC, twilkey@eac.gov
Subject Latest draft of the EAC Voter ID statement

Commissioners-

Commissioner Hunter noted that several changes to the draft that she had recommended were not included in the latest draft that I sent to Julie and Jeannie. had.

Attached please find this new version which I hope accurately reflects her suggestions; we are asking that everyone take a look at this version.

Please get me your comments and recommended edits by Monday.

Thanks-

014726



Voter ID Statement March 9.doc

Karen Lynn-Dyson
Research Director
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

014727

EAC Statement on Future Study of Voter Identification Requirements

Background

The Help America Vote Act of 2002 (HAVA) authorizes the United States Election Assistance Commission (EAC) to conduct periodic studies of election administration issues. In May 2005, EAC contracted with Rutgers, the State University of New Jersey through its Eagleton Institute of Politics ("Contractor") to perform a review and legal analysis of state legislation, administrative procedures and court cases, and to perform a literature review on other research and data available on the topic of voter identification requirements. Further, the Contractor was asked to analyze the problems and challenges of voter identification, to hypothesize alternative approaches and to recommend various policies that could be applied to these approaches.

The Contractor performed a statistical analysis of the relationship of various requirements for voter identification to voter turnout in the 2004 election. The contractor compared states with similar voter identification requirements and drew conclusions based on comparing turnout rates among states for one election-- November 2004. For example, the turnout rate in 2004 in states with a photo identification requirement was compared to the turnout rate in 2004 in states with a requirement that voters sign their name in order to receive a ballot. Contractor used two sets of data to estimate turnout rates: 1) voting age population estimates¹ and 2) individual-level survey data from the November 2004 Current Population Survey conducted by the U.S. Census Bureau.² The contractor and the EAC agree that the report raises more questions than provides answers.³

Deleted: Using two sets of data-- aggregate turnout data at the county level for each state, and reports of individual voters collected in the November 2004 Current Population Survey conducted by the U.S. Census Bureau-- the Contractor arrived at a series of findings, conclusions and subsequent recommendations for further research into the topic.¶

The Contractor presented testimony summarizing its findings from this statistical and data analysis at the February 8, 2007 public meeting of the U.S. Election Assistance Commission. ~~The Contractor's testimony, its summary of voter identification requirements by State, its summary of court decisions and literature on voter identification and related issues, an annotated bibliography on voter identification issues and its summary of state statutes and regulations affecting voter identification are attached to this report and can also be found on EAC's website, www.eac.gov.~~

EAC Recommendations for further study and next steps

EAC finds the Contractor's summary of States' voter identification requirements and its summary of state laws, statutes, regulations and litigation surrounding the

¹ The July 2004 estimates for voting age population were provided by the U.S. Census Bureau. Because these numbers include non-citizens, the Contractor reduced the numbers by the same percentage the U.S. Census Bureau estimated were non-citizens in 2000. Estimates of voting age population include persons who are not registered to vote.

² The Current Population Survey is based on reports from self-described registered voters who also describe themselves as U.S. citizens.

³ See EAC Public Testimony, February 8, 2007, page 109.

implementation of voter identification requirements, to be a first step in the Commission's consideration of voter identification requirements.

However, EAC has concerns regarding the research and statistical methodology the Contractor chose to employ in order to analyze voter identification requirements and the potential variation in turnout rates based on the type of voter identification requirements. EAC is not adopting the report submitted by the Contractor and, therefore, is not releasing the report.

EAC will engage in a longer-term, more systematic review of voter identification requirements. Additional study on the topic will include more than one Federal election cycle, additional environmental and political factors that effect voter participation, and the numerous changes in state laws and regulations related to voter identification requirements that have occurred since 2004.

EAC will undertake the following activities:

- Conduct an ongoing state-by-state review, reporting and tracking of voter identification requirements. This will include tracking states' requirements which require a voter to state this or her name, to sign his or her name, to match his or her signature to a signature on file, to provide photo or non-photo identification or to swear an affidavit affirming his or her identify.
- Establish a baseline of information that will include factors that may affect or influence Citizen Voting Age Population (CVAP) voter participation, including various voter identification requirements, the competitiveness of a race and certain environmental or political factors. EAC will use some of the information collected by Eagleton as well as additional data from the states to develop this baseline.
- Convene, by mid-2007, a working group of advocates, academics, research methodologists and election officials to discuss EAC's next study of voter identification. Topics to be discussed include methodology, specific issues to be covered in the study and timelines for completing an EAC study on voter identification.
- Study how voter identification provisions that have been in place for two or more Federal elections have impacted voter turnout, voter registration figures, and fraud. Study the effects, including voter turnout, voter registration, and fraud, of voter identification provisions, or the lack thereof, on early, absentee and vote-by-mail voting. Included in this study will be an examination of the relationship between voter turnout and other factors such as race and gender.
- Publish a series of best practice case studies which detail a particular state's or jurisdiction's experiences with educating poll workers and voters about various

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voter identification requirements. Included in the case studies will be detail on the policies and practices used to educate and inform poll workers and voters.

Margaret Sims /EAC/GOV
03/13/2007 02:31 PM

To Jeannie Layson/EAC/GOV@EAC
cc ddauidson@eac.gov, jthompson@eac.gov, twilkey@eac.gov
bcc
Subject Re: Voter ID, Fraud & Intimidation--Need your input

Looks fine to me. Of course, she is probably referring to our decision not to release the consultants' draft final report. --- Peggy

Jeannie Layson/EAC/GOV

Jeannie Layson /EAC/GOV
03/13/2007 02:25 PM

To jthompson@eac.gov, twilkey@eac.gov, psims@eac.gov,
ddauidson@eac.gov
cc
Subject Voter ID, Fraud & Intimidation--Need your input

Hello all,

A columnist from the WaPo has asked for info about both the voter ID and the fraud and intimidation reports. This was prompted by the accusation that the president was concerned that the fired prosecutors were not aggressively pursuing voter fraud cases. She had heard that we were refusing to release this information, so I am trying to demonstrate otherwise, as well as show that we have discussed these projects numerous times in public meetings. Please take a look at my draft email to her and let me know if you have any suggestions. She needs to hear back from me by 4 p.m. Thanks for your help with this.

Ms. Cocco,

Per your questions, go [here](#) to view the testimony regarding voter ID from our Feb. 2 public meeting. As I mentioned, at this meeting EAC Chair Donetta Davidson requested that staff review the initial research provided by Eagleton and produce a final report, which would include recommendations for further study on this subject. Currently, staff is working to finalize the voter ID report.

Regarding the voter fraud and intimidation research, at a May 2006 public meeting of our Standards Board and Board of Advisors, the EAC project manager for this research presented a staff update on the project. Go [here](#) to view the agenda, page 3. The document you referred to was the update the project manager gave at this public meeting, and it has been made available to anyone who asked for it. The final culmination of this project can be found [here](#), and links to the attachments provided by the consultants are available by going to page 24 of this report. The commissioners adopted this report at a [public meeting in Dec. 2006](#).

As a small agency of 23 employees, including the four commissioners, it is necessary for the agency to contract with consultants to gather the initial data for these projects. After EAC receives the initial data, the agency reviews the data for accuracy and then releases a final report.

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005

014731

Phone: 202-566-3100
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014732

Margaret Sims /EAC/GOV
03/06/2007 03:09 PM

To Juliet E. Hodgkins/EAC/GOV@EAC, Jeannie
Layson/EAC/GOV@EAC, Karen
Lynn-Dyson/EAC/GOV@EAC
cc bwhitener@eac.gov

bcc

Subject FYI-New Vote Fraud Report from Project Vote

— Forwarded by Margaret Sims/EAC/GOV on 03/06/2007 03:05 PM —



"Jo-Anne Chasnow"

03/06/2007 09:21 AM

To psims@eac.gov

cc

Subject Widespread Voter Fraud is a myth, says new Project Vote
report

Hello, Peg.

I thought you might be interested in the fraud report that Project Vote just released.

Widespread "voter fraud" is a myth promulgated to suppress voter participation, according to a new Project Vote report released today. "The Politics of Voter Fraud" finds that fraudulent voting, or the intentional corruption of the voting process by voters, is extremely rare. Yet, false or exaggerated claims of fraudulent voting are commonly made in close electoral contests, and later cited by proponents of laws that restrict voting. The report is authored by Lorraine Minnite, Ph.D., Barnard College, Columbia University.

Best regards,

Jo-Anne



Politics of Voter Fraud Final.pdf Voter Fraud Press Release 030607.doc

014733

THE POLITICS OF VOTER FRAUD

by Lorraine C. Minnite, Ph.D.
Assistant Professor of Political Science
Barnard College, Columbia University



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KEY FINDINGS

- ***Voter fraud is the “intentional corruption of the electoral process by the voter.”*** This definition covers knowingly and willingly giving false information to establish voter eligibility, and knowingly and willingly voting illegally or participating in a conspiracy to encourage illegal voting by others. All other forms of corruption of the electoral process and corruption committed by elected or election officials, candidates, party organizations, advocacy groups or campaign workers fall under the wider definition of ***election*** fraud.
- ***Voter fraud is extremely rare.*** At the federal level, records show that only 24 people were convicted of or pleaded guilty to illegal voting between 2002 and 2005, an average of eight people a year. The available state-level evidence of voter fraud, culled from interviews, reviews of newspaper coverage and court proceedings, while not definitive, is also negligible.
- ***The lack of evidence of voter fraud is not because of a failure to codify it.*** It is not as if the states have failed to detail the ways voters could corrupt elections. There are hundreds of examples drawn from state election codes and constitutions that illustrate the precision with which the states have criminalized voter and election fraud. If we use the same standards for judging voter fraud crime rates as we do for other crimes, we must conclude that the lack of evidence of arrests, indictments or convictions for any of the practices defined as voter fraud means very little fraud is being committed.
- ***Most voter fraud allegations turn out to be something other than fraud.*** A review of news stories over a recent two year period found that reports of voter fraud were most often limited to local races and individual acts and fell into three categories: unsubstantiated or false claims by the loser of a close race, mischief and administrative or voter error.
- ***The more complex are the rules regulating voter registration and voting, the more likely voter mistakes, clerical errors, and the like will be wrongly identified as “fraud.”*** Voters play a limited role in the electoral process. Where they interact with the process they confront an array of rules that can trip them up. In addition, one consequence of expanding voting opportunities, i.e. permissive absentee voting systems, is a corresponding increase in opportunities for casting unintentionally illegal ballots if administrative tracking and auditing systems are flawed.
- ***There is a long history in America of elites using voter fraud allegations to restrict and shape the electorate.*** In the late nineteenth century when newly freed black Americans were swept into electoral politics, and where blacks were the majority of the electorate, it was the Democrats who were threatened by a loss of power, and it was the Democratic party that erected new rules said to be necessary to respond to alleged fraud by black voters. Today, the success of voter registration drives among minorities and low income people in recent years threatens to expand the base of the Democratic party and tip the balance of power away from the Republicans. Consequently, the use of baseless voter fraud allegations for partisan advantage has become the exclusive domain of Republican party activists.

- ***The historically disenfranchised are often the target of voter fraud allegations.*** Fraud allegations today typically point the finger at those belonging to the same categories of voters accused of fraud in the past – the marginalized and formerly disenfranchised, urban dwellers, immigrants, blacks, and lower status voters. These populations are mostly found among those still struggling for full inclusion in American life.
- ***Better data collection and election administration will improve the public discussion of voter fraud and lead to more appropriate policies.*** We need better data, better election administration, transparency and more responsible journalism to improve public understanding of the legitimate ways in which electoral outcomes can be distorted and manipulated. This will help ensure that new laws and rules to prevent fraud are narrowly targeted to solve legitimate problems rather than used as a strategy to shape the electorate for partisan advantage.

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INTRODUCTION

The claim that voter fraud threatens the integrity of American elections is itself a fraud. It is being used to persuade the public that deceitful and criminal voters are manipulating the electoral system. No available evidence suggests that voters are intentionally corrupting the electoral process, let alone in numbers that dilute and cancel out “the lawful votes of the vast majority of Americans.”¹ The lack of evidence is not due to a failure to codify voter fraud as a crime, nor is it due to the inability or unwillingness of local law enforcement agencies to investigate or prosecute potential cases of voter fraud. In fact, when we probe most allegations of voter fraud we find errors, incompetence and partisanship. The exaggerated fear of voter fraud has a long history of scuttling efforts to make voting easier and more inclusive, especially for marginalized groups in American society. With renewed partisan vigor fantasies of fraud are being spun again to undo some of the progress America has made lowering barriers to the vote.

The purpose of this report is to disentangle the myth from the reality and to separate the politics of voter fraud from legitimate administrative concerns about the integrity of the electoral process. To make the argument, we present a usable definition of voter fraud, discuss the problem of evidence, and explain how and why the dynamics of electoral competition drive the use of baseless fraud claims in American politics. We present several contemporary examples to illustrate how poor election administration and voter mistakes are misleadingly labeled “fraud.” Recent allegations against voter registration campaigns highlight the need for an analysis sensitive to the partisanship and race and class issues just beneath the surface of most voter fraud claims. The last section of the report makes policy recommendations for improving public understanding and removing the canard of voter fraud from the election reform debate. The appendix discusses what to look for in evaluating voter fraud allegations.

¹ U.S. Senate Republican Policy Committee, “Putting An End to Voter Fraud,” (February 15, 2005); available online at http://rpc.senate.gov/_files/Febl504VoterFraudSD.pdf.

DEFINING VOTER FRAUD

Conceptual clarity is important in evaluating evidence of fraud. We begin with a discussion of what voter fraud is and what it is not. The first problem in defining voter fraud is that as a crime, it defies precise legal meaning. In fact, there is no single accepted legal definition of voter fraud. We have fifty different state electoral systems and fifty state criminal codes governing the administration of elections, plus a federal code that applies in national elections, and no uniform standards. In fact, some states do not actually criminalize 'voter fraud,' although they all criminalize acts that are commonly lumped together under the term, such as illegal voting, providing false information to register to vote, and multiple voting.² The legal incoherence contributes to popular misunderstandings.

We need a basic definition of voter fraud that cuts through the confusion without violating the way voter fraud is diversely treated in state and federal law. We can start with the U.S. Department of Justice's definition of **election fraud** and apply it to election crimes committed by **voters**. The Justice Department defines election fraud as "conduct that corrupts the process by which ballots are obtained, marked, or tabulated; the process by which election results are canvassed and certified; or the process by which voters are registered."³ Voter fraud is a sub-category of election fraud, or the intentional corruption of the electoral process by voters.

Voter fraud is the intentional corruption of the electoral process by voters.

This covers **knowingly and willingly** giving false information to establish voter eligibility, and **knowingly and willingly** voting illegally or participating in a conspiracy to encourage illegal voting by others.⁴ Apparent acts of fraud that result from voter mistakes or isolated individual wrongdoing or mischief making not aimed at corrupting the voting process should not be considered fraud, though sometimes these acts are prosecuted as such.⁵ All other forms of corruption of the electoral process and corruption committed by elected or election officials, candidates, party organizations, advocacy groups or campaign workers fall under the wider definition of **election fraud**.⁶

² There are many examples of states that criminalize what we think of as voter fraud without calling it voter fraud. Georgia, for example, has no election code offense for "voter fraud," but it does provide stiff penalties for "repeat voting" and "voting by unqualified elector." See, for example O.C.G.A. § 21-2-560 et seq. In New Hampshire, the crime of voting more than once is called "wrongful voting." See, N.H.R.S. § 63-659.34. In Alaska, voter impersonation, voting more than once, and registering to vote without being entitled to register are all simply called "voter misconduct." See, Ala. Statutes § 15.56.040 et seq.

³ Craig C. Donsanto and Nancy Stewart, *Federal Prosecution of Election Offenses*, 6th Edition, U.S. Department of Justice, Criminal Division, Public Integrity Section (January 1995), 21 (herein cited as 'DOJ Manual').

⁴ Fraud is commonly defined as "deception *deliberately* practiced with a view to gaining an unlawful or unfair advantage" (*emphasis added*). See *Webster's Revised Unabridged Dictionary*, Version published 1913 by the C. & G. Merriam Co. (Springfield, Mass.), under the direction of Noah Porter, D.D., LL.D. Criminal intent is a feature of the election crime codes of most states and the federal system, although a showing of intent is not always required to obtain a conviction for some forms of voter fraud such as "alien voting" (voting by a non-citizen).

⁵ The proper venue for challenging mistakes that may have affected the outcome of an election is to follow state statutory procedures for an election challenge or contest. See, Barry H. Weinberg, *The Resolution of Election Disputes: Legal Principles That Control Election Challenges* (Washington, D.C.: IFES, 2006).

⁶ This definition of voter fraud is simpler and more coherent than others offered. See, for example, U.S. Election Assistance Commission, *Election Crimes: An Initial Review and Recommendations for Future Study* (December 2006), 13-16; available online

Allegations of "voter fraud" should be analyzed to determine 1) who is alleged to have committed the fraud, and 2) which stage of the electoral process is alleged to have been corrupted. This approach will go a long way toward clarifying whether electoral integrity is being breached and what needs to be done to secure the process (see the appendix for further discussion of how to identify fraud).

at www.eac.gov/docs/Voter%20Fraud%20&%20Intimidation%20Report%20-POSTED.pdf (herein cited as 'EAC Report'). Moreover, although it is simple, it preserves the meaning of "fraud" in the electoral context as outlined by the Justice Department. The Department's manual for training U.S. Attorneys in investigating and prosecuting election crimes divides "election frauds" into two categories, one that involves the participation of voters and another that does not. Those election fraud crimes involving the participation of voters include vote buying schemes, absentee ballot frauds, voter intimidation schemes, migratory-voting (or floating-voter) schemes, and voter 'assistance' frauds, in which the wishes of the voters are ignored or not sought. See, Donsanto and Stewart (1995), 22-24. Acts of voter intimidation which are included in the election fraud definitions offered in both the EAC Report and the DOJ Manual are excluded here. While the intimidation of voters certainly corrupts the electoral process, it is a crime that more directly involves the deprivation of rights guaranteed by law and for that reason should be treated separately from acts of deceit.

VOTER FRAUD AND THE PROBLEM OF EVIDENCE

How prevalent is voter fraud? A 2005 U.S. Senate Republican Policy Committee report claimed that “voter fraud continues to plague our nation’s federal elections, diluting and canceling out the lawful votes of the *vast majority of Americans*” (emphasis added).⁷ This would be shocking if it were true. But the Committee made it without providing a single piece of evidence to support or clarify the claim. It cited no surveys, no statistics, no studies, no credible evidence whatsoever to back up its warning that election results are routinely distorted by fraud in the United States.

Evidence of voter fraud like all other crimes comes from law enforcement efforts to combat it

The Committee cited no data because there is very little to cite. Evidence of voter fraud like evidence of other forms of criminal behavior is primarily produced by law enforcement efforts to detect and prosecute it. And the available evidence here suggests that voters rarely commit voter fraud.⁸ As in the case of all other kinds of crime, it is simply unacceptable to allege law breaking without providing at least some supporting evidence.

What is that evidence? At the national level, a major new project at the U.S. Department of Justice, the Ballot Access and Voting Integrity Initiative (BAVII) has resulted in only a handful of convictions.⁹ According to the Attorney General, since the inception of the program in 2002, “we’ve made enforcement of election fraud and corruption offenses a top priority.”¹⁰ The result? Government records show that only 24 people were convicted of or pleaded guilty to illegal voting between 2002 and 2005, an average of eight people a year. This includes 19 people who were ineligible to vote, five because they were still under state supervision for felony convictions, and 14 who were not U.S. citizens; and five people who voted twice in the same election, once in Kansas and again in Missouri.¹¹

.....
⁷ U.S. Senate Republican Policy Committee (2005).

⁸ The idea that voter fraud is first and foremost a crime reaches substantially the federal concept of election fraud which “applies only to activity that is appropriately remedied through criminal prosecution, as distinguished from other less severe remedies such as election contest litigation or administrative relief.” See, Craig C. Donsanto, “The Federal Crime of Election Fraud,” prepared for the Russian election reform website, Democracy.Ru, n.d.; available online at www.democracy.ru/english/library/international/eng_1999-11.html.

⁹ On the origins of BAVII, see Jeffrey Toobin, “Annals of Law: Poll Positions,” *The New Yorker* (September 20, 2004). Very little information about the program’s overall scope and performance has been released by the Justice Department’s Public Integrity Section; annual press releases announce the numbers of investigations and convictions obtained, and the Public Integrity Section’s annual reports to Congress briefly discuss some of the cases, but efforts to acquire more information about the program have been stymied by the Criminal Division’s failure to respond to a Freedom of Information Act request filed in July 2005. Nevertheless, it is difficult to imagine that the Department would withhold information about closed cases of deceitful voters, and therefore likely that the limited information it has released so far is all there is.

¹⁰ Prepared Remarks of Attorney General Alberto R. Gonzales, Ballot Access and Voting Integrity Symposium, Washington, D.C. (October 4, 2005).

¹¹ U. S. Department of Justice, Criminal Division, Public Integrity Section, *Election Fraud Prosecutions & Convictions, Ballot Access & Voting Integrity Initiative, October 2002 – September 2005* (n.d.).

Federal Prosecutions for Illegal Voting 2002 – 2005

CASTING A FALSE BALLOT	DISPOSITION				
	Dismissed	Acquitted	Pleaded Guilty	Convicted	Total
False claim of eligibility					
Non-citizen	4	1	3	11	19
Felon	4	1	3	2	10
Multiple voting	3		5		9
TOTAL	11	3	11	13	38

Source: U. S. Department of Justice, Criminal Division, Public Integrity Section, *Election Fraud Prosecutions & Convictions, Ballot Access & Voting Integrity Initiative, October 2002 – September 2005* (n.d).

In addition, the BAVII uncovered several vote buying schemes that have resulted in the convictions or guilty pleas of about 30 people, though most of those convicted were party and election officials, candidates for public office and elected officials, and in one case, the commander of a local VFW post. The vote buying cases involved a handful of elections in the Appalachia regions of eastern Kentucky and West Virginia, East St. Louis, Illinois and Caldwell County, North Carolina.

The available state-level evidence of voter fraud, culled from interviews, reviews of newspaper coverage and court proceedings, while not definitive, is also negligible.¹² There are no reliable, officially compiled, national or even statewide statistics on voter fraud.¹³ Even though many criminal acts associated with "voter fraud" are classified as felonies, voter fraud fails to appear in the F.B.I.'s uniform crime reports. There are no publicly available criminal justice databases that include voter fraud as a category of crime. No states collect and publish statistics on voter fraud.¹⁴

The lack of evidence is not due to a failure to codify voter fraud as a crime

If fraud is such a persistent concern of those who run elections, government agencies responsible for election administration should collect statistics on it, as they do in other serious matters, certainly other crimes. It is not as if the states have failed to detail the ways voters could corrupt elections. There are hundreds of examples drawn from state election codes and constitutions that illustrate the precision with which the states have criminalized voter and election fraud.

If we use the same standards for judging voter fraud crime rates as we do for other crimes, which is to calculate the incidence of crime from law enforcement statistics on arrests, indictments and convictions, we must conclude that the lack of evidence of arrests, indictments or convictions for any of the practices defined as voter fraud means very little fraud is being committed relative to the millions of votes cast each year in state, local and federal elections.

¹² Lori Minnite and David Callahan, *Securing the Vote: An Analysis of Election Fraud* (New York: Dēmos: A Network for Ideas and Action, 2003). The author is engaged in a more thorough analysis of state-level voter fraud data and investigations which will be published in her forthcoming book. To-date, the findings only confirm Minnite and Callahan's earlier conclusions.

¹³ This is an urgent concern. Law professor Spencer Overton persuasively argues for a more empirical cost-benefit approach to evaluating the value and constitutionality of new restrictive photo identification voting requirements. As Overton notes, this approach is hampered by the lack of systematic data on fraud. See, Spencer Overton, "Voter Identification," *Michigan Law Review* 105(2007), 631-682.

¹⁴ The California Secretary of State's Office compiled information on electoral fraud cases referred to its office from 1994 to 2003. The data were analyzed in an unpublished conference paper (see, R. Michael Alvarez and Frederick J. Boehmke, "Contemporary Election Fraud: A Quantitative Analysis of Election Fraud Cases in California," paper prepared for Election Fraud Conference, Center for Public Policy and Administration, The University of Utah, and the Caltech/MIT Voting Technology Project, Salt Lake City, Utah, September 29-30, 2006; available online at www.vote.caltech.edu/events/2006/FraudConf/AlvBmk-paper.pdf), but they are not publicly available.

Examples Of How States Criminalize “Voter Fraud”

- In Texas, a person can be convicted of a third degree felony if he or she “votes or attempts to vote in an election in which the person knows the person is not eligible to vote; knowingly votes or attempts to vote more than once in an election; or knowingly impersonates another person and votes or attempts to vote as the impersonated person.”ⁱ
- California’s election code has dozens of provisions that prohibit illegal activity associated with elections. It prohibits fraudulent registration, including registering under a false name, registering under a false address, and registering a non-existent person. It makes it a felony for a person to vote in an election that he or she is not entitled to vote in, to vote more than once, or impersonate another voter. Moreover, it is a felony in California to “give, offer, or promise any office, place, or employment, or promise to procure or endeavor to procure any office, place, or employment to or for any voter, or to or for any other person, in order to induce that voter at any election to” vote or not vote for a particular candidate.ⁱⁱ
- Pennsylvania law gives the power to monitor elections to county boards of elections, and imposes a substantial number of penalties on people engaging in election fraud. Giving or receiving money in exchange for voting a certain way in an election can bring up to seven years in prison and \$15,000 in fines. Any person convicted of perjury “regarding any material matter or thing relating to any subject being investigated, heard, determined or acted upon by any county board of elections, or member thereof, or by any court or judge thereof, judge of election, inspector of election, or overseer” can receive up to five years in prison and a \$10,000 fine. Any person voting when they are not registered to vote, or voting more than once can be punished the same.ⁱⁱⁱ
- Nineteenth century language in the Alabama Constitution disqualifies from voting “all idiots and insane persons” and those convicted of crimes like murder, arson, and rape, but also wife battering, bigamy, sodomy, miscegenation and vagrancy. It also disqualifies from voting any person convicted of “selling or offering to sell his vote or the vote of another, or of buying or offering to buy the vote of another, or of making or offering to make a false return in any election by the people or in any primary election to procure the nomination or election of any person to any office, or of suborning any witness or registrar to secure the registration of any person as an elector.”^{iv}
- In Minnesota, it is a felony to submit more than one absentee ballot, assist another in submitting more than one absentee ballot, or alter another’s absentee ballot in any way.^v

ⁱ Tex. Gov’t Code Ann. § 64.012.

ⁱⁱ Cal. Gov’t Code § 18520.

ⁱⁱⁱ 25 Pa. Stat. Ann. Art. XVIII, generally.

^{iv} Constitution of Alabama (1901), Section 182.

^v Minn. Stat. Ann. § 203B.03.

The lack of evidence of voter fraud is not due to law enforcement agencies ignoring their duties

Even if crime reports underestimate true crime rates because some crimes go unreported or undetected, or because criminal behavior is sometimes addressed by means other than prosecution, crime is still measured as a function of law enforcement efforts to address it. Under the rule of law, enforcement efforts establish the core evidence of crime. It is difficult to conceive of whole categories of criminal behavior that go almost completely undetected or ignored by law enforcement officials at all levels of government across the U.S. today. And yet, those who believe there is a lot of voter fraud despite the lack of evidence frequently fall back on this argument. When confronted they charge the paucity of evidence is due to the government's failure to undertake the investigations and prosecutions that would produce it.¹⁵ A more plausible explanation is that voters are not committing fraud, leaving little to investigate or prosecute.

The lack of evidence of voter fraud is not due to the inability of law enforcement agencies to pursue voter fraud investigations

Some argue that local officials are ill-equipped to detect voter fraud and poorly motivated to pursue investigations and prosecutions of voter fraud given their lack of expertise and resources and the public's demand for attention to more serious or violent crimes.¹⁶ If election crime, perhaps like international securities fraud or organized crime, were beyond the ken of local officials to investigate, then we might expect a dearth of prosecutions and little evidence of voter fraud. This is another explanation offered by those who argue that there is a lot of fraud despite the lack of evidence. Local officials, the argument goes, can't or won't prosecute fraud for a variety of reasons. The detection and prosecution of voter fraud, however, is not beyond the ken of local officials. In fact, as the Justice Department manual on how to investigate and prosecute election crime argues, "there are several reasons why election crime prosecutions may present an easier means of obtaining convictions than do other forms of public corruption." They are, 1) "election crimes usually occur largely in public," 2) "election crimes often involve many players," and 3) "election crimes tend to leave a paper trail."¹⁷ Without any evidence to support it, the notion that local law enforcement officials are unable or unwilling to investigate or prosecute voter fraud lacks merit. But, as the saying goes, if you repeat a rumor enough times people will start to believe it.

¹⁵ Recently, a federal appeals court judge repeated the rumor that, "...the absence of [voter fraud] prosecutions [in Indiana] is explained by the endemic under enforcement of minor criminal laws (minor as they appear to the public and prosecutors, at all events)." See, *Indiana Democratic Party v. Rokita*, U.S. Court of Appeals, 7th Circuit, Case No. 06-2218, 7. This is a contentious issue, but like most allegations of voter fraud, one that fails to rise above the level of anecdote.

¹⁶ For example, in affirming the lower court's decision upholding Indiana's new photo identification law, U.S. Court of Appeals Judge Richard Posner proposed the idea that as a crime, voter fraud is analogous to littering. See also Donsanto and Stewart, asserting, "...local law enforcement is often not equipped to prosecute election offenses" (1995, 8), and Donsanto's subsequent statement that, "Voter fraud investigations are labor intensive. Local law enforcement agencies often lack the manpower and the financial resources to take these cases on." (Donsanto, n.d.) Here, Donsanto, the director of the Elections Crimes Branch of the Justice Department's Public Integrity Section since its inception in 1978, undermines a claim he makes earlier in a *University of Baltimore Law Review* article, that, "Most election fraud is easily recognized." If it's easily recognized, why would local law enforcement agencies lack the manpower and resources to take on investigations and prosecutions? See, Craig C. Donsanto, "Federal Jurisdiction Over Local Vote Fraud," *University of Baltimore Law Review* 13(1), 4.

¹⁷ Donsanto and Stewart (1995), 6.

“FRAUD” THAT IS NOT FRAUD

A review of hundreds of news reports on voter fraud appearing over a recent two year period found that with few exceptions, fraud allegations and cases reported in the press were limited to local electoral contests and individual acts, and fell into three basic categories:

- 1) *unsubstantiated or false allegations of voter fraud made by the losers of close elections;*¹⁸
- 2) *mischief; and,*
- 3) *claims that later turn out to be based on cases of voter error or administrative mistakes, not fraud.*

Here are some examples:

Examples of fraud alleged by election losers

- Pittsburgh City Council President Bob O'Connor lost a close primary race to incumbent Mayor Tom Murphy and charged voter fraud cost him the election. Pittsburgh election officials allowed the two campaigns to review balloting while monitoring each other. Mayor Murphy's campaign found 81 ineligible voters in a sampling of 71 of the city's 404 precincts. The *Pittsburgh Post-Gazette* reviewed Murphy's data and found only three clearly improper ballots. The O'Connor campaign claimed it found 142 votes cast by people whose voter registration cards were missing but would not share its data with the *Post-Gazette* for independent verification.¹⁹
- The Pasco County Canvassing Board of Port Richey, Florida, denied a request for a recount filed by Bob Leggiere who lost to the incumbent by nine votes. Leggiere claimed that voter fraud and 11 ballots that did not register a vote for mayor were the cause of his defeat. He charged that owners of a gambling boat operation voted illegally because their boat, which was their legal residence, was outside the city limits, suggesting that "because of their gambling boat interests, they have attempted to take control of the city elections." The canvassing board informed Leggiere that he needed to file a protest with the board or a complaint in court, which he declined to do.²⁰

Examples of fraud as mischief

- A Ventura County, California woman was arrested and charged with voter fraud when her ex-husband noticed the names of two of their underage children on a list of registered voters in the March 2000 primary and turned her in. The woman was charged with fraudulently registering her 10- and 15-year old daughters, one of her daughter's friends, her ex-husband who was already registered, and a number of fictitious people.²¹

¹⁸ For a discussion of fraud and the sore loser, see Michelle L. Robinson, "Issue in the Third Circuit: Election Fraud – Winning At All Costs," *Villanova Law Review* 40 (1995), 869+.

¹⁹ James O'Toole, "Voting Errors Suggest No Fraud," *Pittsburgh Post-Gazette* (June 17, 2001), B17.

²⁰ Chase Squires and Matthew Waite, "Fraud Alleged in Port Richey Vote," *St. Petersburg Times* (April 12, 2001), B4.

²¹ "Woman Faces Vote Fraud Charges," *The San Diego Union-Tribune* (October 29, 2000), A3.

- Prosecutors in West Palm Beach, Florida agreed not to charge a woman who registered her poodle, "Cocoa Fernandez," as a Republican on the condition that the woman stay out of trouble for a year. She averted a third-degree felony charge carrying a maximum 5-year prison term and a \$5,000 fine.²²
- A story appeared in the Marquette University student paper that 174 of 1,000 students surveyed said they voted more than once in the November 2000 presidential election. Another 170 claimed to have voted for write-in candidates, but the official canvass of the voting precincts surrounding the Marquette campus recorded only 12 write-in votes for president. One student told ABC News, the *Milwaukee Journal Sentinel* and the Marquette student paper that he voted four times. He later recanted when a list of voters from his precinct did not include his name at all. The Milwaukee County District Attorney said he had no evidence of any student voting more than once. The student who told the media he voted four times was later charged with selling other students fake Ohio drivers licenses he printed using his dorm room computer.²³

Examples of fraud as voter error

- The *Milwaukee Journal Sentinel* conducted a two-month review of 203,000 votes cast in Milwaukee and found that 361 felons still under state supervision cast votes in 2000. This was in violation of an "often misunderstood state law" that disqualifies felons on probation or parole from voting. Ninety percent of the 361 illegal votes were cast by African Americans living in central city neighborhoods, most with convictions for welfare fraud, forgery and other property offenses. The newspaper reasoned that the illegal votes probably went to Al Gore, since 92 percent of African Americans in the state voted for Gore. They estimated that if disqualified felons elsewhere in the state voted illegally at the same rate obtained in Milwaukee, as many as 1,100 illegal votes could have been cast statewide, a significant number given Gore's margin of victory was only 5,708 votes. None of the illegal voters contacted by the paper knew they were prohibited from voting, and a review of parole and probation procedures suggested they were never informed.²⁴ Charges were filed against three people but later dropped when prosecutors couldn't prove those charged knew they were breaking the law.
- A voter inadvertently filled out five ballots in a local election in Montgomery County, Texas. "It (the five ballots, sic) was just handed to me and I just put them in the box," said the culprit, 52-year old Ruben Jones, "I wasn't paying attention." An election judge allowed one of Jones' votes to count resulting in a tie at 83 votes each between two candidates who were then forced into a run-off. Fraud was charged. The city attorney acknowledged the judge's mistake but could not overturn his decision to allow one of the votes to count. There was no provision in Texas election law for overruling an election judge on such matters.²⁵

Examples of cases of administrative incompetence and mistakes leading to misplaced allegations of voter fraud in St. Louis and Milwaukee are discussed in detail below.

²² "In Brief/Florida: No Charges, But Pooch Can't Punch Ballot," *Los Angeles Times* (December 17, 2001), A23.

²³ "Marquette Student Admits He Didn't Vote Four Times," *Chicago Sun-Times* (November 16, 2000), 3; "Voter Fraud Inquiries Lead to Charges Against 3 in Milwaukee," *St. Louis Post-Dispatch* (December 21, 2000), A8.

²⁴ Dave Umhoefer and Jessica McBride, "361 Felons Voted Illegally in Milwaukee; Law Is Poorly Understood, Rarely Invoked Here," *Milwaukee Journal Sentinel* (January 21, 2001), 1A.

²⁵ Harvey Rice, "Ballot Error Won't Change Deadlocked Race," *The Houston Chronicle* (May 12, 2001), 33.

THE POLITICS OF VOTER FRAUD CLAIMS

There are many reasons why electoral reform is difficult to achieve, chief among them the benefits the *status quo* bestows on politicians in charge of making the rules. Voting rights advocates working to expand the electorate and make voting easier for more citizens must also overcome recurring arguments that reform will encourage more voter fraud. Indeed, the specter of voter fraud has been manipulated by elites to restrict and shape the electorate for nearly two centuries.

The Late Nineteenth Century and the “Good Government” Defense

The electoral reforms of the Progressive era dismantled Populist voting majorities and reflected the reformers' class and anti-immigrant biases. Following the turmoil of the election of 1896 when new immigrants, struggling farmers, and wage workers flooded into the electorate, wealthy elites pressed for tighter regulation of the electoral process. They promoted personal voter registration systems that had the effect of de-mobilizing the poor and working classes.²⁶ The reformers' rhetoric fastened on fraud and the need to eliminate it in order to protect 'the Democracy.' The perception of fraud and widespread electoral corruption gave their efforts moral ballast which obscured the class conflict at the center of the struggle for the vote.

The specter of voter fraud has been manipulated by elites to restrict and shape the electorate for nearly two centuries.

For Progressive era elites, voter registration was good government and universal voting was directly associated with corruption and voter fraud.²⁷

Municipal reformers drawn from the ranks of the new middle and upper class professional strata assumed the lower classes possessed inferior moral capacities that produced unscrupulous behavior in politics. They wrestled control of government away from the older political machine organizations by imposing administrative reforms on the electoral process. These reforms deliberately privatized and personalized the social act of voting in order to undercut the machine's capacity to mobilize majorities through ethno-religious and other group-based appeals.²⁸

²⁶ Frances Fox Piven and Richard A. Cloward, *Why Americans Don't Vote and Why Politicians Want It That Way* (Boston: Beacon Press, 2000), 91-2.

²⁷ Dayna Cunningham, "Who Are To Be Electors? A Reflection on the History of Voter Registration in the U.S.," *Yale Law and Policy Review* 9(2) (1991), 383.

²⁸ After the Civil War, the electorate was demobilized in different ways in the North and South. Black disenfranchisement was pursued through the use of violence and terror, and institutionalized through the re-writing of Southern state constitutions between 1890 and 1910. Mississippi pioneered the "Southern system" of burdensome residency requirements, periodic registration, poll taxes, literacy and "understanding" requirements, and exacting disqualification provisions, all designed to strip black men of the vote without reliance on overt racial classifications (Cunningham (1991), 377). There is a large scholarly literature on this subject. See, for example, classic works by V.O. Key, *Southern Politics in State and Nation*. (New York: A.A. Knopf, 1949); and J. Morgan Kousser, *The Shaping of Southern Politics: Suffrage Restriction and the Establishment of the One-Party South, 1880-1910* (New Haven: Yale University Press, 1974). On efforts to reshape the electorate outside of the South during this period, see, Walter Dean Burnham, "The Appearance and Disappearance of the American Voter," in Walter Dean Burnham, *The Current Crisis in American Politics* (New York: Oxford University Press, 1983); and Paul Kleppner, *Who Voted? The Dynamics of Electoral Turnout, 1870-1980* (New York: Praeger, 1982). For a fascinating account of how nineteenth century voters behaved at the polls on Election Day, see Richard Franklin Bensel, *The American Ballot Box in the Mid-Nineteenth Century* (New York: Cambridge University Press, 2004).

Much has been written about the colorful and varied forms of political corruption in the nineteenth century.²⁹ The debate over the extent of fraud among scholars, however, has failed to settle the question of whether it accounted for the extraordinarily high levels of turnout that disappeared with the adoption of personal voter registration systems.³⁰ Nor is it certain that the new voter registration laws were responsible for reducing the election fraud they were aimed at eliminating. But, election fraud documented by the reformers usually involved organized efforts by election officials and politicians, not by the voters who were the intended target of restrictive reforms like voter registration.³¹

Nevertheless, voting rights have been won. Most of the conditions that once gave rise to what we would characterize as fraudulent practices today, such as ballots produced and distributed by the political parties, have changed. In the nineteenth century, election fraud was sometimes perpetrated by partisans acting together to steal elections. Local party organizations competed for voters and controlled votes through patronage, and the stakes were high. In those days, parties, patronage and fraud were intertwined. Today, local party organizations are weak to nonexistent, in part because their access to patronage has all but disappeared. They no longer control lucrative franchises, run police and fire departments, set utility rates or build large-scale public works. The demise of local parties and patronage over the last century has undermined the logic and eroded the means of committing voter fraud.

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The Civil Rights Era and Beyond

With each significant effort to protect and extend the right to vote, opponents have argued that the expansion of the franchise, whether through federal protections for voting rights or through reduced structural barriers to the franchise, would lead to more voter fraud. The threat of fraud was taken up by congressional opponents of the Voting

Rights Act of 1965; it was raised in the conflict over extending the Act during the first Reagan Administration; and again, in more recent debates over the National Voter Registration Act.³² It is the very success of these reforms that explains why fraud claims have re-emerged as a principle form of voter intimidation. The victories of the civil rights movement make it no longer easy or acceptable to suppress voting through the use of terrorism or violence, or with a poll tax or a literacy test. Today the intimidation is more subtle.

The dynamics of electoral competition in a two-party plurality system also contribute to the resurrection of the specter of voter fraud. When elections are close, the logic of competition drives opponents to fierce conflict. The winner in a two-party system needs only one vote more than his or her opponent; 51 percent of the votes wins it all, 49 percent wins nothing. Competing parties in

²⁹ See, for example, Glenn C. Altschuler and Stuart M. Blumin, *Rude Republic: Americans and Their Politics In the Nineteenth Century* (Princeton: Princeton University Press, 2000); and Tracy Campbell, *Deliver the Vote: A History of Election Fraud, an American Political Tradition – 1724-2004* (New York: Carroll & Graf, 2005).

³⁰ See, Piven and Cloward (2000), 25-6, discussing the work of Walter Dean Burnham, Philip Converse, Paul Kleppner and Jerrold G. Rusk. See also, Howard W. Allen and Kay Warren Allen, "Vote Fraud and Data Validity," in Jerome M. Clubb, William H. Flanigan, and Nancy H. Zingale, eds., *Analyzing Electoral History: A Guide to the Study of American Voter Behavior* (Beverly Hills: Sage Publications, Inc., 1981), 153-194.

³¹ See Cunningham (1991), 384, citing Joseph P. Harris, *Election Administration in the United States* (Washington, D.C.: The Brookings Institution, 1934).

³² For an important account of the movement to reform voter registration laws leading to the passage of the National Voter Registration Act of 1993, see Margaret M. Groarke, *Expanding Access to the Vote: An Analysis of Voter Registration Reform in the United States, 1970-1993* (Ph.D. diss., Department of Political Science, City University of New York, 2000).

close elections fight hard to maximize their chances of winning that 51 percent³³ because the closer the election, the fewer the number of voters that are needed to shift victory to one party or the other. Tight elections produce the biggest pay-off for the smallest shifts in vote share.

Theoretically, parties or campaigns can produce a shift by expanding votes for themselves or constraining votes for their opponents, or even pursuing both practices at the same time. But expanding the vote carries higher risks for incumbents. Elected officials try to preserve the majorities that elect them and are wary of the threat new voters pose. Both parties, therefore, are wary of expansion. Since the success of the Voting Rights Act prohibits them from carving out their majorities in ways that directly violate laws protecting voting rights, they shape and manage their electorates by more subtle means, through the rules that govern the electoral process. Both parties seek to control, enforce and bend electoral rules to their advantage. As the political scientist, E.E. Schattschneider once observed,

In politics as in everything else it makes a great difference whose game we play. The rules of the game determine the requirements for success. . . . and go to the heart of political strategy.³⁴

For example, today, Republican party officials and incumbents support restrictive interpretations of the rules governing voter qualifications when they anticipate that tightening access to the vote will hurt their rivals. They insist that the votes of legitimate, qualified voters are threatened by the votes of ineligible voters, justifying their support for restrictive identification requirements.³⁵ The Democrats resist these efforts when they think the new rules will threaten their own party base; but if the new rules aren't likely to threaten the base, the Democrats, whose elected officials share the same interest in a stable, predictable electorate as their Republican colleagues, compromise and endorse new restrictions. The Democrats' concession to the inclusion of an identification requirement for first time voters who register to vote by mail in the Help America Vote Act of 2002 (HAVA), in the face of widespread opposition on the part of voting rights advocates, is a case in point.³⁶ New HAVA voter identification requirements apply to a diffuse category of new voters whose party loyalties were unknown and therefore in adding this rule at the national level, neither party could claim an uncontested advantage or disadvantage. In the partisan wrangling over the bill, the important questions about the extent of voter fraud and the effectiveness of new rules in combating it were lost.

Given the particular party and competitive dynamics of the current period, the use of baseless voter fraud allegations for partisan advantage has become the exclusive domain of Republican party activists.

³³ Or a plurality when the occasional third party candidate is in the race.

³⁴ E.E. Schattschneider, *The Semisovereign People: A Realist's View of Democracy in America* (New York: Holt, Rinehart and Winston, 1960), 48-49.

³⁵ U.S. Senate, Republican Policy Committee (2005).

³⁶ Emily Pierce, "Senate Standoff Over Voter Fraud Provision Threatens to Sink Election Bill," *CQ Monitor News* (February 28, 2002); Karen Foerstel with Emily Pierce, "Hopes for Quick Accord on Election Standards Bill Face Liberals' Objections," *CQ Weekly - Elections* (April 13, 2002), 957; Geoffrey Gray, "Schumer's Identity Politics: Civil Rights Advocates Fight Compromise on Election Reform," *The Village Voice* (April 3-9, 2002), 42; Gabrielle B. Ruda, "Note: Picture Perfect: A Critical Analysis of the Debate on the 2002 Help America Vote Act," *Fordham Urban Law Journal* 31 (November 2003), 235.

In a competitive electoral environment it is easier and safer for the parties to try to stabilize the base and reduce the opposition's support than it is for either to recruit new voters. Given the particular party and competitive dynamics of the current period, the use of baseless voter fraud allegations for partisan advantage has become the exclusive domain of Republican party activists.

Take the American Center for Voting Rights (ACVR). This organization established a presence on the Internet in March 2005, just six days before a Republican-controlled U.S. House Administration Committee hearing on problems in the 2004 Ohio election, and was the only "voting rights" group allowed to testify. Although ACVR claims it is nonpartisan, its founders, leadership, and staff have strong ties to the Republican party.³⁷ Its report on "Voter Fraud, Intimidation and Suppression in the 2004 Presidential Election," professes to be "the most comprehensive and authoritative review of the facts surrounding allegations of vote fraud, intimidation and suppression made during the 2004 presidential election." It is little more than a compendium of poorly scrutinized newspaper articles sensationalizing election shenanigans allegedly instigated in all but two instances by Democrats.³⁸ Despite the not so veiled partisanship and absence of credentials, ACVR has achieved remarkable influence advocating for strict, government-issued photo identification requirements and promoting the idea that American elections are riddled with voter fraud. Its leader, attorney and political operative, Mark F. (Thor) Hearne, II, is a serial expert witness before Congress and other government bodies on the need for photo ID. His testimony repeatedly relies for evidence on anecdotes and misleading news reports that grossly overstate the problem of voter fraud.³⁹

The systematic use of baseless voter fraud allegations is strategic and in this sense rational, if unethical. In the late nineteenth century when freedmen were swept into electoral politics and where blacks were the majority of the electorate, it was the Democrats who were threatened by a loss of power, and it was the Democratic party that erected new rules they claimed were necessary to respond to the alleged fraud of black voters.

Today, the success of voter registration drives among minorities and low income people in recent years threatens to expand the base of the Democratic party and tip the balance of power away from the Republicans. Therefore, it is not difficult to understand why party operatives might seek to strategically generate enough public support for new restrictions on the vote that will disproportionately hinder opposition voters.⁴⁰ These efforts are misleadingly labeled "the electoral integrity" movement because after two hundred years struggling for the vote and winning it from below, ordinary voters are not so easily discredited in the name of democracy. Efforts to do so must appeal to misplaced moral sensibilities like the idea that "integrity" trumps rights. In the end, baseless voter fraud claims are essentially political acts because the contested history of party, race and class in American politics makes them so.

³⁷ See bradblog.com (www.bradblog.com/ACVR.htm) for a collection of articles on the ACVR by Brad Friedman and his colleagues.

³⁸ Dimitri Vassilaros, "'Study' is Political Fraud," *Pittsburgh Tribune-Review* (August 8, 2005); available online at: www.pittsburghlive.com/x/pittsburghtrib/s_360812.html.

³⁹ Hearne is listed as an "academic advisor" to the Commission on Federal Election Reform (the Carter-Baker Commission), despite his lack of academic credentials. For Hearne's testimony before government bodies, see, Testimony of Mark F. (Thor) Hearne, II, on "Voter Fraud in Ohio in the 2004 Presidential Election," U. S. House of Representatives, Committee on House Administration, March 21, 2005; "Regarding the Continuing Need for Federal Examiners and Observers to Ensure Electoral Integrity," Testimony of Mark F. (Thor) Hearne, II, Before the U.S. Senate Committee on the Judiciary, Subcommittee on the Constitution Civil Rights and Property Rights, July 10, 2006; "Assessing the Conduct of the 2006 Mid-term Elections," Testimony of Mark F. (Thor) Hearne, II, Before the U.S. Elections Assistance Commission, December 7, 2006.

⁴⁰ There is strong empirical evidence suggesting restrictive photo identification requirements place a disproportionate burden on low income people and minorities. See, Brennan Center for Justice at NYU School of Law and Spencer Overton, "Response to the Report of the 2005 Commission on Federal Election Reform," 2005; available online at www.carterbakerdissent.com. Overton served as a commissioner on the 2005 Commission on Federal Election Reform.

THE USUAL SUSPECTS

The Historically Disenfranchised Are Often the Alleged Perpetrators of Voter Fraud

Fraud allegations typically point the finger at those belonging to the same categories of voters accused of fraud in the past – the marginalized and formerly disenfranchised, urban dwellers, immigrants, blacks, and lower status voters. The targeting is not overt, the language is rarely explicitly racial. Instead, fraud claims tap into older elite associations of political corruption with minorities, big city machine organizations, and the poor. Allegations of voter fraud resonate with the public because they revive a familiar culture of corruption and legends about election fraud that enliven American political history. Today, the alleged culprits are mostly found among those still struggling for full inclusion in American life. This makes them suspect. That they are more likely to identify with one party than the other makes them doubly vulnerable to fraud accusations and to the collateral damage of high stakes competitive partisan politics.

Fraud claims tap into older elite associations of political corruption with minorities, big city machine organizations, and the poor.

Why Voter Registration Drives Are Vulnerable to Fraud Claims

Since at least the 1960s, the voter registration drive has played a central role in black politics and broader efforts to engage the electoral participation of low-income groups.⁴¹ The intensity of voter registration activities has waxed and waned over the years, with a recent upsurge in third party voter registration drive activity since the disputed 2000 presidential election. By 2004, approximately 12 million registered voters (or 8.5 percent of all registered voters) had registered as a result of a voter registration drive.⁴²

How Americans Were Registered To Vote in 2004 (Numbers in Thousands)⁴³

	Voters	Percent
Went to a town hall or county/government registration office	34,657	24.5
At a department of motor vehicles agency	27,126	19.2
By mail	17,642	12.5
Filled out form at a registration drive	11,973	8.5
Registered at polling place	9,118	6.4
Filled out a form at a school, hospital, or on campus	8,078	5.7
Through a public assistance agency	1,094	0.8
Other	8,819	6.2
Don't know	22,901	16.2
TOTAL	141,408	100%

Source: U.S. Dept. of Commerce, Bureau of the Census. Current Population Survey, November 2004: Voter Supplement File.

⁴¹ In the 1980s, white Christian conservatives and other middle class groups adopted the registration drive with considerable success, but it remains an iconic expression of black political aspiration.

⁴² U.S. Dept. of Commerce, Bureau of the Census. Current Population Survey, November 2004: Voter Supplement File [Computer file]. ICPSR04272-v1. Washington, DC: U.S. Dept. of Commerce, Bureau of the Census [producer], 2005. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [distributor], 2006-01-16; author's calculations.

⁴³ The table reports method of registration for all registered voters, excluding missing cases. The data are estimates with sampling and non-sampling error; and are weighted by age, sex, race, Hispanic ancestry, and state of residence to partially correct for bias due to under-coverage.

Those registering through drives were more likely to be people of color and of lower income than other registered voters.

Method of Registration by Race and Income⁴⁴

Filled Out Form at Registration Drive	
Race	
Whites only, non-Hispanic	8.9
Blacks only, non-Hispanic	15.2
Hispanic (all races)	15.5
Asian only, non-Hispanic	12.7
Others	10.1
Total Annual Family Income	
Less than \$15,000	11.6
\$15,000 or more	10.0

Source: U.S. Dept. of Commerce, Bureau of the Census. Current Population Survey, November 2004: Voter Supplement File.

The number of low income drive registrants is three times the number of low income voters registering at public assistance agencies mandated by the National Voter Registration Act of 1993 (NVRA) to provide registration opportunities. Just four percent of registered voters with total annual family income below \$15,000 (approximately 470,000 people) were registered to vote through a public assistance agency. This compares to approximately 1,328,000 low income voters, or 11.6 percent of those with less than \$15,000 in annual family income, who said they were registered through a registration drive.⁴⁵ It is clear that despite the intent of NVRA to open registration opportunities to low income Americans, thousands of eligible citizens would be left out of the electoral process were it not for the third party groups who register and encourage them to vote.

Competitive or high interest elections like those of the last six years increase incentives to mobilize voters, including the recruitment of new voters – not only to the parties, but to all the other groups who believe they have a stake in the outcome. The use of thousands of volunteers and temporary workers in these drives contributes to the potential for mistakes and duplication in the registration process. This is one of the consequences of essentially “outsourcing” voter registration to the private sector rather than placing the burden of registration on the state as is done in many of the European democracies.⁴⁶ If voter registration were mandatory like paying taxes, voter registration drives would not be necessary.

⁴⁴ The table compares only those registered voters who could identify their method of registration. Data on income are limited to people living in families. Family income is the combined income of all family members over the previous year and includes money from jobs, net income from business, farm or rent, pensions, dividends, interest, Social Security payments and any other money income received by family members who are 15 years of age or older.

⁴⁵ U.S. Dept. of Commerce (2005); author's calculations. For an analysis of the recent drop off in implementation of the agency-based requirements of the NVRA, see *Ten Years Later, A Promise Unfulfilled: The National Voter Registration Act in Public Assistance Agencies, 1995-2005*, a report compiled by Demos, A Network for Ideas and Action; ACORN; and Project Vote (July 2005); available online at http://projectvote.org/fileadmin/ProjectVote/pdfs/Tens_Years_Later_A_Promise_Unfulfilled.pdf.

⁴⁶ The National Commission on Election Reform Task Force on the Federal Election System notes that, “the registration laws in force throughout the United States are among the world’s most demanding...[and are] one reason why voter turnout in the United States is near the bottom of the developed world.” National Election Commission, *Report of the Task Force on the Federal Election System*, chapter 2 “Voter Registration,” (July 2001), 3; available online at www.tcf.org/Publications/ElectionReform/NCFER/hansen_chap2_voter.pdf.

With the upsurge in voter registration activity has come more media attention to the handful of cases in which organizations have been accused of submitting fraudulent registration applications to local elections officials. No amount of fraud in the registration process is acceptable, but the accusations that voter fraud "is breaking out all over"⁴⁷ as a result of "a coordinated effort by members of some organizations to rig the electoral system through voter registration fraud" that put "thousands of fictional voters"⁴⁸ on the rolls are unsupported by any credible evidence anyone has been able to bring to bear. In fact, the suspicions about a vast "left-wing" or "Liberal Democrat-sponsored" conspiracy to commit voter registration fraud border on the paranoid.⁴⁹

According to available government data, between October 2002 and September 2005, the federal government prosecuted just 33 people for various misdemeanor and felony crimes related to any form of election fraud that could have involved voter registration.⁵⁰ All but two people indicted were prosecuted for falsifying information about *their own* eligibility to vote, including: 20 people in four states who were prosecuted for registering or voting but who were ineligible under state law because they lacked U.S. citizenship; and ten people who voted in the 2004 presidential election in Milwaukee who were prosecuted for falsely certifying that they were eligible to vote when they were still under state supervision for felony convictions.⁵¹ Ten of the 33 – five of the non-citizen cases and five of the felon cases – were either acquitted of the charges against them or had their indictments dismissed.⁵² At least 19 of the 23 people convicted were alleged to have voted illegally because they were ineligible to vote, but notably, these people registered to vote and voted using their real names, hardly acts of conspiracy or of criminals trying to get away with committing fraud. Only two people were prosecuted for crimes related to fabricated voter registration applications for other people. One pleaded guilty to making false statements to a grand jury in connection with 11 fraudulent registration forms. The other, a St. Martinsville, Louisiana city councilwoman running in a hotly contested race for re-election in 2002, pleaded guilty to conspiring to submit false address

Between October 2002 and September 2005, the federal government prosecuted just 33 people for various misdemeanor and felony crimes related to any form of election fraud that could have involved voter registration.

⁴⁷ Michelle Malkin, September 29, 2004 blog entry; available online at <http://michellemalkin.com/archives/000596.htm>.

⁴⁸ American Center for Voting Rights Legislative Fund, "Vote Fraud, Intimidation and Suppression in the 2004 Presidential Election," *ACVR Legislative Fund Report* (August 2, 2005), 35; available online at www.ac4vr.com/reports/072005/080205report.pdf.

⁴⁹ See, for example, the postings of "Dean," on democratvotefraud.blogspot.com (accessed in October 2006). This blog collects dozens of news articles from the 2004 election, most of which report allegations of campaign dirty tricks and voter registration fraud, and discuss protests against new "anti-fraud" measures adopted in some states like Ohio, all perpetrated by Democrats or their supporters. Under the title, "Liberal Democrat Vote Fraud," Dean explains, "We all saw the results of the 2000 American election. This time, I'm personally going to fight back in the only way that I can, with a blog that documents as many news reports about Democrat fraud as I can."

⁵⁰ U.S. Department of Justice, Criminal Division, Public Integrity Section, "Election Fraud Prosecutions and Convictions; Ballot Access and Voting Integrity Initiative, October 2002 – September 2005" (n.d.); available online at <http://cha.house.gov/media/pdfs/DOJdoc.pdf>. Several of these people technically were not charged with voter registration fraud, but with making false statements to government agencies (i.e., a driver's license bureau or the INS) regarding their citizenship status or eligibility to vote. This number includes cases of illegal voting due to ineligibility, assuming they must have involved registration fraud, even if it wasn't charged.

⁵¹ One of those convicted, Kimberly Prude, worked as an election inspector in Milwaukee. As of February 2006, Prude was appealing her conviction. See, *United States of America v. Kimberly E. Prude*, "Criminal Complaint," United States District Court, Eastern District of Wisconsin, Case No. 2:05-CR-00162-RTR (June 22, 2005).

⁵² In the ten cases of alleged illegal felon voting in Milwaukee, one defendant was acquitted at trial and four had their charges dismissed. Among the dismissals evidence was presented which suggested defendants did not knowingly commit fraud.

information on two voter registration cards for people who did not live in her district. Those people voted to help the councilwoman win re-election by a slim margin.⁵³

Federal Prosecutions of Voter Registration Fraud 2002 – 2005

VOTER REGISTRATION	DISPOSITION				
	Dismissed	Acquitted	Pleaded Guilty	Convicted	Total
False claim of eligibility					
Non-citizen	4	1	3	13	21
Felon	4	1	3	2	10
False statements to grand jury about (1) voter registration forgeries					1
Conspiracy to submit false information on (2) voter registration applications			1		1
TOTAL	8	2	8	15	33

* All but two of those charged with making false claims about their eligibility to register (two non-citizens who were convicted) were also charged with casting a false or fraudulent ballot, as reported above.

Source: U. S. Department of Justice, Criminal Division, Public Integrity Section, *Election Fraud Prosecutions & Convictions, Ballot Access & Voting Integrity Initiative, October 2002 – September 2005* (n.d).

Registration drives in recent years have been more effective in registering low income voters than the agency-based requirements of the NVRA. Successful voter drives hold the potential for adding significant new numbers of voters to the rolls and threatening the balance of power between the two parties. Their effectiveness has made them a target for fraud allegations. Their own sporadic failings in the production of duplicate or improperly filled out registration cards, sloppy oversight, poor quality control, and occasional fraud have only fueled the allegations. Such problems are inevitable as long as voter registration is not mandated or universal.

⁵³ Press Release, "St. Martinsville Woman Sentenced in Federal Court for Voter Fraud Charges," U.S. Attorney's Office, Western District of Louisiana (January 18, 2006); available online at: www.usdoj.gov/usao/law/news/wdl20060118c.html.

CASE STUDIES

The following case studies are illustrative of the politics of voter fraud claims. They do not tell us anything about the incidence of voter fraud in American elections today. That question is central and addressed above. It has always been difficult to measure fraud or even specify it, and it is important to stress that until better evidence comes to light, we will not be able to compile comprehensive statistics on levels of cheating by voters. Researchers are hampered in studying voter fraud because government agencies fail to track it and are often unresponsive to information requests. We can, however, make educated guesses from the available evidence, and what studies there are suggest voters rarely commit fraud. It is only in the public interest that we learn from real cases of voter fraud so that we can better understand where our electoral systems are truly vulnerable. Spurious cases of fraud like those discussed here are equally instructive because they expose the shrewd and partisan manipulation that makes real election reform so difficult.

The case studies presented below demonstrate the ways these partisan interests, database and clerical errors and incompetent electoral administration are sometimes exploited to exaggerate the problem of voter fraud. The intent of the exaggeration is to intimidate the general public and even law makers into believing that American elections face a security threat from a rising tide of deceitful and criminal voters. Unfortunately, in numerous places election administration is in crisis, and in general, faces much larger challenges from changing technology, inadequate resources, poor staffing and training, and especially, partisan manipulation. These are real issues deserving of attention, good ideas, resources and a democratic spirit. They won't be adequately addressed as long as the voter fraud hoax confuses and distracts us from confronting them.

ACORN and the Mac Stuart Affair

One important example of how the politics of fraud claims are used to manipulate the public about the threat of voter fraud is the political pillorying of ACORN for alleged wide scale registration fraud in the 2004 and 2006 election cycles.

ACORN (Association of Community Organizations for Reform Now) is the largest community-based organization of low and moderate income people in the U.S. It organizes locally and has developed ballot campaigns for a range of issues such as campaign finance reform and raising the minimum wage. Opponents of ACORN's minimum wage ballot initiative program deployed allegations of voter registration fraud, which then generated official investigations, media coverage and litigation, as a strategy to undermine ACORN's ability to qualify and pass referenda in several states.⁵⁴ One of these cases involved a disgruntled former employee named Mac Stuart who for a while became a cause célèbre of ACORN's enemies and the pundits who fuel the fraud paranoia. The Mac Stuart affair is instructive because it highlights how politics construct the fraud debate.

In November 2003, Mac Stuart was hired by Florida ACORN and put to work as a petition gatherer collecting signatures supporting the placement of a Florida Minimum Wage Amendment on the

⁵⁴ "ACORN Defeats Anti-Voter Legal Attacks; Group's Voter Registration Efforts Vindicated as Baseless Lawsuits Collapse," *Common Dreams Progressive Newswire* (December 14, 2005); Joni James, "Voter Fraud Charges Collapse," *St. Petersburg Times* (December 15, 2005).

2004 ballot. When Stuart was fired for suspicion of his involvement in an illegal check cashing scheme a few months later, he filed a Florida whistle blower lawsuit against ACORN claiming the organization engaged in a variety of illegal practices. He was represented by partisan attorneys at Rothstein, Rosenfeldt, Adler, a Fort Lauderdale law firm, and spoke secretly with an official at the Florida Chamber of Commerce which was in the midst of opposing ACORN's efforts to raise the state's minimum wage. Stuart provided his attorneys with 179 applications, many of them for Republican registrants, he claimed had been collected and withheld by ACORN.⁵⁵

In the course of petitioning for signatures, ACORN workers conducted voter registration activities to ascertain whether signatories were registered to vote. Stuart's lawsuit claimed that petitioners were paid an additional \$2.00 for each completed registration card they collected; that ACORN illegally copied the voter registration cards its workers collected and sold its lists for a profit; that ACORN committed fraud by failing to deliver registration cards for people who designated "Republican" as their party affiliation, and otherwise collected cards from ineligible individuals such as convicted felons. Stuart maintained that in July 2004, he refused to participate in these illegal activities and was fired in retaliation under the pretext that he had attempted to cash another person's check.⁵⁶

His lawyers filed a second suit against ACORN on behalf of 11 people whose names were among the allegedly withheld voter registration applications Stuart had provided.⁵⁷ Rothstein, Rosenfeldt, Adler attorneys claimed ACORN had deprived their clients of their constitutional right to vote and committed fraud against them.

After Stuart was fired, he held a news conference and contacted television and print news reporters claiming that "[t]here was a lot of fraud committed" by ACORN, asserting the organization knowingly submitted thousands of invalid registration cards while storing away cards for people designating their party affiliation as Republican. Stuart's allegations were immediately picked up by news organizations such as the *Washington Times*, the *Florida Times-Union*, and other Florida newspapers, and began to spread on rightwing Internet blogs. The Florida Department of Law Enforcement took the unusual step of announcing an investigation into ACORN.⁵⁸ In fact, for a while, Stuart's assertions were taken as fact and repeatedly reported as evidence that ACORN routinely engaged in fraud to promote its "radical political agenda."⁵⁹ That is, until the real facts about Stuart came to light and his case collapsed in court.

Fraud charges collapse but the damage continues

ACORN denied, and Stuart failed to prove, that canvassers were paid by the card to collect voter registration applications. ACORN's copying of voter registration applications was an element of their quality control program and well within the bounds of Florida law.⁶⁰ Finally, ACORN denied, and Stuart failed to produce evidence, that the organization prejudiced Republican voter registration applicants or misleadingly solicited registration cards from ineligible applicants. ACORN countersued Stuart for defamation and libel. On December 6, 2005, the matter of

⁵⁵ Brittany Wallman and Alva James-Johnson, "Filled-In Voter Forms Surface," *South Florida Sun-Sentinel* (October 27, 2004); Jeremy Milarsky, "Ex-Worker Sues Activist Group," *South Florida Sun-Sentinel* (October 21, 2004).

⁵⁶ *Mac Stuart v. ACORN*, U.S. District Court, Southern District of Florida, Miami Division, Case No. 04-2276-civ (2004).

⁵⁷ *Charles Rousseau, et al. v. ACORN*, U.S. District Court, Southern District of Florida, Miami Division, Case No. 04-61636-civ (2004).

⁵⁸ News Release, "FDLE Investigates Statewide Voter Fraud," Florida Department of Law Enforcement (October 21, 2004).

⁵⁹ Quoting Mike Flynn, Director of Legislative Affairs for the Employment Policies Institute; see Press Release, "ACORN's Voter Fraud in Ohio is Part of Larger Pattern," Employment Policies Institute (August 11, 2006). See, also, Meghan Clyne, "ACORN and the Money Tree," *National Review Online* (October 31, 2004); and American Center for Voting Rights, "Vote Fraud, Intimidation and Suppression in the 2004 Presidential Election," ACVR Legislative Fund Report (August 2, 2005), 41-44; available online at www.ac4vr.com/reports/072005/080205report.pdf.

⁶⁰ Nothing in Florida's election code prohibits private, third-party voter registration organizations from photocopying the voter registration applications they collect before submitting them to local elections officials.

Mac Stuart v. ACORN was dismissed with prejudice by a federal judge, exonerating ACORN of any and all wrongdoing.⁶¹ ACORN prevailed in their counterclaims and won a judgment of defamation against Stuart.

ACORN also prevailed in the second Rothstein, Rosenfeldt, Adler suit. Shortly after it was filed, nine of the 11 plaintiffs asked to be dismissed from the case. As ACORN's lawyers deposed the remaining two plaintiffs it became clear that their lawyers had not asked them if they were qualified to vote, if they had completed the applications Stuart had given the attorneys or whether the plaintiffs were in fact Republicans. One of the two was not qualified to vote, neither remembered completing the application used as the basis for the complaint and both said that, inconsistent with their applications, they were not Republicans and never would have checked off that they were. Stuart was inconsistent in his testimony in how he obtained the applications in the first place.⁶² This case, too, was dismissed with prejudice.

The Florida Department of Law Enforcement investigation found no evidence of illegal or fraudulent activity by ACORN. A public records request by Project Vote asking all Florida counties for any documents related to voter fraud elicited just three alleged cases of illegal activity, only one of which involved temporary ACORN workers.⁶³

The problem is that the end of this story has received considerably less media attention than the unfounded claims of organized voter fraud on the part of ACORN. Opponents of ACORN continue to spread false rumors that the organization engages in voter fraud. For example, the Employment Policies Institute (EPI) issues dozens of press releases and "reports" attacking ACORN every year. EPI is a non-profit organization that in 2004 paid over \$600,000 in "management" fees to its executive director's publicity firm which lobbies on behalf of the hotel, restaurant, alcoholic beverages and tobacco industries.⁶⁴ Those industries are opposed to ACORN's efforts to raise the minimum wage in Florida and elsewhere. As late as July 2006, months after ACORN was fully vindicated in court, EPI was still claiming they engaged in a "pattern and practice" of voter fraud, citing the Mac Stuart affair as more evidence of ACORN's "widespread practice of fraud."⁶⁵

Voter fraud allegations used to restrict voter registration programs

With ACORN under a cloud, Florida passed a law that carried stiff penalties for organizations failing to turn in voter registration applications later than ten days after they were collected. The law's reporting requirements were so draconian the League of Women Voters ended 77 years of voter registration activity in the state because it feared it could not comply and would be bankrupted if there were problems with just 16 registration forms collected by its volunteers. A federal judge later blocked the implementation of the law as unconstitutional.⁶⁶

⁶¹ Joni James, "Voter Fraud Charges Collapse," *St. Petersburg Times* (December 15, 2005).

⁶² Telephone interview with Brian Mellor, Senior Counsel, Project Vote (April 13, 2006).

⁶³ Mellor interview (2006).

⁶⁴ Employment Policies Institute, "2004 Form 990, Return of Organization Exempt From Income Tax," U.S. Department of the Treasury, Internal Revenue Service, Schedule A.

⁶⁵ A "pattern and practice" of wrongdoing evokes conspiracy and as a legal term refers to the crime of racketeering. See, Employment Policies Institute, *Rotten ACORN: America's Bad Seed* (July 2006), 18-19; available online at www.rottenacorn.com/downloads/060728_badSeed.pdf. In fact, ACORN, along with America Coming Together, the NAACP Voter Fund, and the Ohio AFL-CIO were defendants in an Ohio lawsuit that alleged the groups conspired to engage in a series of "predicate" or related acts of forgery, document tampering and drug trafficking in order to produce fraudulent voter registration cards. See, *Rubick v. America Coming Together, et al.*, State of Ohio, County of Wood, Court of Common Pleas, Case No. 04-CV650 (2004). Plaintiffs' complaint argued each fraudulent card submitted represented a predicate act. Under the federal Racketeer Influenced and Corrupt Organizations Act or RICO, a person or group can be charged with racketeering by a U.S. Attorney if they commit any two of 35 crimes (27 federal crimes and eight state crimes) within a 10-year period and the prosecutor believes those charged committed the crimes with similar purpose or results.

⁶⁶ *League of Women Voters of Florida v. Cobb*, U.S. District Court, Southern District of Florida, "Order Granting in Part and Denying in Part Plaintiff's Motion for Preliminary Injunction and Granting in Part and Denying in Part Defendant's Motion to

The Perils of List Matching

A common source of fraud claims is a list matching exercise gone wrong. The ready availability of high powered computing capacity and an ever expanding range of public records databases, have created a cottage industry of software programs and list management consultants ready to match lists for hire.

When databases contain errors or compile data differently, matching them against one another can cause a high degree of what statisticians call "false positive" errors or matches that are not really matches. A prime example is the infamous felon purge list compiled by a private firm for the Florida Secretary of State's office in 2000. That list joined data on convicted felons with the voter registration rolls using rules that matched only the first four letters of the first name, 90 percent of the last name and an approximate date of birth.⁶⁷ The result was a highly inaccurate list of people whom the Secretary of State wanted to prevent from voting.⁶⁸

Voting in Connecticut and beyond

In October 2002, the Republican National Committee (RNC) claimed that in the course of "updating" its voter files, it discovered over 722,000 people nationwide were registered to vote in more than one state, and that at least 600 of these had voted more than once in a single election. In Connecticut, the Secretary of State was alarmed. The RNC released a report that said 7,700 registered voters in Connecticut were also on the rolls in other states and that 54 of them had voted more than once in the 2000 election. Secretary Susan Bysiewicz, a Democrat, asked the RNC for the names of the duplicate registrants and voters. "I am surprised by the numbers," she said, "it sounds like a lot. We have two million (registered) voters, so I suppose it's possible; but in four years we haven't prosecuted one instance of voter fraud."⁶⁹

At first the RNC refused to release the names and criticized Bysiewicz for not finding the problem first. When they finally turned over the names of the 54 alleged double voters, Bysiewicz found their claims baseless. Her office conducted a week long investigation of every suspect voter produced by the RNC and found that 29 had never voted in Connecticut, but did vote in another state; 18 voted in Connecticut, but not in the other state named in the report; four names had different birth dates than those on the RNC list, and three were turned over to criminal investigators because out-of-state data could not be obtained for verification.⁷⁰

Dismiss," Case No. 06-21265-CIV (August 28, 2006).

⁶⁷ Greg Palast, "Florida's 'Disappeared Voters': Disenfranchised by the GOP," *The Nation*, (February 5, 2001); and Palast, *The Best Democracy Money Can Buy* (Sterling, Virginia: Pluto Press, 2002), 6-43.

⁶⁸ The U.S. Civil Rights Commission conducted an investigation into the 2000 election in Florida and concluded, "Many people appear on the [felon purge] list incorrectly." One in seven people on the felon purge list supplied to the supervisor of the Miami-Dade election office was erroneously listed and therefore put at risk of disenfranchisement. These people were disproportionately African American. See, U.S. Civil Rights Commission, *Voting Irregularities in Florida During the 2000 Presidential Election* (2001), chapter 1. See also a disclaimer for the inaccuracy of the felon purge list posted on ChoicePoint's website ("Choicepoint's Mythical Role in Elections Past and Present," posted August 7, 2006; available online at www.choicepoint.com/news/statement_08072006.html). ChoicePoint is the parent company of Database Technologies (DBT), the firm hired for the period 1998 to 2000 by the Florida Division of Elections to create its voter exception list. ChoicePoint claims, "DBT Online was not required to provide a list of exact name matches. Rather, the matching logic only required a 90 percent name match, which produced "false positives" or partial matches of the data. Moreover, the Division of Elections required that DBT Online perform 'nickname matches' for first names and to 'make it go both ways.' Thus, the name Deborah Ann would also match the name Ann Deborah. At a meeting in early 1999, the supervisors of elections expressed a preference for exact matches on the list as opposed to a 'fairly broad and encompassing' collection of names. DBT Online advised the Division of Elections that it could produce a list with exact matches. Despite this, the Division of Elections nevertheless opted to cast a wide net for the exclusion lists."

⁶⁹ "Thousands Registered to Vote in Two or More States," *The Associated Press State and Local Wire* (October 9, 2002).

⁷⁰ Press release, "Voter Fraud Claims by Republican Party Unfounded," Office of the Secretary of State Susan Bysiewicz (October 22, 2002); see also, "Bysiewicz: Double Voting Report Wrong," *The Associated Press State and Local Wire* (October 22, 2002).

Double dipping in New Jersey

A few years later, in time for the next federal election cycle, the New Jersey state Republican party (RSC) claimed it had researched voter registration files in a number of states and found evidence of multiple voting. In September 2005, the state party sent a stern letter to New Jersey Attorney General Peter Harvey threatening a lawsuit for failing to enforce state election laws governing the voter registration rolls.⁷¹

The basis for the RSC claims was their own "exhaustive investigation" of voter files from New Jersey's 21 counties, matched internally county to county on first name, last name and date of birth, as well as against the voter registration files of five other states, New York, Pennsylvania, Florida, North Carolina and South Carolina. In addition, the RSC matched the New Jersey county files against lists of deceased persons from state and federal databases and other commercially available lists. Based on their analysis, the RSC said it found evidence of widespread multiple voting in the November 2004 general election – 4,397 people alleged to have voted more than once in New Jersey, and 6,572 people who "appear to have" voted in New Jersey and another state. Moreover, the RSC claimed that 4,755 dead people had voted and warned the problem could be even worse since the state's rolls contained tens of thousands of duplicate records and the names of some well known felons in the state.

There is little doubt that New Jersey's county voter registration lists contained registration records for people who moved away or died. The existence of so-called "deadwood" on voter registration records across the country is well-known. But the presence of deadwood is not in and of itself evidence of voter fraud.

A subsequent more thorough analysis of the data files the RSC supplied to the state suggests major problems with the accuracy of the RSC analysis and therefore the veracity of their claims. The Brennan Center for Justice working with Dr. Michael McDonald, an elections expert at George Mason University, concluded that "these lists simply do not prove what they purport to prove."⁷² Their report uncovered methodological errors in the RSC's list matching techniques, such as omitting middle initials and suffixes like "Jr.," which resulted in the listing of duplicate records for the same person then counted by the RSC as voting twice (from the same address). Mismatches of different people were presumed to be the same person, and again counted as voting twice. Statistical and database experts know that relying solely on non-unique identifiers such as name and date of birth to match records produces a high rate of false positives.⁷³ The Brennan Center/McDonald detailed analysis of the alleged 4,397 double votes recorded in the New Jersey county voter files accounted for them all as the likely product of false positives, errors in the data, duplicate records for the same person, and the statistical likelihood that two people will share the same name and birth date.

Voting from the grave in Detroit

Yet one more example of the damage flawed list matching efforts can inflict comes from an oft-cited news item appearing in the *Detroit News* in February 2006. The article, written by Lisa M. Collins, was headlined, "In Mich. Even Dead Vote," and continued, "From Holland to Detroit,

⁷¹ Letter from Mark D. Sheridan to Hon. Peter C. Harvey, dated September 15, 2005. Copy in author's possession. Election administration is decentralized to the county level in New Jersey, with the Attorney General serving as the state's chief elections officer.

⁷² The Brennan Center for Justice at NYU School of Law and Dr. Michael McDonald, "Analysis of the September 15, 2005 Voter Fraud Report Submitted to the New Jersey Attorney General," December 2005, 11; available online at www.brennancenter.org/dynamic/subpages/download_file_35010.pdf.

⁷³ Ted Selker and Alexandre Buer, "Voter Removal From Registration List Based on Name Matching Is Unreliable," Voting Technology Project – MIT Media Laboratory, October 28, 2004; available online at <http://72.14.209.104/search?q=cache:diE40vkjeLoJ:www.vote.caltech.edu/reports/purging-vrdb.pdf+&hl=en&gl=us&ct=clnk&cd=1>.

votes were cast by 132 dead people; Detroit's voting records are riddled with inaccuracies, casting doubt on elections' integrity."⁷⁴ The allegations of voting from the grave in Detroit, a poor and majority black city, are repeatedly cited by conservative bloggers in their litany of purported evidence that voter fraud is rampant in America.

But a full reading of the article itself indicates that the *News* did not attribute these irregularities to voter fraud. Instead, they suggested the irregularities were more likely due to clerical errors.⁷⁵ Influential Republican political operative, Mark F. (Thor) Hearne, paid counsel to the Bush-Cheney 2004 re-election campaign and a member of the U.S. Elections Assistance Committee's Voter Fraud – Voter Intimidation Working Group, as well as Missouri's HAVA Advisory Commission, nevertheless repeated the misleading allegations of dead people voting in Detroit when he testified before a U.S. Senate panel in July 2006.⁷⁶ Versions of his testimony have appeared as a feature article in the magazine of the Bar Association of Metropolitan St. Louis,⁷⁷ and again as testimony given to the U.S. Elections Assistance Commission in December 2006.⁷⁸

This time the list matching was not performed by an elected official and presidential campaign co-chair, as it was in Florida, or a political party, as it was in the Connecticut and New Jersey examples. It was done by a newspaper which presented no assurances that it had the kind of expertise in computer programming, statistics, or records management required to make an accurate evaluation.⁷⁹

On March 5, 2006, the *News* printed a letter from Kelly Chesney, the Communications Director for the Michigan's Republican Secretary of State, which challenged the implication that dead people were voting in Michigan. Chesney reported that an analysis of the 132 alleged deceased voters found that this was the number of absentee ballots mailed out to voters who subsequently died in the weeks before Election Day. Of the 132 absentee ballots, she said "97 were never returned, and 27 were voted and returned prior to the voters' deaths."⁸⁰ This substantial correction to the implications of voter fraud in Michigan has been roundly ignored by activists who continue to cite what is now an out-dated news item reporting erroneous information.

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⁷⁴ Lisa M. Collins, "In Mich. Even Dead Vote," *The Detroit News* (February 6, 2006).

⁷⁵ "Clerical errors [in the Michigan voter file are] so pervasive that it is difficult to determine in many instances who actually voted;" and citing Mark Grebner, the list vendor and political consultant upon whose research the *News* relied, "...Grebner says he's never found evidence of organized fraud in Detroit." See, Collins (2006).

⁷⁶ Testimony of Mark F. (Thor) Hearne, II, Before the U.S. Senate Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights and Property Rights, "Regarding the Continuing Need for Federal Examiners and Observers to Ensure Electoral Integrity," July 10, 2006.

⁷⁷ Mark F. (Thor) Hearne, II, "The Missouri Voter's Protection Act: Real Election Reform for All Missouri Voters," *St. Louis Lawyer*, June, 2006; available online at www.bamsl.org/members/stlawyer/archive/06/june06.html#feature.

⁷⁸ Testimony of Mark F. (Thor) Hearne, II, Before the U.S. Elections Assistance Commission, "Assessing the Conduct of the 2006 Mid-term Elections," December 7, 2006.

⁷⁹ In fact, the *News* admitted in the article that they "did not review every vote cast, but instead targeted voter records based on several factors, such as the voter's birth year or voting history. Though limited and somewhat random searches were done, each search found voting records in error or highlighted names of voters who in fact could not have voted." This is hardly an adequate methodology.

⁸⁰ Editorial and Opinions, Special Letter, "Claims That the 'Dead' Voted Were Wrong," *Detroit News* (March 5, 2006).

St. Louis: More Bad Lists, Even Worse Election Administration

St. Louis, another majority black city with budget problems, presents a case study for how the mishandling of voter registration and elections procedures can be misperceived as fraud.

Whose mess on Election Day 2000?

There is little doubt that in the past St. Louis experienced election fraud and public corruption. St. Louis politics were long organized by political machines and fraud has a storied past which for some, at least, condemns the politics of the present.⁸¹ In 2000, the historical memory of fraudulent elections, bribery, conspiracies, ballot tampering, and voting from the grave colored the rush to judgment when administrative mismanagement and shockingly poor record-keeping combined to produce troubling election irregularities.⁸² Before the irregularities could be sorted out, they were seized upon by partisans. One of them, Missouri's senior Republican senator, Kit Bond, claimed the problems were evidence of a [Democratic party-driven] "major criminal enterprise designed to defraud voters," instead of what an extensive federal probe later determined to them to be – procedural incompetence and official failure to abide by the law.⁸³

For many voters attempting to cast ballots in the 2000 presidential election, Election Day in St. Louis was a chaotic mess. Many long-time voters were told that they were not registered to vote when they showed up at polling sites where they had cast ballots in the past. To re-establish their legitimacy, many of these rejected voters were told to go down to the St. Louis Election Board's headquarters at 300 North Tucker Boulevard and cast a ballot there since the phone lines to the Board were jammed and election judges staffing the polling sites were unable to establish whether such voters' names had been moved to an "inactive" list of registered voters.⁸⁴

The illegal "Inactive" list

It was this controversial inactive list and the failure of the St. Louis Elections Board to comply with the NVRA that later formed the basis for a federal lawsuit alleging the Board "denied or significantly impaired the voting rights" of thousands of city voters before the election.⁸⁵

Missouri law requires bi-partisan control of election administration. Local boards of election have equal representation of Democrats and Republicans as do positions staffed by the boards. The St. Louis Board has had problems maintaining accurate voter registration rolls, and leading up to the 2000 election, there were still no clear rules for specifying when a voter should be dropped from the rolls.⁸⁶

⁸¹ Secretary of State Matt Blunt, *Mandate For Reform: Election Turmoil in St. Louis, November 7, 2000* (July 24, 2001); available online at (herein cited as 'Blunt Report'), 39-46.

⁸² For an excellent example of the rush to judgement, see chapter four, 'Politically Active after Death,' in John Fund's *Stealing Elections: How Voter Fraud Threatens Our Democracy* (San Francisco: Encounter Books, 2004).

⁸³ For a tale of Depression-era ballot tampering linked to public corruption and waterfront development schemes in St. Louis, see chapter 7 "The Real Foundations of the Gateway Arch," in Tracy Campbell, *Deliver the Vote: A History of Election Fraud, An American Political Tradition, 1742-2004* (New York: Carroll & Graf Publishers, 2005). See also, Bruce Rushton, "Dead Man Voting," *Riverfront Times* (April 24, 2002). For Sen. Bond's remarks, see Carolyn Tuft, "Bond Wants Federal Investigation of Problems at City Polls; He Accuses Democrats of 'Criminal Enterprise' in Keeping Polls Open Late; Democrats Criticize Election Board," *St. Louis Post-Dispatch* (November 10, 2000), A1. According to the *Riverfront Times*, "In his letters to...two federal agencies, Bond wrote...of a 'deliberate scheme' planned in advance so unregistered voters could vote illegally: 'There is reason to believe that collusion existed to commit voter fraud and voter fraud occurred on a wide scale throughout the city of St. Louis.'" See, Safir Ahmed, "Slimin' the City: When It Comes to Election Day Problems in St. Louis, the Politicians' Rhetoric Doesn't Match the Reality," *Riverfront Times* (November 15, 2000).

⁸⁴ *U.S. v. Board of Election Commissioners for the City of St. Louis*, U.S. District Court, Eastern District of Missouri, "Stipulation of Facts and Consent Order," Civil Action No. 4:026V001235 CEJ (August 14, 2002), 5; (herein cited as 'St. Louis Election Board Consent Order').

⁸⁵ Karen Branch-Brioso and Doug Moore, "Board Denied Voters' Rights, U.S. Says: Election Officials Here Say They've Already Taken Steps to Correct Deficiencies From 2000," *St. Louis Post-Dispatch* (May 23, 2002), C1.

⁸⁶ Office of the State Auditor of Missouri, Board of Election Commissioners, City of St. Louis, Missouri, Report No. 2004-40 (May

Between 1994 and 2000, the Board conducted a series of mail canvasses of its voter registration rolls, none of which complied with the requirements of the NVRA.⁸⁷ Based on these improper canvasses, the Board removed more than 50,000 names of voters who had been on the rolls in 1996, and “made no effort to notify inactive voters that their registration status had changed, that their names would not appear on the voter registration lists provided to election judges in each voting precinct, or that they would face additional administrative steps on election day before they would be permitted to vote.”⁸⁸ This number represented roughly 40 percent of the total number of votes cast in St. Louis in the 1996 election, and was about twice the national and state averages for the proportion of inactive voters on the rolls.⁸⁹ Moreover, for all elections it conducted after 1994, the Board failed to provide precinct election judges a list of any of the voters it had designated as “inactive.” This failure created mass confusion at polling sites when many legitimate voters showed up to vote and were told they were no longer registered.⁹⁰

In the days leading to the November 7, 2000, election, the unprecedented administrative reclassification of thousands of active voter registration records in the overwhelmingly Democratic city was seen by Democrats, including national party officials with the Gore-Lieberman campaign, as an illegitimate Republican party-sponsored effort to restrict Democratic voting. When he spoke at a Gore-Lieberman campaign event, Democratic Congressional hopeful William Lacy Clay, Jr., told supporters not to “let anyone turn you away from the polls,” and warned, “If it requires leaving the polls open a little longer, we’re going to get a court order to do it.”⁹¹

The showdown

In fact, this is exactly what happened. Voters stood in line for hours. First, they had to check in with precinct workers, then, for those whose names were no longer on the precinct voter registration lists, they stood in another line to plead their case before their precinct’s election judge.⁹² When many of these officials were unable to confirm their registration status with headquarters because they couldn’t get through to elections officials at the Board, they sent voters down to the Board’s office to try to resolve the problems on their own. According to news reports, “It made for a wild hour at Board’s downtown office,

where hundreds of voters turned away from the polls because they were not registered or had problems voting filled the lobby throughout the day. By early evening, the lobby was shoulder to shoulder with people who wanted to vote.”⁹³

In the afternoon, the Democrats and the Gore-Lieberman campaign filed suit in a state circuit court requesting the polls remain open for an additional three hours to accommodate voters victimized by the inaccessible and inaccurate inactive list.

26, 2004), 10; (herein cited as ‘Mo. State Auditor’s Report’).

⁸⁷ Section 8(d)(2) of 42 U.S.C. 1973gg-6(d). See, St. Louis Election Board Consent Order, 3.

⁸⁸ St. Louis Election Board Consent Order, 4.

⁸⁹ In 1996, 122,003 votes were cast in the general election in the City of St. Louis. In 2002, according to records from the Federal Election Commission, both nationwide and for the state of Missouri, 12 percent of all voters on the rolls were classified as “inactive,” compared to 22 percent in the City of St. Louis. See, Mo. State Auditor’s Report, 15.

⁹⁰ St. Louis Election Board Consent Order, 4.

⁹¹ David Scott, “Ashcroft, Talent Decide Against Pursuing St. Louis Voter Fraud Claims,” *Associated Press* (November 8, 2000).

⁹² The State Auditor found that the St. Louis Election Board frequently failed to secure the minimum number of precinct-level election judges as required by state law. Section 115.081, RSMo 2000, mandates four election judges, two from each major political party, for each polling place at each primary and general election, or about 1,600 election judges per major election. The Auditor found that the Board has not been able to attract more than 1,200 such judges in recent elections. See, Mo. State Auditor’s Report, 24.

⁹³ Scott (2000); see also, Ahmed (2000).

St. Louis Circuit Judge Evelyn Baker complied, but her order was overturned within 45 minutes of the regular poll closing time (7 PM) by a three-judge appeals panel. The St. Louis City Board of Elections successfully argued she lacked jurisdiction to change state law. Elections officials estimated that only about 100 extra people had been permitted to vote by Judge Baker's order. Republican officials charged there may have been a "preconceived plan" to misuse the judicial process to keep the polls open longer than their statutorily mandated closing time, as well as an "organized campaign" (by the Democrats) to abuse the procedure by which voters obtain court orders to vote, resulting in voter fraud and the casting of hundreds of illegal votes.⁹⁴

In a 51-page report, Republican Secretary of State Matt Blunt outlined the possible violations of law committed in the City of St. Louis by alleged illegal voters. He referred to an unspecified conspiracy "to create bedlam so that election fraud could be perpetrated,"⁹⁵ and to corrupt election judges put in place to manipulate the results of the election. The report claimed that, 1) 342 persons obtained court orders to vote even though the information provided by them on affidavits suggested they were properly disqualified from voting; 2) 62 convicted federal felons and 52 Missouri felons voted in either the City of St. Louis or St. Louis County; 3) 14 votes were cast in the names of dead people; 4) that there was a high probability of multiple voting by dozens of people; 5) 79 votes were cast by people registering to vote from vacant lots; and 6) 45 election judges were not registered to vote and therefore disqualified to serve.

Many of Blunt's allegations have been disproved or significantly weakened by the discovery of major records management problems at the Elections Board that resulted in grossly inaccurate voter rolls. The *St. Louis Post-Dispatch* conducted a canvass of over 2,000 alleged vacant lot addresses from which thousands of St. Louis voters were supposedly registered and found buildings on virtually all of them. The lots had been misclassified by the city assessor or misread by elections officials. They concluded that "most of the 79 people on the state's suspect voter list from last fall probably shouldn't be on it," including the city's budget director whose ten-year old condominium was mislabeled as a vacant lot.⁹⁶

The claim that more than 100 felons may have illegally voted is also unreliable since the data upon which it was based was inconclusive, as the report itself admits.⁹⁷ Later investigations by the State Auditor did find that three years after the 2000 election fiasco, St. Louis's voter rolls still included the names of over 2,000 felons prohibited by state law from voting or registering to vote. But the Auditor found no conspiracy to commit voter fraud on the part of voters and questioned instead why the Elections Board had failed to remove the names from their lists when they had been provided with monthly and quarterly felony conviction reports from state and federal authorities.

Like the Blunt Commission, the State Auditor also found thousands of duplicate records of voters registered to vote in St. Louis and elsewhere in the state, but only 28 instances across three recent election cycles in which a voter may have voted more than once. Without further investigation it is impossible to know whether these 28 cases represent actual illegal behavior or are more likely the product of clerical errors in the Board's voter registration files.

Throughout the months following the election, Republicans and Democrats alike called for a federal investigation, each side charging the other with fraud or with suppressing the vote. Both sides expected to be vindicated. The federal investigation provided a decisive end to the Blunt Commission's allegation that corrupt election judges allowed hundreds of patently unqualified voters to vote.

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⁹⁴ Blunt Report, 21-35.

⁹⁵ Blunt Report, 36.

⁹⁶ Jo Mannies and Jennifer LaFleur, "City Mislabeled Dozens as Voting From Vacant Lots; Property Records Appear To Be In Error, Survey Finds; Just 14 Ballots Are Found Suspect," *St. Louis Post-Dispatch* (November 5, 2001): A1.

⁹⁷ Blunt Report, 24, note 63.

St. Louis Board of Elections forced into federal consent decree

After an F.B.I. investigation that involved subpoenaing *all* of the registration and voting records from the St. Louis Elections Board for the months before the election, the Justice Department made a surprise announcement. They told the Board they were planning to sue them for violating the NVRA and threatening the voting rights of thousands of eligible voters in St. Louis by erroneously purging their records from the active voter file. The Board was forced into a consent decree that stipulated how they would change their procedures for maintaining accurate registration records, complying with federal requirements for notifying voters of their status on the list, and with handling voters whose names are not on the active voter list on election day.

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⁹⁸ Hearne (June 2006), (July 10, 2006), and (December 2006).

Milwaukee: The Coup de Grâce

In 2000, Vice President Al Gore won Wisconsin by just under 6,000 votes out of more than 2.5 million cast. Heading into the last months of the 2004 presidential campaign candidates George W. Bush and John Kerry were neck-and-neck in the polls in Wisconsin and the race was once again projected to be razor close. As a battleground state Wisconsin attracted attention from the national campaigns and a host of non-profit and political consulting organizations that poured money, staff and volunteers into the state to increase voter registration before Election Day.

By September, the voter registration drives and heightened national interest in Wisconsin as a battleground state led elections director Kevin Kennedy to report that elections officials across the state had been swamped by an unprecedented increase of over 200,000 new applications submitted by mail.⁹⁹ The intensified focus on Wisconsin by outside voter registration groups pouring their volunteers into the state was unparalleled in recent elections, an anomaly associated with Wisconsin's swing state status and the closeness of the presidential contest – in Wisconsin and the nation – just four years before.¹⁰⁰

Pre-election news coverage in Wisconsin focused on three controversies: problems associated with some of the voter registration drives; a dispute between county and city officials over the number of ballots to be printed and provided to the city of Milwaukee; and a flap over thousands of alleged “bad addresses” on Milwaukee’s voter registration list.

Procedural breakdowns and discrepancies in the voter registration records were associated with what Kennedy called “volume” problems, but they helped create a climate of suspicion about the quality of record keeping at the Milwaukee elections commission and the commission’s ability to run a “clean” election.¹⁰¹ The pre-election disputes repeatedly invoked the language of “voter fraud,” though no evidence was produced that voters were intentionally committing it. The climate of distrust made it difficult to see clerical mistakes, illegible handwriting, and workload problems leading to backlogged voter registration applications as human error or problems related to resource issues. Instead, foul-ups and mistakes were assumed to be evidence of fraud perpetrated by partisans trying to “steal elections.”

Imperfect voter registration drives and simple human error, however, are not the same as voter fraud, nor do they inevitably lead to fraudulent voting.

Voter registration problems

Intensified political competition and the influx of outside organizations, campaign workers and volunteers into Wisconsin in the months and weeks before the election contributed to an inevitably flawed voter registration process. Duplicate registration cards, improperly filled out cards, cards from people who are not eligible to vote or who don’t live in the district in which the card was submitted are not uncommon in the chaotic pre-election atmosphere of an intense political campaign. Imperfect voter registration drives and simple human error, however, are not the same as voter fraud, nor do they inevitably lead to fraudulent voting. As the Milwaukee case demonstrates, however, these deficiencies are easily exploited by partisans.

⁹⁹ Tom Kertscher, “Deputy Registrar May Have Violated State Election Law; He Says He Didn’t Witness Forms He Signed,” *Milwaukee Journal-Sentinel* (October 1, 2004), B1.

¹⁰⁰ Jenny Price, “Voter Registration Efforts Ramped Up In Wisconsin,” *Associated Press State & Local Wire* (October 10, 2004). Since voters can register to vote on Election Day, pre-election voter registration drives have been less common in Wisconsin than elsewhere.

¹⁰¹ Price (2004).

How many ballots for Milwaukee?

As stories of potential voter registration fraud circulated in the press, a political fight erupted in Milwaukee. In October the chief elections official in Milwaukee asked the county elections board for 260,000 extra ballots in anticipation of record turnout. Under Wisconsin law counties print and pay for all ballots for their localities. Milwaukee county elections officials rejected the request, with County Executive Scott Walker writing in support of the county board's decision to give Milwaukee roughly the same number of ballots it had received in the previous presidential election. In 2000, the number of ballots on hand exceeded the eligible voting population in Milwaukee by at least 200,000. But in planning for the number of ballots needed, local officials must compensate for the fact that in order to scan and count the ballots after they are cast, a bar code is assigned that prevents ballots from being counted outside the ward in which they are issued. In other words, unused ballots can't be moved around from ward to ward to cover shortfalls. Estimating probable turnout involves estimating turnout in each ward rather than citywide. This could have the effect of inflating the overall estimated number of ballots needed citywide. In 2004 Milwaukee requested 938,000 ballots for a voting population of about 424,000. The county board agreed to give the city 679,000 ballots, and a firestorm of protest erupted when County Executive Walker defended the decision by suggesting that he was concerned about potential voter fraud and didn't want people to be able to "grab" extra ballots at the polling site.¹⁰²

Milwaukee Mayor Tom Barrett accused Walker of trying to foment chaos at the polls and suppress the central city vote. Barrett is a Democrat and served as a state co-chair of John Kerry's campaign, while Walker is a Republican and served as state co-chair of George W. Bush's campaign. In press reports, the dispute was repeatedly referred to as "ugly," generating partisan recrimination on both sides. On the morning of October 14, about a hundred protesters, including students, elected officials and union activists, stormed Walker's office while he was meeting with municipal election clerks, chanting, "Let the people have their voice!" and demanding that Walker issue the extra ballots to Milwaukee. Wisconsin Governor Jim Doyle intervened by asking the state elections board to help resolve the dispute and offered state aid to pay for the extra ballots. The next day Walker and Barrett held a joint press conference on the steps of Milwaukee city hall to announce a compromise between the city and county: the county would supply the extra ballots, giving the city the 938,000 ballots it originally requested, the city would split the cost, estimated at about \$40,000, and promise to return all unused ballots to the county election commission to ensure that all ballots were accounted for.¹⁰³ Approximately 665,000 unused ballots were later returned to the county board of elections.¹⁰⁴

Inaccurate lists of "potentially fraudulent voters"

At 4:57 p.m. on Wednesday, October 27, 2004, three minutes before the legal deadline for filing a complaint with the city elections commission, the state Republican Party challenged the validity of 5,619 names on the city voter rolls. State GOP chairman Rick Graber said, "This is a black eye on the city of Milwaukee and the state of Wisconsin. These 5,600 addresses could be used to allow fraudulent voting. Whether it's deliberate or not, something's wrong when you have people

¹⁰² Dave Umhoefer and Greg J. Borowski, "City, County Spar Over Ballot Supply; Walker Cites Fraud Concerns; Barrett Cries Foul," *Milwaukee Journal-Sentinel* (October 13, 2004), A1; Greg J. Borowski and Dave Umhoefer, "Walker-Barrett Ballot Dispute Heats Up More; County, City Accuse the Other of Trying to Make Election Day Controversy," *Milwaukee Journal-Sentinel* (October 14, 2004), B1.

¹⁰³ Associated Press, "Governor Sends Election Board Into Milwaukee Ballot Fray," *Capital Times* (October 15, 2004), 4A; Dave Umhoefer and Steve Schultze, "Doyle Joins Rift Over Ballot Supply; Governor Seeks State Inquiry; After Protest, Walker Agrees to Review City's Request," *Milwaukee Journal-Sentinel* (October 15, 2004), A1.

¹⁰⁴ Greg J. Borowski, "665,000 Unused Ballots Returned; Review Finds City's Original Allotment Would Have Been Sufficient," *Milwaukee Journal-Sentinel* (November 25, 2004), B1.

from addresses that don't exist."¹⁰⁵ First the local elections board voted 3-0 when the board's lone Republican appointee joined the two Democrats in finding the challenge lacked sufficient evidence. The Milwaukee City Attorney, Grant Langley, conducted a review that he said in a letter to the city elections commission executive director casts "doubt on the overall accuracy" of the list supplied by the state GOP.¹⁰⁶

Then, just four days before Election Day the state GOP demanded that Milwaukee city officials require identification from 37,180 people it said its review of the city's voter rolls turned up as living at questionable addresses. The list was produced in the same manner as the first list of 5,619 names using a computer program to match data from the city's voter database with a U.S. Postal Service list of known addresses. It included 13,300 cases of incorrect apartment numbers and 18,200 cases of missing apartment numbers. City Attorney Langley, a non-partisan officeholder, called the GOP's request, "outrageous," adding, "We have already uncovered hundreds and hundreds and hundreds of addresses on their (original list) that do exist. Why should I take their word for the fact this new list is good? I'm out of the politics on this, but this is purely political."¹⁰⁷ Langley's review did find some addresses that do not appear to exist, and the *Milwaukee Journal-Sentinel* did its own limited investigation, finding 68 questionable addresses. "Others, though," it said, "were likely to be clerical errors."¹⁰⁸

By Monday, officials from the state GOP and the City of Milwaukee worked out an agreement on how the registrations of voters with addresses challenged by the GOP would be dealt with at the polls. The list of 37,000 was pared back down to 5,512 and the city agreed to provide poll workers with the names of people in their wards from the list whose addresses appeared to be incomplete or inaccurate. Those people would be flagged if they showed up to vote and asked to show identification and/or re-register to update their records.¹⁰⁹ At the time Wisconsin law did not require pre-registered voters to show identification to vote at the polls, they only needed to state their name and address to receive a ballot.¹¹⁰ The compromise deal with the Republican party imposed an identification requirement not mandated by law on people who made their way onto the GOP's list.

Who bears responsibility for sloppy records and procedural meltdown?

The Journal-Sentinel reviewed Milwaukee's voting records and found a number of unexplained discrepancies. The most troubling finding from the newspaper's detailed computer analysis was that as many as 1,242 votes, three-quarters of them cast by people registering on site on election day, appeared to have come from invalid addresses. Another 1,305 registration cards with discernible flaws such as missing addresses or missing names were accepted from voters on election day who were then allowed to vote.¹¹¹

¹⁰⁵ Greg J. Borowski, "GOP Fails To Get 5,619 Names Removed From Voting Lists: City Commission Says Party Didn't Prove Case; Challenges Could Move to Polling Places," *Milwaukee Journal-Sentinel* (October 29, 2004), A1.

¹⁰⁶ Greg J. Borowski, "Vote Inquiry Sharpens Focus; Prosecutors Find Many Disputed Addresses Exist," *Milwaukee Journal-Sentinel* (October 30, 2004), A1.

¹⁰⁷ Greg J. Borowski, "Election 2004: GOP Demands IDs of 37,000 in City; City Attorney Calls New List of Bad Addresses 'Purely Political,'" *Milwaukee Journal-Sentinel* (October 31, 2004): A1.

¹⁰⁸ Borowski (October 31, 2004).

¹⁰⁹ "Milwaukee Vote Deal Reached on Dubious Addresses," *The Capital Times* (November 1, 2004), 5A.

¹¹⁰ Wisconsin allows for election day registration. Same-day registration rules require new registrants to show some form of proof of residency, or, for those lacking proof, another registered voter may vouch for them.

¹¹¹ Greg J. Borowski, "Over 1,200 Voters Addresses Found Invalid; Some Mistakes Easily Explained, But Milwaukee Flaws Raise Concerns About Shoddy Record Keeping, Possible Fraud," *Milwaukee Journal-Sentinel* (January 25, 2005), A1; Greg J. Borowski, "Fraud or Bumbling, Voter Problems Still Unnerving to Public," *Milwaukee Journal-Sentinel* (January 30, 2005), A1.

The newspaper opined on its own investigation and reporting:

Republicans are quick to jump on the discrepancies, real or imagined, in voting data in Milwaukee as proof of widespread fraud in the big city. In their minds, the *Journal Sentinel's* findings fit that pattern. A more plausible explanation, however, is that the findings reflect the unfortunate tendency of voting systems throughout America to err.¹¹²

By the end of January, the Mayor had appointed an internal task force to review the city's electoral procedures, and federal and county law enforcement agencies began a joint investigation into whether breakdowns in procedure, poor record-keeping, human error or fraud explained the discrepancies. On February 10, the bipartisan Joint Legislative Audit Committee of the state legislature voted unanimously to direct auditors to review voter registration and address verification procedures. All of these investigations produced clear evidence that Milwaukee's Board of Elections was overwhelmed by its own incompetence and under-staffing on election day, resulting in massive record-keeping problems. Poll workers failed to follow procedures; the number of votes cast in Milwaukee failed to match the number of people recorded as voting; same day registration cards were not filled out properly and follow up was not performed when post-registration address verification efforts identified address discrepancies; some voters were allowed to register to vote in the wrong ward.

The dénouement

The scrutiny from federal, state and local law enforcement and elections officials produced several reports, an intensive review of voter registration practices in a number of Wisconsin cities, many recommendations for improving election administration and voter registration procedures, several later-vetoed photo ID bills in the state legislature, a variety of other legislative proposals, and very little conclusive evidence of voter fraud.

Widespread ignorance among the public and elections officials alike of Wisconsin's seldom enforced felony disenfranchisement laws account for the hundreds of ineligible felons post-election audits have found voted since 2000. Alleged illegal felon voting constitutes nearly all of the "voter fraud" reported on by the media in Wisconsin over the last six years, and represents most of the handful of cases prosecuted by the federal government. Wisconsin election crime laws require the establishment of a willful effort to defraud. Most of those identified as ineligible have not been prosecuted because they were never informed that they lost their voting rights until they completed their entire sentence. Until recently, Wisconsin's voter registration application form did not clearly indicate that felons on probation or parole were ineligible to vote. One of the federal cases against the dozen or so people charged with illegal (felon) voting in the 2004 election was dropped when it was revealed that the defendant had registered to vote on election day in Milwaukee using his state offender ID card.¹¹³

¹¹² Staff, "Widen Election Day Focus," *Milwaukee Journal-Sentinel* (January 26, 2005), A14.

¹¹³ Gina Barton, "A Felon But Not A Fraud: No Charges For Voter With Prison I.D.," *Milwaukee Journal-Sentinel* (March 17, 2006). See, *United States of America v. Derek G. Little*, "Motion to Dismiss Indictment," United States District Court, Eastern District of Wisconsin, Case No. 05-CR-172 (LSA) (March 14, 2006).

POLICY RECOMMENDATIONS

This report has illustrated how the public is being manipulated about the problem of voter fraud.

Voting is a right, it's not a gift and it's not a privilege. Moreover, we can't have a democracy without the voters, and that means all voters, contributing to self-government. Therefore, layers upon layers of rules and bureaucracy to administer elections do not serve us well if they hinder electoral participation, which they do especially when the electorate expands. It is simply naïve to argue that the rules have nothing to do with turnout. On the other hand, it's true, the rules don't on their own increase turnout – issues, passion, competition, good candidates, effective communication and a diverse media – these are some of the factors that contribute to higher levels of electoral participation. But high interest campaigns and elections present precisely those conditions under which a complex regime of rules will have a depressing effect. When voter interest is high, partisans exploit the rules to determine the size and shape of the electorate they want.

Today partisans use the threat of voter fraud as an intimidation tactic. As our history shows, it is an old and reliable instrument for shaping the electorate by influencing the rules and procedures governing access to the vote. It is difficult to openly suppress voting in a democratic culture. The threat of fraud, however, if it's real, is enough to scare most people into accepting new rules that undermine the electoral participation of other voters - the unfortunate price, we are told, we must pay to keep our elections clean. The unraveling logic of this argument should be obvious. Unfortunately, reason flies out the window when we're scared.

We need better data, better election administration, transparency and more responsible journalism to improve public understanding of the legitimate ways in which electoral outcomes can be distorted and manipulated. Specifically:

1. States' chief elections officers should collect and maintain data on fraud allegations and enforcement activities and routinely report this information to the public. The data and methods used to collect it should be transparent and in the public domain.
2. To protect the right to vote and improve public confidence in the electoral process improvements to statewide, centralized voter registration databases must continue. Accurate registration records and methods for instantaneously certifying voter eligibility are the best defense against voter fraud.
3. To minimize mistakes, clerical errors, and duplication, state and local elections officials need to develop good, cooperative working partnerships with third party voter registration organizations that do a service to democracy by encouraging more people to register and vote.
4. States can go further and reduce the need for registration drives by fully implementing the agency-based voter registration requirements of NVRA and instituting same-day voter registration procedures. Ultimately, the states and federal government should provide a means to automatic universal voter registration.
5. To improve public understanding of voter fraud and more balanced reporting, state elections and law enforcement officials should educate journalists to ask for and recognize evidence of fraud when reporting on fraud allegations.

APPENDIX: HOW TO IDENTIFY VOTER FRAUD

Elections are instruments of democracy. They are the mechanisms for choosing representatives of the people's will, and they are widely regulated by law. Many different actors participate in the electoral process. Legislators and administrators make and implement the rules, candidates organize campaigns to run for office, voters cast their ballots, administrators count the ballots and elected officials certify the results.

The voters' role is simple – to make choices about candidates by casting legal ballots. Voters don't set deadlines for registering to vote, nor do they make the rules about how ballots are designed, displayed, or marked. They don't decide where the polls are located, when they are open, or what voting technology will be used. Voters have nothing to do with receiving completed ballots, determining valid ballots, counting or recounting ballots, tallying election results, or ensuring that the vote totals are accurate.

Voters, like all other actors or groups in the electoral process, can only corrupt that part to which they have access.

Voters, like all other actors or groups in the electoral process, can only corrupt that part to which they have access. They can do this directly, for example, by providing false information about their identity and/or eligibility in order to vote illegally, or indirectly through participation in a conspiracy, usually with others who have more authority and access to the marking and counting of ballots than the voters themselves possess.

If the alleged fraud does not involve voters it should not be considered voter fraud.

The first step in confronting any allegation of voter fraud is to identify who is alleged to have committed the fraud and to figure out if any voters are involved. If the alleged fraud does not involve voters it should not be considered voter fraud.

The second step is to identify which part of the electoral process was corrupted by fraud. Given their limited access, voters can only corrupt the registration and voting phases. They can't corrupt the vote tallying and counting phases where most election fraud has occurred in the past because they lack access to votes after they've cast them.¹¹⁴ A fraudulent ballot

¹¹⁴ The most thorough analysis of election fraud in the early twentieth century is the landmark 1929 study of voter registration procedures for the Brookings Institution by the inventor of the punch card voting machine, Joseph P. Harris. See, Joseph P. Harris, *The Registration of Voters in the U.S.* (Baltimore: The Lord Baltimore Press, 1929). Harris was a public administration reformer who promoted government modernization and the use of scientific administrative practices to remove politics from the business of governing. He concluded that elections were more badly managed than just about any other area of public administration and that political machines were responsible for much of the fraud he analyzed. The case studies of election fraud in Chicago, Philadelphia and Louisville, Kentucky, Harris presents all involved large scale conspiracies orchestrated by politicians and political machines which Harris thought rigged elections through ballot box stuffing and the manipulation of the count. His conclusion that most fraud occurred during the vote counting stage spurred him to invent the Votomatic Vote Recorder (the first punch card voting machine) which Harris hoped would reduce opportunities for election fraud by removing the ballot counting function from precinct workers. See, Joseph P. Harris, *Oral History*, interview by Harriet Nathan, Regional Oral History Office, The Bancroft Library, University of California, Berkeley, California, 1980, available from <http://bancroft.berkeley.edu/ROHO/Vote/>.

is one that was not cast legally. But the definition of a legal ballot varies according to the rules that qualify eligible voters to vote and govern the procedures for casting a ballot in the different states.

Fraud in Voter Registration

To its earliest proponents, voter registration was intended as an anti-fraud safeguard. Registration fraud is typically punished less severely than fraud in voting and this is as it should be. What matters most to the integrity of electoral outcomes is the casting and counting of an illegal ballot. A person who provides false information on a voter registration application but never casts a ballot is less of a threat to electoral integrity than one who negates or dilutes the will of the voters by casting an illegal ballot. This is not to say that voter registration fraud is a negligible crime or should be tolerated. The available evidence suggests voter registration fraud is rare, but when it does occur, if it goes undetected it can compromise the accuracy of the voter rolls. When it's caught it burdens the elections and law enforcement officials who find it and must address it.

Since voters can perpetrate it, even if they rarely do, for purposes of this report we will consider voter registration fraud a form of voter fraud, along with all forms of illegal voting. However, when voter registration fraud is committed by a campaign volunteer or a paid canvasser, we should not consider the crime 'voter fraud.'¹⁵ Doing so only adds to public confusion about what should be done to eliminate opportunities for fraud.

Fraud in Voting

Under most state and federal laws a vote is considered illegal when it is cast improperly by an unqualified or ineligible voter. The voter must be qualified and the vote cast according to the rules governing the act of voting under state and federal law. Both elements – the voter and the act of voting – must be legal or the vote is illegal.

The difference between an eligible and a qualified voter

To be legal, an **eligible** voter must be **qualified** by the state to vote. This raises questions about the difference between an 'eligible' voter and a 'qualified' voter. The centuries long struggle for the franchise in the U.S. established a common law right to vote and constitutional bans on voter discrimination by race, color, gender, or age (over the age of 18), but no constitutional right to vote. The lack of an affirmative right to vote in the Constitution and the delegation of authority to the states to determine voter qualifications and oversee election administration are peculiar features of American democracy. The Constitution explicitly grants the states the power to set voter qualifications, reserving authority to Congress to regulate only "the times, places and manner of holding elections for Senators and Representatives."¹⁶

"Eligible" voters are those whose age and citizenship status, and in some cases absence of a felony conviction allows them to be credentialed or "qualified" by the states as legitimate or legal voters. "Qualified" voters, therefore, are those eligible voters who complete a state's procedures for casting a legal ballot.

Because the Constitution vests power to 'qualify' voters in the states, as long as they do not unconstitutionally discriminate against people by race, color, gender or age, they may make different rules for qualifying voters, and they do. This is why the definition of a legal vote varies across the states, especially with regard to residency and felony disqualification rules. Consider,

¹⁵ For an example of how the voter fraud label is commonly misused, see "2 Signature Gatherers Sentenced in Orange County Voter Fraud Case," *Associated Press* (1/4/07), 17 News Online, available online at www.kget.com/news/state/story.aspx?content_id=6b487526-37ac-43e9-a5b0-496674b9d5e1.

¹⁶ But, "the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators." See, U.S. Constitution, Article I, section 4.

for example, the ballot of an otherwise eligible and qualified voter with a felony conviction who is no longer under state supervision. If that citizen lived in Maine and registered to vote by or on Election Day, his or her vote would count as a legal ballot. If that citizen lived and voted in Florida where a felony conviction eliminates the right to vote until clemency is granted, he or she could be prosecuted for casting an illegal ballot.

In fact, states make lots of rules for qualifying voters. The most important is the requirement that all eligible voters register. All states except North Dakota require eligible voters to register before casting a ballot.¹¹⁷ Thus, all states except North Dakota qualify eligible voters by requiring them to meet certain conditions in order to register their names on the rolls of legitimate or valid voters. Voter registration, therefore, is a means of voter qualification, and in nearly all states, otherwise eligible voters must be registered properly or the vote they cast is illegal.¹¹⁸ In addition, ineligible voters, such as those disqualified by state law for a felony conviction or because they do not possess U.S. citizenship,¹¹⁹ could register to vote either mistakenly or by deceit, thus appearing on the voter rolls as 'qualified' voters despite their ineligibility. Their votes would be treated as legal votes when in fact they would be illegal.

There are a few known cases of ineligible persons such as non-citizens making it on to the voter registration rolls due to a misunderstanding about who has the right to vote in American elections, or to mistakes made by elections officials who misinformed such applicants or failed to note their lack of citizenship. One involves the case of Mohsin Ali, a long-time legal permanent resident living in Florida at the time of his arrest for "alien voting." He pleaded guilty but claimed a clerk in the Department of Motor Vehicles issued a voter registration application to him when he renewed his license. In a letter begging the judge to intercede with immigration authorities considering Ali's deportation back to Pakistan, Ali claimed he told the clerk he was a Florida resident but not a U.S. citizen.¹²⁰ He states that the clerk told him as the husband of an American citizen he was eligible to vote. When Ali received a voter registration card in the mail he assumed he was qualified to vote and voted in the 2000 presidential election.¹²¹

Voters have limited access to the electoral process, but where they do interact with it they confront an array of rules that can trip them up and change depending on where they live. The more rules and restrictions, the more stumbling blocks voters face when trying to cast legal ballots. For example, in Pennsylvania where a voter must qualify with an excuse when applying for an absentee ballot, it is illegal to vote that ballot if the voter's plans change and he or she remains physically present at home (barring a disability that prohibits the voter from visiting the polling place). A voter must apply for an absentee ballot a full week before Election Day. What happens if plans change or the business trip gets canceled and the voter is present on Election Day, after all? If that voter then mails in the ballot instead of striking out for the line at the polling place, that voter is breaking the law in Pennsylvania. Who knew? Who wouldn't make

¹¹⁷ North Dakota repealed its voter registration law in 1951. To vote in North Dakota eligible voters must have proper identification showing their name and current address. If they lack identification, they may still vote by filing a voter's affidavit attesting to their identity and address, or if a poll worker knows them and can vouch for them. Poll workers use lists of previous voters to track voting on Election Day.

¹¹⁸ The courts have dealt with the question of whether voter registration is an unconstitutional burden on the vote by using a balancing test, weighing the alleged burden on rights against a state's legitimate interest in ensuring electoral integrity. State laws mandating voter registration have been upheld repeatedly by the Supreme Court as reasonable administrative burdens on the right to vote ("a person does not have a federal constitutional right to walk up to a voting place on election day and demand a ballot," *Marston v. Lewis*, 410 U.S. 679, 680, (1973)).

¹¹⁹ Federal law does not require persons be U.S. citizens to vote, but all states do, as it is their constitutional prerogative to set citizenship as a condition for voter eligibility and qualification.

¹²⁰ Letter from Mohsin Ali to the Honorable William C. Sherrill, Jr., Chief U.S. Magistrate Judge, U.S. District Court, Tallahassee, Florida; dated November 3, 2006. The judge denied Ali's request.

¹²¹ *U.S. v. Mohsin Ali*, U.S. District Court, Northern District of Florida, Tallahassee Division, Case No. 4:05cr47-WCS.

things easier and drop the ballot in the mailbox? The more complex are the rules regulating voter registration and voting, the more likely voter mistakes, clerical errors, and the like will be wrongly identified as "fraud."

Eligible voters may nevertheless fail to *qualify* as legal voters because they fail to register properly – usually their ballots would be considered illegal. Illegal ballots, however, may also result from qualified – or properly registered – voters failing to follow the rules for casting a ballot under state law. As the following table suggests, expanding rules create more ways to cast an illegal ballot than a legal one.

Voter Eligibility, Voter Registration and Legal Balloting

Voter	Registered	Voter Is	Vote Is Cast	Ballot
Eligible	Yes	Qualified	Properly	Legal
			Improperly	Illegal
Not Eligible	No	Not Qualified	Properly or Improperly	Illegal
	Yes	Improperly Qualified	Properly	Illegal
			Improperly	Illegal
	No	Not Qualified	Properly or Improperly	Illegal

As states and localities continue to loosen restrictions on the time and place for casting a legal ballot, qualified voters will face more options for casting their ballots. The lack of uniformity increases complexity of the rules and unintended consequences proliferate. For example, the growth of early and mail voting is generally considered positive because these reforms make voting more convenient by opening up more avenues for casting legal ballots. Voters in many

states may now cast their ballots at a town clerk's office two weeks before the election, by mail, or in person at the polling booth on Election Day. But one consequence of expanding voting opportunities is a corresponding increase in opportunities for casting unintentionally illegal ballots if administrative tracking and auditing systems are flawed.

But one consequence of expanding voting opportunities is a corresponding increase in opportunities for casting unintentionally illegal ballots if administrative tracking and auditing systems are flawed.

In fact, several recent cases of alleged voter fraud involved legal voters who mailed in their ballots and then showed up at the polls on Election Day because they either forgot mailing in their ballots or,

distrusting the absentee balloting process, wanted to be sure that their votes were counted by voting again. They used their real names to try to vote twice because they were confused.¹²² Poor record management on the part of elections officials was the problem, but voters got the blame. As the options and rules expand they increase the possibility that voter misunderstandings will be labeled 'voter fraud.'

¹²² See, for example, Susan Greene and Karen Crummy, "Voter Fraud Probed in State; Double Dippers, Felons Targeted," *Denver Post* (March 24, 2005).

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**Claims of “Voter Fraud” Often Manufactured, Exaggerated for Political Purposes,
Says New Report from Project Vote**

(Washington, DC) Widespread “voter fraud” is a myth promulgated to suppress voter participation, according to a new Project Vote report released today. “The Politics of Voter Fraud” finds that fraudulent voting, or the intentional corruption of the voting process by voters, is extremely rare. Yet, false or exaggerated claims of fraudulent voting are commonly made in close electoral contests, and later cited by proponents of laws that restrict voting. The report is authored by Lorraine Minnite, Ph.D., Barnard College, Columbia University.

“I set out to study what situations generated incidents of voter fraud and, after researching the laws and examining the existing evidence, I found that voter fraud did not occur with enough frequency or was enough of a significant factor in elections to model or study,” Minnite said. “Instead, in this report, I examined circumstances in which claims of voter fraud were made and how they came to receive widespread public attention.”

Analysis of federal government records concludes that only 24 people were convicted of or pleaded guilty to illegal voting between 2002 and 2005, an average of eight people a year. The available state-level evidence of fraudulent voting, culled from interviews, reviews of newspaper coverage and court proceedings paints a similar picture.

“We shouldn’t base public policy on urban legends but on sound facts. It’s clear from this report that fraudulent voting isn’t threatening the integrity of our elections; we *do* know that erecting additional bureaucratic obstacles to voting discourages legitimate voters,” said Project Vote Deputy Director Michael Slater.

The report includes case studies in which accusations of “voter fraud” received widespread media attention. Each one demonstrates the way in which partisan politics exploit administrative errors or minor problems to create the illusion of systemic fraud.

While there is little evidence of fraudulent voting, the case is clear that voting rules restrict voter turnout. A recent study by the Eagleton Institute of Politics at Rutgers University found that laws requiring voters to show a document establishing identity reduce minority voter turnout. Researchers found that in the 2004 election, all voters, in states requiring voters to present documentation establishing their identity at the polls, were 2.7 percent less likely to vote than voters in states where no documentation was required. Latinos were 10 percent less likely to vote, Asian-Americans 8.5 percent less likely to vote and African Americans 5.7 percent less likely to vote.

A survey by the Brennan Center for Justice at New York University School of Law found that 11 percent of Americans, more than 21 millions citizens, did not have a current

014778

government-issued photo ID. Low-income, minority and elderly Americans disproportionately lack current government-issued photo ID.

To help improve public understanding and make the electoral system as efficient as possible, the report recommends: better voter fraud data collection and dissemination by states' chief elections officers, maintenance of accurate voter registration databases, cooperative relationships between non-partisan civic groups engaged in voter registration and elections officials, education of the media, and the institution of automatic universal voter registration.

###

Project Vote is the leading technical assistance and direct service provider to the civic participation community. Since its founding in 1982, Project Vote has provided professional training, management, evaluation and technical services on a broad continuum of key issues related to voter engagement and participation in low-income and minority communities.

To download the report, go to:

http://projectvote.org/fileadmin/ProjectVote/Publications/Politics_of_Voter_Fraud_Final.pdf

014779



Gracia Hillman /EAC/GOV

12/11/2006 11:26 AM

To Juliet E. Hodgkins/EAC/GOV@EAC, jlayson@eac.gov

cc

bcc

Subject Re: Draft response to Tova Wang 

Julie and Jeannie:

Thank you for the quick turn around on drafting a response to Tova Wang.

I have made substantial edits because I think the first draft offered too much information, which is not germane to Tova's complaint. Additionally, too much verbiage masks the strength of our good report and seemed to obscure the main points in our response.

I hope you will find the attached helpful.

BTW, who will sign the letter ?

Gracia M. Hillman
Commissioner
U.S. Election Assistance Commission
1225 New York Avenue, NW, Suite 1100
Washington, DC 20005
Tel: 202-566-3100
Fax: 202-566-1392
www.eac.gov

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delete this message from your computer. Tova Wang, Dec06.doc

014780

December 8, 2006

Ms. Tova Wang
(Address)
(Address)

Dear Ms. Wang:

We are writing in response to your December 7, 2006 memorandum. As you know, the U.S. Election Assistance Commission (EAC) issued its first report on election crimes last week, based in large part on the work that was done for EAC by Job and you. The report contains the full and complete summaries of every interview conducted as well as every book, article, report or case that was reviewed. Rather than provide the synopsis of these interviews, EAC provided the individual summaries so readers could reach their own conclusions about the substance of the interviews.

Upon reviewing initial information about the Department of Justice interviews contained in the status report that was provided to the EAC Standards Board and EAC Board of Advisors and the information provided at the working group meeting in May 2006, those persons interviewed at the Department of Justice did not agree with certain characterizations of their statements contained in these materials. Therefore, EAC exercised its responsibility to make clarifying edits. The Department of Justice is an important prosecutorial agency engaged in enforcing Federal anti-fraud and anti-intimidation laws. Thus, it was important to EAC to assure that the summary of their comments did not lend confusion to an already complex and hotly-debated topic.

The report on voting fraud and voter intimidation will stand as adopted on December 7, 2006. Again, we thank you for the contributions you made to the EAC's initial research of these important issues.

Sincerely,

Deleted: The U.S. Election Assistance Commission believes that voting fraud and voter intimidation are very important, complex topics that should be studied and reported on fairly and accurately. As a clearinghouse of election administration information, EAC is committed to providing complete and comprehensive information to the election community and the public.¶

Deleted: ¶
In its December 2006 report on voting fraud and voter intimidation,

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Deleted: It is incumbent upon us to provide them with the best and most complete data and research that we can.

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Deleted: With regard to the interviews of two of the personnel from the Department of Justice, EAC made clarifying edits.

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Deleted: by the consultants

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Deleted: Because of the lack of organization and cohesion in the draft provided by the consultants, that document would have led to greater confusion and division regarding the issues of voting fraud and voter intimidation. As such, EAC revised the draft report and provided the entirety of the supporting documentation to the public. ¶

¶
For these reasons, t

014781

Jeannie Layson /EAC/GOV
12/11/2006 09:18 AM

To klyndyson@eac.gov
cc dscott@eac.gov, bolu@eac.gov, ggilmour@eac.gov
bcc
Subject Brennan Center FOIA request

Karen,

I still do not have the RFPs we received for the voter fraud/ID project. I need that information ASAP. I this was a sole source contract and there were no other RFPs received, please indicate this in your reply. Please see language from original request below:

"In the event that the EAC denies my renewed request for the voter ID and voting fraud reports or delays another week in providing those materials, we respectfully request copies of (1) all requests for proposals and contracts relating to the voter ID and voting fraud reports; and (2) all written and electronic communications concerning the voter ID and voting fraud reports between the EAC and (a) the Eagleton Institute of Politics, (b) the Moritz College of Law, (c) Tova Wang, (d) Job Serebrov, and (e) any other individuals or entities, including but not limited to outside reviewers."

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

014782

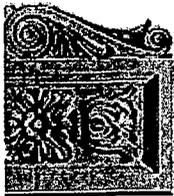


Bert A. Benavides/EAC/GOV
12/08/2006 10:46 AM

To Jeannie Layson/EAC/GOV
cc
bcc
Subject FOIA Request - Tova Wang

Bert A. Benavides
Special Assistant to the Executive Director
U. S. Elections Assistance Commission
1225 New York Avenue, NW
Suite 1100
Washington, DC 20005
202-566-3114

— Forwarded by Bert A. Benavides/EAC/GOV on 12/08/2006 10:44 AM —



Bert A. Benavides/EAC/GOV
11/15/2006 02:19 PM

To "Tova Wang" <wang@tcf.org>@GSAEXTERNAL
cc bbenavides@eac.gov
Subject RE: Conference call

Tova, due to the change in time, both Julie and Tom will be calling into the conference call from their respective residences. Thanks. Take care.

Bert A. Benavides
Special Assistant to the Executive Director
U. S. Elections Assistance Commission
1225 New York Avenue, NW
Suite 1100
Washington, DC 20005
202-566-3114

"Tova Wang" <wang@tcf.org>



"Tova Wang"
<wang@tcf.org>
11/09/2006 04:54 PM

To bbenavides@eac.gov, [REDACTED]
cc twilkey@eac.gov, jhodgkins@eac.gov
Subject RE: Conference call

Sounds good. I will come by the EAC since its literally a few feet from my office. I look forward to seeing you. Tova

Tova Andrea Wang, Democracy Fellow
The Century Foundation
1333 H Street, NW, Washington, D.C. 20005

Visit our Web site, www.tcf.org, for the latest news, analysis, opinions, and events.

From: bbenavides@eac.gov [mailto:bbenavides@eac.gov]
Sent: Thursday, November 09, 2006 4:21 PM
To: wang@tcf.org; [REDACTED]
Cc: twilkey@eac.gov; jhodgkins@eac.gov; bbenavides@eac.gov
Subject: Conference call

Tova, Job – I have scheduled 6:00 PM EST on Wednesday, November 15 for a conference call with Tom Wilkey and Julie Thompson-Hodgkins.

Conference call in # is 866-222-9044, [REDACTED]

Bert A. Benavides
Special Assistant to the Executive Director
U. S. Elections Assistance Commission
1225 New York Avenue, NW
Suite 1100
Washington, DC 20005
202-566-3114

014784



Bert A. Benavides/EAC/GOV
12/08/2006 10:44 AM

To Jeannie Layson/EAC/GOV
cc
bcc
Subject FOIA Request - Tova Wang

Bert A. Benavides
Special Assistant to the Executive Director
U. S. Elections Assistance Commission
1225 New York Avenue, NW
Suite 1100
Washington, DC 20005
202-566-3114

— Forwarded by Bert A. Benavides/EAC/GOV on 12/08/2006 10:42 AM —



Bert A. Benavides/EAC/GOV
11/13/2006 08:45 AM

To "Job Serebrov"
cc wang@tcf.org, Thomas R. Wilkey/EAC/GOV@EAC, Juliet E. Thompson-Hodgkins/EAC/GOV
Subject Re: Conference call

Job,

I have changed the time, per your request, of the conference call scheduled for Wednesday, November 15 to 6:30 PM EST.

Bert A. Benavides
Special Assistant to the Executive Director
202-566-3114

"Job Serebrov"



"Job Serebrov"
11/09/2006 06:33 PM

To bbenavides@eac.gov, wang@tcf.org
cc
Subject Re: Conference call

6:00 pm will not work for me as I am in route home. It would have to be between 6:30 and 7:00 pm your time. Remember I am one hour behind.

Job

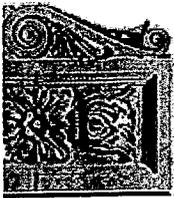
--- bbenavides@eac.gov wrote:

> Tova, Job -- I have scheduled 6:00 PM EST on
> Wednesday, November 15 for a
> conference call with Tom Wilkey and Julie
> Thompson-Hodgkins.
>

014785

> Conference call in # is 866-222-9044, Passcode
> [REDACTED]
>
>
>
> Bert A. Benavides
> Special Assistant to the Executive Director
> U. S. Elections Assistance Commission
> 1225 New York Avenue, NW
> Suite 1100
> Washington, DC 20005
> 202-566-3114

— Forwarded by Bert A. Benavides/EAC/GOV on 12/08/2006 10:42 AM —



Bert A. Benavides/EAC/GOV

11/15/2006 02:19 PM

To "Tova Wang" <wang@tcf.org>@GSAEXTERNAL
cc bbenavides@eac.gov
Subject RE: Conference call

Tova, due to the change in time, both Julie and Tom will be calling into the conference call from their respective residences. Thanks. Take care.

Bert A. Benavides
Special Assistant to the Executive Director
U. S. Elections Assistance Commission
1225 New York Avenue, NW
Suite 1100
Washington, DC 20005
202-566-3114
"Tova Wang" <wang@tcf.org>



"Tova Wang"
<wang@tcf.org>

11/09/2006 04:54 PM

To bbenavides@eac.gov, [REDACTED]
cc twilkey@eac.gov, jhodgkins@eac.gov
Subject RE: Conference call

Sounds good. I will come by the EAC since its literally a few feet from my office. I look forward to seeing you. Tova

Tova Andrea Wang, Democracy Fellow
The Century Foundation
1333 H Street, NW, Washington, D.C. 20005

Visit our Web site, www.tcf.org, for the latest news, analysis, opinions, and events.

014786

From: bbenavides@eac.gov [mailto:bbenavides@eac.gov]
Sent: Thursday, November 09, 2006 4:21 PM
To: wang@tcf.org; [REDACTED]
Cc: twilkey@eac.gov; jhodgkins@eac.gov; bbenavides@eac.gov
Subject: Conference call

Tova, Job -- I have scheduled 6:00 PM EST on Wednesday, November 15 for a conference call with Tom Wilkey and Julie Thompson-Hodgkins.

Conference call in [REDACTED]

Bert A. Benavides
Special Assistant to the Executive Director
U. S. Elections Assistance Commission
1225 New York Avenue, NW
Suite 1100
Washington, DC 20005
202-566-3114

014787

Jeannie Layson /EAC/GOV
12/08/2006 10:21 AM

To twilkey@eac.gov, Bert A. Benavides/EAC/GOV@EAC
cc
bcc
Subject Brennan Center FOIA request

Just reminding you guys that I need all of Tom's emails and/or correspondence regarding the FOIA request below. I need this info by the end of the day. We interpret that this request does not cover emails or correspondence among staff--only b/w Tom and the parties mentioned below. The best and most efficient way is to print everything and bring it to me. I will review all of the documents and determine what is applicable to this request, as well as redact any information not applicable.

I need each of you to respond affirmatively or negatively to the FOIA request below. **If you have no documents in your possession related to this request , please reply to me with the words "no records."** If you have records, please identify them in an e-mail reply and attach them to the e-mail. If the document is not electronic, hand deliver them to me. Also, if you believe any of these related documents should be withheld, please provide a brief memo stating the reason for your position.

I need this information and/or a response by **COB December 5, 2006**. If you cannot comply by this date, please provide notification and an estimated time when you will provide the information and the reason why you cannot comply by the original deadline. Thanks for your cooperation. See request below:

Wendy Weiser of the Brennan Center for Justice has submitted a FOIA request for the voting fraud report prepared by our consultants and the voter ID report, as well as the following information:

"In the event that the EAC denies my renewed request for the voter ID and voting fraud reports or delays another week in providing those materials, we respectfully request copies of (1) all requests for proposals and contracts relating to the voter ID and voting fraud reports; and (2) all written and electronic communications concerning the voter ID and voting fraud reports between the EAC and (a) the Eagleton Institute of Politics, (b) the Moritz College of Law, (c) Tova Wang, (d) Job Serebrov, and (e) any other individuals or entities, including but not limited to outside reviewers."

Jeannie Layson
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www.eac.gov

014788



Gracia Hillman /EAC/GOV

12/04/2006 04:23 PM

To Juliet E. Hodgkins/EAC/GOV@EAC

cc "Davidson, Donetta" <ddavidson@eac.gov>, jlayson@eac.gov, Paul DeGregorio/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC

bcc

Subject Re: Revised summaries of interviews with Donsanto and Tanner 

Attached are my comments and suggested edits to this section. They should show up in green; at least that is the color on my screen.

I feel very strongly and therefore I recommend that EAC explain that it made clarifying edits to some of the text in the summaries of the DOJ interviews. The consultants provided us with lots of material and that is the only section we changed. If we don't offer a straightforward explanation, then I think we invite more problems and headaches. I offered suggested language in the attached.



DOJ Interviews.doc

014789

Interview with Craig Donsanto, Director, Elections Crimes Branch, Public Integrity Section, U.S. Department of Justice
January 13, 2006

The Department of Justice's (DOJ) Election Crimes Branch is responsible for supervising federal criminal investigations and prosecutions of election crimes.

Questions

How are Prosecution Decisions Made?

Craig Donsanto must approve all investigations that go beyond a preliminary stage, all charges, search warrant applications and subpoenas and all prosecutions. The decision to investigate is very sensitive because of the public officials involved. If a charge seems political, Donsanto will reject it. Donsanto gives possible theories for investigation. Donsanto and Noel Hillman will decide whether to farm out the case to an Assistant U.S. Attorney (AUSA). Donsanto uses a concept called predication. In-other-words, there must be enough evidence to suggest a crime has been committed. The method of evaluation of this evidence depends on the type of evidence and its source. There are two types of evidence---factual (antisocial behavior) and legal (antisocial behavior leading to statutory violations). Whether an indictment will be brought depends on the likelihood of success before a jury. Much depends on the type of evidence and the source. Donsanto said he "knows it when he sees it." Donsanto will only indict if he is confident of a conviction assuming the worst case scenario – a jury trial.

A person under investigation will first receive a target letter. Often, a defendant who gets a target letter will ask for a departmental hearing. The defendant's case will be heard by Donsanto and Hillman. On occasion, the assistant attorney general will review the case. The department grants such hearings because such defendants are likely to provide information about others involved.

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The Civil Rights Division, Voting Rights Section makes its own decisions on prosecution. The head of that division is John Tanner. There is a lot of cooperation between the Voting Section and the Election Crimes Branch.

Does the Decision to Prosecute Incorporate Particular Political Considerations within a State Such as a One Party System or a System in which the Party in Power Controls the Means of Prosecution and Suppresses Opposition Complaints?

Yes. Before, the department would leave it to the states. Now, if there is racial animus involved in the case, there is political bias involved, or the prosecutor is not impartial, the department will take it over.

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Does it Matter if the Complaint Comes from a Member of a Racial Minority?

No. But if the question involves racial animus, that has also always been an aggravating

| factor, making it more likely the department will take it over

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What Kinds of Complaints Would Routinely Override Principles of Federalism?

Federalism is no longer big issue. DOJ is permitted to prosecute whenever there is a candidate for federal office on the ballot.

Are There Too Few Prosecutions?

DOJ can't prosecute everything.

What Should Be Done to Improve the System?

The problem is asserting federal jurisdiction in non-federal elections. It is preferable for the federal government to pursue these cases for the following reasons: federal districts draw from a bigger and more diverse jury pool; the DOJ is politically detached; local district attorneys are hamstrung by the need to be re-elected; DOJ has more resources – local prosecutors need to focus on personal and property crimes---fraud cases are too big and too complex for them; DOJ can use the grand jury process as a discovery technique and to test the strength of the case.

In *U.S. v. McNally*, the court ruled that the mail fraud statute does not apply to election fraud. It was through the mail fraud statute that the department had routinely gotten federal jurisdiction over election fraud cases. 18 USC 1346, the congressional effort to “fix” *McNally*, did not include voter fraud.

As a result, the department needs a new federal law that allows federal prosecution whenever a federal instrumentality is used, e.g. the mail, federal funding, interstate commerce. The department has drafted such legislation, which was introduced but not passed in the early 1990s. A federal law is needed that permits prosecution in any election where any federal instrumentality is used.

Other Information

| The Department has held four symposia for District Election Officers (DEOs) and FBI agents since the initiation of the Ballot Access and Voting Integrity Initiative. In 2003, civil rights leaders were invited to make speeches, but were not permitted to take part in the rest of the symposium. All other symposia have been closed to the public.

Deleted: (Peg will be sending us the complete training materials used at those sessions. These are confidential and are the subject of FOIA litigation).

There are two types of attorneys in the division: prosecutors, who take on cases when the jurisdiction of the section requires it; the US Attorney has recused him or herself; or when the US Attorney is unable to handle the case (most frequent reason) and braintrust attorneys who analyze the facts, formulate theories, and draft legal documents.

| Cases

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Donsanto provided us with three case lists: cases still being investigated as of January 13, 2006 – confidential; election fraud prosecutions and convictions as a result of the Ballot Access and Voting Integrity Initiative October 2002-January 13, 2006; and cases closed for lack of evidence as of January 13, 2006.

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If we want more documents related to any case, we must get those documents from the states. The department will not release them to us.

Although the number of election fraud related complaints have not gone up since 2002, nor has the proportion of legitimate to illegitimate complaints of fraud, *the number of cases that the department is investigating and the number of indictments the department is pursuing are both up dramatically.*

Since 2002, the department has brought more cases against alien voters, felon voters, and double voters than ever before. Previously, cases were only brought against conspiracies to corrupt the process rather than individual offenders acting alone. For deterrence purposes, the Attorney General decided to add the pursuit of individuals who vote when not eligible to vote (noncitizens, felons) or who vote more than once. The department is currently undertaking three pilot projects to determine what works in developing the cases and obtaining convictions and what works with juries in such matters to gain convictions:

Comment [GH1]: ??conspiracies

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1. Felon voters in Milwaukee.

2. Alien voters in the Southern District of Florida. FYI – under 18 USC 611, to prosecute for “alien voting” there is no intent requirement. Conviction can lead to deportation. Nonetheless, the department feels compelled to look at mitigating factors such as was the alien told it was OK to vote, does the alien have a spouse that is a citizen.

3. Double voters in a variety of jurisdictions.

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The department does not maintain records of the complaints that come in from DEOs, U.S attorneys and others during the election that are not pursued by the department. Donsanto asserted that U.S. attorneys never initiate frivolous investigations.

According to the new handbook, the department can take on a case whenever there is a federal candidate on the ballot

Interview with John Tanner, Chief, Voting Section, Civil Rights Division, U.S. Department of Justice

Deleted: Director

February 24, 2006

The Department of Justice's (DOJ) Voting Section is charged with the civil enforcement of the Voting Rights Act, the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), the National Voter Registration Act (NVRA), and Title III of the Help America Vote Act (HAVA).

Authority and Process

The Voting Section, in contrast to the Public Integrity Section as Craig Donsanto described it, typically focuses only on systemic problems resulting from government action or inaction, not problems caused by individuals. Indeed, the section never goes after individuals because it does not have the statutory authority to do so. In situations in which individuals are causing problems at the polls and interfering with voting rights, the section calls the local election officials to resolve it.

Deleted: Note: Mr. Tanner's reluctance to share data, information and his perspective on solving the problems presented an obstacle to conducting the type of interview that would help inform this project as much as we would have hoped. Mr. Tanner would not give us any information about or data from the section's election complaint in-take phone logs; data or even general information from the Interactive Case Management (ICM) system-its formal process for tracking and managing work activities in pursuing complaints and potential violations of the voting laws; and would give us only a selected few samples of attorney-observer reports, reports that every Voting Section attorney who is observing elections at poll sites on Election Day is required to submit. He would not discuss in any manner any current investigations or cases the section is involved in. He also did not believe it was his position to offer us recommendations as to how his office, elections, or the voting process might be improved.¶

Federal voting laws enforced by the section only apply to state action, so the section only sues state and local governments – it does not have any enforcement power over individuals. Most often, the section enters into consent agreements with governments that focus on poll worker training, takes steps to restructure how polls are run, and deals with problems on Election Day on the spot. Doing it this way has been most effective – for example, while the section used to have the most observers in the South, with systematic changes forced upon those jurisdictions, the section now does not get complaints from the South.

The section can get involved even where there is no federal candidate on the ballot if there is a racial issue under the 14th and 15th Amendments.

When the section receives a complaint, attorneys first determine whether it is a matter that involves individual offenders or a systemic problem. When deciding what to do with the complaint, the section errs on the side of referring it criminally to avoid having any civil litigation complicate a possible criminal case.

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When a complaint comes in, the attorneys ask questions to see if there are even problems there that the complainant is not aware are violations of the law. For example, in the Boston case, the attorney did not just look at Spanish language cases under section 203, but also brought a Section 2 case for violations regarding Chinese and Vietnamese voters. When looking into a case, the attorneys look for specificity, witnesses and supporting evidence.

Often, lawsuits bring voluntary compliance.

Voter Intimidation

Many instances of what some people refer to as voter intimidation are more unclear now. For example, photographing voters at the polls has been called intimidating, but now everyone is at the polls with a camera. It is hard to know when something is intimidation and it is difficult to show that it was an act of intimidation.

The fact that both parties are engaging in these tactics now makes it more complicated. It makes it difficult to point the finger at any one side.

The inappropriate use of challengers on the basis of race would be a violation of the law. Mr. Tanner was unaware that such allegations were made in Ohio in 2004. He said there had never been a formal investigation into the abusive use of challengers.

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Mr. Tanner said a lot of the challenges are legitimate because you have a lot of voter registration fraud as a result of groups paying people to register voters by the form. They turn in bogus registration forms. Then the parties examine the registration forms and challenge them because 200 of them, for example, have addresses of a vacant lot.

However, Mr. Tanner said the department was able to informally intervene in challenger situations in Florida, Atkinson County, Georgia and in Alabama, as was referenced in a February 23 Op-Ed in USA Today. Mr. Tanner reiterated the section takes racial targeting very seriously.

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Refusal to provide provisional ballots would be a violation of the law that the section would investigate.

Deceptive practices are committed by individuals and would be a matter for the Public Integrity Section. Local government would have to be involved for the Voting Section to become involved.

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Unequal implementation of ID rules, or asking minority voters only for ID would be something the section would go after. Mr. Tanner was unaware of allegations of this in 2004. He said this is usually a problem where you have language minorities and the poll workers cannot understand the voters when they say their names. The section has never formally investigated or solely focused a case based on abuse of ID provisions. However, implementation of ID rules was part of the Section 2 case in San Diego. Mr. Tanner reiterated that the section is doing more than ever before.

When asked about the section's references to incidents of vote fraud in the documents related to the new state photo identification requirements, Mr. Tanner said the section only looks at retrogression, not at the wisdom of what a legislature does. In Georgia, for example, everyone statistically has identification, and more blacks have ID than whites. With respect to the letter to Senator Kit Bond regarding voter ID, the section did refer to the perception of concern about dead voters because of reporting by the Atlanta Journal-Constitution. It is understandable that when you have thousands of bogus registrations that there would be concerns about polling place fraud. Very close elections make this even more of an understandable concern. Putting control of registration lists in the hands

of the states will be helpful because at this higher level of government you find a higher level of professionalism.

It is hard to know how much vote suppression and intimidation is taking place because it depends on one's definition of the terms – they are used very loosely by some people. However, the enforcement of federal law over the years has made an astounding difference so that the level of discrimination has plummeted. Registration of minorities has soared, as can be seen on the section's website. Mr. Tanner was unsure if the same was true with respect to turnout, but the gap is less. That information is not on the section's website.

The section is not filing as many Section 2 cases as compared to Section 203 cases because many of the jurisdictions sued under Section 2 in the past do not have issues anymore. Mr. Tanner said that race based problems are rare now.

NVRA has been effective in opening up the registration process. In terms of enforcement, Mr. Tanner said they do what they can when they have credible allegations. There is a big gap between complaints and what can be substantiated. Mr. Tanner stated that given the high quality of the attorneys now in the section, if they do not investigate it or bring action, that act complained of did not happen.

Recommendations

Mr. Tanner did not feel it was appropriate to make recommendations.

Consultants Note: Mr. Tanner's reluctance to share data, information and his perspective on solving the problems presented an obstacle to conducting the type of interview that would help inform this project as much as we would have hoped. We did not have access to any information about or data from the section's election complaint in-take phone logs or data or even general information from the Interactive Case Management (ICM) system-its formal process for tracking and managing work activities in pursuing complaints and potential violations of the voting laws. Only a selected few samples of attorney-observer reports were provided, reports that every Voting Section attorney who is observing elections at poll sites on Election Day is required to submit. Mr. Tanner would not discuss any current investigations or cases the section is involved in.

Comment [GH2]: The consultants did not say "we contend," and I do not think EAC should put words in their mouth, so to speak.

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EAC made clarifying edits to this portion of the consultants' report.

Comment [GH3]: I feel quite strongly that EAC needs to acknowledge that it edited this portion of the consultants' report because of all the materials they submitted and that we are attaching as appendices, this is the only section we are changing.

Juliet E. Hodgkins/EAC/GOV
12/01/2006 03:23 PM

To Paul DeGregorio/EAC/GOV@EAC, Gracia
Hillman/EAC/GOV@EAC, "Davidson, Donetta"
<ddavidson@eac.gov>, Thomas R. Wilkey/EAC/GOV@EAC
cc jlayson@eac.gov

bcc

Subject Revised summaries of interviews with Donsanto and Tanner

Commissioners,

Per your request, please see attached the proposed edits to the summaries of the interviews with Craig Donsanto and John Tanner.

Please get me your comments by Monday COB so that we can finalize this document in time for the meeting next week.

Juliet Thompson Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005



(202) 566-3100 Summaries of Interviews with Donsanto-Tanner redacted-revised.doc

014796

Interview with Craig Donsanto, Director, Elections Crimes Branch, Public Integrity Section, U.S. Department of Justice
January 13, 2006

The Department of Justice's (DOJ) Election Crimes Branch is responsible for supervising federal criminal investigations and prosecutions of election crimes.

Questions

How are Prosecution Decisions Made?

Craig Donsanto must approve all investigations that go beyond a preliminary stage, all charges, search warrant applications and subpoenas and all prosecutions. The decision to investigate is very sensitive because of the public officials involved. If a charge seems political, Donsanto will reject it. Donsanto gives possible theories for investigation. Donsanto and Noel Hillman will decide whether to farm out the case to an Assistant U.S. Attorney (AUSA). Donsanto uses a concept called predication. In-other-words, there must be enough evidence to suggest a crime has been committed. The method of evaluation of this evidence depends on the type of evidence and its source. There are two types of evidence---factual (antisocial behavior) and legal (antisocial behavior leading to statutory violations). Whether an indictment will be brought depends on the likelihood of success before a jury. Much depends on the type of evidence and the source. Donsanto said he "knows it when he sees it." Donsanto will only indict if he is confident of a conviction assuming the worst case scenario – a jury trial.

A person under investigation will first receive a target letter. Often, a defendant who gets a target letter will ask for a departmental hearing. The defendant's case will be heard by Donsanto and Hillman. On occasion, the assistant attorney general will review the case. The department grants such hearings because such defendants are likely to provide information about others involved.

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The Civil Rights Division, Voting Rights Section makes its own decisions on prosecution. The head of that division is John Tanner. There is a lot of cooperation between the Voting Section and the Election Crimes Branch.

Does the Decision to Prosecute Incorporate Particular Political Considerations within a State Such as a One Party System or a System in which the Party in Power Controls the Means of Prosecution and Suppresses Opposition Complaints?

Yes. Before, the department would leave it to the states. Now, if there is racial animus involved in the case, there is political bias involved, or the prosecutor is not impartial, the department will take it over.

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Does it Matter if the Complaint Comes from a Member of a Racial Minority?

No. But if the question involves racial animus, that has also always been an aggravating

factor, making it more likely the department will take it over

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What Kinds of Complaints Would Routinely Override Principles of Federalism?

Federalism is no longer big issue. DOJ is permitted to prosecute whenever there is a candidate for federal office on the ballot.

Are There Too Few Prosecutions?

DOJ can't prosecute everything.

What Should Be Done to Improve the System?

The problem is asserting federal jurisdiction in non-federal elections. It is preferable for the federal government to pursue these cases for the following reasons: federal districts draw from a bigger and more diverse jury pool; the DOJ is politically detached; local district attorneys are hamstrung by the need to be re-elected; DOJ has more resources – local prosecutors need to focus on personal and property crimes---fraud cases are too big and too complex for them; DOJ can use the grand jury process as a discovery technique and to test the strength of the case.

In *U.S. v. McNally*, the court ruled that the mail fraud statute does not apply to election fraud. It was through the mail fraud statute that the department had routinely gotten federal jurisdiction over election fraud cases. 18 USC 1346, the congressional effort to “fix” *McNally*, did not include voter fraud.

As a result, the department needs a new federal law that allows federal prosecution whenever a federal instrumentality is used, e.g. the mail, federal funding, interstate commerce. The department has drafted such legislation, which was introduced but not passed in the early 1990s. A federal law is needed that permits prosecution in any election where any federal instrumentality is used.

Other Information

The Department has held four symposia for District Election Officers (DEOs) and FBI agents since the initiation of the Ballot Access and Voting Integrity Initiative. In 2003, civil rights leaders were invited to make speeches, but were not permitted to take part in the rest of the symposium. All other symposia have been closed to the public.

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There are two types of attorneys in the division: prosecutors, who take on cases when the jurisdiction of the section requires it; the US Attorney has recused him or herself; or when the US Attorney is unable to handle the case (most frequent reason) and braintrust attorneys who analyze the facts, formulate theories, and draft legal documents.

Cases

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Donsanto provided us with three case lists: cases still being investigated as of January 13, 2006 – confidential; election fraud prosecutions and convictions as a result of the Ballot Access and Voting Integrity Initiative October 2002-January 13, 2006; and cases closed for lack of evidence as of January 13, 2006.

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If we want more documents related to any case, we must get those documents from the states. The department will not release them to us.

Although the number of election fraud related complaints have not gone up since 2002, nor has the proportion of legitimate to illegitimate complaints of fraud, *the number of cases that the department is investigating and the number of indictments the department is pursuing are both up dramatically.*

Since 2002, the department has brought more cases against alien voters, felon voters, and double voters than ever before. Previously, cases were only brought against conspiracies to corrupt the process rather than individual offenders acting alone. For deterrence purposes, the Attorney General decided to add the pursuit of individuals who vote when not eligible to vote (noncitizens, felons) or who vote more than once. The department is currently undertaking three pilot projects to determine what works in developing the cases and obtaining convictions and what works with juries in such matters to gain convictions:

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1. Felon voters in Milwaukee.
2. Alien voters in the Southern District of Florida. FYI – under 18 USC 611, to prosecute for “alien voting” there is no intent requirement. Conviction can lead to deportation. Nonetheless, the department feels compelled to look at mitigating factors such as was the alien told it was OK to vote, does the alien have a spouse that is a citizen.
3. Double voters in a variety of jurisdictions.

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The department does not maintain records of the complaints that come in from DEOs, U.S attorneys and others during the election that are not pursued by the department. Donsanto asserted that U.S. attorneys never initiate frivolous investigations.

According to the new handbook, the department can take on a case whenever there is a federal candidate on the ballot

Interview with John Tanner, Chief, Voting Section, Civil Rights Division, U.S. Department of Justice

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February 24, 2006

The Department of Justice's (DOJ) Voting Section is charged with the civil enforcement of the Voting Rights Act, the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), the National Voter Registration Act (NVRA), and Title III of the Help America Vote Act (HAVA).

Authority and Process

The Voting Section, in contrast to the Public Integrity Section as Craig Donsanto described it, typically focuses only on systemic problems resulting from government action or inaction, not problems caused by individuals. Indeed, the section never goes after individuals because it does not have the statutory authority to do so. In situations in which individuals are causing problems at the polls and interfering with voting rights, the section calls the local election officials to resolve it.

Deleted: Note: Mr. Tanner's reluctance to share data, information and his perspective on solving the problems presented an obstacle to conducting the type of interview that would help inform this project as much as we would have hoped. Mr. Tanner would not give us any information about or data from the section's election complaint in-take phone logs; data or even general information from the Interactive Case Management (ICM) system-its formal process for tracking and managing work activities in pursuing complaints and potential violations of the voting laws; and would give us only a selected few samples of attorney-observer reports, reports that every Voting Section attorney who is observing elections at poll sites on Election Day is required to submit. He would not discuss in any manner any current investigations or cases the section is involved in. He also did not believe it was his position to offer us recommendations as to how his office, elections, or the voting process might be improved.¶

Federal voting laws enforced by the section only apply to state action, so the section only sues state and local governments – it does not have any enforcement power over individuals. Most often, the section enters into consent agreements with governments that focus on poll worker training, takes steps to restructure how polls are run, and deals with problems on Election Day on the spot. Doing it this way has been most effective – for example, while the section used to have the most observers in the South, with systematic changes forced upon those jurisdictions, the section now does not get complaints from the South.

The section can get involved even where there is no federal candidate on the ballot if there is a racial issue under the 14th and 15th Amendments.

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When the section receives a complaint, attorneys first determine whether it is a matter that involves individual offenders or a systemic problem. When deciding what to do with the complaint, the section errs on the side of referring it criminally to avoid having any civil litigation complicate a possible criminal case.

When a complaint comes in, the attorneys ask questions to see if there are even problems there that the complainant is not aware are violations of the law. For example, in the Boston case, the attorney did not just look at Spanish language cases under section 203, but also brought a Section 2 case for violations regarding Chinese and Vietnamese voters. When looking into a case, the attorneys look for specificity, witnesses and supporting evidence.

Often, lawsuits bring voluntary compliance.

Voter Intimidation

Many instances of what some people refer to as voter intimidation are more unclear now. For example, photographing voters at the polls has been called intimidating, but now everyone is at the polls with a camera. It is hard to know when something is intimidation and it is difficult to show that it was an act of intimidation.

The fact that both parties are engaging in these tactics now makes it more complicated. It makes it difficult to point the finger at any one side.

The inappropriate use of challengers on the basis of race would be a violation of the law. Mr. Tanner was unaware that such allegations were made in Ohio in 2004. He said there had never been a formal investigation into the abusive use of challengers.

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Mr. Tanner said a lot of the challenges are legitimate because you have a lot of voter registration fraud as a result of groups paying people to register voters by the form. They turn in bogus registration forms. Then the parties examine the registration forms and challenge them because 200 of them, for example, have addresses of a vacant lot.

However, Mr. Tanner said the department was able to informally intervene in challenger situations in Florida, Atkinson County, Georgia and in Alabama, as was referenced in a February 23 Op-Ed in USA Today. Mr. Tanner reiterated the section takes racial targeting very seriously.

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Refusal to provide provisional ballots would be a violation of the law that the section would investigate.

Deceptive practices are committed by individuals and would be a matter for the Public Integrity Section. Local government would have to be involved for the Voting Section to become involved.

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Unequal implementation of ID rules, or asking minority voters only for ID would be something the section would go after. Mr. Tanner was unaware of allegations of this in 2004. He said this is usually a problem where you have language minorities and the poll workers cannot understand the voters when they say their names. The section has never formally investigated or solely focused a case based on abuse of ID provisions. However, implementation of ID rules was part of the Section 2 case in San Diego. Mr. Tanner reiterated that the section is doing more than ever before.

When asked about the section's references to incidents of vote fraud in the documents related to the new state photo identification requirements, Mr. Tanner said the section only looks at retrogression, not at the wisdom of what a legislature does. In Georgia, for example, everyone statistically has identification, and more blacks have ID than whites. With respect to the letter to Senator Kit Bond regarding voter ID, the section did refer to the perception of concern about dead voters because of reporting by the Atlanta Journal-Constitution. It is understandable that when you have thousands of bogus registrations that there would be concerns about polling place fraud. Very close elections make this even more of an understandable concern. Putting control of registration lists in the hands

of the states will be helpful because at this higher level of government you find a higher level of professionalism.

It is hard to know how much vote suppression and intimidation is taking place because it depends on one's definition of the terms – they are used very loosely by some people. However, the enforcement of federal law over the years has made an astounding difference so that the level of discrimination has plummeted. Registration of minorities has soared, as can be seen on the section's website. Mr. Tanner was unsure if the same was true with respect to turnout, but the gap is less. That information is not on the section's website.

The section is not filing as many Section 2 cases as compared to Section 203 cases because many of the jurisdictions sued under Section 2 in the past do not have issues anymore. Mr. Tanner said that race based problems are rare now.

NVRA has been effective in opening up the registration process. In terms of enforcement, Mr. Tanner said they do what they can when they have credible allegations. There is a big gap between complaints and what can be substantiated. Mr. Tanner stated that given the high quality of the attorneys now in the section, if they do not investigate it or bring action, that act complained of did not happen.

Recommendations

Mr. Tanner did not feel it was appropriate to make recommendations.

Note: We contend that Mr. Tanner's reluctance to share data, information and his perspective on solving the problems presented an obstacle to conducting the type of interview that would help inform this project as much as we would have hoped. We did not have access to any information about or data from the section's election complaint intake phone logs or data or even general information from the Interactive Case Management (ICM) system-its formal process for tracking and managing work activities in pursuing complaints and potential violations of the voting laws. Only a selected few samples of attorney-observer reports were provided, reports that every Voting Section attorney who is observing elections at poll sites on Election Day is required to submit. Mr. Tanner would not discuss any current investigations or cases the section is involved in.

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Jeannie Layson /EAC/GOV
12/01/2006 12:41 PM

To: Thomas R. Wilkey/EAC/GOV@EAC
cc
bcc
Subject: Re: FOIA request

Thank you. This is for the Brennan Center, so I want to do everything possible to meet their deadline.

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov
Thomas R. Wilkey/EAC/GOV

Thomas R. Wilkey/EAC/GOV
12/01/2006 12:26 PM

To: Jeannie Layson/EAC/GOV@EAC
cc
Subject: Re: FOIA request

Bert,
Go into my computer and look under the folder for eagleton and print out any items there and fed ex them to me so I can look at them
We also have some hard cover letters that were sent back and forth.
My password is
[REDACTED]
Let me know if you have a problem and Henry can reset the password

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Jeannie Layson
Sent: 12/01/2006 11:50 AM
To: Thomas Wilkey
Cc: Bert Benavides
Subject: FOIA request

Tom,
I know you haven't responded to my FOIA request b/c of what you've got going on, but I wanted to bring it to your attention b/c I'm pretty sure you've got some related emails. According to Karen, you and John Weingardt had email exchanges primarily after June 30. I'll need to get all of those and any letters or any other correspondence b/w the two of you. I asked for everyone to submit what they have by Monday. Perhaps Bert can begin gathering this info. See the original request below.

014803

I need each of you to respond affirmatively or negatively to the FOIA request below. **If you have no documents in your possession related to this request , please reply to me with the words "no records."** If you have records, please identify them in an e-mail reply and attach them to the e-mail. If the document is not electronic, hand deliver them to me. Also, if you believe any of these related documents should be withheld, please provide a brief memo stating the reason for your position.

I need this information and/or a response by **COB December 5, 2006**. If you cannot comply by this date, please provide notification and an estimated time when you will provide the information and the reason why you cannot comply by the original deadline. Thanks for your cooperation. See request below:

Wendy Weiser of the Brennan Center for Justice has submitted a FOIA request for the voting fraud report prepared by our consultants and the voter ID report, as well as the following information:

"In the event that the EAC denies my renewed request for the voter ID and voting fraud reports or delays another week in providing those materials, we respectfully request copies of (1) all requests for proposals and contracts relating to the voter ID and voting fraud reports; and (2) all written and electronic communications concerning the voter ID and voting fraud reports between the EAC and (a) the Eagleton Institute of Politics, (b) the Moritz College of Law, (c) Tova Wang, (d) Job Serebrov, and (e) any other individuals or entities, including but not limited to outside reviewers."

Please let me know if you would like a copy of the FOIA request.

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

Jeannie Layson /EAC/GOV
11/28/2006 10:27 AM

To EAC Personnel
cc
bcc
Subject FOIA Request

Hello everyone,

I need each of you to respond affirmatively or negatively to the FOIA request below. **If you have no documents in your possession related to this request , please reply to me with the words "no records."** If you have records, please identify them in an e-mail reply and attach them to the e-mail. If the document is not electronic, hand deliver them to me. Also, if you believe any of these related documents should be withheld, please provide a brief memo stating the reason for your position.

I need this information and/or a response by **COB December 5, 2006**. If you cannot comply by this date, please provide notification and an estimated time when you will provide the information and the reason why you cannot comply by the original deadline. Thanks for your cooperation. See request below:

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Please let me know if you would like a copy of the FOIA request.

Jeannie Layson
U.S. Election Assistance Commission
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014805

Jeannie Layson /EAC/GOV
11/15/2006 01:22 PM

To Juliet E. Hodgkins/EAC/GOV@EAC
cc
bcc
Subject Re: Draft fraud and intimidation report 

Here's my suggestions...



Voter Fraud & Intimidation j edits.doc
Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
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Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

014806

EAC REPORT ON VOTER FRAUD AND VOTER INTIMIDATION STUDY

INTRODUCTION

Voter fraud and intimidation is a phrase familiar to many voting-aged Americans. However, it means different things to different people. Voter fraud and intimidation is a phrase used to refer to crimes, civil rights violations, and, at times, even the correct application of state or federal laws to the voting process. Past study of this topic has been as varied as its perceived meaning. In an effort to help understand the realities of voter fraud and voter intimidation in our elections, the U.S. Election Assistance Commission (EAC) has begun this, phase one, of a comprehensive study on election crimes. In this phase of its examination, EAC has developed a definition of election crimes and adopted some research methodology on how to assess the existence and enforcement of election crimes in this country.

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PURPOSE AND METHODOLOGY OF THE EAC STUDY

Section 241 of the Help America Vote Act of 2002 (HAVA) calls on the EAC to research and study various issues related to the administration of elections. During Fiscal Year 2006, EAC began projects to research several of the listed topics. These topics for research were chosen in consultation with the EAC Standards Board and Board of Advisors. Voter fraud and voter intimidation was a topic that the EAC as well as its advisory boards felt were important to study to help improve the administration of elections for federal office.

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EAC began this study with the intention of identifying a common understanding of voter fraud and intimidation and devising a plan for a comprehensive study of these issues. This study was not intended to be a comprehensive review of existing voter fraud and voter intimidation actions, laws, or prosecutions. To conduct that type of extensive research, a basic understanding that had to first be established regarding what is commonly referred to as voter fraud and voter intimidation. Once that understanding was reached, a definition had to be crafted to refine and in some cases limit the scope of what reasonably can be researched and studied as evidence of voter fraud and voter intimidation. That definition will serve as the basis for recommending a plan for a comprehensive study of the area.

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To accomplish these tasks, EAC employed two consultants, who worked with EAC staff and interns to conduct the research that forms the basis of this report. Consultants were chosen based upon their experience with the topic and to assure a bipartisan representation in this study. The consultants and EAC staff were charged (1) to research the current state of information on the topic of voter fraud and voter intimidation; (2) to develop a uniform definition of voter fraud and voter intimidation; and (3) to propose recommended strategies for researching this subject.

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EAC consultants reviewed existing studies, articles, reports and case law on voter fraud and intimidation and conducted interviews with experts in the field. EAC consultants and staff then presented their initial findings to a working group that provided feedback. The working group participants were:

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The Honorable Todd Rokita
Indiana Secretary of State
Member, EAC Standards Board and the Executive Board of the Standards Board

Robert Bauer
Chair of the Political Law Practice at the law firm of Perkins Coie, District of Columbia
National Counsel for Voter Protection, Democratic National Committee

Kathy Rogers
Georgia Director of Elections, Office of the Secretary of State
Member, EAC Standards Board

Mark (Thor) Hearne II
Partner-Member, Lathrop & Gage, St Louis, Missouri
National Counsel to the American Center for Voting Rights

J.R. Perez
Guadalupe County Elections Administrator, Texas

Barry Weinberg
Former Deputy Chief and Acting Chief, Voting Section, Civil Rights Division, U.S. Department of Justice

Barbara Arnwine
Executive Director, Lawyers Committee for Civil Rights under Law
Leader of Election Protection Coalition

Technical Advisor:
Craig Donsanto
Director, Election Crimes Branch, U.S. Department of Justice

Benjamin L. Ginsberg
Partner, Patton Boggs LLP
Counsel to national Republican campaign committees and Republican candidates

Throughout the process, EAC staff assisted the consultants by providing statutes and cases on this subject as well as supervision on the direction, scope and product of this research.

The consultants drafted a report for EAC that included their summaries of existing laws, cases, studies and reports on voter fraud and intimidation as well as summaries of the interviews that they conducted. The draft report also provided a definition of voter fraud and intimidation and made certain recommendations developed by the consultants or by the working group on how to pursue further study of this subject. This document was vetted and edited by EAC staff to produce this final report.

EXISTING INFORMATION ABOUT FRAUD AND INTIMIDATION

To begin our study of voter fraud and voter intimidation, EAC consultants reviewed the current body of information on voter fraud and intimidation. The information available about these issues comes largely from a very limited body of reports, articles, and books.

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There are volumes of case law and statutes in the various states that also impact our understanding of what actions or inactions are legally considered fraud or intimidation. Last, there is anecdotal information available through media reports and interviews with persons who have administered elections, prosecuted fraud, and studied these problems. All of these resources were used by EAC consultants to provide an introductory look at the available knowledge of voter fraud and voter intimidation.

Reports and Studies of Voter Fraud and Intimidation

Over the years, there have been a number of studies conducted about the concepts of voter fraud and voter intimidation. EAC reviewed many of these studies and reports to develop a base-line understanding of the information that is currently available about voter fraud and voter intimidation. EAC consultants reviewed the following articles, reports and books, summaries of which are available in Appendix “__”:

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Articles and Reports

- People for the American Way and the NAACP, “The Long Shadow of Jim Crow,” December 6, 2004.
- Laughlin McDonald, “The New Poll Tax,” *The American Prospect* vol. 13 no. 23, December 30, 2002.
- Wisconsin Legislative Audit Bureau, “An Evaluation: Voter Registration Elections Board” Report 05-12, September, 2005.
- Milwaukee Police Department, Milwaukee County District Attorney’s Office, Federal Bureau of Investigation, United States Attorney’s Office “Preliminary Findings of Joint Task Force Investigating Possible Election Fraud,” May 10, 2005.
- National Commission on Federal Election Reform, “Building Confidence in U.S. Elections,” Center for Democracy and Election Management, American University, September 2005.
- The Brennan Center for Justice at NYU School of Law and Spencer Overton, Commissioner and Law Professor at George Washington University School of Law “Response to the Report of the 2005 Commission on Federal Election Reform,” September 19, 2005.
- Chandler Davidson, Tanya Dunlap, Gale Kenny, and Benjamin Wise, “Republican Ballot Security Programs: Vote Protection or Minority Vote Suppression – or Both?” A Report to the Center for Voting Rights & Protection, September, 2004.

- Alec Ewald, “A Crazy Quilt of Tiny Pieces: State and Local Administration of American Criminal Disenfranchisement Law,” The Sentencing Project, November 2005.
- American Center for Voting Rights “Vote Fraud, Intimidation and Suppression in the 2004 Presidential Election,” August 2, 2005.
- The Advancement Project, “America’s Modern Poll Tax: How Structural Disenfranchisement Erodes Democracy” November 7, 2001
- The Brennan Center and Professor Michael McDonald “Analysis of the September 15, 2005 Voter Fraud Report Submitted to the New Jersey Attorney General,” The Brennan Center for Justice at NYU School of Law, December 2005.
- Democratic National Committee, “Democracy at Risk: The November 2004 Election in Ohio,” DNC Services Corporation, 2005
- Public Integrity Section, Criminal Division, United States Department of Justice, “Report to Congress on the Activities and Operations of the Public Integrity Section for 2002.”
- Public Integrity Section, Criminal Division, United States Department of Justice, “Report to Congress on the Activities and Operations of the Public Integrity Section for 2003.”
- Public Integrity Section, Criminal Division, United States Department of Justice, “Report to Congress on the Activities and Operations of the Public Integrity Section for 2004.”
- Craig Donsanto, “The Federal Crime of Election Fraud,” Public Integrity Section, Department of Justice, prepared for Democracy.Ru, n.d., at http://www.democracy.ru/english/library/international/eng_1999-11.html
- People for the American Way, Election Protection 2004, Election Protection Coalition, at <http://www.electionprotection2004.org/edaynews.htm>
- Craig Donsanto, “Prosecution of Electoral Fraud under United State Federal Law,” *IFES Political Finance White Paper Series*, IFES, 2006.
- General Accounting Office, “Elections: Views of Selected Local Election Officials on Managing Voter Registration and Ensuring Eligible Citizens Can Vote,” Report to Congressional Requesters, September 2005.

- Lori Minnite and David Callahan, "Securing the Vote: An Analysis of Election Fraud," Demos: A Network of Ideas and Action, 2003.
- People for the American Way, NAACP, Lawyers Committee for Civil Rights, "Shattering the Myth: An Initial Snapshot of Voter Disenfranchisement in the 2004 Elections," December 2004.

Books

- John Fund, *Stealing Elections: How Voter Fraud Threatens Our Democracy*, Encounter Books, 2004.
- Andrew Gumbel, *Steal this Vote: Dirty Elections and the Rotten History of Democracy in American*, Nation Books, 2005.
- Tracy Campbell, *Deliver the Vote: A History of Election Fraud, An American Political Tradition – 1742-2004*, Carroll & Graf Publishers, 2005.
- David E. Johnson and Jonny R. Johnson, *A Funny Thing Happened on the Way to the White House: Foolhardiness, Folly, and Fraud in the Presidential Elections, from Andrew Jackson to George W. Bush*, Taylor Trade Publishing, 2004.
- Mark Crispin Miller, *Fooled Again*, Basic Books, 2005.

During our review of these documents, we learned a great deal about the type of research that has been conducted in the past concerning voter fraud and voter intimidation. None of the studies or reports was based on a comprehensive study, survey or review of all allegations, prosecutions or convictions of state or federal crimes related to voter fraud or voter intimidation. Most reports focused on a limited number of case studies or instances of alleged voter fraud or intimidation. For example, "Shattering the Myth: An Initial Snapshot of Voter Disenfranchisement in the 2004 Elections," a report produced by the People for the American Way, focused exclusively on citizen reports of fraud or intimidation to the Election Protection (is this DOJ?) program during the 2004 presidential election. Similarly, reports produced annually by the Department of Justice, Public Integrity Division, deal exclusively with crimes reported to and prosecuted by the United States Attorneys and/or the Department of Justice through the Public Integrity Section.

It is also apparent from a review of these articles and books that there is no consensus on the pervasiveness of voter fraud and voter intimidation. Some reports, such as "Building Confidence in U.S. Elections," suggest that there is little or no evidence of extensive fraud in U.S. elections or of multiple voting. This conflicts directly with other reports, such as the "Preliminary findings of Joint Task Force Investigating Possible Election Fraud," produced by the Milwaukee Police Department, Milwaukee County District

Attorney's Office, FBI and U.S. Attorney's Office. That report cited evidence of more than 100 individual instances of suspected double-voting, voting in the name of persons who likely did not vote, and/or voting using a name believed to be fake.

Voter intimidation is also a topic of some debate, because there is little agreement on what constitutes actionable voter intimidation. Some studies and reports cover only intimidation that involves physical or financial threats, while others cover non-criminal intimidation, even legal practices, that allege suppression of the vote.

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One point of agreement is that absentee voting and voter registration by third-party groups create opportunities for fraud. A number of studies cited circumstances in which voter registration drives have falsified voter registration applications or have destroyed voter registration applications of voters of a certain party. Others conclude that paying persons per voter registration application creates the opportunity and perhaps the incentive for fraud.

Interviews with Experts

In addition to reviewing prior studies and reports on voter fraud and intimidation, EAC consultants interviewed a number of persons regarding their experiences and research of voter fraud and voter intimidation. Persons interviewed included:

Wade Henderson
Executive Director,
Leadership Conference for Civil Rights

Pat Rogers
Attorney, New Mexico

Wendy Weiser
Deputy Director,
Democracy Program, The Brennan
Center

Rebecca Vigil-Giron
Secretary of State, New Mexico

William Groth
Attorney for the plaintiffs in the Indiana
voter identification litigation

Sarah Ball Johnson
Executive Director,
State Board of Elections, Kentucky

Lori Minnite
Barnard College, Columbia University

Stephen Ansolobhere
Massachusetts Institute of Technology

Neil Bradley
ACLU Voting Rights Project

Chandler Davidson
Rice University

Nina Perales
Counsel,
Mexican American Legal Defense and
Education Fund

Tracey Campbell
Author, *Deliver the Vote*

Douglas Webber
Assistant Attorney General, Indiana

Heather Dawn Thompson

Director of Government Relations,
National Congress of American Indians

Kevin Kennedy
Executive Director
State Board of Elections, Wisconsin

Jason Torchinsky
Assistant General Counsel,
American Center for Voting Rights

Evelyn Stratton
Justice
Supreme Court of Ohio

Robin DeJarnette
Executive Director,
American Center for Voting Rights

Tony Sirvello
Executive Director
International Association of Clerks,
Recorders, Election Officials and
Treasurers

Harry Van Sickle
Commissioner of Elections,
Pennsylvania

Joseph Rich
Former Director
Voting Section, Civil Rights Division
U.S. Department of Justice

Joseph Sandler
Counsel
Democratic National Committee

Craig Donsanto
Director, Public Integrity Section
U.S. Department of Justice

John Ravitz
Executive Director
New York City Board of Elections

John Tanner
Director
Voting Section, Civil Rights Division
U.S. Department of Justice

Sharon Priest
Former Secretary of State, Arkansas

These interviews in large part confirmed the conclusions that were gleaned from the articles, reports and books that were analyzed. For example, the interviewees largely agreed that absentee balloting is subject to the greatest proportion of fraudulent acts, followed by vote buying and voter registration fraud. They similarly pointed to voter registration drives by third-party groups as a source of fraud, particularly when the workers are paid per registration. Many asserted that impersonation of voters is probably the least frequent type of fraud because it was the most likely type of fraud to be discovered and due to the stiff penalties associated with this type of fraud.

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Interviewees differed on what they believe constitutes actionable voter intimidation. Law enforcement and prosecutorial agencies tend to look to the criminal definitions of voter intimidation, which generally require some threat of physical or financial harm. On the other hand, voter rights advocates tended to point to activities such as challenger laws, voter identification laws, polling place locations, and distribution of voting machines as activities that can constitute voter intimidation.

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Those interviewed also expressed opinions on the enforcement of voter fraud and voter intimidation laws. States have varying authorities to enforce these laws. In some states,

enforcement is left to the county or district attorney, and in others enforcement is managed by the state’s attorney general. Regardless, voter fraud and voter intimidation are difficult to prove and require resources and time that many local law enforcement and prosecutorial agencies do not have. Federal law enforcement and prosecutorial agencies have more time and resources but have limited jurisdiction and can only prosecute crimes related to elections involving federal candidates. Those interviewed differed on the effectiveness of the current system of enforcement, including those who allege that prosecutions are not sufficiently aggressive and those who feel that the current laws are sufficient for prosecuting fraud and intimidation.

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A summary of the each of the interviews conducted is attached as Appendix “ ___”.

Case Law and Statutes

Consultants reviewed more than 40,000 cases that were identified using a series of search terms related to voter fraud and voter intimidation. The majority of these cases came from appeal courts. This is not surprising, since most cases that are publicly reported come from courts of appeal. Very few cases that are decided at the district court level are reported for public review.

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Very few of the identified cases were applicable to this study. Of those that were applicable, no apparent thematic pattern emerged. However, it did seem (WHY DID IT “SEEM” THIS WAY? IS THERE EVIDENCE?) that the greatest number of cases reported on fraud and intimidation have shifted from past patterns of stealing votes to present problems with voter registration, voter identification, the proper delivery and counting of absentee and overseas ballots, provisional voting, vote buying, and challenges to felon eligibility.

A listing of the cases reviewed in this study is attached as Appendix “ ___”.

Media Reports

EAC consultants reviewed thousands of media reports concerning a wide variety of potential voter fraud or voter intimidation, including:

- absentee ballot fraud,
- voter registration fraud,
- voter intimidation and suppression,
- deceased voters,
- multiple voting,
- felons voting,
- non-citizens voting,
- vote buying,
- deceptive practices, and
- fraud by election officials.

While these reports showed that there were a large number of allegations of voter fraud and voter intimidation, they provided much less information as to whether the allegations were ever formalized as complaints to law enforcement, whether charges were filed, whether prosecutions ensued, and whether any convictions were made. The media reports were enlightening as to the pervasiveness of complaints of fraud and intimidation throughout the country, the correlation between fraud allegations and the perception that the state was a “battleground” or “swing” state, and the fact that there were reports of almost all types of voter fraud and voter intimidation. However, these reports do not provide much data for analysis as to the number of complaints, charge and prosecutions of voter fraud and intimidation throughout the country.

DEFINITION OF ELECTION CRIMES

From our study of available information on voter fraud and voter intimidation, we have learned that these terms mean many things to many different people. These terms are used casually to refer to anything from vote buying to refusing to register a voter to falsifying voter registration applications. Upon further inspection, however, it is apparent that there is no common understanding or agreement of what constitutes “voter fraud” and “voter intimidation.” Some think of voter fraud and voter intimidation only as criminal acts, while others include actions that may constitute civil wrongs, civil rights violations, and even legal and appropriate activities. To arrive at a common definition and list of activities that can be studied, EAC assessed the appropriateness of the terminology that is currently in use and applied certain factors to limit the scope and reach of what can and will be studied by EAC in the future.

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New Terminology

The phrase “voter fraud” is really a misnomer for a concept that is much broader. “Fraud” is a concept that connotes an intentional act of deception, which may constitute either a criminal act or civil tort depending upon the willfulness of the act.

Fraud, n. 1. A knowing misrepresentation of the truth or concealment of a material fact to induce another to act to his or her detriment. • Fraud is usu. a tort, but in some cases (esp. when the conduct is willful) it may be a crime.

Black’s Law Dictionary, Eighth Edition, p. 685.

A “voter” is a person who is eligible to and engages in the act of voting. Black’s Law Dictionary, Eighth Edition, p. 1608. Using these terms to form a definition of “voter fraud,” it means fraudulent or deceptive acts committed by the voter or in which the voter is the victim. Thus, a voter who intentionally provides false information on a voter registration application or intentionally impersonates another registered voter and attempts to vote for that person would be committing “voter fraud.” Similarly, a person who knowingly provides false information to a voter about the location of the voter’s polling place commits fraud on the voter.

The phrase “voter fraud” does not capture a myriad of other criminal acts that are related to elections which are not perpetrated by the voter and/or do not involve an act of deception. For example, “voter fraud” does not capture actions or willful inaction by candidates and election workers. When an election official willfully and knowingly refuses to register to vote a legally eligible person it is a crime. This is a crime that involves neither the voter nor an act of deception.

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To further complicate matters, the phrases “voter fraud” and “voter intimidation” are used to refer to actions or inactions that are criminal as well as those that are potentially civil wrongs and even those that are legal. Obviously, criminal acts and civil wrongs are pursued in a very different manner. Criminal acts are prosecuted by the local, state or federal government. Generally, civil wrongs are prosecuted by the individual who believes that they were harmed. In some cases, when civil rights are involved, the civil division of the Department of Justice may become involved.

The goal of this study was to develop a common definition of what is generically referred to as “voter fraud” and “voter intimidation” that would serve as the basis of a future, comprehensive study of the existence of these problems. In order to meet that goal, we recognize that the current terminology does not accurately represent the spectrum of activities that we desire to study. Furthermore, we recognize that the resources, both financial and human capital, needed to study allegations and prosecutions of criminal acts, suits involving civil torts, and allegations of potential voter suppression through the use of legal election processes are well beyond the resources available to EAC. As such, EAC has defined “election crimes,” a phrase that captures all crimes related to the voter registration and voting processes.

The Definition of an Election Crime for Purposes of this Study

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Election crimes are intentional acts or willful failures to act, prohibited by state or federal law, that are designed to cause ineligible persons to participate in the election process; eligible persons to be excluded from the election process; ineligible votes to be cast in an election; eligible votes not to be cast or counted; or other interference with or invalidation of election results. Election crimes generally fall into one of four categories: acts of deception, acts of coercion, acts of damage or destruction, and failures or refusals to act.

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Generally speaking, election crimes can be committed by voters, candidates, election officials, or any other members of the public who desire to criminally impact the result of an election. However, crimes that are based upon intentional or willful failure to act assume that a duty to act exists. Election officials have affirmative duties to act with regard to elections. By and large, other groups and individuals do not have such duties.

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The victim of an election crime can be a voter, a group of voters, an election official, a candidate, or the public, in general. Election crimes can occur during any stage of the election process, including but not limited to qualification of candidates; voter registration; campaigning; voting system preparation and programming; voting either early, absentee, or election day; vote tabulation; recounts; and recalls.

The following are examples of activities that may constitute election crimes. This list is not intended to be exhaustive, but is representative of what states and the federal government consider criminal activity related to elections.

Acts of Deception

- Knowingly causing to be mailed or distributed, or knowingly mailing or distributing, literature that includes false information about the voter’s precinct or polling place, the date and time of the election or a candidate;
- Possessing an official ballot outside the voting location, unless the person is an election official or other person authorized by law or local ordinance to possess a ballot outside of the polling location;
- Making, or knowingly possessing, a counterfeit of an official election ballot;
- Signing a name other than his/her own to a petition proposing an initiative, referendum, recall, or nomination of a candidate for office;
- Knowingly signing more than once for the proposition, question, or candidate at one election;
- Signing a petition proposing an initiative or referendum when the signer is not a qualified voter.
- Voting or attempting to vote in the name of another person;
- Voting or attempting to vote more than once during the same election;
- Intentionally making a false affidavit, swearing falsely, or falsely affirming under an oath required by a statute regarding their voting status, including when registering to vote, requesting an absentee ballot or presenting to vote in person;
- Registering to vote without being entitled to register;
- Knowingly making a material false statement on an application for voter registration or re-registration; and
- Voting or attempting to vote in an election after being disqualified or when the person knows that he/she is not eligible to vote.

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Acts of Coercion

- Using, threatening to use, or causing to be used force, coercion, violence, restraint, or inflicting, threatening to inflict, or causing to be inflicted damage harm, or loss, upon or against another person to induce or compel that person to vote or refrain from voting or to register or refrain from registering to vote;
- Knowingly paying, offering to pay, or causing to be paid money or other thing of value to a person to vote or refrain from voting for a candidate or for or against an election proposition or question;
- Knowingly soliciting or encouraging a person who is not qualified to vote in an election;
- Knowingly challenging a person’s right to vote without probable cause or on fraudulent grounds, or engaging in mass, indiscriminate, and groundless challenging of voters solely for the purpose of preventing voter from voting or delay the process of voting;

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- As an employer, attempting by coercion, intimidation, threats to discharge or to lessen the remuneration of an employee, to influence his/her vote in any election, or who requires or demands an examination or inspection by himself/herself or another of an employee's ballot;
- Soliciting, accepting, or agreeing to accept money or other valuable thing in exchange for signing or refraining from signing a petition proposing an initiative;
- Inducing or attempting to induce an election official to fail in the official's duty by force, threat, intimidation, or offers of reward;
- Directly or through any other person advancing, paying, soliciting, or receiving or causing to be advanced, paid, solicited, or received, any money or other valuable consideration to or for the use of any person in order to induce a person not to become or to withdraw as a candidate for public office; and
- Soliciting, accepting, or agreeing to accept money or other thing of value in exchange for registering to vote.

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Acts of Damage or Destruction

- Removing or destroying any of the supplies or other conveniences placed in the voting booths or compartments;
- Removing, tearing down, or defacing election materials, instructions or ballots;
- Fraudulently altering or changing the vote of any elector, by which such elector is prevented from voting as the person intended;
- Knowingly removing, altering, defacing or covering any political sign of any candidate for public office for a prescribed period prior to and following the election;
- Intentionally changing, attempting to change, or causing to be changed an official election document including ballots, tallies, and returns; and
- Intentionally delaying, attempting to delay, or causing to be delayed the sending of certificate, register, ballots, or other materials whether original or duplicate, required to be sent by jurisdictional law.

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Failure or Refusal to Act

- Intentionally failing to perform an election duty, or knowingly committing an unauthorized act with the intent to effect the election;
- Knowingly permitting, making, or attempting to make a false count of election returns;
- Intentionally concealing, withholding, or destroying election returns or attempts to do so;
- Marking a ballot by folding or physically altering the ballot so as to recognize the ballot at a later time;
- Attempting to learn or actually and unlawfully learning how a voter marked a ballot;
- Distributing or attempting to distribute election material knowing it to be fraudulent;

- o Knowingly refusing to register a person who is entitled to register under the rules of that jurisdiction;
- o Knowingly removing the eligibility status of a voter who is eligible to vote; and
- o Knowingly refusing to allow an eligible voter to cast his/her ballot.

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What is not an Election Crime for Purposes of this Study

There are some actions or inactions that may constitute crimes or civil wrongs that we do not include in our definition of “election crimes.” All crimes or civil violations related to campaign finance reporting either at the state or federal level are not “election crimes” for purposes of this study and any future study conducted by EAC. Similarly, criminal acts that are unrelated to elections, voting, or voter registration are not “election crimes,” even when those offenses occur in a polling place, voter registration office, or a candidate’s office or appearance. For example, an assault or battery that results from a fight in a polling place or at a candidate’s office is not an election crime. Similarly, violations of ethical provisions such as the Hatch Act are not “election crimes,” and actions that do not rise to the level of criminal activity, such as a misdemeanor, relative felony or felony, are not “election crimes.”

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RECOMMENDATIONS ON HOW TO STUDY ELECTION CRIMES

As a part of its study, EAC sought recommendations on ways that EAC can research the existence of election crimes. EAC consultants, the working groups and some of the persons interviewed as a part of this study provided the following recommendations.

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Recommendation 1: Conduct More Interviews

Future activity in this area should include conducting additional interviews. In particular, more election officials from all levels of government, parts of the country, and political parties should be interviewed. It would also be especially beneficial to talk to law enforcement officials, specifically federal District Election Officers (“DEOs”) and local district attorneys, as well as civil and criminal defense attorneys.

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Recommendation 2: Follow Up on Media Research

The media search conducted for this phase of the research was based on a list of search terms agreed upon by EAC consultants. Thousands of articles were reviewed and hundreds analyzed. Many of the articles contained allegations of fraud or intimidation. Similarly, many of the articles contained information about investigations into such activities or even charges brought. (THIS SENTENCE CONTRADICTS WHAT WAS SAID EARLIER ABOUT THE LACK OF MEDIA ARTICLES ON FOLLOW UP.) Additional media research should be conducted to determine what, if any, resolutions or further activity there was in each case.

Recommendation 3: Follow Up on Allegations Found in Literature Review

Many of the allegations made in the reports and books that were analyzed and summarized by EAC consultants were not substantiated and were certainly limited by the date of publication of those pieces. Despite this, such reports and books are frequently cited by various interested parties as evidence of fraud or intimidation. Further research should include follow up on the allegations discovered in the literature review.

Recommendation 4: Review Complaints Filed With “ MyVote1” Voter Hotline

During the 2004 election and the statewide elections of 2005, the University of Pennsylvania led a consortium of groups and researchers in conducting the MyVote1 Project. This project involved using a toll-free voter hotline that voters could call for poll locations, be transferred to a local hotline, or leave a recorded message with a complaint. In 2004, this resulted in more than 200,000 calls received and more than 56,000 recorded complaints.

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Further research should be conducted using the MyVote1 data with the cooperation of the project leaders. While perhaps not a fully scientific survey given the self-selection of the callers, the information regarding 56,000 complaints may provide insight into the problems voters may have experienced, especially issues regarding intimidation or suppression.

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Recommendation 5: Further Review of Complaints Filed With U.S. Department of Justice

According to a recent GAO report, the Voting Section of the Civil Rights Division of the Department of Justice has a variety in ways it tracks complaints of voter intimidation. Attempts should be made to obtain relevant data, including the telephone logs of complaints and information from the Interactive Case Management (ICM) system. Further research should also include a review and analysis of the DOJ/OPM observer and “monitor field reports” (NOT SURE WHAT THIS MEANS) from Election Day.

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Recommendation 6: Review Reports Filed By District Election Officers

Further research should include a review of the reports that must be filed by every District Election Officer to the Public Integrity Section of the Criminal Division of the Department of Justice. The DEOs play a central role in receiving reports of voter fraud and investigating and pursuing them. Their reports back to the Department would likely provide tremendous insight into what actually transpired during the last several elections. Where necessary, information could be redacted or made confidential.

Recommendation 7: Attend Ballot Access and Voting Integrity Symposium

Further activity in this area should include attending the next Ballot Access and Voting Integrity Symposium. At this conference, prosecutors serving as District Election Officers in the 94 U.S. Attorneys’ Offices obtain annual training on fighting election fraud and voting rights abuses. These conferences are sponsored by the Voting Section of

the Civil Rights Division and the Public Integrity Section of the Criminal Division, and feature presentations by Civil Rights officials and senior prosecutors from the Public Integrity Section and the U.S. Attorneys’ Offices. By attending the symposium researchers could learn more about the following: how District Election Officers are trained; how information about previous election and voting issues is presented; and how the Voting Rights Act, the criminal laws governing election fraud and intimidation, the National Voter Registration Act, and the Help America Vote Act are described and explained to participants.

Recommendation 8: Conduct Statistical Research

EAC should measure voter fraud and intimidation using interviews, focus groups, and a survey and statistical analysis of the results of these efforts. The sample should be based on the following factors:

- o Ten locations that are geographically and demographically diverse where there have been many reports of fraud and/or intimidation;
- o Ten locations (geographically and demographically diverse) that have not had many reports of fraud and/or intimidation;

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EAC should also conduct a survey of elections officials, district attorneys, and district election officers. (WHAT WOULD WE SURVEY THEM ABOUT?) The survey sample should be large in order to be able to get the necessary subsets, and it must include a random set of counties where there have and have not been a large number of allegations.

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Recommendation 9: Explore Improvements to Federal Law

Future researchers should review federal law to explore ways to make it easier to impose either civil or criminal penalties for acts of intimidation that do not necessarily involve racial animus and/or a physical or economic threat.

Recommendation 10: Use Observers to Collect Data on Election Day

Use observers to collect data regarding fraud and intimidation at the polls in on Election Day. There may be some limitations to the ability to conduct this type of research, including difficulty gaining access to polling places for the purposes of observation.

Recommendation 11: Study Absentee Ballot Fraud

Because absentee ballot fraud constitutes a large portion of election crimes, a stand-alone study of absentee ballot fraud should be conducted. Researchers should look at actual cases to see how absentee ballot fraud schemes are conducted in an effort to provide recommendations on more effective measures for preventing fraud when absentee ballots are used.

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Recommendation 12: Use Risk Analysis Methodology to Study Fraud

Conduct an analysis of what types of fraud people are most likely to commit. Researchers will use that risk analysis to rank the types of fraud based on the “ease of commission” (WHAT DOES THIS MEAN?) and the impact of the fraud.

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Recommendation 13: Conduct Research Using Database Comparisons

Researchers should compare information on databases to determine whether the voter rolls contain deceased persons and felons. In addition, the voter rolls can then be compared with the list of persons who voted to determine whether a vote was recorded by someone who is deceased or if felons actually voted.

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Recommendation 14: Conduct a Study of Deceptive Practices

The working group discussed the increasing use of deceptive practices, such as flyers and phone calls with false and/or intimidating information, to suppress voter participation. A number of groups, such as the Department of Justice, the EAC, and organizations such as the Lawyers Committee for Civil Rights, keep phone logs regarding complaints of such practices. These logs should be reviewed and analyzed to see how and where such practices are being conducted and what can be done about them.

Recommendation 15: Study Use of HAVA Administrative Complaint Procedure as Vehicle for Measuring Fraud and Intimidation

EAC should study the extent to which states are utilizing the administrative complaint procedure mandated by HAVA. In addition, the EAC should study whether data collected through the administrative complaint procedure can be used as another source of information for measuring fraud and intimidation.

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Recommendation 16: Examine the Use of Special Election Courts

Given that many state and local judges are elected, it may be worth exploring whether special election courts should be established to handle fraud and intimidation complaints before, during, and after Election Day. Pennsylvania employs such a system and could investigate how well that system is working.

Accepted Recommendations

There has never been a comprehensive study that gathered data regarding all claims, charges, and prosecutions of voting crimes. EAC feels that a comprehensive study is the most important research that it can offer the election community and the public. As such, EAC has adopted all or a part of six of the 16 recommendations made by EAC consultants and the working group.

While several of the other recommendations could be used to obtain more anecdotal information regarding election crimes, EAC believes that what is needed is a

comprehensive survey and study of the information available from investigatory agencies, prosecutorial bodies and courts on the number and types of complaints, charges and prosecutions of election crimes. Additional media reviews, additional interviews and the use of observers to collect information from voters on Election Day will only serve to continue the use of anecdotal data to report on election crimes. Hard data on complaints, charges and prosecutions exists and we should gather and use that data, rather than rely on the perceptions of the media or the members of the public as to what might be fraud or intimidation.

Some of the recommendations are beyond the scope of the current study. While election courts may be a reasonable conclusion to reach after we determine the volume and type of election crimes being reported, charged or prosecuted, it is premature to embark on an analysis of that solution without more information. Last, some of the recommendations do not support a comprehensive study of election crimes. While a risk analysis might be appropriate in a smaller scale study, EAC desires to conduct a broader survey to avoid the existing problem of anecdotal and limited scope of information.

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In order to further its goal of developing a comprehensive data set regarding election crimes, EAC intends to engage in the following research activities in studying the existence and enforcement of election crimes:

Survey Chief Election Officers Regarding Administrative Complaints

Likely sources of complaints concerning voting crimes are the administrative complaint processes that states were required to establish as a part of complying with HAVA. Those complaint procedures were required to be in place prior to a state receiving any funds under HAVA. Citizens are permitted to file complaints under those procedures with the state's chief election official, and those complaints must be resolved within 60 days. The procedures also allow for alternative dispute resolution of claims.

In order to determine how many of these complaints allege the commission of election crimes, EAC will survey the states' chief election officers regarding complaints that have been filed, investigated, and resolved since January 1, 2004. EAC will use the definition of election crimes provided above in this report in its survey so that data regarding a uniform set of offenses will be collected.

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Survey State Election Crime Investigation Units Regarding Complaints Filed and Referred

Several chief state election officials have developed investigation units focused on receiving, investigating, and referring complaints of election crimes. These units were established to bolster the abilities of state and local law enforcement to investigate allegations of election crimes. California, New York and Florida are just three examples of states that have these types of units.

EAC will use a survey instrument to gather information on the numbers and types of complaints that have been received by, investigated, and ultimately referred to local or state law enforcement by election crime investigation units since January 1, 2004. These data will help us understand the pervasiveness of perceived fraud, as well as the number of claims that state election officials felt were meritorious of being referred to local and state law enforcement or prosecutorial agencies for further action.

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Survey Law Enforcement and Prosecutorial Agencies Regarding Complaints and Charge of Voting Crimes

While voters, candidates and citizens may call national hotlines or the news media to report allegations of election crimes, it is those complaints that are made to law enforcement that can be investigated and ultimately prosecuted. Thus, it is critical to the study of election crimes to obtain statistics regarding the number and types of complaints that are made to law enforcement, how many of those complaints result in the perpetrator being charged or indicted, and how many of those charges or indictments result in pleas or convictions.

Thus, EAC will survey law enforcement and prosecutorial agencies at the local, state and federal level to determine the number and types of complaints, charges or indictments, and pleas or convictions of election crimes since January 1, 2004. In addition, EAC will seek to obtain an understanding of why some complaints are not charged or indicted and why some charges or indictments are not prosecuted.

Analyze Survey Data in Light of State Laws and Procedures

Once a reliable data set concerning the existence and enforcement of election crimes is assembled, a real analysis of the effectiveness of fraud prevention measures can be conducted. For example, data can be analyzed to determine if criminal activities related to elections are isolated to certain areas or regions of the country. Data collected from the election official surveys can be compared to the data regarding complaints, charges and prosecutions gathered from the respective law enforcement and prosecutorial agencies in each jurisdiction. The effect and/or effectiveness of provisions such as voter identification laws and challenger provisions can be assessed based on hard data from areas where these laws exist. Last, analyses such as the effectiveness of enforcement can be conducted in light of the resources available to the effort.

CONCLUSION

Election crimes are nothing new to our election process. The pervasiveness of these crimes and the fervor with which they have been enforced has created a great deal of debate among academics, election officials, and voters. Past studies of these issues have been limited in scope and some have been riddled with bias. These are issues that deserve comprehensive and nonpartisan review. EAC, through its clearinghouse role, will collect and analyze data on election crimes throughout the country. These data not only will tell us what types of election crimes are committed and where fraud exists, but

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| also inform us of what factors impact the existence, prevention, and prosecution of election crimes.

Margaret Sims/EAC/GOV

10/13/2006 04:18 PM

To Jeannie Layson/EAC/GOV@EAC

cc twilkey@eac.gov

bcc

Subject Research Project Descriptions

Jeannie:

Here are the changes I suggested for the Vote Count-Recount and the Voting Fraud-Voter Intimidation research projects. I don't think they will help the current situation much, as the original VF-VI description already stated that it is preliminary research. As it is preliminary research, we did not expect that it would provide a total picture of voting fraud and voter intimidation in this country. We just wanted to get some sense of what is going on, and a better idea of the direction future EAC research on the subject should take. To ensure that the research would be balanced, we had consultants and project working group members from opposing sides of the political spectrum.

According to folks intimately familiar with the development of HAVA, disputes over the extent to which voting fraud and voter intimidation existed caused Congress to add the study of these subjects to EAC's list of research projects. Given the nature of the subject (most offenders try to hide their activities, sufficient evidence is hard come by with some types of activity, and prosecution of offenses may not occur for political or budgetary reasons), it is doubtful that we will ever have completely reliable statistics on occurrences of voting fraud and voter intimidation, but we may be able to obtain better statistics than anyone else has. And we should be able to identify where in the voting process most offenses tend to occur and to explore alternatives for addressing vulnerabilities that leave the process open to corruption.
--- Peggy



Rev Descriptions for Web Site Descriptions of Vote Counts- Recounts and Voting Fraud Research 9-6-06.doc

014826

Vote Counts and Recounts

Section 241(b)(13) of HAVA allows EAC to study the laws and procedures used by each state that govern recounts of ballots cast in elections for Federal office, contests of determinations regarding whether votes are counted in such elections, and standards that define what will constitute a vote on each type of voting equipment used in the state to conduct elections for Federal office. The law also authorizes EAC to identify best practices that are used by States for recounts and contests. Consequently, in FY 2005, EAC began conducting research to develop best practices on vote count and recount laws and procedures. A major tasks associated with this research is the review of literature for methodologies used to establish best practices and developing definitions of what constitutes a best practice with respect to vote counts, recounts, and election contests. Major tasks specifically associated with the vote count research include: (1) reviewing and analyzing data collected on definitions of what constitutes a vote for each state by voting system, including processes for handling and counting ballots, provisions for observing the count, types of accounting and auditing procedures used to ensure an accurate accounting of each ballot cast, and time periods provided between unofficial election night tallies and certification of official results; (2) drafting a comprehensive report that includes the data analysis and state-by-state summary of definitions of what constitutes a vote for each voting system and the laws and procedures used to tally ballots; and (3) identifying best practices related to vote counting. Major tasks specifically associated with recount and election contest research include: (1) reviewing and analyzing states' recount and contest laws and procedures; (2) drafting a comprehensive report that includes the data analysis and the State-by-State summary of recount and contest laws and procedures; and (3) identifying best practices with respect to recounts and election contests. After conducting the research, EAC will provide election officials throughout the country with recommended best practices for vote counts recounts, and cotested elections; however, jurisdictions may not be permitted to implement these practices until their State election authority or their State legislature has determined which are appropriate to implement in the State.

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Voting Fraud and Voter Intimidation

Sections 241(b)(6) and (7) allow EAC to conduct and make available to the public studies regarding nationwide statistics and methods of identifying, deterring, and investigating voting fraud in election for Federal office; and identifying, deterring, and investigating methods of voter intimidation. Building on this reference to studies of voting fraud and voting intimidation, EAC is conducting preliminary research on these issues. Activities include: (1) identifying what constitutes voting fraud and voter intimidation affecting Federal elections; (2) performing background research, including Federal and state-by-state administrative and case law review related to voting fraud and voter intimidation and a review of current voting fraud and voter intimidation activities taking place with key government agencies and civic and advocacy organizations; (3) identifying and convening a working group of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation; and (4) writing a report summarizing the key findings, including suggestions for specific EAC activities to address these topics.

014827



Paul DeGregorio /EAC/GOV

09/28/2006 11:29 PM

To Juliet E. Thompson/EAC/GOV, Jeannie Layson/EAC/GOV

cc

bcc

Subject latest version

The version of my speech I sent earlier was not the latest one. The correct one is attached. Sorry.



Speech on Fraud intimidation Sept 29 06 Salt Lake City.doc

Paul DeGregorio

Chairman

US Election Assistance Commission

1225 New York Ave, NW

Suite 1100

Washington, DC 20005

1-866-747-1471 toll-free

202-566-3100

202-566-3127 (FAX)

pdegregorio@eac.gov

www.eac.gov

014828

**Remarks by Paul DeGregorio
Chairman, US Election Assistance Commission
Voter Fraud/Intimidation Conference – Salt Lake City, Utah
Center for Public Policy & Administration
September 29, 2006**

Good afternoon, ladies and gentlemen. My name is Paul DeGregorio and I am the Chairman of the U.S. Election Assistance Commission. I would like to extend my thanks to Michael Alvarez, Thad Hall and Susan Hyde for organizing this conference and for inviting me to speak with you this afternoon.

My remarks today will focus on Voter Fraud and Voter Intimidation and how HAVA and the EAC address these issues.

The subject of voter fraud and voter intimidation can be a highly contentious issue. Since the 2004 election there has been a lot of discourse and writing about what constitutes election fraud and voter intimidation and how prevalent each may be in our society. While there are no clear numbers on the incidents of voter fraud and voter intimidation, what is clear is that the many groups are concerned about both issues and it is imperative that we continue to study and address them.

As you know, the EAC was created by The Help America Vote Act or "HAVA". HAVA represents the first major piece of federal legislation on national election reforms. Among other provisions, Section 241 of HAVA requires the EAC to conduct research on election administration issues. Among the tasks the EAC is to execute is the development of nationwide statistics and

014829

methods of identifying, deterring, and investigating voting fraud and voter intimidation in elections for Federal office.

In September of 2005 the Commission hired consultants to begin a study of voting fraud and voter intimidation. This research project is charged with the development of a clear definition of what constitutes voting fraud and voter intimidation in Federal elections; identifying current activities of key government agencies, civic advocacy groups, and other organizations regarding these topics; the establishment of a working group of experts to discuss these issues; and production of a report to the EAC summarizing the findings that includes recommendations for future research if any. Our staff is reviewing the report that was submitted to the EAC last month and we expect to share our findings in the near future.

The lack of any solid statistics regarding voter fraud and intimidation can be attributed to two major factors. First is because there is wide disagreement about the definitions for the terms "fraud" and "intimidation." Some only consider it fraud if it falls under the criminal definitions of fraud. While others consider any form of an ineligible voter attempting to vote as fraud. I have even had it suggested to me that election officials who allow voters to cast ballots on touch screen machines without a voter-verified paper trail is election fraud. If that's the case, then we have a whole lot of fraud occurring out there.

The term intimidation is also wrought with ambiguity. Some only consider it intimidation if there is a physical or mental advantage of one party over the other, while others consider any difficulty in

the voting process as being intimidation. Because of these definitional differences there has been no clear way to study the amount of fraud or intimidation because everyone is using a different definition to help shape the statistics.

Also skewing the statistics about election fraud and voter intimidation is the political agenda or bias from both sides that accompanies much of the literature about the topic. Oftentimes we see fiery rhetoric on this issue that appears to me to want to “scare” people into voting or not voting. As a result of this political bias and the ambiguity that accompanies the terms “fraud” and “intimidation,” it is difficult to know when something has risen to the level to be considered fraud or simply is an accusation with no backing.

HAVA has several provisions that not only help to combat fraud but also make voting easier. Most notably section 303 of HAVA which requires each state to create “... a single, uniform, official, centralized, interactive, computerized statewide voter registration list...” This database is to be maintained at the state level and is to contain the name and registration information of every legally registered voter in the State.

The Statewide voter registration database is to serve as the single system for storing and managing the official list of registered voters throughout the state. It will be coordinated with other agencies databases within the state in order to insure the residence status of the voter.

The Statewide Voter Database serves a very important and specific function. It helps to prevent opportunities for fraud by allowing state election officials to check their registration information against the databases of other agencies in order to insure the status of the voters. Under HAVA, state election officials are given the right to remove those names that have been checked against state agency death records. Used correctly and efficiently, this would clearly help eliminate the problem of the use of a deceased person's name to vote or allow authorities to go after those who sign a dead person's name in the initiative or candidate petition process.

Also in section 303 of HAVA, State election officials are required to regularly update the registration list, removing only those individuals who are ineligible to vote in that election while updating the status of those eligible to vote. It is in this way that HAVA is helping to eliminate opportunities for fraud by eliminating ineligible voters from registration lists, while easing the process for those voters who are eligible.

One issue that has become particularly contentious is the issue of voter identification to combat voter fraud. As many of you know voter identification laws have lead to suits in Georgia, Indiana, Missouri, Ohio and Arizona with more to follow as states pass more identification laws.

In 2005-2006 the EAC commissioned research on voter identification practices in the 2004 election. To the surprise of no one the study found a lot of disagreement regarding the need for

voter identification laws and the way these laws should be applied.

Those in favor of voter identification laws argue that their goal is to ensure that only those legally entitled to vote do so, and do so only once at each election. They propose stricter voter identification requirements to prevent one form of voter fraud -- that being multiple voting or voting by those who are not eligible.

However, opponents argue that stricter ID laws interfere with legitimate voter's access to the ballot. They fear that some voters may lack convenient access to the required ID documents. Both sides assert that their policy will engender faith in the electoral process among citizens.

At the heart of this entire debate is the balance that needs to be struck between allowing those who are eligible to vote the ability to vote while preventing those who are not eligible to vote from voting.

From my own personal experience in traveling the world to improve the election process, especially in emerging democracies in Eastern Europe, Africa and Asia, I witnessed little, if any, resistance to ID requirements, including photo ID requirements. Indeed, I believe the Carter-Baker Commission has cited this phenomenon in their recommendations on this issue. In the recent Presidential election in Haiti, which is the poorest country in the Western Hemisphere, voters were required to show a photo ID to cast ballots. Statistics provided by IFES showed that over 3 million Haitian citizens, or about 80% of the voting age population,

014833

registered to vote at centers that took their picture and fingerprints, and that produced the ID they used on Election Day. These IDs were paid for by the Organization of American States. On Election Day, 60% of the registered Haitians went to the polls, used their IDs, and cast ballots in the presidential election. By the way the 60% turnout matched the 2004 turnout in the US presidential election.

I cite this example and the Carter-Baker study to suggest that the first step that should be taken in order to find this balance is that more research needs to be conducted on the issue of voter identification. As was noted by the EAC's research, the amount of evidence available on how voter identification laws impacted both voter turnout and voter fraud is limited, at best. As more and more states implement these laws more information needs to be gathered in order to discover if these laws are preventing fraud, and what their impact is on voter turnout.

Courts have also greatly disagreed on the impact of voter identification laws. A recent decision in Georgia granted a preliminary injunction to enjoin the State of Georgia from requiring photo identification to be able to cast a ballot in person. The court in reaching its decision concluded that the injury to a voter who couldn't get the proper identification in time to vote was great and could not be tolerated. The court did point out that a State has a legitimate and important interest in attempting to combat voter fraud and in turn ensure the integrity of its elections.

This case is a perfect example of the struggle that legislatures, election officials, and courts are having with the issue of voter

fraud and voter identification. Most, if not all, recognize voter fraud as something that compromises the integrity of elections, but to what level are we willing to burden the legitimate voter to prevent this fraud from occurring?

Voter intimidation also has little valuable statistical information available. Again this is because “voter intimidation” is difficult to define and has rarely been prosecuted.

Many of the accusations of voter intimidation are brought against poll workers, most of whom are unaware of the possible intimidation taking place. For instance many of the accusations of intimidation by poll workers stem from poll workers making improper demands for identification, or poll workers questioning voters in what is a manner perceived as aggressive or intimidating. The solution to this problem is simple, proper poll worker training. Through proper training poll workers will know when and how ID or other verification documents are to be presented and the proper way to question voters at the polls. Also revisions to challenger laws can bring about more clarity about appropriate challenges and therefore less accusations of voter intimidation.

As more statistics are kept and the form and frequency of voter intimidation is better understood, states will be better prepared to prevent instances of voter intimidation and further improve the integrity of their elections. The EAC will continue work in this area so that we can hopefully see less rhetoric and more voter participation and trust in our elections.

In order to further support local election officials in this crucial election year we have released quick start guides on new voting systems, voting system security and testing, and poll worker recruitment and training. These guides provide a snapshot of processes and procedures for local election administrators to use when implementing new voting systems and security and testing older ones. It includes tips on receiving and testing equipment, poll worker training, security issues, and Election Day operations. In 2007, as part of our Clearinghouse responsibilities, we plan to distribute more comprehensive and detailed guides on these same important subjects.

In addition to the research projects that we have begun regarding election fraud and intimidation, we have several other research and data collection projects underway that will provide election officials and the public with valuable data to be used to improve the integrity of our elections. Already underway are studies on a number of topics including effective designs for ballots, polling places and websites; best practices for poll worker training, recruitment and retention, a study on vote count and recount procedures and the 2006 Election Day survey.

The HAVA College Poll Worker Program has awarded a total of almost \$1 Million in grants to help recruit a new generation of poll workers. Research is underway to find the best methods to recruit train and retain college poll workers.

We are also working hard to make sure the public is kept up to date on the future of elections and how it will affect the voting process. During tenure as Chairman we have held six public

Since I will be leaving the EAC in the not-too-distant future, I would like to take a few minutes to discuss the immense accomplishments of the EAC since I became a commissioner in December of 2003:

First, we distributed the 3 billion dollars that Congress appropriated to the states to improve their voting equipment and processes. This was truly an historic event in the field of American election administration.

Also, the EAC delivered the HAVA-mandated voluntary voting system guidelines (VMSG) within proscribed the 9-month deadline. As we develop future versions of the guidelines, we will be looking into the use of new technology and devices, as well as new software that is being created for current voting systems. Next Monday we will publish in the Federal Register the draft of our new Voting System Certification Program that we expect to finalize in December. I think you will find that this program will be a lot more rigorous and transparent than anything we have ever seen before. I encourage you to review it and give us your comments.

During the past 33 months we have issued guidance to states on statewide databases, accessibility requirements and how to use HAVA funds. And our new Inspector General and his staff are working vigorously to audit and account for the funds we distributed. On a daily basis we answer questions and offer guidance for election officials throughout the USA and indeed from all over the world.

meetings throughout the country. The topics that we have covered in these meetings include: How voting systems are certified, The National Voter Registration Act, Vote Count and Recount Procedures, Poll Workers, Effective management guidelines for voting systems, effective ballot and polling place designs, better ways to serve military and other overseas voters, voter information websites, and the EAC voting system certification program. As you can see, with a staff of just 23 people--and that number includes the Commissioners--we have accomplished a great deal in our short period of existence.

Twenty one years ago, I was probably the only one in this room who was heavily engaged as a professional election administrator. I have seen a lot of change since that time and no more so than in the past 5 years. Since the passage of HAVA, the nation has experienced significant changes in the electoral process. New voting systems have been purchased, replacing the antiquated systems that had been in place for decades. New statewide databases are in place. No one should be turned away at the polls anymore as provisional voting is the law of the land. Disabled voters, elderly voters and voter with language barriers have new tools that make it easier for them to cast their ballot.

Is America better off for all this change? You bet we are. Is the system perfect and free from errors, flaws, fraud and intimation? Certainly not.

On November 7th, can voters have full trust and confidence in the election results that come out of all of these new devices, laws and procedures? In my view, they certainly can.

It's been an honor for me to have served at this historic time on this small but remarkable federal agency that touches the lives of every American. During my time on the commission, I have come to know many of you and of your deep conviction to help American improve and strengthen our system of democracy. And I want to thank you for your work and for the strong support you have given me and the commission since our start a mere 3 years ago.

You may know that during the 10 years preceding my appointment to the EAC, I worked as hard as I could to improve the election process in many emerging democracies throughout the globe. Whether it was in Congo or Cambodia, Russia or Romania, Slovakia or Sierra Leone, those 10 years were truly a wonderful opportunity that allowed me to touch the hearts and minds of many peoples, and experience firsthand the many similarities and few differences we actually have among each other in this world. I will be forever grateful to President George W. Bush for giving me the opportunity to do and experience the exact same thing in the United States of America while on the EAC. Thank you.

Margaret Sims /EAC/GOV

06/27/2006 12:12 PM

To Jeannie Layson/EAC/GOV@EAC

cc twilkey@eac.gov, Karen Lynn-Dyson/EAC/GOV@EAC

bcc

Subject U.S. News & World Report

History

✉ This message has been replied to

Jeannie

We suspect that someone from the Voting Fraud-Voter Intimidation Project Working Group has been talking to reporters, tipping them off about what we are finding in our preliminary study, and referring them to our consultants (although the information could have come from anyone on the EAC boards, too). Apparently, the U.S. News & World Report reporter who contacted me also contacted both consultants working on the project.

Based on my recommendation, Tova Wang and, possibly, Job Serebrov, who are on EAC personal services contracts for our voting fraud and voter intimidation research, will seek further clarification from you about what they can and cannot say to reporters and in public fora about vote fraud and voter intimidation and about EAC's research. I have previously advised Tova and Job not to discuss the work they are doing for us as this is EAC research, the Commissioners have not yet received and accepted the final report, and the Commission has not approved their speaking about the EAC research.

Tova plans to call you tomorrow (Tuesday, June 27) about the issue. In addition to the reporter's inquiry, she has been invited to speak on the subject at the summer conference of the National Association of State Legislatures. She has plenty of knowledge of the subject in her own right (apart from our study), but is having trouble differentiating between her own work and the work she is doing for us. Please, just let me know what you advise her to do.

— Peggy

014840

Margaret Sims /EAC/GOV
05/24/2006 03:17 PM

To "Tova Wang" <wang@tcf.org>@GSAEXTERNAL
cc Jeannie Layson/EAC/GOV@EAC, bwhitener@eac.gov
bcc
Subject Re: press interview 

Thanks for the "heads up". --- Peggy

"Tova Wang" <wang@tcf.org>



"Tova Wang"
<wang@tcf.org>
05/24/2006 02:52 PM

To psims@eac.gov
cc
Subject press interview

Hi Peg,

Just wanted to give you the heads up that I did an interview with a reporter from The Hill today on fraud. As far as I know he is simply referring to me as a fellow at TCF and I did not discuss the project in any way

Tova Andrea Wang
Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

Visit our Web site, www.tcf.org, for the latest news, analysis, opinions, and events.

[Click here](#) to receive our weekly e-mail updates.

014841

Jeannie Layson /EAC/GOV
11/21/2005 02:17 PM

To Margaret Sims/EAC/GOV@EAC
cc
bcc
Subject Re: Chair Ltr to Donsanto-DOJ 

Peg,
My suggested edits are attached.



Chair Ltr to Donsanto-DRAFT (j) edits.doc
Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

014842



Gracia Hillman/EAC/GOV

10/30/2006 01:48 PM

To Thomas R. Wilkey/EAC/GOV@EAC

cc pdegregorio@eac.gov, Ddavidson@eac.gov, Juliet E. Hodgkins/EAC/GOV@EAC, jlayson@eac.gov

bcc

Subject The "Fraud/Intimidation" Report

Tom:

In light of your announcement this morning about Peg's continued illness, I am asking who has taken the responsibility to complete EAC internal review of the information that was submitted to us by the consultants and what is the timeline for completion of that review?

I am taking far too much criticism on this to just idly sit by saying "I don't know" when EAC will release the information.

Thank you,
Gracia

014343

Jeannie Layson /EAC/GOV
10/27/2006 12:25 PM

To jthompson@eac.gov, ggilmour@eac.gov
cc
bcc
Subject Fw: FOIA Request

Here we go...

— Forwarded by Jeannie Layson/EAC/GOV on 10/27/2006 12:25 PM —



"Judith Schaeffer"
<jschaeffer@pfaw.org>
10/27/2006 12:15 PM

To jlayson@eac.gov
cc bwhitener@eac.gov
Subject FOIA Request

Dear Ms. Layson:

Attached is a FOIA request from People For the American Way that we have also sent to you today by fax. Please do not hesitate to call me if you have any questions. Thank you in advance for your assistance and cooperation.

Sincerely,

Judith E. Schaeffer
Deputy Legal Director
People For the American Way
jschaeffer@pfaw.org
202-467-2381 (ph.)
202-293-2672 (fax)



Letter from EAC Oct. 19.pdf EAC FOIA.doc

014844



U.S. ELECTION ASSISTANCE COMMISSION
1225 NEW YORK AVENUE, N.W., SUITE 1100
WASHINGTON, D.C. 20005

OFFICE OF THE CHAIRMAN

October 19, 2006

Ralph G. Neas
President, People for the American Way Foundation
2000 M Street, NW
Suite 400
Washington, DC 20036

Via Facsimile Transmission ONLY
202-293-2672

RE: October 18, 2006 Letter

Dear Mr. Neas:

Your letter of October 18, 2006 requests the release of EAC's Voter Fraud and Intimidation Report. I would like to take this opportunity to clarify the purpose and status of this study.

In late 2005, EAC hired two consultants for the purpose of assisting EAC with two things: 1) developing a uniform definition of the phrase voter fraud, and 2) making recommendations on how to further study the existence, prosecution, and means of deterring such voter fraud. In May 2006, a status report on this study was given to the EAC Standards Board and EAC Board of Advisors during their public meetings. During the same week, a working group convened to react to and provide comment on the progress and potential conclusions that could be reached from the work of the two consultants.

The conversation at the working group meeting was lively on the very points that we were trying to accomplish as a part of this study, namely what is voter fraud and how do we pursue studying it. Many of the proposed conclusions that were suggested by the consultants were challenged by the working group members. As such, the consultants were tasked with reviewing the concerns expressed at the working group meeting, conducting additional research as necessary, and providing a draft report to EAC that took into account the working group's concerns and issues.

That draft report is currently being vetted by EAC staff. EAC will release a final report from this study after it has conducted a review of the draft provided by the consultants. However, it is important to remember the purpose of this study – finding a uniform definition of voter fraud and making recommendations on how to study the existence, prosecution and deterrence of voter fraud -- as it will serve as the basis of the EAC report on this study.

Thank you for your letter. You can be assured that as soon as a final report on the fraud and intimidation study is available, a copy will be made available to the public.

Sincerely,

Paul S. DeGregorio
Chairman

Tel: (202) 566-3100 www.eac.gov Fax: (202) 566-3189
Toll free: 1 (866) 747-1471



October 27, 2006

Via email and fax

Jeannie Layson
Director of Communications
United States Election Assistance Commission
1225 New York Avenue N.W.
Suite 1100
Washington, DC 20005

Re: FOIA Request

Dear Ms. Layson:

In accordance with the Freedom of Information Act, 5 U.S.C. § 552, I am writing on behalf of People For the American Way to request a copy of a study concerning voter fraud conducted by Tova Wang and Job Serebrov and presented to the EAC in report form sometime subsequent to May 2006.

As you may know, I wrote to the EAC on October 18, 2006 on behalf of People For the American Way Foundation, asking for a copy of the report of this study. On October 19, I received a letter from Paul S. DeGregorio, Chair of the EAC, denying the request. (A copy of Mr. DeGregorio's letter is attached.) According to Mr. DeGregorio, the report was a "draft" and would not be released. However, as even Mr. DeGregorio's letter underscores, the report we are seeking is not a "draft" but rather the *authors'* report of their study of voter fraud. That the Commission may, in the words of Mr. DeGregorio, "release a final report from this study" does not make the study itself a draft. In any event, the Commission should not, and in our view cannot, withhold from public disclosure this important study, which was funded by federal taxpayers.

In accordance with FOIA, I would appreciate your furnishing the requested report to us at your earliest convenience, and no later than 20 working days from today. If you deny this request in whole or in part, please cite the specific exemption(s) that you maintain allows the Commission to withhold the release of this report in whole or in part, and, as also required by law, please release any segregable portion of the report that remains after the exempted material has been deleted. We are willing to pay the statutory fee for the copying of this report.

FOIA Request
October 27, 2006
Page 2

Please do not hesitate to call our Deputy Legal Director, Judith E. Schaeffer, if you have any questions about this request. Thank you in advance for your assistance and cooperation.

Sincerely,

A handwritten signature in cursive script that reads "Ralph G. Neas".

Ralph G. Neas
President

Encl.

014847



"chandler davidson"
<fcd@rice.edu>
04/10/2007 03:28 PM

To ghillman@eac.gov
cc
bcc
Subject Re: Eagleton Study

Gracia,

I have given the Eagleton Voter ID study a quick read.

Here are my comments (numbers refer to page numbers):

- 3. Of the scholars involved, the ones I know are very well respected by their peers.
 - 4. Of the peer review group, the ones I know are also respected and represent quite different positions on the political spectrum.
 - 6. A good statement of the tentative nature of their findings, after having clearly stated the two points of view at issue.
 - 6-7. Limitations of model made clear.
 - 10-11. Findings-and their tentative nature--elaborated on.
 - 10-12. Ideas for further research are excellent.
 - 13-15. The summary of research on determinants of turnout includes the major studies by the top-ranked people in this subspecialty within political science.
- Remainder of paper: Analysis sound and straightforward, with appropriate caveats entered. The writing, by the way, is lucid and easy to grasp by the educated lay person--something that cannot be said for many reports of this kind in government documents and academic journals!

In short, my reading of this paper leads me to believe its findings are carefully stated and fully justified, with the appropriate caveats regarding interpretation. I would be surprised if this paper, had it been submitted to a top-ranked, peer-reviewed political science journal, perhaps in abbreviated form, were not accepted for publication.

Cordially,

Chandler

Thanks. Please note that Eagleton did 2 studies for us (under one contract). One on Provisional Voting and one on Voter ID.

It is the Voter I D study that I'd appreciate you taking a look at.

Many thanks again.

Sent from my BlackBerry Wireless Handheld

014848

**U.S. ELECTION ASSISTANCE COMMISSION**1225 NEW YORK AVENUE, N.W., SUITE 1100
WASHINGTON, D.C. 20005

May 24, 2005

Mr. Keith Osterhage, Director
Office of Research and Sponsored Programs
Rutgers, The State University of New Jersey
3 Rutgers Plaza
New Brunswick, New Jersey 08901

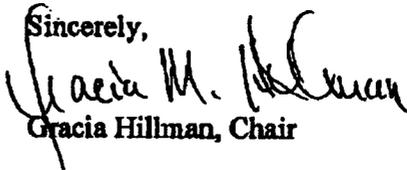
Dear Mr. Osterhage:

Enclosed is a signed contract in the amount of \$560,002.00 for the provision of research assistance to the U.S. Election Assistance Commission (EAC) for the development of voluntary guidance on provisional voting and voter identification procedures. The EAC has accepted the basic proposal submitted by the Eagleton Institute of Politics and has also elected to include the optional survey of local election officials. This proposal was evaluated as providing the best value to the government through a competitive source selection process. The proposal is incorporated by reference into the contract.

The U.S. Election Assistance Commission (EAC) was created by the Help America Vote Act of 2002 (HAVA) and is charged with assisting the States in meeting the election reform requirements mandated by this legislation. One of the EAC's principal tasks is to provide guidance to the States on the interpretation of HAVA and its requirements. The provisional voting and voter identification effort that will be supported by this contract is a major element of EAC's Fiscal Year 2005 research agenda. The objective of this work is to develop guidance on these topics that States can utilize in the 2006 election cycle.

To acknowledge your receipt and acceptance of this contract, please countersign and date below and return one copy of this letter to the attention of Carol A. Paquette, Interim Executive Director.

We look forward to working with Rutgers University and the Eagleton Institute on this very important research effort.

Sincerely,

Gracia Hillman, Chair

Keith Osterhage
Rutgers, The State University of New Jersey

May 24, 2005

CONTRACT TO PROVIDE RESEARCH ASSISTANCE TO THE EAC FOR THE DEVELOPMENT OF VOLUNTARY GUIDANCE ON PROVISIONAL VOTING AND VOTER IDENTIFICATION PROCEDURES

0.0 Background: Sec. 302(a) of HAVA requires that all States allow the casting of provisional ballots in instances where a voter declares their eligibility to vote but their name does not appear on the official list of eligible voters, or an election official asserts that a voter is not eligible to vote. This section describes several requirements for implementation of provisional voting, but the States have considerable latitude in specifying how to carry out these requirements. The EAC seeks to examine how provisional voting was implemented in the 2004 general election and to prepare guidance for the States on this topic for the 2006 Federal elections.

HAVA Sec. 303(b) mandates that first time voters who register by mail are required to show proof of identity before being allowed to cast a ballot. The law prescribes certain requirements concerning this section, but also leaves considerable discretion to the States for its implementation. The EAC seeks to examine how these voter identification requirements were implemented in the 2004 elections and to prepare guidance on this topic for the 2006 elections.

One of the remedies for a voter not having an acceptable proof of identity is to allow the voter to cast a provisional ballot, either at the polling place or by mail. This linkage between these two HAVA sections provides a rationale for conducting research on these topics in parallel. However, it is anticipated that two separate guidance documents will result.

- 1.0 Objective:** The objective of this contract is for EAC to obtain assistance with the collection, analysis and interpretation of information regarding HAVA provisional voting and voter identification requirements for the purpose of drafting guidance on these topics in time for implementation for the 2006 Federal elections. The anticipated outcome of this activity is the generation of concrete policy recommendations to be issued as voluntary guidance for States.
- 2.0 Scope:** In general the Contractor shall be responsible for all research and analysis activities, including the conduct of public hearings for fact finding and public comment purposes. However, in light of the need to get started on this work, the EAC conducted a public hearing on provisional voting on February 23, 2005.

An initial framework for provisional voting policy has been set by the court decisions rendered on the election procedures utilized in the 2004 election. The 6th Circuit decision, in particular, has drawn some boundaries which must be given

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due regard in the course of considering future policy alternatives for provisional voting.

Notice of public meetings and hearings is required to be published in the Federal Register. The Contractor shall be responsible for preparing the notice documents, and the EAC will submit the notices and cover the cost of publication. In addition, draft guidance documents must be published in the Federal Register to obtain public comment prior to their adoption. Again, the Contractor will work with the EAC to prepare the draft documents for publication, which the EAC will submit and pay for the cost of publication. Comments received will be provided to the Contractor for analysis and incorporation into the final guidance documents, as appropriate.

3.0 Specific Tasks

For ease of reference, following task 3.3 the remaining tasks are listed separately under the headings of Provisional Voting and Voter Identification Requirements. It is anticipated that the work on these two topics will be conducted essentially concurrently.

- 3.1 Update the project work plan, as required. The Contractor shall update and deliver the Project Plan not later than 10 days after contract award. This plan shall describe how the Contractor will accomplish each of the project tasks, including a timeline indicating major milestones. A single document will be prepared to include both provisional voting and voter identification tasks. The updated Project Plan shall be formally briefed to the EAC Project Manager and lead Commissioner.
- 3.2 Submit monthly progress reports. The Contractor shall submit a monthly progress report within 2 weeks of the end of each month. This report shall provide a brief summary of activities performed and indicate progress against the timeline provided in the Project Plan. Any issues that could adversely affect schedule should be identified for resolution. Budget status shall also be provided.
- 3.3 Conduct periodic briefings for the EAC. The Contractor shall periodically meet with the EAC Project Manager and the lead Commissioner for this work to discuss research findings and progress. The Project Plan should make allowance for this activity. The number and frequency of briefings will be determined by the Contractor Project Manager and the EAC Project Manager as the work progresses. The Contractor may also be required to periodically brief the full Commission on their work.

Provisional Voting

- 3.4 Collect and analyze State legislation, administrative procedures, and court cases. An understanding of the disparities and similarities of how provisional voting was implemented around the country will provide a baseline for the consideration of future approaches. Seventeen States never had provisional voting before HAVA was enacted, while many other States did. A State-by-State compendium of the legislation, procedures, and litigation reviewed shall be delivered along with the analysis results.

Topics of particular interest include the following:

- How did States prepare for the onset of the HAVA provisional ballot requirement?
- How did this vary between States that had previously had some form of provisional ballots and those that did not?
- How did litigation affect the implementation?
- How effective was provisional voting in enfranchising qualified voters?
- Did State and local processes provide for consistent counting of provisional ballots?
- Did local election officials have a clear understanding of how to implement provisional voting?

- 3.5 Recommend alternative approaches for future implementation of provisional voting. The Contractor shall conduct a literature review to identify other research results and data available on this topic. The EAC Election Day Survey, for example, contained several questions on provisional voting. The EAC will make these survey data available to the Contractor. Based on their analysis of available research and the results of Task 4.5, the Contractor shall diagnose the problems and challenges of provisional voting implementation and hypothesize alternative approaches.

The Contractor shall assess the efficacy of these alternatives in relation to the following inter-related policy objectives: (1) enabling the maximum number of eligible voters to cast ballots that will be counted; (2) providing procedural simplicity for voters, poll workers, and election officials; (3) minimizing opportunity for voter fraud; and (4) maintaining a reasonable workload for election officials and poll workers. Additional policy considerations may be identified in the course of this research effort. The Contractor shall document and brief these alternatives to the Commission.

- 3.6 Prepare preliminary draft guidance document. Based on the feedback received from the Commission, the Contractor shall prepare a draft guidance document for review and comment by the EAC Board of Advisors and Standards Board. EAC will convene a meeting or teleconference of the Boards for the discussion of this document. The Contractor shall provide the document in advance and participate in the meeting to answer questions and

record comments.

- 3.7 **Revise draft guidance for publication in the Federal Register. The Contractor shall revise the guidance document as appropriate to reflect the comments of the EAC, the Board of Advisors and the Standards Board and prepare the draft guidance for publication in the Federal Register by the EAC.**
- 3.8 **Arrange one public hearing for receiving public comment on draft guidance. This hearing should be scheduled 30 days after the initial publication date. The Contractor shall select the location in consultation with the EAC. EAC will handle publicity for the meeting.**
- 3.9 **Prepare final guidance document for EAC adoption. Review all comments received in response to Federal Register publication and at public hearing and revise guidance document as appropriate. Provide final version to EAC for adoption.**

Voter Identification Requirements

- 3.10 **Collect and analyze State legislation, administrative procedures, and court cases. It is assumed that the collection of information for analysis of voter identification requirements will be performed concurrently with the research for Task 4.5. An understanding of the disparities and similarities of how voter identification requirements were implemented around the country will provide a baseline for the consideration of future approaches. A State-by-State compendium of the legislation, procedures, and litigation reviewed shall be delivered along with the analysis results.**
- 3.11 **Convene a half day public hearing on the topic of voter identification requirements. This hearing should occur early in the research process as an informational hearing where all points of view on this topic can be aired. The Contractor shall be responsible for all aspects of planning and conducting this hearing in consultation with the EAC. The Contractor shall identify three panels of three to four speakers each. The Contractor shall arrange for speaker attendance to include travel and per diem expenses. The EAC will provide publicity for the hearing. The Contractor shall prepare a document summarizing the proceedings and containing all testimony provided.**
- 3.12 **Recommend alternative approaches for future implementation of HAVA voter identification requirements. The Contractor shall conduct a literature review to identify other research results and data available on this topic. Based on their analysis of available research and the results of Task 4.11, the Contractor shall diagnose the problems and challenges of voter identification and hypothesize alternative approaches. The Contractor shall**

coordinate with the EAC to identify appropriate policy objectives by which to assess these alternatives. The Contractor shall document and brief these alternatives to the Commission.

- 3.13 Prepare preliminary draft guidance document. Based on the feedback received from the Commission, the Contractor shall prepare a draft guidance document for review and comment by the EAC Board of Advisors and Standards Board. EAC will convene a meeting or teleconference of the Boards for the discussion of this document. The Contractor shall provide the document in advance and participate in the Board meeting to answer questions and record comments.
 - 3.14 Revise draft guidance for publication in the Federal Register. The Contractor shall revise the guidance document as appropriate to reflect the comments of the EAC, the Board of Advisors and the Standards Board and prepare the draft guidance for publication in the Federal Register by the EAC.
 - 3.15 Arrange a second public hearing for receiving public comment on the draft guidance. This hearing should be scheduled 30 days after the initial publication date. The Contractor shall select the location in consultation with the EAC. EAC will handle publicity for the hearing.
 - 3.16 Prepare final guidance document for EAC adoption. Review all comments received in response to Federal Register publication and at public hearing and revise guidance document as appropriate. Provide final version to EAC for adoption.
- 4.0 Contract Type. The contract type will be Time and Materials in the amount of \$560,002.00.
- 5.0 Place of performance. The principal place of performance will be the Contractor's place of business. Meetings and occasional work efforts may be performed at the EAC offices. Some travel will be required.
- 6.0 Period of Performance. The period of performance is from date of award until December 30, 2005.
- 7.0 Schedule of Deliverables:
1. Updated project plan – 10 days after contract award
 2. Progress reports – monthly
 3. Briefings – as required
 4. Analysis report on provisional voting, including compendium of legislation, procedures and litigation - TBD
 5. Alternatives report on provisional voting – TBD

6. Preliminary draft guidance on provisional voting - TBD
 7. Draft guidance on provisional voting for publication - 9/2005
 8. Public hearing on draft guidance - 30 days after publication
 9. Final guidance on provisional voting for EAC adoption - 10/2005
 10. Analysis report on voter identification requirements, including compendium of legislation, procedures and litigation - TBD
 11. Public hearing on voter identification requirements - TBD
 12. Summary of voter identification requirements hearing - TBD
 13. Alternatives report on voter identification requirements - TBD
 14. Preliminary draft guidance on voter identification requirements - TBD
 15. Draft guidance on voter identification requirements for publication - 11/2005
 16. Public hearing on draft guidance - 30 days after publication
 17. Final guidance on voter identification requirements to EAC for adoption - 12/2005
- 8.0 Inspection and Acceptance Criteria. Final inspection and acceptance of all work performed, reports, and other deliverables will be performed at the offices of the EAC. The Contracting Officer's Representative for this effort will be Karen Lynn-Dyson. She will review and approve all work on behalf of the Commission.
- 9.0 Invoicing. Invoices may be submitted monthly using Standard Form 1034, Public Voucher for Purchases and Services Other Than Personal. Invoices shall be mailed to the attention of Ms. Diana Scott, Administrative Officer, U.S. Election Assistance Commission, 1225 New York Avenue, N.W., Suite 1100, Washington D.C. 20005.
- 10.0 Accounting and Appropriation Data: Funds in the amount of \$560,002.00 are available for this task order.
- 11.0 General Provisions:
- 11.1 Proposal Incorporated. The Contractor's proposal is incorporated by reference into the statement of work.
 - 11.2 Inspection/Acceptance. The Contractor shall only tender for acceptance those items that conform to the requirements of this contract. The EAC reserves the right to inspect and review any products or services that have been tendered for acceptance. The EAC may require correction or re-performance of nonconforming items at no increase in contract price. The EAC must exercise its post-acceptance rights within ten (10) days after the defect was discovered or should have been discovered.
 - 11.3 Contract Terms. Should there be a conflict between the contract clauses included in this document and the "Purchase Order Terms and Conditions" on the back of GSA Form 300, which is used to record contract financial.

data, the contract clauses in this document shall take precedence.

11.4 Changes. Changes in the terms and conditions of this Contract may be made only by written agreement signed by authorized representatives of both parties.

11.5 Disputes. This Contract is subject to the Contract Disputes Act of 1978, as amended (41 U.S.C. 601-613). The Contractor shall proceed diligently with performance of this Contract, pending final resolution of any dispute arising under the Contract.

11.6 Excusable Delays. The Contractor shall be liable for default unless nonperformance is caused by an occurrence beyond the reasonable control of the Contractor and without its fault or negligence such as, acts of God or the public enemy, acts of the Government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, unusually severe weather, and delays of common carriers. The Contractor shall notify the EAC, in writing, as soon as possible after the beginning of an excusable delay. The Contractor shall explain the basis for the excusable delay, and correct the problem as soon as possible. The Contractor shall notify the EAC, in writing, at the end of the delay.

11.7 Other compliances. The Contractor shall comply with all applicable Federal, State and local laws, executive orders, rules and regulations applicable to its performance under this contract.

11.8 Compliance with laws unique to Government contracts. The Contractor agrees to comply with 31 U.S.C. 1352 relating to limitations on the use of appropriated funds to influence certain Federal contracts; 18 U.S.C. 431 relating to officials not to benefit; 40 U.S.C. 327 *et seq.*, Contract Work Hours and Safety Standards Act; 41 U.S.C. 51-58, Anti-Kickback Act of 1986; 41 U.S.C. 265 and 10 U.S.C. 2409, relating to whistle blower protections; 49 U.S.C. 40118, Fly American, and 41 U.S.C. 423 relating to procurement integrity.

11.9 Limitation of Government Liability. The Contractor is not authorized to make expenditures or incur obligations exceeding the total amount allocated to the contract. The Contractor is required to notify the Contracting Officer's Representative when 75% of funding has been obligated.

11.10 Termination for convenience. The EAC, by written notice, may terminate this contract without fault, in whole or in part, when it is in the best interest of the government. In the event of contract termination for convenience, the rights, duties, and obligations of the parties, including compensation to the Contractor, shall be in accordance with Part 49 of the Federal Acquisition Regulations in effect on the date of this contract.

Edgardo Cortes /EAC/GOV

10/25/2006 03:20 PM

To Margaret Sims/EAC/GOV@EAC

cc Thomas R. Wilkey/EAC/GOV@EAC, Gavin S. Gilmour/EAC/GOV@EAC, Juliet E. Hodgkins/EAC/GOV@EAC, Jeannie

bcc

Subject Re: Question-Voting Fraud-Voter Intimidation Report 

Gavin asked me about this issue yesterday and I also suggested a meeting/call between all of us to discuss this so there is no confusion about where things are. Obviously tomorrow is out, but does everyone want to have a call on Friday about this? Let me know what times everyone is available and I can reserve the small conference room. Thanks.

Edgardo Cortés
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave. NW, Ste. 1100
Washington, DC 20005
866-747-1471 toll free
202-566-3126 direct
202-566-3127 fax
ecortes@eac.gov
Margaret Sims/EAC/GOV

Margaret Sims /EAC/GOV

10/25/2006 11:59 AM

To Thomas R. Wilkey/EAC/GOV@EAC

cc ecortes@eac.gov

Subject Re: Question-Voting Fraud-Voter Intimidation Report 

Tom:

I sent the consolidated draft of the report last week (minus the Nexis and case law charts) to the lawyers (with a cc: to you), along with the following comments:

- As you know, references to DOJ actions/responses have caused some concern at DOJ. But both consultants are adamantly opposed to EAC making substantive changes to their report. Perhaps using footnotes clearly labeled as EAC footnotes would be a method of addressing this issue?
- There are some recommendations regarding DOJ that we (the consultants and I) were told would not be supported by DOJ, and other references to DOJ, none of which have been reviewed by the department. I think we ought to give Craig Donsanto and John Tanner a chance to provide feedback on each of these sections.
- I am a little concerned about the naming of names, particularly in the section that addresses working group concerns. If we publish it as is, it might end up as fodder for some very negative newspaper articles.
- The report currently uses three different voices: third person, first person singular, first person plural. I think this looks really clumsy. If we are not actually making substantive changes, perhaps we could get away with making the presentation consistent in this regard.
- Because the consultants submitted the report in pieces, they did not include proper segues. I don't know if we should leave it as is, or insert them where needed.

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The only comments I've received so far were from Gavin, who said, "I would put forth one point at the outset... if we are creating an EAC report, let create an EAC report. Tova and Job contract employees... I do not see why we can't use all, some or none of their work without footnote or comment."

The series of supporting charts can be found in the shared drawer under T:\RESEARCH IN PROGRESS\VOTING FRAUD-VOTER INTIMIDATION\Report\Consolidated Copy in the subfolders marked Case Charts and Nexis Charts. I continue to work on the formatting of these charts, but at least you and Edgardo can access them. (I would have attached copies to this message, but it would involve too many files.)

We may want to schedule a teleconference on this with the attorneys and Jeannie.

I hope you are feeling better. --- Peggy

Thomas R. Wilkey/EAC/GOV

10/25/2006 10:46 AM

To Margaret Sims/EAC/GOV@EAC
cc
Subject Question

Hi Peggy;

Sorry I missed you yesterday when you were here and hope you are beginning to feel better.

As you know the Voter Fraud and Intimidation Report is causing quite a stir.

Can you give me some ball park timeframe for how long it may take to wrap up our review and get a report to the Commissioners

Is there anything I can do to assist with getting you some help on this.

I know you have other things on your mind but I need to find a way to wrap this up soon.

Also I believe that there were some charts of some sort that were not included in the report we got from Tova and Job, are they available for Edgardo to find so that I may take a look at this.

Thanks so much and hope things are getting better for you.

Tom

Thomas R. Wilkey
Executive Director
US Election Assistance Commission
1225 New York Ave, NW - Suite 1100

014858

Washington, DC 20005
(202) 566-3109 phone
TWilkey@eac.gov

014859



Paul DeGregorio /EAC/GOV
10/23/2006 10:15 PM

To Gracia Hillman/EAC/GOV@EAC, Thomas R.
Wilkey/EAC/GOV@EAC, Donetta L.
Davidson/EAC/GOV@EAC
cc Juliet E. Hodgkins/EAC/GOV@EAC, Jeannie
Layson/EAC/GOV@EAC
bcc

Subject Re: The Fraud "Report" 

History  This message has been replied to

I think it's good idea, especially considering the media coverage and controversy. I spoke with Todd Rokita today and he was not happy at all about what he has read and feels the status report was misleading as the working group session held the day after the report was given came to different conclusions.

We also should make mention on Thursday about the 4th anniversary of HAVA, which is this Friday. It could give us an opportunity to talk about the positive things that have happened in election reform since its passage. Much of the talking points our media advisors drafted talk about this.

Sent from my BlackBerry Wireless Handheld
Gracia Hillman
----- Original Message -----

From: Gracia Hillman
Sent: 10/23/2006 09:13 PM
To: Paul DeGregorio; Thomas Wilkey; Donetta Davidson
Cc: Juliet Hodgkins; Jeannie Layson
Subject: The Fraud "Report"

I am recommending that we use Thursday's meeting, a public forum, to be on the record about this report.

My thought is that Tom should report the matter to us in his report. New Business?? Just stating the facts as they exist, including the nature of the study, how we have handled the numerous requests and inquiries that we have received, etc.

Please let me know what you think about this suggestion. Thanks.

Sent from my BlackBerry Wireless Handheld

014860



Gracia Hillman/EAC/GOV

10/23/2006 09:13 PM

To "Paul DeGregorio" <pdegregorio@eac.gov>, Thomas R. Wilkey/EAC/GOV@EAC, "Donetta Davidson" <Ddavidson@eac.gov>

cc Juliet E. Thompson/EAC/GOV@EAC, "Jeannie Layson" <jlayson@eac.gov>

bcc

Subject The Fraud "Report"

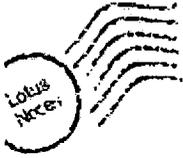
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Please let me know what you think about this suggestion. Thanks.

Sent from my BlackBerry Wireless Handheld

014861



Gracia Hillman/EAC/GOV

10/17/2006 01:12 PM

To Jeannie Layson/EAC/GOV@EAC

cc "Sheila Banks" <sbanks@eac.gov>

bcc

Subject Re: NEED APPROVAL: Brennen Cen. letter 

The letter looks fine to me.

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Jeannie Layson

Sent: 10/17/2006 10:06 AM

To: Paul DeGregorio; Gracia Hillman; Donetta Davidson

Cc: Thomas Wilkey; Margaret Sims; Karen Lynn-Dyson; Juliet Hodgkins; Gavin Gilmour; Bryan Whitener

Subject: NEED APPROVAL: Brennen Cen. letter

Commissioners,

I have not received input from everyone regarding the attached letter. It is a response to Wendy Weiser of the Brennan Center, who requested the staff voter fraud status report and the provisional voting draft report, both of which were presented to the Standards Bd. and the Bd. of Adv. at the May meeting. She also requested the draft voter ID report, which was not released at the May meeting. If possible, I'd like to get your input by the end of the day. The letter would go out under Tom's signature. Thank you.

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

014862



Paul DeGregorio /EAC/GOV
10/17/2006 10:14 AM

To Jeannie Layson/EAC/GOV@EAC
cc
bcc
Subject Re: NEED APPROVAL: Brennen Cen. letter 

The letter is fine with me.

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Jeannie Layson
Sent: 10/17/2006 10:06 AM
To: Paul DeGregorio; Gracia Hillman; Donetta Davidson
Cc: Thomas Wilkey; Margaret Sims; Karen Lynn-Dyson; Juliet Hodgkins; Gavin Gilmour; Bryan Whitener
Subject: NEED APPROVAL: Brennen Cen. letter

Commissioners,

I have not received input from everyone regarding the attached letter. It is a response to Wendy Weiser of the Brennan Center, who requested the staff voter fraud status report and the provisional voting draft report, both of which were presented to the Standards Bd. and the Bd. of Adv. at the May meeting. She also requested the draft voter ID report, which was not released at the May meeting. If possible, I'd like to get your input by the end of the day. The letter would go out under Tom's signature. Thank you.

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

014863

October 17, 2006

Ms. Wendy R. Weiser
Deputy Director, Democracy Program
Brennan Center for Justice at NYU School of Law
161 Avenue of the Americas, 12th Floor
New York, NY 10013

Dear Ms. Wieser:

Thank you for your request for information regarding U.S. Election Assistance Commission (EAC) research projects on voter fraud and voter intimidation, provisional ballots and voter identification.

The status report on voter fraud and voter intimidation, prepared by EAC staff, and the draft report on provisional voting, prepared by the Eagleton Institute of Politics and the Moritz College of Law, are enclosed. EAC personnel are in the process of drafting a report about voter identification. The report will be made available upon completion.

Status documents about voter fraud and voter intimidation and provisional voting were presented to the EAC's Standards Board and Board of Advisors at a public meeting held in May 2006. Neither of these documents were final EAC reports. Per the Help America Vote Act (HAVA), the EAC works with its advisory boards to gather input on activities, including research projects. After discussing the provisional voting research with our advisory boards, they requested further research and clarification and noted that some of information was inaccurate or incomplete. Please see the attached resolutions passed by both entities outlining their concerns. As such, EAC is currently reviewing the draft report on provisional voting to address the concerns of the agency's advisory boards.

As a small agency of only 23 employees, including four commissioners, it is necessary for EAC to contract with third parties and experts to conduct research. The information provided by third parties is used by staff to develop EAC final policy or reports. No documents, drafts or third party recommendations submitted to EAC constitute official EAC policy or opinion and should not be identified or referred to as such.

Please note that our Standards Board and Advisory Board meetings are open to the public and are publicized on the EAC website at www.eac.gov and posted in the Federal Register.

Thank you for your interest, and let us know if we can be of further assistance.

Sincerely,

Tom Wilkey
Executive Director

014864

Margaret Sims /EAC/GOV
10/13/2006 04:40 PM

To Jeannie Layson/EAC/GOV@EAC
cc twilkey@eac.gov
bcc
Subject Fw: Don't Believe Everything You Read

Jeannie:

Attached is the email I sent to Tova and Job, and Job's response. (I have not yet heard back from Tova.)
-- Peggy

— Forwarded by Margaret Sims/EAC/GOV on 10/13/2006 04:37 PM —



"Job Serebroy"
[REDACTED]
10/13/2006 03:26 PM

To psims@eac.gov, wang@tcf.org
cc
Subject Re: Don't Believe Everything You Read

Peg:

We saw both the USA Today article and a similar thing was reported on Rush Limbaugh's show naming both of us. I had a talk this morning with folks at the EAC. I told them at this point there needs to be a press release sent out by the Chairman saying just what you stated. This is the only way to rehabilitate the work we did, the Chairman's credibility, and our reputations. I also fear that if this is not done the EAC will begin to receive calls from Congressman and Senators regarding the "report" and its effect on voter ID requirements.

Peg, up to now Tova and I have refused to speak with the press at all out of respect for the EAC and its mission. We both stand by our work and its conclusions. We both also feel that if a statement (as well phrased as you did in this e-mail clarifying the issue) is not forthcoming from the Chairman then I will have to correct this error with the Press. I explained this in my conversation this morning with the EAC.

Tova and I worked hard to produce a correct, accurate and truthful report. I could care less that the results are not what the more conservative members of my Party wanted. Neither one of us was willing to conform results for political expediency. I think its important for me to note that I was very impressed with Tova's members of the Working Group and I can't say enough about Tova's partnership effort in this endeavor. While neither one of us really care about outside opinions, we do care that the Chairman was quoted or misquoted in a way that would disparage our year-long effort and all of the tax payer money that went into it. For this reason, we believe that a press release clarifying the situation is necessary from either the Chairman or from me.

Regards,

Job

014865

psims@eac.gov wrote:

Tova and Job:

I am home recuperating, but see that in my absence, a USA Today article has gotten everyone stirred up. The report to which the article refers is only the status report on the voting fraud-voter intimidation research project that was delivered to our Standards Board and Board of Advisors last spring. I provided a copy of this document to both of you. but have attached another copy for your information. This document is subject to public release because it was presented at a public meeting.

Due to internal resource allocation problems, your final report has not yet been reviewed by the Commissioners. It is considered a working document (not subject to public release) until it has completed the review process and the Commissioners have agreed to release it. There has been no attempt by the Commission to hold up the report. I bear responsibility for any delays in moving it along. Please be reassured that we would not release your report without letting you know.

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

014866

Donetta L.
Davidson/EAC/GOV
06/05/2006 08:54 AM

To Paul DeGregorio
cc

I told him we would call today
— Forwarded by Donetta L. Davidson



"Todd Rokita"
[Redacted]
06/02/2006 09:38 PM

~~CONFIDENTIAL~~
R

@sos.in.gov

Donetta--- this is the person to whom the EAC is paying money to perform dispassionate research on voter fraud? No wonder she has concluded for all of us that voter fraud (in person) really does not exist, except for maybe a few isolated places in the Midwest. If her report sees the light of day, I can almost guaranty problems. The fact that the report may have a co-writer does not solve this problem. She should not even be paid. There is a clear agenda behind her conclusions. I believe the credibility of the EAC is in question with your decision to hire this person and allow her to report on behalf of the EAC on either election fraud or voter intimidation. I would like a response from the Chairman that addresses this article. Thanks

Rumble in the Desert

Civil rights groups are challenging Arizona's Prop 200, which endangers voting rights for citizens.

Tova Andrew Wang

June 01, 2006

Article created by The Century Foundation.

Without a lot of fanfare, a very important lawsuit was filed last week by the Lawyers Committee for Civil Rights and other groups in Arizona. Finally, two years after the passage of the quite pernicious Prop 200, groups are finally taking serious action to combat it.

Basically an anti-immigrant measure, Prop 200 set out a bunch of restrictions on access to services for immigrants. However, with respect to voting rights, Prop 200 set up a situation blocking the right to vote for many *citizens* by requiring every person registering to vote to prove citizenship.

As the Lawyer's Committee describes it, Proposition 200 requires that that counties

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reject any voter registration application that does not include satisfactory proof of citizenship, such as a copy of the applicant's birth certificate, passport, a driver's license or non-operating identification license, but only if issued after October 1, 1996, a tribal identification card or naturalization documents. This even applies to voters who must re-register simply because they moved across county lines.

This measure is at least as damaging as many of the voter identification laws being passed and contemplated across the country. This stops someone from being part of the process before they've even gotten to square one. As I have repeatedly discussed with respect to ID laws, many voters are unlikely to have the required documentation and efforts to obtain the documentation will take time and money, therefore amounting to an unconstitutional poll tax.

Ironically, it has proven to be eligible voters who have been caught in the snare of this act. Last year in Maricopa County, home to Phoenix, more than 10,000 people trying to register were rejected for being unable to prove their citizenship. A spokeswoman for the recorder's office said most are probably U.S. citizens whose married names differ from the ones on their birth certificates or who have lost documentation. In Pima County, home to Tucson, 60 percent of those who tried to register initially could not. The elections chief said that all appeared to be U.S. citizens, but many had moved to Arizona recently and couldn't get their birth certificates or passports.

Moreover, Prop 200 is based on the idea that noncitizens are coming to the polling place and voting illegally. The premise is false. There is no evidence of any number of immigrants knowingly voting in the past in Arizona, and certainly it would seem unlikely when the last thing immigrants want to do in these times is draw official attention to themselves.

Finally, as the lawsuit persuasively argues, the measure also makes it virtually impossible for groups to conduct voter registration drives in Arizona. How many people go to the supermarket with their birth certificate?

The recent decision in Indiana upholding its draconian ID bill and the intolerance toward immigrants being displayed right now makes me worry about how the Arizona courts will respond. They upheld the Proposition in another context once before. But anyone who cares about the right to vote—for qualified, U.S. citizens—should hope that the law is struck down as the unconstitutional and anti-democratic measure it is.

Tova Andrea Wang is Democracy Fellow at The Century Foundation.

David R. Maxwell

Campaign Assistant

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Secretary of State Reelection Campaign

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Juliet E. Hodgkins/EAC/GOV
11/17/2006 01:40 PM

To "Davidson, Donetta" <ddavidson@eac.gov>, Gracia Hillman/EAC/GOV@EAC, Paul DeGregorio/EAC/GOV@EAC, Thomas R. Banks/A. Benavides/EAC/GOV@EAC, Sheila A. Banks/EAC/GOV@EAC, Elieen L. Colver/EAC/GOV@EAC, Matthew Masterson/EAC/GOV@EAC, Gavin S.
bcc

Subject Draft Voting Fraud and Voter Intimidation Report

History

This message has been replied to

Commissioners and Tom,

I have attached a draft version of the EAC Voting Fraud and Voter Intimidation report. **Please have your comments ready no later than Tuesday , Nov. 28, COB, so that I will be prepared to discuss them at our briefing on Wednesday , Nov. 29 at 10:30.**

You will note that there are appendixes referenced in the report. These documents are quite lengthy. Thus, I did not attach them to this email. If, however, you want to read the documents, DeAnna has access to them in my absence and can either email them to you or print them for you.

I think that the report is fairly self-explanatory. However, there are two questions that we need to address and that the Commissioners need to comment on:

1. The consultants provided summaries of articles, books, and reports that they read, as well as summaries of the interviews that they conducted. Peggy created two tables summarizing the consultants' summaries of books, article and reports as well as interviews. We need to make a determination of which summaries we want to attach as appendixes. The only issue that I am aware of (and I have a question pending to Peggy about the quality of these summaries) is a significant disagreement over the summaries of interviews with Craig Donsanto and John Tanner of the Dept. of Justice. They disagree with the characterization given by the consultants to what they said in the interview. Obviously, this matter would have to be resolved if we decide to use the consultants' summaries.

2. Tom and I had a conversation with Tova and Job about the fact that we are going to issue a report. Tova was quite insistent about being able to see the report before it is released. I am NOT inclined to give her a copy of the report before it is released. Neither Tova nor Job are still on contract with the EAC. Thus, they are just like any other member of the public. I believe that if we release it to them, then we may have a significant problem withholding the document from others that may ask for it via FOIA request. I believe that the course of action should be to release it to all persons simultaneously.

Happy reading and Happy Thanksgiving!



Voter Fraud & Intimidation Report.doc

Juliet Thompson Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
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EAC REPORT ON VOTING FRAUD AND VOTER INTIMIDATION STUDY**INTRODUCTION**

Voting fraud and voter intimidation are phrases familiar to many voting-aged Americans. However, they mean different things to different people. Voting fraud and voter intimidation are phrases used to refer to crimes, civil rights violations, and, at times, even the correct application of state or federal laws to the voting process. Past study of these topics has been as varied as its perceived meaning. In an effort to help understand the realities of voting fraud and voter intimidation in our elections, the U.S. Election Assistance Commission (EAC) has begun this, phase one, of a comprehensive study on election crimes. In this phase of its examination, EAC has developed a definition of election crimes and adopted some research methodology on how to assess the existence and enforcement of election crimes in the United States.

PURPOSE AND METHODOLOGY OF THE EAC STUDY

Section 241 of the Help America Vote Act of 2002 (HAVA) calls on the EAC to research and study various issues related to the administration of elections. During Fiscal Year 2006, EAC began projects to research several of the listed topics. These topics for research were chosen in consultation with the EAC Standards Board and Board of Advisors. Voting fraud and voter intimidation are topics that the EAC as well as its advisory boards felt were important to study to help improve the administration of elections for federal office.

EAC began this study with the intention of identifying a common understanding of voting fraud and voter intimidation and devising a plan for a comprehensive study of these issues. This study was not intended to be a comprehensive review of existing voting fraud and voter intimidation actions, laws, or prosecutions. To conduct that type of extensive research, a basic understanding had to first be established regarding what is commonly referred to as voting fraud and voter intimidation. Once that understanding was reached, a definition had to be crafted to refine and in some cases limit the scope of what reasonably can be researched and studied as evidence of voting fraud and voter intimidation. That definition will serve as the basis for recommending a plan for a comprehensive study of the area.

To accomplish these tasks, EAC employed two consultants, Job Serebrov and Tova Wang,¹ who worked with EAC staff and interns to conduct the research that forms the basis of this report. The consultants were chosen based upon their experience with the topic and the need to assure a bipartisan representation in this study. The consultants and EAC staff were charged with (1) researching the current state of information on the topic of voting fraud and voter intimidation; (2) developing a uniform definition of voting

¹ Biographies for Job Serebrov and Tova Wang, the two consultants hired by EAC, are attached as Appendix "1".

fraud and voter intimidation; and (3) proposing recommended strategies for researching this subject.

EAC consultants reviewed existing studies, articles, reports and case law on voting fraud and intimidation and conducted interviews with experts in the field. EAC consultants and staff then presented their initial findings to a working group that provided feedback. The working group participants were:

The Honorable Todd Rokita
Indiana Secretary of State
Member, EAC Standards Board and the
Executive Board of the Standards Board

Kathy Rogers
Georgia Director of Elections, Office of
the Secretary of State
Member, EAC Standards Board

J.R. Perez
Guadalupe County Elections
Administrator, Texas

Barbara Arnwine
Executive Director, Lawyers Committee
for Civil Rights under Law
Leader of Election Protection Coalition

Benjamin L. Ginsberg
Partner, Patton Boggs LLP
Counsel to National Republican
Campaign Committees and Republican
candidates

Robert Bauer
Chair of the Political Law Practice at the
law firm of Perkins Coie, District of
Columbia
National Counsel for Voter Protection,
Democratic National Committee

Mark (Thor) Hearne II
Partner-Member, Lathrop & Gage, St
Louis, Missouri
National Counsel to the American
Center for Voting Rights

Barry Weinberg
Former Deputy Chief and Acting Chief,
Voting Section, Civil Rights Division,
U.S. Department of Justice

Technical Advisor:

Craig Donsanto
Director, Election Crimes Branch, U.S.
Department of Justice

Throughout the process, EAC staff assisted the consultants by providing statutes and cases on this subject as well as supervision on the direction, scope and product of this research.

The consultants drafted a report for EAC that included their summaries of relevant cases, studies and reports on voting fraud and voter intimidation as well as summaries of the interviews that they conducted. The draft report also provided a definition of voting fraud and intimidation and made certain recommendations developed by the consultants or by the working group on how to pursue further study of this subject. This document was vetted and edited by EAC staff to produce this final report.

EXISTING INFORMATION ABOUT FRAUD AND INTIMIDATION

To begin our study of voting fraud and voter intimidation, EAC consultants reviewed the current body of information on voting fraud and voter intimidation. The information available about these issues comes largely from a very limited body of reports, articles, and books. There are volumes of case law and statutes in the various states that also impact our understanding of what actions or inactions are legally considered fraud or intimidation. Last, there is anecdotal information available through media reports and interviews with persons who have administered elections, prosecuted fraud, and studied these problems. All of these resources were used by EAC consultants to provide an introductory look at the available knowledge of voting fraud and voter intimidation.

Reports and Studies of Voting fraud and Intimidation

Over the years, there have been a number of studies conducted and reports published about voting fraud and voter intimidation. EAC reviewed many of these studies and reports to develop a base-line understanding of the information that is currently available about voting fraud and voter intimidation. EAC consultants reviewed the following articles, reports and books, summaries of which are available in Appendix “2”:

Articles and Reports

- People for the American Way and the NAACP, “The Long Shadow of Jim Crow,” December 6, 2004.
- Laughlin McDonald, "The New Poll Tax," *The American Prospect* vol. 13 no. 23, December 30, 2002.
- Wisconsin Legislative Audit Bureau, “An Evaluation: Voter Registration Elections Board” Report 05-12, September, 2005.
- Milwaukee Police Department, Milwaukee County District Attorney’s Office, Federal Bureau of Investigation, United States Attorney’s Office “Preliminary Findings of Joint Task Force Investigating Possible Election Fraud,” May 10, 2005.
- National Commission on Federal Election Reform, “Building Confidence in U.S. Elections,” Center for Democracy and Election Management, American University, September 2005.
- The Brennan Center for Justice at NYU School of Law and Spencer Overton, Commissioner and Law Professor at George Washington University School of Law “Response to the Report of the 2005 Commission on Federal Election Reform,” September 19, 2005.

- Chandler Davidson, Tanya Dunlap, Gale Kenny, and Benjamin Wise, “Republican Ballot Security Programs: Vote Protection or Minority Vote Suppression – or Both?” A Report to the Center for Voting Rights & Protection, September, 2004.
- Alec Ewald, “A Crazy Quilt of Tiny Pieces: State and Local Administration of American Criminal Disenfranchisement Law,” The Sentencing Project, November 2005.
- American Center for Voting Rights “Vote Fraud, Intimidation and Suppression in the 2004 Presidential Election,” August 2, 2005.
- The Advancement Project, “America’s Modern Poll Tax: How Structural Disenfranchisement Erodes Democracy” November 7, 2001
- The Brennan Center and Professor Michael McDonald “Analysis of the September 15, 2005 Voting fraud Report Submitted to the New Jersey Attorney General,” The Brennan Center for Justice at NYU School of Law, December 2005.
- Democratic National Committee, “Democracy at Risk: The November 2004 Election in Ohio,” DNC Services Corporation, 2005
- Public Integrity Section, Criminal Division, United States Department of Justice, "Report to Congress on the Activities and Operations of the Public Integrity Section for 2002."
- Public Integrity Section, Criminal Division, United States Department of Justice, "Report to Congress on the Activities and Operations of the Public Integrity Section for 2003."
- Public Integrity Section, Criminal Division, United States Department of Justice, "Report to Congress on the Activities and Operations of the Public Integrity Section for 2004."
- Craig Donsanto, "The Federal Crime of Election Fraud," Public Integrity Section, Department of Justice, prepared for Democracy.Ru, n.d., at http://www.democracy.ru/english/library/international/eng_1999-11.html
- People for the American Way, Election Protection 2004, Election Protection Coalition, at <http://www.electionprotection2004.org/edaynews.htm>
- Craig Donsanto, "Prosecution of Electoral Fraud under United State Federal Law," *IFES Political Finance White Paper Series*, IFES, 2006.

- General Accounting Office, "Elections: Views of Selected Local Election Officials on Managing Voter Registration and Ensuring Eligible Citizens Can Vote," Report to Congressional Requesters, September 2005.
- Lori Minnite and David Callahan, "Securing the Vote: An Analysis of Election Fraud," Demos: A Network of Ideas and Action, 2003.
- People for the American Way, NAACP, Lawyers Committee for Civil Rights, "Shattering the Myth: An Initial Snapshot of Voter Disenfranchisement in the 2004 Elections," December 2004.

Books

- John Fund, *Stealing Elections: How Voting fraud Threatens Our Democracy*, Encounter Books, 2004.
- Andrew Gumbel, *Steal this Vote: Dirty Elections and the Rotten History of Democracy in American*, Nation Books, 2005.
- Tracy Campbell, *Deliver the Vote: A History of Election Fraud, An American Political Tradition – 1742-2004*, Carroll & Graf Publishers, 2005.
- David E. Johnson and Jonny R. Johnson, *A Funny Thing Happened on the Way to the White House: Foolhardiness, Folly, and Fraud in the Presidential Elections, from Andrew Jackson to George W. Bush*, Taylor Trade Publishing, 2004.
- Mark Crispin Miller, *Fooled Again*, Basic Books, 2005.

During our review of these documents, we learned a great deal about the type of research that has been conducted in the past concerning voting fraud and voter intimidation. None of the studies or reports was based on a comprehensive, nationwide study, survey or review of all allegations, prosecutions or convictions of state or federal crimes related to voting fraud or voter intimidation in the United States. Most reports focused on a limited number of case studies or instances of alleged voting fraud or voter intimidation. For example, "Shattering the Myth: An Initial Snapshot of Voter Disenfranchisement in the 2004 Elections," a report produced by the People for the American Way, focused exclusively on citizen reports of fraud or intimidation to the Election Protection program during the 2004 Presidential election. Similarly, reports produced annually by the Department of Justice, Public Integrity Division, deal exclusively with crimes reported to and prosecuted by the United States Attorneys and/or the Department of Justice through the Public Integrity Section.

It is also apparent from a review of these articles and books that there is no consensus on the pervasiveness of voting fraud and voter intimidation. Some reports, such as

“Building Confidence in U.S. Elections,” suggest that there is little or no evidence of extensive fraud in U.S. elections or of multiple voting. This conflicts directly with other reports, such as the “Preliminary Findings of Joint Task Force Investigating Possible Election Fraud,” produced by the Milwaukee Police Department, Milwaukee County District Attorney’s Office, FBI and U.S. Attorney’s Office. That report cited evidence of more than 100 individual instances of suspected double-voting, voting in the name of persons who likely did not vote, and/or voting using a name believed to be fake.

Voter intimidation is also a topic of some debate because there is little agreement concerning what constitutes actionable voter intimidation. Some studies and reports cover only intimidation that involves physical or financial threats, while others cover non-criminal intimidation, including legal practices that allegedly cause vote suppression.

One point of agreement is that absentee voting and voter registration by nongovernmental groups create opportunities for fraud. For example, a number of studies cited circumstances in which voter registration drives have falsified voter registration applications or have destroyed voter registration applications of persons affiliated with a certain political party. Others conclude that paying persons per voter registration application creates the opportunity and perhaps the incentive for fraud.

Interviews with Experts

In addition to reviewing prior studies and reports on voting fraud and intimidation, EAC consultants interviewed a number of persons regarding their experiences and research of voting fraud and voter intimidation. Persons interviewed included:

Wade Henderson
Executive Director,
Leadership Conference for Civil Rights

Wendy Weiser
Deputy Director,
Democracy Program, The Brennan
Center

William Groth
Attorney for the plaintiffs in the Indiana
voter identification litigation

Lori Minnite
Barnard College, Columbia University

Neil Bradley
ACLU Voting Rights Project

Pat Rogers
Attorney, New Mexico

Nina Perales
Counsel,
Mexican American Legal Defense and
Education Fund

Rebecca Vigil-Giron
Secretary of State, New Mexico

Sarah Ball Johnson
Executive Director,
State Board of Elections, Kentucky

Stephen Ansolobhere
Massachusetts Institute of Technology

Chandler Davidson
Rice University

Tracey Campbell

Author, *Deliver the Vote*

Douglas Webber

Assistant Attorney General, Indiana

Heather Dawn Thompson

Director of Government Relations,
National Congress of American Indians

Jason Torchinsky

Assistant General Counsel,
American Center for Voting Rights

Robin DeJarnette

Executive Director,
American Center for Voting Rights

Harry Van Sickle

Commissioner of Elections,
Pennsylvania

Tony Sirvello

Executive Director
International Association of Clerks,
Recorders, Election Officials and
Treasurers

Joseph Sandler

Counsel
Democratic National Committee

John Ravitz

Executive Director
New York City Board of Elections

Sharon Priest

Former Secretary of State, Arkansas

Kevin Kennedy

Executive Director
State Board of Elections, Wisconsin

Evelyn Stratton

Justice
Supreme Court of Ohio

Joseph Rich

Former Director
Voting Section, Civil Rights Division
U.S. Department of Justice

Craig Donsanto

Director, Public Integrity Section
U.S. Department of Justice

John Tanner

Director
Voting Section, Civil Rights Division
U.S. Department of Justice

These interviews in large part confirmed the conclusions that were gleaned from the articles, reports and books that were analyzed. For example, the interviewees largely agreed that absentee balloting is subject to the greatest proportion of fraudulent acts, followed by vote buying and voter registration fraud. They similarly pointed to voter registration drives by nongovernmental groups as a source of fraud, particularly when the workers are paid per registration. Many asserted that impersonation of voters is probably the least frequent type of fraud because it is the most likely type of fraud to be discovered, there are stiff penalties associated with this type of fraud, and it is an inefficient method of influencing an election.

Interviewees differed on what they believe constitutes actionable voter intimidation. Law enforcement and prosecutorial agencies tend to look to the criminal definitions of voter intimidation, which generally require some threat of physical or financial harm. On the other hand, voter rights advocates tended to point to activities such as challenger laws,

voter identification laws, polling place locations, and distribution of voting machines as activities that can constitute voter intimidation.

Those interviewed also expressed opinions on the enforcement of voting fraud and voter intimidation laws. States have varying authorities to enforce these laws. In some states, enforcement is left to the county or district attorney, and in others enforcement is managed by the state's attorney general. Regardless, voting fraud and voter intimidation are difficult to prove and require resources and time that many local law enforcement and prosecutorial agencies do not have. Federal law enforcement and prosecutorial agencies have more time and resources but have limited jurisdiction and can only prosecute election crimes perpetrated in elections with a federal candidate on the ballot or perpetrated by a public official under the color of law. Those interviewed differed on the effectiveness of the current system of enforcement. Some allege that prosecutions are not sufficiently aggressive. Others feel that the current laws are sufficient for prosecuting fraud and intimidation.

A summary of the each of the interviews conducted is attached as Appendix "3".

Case Law and Statutes

Consultants reviewed more than 40,000 cases that were identified using a series of search terms related to voting fraud and voter intimidation. The majority of these cases came from courts of appeal. This is not surprising, since most cases that are publicly reported come from courts of appeal. Very few cases that are decided at the district court level are reported for public review.

Very few of the identified cases were applicable to this study. Of those that were applicable, no apparent thematic pattern emerged. However, it did seem that the greatest number of cases reported on fraud and intimidation have shifted from past patterns of stealing votes to present problems with voter registration, voter identification, the proper delivery and counting of absentee and overseas ballots, provisional voting, vote buying, and challenges to felon eligibility.

A listing of the cases reviewed in this study is attached as Appendix "4".

Media Reports

EAC consultants reviewed thousands of media reports concerning a wide variety of potential voting fraud or voter intimidation, including:

- absentee ballot fraud,
- voter registration fraud,
- voter intimidation and suppression,
- deceased voters,
- multiple voting,
- felons voting,

- non-citizens voting,
- vote buying,
- deceptive practices, and
- fraud by election officials.

While these reports showed that there were a large number of allegations of voting fraud and voter intimidation, they provided much less information as to whether the allegations were ever formalized as complaints to law enforcement, whether charges were filed, whether prosecutions ensued, and whether any convictions were made. The media reports were enlightening as to the pervasiveness of complaints of fraud and intimidation throughout the country, the correlation between fraud allegations and the perception that the state was a “battleground” or “swing” state, and the fact that there were reports of almost all types of voting fraud and voter intimidation. However, these reports do not provide much data for analysis as to the number of complaints, charges and prosecutions of voting fraud and intimidation throughout the country.

DEFINITION OF ELECTION CRIMES

From our study of available information on voting fraud and voter intimidation, we have learned that these terms mean many things to many different people. These terms are used casually to refer to anything from vote buying to refusing to register a voter to falsifying voter registration applications. Upon further inspection, however, it is apparent that there is no common understanding or agreement of what constitutes “voting fraud” and “voter intimidation.” Some think of voting fraud and voter intimidation only as criminal acts, while others include actions that may constitute civil wrongs, civil rights violations, and even legal and appropriate activities. To arrive at a common definition and list of activities that can be studied, EAC assessed the appropriateness of the terminology that is currently in use and applied certain factors to limit the scope and reach of what can and will be studied by EAC in the future.

New Terminology

The phrase “voting fraud” is really a misnomer for a concept that is much broader. “Fraud” is a concept that connotes an intentional act of deception, which may constitute either a criminal act or civil tort depending upon the willfulness of the act.

Fraud, n. 1. A knowing misrepresentation of the truth or concealment of a material fact to induce another to act to his or her detriment. • Fraud is usu. a tort, but in some cases (esp. when the conduct is willful) it may be a crime.

Black’s Law Dictionary, Eighth Edition, p. 685.

“Voting” is the act of casting votes to decide an issue or contest. Black’s Law Dictionary, Eighth Edition, p. 1608. Using these terms to form a definition of “voting fraud,” it means fraudulent or deceptive acts committed to influence the act of voting. Thus, a voter who intentionally impersonates another registered voter and attempts to

vote for that person would be committing “voting fraud.” Similarly, a person who knowingly provides false information to a voter about the location of the voter’s polling place commits fraud on the voter.

The phrase “voting fraud” does not capture a myriad of other criminal acts that are related to elections which are not related to the act of voting and/or do not involve an act of deception. For example, “voting fraud” does not capture actions or willful inaction in the voter registration process. When an election official willfully and knowingly refuses to register to vote a legally eligible person it is a crime. This is a crime that involves neither the act of voting nor an act of deception.

To further complicate matters, the phrases “voting fraud” and “voter intimidation” are used to refer to actions or inactions that are criminal as well as those that are potentially civil wrongs and even those that are legal. Obviously, criminal acts and civil wrongs are pursued in a very different manner. Criminal acts are prosecuted by the local, state or federal government. Generally, civil wrongs are prosecuted by the individual who believes that they were harmed. In some cases, when civil rights are involved, the Civil Rights Division of the Department of Justice may become involved.

The goal of this study was to develop a common definition of what is generically referred to as “voting fraud” and “voter intimidation” that would serve as the basis for a future, comprehensive study of the existence of these problems. In order to meet that goal, we recognize that the current terminology does not accurately represent the spectrum of activities that we desire to study. Furthermore, we recognize that the resources, both financial and human capital, needed to study allegations and prosecutions of criminal acts, suits involving civil torts, and allegations of potential voter suppression through the use of legal election processes are well beyond the resources available to EAC. As such, EAC has defined “election crimes,” a phrase that captures all crimes related to the voter registration and voting processes.

The Definition of an Election Crime for Purposes of this Study

Election crimes are intentional acts or willful failures to act, prohibited by state or federal law, that are designed to cause ineligible persons to participate in the election process; eligible persons to be excluded from the election process; ineligible votes to be cast in an election; eligible votes not to be cast or counted; or other interference with or invalidation of election results. Election crimes generally fall into one of four categories: acts of deception, acts of coercion, acts of damage or destruction, and failures or refusals to act.

Election crimes can be committed by voters, candidates, election officials, or any other members of the public who desire to criminally impact the result of an election. However, crimes that are based upon intentional or willful failure to act assume that a duty to act exists. Election officials have affirmative duties to act with regard to elections. By and large, other groups and individuals do not have such duties.

The victim of an election crime can be a voter, a group of voters, an election official, a candidate, or the public in general. Election crimes can occur during any stage of the election process, including but not limited to qualification of candidates; voter registration; campaigning; voting system preparation and programming; voting either early, absentee, or on election day; vote tabulation; recounts; and recalls.

The following are examples of activities that may constitute election crimes. This list is not intended to be exhaustive, but is representative of what states and the federal government consider criminal activity related to elections.

Acts of Deception

- Knowingly causing to be mailed or distributed, or knowingly mailing or distributing, literature that includes false information about the voter's precinct or polling place, the date and time of the election or a candidate;
- Possessing an official ballot outside the voting location, unless the person is an election official or other person authorized by law or local ordinance to possess a ballot outside of the polling location;
- Making or knowingly possessing a counterfeit of an official election ballot;
- Signing a name other than his/her own to a petition proposing an initiative, referendum, recall, or nomination of a candidate for office;
- Knowingly signing more than once for the proposition, question, or candidate in one election;
- Signing a petition proposing an initiative or referendum when the signer is not a qualified voter.
- Voting or attempting to vote in the name of another person;
- Voting or attempting to vote more than once during the same election;
- Intentionally making a false affidavit, swearing falsely, or falsely affirming under an oath required by a statute regarding their voting status, including when registering to vote, requesting an absentee ballot or presenting to vote in person;
- Registering to vote without being entitled to register;
- Knowingly making a materially false statement on an application for voter registration or re-registration; and
- Voting or attempting to vote in an election after being disqualified or when the person knows that he/she is not eligible to vote.

Acts of Coercion

- Using, threatening to use, or causing to be used force, coercion, violence, restraint, or inflicting, threatening to inflict, or causing to be inflicted damage harm, or loss, upon or against another person to induce or compel that person to vote or refrain from voting or to register or refrain from registering to vote;
- Knowingly paying, offering to pay, or causing to be paid money or other thing of value to a person to vote or refrain from voting for a candidate or for or against an election proposition or question;

- Knowingly soliciting or encouraging a person who is not qualified to vote in an election;
- Knowingly challenging a person's right to vote without probable cause or on fraudulent grounds, or engaging in mass, indiscriminate, and groundless challenging of voters solely for the purpose of preventing voter from voting or to delay the process of voting;
- As an employer, attempting by coercion, intimidation, threats to discharge or to lessen the remuneration of an employee, to influence his/her vote in any election, or who requires or demands an examination or inspection by himself/herself or another of an employee's ballot;
- Soliciting, accepting, or agreeing to accept money or other valuable thing in exchange for signing or refraining from signing a petition proposing an initiative;
- Inducing or attempting to induce an election official to fail in the official's duty by force, threat, intimidation, or offers of reward;
- Directly or through any other person advancing, paying, soliciting, or receiving or causing to be advanced, paid, solicited, or received, any money or other valuable consideration to or for the use of any person in order to induce a person not to become or to withdraw as a candidate for public office; and
- Soliciting, accepting, or agreeing to accept money or other thing of value in exchange for registering to vote.

Acts of Damage or Destruction

- Destroying completed voter registration applications;
- Removing or destroying any of the supplies or other conveniences placed in the voting booths or compartments;
- Removing, tearing down, or defacing election materials, instructions or ballots;
- Fraudulently altering or changing the vote of any elector, by which such elector is prevented from voting as the person intended;
- Knowingly removing, altering, defacing or covering any political sign of any candidate for public office for a prescribed period prior to and following the election;
- Intentionally changing, attempting to change, or causing to be changed an official election document including ballots, tallies, and returns; and
- Intentionally delaying, attempting to delay, or causing to be delayed the sending of certificate, register, ballots, or other materials whether original or duplicate, required to be sent by jurisdictional law.

Failure or Refusal to Act

- Intentionally failing to perform an election duty, or knowingly committing an unauthorized act with the intent to effect the election;
- Knowingly permitting, making, or attempting to make a false count of election returns;
- Intentionally concealing, withholding, or destroying election returns or attempts to do so;

- Marking a ballot by folding or physically altering the ballot so as to recognize the ballot at a later time;
- Attempting to learn or actually and unlawfully learning how a voter marked a ballot;
- Distributing or attempting to distribute election material knowing it to be fraudulent;
- Knowingly refusing to register a person who is entitled to register under the rules of that jurisdiction;
- Knowingly removing the eligibility status of a voter who is eligible to vote; and
- Knowingly refusing to allow an eligible voter to cast his/her ballot.

What is not an Election Crime for Purposes of this Study

There are some actions or inactions that may constitute crimes or civil wrongs that we do not include in our definition of “election crimes.” All criminal or civil violations related to campaign finance contribution limitations, prohibitions, and reporting either at the state or federal level are not “election crimes” for purposes of this study and any future study conducted by EAC. Similarly, criminal acts that are unrelated to elections, voting, or voter registration are not “election crimes,” even when those offenses occur in a polling place, voter registration office, or a candidate’s office or appearance. For example, an assault or battery that results from a fight in a polling place or at a candidate’s office is not an election crime. Similarly, violations of ethical provisions such as the Hatch Act are not “election crimes,” and actions that do not rise to the level of criminal activity, such as a misdemeanor, relative felony or felony, are not “election crimes.”

RECOMMENDATIONS ON HOW TO STUDY ELECTION CRIMES

As a part of its study, EAC sought recommendations on ways that EAC can research the existence of election crimes. EAC consultants, the working groups and some of the persons interviewed as a part of this study provided the following recommendations.

Recommendation 1: Conduct More Interviews

Future activity in this area should include conducting additional interviews. In particular, more election officials from all levels of government, parts of the country, and political parties should be interviewed. It would also be especially beneficial to talk to law enforcement officials, specifically federal District Election Officers (“DEOs”) and local district attorneys, as well as civil and criminal defense attorneys.

Recommendation 2: Follow Up on Media Research

The media search conducted for this phase of the research was based on a list of search terms agreed upon by EAC consultants. Thousands of articles were reviewed and hundreds analyzed. Many of the articles contained allegations of fraud or intimidation. Similarly, some of the articles contained information about investigations into such

activities or even charges brought. Additional media research should be conducted to determine what, if any, resolutions or further activity there was in each case.

Recommendation 3: Follow Up on Allegations Found in Literature Review

Many of the allegations made in the reports and books that were analyzed and summarized by EAC consultants were not substantiated and were certainly limited by the date of publication of those pieces. Despite this, such reports and books are frequently cited by various interested parties as evidence of fraud or intimidation. Further research should include follow up on the allegations discovered in the literature review.

Recommendation 4: Review Complaints Filed With “MyVote1” Voter Hotline

During the 2004 election and the statewide elections of 2005, the University of Pennsylvania led a consortium of groups and researchers in conducting the MyVote1 Project. This project involved using a toll-free voter hotline that voters could call for poll locations, be transferred to a local hotline, or leave a recorded message with a complaint. In 2004, this resulted in more than 200,000 calls received and more than 56,000 recorded complaints.

Further research should be conducted using the MyVote1 data with the cooperation of the project leaders. While perhaps not a fully scientific survey given the self-selection of the callers, the information regarding 56,000 complaints may provide insight into the problems voters may have experienced, especially issues regarding intimidation or suppression.

Recommendation 5: Further Review of Complaints Filed With U.S. Department of Justice

According to a recent GAO report, the Voting Section of the Civil Rights Division of the Department of Justice has a variety of ways it tracks complaints of voter intimidation. Attempts should be made to obtain relevant data, including the telephone logs of complaints and information from the Interactive Case Management (ICM) system. Further research should also include a review and analysis of the DOJ/OPM observer and “monitor field reports” from Election Day.

Recommendation 6: Review Reports Filed By District Election Officers

Further research should include a review of the reports that must be filed by every District Election Officer to the Public Integrity Section of the Criminal Division of the Department of Justice. The DEOs play a central role in receiving reports of voting fraud and investigating and pursuing them. Their reports back to the Department would likely provide tremendous insight into what actually transpired during the last several elections. Where necessary, information could be redacted or made confidential.

Recommendation 7: Attend Ballot Access and Voting Integrity Symposium

Further activity in this area should include attending the next Ballot Access and Voting Integrity Symposium. At this conference, prosecutors serving as District Election Officers in the 94 U.S. Attorneys' Offices obtain annual training on fighting election fraud and voting rights abuses. These conferences are sponsored by the Voting Section of the Civil Rights Division and the Public Integrity Section of the Criminal Division, and feature presentations by Civil Rights officials and senior prosecutors from the Public Integrity Section and the U.S. Attorneys' Offices. By attending the symposium researchers could learn more about the following: how District Election Officers are trained; how information about previous election and voting issues is presented; and how the Voting Rights Act, the criminal laws governing election fraud and intimidation, the National Voter Registration Act, and the Help America Vote Act are described and explained to participants.

Recommendation 8: Conduct Statistical Research

EAC should measure voting fraud and intimidation using interviews, focus groups, and a survey and statistical analysis of the results of these efforts. The sample should be based on the following factors:

- Ten locations that are geographically and demographically diverse where there have been many reports of fraud and/or intimidation;
- Ten locations (geographically and demographically diverse) that have not had many reports of fraud and/or intimidation;

EAC should also conduct a survey of elections officials, district attorneys, and district election officers. The survey sample should be large in order to be able to get the necessary subsets, and it must include a random set of counties where there have and have not been a large number of allegations.

Recommendation 9: Explore Improvements to Federal Law

Future researchers should review federal law to explore ways to make it easier to impose either civil or criminal penalties for acts of intimidation that do not necessarily involve racial animus and/or a physical or economic threat.

Recommendation 10: Use Observers to Collect Data on Election Day

Use observers to collect data regarding fraud and intimidation at the polls on Election Day. There may be some limitations to the ability to conduct this type of research, including difficulty gaining access to polling places for the purposes of observation, and concerns regarding how the observers themselves may inadvertently or deliberately influence the occurrence of election crimes.

Recommendation 11: Study Absentee Ballot Fraud

Because absentee ballot fraud constitutes a large portion of election crimes, a stand-alone study of absentee ballot fraud should be conducted. Researchers should look at actual cases to see how absentee ballot fraud schemes are conducted in an effort to provide recommendations on more effective measures for preventing fraud when absentee ballots are used.

Recommendation 12: Use Risk Analysis Methodology to Study Fraud

Conduct an analysis of what types of fraud people are most likely to commit. Researchers will use that risk analysis to rank the types of fraud based on the “ease of commission” and the impact of the fraud.

Recommendation 13: Conduct Research Using Database Comparisons

Researchers should compare information on databases to determine whether the voter rolls contain deceased persons and felons. In addition, the voter rolls can then be compared with the list of persons who voted to determine whether a vote was recorded by someone who is deceased or if felons are noted as having voted.

Recommendation 14: Conduct a Study of Deceptive Practices

The working group discussed the increasing use of deceptive practices, such as flyers and phone calls with false and/or intimidating information, to suppress voter participation. A number of groups, such as the Department of Justice, the EAC, and organizations such as the Lawyers Committee for Civil Rights, keep phone logs regarding complaints of such practices. These logs should be reviewed and analyzed to see how and where such practices are being conducted and what can be done about them.

Recommendation 15: Study Use of HAVA Administrative Complaint Procedure as Vehicle for Measuring Fraud and Intimidation

EAC should study the extent to which states are utilizing the administrative complaint procedure mandated by HAVA. In addition, the EAC should study whether data collected through the administrative complaint procedure can be used as another source of information for measuring fraud and intimidation.

Recommendation 16: Examine the Use of Special Election Courts

Given that many state and local judges are elected, it may be worth exploring whether special election courts should be established to handle fraud and intimidation complaints before, during, and after Election Day. Pennsylvania employs such a system and could investigate how well that system is working.

Accepted Recommendations

There has never been a comprehensive, national study that gathered data regarding all claims, charges, and prosecutions of voting crimes. EAC feels that a comprehensive study is the most important research that it can offer the election community and the public. As such, EAC has adopted all or a part of six of the 16 recommendations made by EAC consultants and the working group.

While several of the other recommendations could be used to obtain more anecdotal information regarding election crimes, EAC believes that what is needed is a comprehensive survey and study of the information available from investigatory agencies, prosecutorial bodies and courts on the number and types of complaints, charges and prosecutions of election crimes. Additional media reviews, additional interviews and the use of observers to collect information from voters on Election Day will only serve to continue the use of anecdotal data to report on election crimes. Hard data on complaints, charges and prosecutions exists and we should gather and use that data, rather than rely on the perceptions of the media or the members of the public as to what might be fraud or intimidation.

Some of the recommendations are beyond the scope of the current study. While election courts may be a reasonable conclusion to reach after we determine the volume and type of election crimes being reported, charged or prosecuted, it is premature to embark on an analysis of that solution without more information. Last, some of the recommendations do not support a comprehensive study of election crimes. While a risk analysis might be appropriate in a smaller scale study, EAC desires to conduct a broader survey to avoid the existing problem of anecdotal and limited scope of information.

In order to further its goal of developing a comprehensive data set regarding election crimes and the laws and procedures used to identify and prosecute them, EAC intends to engage in the following research activities in studying the existence and enforcement of election crimes:

Survey Chief Election Officers Regarding Administrative Complaints

Likely sources of complaints concerning election crimes are the administrative complaint processes that states were required to establish to comply with Section 402 of HAVA. These complaint procedures were required to be in place prior to a state receiving any funds under HAVA. Citizens are permitted to file complaints alleging violations of HAVA Title III provisions under these procedures with the state's chief election official. Those complaints must be resolved within 60 days. The procedures also allow for alternative dispute resolution of claims. Some states have expanded this process to include complaints of other violations, such as election crimes.

In order to determine how many of these complaints allege the commission of election crimes, EAC will survey the states' chief election officers regarding complaints that have been filed, investigated, and resolved since January 1, 2004. EAC will use the definition

of election crimes provided above in this report in its survey so that data regarding a uniform set of offenses will be collected.

Survey State Election Crime Investigation Units Regarding Complaints Filed and Referred

Several chief state election officials have developed investigation units focused on receiving, investigating, and referring complaints of election crimes. These units were established to bolster the abilities of state and local law enforcement to investigate allegations of election crimes. California, New York and Florida are just three examples of states that have these types of units.

EAC will use a survey instrument to gather information on the numbers and types of complaints that have been received by, investigated, and ultimately referred to local or state law enforcement by election crime investigation units since January 1, 2004. These data will help us understand the pervasiveness of perceived fraud, as well as the number of claims that state election officials felt were meritorious of being referred to local and state law enforcement or prosecutorial agencies for further action.

Survey Law Enforcement and Prosecutorial Agencies Regarding Complaints and Charge of Voting Crimes

While voters, candidates and citizens may call national hotlines or the news media to report allegations of election crimes, it is those complaints that are made to law enforcement that can be investigated and ultimately prosecuted. Thus, it is critical to the study of election crimes to obtain statistics regarding the number and types of complaints that are made to law enforcement, how many of those complaints result in the perpetrator being charged or indicted, and how many of those charges or indictments result in pleas or convictions.

Thus, EAC will survey law enforcement and prosecutorial agencies at the local, state and federal level to determine the number and types of complaints, charges or indictments, and pleas or convictions of election crimes since January 1, 2004. In addition, EAC will seek to obtain an understanding of why some complaints are not charged or indicted and why some charges or indictments are not prosecuted.

Analyze Survey Data in Light of State Laws and Procedures

Once a reliable data set concerning the existence and enforcement of election crimes is assembled, a real analysis of the effectiveness of fraud prevention measures can be conducted. For example, data can be analyzed to determine if criminal activities related to elections are isolated to certain areas or regions of the country. Data collected from the election official surveys can be compared to the data regarding complaints, charges and prosecutions gathered from the respective law enforcement and prosecutorial agencies in each jurisdiction. The effect and/or effectiveness of provisions such as voter identification laws and challenger provisions can be assessed based on hard data from

areas where these laws exist. Last, analyses such as the effectiveness of enforcement can be conducted in light of the resources available to the effort.

CONCLUSION

Election crimes are nothing new to our election process. The pervasiveness of these crimes and the fervor with which they have been enforced has created a great deal of debate among academics, election officials, and voters. Past studies of these issues have been limited in scope and some have been riddled with bias. These are issues that deserve comprehensive and nonpartisan review. EAC, through its clearinghouse role, will collect and analyze data on election crimes throughout the country. These data not only will tell us what types of election crimes are committed and where fraud exists, but also inform us of what factors impact the existence, prevention, and prosecution of election crimes.

Jeannie Layson /EAC/GOV

11/28/2006 10:27 AM

To EAC Personnel

cc

bcc

Subject FOIA Request

Hello everyone,

I need each of you to respond affirmatively or negatively to the FOIA request below. **If you have no documents in your possession related to this request , please reply to me with the words "no records."** If you have records, please identify them in an e-mail reply and attach them to the e-mail. If the document is not electronic, hand deliver them to me. Also, if you believe any of these related documents should be withheld, please provide a brief memo stating the reason for your position.

I need this information and/or a response by **COB December 5, 2006**. If you cannot comply by this date, please provide notification and an estimated time when you will provide the information and the reason why you cannot comply by the original deadline. Thanks for your cooperation. See request below:

Wendy Weiser of the Brennan Center for Justice has submitted a FOIA request for the voting fraud report prepared by our consultants and the voter ID report, as well as the following information:

"In the event that the EAC denies my renewed request for the voter ID and voting fraud reports or delays another week in providing those materials, we respectfully request copies of (1) all requests for proposals and contracts relating to the voter ID and voting fraud reports; and (2) all written and electronic communications concerning the voter ID and voting fraud reports between the EAC and (a) the Eagleton Institute of Politics, (b) the Moritz College of Law, (c) Tova Wang, (d) Job Serebrov, and (e) any other individuals or entities, including but not limited to outside reviewers."

Please let me know if you would like a copy of the FOIA request.

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

014890

Juliet E. Hodgkins/EAC/GOV
11/29/2006 05:35 PM

To Paul DeGregorio/EAC/GOV@EAC, "Davidson, Donetta"
<ddavidson@eac.gov>, Gracia Hillman/EAC/GOV@EAC
cc Thomas R. Wilkey/EAC/GOV@EAC, Margaret
Sims/EAC/GOV@EAC
bcc

Subject Revised - Draft – Voting Fraud/Voter Intimidation Report

Attached is a revised version of the Voting Fraud/Voter Intimidation Draft Report. The changes that Commissioner Hillman suggested have been made and highlighted in yellow. See pages 10-11.

Peggy and I are working on the revision of the Donsanto and Tanner interview summaries and will forward that to you under a separate email.



Voter Fraud & Intimidation Report - 112906.doc

Juliet Thompson Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
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014891

EAC REPORT ON VOTING FRAUD AND VOTER INTIMIDATION STUDY**INTRODUCTION**

Voting fraud and voter intimidation are phrases familiar to many voting-aged Americans. However, they mean different things to different people. Voting fraud and voter intimidation are phrases used to refer to crimes, civil rights violations, and, at times, even the lawful application of state or federal laws to the voting process. Past study of these topics has been as varied as its perceived meaning. In an effort to help understand the realities of voting fraud and voter intimidation in our elections, the U.S. Election Assistance Commission (EAC) has begun this, phase one, of a comprehensive study on election crimes. In this phase of its examination, EAC has developed a working definition of election crimes and adopted research methodology on how to assess the existence and enforcement of election crimes in the United States.

PURPOSE AND METHODOLOGY OF THE EAC STUDY

Section 241 of the Help America Vote Act of 2002 (HAVA) calls on the EAC to research and study various issues related to the administration of elections. During Fiscal Year 2006, EAC began projects to research several of the listed topics. These topics for research were chosen in consultation with the EAC Standards Board and Board of Advisors. Voting fraud and voter intimidation are topics that the EAC as well as its advisory boards felt were important to study to help improve the administration of elections for federal office.

EAC began this study with the intention of identifying a common understanding of voting fraud and voter intimidation and devising a plan for a comprehensive study of these issues. The initial study was not intended to be a comprehensive review of existing voting fraud and voter intimidation actions, laws, or prosecutions. To conduct that type of extensive research, a basic understanding had to first be established regarding what is commonly referred to as voting fraud and voter intimidation. Once that understanding was reached, a definition had to be crafted to refine and in some cases limit the scope of what reasonably can be researched and studied as evidence of voting fraud and voter intimidation. That definition will serve as the basis for recommending a plan for a comprehensive study of the area.

To accomplish these tasks, EAC employed two consultants, Job Serebrov and Tova Wang,¹ who worked with EAC staff and interns to conduct the research that forms the basis of this report. The consultants were chosen based upon their experience with the topic and the need to assure a bipartisan representation in this study. The consultants and EAC staff were charged with (1) researching the current state of information on the topic of voting fraud and voter intimidation; (2) developing a uniform definition of voting

¹ Biographies for Job Serebrov and Tova Wang, the two consultants hired by EAC, are attached as Appendix "1".

fraud and voter intimidation; and (3) proposing recommended strategies for researching this subject.

EAC consultants reviewed existing studies, articles, reports and case law on voting fraud and intimidation and conducted interviews with experts in the field. EAC consultants and staff then presented their initial findings to a working group that provided feedback. The working group participants were:

The Honorable Todd Rokita
Indiana Secretary of State
Member, EAC Standards Board and the
Executive Board of the Standards Board

Kathy Rogers
Georgia Director of Elections, Office of
the Secretary of State
Member, EAC Standards Board

J.R. Perez
Guadalupe County Elections
Administrator, Texas

Barbara Arnwine
Executive Director, Lawyers Committee
for Civil Rights under Law
Leader of Election Protection Coalition

Benjamin L. Ginsberg
Partner, Patton Boggs LLP
Counsel to National Republican
Campaign Committees and Republican
candidates

Robert Bauer
Chair of the Political Law Practice at the
law firm of Perkins Coie, District of
Columbia
National Counsel for Voter Protection,
Democratic National Committee

Mark (Thor) Hearne II
Partner-Member, Lathrop & Gage, St
Louis, Missouri
National Counsel to the American
Center for Voting Rights

Barry Weinberg
Former Deputy Chief and Acting Chief,
Voting Section, Civil Rights Division,
U.S. Department of Justice

Technical Advisor:

Craig Donsanto
Director, Election Crimes Branch, U.S.
Department of Justice

Throughout the process, EAC staff assisted the consultants by providing statutes and cases on this subject as well as supervision on the direction, scope and product of this research.

The consultants drafted a report for EAC that included their summaries of relevant cases, studies and reports on voting fraud and voter intimidation as well as summaries of the interviews that they conducted. The draft report also provided a definition of voting fraud and intimidation and made certain recommendations developed by the consultants or by the working group on how to pursue further study of this subject. This document was vetted and edited by EAC staff to produce this final report.

EXISTING INFORMATION ABOUT FRAUD AND INTIMIDATION

To begin our study of voting fraud and voter intimidation, EAC consultants reviewed the current body of information on voting fraud and voter intimidation. The information available about these issues comes largely from a very limited body of reports, articles, and books. There are volumes of case law and statutes in the various states that also impact our understanding of what actions or inactions are legally considered fraud or intimidation. Last, there is anecdotal information available through media reports and interviews with persons who have administered elections, prosecuted fraud, and studied these problems. All of these resources were used by EAC consultants to provide an introductory look at the available knowledge of voting fraud and voter intimidation.

Reports and Studies of Voting fraud and Intimidation

Over the years, there have been a number of studies conducted and reports published about voting fraud and voter intimidation. EAC reviewed many of these studies and reports to develop a base-line understanding of the information that is currently available about voting fraud and voter intimidation. EAC consultants reviewed the following articles, reports and books, summaries of which are available in Appendix “2”:

Articles and Reports

- People for the American Way and the NAACP, “The Long Shadow of Jim Crow,” December 6, 2004.
- Laughlin McDonald, "The New Poll Tax," *The American Prospect* vol. 13 no. 23, December 30, 2002.
- Wisconsin Legislative Audit Bureau, “An Evaluation: Voter Registration Elections Board” Report 05-12, September, 2005.
- Milwaukee Police Department, Milwaukee County District Attorney’s Office, Federal Bureau of Investigation, United States Attorney’s Office “Preliminary Findings of Joint Task Force Investigating Possible Election Fraud,” May 10, 2005.
- National Commission on Federal Election Reform, “Building Confidence in U.S. Elections,” Center for Democracy and Election Management, American University, September 2005.
- The Brennan Center for Justice at NYU School of Law and Spencer Overton, Commissioner and Law Professor at George Washington University School of Law “Response to the Report of the 2005 Commission on Federal Election Reform,” September 19, 2005.

- Chandler Davidson, Tanya Dunlap, Gale Kenny, and Benjamin Wise, “Republican Ballot Security Programs: Vote Protection or Minority Vote Suppression – or Both?” A Report to the Center for Voting Rights & Protection, September, 2004.
- Alec Ewald, “A Crazy Quilt of Tiny Pieces: State and Local Administration of American Criminal Disenfranchisement Law,” The Sentencing Project, November 2005.
- American Center for Voting Rights “Vote Fraud, Intimidation and Suppression in the 2004 Presidential Election,” August 2, 2005.
- The Advancement Project, “America’s Modern Poll Tax: How Structural Disenfranchisement Erodes Democracy” November 7, 2001
- The Brennan Center and Professor Michael McDonald “Analysis of the September 15, 2005 Voting fraud Report Submitted to the New Jersey Attorney General,” The Brennan Center for Justice at NYU School of Law, December 2005.
- Democratic National Committee, “Democracy at Risk: The November 2004 Election in Ohio,” DNC Services Corporation, 2005
- Public Integrity Section, Criminal Division, United States Department of Justice, "Report to Congress on the Activities and Operations of the Public Integrity Section for 2002."
- Public Integrity Section, Criminal Division, United States Department of Justice, "Report to Congress on the Activities and Operations of the Public Integrity Section for 2003."
- Public Integrity Section, Criminal Division, United States Department of Justice, "Report to Congress on the Activities and Operations of the Public Integrity Section for 2004."
- Craig Donsanto, "The Federal Crime of Election Fraud," Public Integrity Section, Department of Justice, prepared for Democracy.Ru, n.d., at http://www.democracy.ru/english/library/international/eng_1999-11.html
- People for the American Way, Election Protection 2004, Election Protection Coalition, at <http://www.electionprotection2004.org/edaynews.htm>
- Craig Donsanto, "Prosecution of Electoral Fraud under United State Federal Law," *IFES Political Finance White Paper Series*, IFES, 2006.

- General Accounting Office, "Elections: Views of Selected Local Election Officials on Managing Voter Registration and Ensuring Eligible Citizens Can Vote," Report to Congressional Requesters, September 2005.
- Lori Minnite and David Callahan, "Securing the Vote: An Analysis of Election Fraud," Demos: A Network of Ideas and Action, 2003.
- People for the American Way, NAACP, Lawyers Committee for Civil Rights, "Shattering the Myth: An Initial Snapshot of Voter Disenfranchisement in the 2004 Elections," December 2004.

Books

- John Fund, *Stealing Elections: How Voting fraud Threatens Our Democracy*, Encounter Books, 2004.
- Andrew Gumbel, *Steal this Vote: Dirty Elections and the Rotten History of Democracy in American*, Nation Books, 2005.
- Tracy Campbell, *Deliver the Vote: A History of Election Fraud, An American Political Tradition – 1742-2004*, Carroll & Graf Publishers, 2005.
- David E. Johnson and Jonny R. Johnson, *A Funny Thing Happened on the Way to the White House: Foolhardiness, Folly, and Fraud in the Presidential Elections, from Andrew Jackson to George W. Bush*, Taylor Trade Publishing, 2004.
- Mark Crispin Miller, *Fooled Again*, Basic Books, 2005.

During our review of these documents, we learned a great deal about the type of research that has been conducted in the past concerning voting fraud and voter intimidation. None of the studies or reports was based on a comprehensive, nationwide study, survey or review of all allegations, prosecutions or convictions of state or federal crimes related to voting fraud or voter intimidation in the United States. Most reports focused on a limited number of case studies or instances of alleged voting fraud or voter intimidation. For example, "Shattering the Myth: An Initial Snapshot of Voter Disenfranchisement in the 2004 Elections," a report produced by the People for the American Way, focused exclusively on citizen reports of fraud or intimidation to the Election Protection program during the 2004 Presidential election. Similarly, reports produced annually by the Department of Justice, Public Integrity Division, deal exclusively with crimes reported to and prosecuted by the United States Attorneys and/or the Department of Justice through the Public Integrity Section.

It is also apparent from a review of these articles and books that there is no consensus on the pervasiveness of voting fraud and voter intimidation. Some reports, such as

“Building Confidence in U.S. Elections,” suggest that there is little or no evidence of extensive fraud in U.S. elections or of multiple voting. This conflicts directly with other reports, such as the “Preliminary Findings of Joint Task Force Investigating Possible Election Fraud,” produced by the Milwaukee Police Department, Milwaukee County District Attorney’s Office, FBI and U.S. Attorney’s Office. That report cited evidence of more than 100 individual instances of suspected double-voting, voting in the name of persons who likely did not vote, and/or voting using a name believed to be fake.

Voter intimidation is also a topic of some debate because there is little agreement concerning what constitutes actionable voter intimidation. Some studies and reports cover only intimidation that involves physical or financial threats, while others cover non-criminal intimidation, including legal practices that allegedly cause vote suppression.

One point of agreement is that absentee voting and voter registration by nongovernmental groups create opportunities for fraud. For example, a number of studies cited circumstances in which voter registration drives have falsified voter registration applications or have destroyed voter registration applications of persons affiliated with a certain political party. Others conclude that paying persons per voter registration application creates the opportunity and perhaps the incentive for fraud.

Interviews with Experts

In addition to reviewing prior studies and reports on voting fraud and intimidation, EAC consultants interviewed a number of persons regarding their experiences and research of voting fraud and voter intimidation. Persons interviewed included:

Wade Henderson
Executive Director,
Leadership Conference for Civil Rights

Wendy Weiser
Deputy Director,
Democracy Program, The Brennan
Center

William Groth
Attorney for the plaintiffs in the Indiana
voter identification litigation

Lori Minnite
Barnard College, Columbia University

Neil Bradley
ACLU Voting Rights Project

Pat Rogers
Attorney, New Mexico

Nina Perales
Counsel,
Mexican American Legal Defense and
Education Fund

Rebecca Vigil-Giron
Secretary of State, New Mexico

Sarah Ball Johnson
Executive Director,
State Board of Elections, Kentucky

Stephen Ansolobhere
Massachusetts Institute of Technology

Chandler Davidson
Rice University

Tracey Campbell

Author, *Deliver the Vote*

Douglas Webber

Assistant Attorney General, Indiana

Heather Dawn Thompson

Director of Government Relations,
National Congress of American Indians

Jason Torchinsky

Assistant General Counsel,
American Center for Voting Rights

Robin DeJarnette

Executive Director,
American Center for Voting Rights

Harry Van Sickle

Commissioner of Elections,
Pennsylvania

Tony Sirvello

Executive Director
International Association of Clerks,
Recorders, Election Officials and
Treasurers

Joseph Sandler

Counsel
Democratic National Committee

John Ravitz

Executive Director
New York City Board of Elections

Sharon Priest

Former Secretary of State, Arkansas

Kevin Kennedy

Executive Director
State Board of Elections, Wisconsin

Evelyn Stratton

Justice
Supreme Court of Ohio

Joseph Rich

Former Director
Voting Section, Civil Rights Division
U.S. Department of Justice

Craig Donsanto

Director, Public Integrity Section
U.S. Department of Justice

John Tanner

Director
Voting Section, Civil Rights Division
U.S. Department of Justice

These interviews in large part confirmed the conclusions that were gleaned from the articles, reports and books that were analyzed. For example, the interviewees largely agreed that absentee balloting is subject to the greatest proportion of fraudulent acts, followed by vote buying and voter registration fraud. They similarly pointed to voter registration drives by nongovernmental groups as a source of fraud, particularly when the workers are paid per registration. Many asserted that impersonation of voters is probably the least frequent type of fraud because it is the most likely type of fraud to be discovered, there are stiff penalties associated with this type of fraud, and it is an inefficient method of influencing an election.

Interviewees differed on what they believe constitutes actionable voter intimidation. Law enforcement and prosecutorial agencies tend to look to the criminal definitions of voter intimidation, which generally require some threat of physical or financial harm. On the other hand, voter rights advocates tended to point to activities such as challenger laws,

voter identification laws, polling place locations, and distribution of voting machines as activities that can constitute voter intimidation.

Those interviewed also expressed opinions on the enforcement of voting fraud and voter intimidation laws. States have varying authorities to enforce these laws. In some states, enforcement is left to the county or district attorney, and in others enforcement is managed by the state's attorney general. Regardless, voting fraud and voter intimidation are difficult to prove and require resources and time that many local law enforcement and prosecutorial agencies do not have. Federal law enforcement and prosecutorial agencies have more time and resources but have limited jurisdiction and can only prosecute election crimes perpetrated in elections with a federal candidate on the ballot or perpetrated by a public official under the color of law. Those interviewed differed on the effectiveness of the current system of enforcement. Some allege that prosecutions are not sufficiently aggressive. Others feel that the current laws are sufficient for prosecuting fraud and intimidation.

A summary of the each of the interviews conducted is attached as Appendix "3".

Case Law and Statutes

Consultants reviewed more than 40,000 cases that were identified using a series of search terms related to voting fraud and voter intimidation. The majority of these cases came from courts of appeal. This is not surprising, since most cases that are publicly reported come from courts of appeal. Very few cases that are decided at the district court level are reported for public review.

Very few of the identified cases were applicable to this study. Of those that were applicable, no apparent thematic pattern emerged. However, it did seem that the greatest number of cases reported on fraud and intimidation have shifted from past patterns of stealing votes to present problems with voter registration, voter identification, the proper delivery and counting of absentee and overseas ballots, provisional voting, vote buying, and challenges to felon eligibility.

A listing of the cases reviewed in this study is attached as Appendix "4".

Media Reports

EAC consultants reviewed thousands of media reports concerning a wide variety of potential voting fraud or voter intimidation, including:

- absentee ballot fraud,
- voter registration fraud,
- voter intimidation and suppression,
- deceased voters on voter registration list and/or voting,
- multiple voting,
- felons voting,

- non-citizens voting,
- vote buying,
- deceptive practices, and
- fraud by election officials.

While these reports showed that there were a large number of allegations of voting fraud and voter intimidation, they provided much less information as to whether the allegations were ever formalized as complaints to law enforcement, whether charges were filed, whether prosecutions ensued, and whether any convictions were made. The media reports were enlightening as to the pervasiveness of complaints of fraud and intimidation throughout the country, the correlation between fraud allegations and the perception that the state was a “battleground” or “swing” state, and the fact that there were reports of almost all types of voting fraud and voter intimidation. However, these reports do not provide much data for analysis as to the number of complaints, charges and prosecutions of voting fraud and intimidation throughout the country.

DEFINITION OF ELECTION CRIMES

From our study of available information on voting fraud and voter intimidation, we have learned that these terms mean many things to many different people. These terms are used casually to refer to anything from vote buying to refusing to register a voter to falsifying voter registration applications. Upon further inspection, however, it is apparent that there is no common understanding or agreement of what constitutes “voting fraud” and “voter intimidation.” Some think of voting fraud and voter intimidation only as criminal acts, while others include actions that may constitute civil wrongs, civil rights violations, and even legal activities. To arrive at a common definition and list of activities that can be studied, EAC assessed the appropriateness of the terminology that is currently in use and applied certain factors to limit the scope and reach of what can and will be studied by EAC in the future. As a result, EAC has adopted the use of the term “election crimes” for its future study.

Current Terminology

The phrase “voting fraud” is really a misnomer for a concept that is much broader. “Fraud” is a concept that connotes an intentional act of deception, which may constitute either a criminal act or civil tort depending upon the willfulness of the act.

Fraud, n. 1. A knowing misrepresentation of the truth or concealment of a material fact to induce another to act to his or her detriment. • Fraud is usu[ally] a tort, but in some cases (esp. when the conduct is willful) it may be a crime.

Black’s Law Dictionary, Eighth Edition, p. 685.

“Voting” is the act of casting votes to decide an issue or contest. Black’s Law Dictionary, Eighth Edition, p. 1608. Using these terms to form a definition of “voting fraud,” it means fraudulent or deceptive acts committed to influence the act of voting.

Thus, a voter who intentionally impersonates another registered voter and attempts to vote for that person would be committing “voting fraud.” Similarly, a person who knowingly provides false information to a voter about the location of the voter’s polling place commits fraud on the voter.

The phrase “voting fraud” does not capture a myriad of other criminal acts that are related to elections which are not related to the act of voting and/or do not involve an act of deception. For example, “voting fraud” does not capture actions or willful inaction in the voter registration process. When an election official willfully and knowingly refuses to register to vote a legally eligible person it is a crime. This is a crime that involves neither the act of voting nor an act of deception.

To further complicate matters, the phrases “voting fraud” and “voter intimidation” are used to refer to actions or inactions that are criminal as well as those that are potentially civil wrongs and even those that are legal. Obviously, criminal acts and civil wrongs are pursued in a very different manner. Criminal acts are prosecuted by the local, state or federal government. Generally, civil wrongs are prosecuted by the individual who believes that they were harmed. In some cases, when civil rights are involved, the Civil Rights Division of the Department of Justice may become involved.

New Terminology

The goal of this study was to develop a common definition of what is generically referred to as “voting fraud” and “voter intimidation” that would serve as the basis for a future, comprehensive study of the existence of these problems. Because the current terminology has such a variety of applications and meanings, “voting fraud” and “voter intimidation” can be read to encompass almost any bad act associated with an election. Such broad terminology is not useful in setting the boundaries of a future study. A definition must set parameters for future study by applying limitations on what is included in the concepts to be studied. The current terminology applies no such limitations.

Thus, EAC has adopted the use of the phrase “election crimes” to limit the scope of its future study. This term captures all crimes related to the voter registration and voting processes and excludes civil wrongs and non-election related crimes. EAC adopted this definition because it better represents the spectrum of activities that we are able to and desire to study. In addition, we recognize that the resources, both financial and human capital, needed to study all “voting fraud” and “voter intimidation,” including criminal acts, civil actions, as well as allegations of voter suppression through the use of legal election processes are well beyond the resources available to EAC. Finally, by limiting this definition to criminal acts, EAC can focus its study on a set of more readily measurable data. Criminal behavior is readily defined through state and federal statutes and is prosecuted by government agencies. This is not the case with civil matters. Civil actions can be prosecuted by individuals and/or government entities. Furthermore, what constitutes civil action is far less defined, subject to change, and can vary from case to

case. A more complete discussion of the concept of “election crimes” follows along with a list of excluded actions.

The Definition of an Election Crime for Purposes of this Study

Election crimes are intentional acts or willful failures to act, prohibited by state or federal law, that are designed to cause ineligible persons to participate in the election process; eligible persons to be excluded from the election process; ineligible votes to be cast in an election; eligible votes not to be cast or counted; or other interference with or invalidation of election results. Election crimes generally fall into one of four categories: acts of deception, acts of coercion, acts of damage or destruction, and failures or refusals to act.

Election crimes can be committed by voters, candidates, election officials, or any other members of the public who desire to criminally impact the result of an election. However, crimes that are based upon intentional or willful failure to act assume that a duty to act exists. Election officials have affirmative duties to act with regard to elections. By and large, other groups and individuals do not have such duties.

The victim of an election crime can be a voter, a group of voters, an election official, a candidate, or the public in general. Election crimes can occur during any stage of the election process, including but not limited to qualification of candidates; voter registration; campaigning; voting system preparation and programming; voting either early, absentee, or on election day; vote tabulation; recounts; and recalls.

The following are examples of activities that may constitute election crimes. This list is not intended to be exhaustive, but is representative of what states and the federal government consider criminal activity related to elections.

Acts of Deception

- Knowingly causing to be mailed or distributed, or knowingly mailing or distributing, literature that includes false information about the voter’s precinct or polling place, the date and time of the election or a candidate;
- Possessing an official ballot outside the voting location, unless the person is an election official or other person authorized by law or local ordinance to possess a ballot outside of the polling location;
- Making or knowingly possessing a counterfeit of an official election ballot;
- Signing a name other than his/her own to a petition proposing an initiative, referendum, recall, or nomination of a candidate for office;
- Knowingly signing more than once for the proposition, question, or candidate in one election;
- Signing a petition proposing an initiative or referendum when the signer is not a qualified voter.
- Voting or attempting to vote in the name of another person;
- Voting or attempting to vote more than once during the same election;

- Intentionally making a false affidavit, swearing falsely, or falsely affirming under an oath required by a statute regarding their voting status, including when registering to vote, requesting an absentee ballot or presenting to vote in person;
- Registering to vote without being entitled to register;
- Knowingly making a materially false statement on an application for voter registration or re-registration; and
- Voting or attempting to vote in an election after being disqualified or when the person knows that he/she is not eligible to vote.

Acts of Coercion

- Using, threatening to use, or causing to be used force, coercion, violence, restraint, or inflicting, threatening to inflict, or causing to be inflicted damage harm, or loss, upon or against another person to induce or compel that person to vote or refrain from voting or to register or refrain from registering to vote;
- Knowingly paying, offering to pay, or causing to be paid money or other thing of value to a person to vote or refrain from voting for a candidate or for or against an election proposition or question;
- Knowingly soliciting or encouraging a person who is not qualified to vote in an election;
- Knowingly challenging a person's right to vote without probable cause or on fraudulent grounds, or engaging in mass, indiscriminate, and groundless challenging of voters solely for the purpose of preventing voter from voting or to delay the process of voting;
- As an employer, attempting by coercion, intimidation, threats to discharge or to lessen the remuneration of an employee, to influence his/her vote in any election, or who requires or demands an examination or inspection by himself/herself or another of an employee's ballot;
- Soliciting, accepting, or agreeing to accept money or other valuable thing in exchange for signing or refraining from signing a petition proposing an initiative;
- Inducing or attempting to induce an election official to fail in the official's duty by force, threat, intimidation, or offers of reward;
- Directly or through any other person advancing, paying, soliciting, or receiving or causing to be advanced, paid, solicited, or received, any money or other valuable consideration to or for the use of any person in order to induce a person not to become or to withdraw as a candidate for public office; and
- Soliciting, accepting, or agreeing to accept money or other thing of value in exchange for registering to vote.

Acts of Damage or Destruction

- Destroying completed voter registration applications;
- Removing or destroying any of the supplies or other conveniences placed in the voting booths or compartments;
- Removing, tearing down, or defacing election materials, instructions or ballots;

- Fraudulently altering or changing the vote of any elector, by which such elector is prevented from voting as the person intended;
- Knowingly removing, altering, defacing or covering any political sign of any candidate for public office for a prescribed period prior to and following the election;
- Intentionally changing, attempting to change, or causing to be changed an official election document including ballots, tallies, and returns; and
- Intentionally delaying, attempting to delay, or causing to be delayed the sending of certificate, register, ballots, or other materials whether original or duplicate, required to be sent by jurisdictional law.

Failure or Refusal to Act

- Intentionally failing to perform an election duty, or knowingly committing an unauthorized act with the intent to effect the election;
- Knowingly permitting, making, or attempting to make a false count of election returns;
- Intentionally concealing, withholding, or destroying election returns or attempts to do so;
- Marking a ballot by folding or physically altering the ballot so as to recognize the ballot at a later time;
- Attempting to learn or actually and unlawfully learning how a voter marked a ballot;
- Distributing or attempting to distribute election material knowing it to be fraudulent;
- Knowingly refusing to register a person who is entitled to register under the rules of that jurisdiction;
- Knowingly removing the eligibility status of a voter who is eligible to vote; and
- Knowingly refusing to allow an eligible voter to cast his/her ballot.

What is not an Election Crime for Purposes of this Study

There are some actions or inactions that may constitute crimes or civil wrongs that we do not include in our definition of “election crimes.” All criminal or civil violations related to campaign finance contribution limitations, prohibitions, and reporting either at the state or federal level are not “election crimes” for purposes of this study and any future study conducted by EAC. Similarly, criminal acts that are unrelated to elections, voting, or voter registration are not “election crimes,” even when those offenses occur in a polling place, voter registration office, or a candidate’s office or appearance. For example, an assault or battery that results from a fight in a polling place or at a candidate’s office is not an election crime. Last, violations of ethical provisions and the Hatch Act are not “election crimes.” Similarly, civil or other wrongs that do not rise to the level of criminal activity (i.e., a misdemeanor, relative felony or felony) are not “election crimes.”

RECOMMENDATIONS ON HOW TO STUDY ELECTION CRIMES

As a part of its study, EAC sought recommendations on ways that EAC can research the existence of election crimes. EAC consultants, the working groups and some of the persons interviewed as a part of this study provided the following recommendations.

Recommendation 1: Conduct More Interviews

Future activity in this area should include conducting additional interviews. In particular, more election officials from all levels of government, parts of the country, and political parties should be interviewed. It would also be especially beneficial to talk to law enforcement officials, specifically federal District Election Officers (“DEOs”) and local district attorneys, as well as civil and criminal defense attorneys.

Recommendation 2: Follow Up on Media Research

The media search conducted for this phase of the research was based on a list of search terms agreed upon by EAC consultants. Thousands of articles were reviewed and hundreds analyzed. Many of the articles contained allegations of fraud or intimidation. Similarly, some of the articles contained information about investigations into such activities or even charges brought. Additional media research should be conducted to determine what, if any, resolutions or further activity there was in each case.

Recommendation 3: Follow Up on Allegations Found in Literature Review

Many of the allegations made in the reports and books that were analyzed and summarized by EAC consultants were not substantiated and were certainly limited by the date of publication of those pieces. Despite this, such reports and books are frequently cited by various interested parties as evidence of fraud or intimidation. Further research should include follow up on the allegations discovered in the literature review.

Recommendation 4: Review Complaints Filed With “MyVote1” Voter Hotline

During the 2004 election and the statewide elections of 2005, the University of Pennsylvania led a consortium of groups and researchers in conducting the MyVote1 Project. This project involved using a toll-free voter hotline that voters could call for poll locations, be transferred to a local hotline, or leave a recorded message with a complaint. In 2004, this resulted in more than 200,000 calls received and more than 56,000 recorded complaints.

Further research should be conducted using the MyVote1 data with the cooperation of the project leaders. While perhaps not a fully scientific survey given the self-selection of the callers, the information regarding 56,000 complaints may provide insight into the problems voters may have experienced, especially issues regarding intimidation or suppression.

Recommendation 5: Further Review of Complaints Filed With U.S. Department of Justice

According to a recent GAO report, the Voting Section of the Civil Rights Division of the Department of Justice has a variety of ways it tracks complaints of voter intimidation. Attempts should be made to obtain relevant data, including the telephone logs of complaints and information from the Interactive Case Management (ICM) system. Further research should also include a review and analysis of the DOJ/OPM observer and “monitor field reports” from Election Day.

Recommendation 6: Review Reports Filed By District Election Officers

Further research should include a review of the reports that must be filed by every District Election Officer to the Public Integrity Section of the Criminal Division of the Department of Justice. The DEOs play a central role in receiving reports of voting fraud and investigating and pursuing them. Their reports back to the Department would likely provide tremendous insight into what actually transpired during the last several elections. Where necessary, information could be redacted or made confidential.

Recommendation 7: Attend Ballot Access and Voting Integrity Symposium

Further activity in this area should include attending the next Ballot Access and Voting Integrity Symposium. At this conference, prosecutors serving as District Election Officers in the 94 U.S. Attorneys’ Offices obtain annual training on fighting election fraud and voting rights abuses. These conferences are sponsored by the Voting Section of the Civil Rights Division and the Public Integrity Section of the Criminal Division, and feature presentations by Civil Rights officials and senior prosecutors from the Public Integrity Section and the U.S. Attorneys’ Offices. By attending the symposium researchers could learn more about the following: how District Election Officers are trained; how information about previous election and voting issues is presented; and how the Voting Rights Act, the criminal laws governing election fraud and intimidation, the National Voter Registration Act, and the Help America Vote Act are described and explained to participants.

Recommendation 8: Conduct Statistical Research

EAC should measure voting fraud and intimidation using interviews, focus groups, and a survey and statistical analysis of the results of these efforts. The sample should be based on the following factors:

- Ten locations that are geographically and demographically diverse where there have been many reports of fraud and/or intimidation;
- Ten locations (geographically and demographically diverse) that have not had many reports of fraud and/or intimidation;

EAC should also conduct a survey of elections officials, district attorneys, and district election officers. The survey sample should be large in order to be able to get the necessary subsets, and it must include a random set of counties where there have and have not been a large number of allegations.

Recommendation 9: Explore Improvements to Federal Law

Future researchers should review federal law to explore ways to make it easier to impose either civil or criminal penalties for acts of intimidation that do not necessarily involve racial animus and/or a physical or economic threat.

Recommendation 10: Use Observers to Collect Data on Election Day

Use observers to collect data regarding fraud and intimidation at the polls on Election Day. There may be some limitations to the ability to conduct this type of research, including difficulty gaining access to polling places for the purposes of observation, and concerns regarding how the observers themselves may inadvertently or deliberately influence the occurrence of election crimes.

Recommendation 11: Study Absentee Ballot Fraud

Because absentee ballot fraud constitutes a large portion of election crimes, a stand-alone study of absentee ballot fraud should be conducted. Researchers should look at actual cases to see how absentee ballot fraud schemes are conducted in an effort to provide recommendations on more effective measures for preventing fraud when absentee ballots are used.

Recommendation 12: Use Risk Analysis Methodology to Study Fraud

Conduct an analysis of what types of fraud people are most likely to commit. Researchers will use that risk analysis to rank the types of fraud based on the “ease of commission” and the impact of the fraud.

Recommendation 13: Conduct Research Using Database Comparisons

Researchers should compare information on databases to determine whether the voter rolls contain deceased persons and felons. In addition, the voter rolls can then be compared with the list of persons who voted to determine whether a vote was recorded by someone who is deceased or if felons are noted as having voted.

Recommendation 14: Conduct a Study of Deceptive Practices

The working group discussed the increasing use of deceptive practices, such as flyers and phone calls with false and/or intimidating information, to suppress voter participation. A number of groups, such as the Department of Justice, the EAC, and organizations such as the Lawyers Committee for Civil Rights, keep phone logs regarding complaints of such

practices. These logs should be reviewed and analyzed to see how and where such practices are being conducted and what can be done about them.

Recommendation 15: Study Use of HAVA Administrative Complaint Procedure as Vehicle for Measuring Fraud and Intimidation

EAC should study the extent to which states are utilizing the administrative complaint procedure mandated by HAVA. In addition, the EAC should study whether data collected through the administrative complaint procedure can be used as another source of information for measuring fraud and intimidation.

Recommendation 16: Examine the Use of Special Election Courts

Given that many state and local judges are elected, it may be worth exploring whether special election courts should be established to handle fraud and intimidation complaints before, during, and after Election Day. Pennsylvania employs such a system and could investigate how well that system is working.

Accepted Recommendations

There has never been a comprehensive, national study that gathered data regarding all claims, charges, and prosecutions of voting crimes. EAC feels that a comprehensive study is the most important research that it can offer the election community and the public. As such, EAC has adopted all or a part of six of the 16 recommendations made by EAC consultants and the working group.

While several of the other recommendations could be used to obtain more anecdotal information regarding election crimes, EAC believes that what is needed is a comprehensive survey and study of the information available from investigatory agencies, prosecutorial bodies and courts on the number and types of complaints, charges and prosecutions of election crimes. Additional media reviews, additional interviews and the use of observers to collect information from voters on Election Day will only serve to continue the use of anecdotal data to report on election crimes. Hard data on complaints, charges and prosecutions exists and we should gather and use that data, rather than rely on the perceptions of the media or the members of the public as to what might be fraud or intimidation.

Some of the recommendations are beyond the scope of the current study. While election courts may be a reasonable conclusion to reach after we determine the volume and type of election crimes being reported, charged or prosecuted, it is premature to embark on an analysis of that solution without more information. Last, some of the recommendations do not support a comprehensive study of election crimes. While a risk analysis might be appropriate in a smaller scale study, EAC desires to conduct a broader survey to avoid the existing problem of anecdotal and limited scope of information.

In order to further its goal of developing a comprehensive data set regarding election crimes and the laws and procedures used to identify and prosecute them, EAC intends to engage in the following research activities in studying the existence and enforcement of election crimes:

Survey Chief Election Officers Regarding Administrative Complaints

Likely sources of complaints concerning election crimes are the administrative complaint processes that states were required to establish to comply with Section 402 of HAVA. These complaint procedures were required to be in place prior to a state receiving any funds under HAVA. Citizens are permitted to file complaints alleging violations of HAVA Title III provisions under these procedures with the state's chief election official. Those complaints must be resolved within 60 days. The procedures also allow for alternative dispute resolution of claims. Some states have expanded this process to include complaints of other violations, such as election crimes.

In order to determine how many of these complaints allege the commission of election crimes, EAC will survey the states' chief election officers regarding complaints that have been filed, investigated, and resolved since January 1, 2004. EAC will use the definition of election crimes provided above in this report in its survey so that data regarding a uniform set of offenses will be collected.

Survey State Election Crime Investigation Units Regarding Complaints Filed and Referred

Several chief state election officials have developed investigation units focused on receiving, investigating, and referring complaints of election crimes. These units were established to bolster the abilities of state and local law enforcement to investigate allegations of election crimes. California, New York and Florida are just three examples of states that have these types of units.

EAC will use a survey instrument to gather information on the numbers and types of complaints that have been received by, investigated, and ultimately referred to local or state law enforcement by election crime investigation units since January 1, 2004. These data will help us understand the pervasiveness of perceived fraud, as well as the number of claims that state election officials felt were meritorious of being referred to local and state law enforcement or prosecutorial agencies for further action.

Survey Law Enforcement and Prosecutorial Agencies Regarding Complaints and Charge of Voting Crimes

While voters, candidates and citizens may call national hotlines or the news media to report allegations of election crimes, it is those complaints that are made to law enforcement that can be investigated and ultimately prosecuted. Thus, it is critical to the study of election crimes to obtain statistics regarding the number and types of complaints that are made to law enforcement, how many of those complaints result in the perpetrator

being charged or indicted, and how many of those charges or indictments result in pleas or convictions.

Thus, EAC will survey law enforcement and prosecutorial agencies at the local, state and federal level to determine the number and types of complaints, charges or indictments, and pleas or convictions of election crimes since January 1, 2004. In addition, EAC will seek to obtain an understanding of why some complaints are not charged or indicted and why some charges or indictments are not prosecuted.

Analyze Survey Data in Light of State Laws and Procedures

Once a reliable data set concerning the existence and enforcement of election crimes is assembled, a real analysis of the effectiveness of fraud prevention measures can be conducted. For example, data can be analyzed to determine if criminal activities related to elections are isolated to certain areas or regions of the country. Data collected from the election official surveys can be compared to the data regarding complaints, charges and prosecutions gathered from the respective law enforcement and prosecutorial agencies in each jurisdiction. The effect and/or effectiveness of provisions such as voter identification laws and challenger provisions can be assessed based on hard data from areas where these laws exist. Last, analyses such as the effectiveness of enforcement can be conducted in light of the resources available to the effort.

CONCLUSION

Election crimes are nothing new to our election process. The pervasiveness of these crimes and the fervor with which they have been enforced has created a great deal of debate among academics, election officials, and voters. Past studies of these issues have been limited in scope and some have been riddled with bias. These are issues that deserve comprehensive and nonpartisan review. EAC, through its clearinghouse role, will collect and analyze data on election crimes throughout the country. These data not only will tell us what types of election crimes are committed and where fraud exists, but also inform us of what factors impact the existence, prevention, and prosecution of election crimes.

Juliet E. Hodgkins/EAC/GOV
12/01/2006 04:39 PM

To Paul DeGregorio/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC, "Davidson, Donetta" <ddavidson@eac.gov>, Thomas R. Wilkey/EAC/GOV@EAC
cc
bcc

Subject Draft Fraud/Intimidation Report with Executive Summary

Commissioners,

The draft attached below contains the Executive Summary as well as the suggestions made by Commissioner Hillman. Please let me know if you have any additional changes by COB Monday, Dec. 4, so that I can incorporate these and have this document ready for consideration at Thursday's meeting.



Voter Fraud & Intimidation Report - 120106.doc

In addition, I have had another request from Tova Wang for an embargoed copy of this report. I have not heard from any of you on this matter. I assume that this means that you agree with my opinion that we cannot release this document to her since she is no longer under contract with us, as it would be tantamount to releasing this document to the public. Please let me know ASAP if this is not your understanding and belief.

Juliet Thompson Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

014911

EAC REPORT ON VOTING FRAUD AND VOTER INTIMIDATION STUDY**EXECUTIVE SUMMARY**

The Help America Vote Act of 2002 (HAVA) requires the U.S. Election Assistance Commission (EAC) to study a host of topics, including “voting fraud” and “voter intimidation.” In 2005, EAC embarked on an initial review of the existing knowledge of voting fraud and voter intimidation. The goal of that study was to develop a working definition of “voting fraud” and “voter intimidation” and to identify research methodology to conduct a comprehensive, nationwide study of these topics.

EAC staff along with two, bipartisan consultants reviewed the existing information available about voting fraud and voter intimidation, including reading articles, books and reports; interviewing subject matter experts; reviewing media reports of fraud and intimidation; and studying reported cases of prosecutions of these types of crimes. It is clear from this review that there is a great deal of debate on the pervasiveness of fraud in elections as well as what constitute the most common acts of fraud or intimidation. There is also no apparent consensus on the meaning of the phrases “voting fraud” and “voter intimidation.” Some think of voting fraud and voter intimidation only as criminal acts, while others include actions that may constitute civil wrongs, civil rights violations, and even legal activities.

In order to facilitate future study of these topics, EAC developed a working definition of “election crimes.” “Election crimes” are intentional acts or willful failures to act, prohibited by state or federal law, that are designed to cause ineligible persons to participate in the election process; eligible persons to be excluded from the election process; ineligible votes to be cast in an election; eligible votes not to be cast or counted; or other interference with or invalidation of election results. Election crimes generally fall into one of four categories: acts of deception, acts of coercion, acts of damage or destruction, and failures or refusals to act.

From EAC’s review of existing information on the issue, it was apparent that there have been a number of studies that touched on various topics and regions of the country concerning voting fraud and intimidation, but that there had never been a comprehensive, nationwide study of these topics. EAC will conduct further research to provide a comprehensive, nationwide look at “election crimes.” Future EAC study of this topic will focus on election-related, criminal activity and will not include acts that are exclusively civil wrongs, campaign finance violations, and violations of ethical provisions. EAC will study these concepts by surveying the states’ chief election officials about complaints they received through their administrative complaint processes, election crime investigation units regarding complaints received and those referred to law enforcement, and law enforcement and prosecutorial agencies regarding complaints received and charges filed.

INTRODUCTION

Voting fraud and voter intimidation are phrases familiar to many voting-aged Americans. However, they mean different things to different people. Voting fraud and voter intimidation are phrases used to refer to crimes, civil rights violations, and, at times, even the lawful application of state or federal laws to the voting process. Past study of these topics has been as varied as its perceived meaning. In an effort to help understand the realities of voting fraud and voter intimidation in our elections, the U.S. Election Assistance Commission (EAC) has begun this, phase one, of a comprehensive study on election crimes. In this phase of its examination, EAC has developed a working definition of election crimes and adopted research methodology on how to assess the existence and enforcement of election crimes in the United States.

PURPOSE AND METHODOLOGY OF THE EAC STUDY

Section 241 of the Help America Vote Act of 2002 (HAVA) calls on the EAC to research and study various issues related to the administration of elections. During Fiscal Year 2006, EAC began projects to research several of the listed topics. These topics for research were chosen in consultation with the EAC Standards Board and Board of Advisors. Voting fraud and voter intimidation are topics that the EAC as well as its advisory boards felt were important to study to help improve the administration of elections for federal office.

EAC began this study with the intention of identifying a common understanding of voting fraud and voter intimidation and devising a plan for a comprehensive study of these issues. The initial study was not intended to be a comprehensive review of existing voting fraud and voter intimidation actions, laws, or prosecutions. To conduct that type of extensive research, a basic understanding had to first be established regarding what is commonly referred to as voting fraud and voter intimidation. Once that understanding was reached, a definition had to be crafted to refine and in some cases limit the scope of what reasonably can be researched and studied as evidence of voting fraud and voter intimidation. That definition will serve as the basis for recommending a plan for a comprehensive study of the area.

To accomplish these tasks, EAC employed two consultants, Job Serebrov and Tova Wang,¹ who worked with EAC staff and interns to conduct the research that forms the basis of this report. The consultants were chosen based upon their experience with the topic and the need to assure a bipartisan representation in this study. The consultants and EAC staff were charged with (1) researching the current state of information on the topic of voting fraud and voter intimidation; (2) developing a uniform definition of voting fraud and voter intimidation; and (3) proposing recommended strategies for researching this subject.

¹ Biographies for Job Serebrov and Tova Wang, the two consultants hired by EAC, are attached as Appendix "1".

EAC consultants reviewed existing studies, articles, reports and case law on voting fraud and intimidation and conducted interviews with experts in the field. EAC consultants and staff then presented their initial findings to a working group that provided feedback. The working group participants were:

The Honorable Todd Rokita
Indiana Secretary of State
Member, EAC Standards Board and the
Executive Board of the Standards Board

Kathy Rogers
Georgia Director of Elections, Office of
the Secretary of State
Member, EAC Standards Board

J.R. Perez
Guadalupe County Elections
Administrator, Texas

Barbara Arnwine
Executive Director, Lawyers Committee
for Civil Rights under Law
Leader of Election Protection Coalition

Benjamin L. Ginsberg
Partner, Patton Boggs LLP
Counsel to National Republican
Campaign Committees and Republican
candidates

Robert Bauer
Chair of the Political Law Practice at the
law firm of Perkins Coie, District of
Columbia
National Counsel for Voter Protection,
Democratic National Committee

Mark (Thor) Hearne II
Partner-Member, Lathrop & Gage, St
Louis, Missouri
National Counsel to the American
Center for Voting Rights

Barry Weinberg
Former Deputy Chief and Acting Chief,
Voting Section, Civil Rights Division,
U.S. Department of Justice

Technical Advisor:

Craig Donsanto
Director, Election Crimes Branch, U.S.
Department of Justice

Throughout the process, EAC staff assisted the consultants by providing statutes and cases on this subject as well as supervision on the direction, scope and product of this research.

The consultants drafted a report for EAC that included their summaries of relevant cases, studies and reports on voting fraud and voter intimidation as well as summaries of the interviews that they conducted. The draft report also provided a definition of voting fraud and intimidation and made certain recommendations developed by the consultants or by the working group on how to pursue further study of this subject. This document was vetted and edited by EAC staff to produce this final report.

EXISTING INFORMATION ABOUT FRAUD AND INTIMIDATION

To begin our study of voting fraud and voter intimidation, EAC consultants reviewed the current body of information on voting fraud and voter intimidation. The information available about these issues comes largely from a very limited body of reports, articles, and books. There are volumes of case law and statutes in the various states that also impact our understanding of what actions or inactions are legally considered fraud or intimidation. Last, there is anecdotal information available through media reports and interviews with persons who have administered elections, prosecuted fraud, and studied these problems. All of these resources were used by EAC consultants to provide an introductory look at the available knowledge of voting fraud and voter intimidation.

Reports and Studies of Voting fraud and Intimidation

Over the years, there have been a number of studies conducted and reports published about voting fraud and voter intimidation. EAC reviewed many of these studies and reports to develop a base-line understanding of the information that is currently available about voting fraud and voter intimidation. EAC consultants reviewed the following articles, reports and books, summaries of which are available in Appendix “2”:

Articles and Reports

- People for the American Way and the NAACP, “The Long Shadow of Jim Crow,” December 6, 2004.
- Laughlin McDonald, "The New Poll Tax," *The American Prospect* vol. 13 no. 23, December 30, 2002.
- Wisconsin Legislative Audit Bureau, “An Evaluation: Voter Registration Elections Board” Report 05-12, September, 2005.
- Milwaukee Police Department, Milwaukee County District Attorney’s Office, Federal Bureau of Investigation, United States Attorney’s Office “Preliminary Findings of Joint Task Force Investigating Possible Election Fraud,” May 10, 2005.
- National Commission on Federal Election Reform, “Building Confidence in U.S. Elections,” Center for Democracy and Election Management, American University, September 2005.
- The Brennan Center for Justice at NYU School of Law and Spencer Overton, Commissioner and Law Professor at George Washington University School of Law “Response to the Report of the 2005 Commission on Federal Election Reform,” September 19, 2005.

- Chandler Davidson, Tanya Dunlap, Gale Kenny, and Benjamin Wise, “Republican Ballot Security Programs: Vote Protection or Minority Vote Suppression – or Both?” A Report to the Center for Voting Rights & Protection, September, 2004.
- Alec Ewald, “A Crazy Quilt of Tiny Pieces: State and Local Administration of American Criminal Disenfranchisement Law,” The Sentencing Project, November 2005.
- American Center for Voting Rights “Vote Fraud, Intimidation and Suppression in the 2004 Presidential Election,” August 2, 2005.
- The Advancement Project, “America’s Modern Poll Tax: How Structural Disenfranchisement Erodes Democracy” November 7, 2001
- The Brennan Center and Professor Michael McDonald “Analysis of the September 15, 2005 Voting fraud Report Submitted to the New Jersey Attorney General,” The Brennan Center for Justice at NYU School of Law, December 2005.
- Democratic National Committee, “Democracy at Risk: The November 2004 Election in Ohio,” DNC Services Corporation, 2005
- Public Integrity Section, Criminal Division, United States Department of Justice, "Report to Congress on the Activities and Operations of the Public Integrity Section for 2002."
- Public Integrity Section, Criminal Division, United States Department of Justice, "Report to Congress on the Activities and Operations of the Public Integrity Section for 2003."
- Public Integrity Section, Criminal Division, United States Department of Justice, "Report to Congress on the Activities and Operations of the Public Integrity Section for 2004."
- Craig Donsanto, "The Federal Crime of Election Fraud," Public Integrity Section, Department of Justice, prepared for Democracy.Ru, n.d., at http://www.democracy.ru/english/library/international/eng_1999-11.html
- People for the American Way, Election Protection 2004, Election Protection Coalition, at <http://www.electionprotection2004.org/edaynews.htm>
- Craig Donsanto, "Prosecution of Electoral Fraud under United State Federal Law," *IFES Political Finance White Paper Series*, IFES, 2006.

- General Accounting Office, "Elections: Views of Selected Local Election Officials on Managing Voter Registration and Ensuring Eligible Citizens Can Vote," Report to Congressional Requesters, September 2005.
- Lori Minnite and David Callahan, "Securing the Vote: An Analysis of Election Fraud," Demos: A Network of Ideas and Action, 2003.
- People for the American Way, NAACP, Lawyers Committee for Civil Rights, "Shattering the Myth: An Initial Snapshot of Voter Disenfranchisement in the 2004 Elections," December 2004.

Books

- John Fund, *Stealing Elections: How Voting fraud Threatens Our Democracy*, Encounter Books, 2004.
- Andrew Gumbel, *Steal this Vote: Dirty Elections and the Rotten History of Democracy in American*, Nation Books, 2005.
- Tracy Campbell, *Deliver the Vote: A History of Election Fraud, An American Political Tradition – 1742-2004*, Carroll & Graf Publishers, 2005.
- David E. Johnson and Jonny R. Johnson, *A Funny Thing Happened on the Way to the White House: Foolhardiness, Folly, and Fraud in the Presidential Elections, from Andrew Jackson to George W. Bush*, Taylor Trade Publishing, 2004.
- Mark Crispin Miller, *Fooled Again*, Basic Books, 2005.

During our review of these documents, we learned a great deal about the type of research that has been conducted in the past concerning voting fraud and voter intimidation. None of the studies or reports was based on a comprehensive, nationwide study, survey or review of all allegations, prosecutions or convictions of state or federal crimes related to voting fraud or voter intimidation in the United States. Most reports focused on a limited number of case studies or instances of alleged voting fraud or voter intimidation. For example, "Shattering the Myth: An Initial Snapshot of Voter Disenfranchisement in the 2004 Elections," a report produced by the People for the American Way, focused exclusively on citizen reports of fraud or intimidation to the Election Protection program during the 2004 Presidential election. Similarly, reports produced annually by the Department of Justice, Public Integrity Division, deal exclusively with crimes reported to and prosecuted by the United States Attorneys and/or the Department of Justice through the Public Integrity Section.

It is also apparent from a review of these articles and books that there is no consensus on the pervasiveness of voting fraud and voter intimidation. Some reports, such as

“Building Confidence in U.S. Elections,” suggest that there is little or no evidence of extensive fraud in U.S. elections or of multiple voting. This conflicts directly with other reports, such as the “Preliminary Findings of Joint Task Force Investigating Possible Election Fraud,” produced by the Milwaukee Police Department, Milwaukee County District Attorney’s Office, FBI and U.S. Attorney’s Office. That report cited evidence of more than 100 individual instances of suspected double-voting, voting in the name of persons who likely did not vote, and/or voting using a name believed to be fake.

Voter intimidation is also a topic of some debate because there is little agreement concerning what constitutes actionable voter intimidation. Some studies and reports cover only intimidation that involves physical or financial threats, while others cover non-criminal intimidation, including legal practices that allegedly cause vote suppression.

One point of agreement is that absentee voting and voter registration by nongovernmental groups create opportunities for fraud. For example, a number of studies cited circumstances in which voter registration drives have falsified voter registration applications or have destroyed voter registration applications of persons affiliated with a certain political party. Others conclude that paying persons per voter registration application creates the opportunity and perhaps the incentive for fraud.

Interviews with Experts

In addition to reviewing prior studies and reports on voting fraud and intimidation, EAC consultants interviewed a number of persons regarding their experiences and research of voting fraud and voter intimidation. Persons interviewed included:

Wade Henderson
Executive Director,
Leadership Conference for Civil Rights

Wendy Weiser
Deputy Director,
Democracy Program, The Brennan
Center

William Groth
Attorney for the plaintiffs in the Indiana
voter identification litigation

Lori Minnite
Barnard College, Columbia University

Neil Bradley
ACLU Voting Rights Project

Pat Rogers
Attorney, New Mexico

Nina Perales
Counsel,
Mexican American Legal Defense and
Education Fund

Rebecca Vigil-Giron
Secretary of State, New Mexico

Sarah Ball Johnson
Executive Director,
State Board of Elections, Kentucky

Stephen Ansolobhere
Massachusetts Institute of Technology

Chandler Davidson
Rice University

Tracey Campbell

Author, *Deliver the Vote*

Douglas Webber

Assistant Attorney General, Indiana

Heather Dawn Thompson

Director of Government Relations,
National Congress of American Indians

Jason Torchinsky

Assistant General Counsel,
American Center for Voting Rights

Robin DeJarnette

Executive Director,
American Center for Voting Rights

Harry Van Sickle

Commissioner of Elections,
Pennsylvania

Tony Sirvello

Executive Director
International Association of Clerks,
Recorders, Election Officials and
Treasurers

Joseph Sandler

Counsel
Democratic National Committee

John Ravitz

Executive Director
New York City Board of Elections

Sharon Priest

Former Secretary of State, Arkansas

Kevin Kennedy

Executive Director
State Board of Elections, Wisconsin

Evelyn Stratton

Justice
Supreme Court of Ohio

Joseph Rich

Former Director
Voting Section, Civil Rights Division
U.S. Department of Justice

Craig Donsanto

Director, Public Integrity Section
U.S. Department of Justice

John Tanner

Chief
Voting Section, Civil Rights Division
U.S. Department of Justice

These interviews in large part confirmed the conclusions that were gleaned from the articles, reports and books that were analyzed. For example, the interviewees largely agreed that absentee balloting is subject to the greatest proportion of fraudulent acts, followed by vote buying and voter registration fraud. They similarly pointed to voter registration drives by nongovernmental groups as a source of fraud, particularly when the workers are paid per registration. Many asserted that impersonation of voters is probably the least frequent type of fraud because it is the most likely type of fraud to be discovered, there are stiff penalties associated with this type of fraud, and it is an inefficient method of influencing an election.

Interviewees differed on what they believe constitutes actionable voter intimidation. Law enforcement and prosecutorial agencies tend to look to the criminal definitions of voter intimidation, which generally require some threat of physical or financial harm. On the other hand, voter rights advocates tended to point to activities such as challenger laws,

voter identification laws, polling place locations, and distribution of voting machines as activities that can constitute voter intimidation.

Those interviewed also expressed opinions on the enforcement of voting fraud and voter intimidation laws. States have varying authorities to enforce these laws. In some states, enforcement is left to the county or district attorney, and in others enforcement is managed by the state’s attorney general. Regardless, voting fraud and voter intimidation are difficult to prove and require resources and time that many local law enforcement and prosecutorial agencies do not have. Federal law enforcement and prosecutorial agencies have more time and resources but have limited jurisdiction and can only prosecute election crimes perpetrated in elections with a federal candidate on the ballot or perpetrated by a public official under the color of law. Those interviewed differed on the effectiveness of the current system of enforcement. Some allege that prosecutions are not sufficiently aggressive. Others feel that the current laws are sufficient for prosecuting fraud and intimidation.

A summary of the each of the interviews conducted is attached as Appendix “3”.

Case Law and Statutes

Consultants reviewed more than 40,000 cases that were identified using a series of search terms related to voting fraud and voter intimidation. The majority of these cases came from courts of appeal. This is not surprising, since most cases that are publicly reported come from courts of appeal. Very few cases that are decided at the district court level are reported for public review.

Very few of the identified cases were applicable to this study. Of those that were applicable, no apparent thematic pattern emerged. However, it did seem that the greatest number of cases reported on fraud and intimidation have shifted from past patterns of stealing votes to present problems with voter registration, voter identification, the proper delivery and counting of absentee and overseas ballots, provisional voting, vote buying, and challenges to felon eligibility.

A listing of the cases reviewed in this study is attached as Appendix “4”.

Media Reports

EAC consultants reviewed thousands of media reports concerning a wide variety of potential voting fraud or voter intimidation, including:

- absentee ballot fraud,
- voter registration fraud,
- voter intimidation and suppression,
- deceased voters on voter registration list and/or voting,
- multiple voting,
- felons voting,

- non-citizens voting,
- vote buying,
- deceptive practices, and
- fraud by election officials.

While these reports showed that there were a large number of allegations of voting fraud and voter intimidation, they provided much less information as to whether the allegations were ever formalized as complaints to law enforcement, whether charges were filed, whether prosecutions ensued, and whether any convictions were made. The media reports were enlightening as to the pervasiveness of complaints of fraud and intimidation throughout the country, the correlation between fraud allegations and the perception that the state was a “battleground” or “swing” state, and the fact that there were reports of almost all types of voting fraud and voter intimidation. However, these reports do not provide much data for analysis as to the number of complaints, charges and prosecutions of voting fraud and intimidation throughout the country.

DEFINITION OF ELECTION CRIMES

From our study of available information on voting fraud and voter intimidation, we have learned that these terms mean many things to many different people. These terms are used casually to refer to anything from vote buying to refusing to register a voter to falsifying voter registration applications. Upon further inspection, however, it is apparent that there is no common understanding or agreement of what constitutes “voting fraud” and “voter intimidation.” Some think of voting fraud and voter intimidation only as criminal acts, while others include actions that may constitute civil wrongs, civil rights violations, and even legal activities. To arrive at a common definition and list of activities that can be studied, EAC assessed the appropriateness of the terminology that is currently in use and applied certain factors to limit the scope and reach of what can and will be studied by EAC in the future. As a result, EAC has adopted the use of the term “election crimes” for its future study.

Current Terminology

The phrase “voting fraud” is really a misnomer for a concept that is much broader. “Fraud” is a concept that connotes an intentional act of deception, which may constitute either a criminal act or civil tort depending upon the willfulness of the act.

Fraud, n. 1. A knowing misrepresentation of the truth or concealment of a material fact to induce another to act to his or her detriment. • Fraud is usu[ally] a tort, but in some cases (esp. when the conduct is willful) it may be a crime.

Black’s Law Dictionary, Eighth Edition, p. 685.

“Voting” is the act of casting votes to decide an issue or contest. Black’s Law Dictionary, Eighth Edition, p. 1608. Using these terms to form a definition of “voting fraud,” it means fraudulent or deceptive acts committed to influence the act of voting.

Thus, a voter who intentionally impersonates another registered voter and attempts to vote for that person would be committing “voting fraud.” Similarly, a person who knowingly provides false information to a voter about the location of the voter’s polling place commits fraud on the voter.

The phrase “voting fraud” does not capture a myriad of other criminal acts that are related to elections which are not related to the act of voting and/or do not involve an act of deception. For example, “voting fraud” does not capture actions or willful inaction in the voter registration process. When an election official willfully and knowingly refuses to register to vote a legally eligible person it is a crime. This is a crime that involves neither the act of voting nor an act of deception.

To further complicate matters, the phrases “voting fraud” and “voter intimidation” are used to refer to actions or inactions that are criminal as well as those that are potentially civil wrongs and even those that are legal. Obviously, criminal acts and civil wrongs are pursued in a very different manner. Criminal acts are prosecuted by the local, state or federal government. Generally, civil wrongs are prosecuted by the individual who believes that they were harmed. In some cases, when civil rights are involved, the Civil Rights Division of the Department of Justice may become involved.

New Terminology

The goal of this study was to develop a common definition of what is generically referred to as “voting fraud” and “voter intimidation” that would serve as the basis for a future, comprehensive study of the existence of these problems. Because the current terminology has such a variety of applications and meanings, “voting fraud” and “voter intimidation” can be read to encompass almost any bad act associated with an election. Such broad terminology is not useful in setting the boundaries of a future study. A definition must set parameters for future study by applying limitations on what is included in the concepts to be studied. The current terminology applies no such limitations.

Thus, EAC has adopted the use of the phrase “election crimes” to limit the scope of its future study. This term captures all crimes related to the voter registration and voting processes and excludes civil wrongs and non-election related crimes. EAC adopted this definition because it better represents the spectrum of activities that we are able to and desire to study. In addition, we recognize that the resources, both financial and human capital, needed to study all “voting fraud” and “voter intimidation,” including criminal acts, civil actions, as well as allegations of voter suppression through the use of legal election processes are well beyond the resources available to EAC. Finally, by limiting this definition to criminal acts, EAC can focus its study on a set of more readily measurable data. Criminal behavior is readily defined through state and federal statutes and is prosecuted by government agencies. This is not the case with civil matters. Civil actions can be prosecuted by individuals and/or government entities. Furthermore, what constitutes civil action is far less defined, subject to change, and can vary from case to

case. A more complete discussion of the concept of “election crimes” follows along with a list of excluded actions:

The Definition of an Election Crime for Purposes of this Study

Election crimes are intentional acts or willful failures to act, prohibited by state or federal law, that are designed to cause ineligible persons to participate in the election process; eligible persons to be excluded from the election process; ineligible votes to be cast in an election; eligible votes not to be cast or counted; or other interference with or invalidation of election results. Election crimes generally fall into one of four categories: acts of deception, acts of coercion, acts of damage or destruction, and failures or refusals to act.

Election crimes can be committed by voters, candidates, election officials, or any other members of the public who desire to criminally impact the result of an election. However, crimes that are based upon intentional or willful failure to act assume that a duty to act exists. Election officials have affirmative duties to act with regard to elections. By and large, other groups and individuals do not have such duties.

The victim of an election crime can be a voter, a group of voters, an election official, a candidate, or the public in general. Election crimes can occur during any stage of the election process, including but not limited to qualification of candidates; voter registration; campaigning; voting system preparation and programming; voting either early, absentee, or on election day; vote tabulation; recounts; and recalls.

The following are examples of activities that may constitute election crimes. This list is not intended to be exhaustive, but is representative of what states and the federal government consider criminal activity related to elections.

Acts of Deception

- Knowingly causing to be mailed or distributed, or knowingly mailing or distributing, literature that includes false information about the voter’s precinct or polling place, the date and time of the election or a candidate;
- Possessing an official ballot outside the voting location, unless the person is an election official or other person authorized by law or local ordinance to possess a ballot outside of the polling location;
- Making or knowingly possessing a counterfeit of an official election ballot;
- Signing a name other than his/her own to a petition proposing an initiative, referendum, recall, or nomination of a candidate for office;
- Knowingly signing more than once for the proposition, question, or candidate in one election;
- Signing a petition proposing an initiative or referendum when the signer is not a qualified voter.
- Voting or attempting to vote in the name of another person;
- Voting or attempting to vote more than once during the same election;

- Intentionally making a false affidavit, swearing falsely, or falsely affirming under an oath required by a statute regarding their voting status, including when registering to vote, requesting an absentee ballot or presenting to vote in person;
- Registering to vote without being entitled to register;
- Knowingly making a materially false statement on an application for voter registration or re-registration; and
- Voting or attempting to vote in an election after being disqualified or when the person knows that he/she is not eligible to vote.

Acts of Coercion

- Using, threatening to use, or causing to be used force, coercion, violence, restraint, or inflicting, threatening to inflict, or causing to be inflicted damage harm, or loss, upon or against another person to induce or compel that person to vote or refrain from voting or to register or refrain from registering to vote;
- Knowingly paying, offering to pay, or causing to be paid money or other thing of value to a person to vote or refrain from voting for a candidate or for or against an election proposition or question;
- Knowingly soliciting or encouraging a person who is not qualified to vote in an election;
- Knowingly challenging a person's right to vote without probable cause or on fraudulent grounds, or engaging in mass, indiscriminate, and groundless challenging of voters solely for the purpose of preventing voter from voting or to delay the process of voting;
- As an employer, attempting by coercion, intimidation, threats to discharge or to lessen the remuneration of an employee, to influence his/her vote in any election, or who requires or demands an examination or inspection by himself/herself or another of an employee's ballot;
- Soliciting, accepting, or agreeing to accept money or other valuable thing in exchange for signing or refraining from signing a petition proposing an initiative;
- Inducing or attempting to induce an election official to fail in the official's duty by force, threat, intimidation, or offers of reward;
- Directly or through any other person advancing, paying, soliciting, or receiving or causing to be advanced, paid, solicited, or received, any money or other valuable consideration to or for the use of any person in order to induce a person not to become or to withdraw as a candidate for public office; and
- Soliciting, accepting, or agreeing to accept money or other thing of value in exchange for registering to vote.

Acts of Damage or Destruction

- Destroying completed voter registration applications;
- Removing or destroying any of the supplies or other conveniences placed in the voting booths or compartments;
- Removing, tearing down, or defacing election materials, instructions or ballots;

- Fraudulently altering or changing the vote of any elector, by which such elector is prevented from voting as the person intended;
- Knowingly removing, altering, defacing or covering any political sign of any candidate for public office for a prescribed period prior to and following the election;
- Intentionally changing, attempting to change, or causing to be changed an official election document including ballots, tallies, and returns; and
- Intentionally delaying, attempting to delay, or causing to be delayed the sending of certificate, register, ballots, or other materials whether original or duplicate, required to be sent by jurisdictional law.

Failure or Refusal to Act

- Intentionally failing to perform an election duty, or knowingly committing an unauthorized act with the intent to effect the election;
- Knowingly permitting, making, or attempting to make a false count of election returns;
- Intentionally concealing, withholding, or destroying election returns or attempts to do so;
- Marking a ballot by folding or physically altering the ballot so as to recognize the ballot at a later time;
- Attempting to learn or actually and unlawfully learning how a voter marked a ballot;
- Distributing or attempting to distribute election material knowing it to be fraudulent;
- Knowingly refusing to register a person who is entitled to register under the rules of that jurisdiction;
- Knowingly removing the eligibility status of a voter who is eligible to vote; and
- Knowingly refusing to allow an eligible voter to cast his/her ballot.

What is not an Election Crime for Purposes of this Study

There are some actions or inactions that may constitute crimes or civil wrongs that we do not include in our definition of “election crimes.” All criminal or civil violations related to campaign finance contribution limitations, prohibitions, and reporting either at the state or federal level are not “election crimes” for purposes of this study and any future study conducted by EAC. Similarly, criminal acts that are unrelated to elections, voting, or voter registration are not “election crimes,” even when those offenses occur in a polling place, voter registration office, or a candidate’s office or appearance. For example, an assault or battery that results from a fight in a polling place or at a candidate’s office is not an election crime. Last, violations of ethical provisions and the Hatch Act are not “election crimes.” Similarly, civil or other wrongs that do not rise to the level of criminal activity (i.e., a misdemeanor, relative felony or felony) are not “election crimes.”

RECOMMENDATIONS ON HOW TO STUDY ELECTION CRIMES

As a part of its study, EAC sought recommendations on ways that EAC can research the existence of election crimes. EAC consultants, the working groups and some of the persons interviewed as a part of this study provided the following recommendations.

Recommendation 1: Conduct More Interviews

Future activity in this area should include conducting additional interviews. In particular, more election officials from all levels of government, parts of the country, and political parties should be interviewed. It would also be especially beneficial to talk to law enforcement officials, specifically federal District Election Officers (“DEOs”) and local district attorneys, as well as civil and criminal defense attorneys.

Recommendation 2: Follow Up on Media Research

The media search conducted for this phase of the research was based on a list of search terms agreed upon by EAC consultants. Thousands of articles were reviewed and hundreds analyzed. Many of the articles contained allegations of fraud or intimidation. Similarly, some of the articles contained information about investigations into such activities or even charges brought. Additional media research should be conducted to determine what, if any, resolutions or further activity there was in each case.

Recommendation 3: Follow Up on Allegations Found in Literature Review

Many of the allegations made in the reports and books that were analyzed and summarized by EAC consultants were not substantiated and were certainly limited by the date of publication of those pieces. Despite this, such reports and books are frequently cited by various interested parties as evidence of fraud or intimidation. Further research should include follow up on the allegations discovered in the literature review.

Recommendation 4: Review Complaints Filed With “MyVote1” Voter Hotline

During the 2004 election and the statewide elections of 2005, the University of Pennsylvania led a consortium of groups and researchers in conducting the MyVote1 Project. This project involved using a toll-free voter hotline that voters could call for poll locations, be transferred to a local hotline, or leave a recorded message with a complaint. In 2004, this resulted in more than 200,000 calls received and more than 56,000 recorded complaints.

Further research should be conducted using the MyVote1 data with the cooperation of the project leaders. While perhaps not a fully scientific survey given the self-selection of the callers, the information regarding 56,000 complaints may provide insight into the problems voters may have experienced, especially issues regarding intimidation or suppression.

Recommendation 5: Further Review of Complaints Filed With U.S. Department of Justice

According to a recent GAO report, the Voting Section of the Civil Rights Division of the Department of Justice has a variety of ways it tracks complaints of voter intimidation. Attempts should be made to obtain relevant data, including the telephone logs of complaints and information from the Interactive Case Management (ICM) system. Further research should also include a review and analysis of the DOJ/OPM observer and “monitor field reports” from Election Day.

Recommendation 6: Review Reports Filed By District Election Officers

Further research should include a review of the reports that must be filed by every District Election Officer to the Public Integrity Section of the Criminal Division of the Department of Justice. The DEOs play a central role in receiving reports of voting fraud and investigating and pursuing them. Their reports back to the Department would likely provide tremendous insight into what actually transpired during the last several elections. Where necessary, information could be redacted or made confidential.

Recommendation 7: Attend Ballot Access and Voting Integrity Symposium

Further activity in this area should include attending the next Ballot Access and Voting Integrity Symposium. At this conference, prosecutors serving as District Election Officers in the 94 U.S. Attorneys’ Offices obtain annual training on fighting election fraud and voting rights abuses. These conferences are sponsored by the Voting Section of the Civil Rights Division and the Public Integrity Section of the Criminal Division, and feature presentations by Civil Rights officials and senior prosecutors from the Public Integrity Section and the U.S. Attorneys’ Offices. By attending the symposium researchers could learn more about the following: how District Election Officers are trained; how information about previous election and voting issues is presented; and how the Voting Rights Act, the criminal laws governing election fraud and intimidation, the National Voter Registration Act, and the Help America Vote Act are described and explained to participants.

Recommendation 8: Conduct Statistical Research

EAC should measure voting fraud and intimidation using interviews, focus groups, and a survey and statistical analysis of the results of these efforts. The sample should be based on the following factors:

- Ten locations that are geographically and demographically diverse where there have been many reports of fraud and/or intimidation;
- Ten locations (geographically and demographically diverse) that have not had many reports of fraud and/or intimidation;

EAC should also conduct a survey of elections officials, district attorneys, and district election officers. The survey sample should be large in order to be able to get the necessary subsets, and it must include a random set of counties where there have and have not been a large number of allegations.

Recommendation 9: Explore Improvements to Federal Law

Future researchers should review federal law to explore ways to make it easier to impose either civil or criminal penalties for acts of intimidation that do not necessarily involve racial animus and/or a physical or economic threat.

Recommendation 10: Use Observers to Collect Data on Election Day

Use observers to collect data regarding fraud and intimidation at the polls on Election Day. There may be some limitations to the ability to conduct this type of research, including difficulty gaining access to polling places for the purposes of observation, and concerns regarding how the observers themselves may inadvertently or deliberately influence the occurrence of election crimes.

Recommendation 11: Study Absentee Ballot Fraud

Because absentee ballot fraud constitutes a large portion of election crimes, a stand-alone study of absentee ballot fraud should be conducted. Researchers should look at actual cases to see how absentee ballot fraud schemes are conducted in an effort to provide recommendations on more effective measures for preventing fraud when absentee ballots are used.

Recommendation 12: Use Risk Analysis Methodology to Study Fraud

Conduct an analysis of what types of fraud people are most likely to commit. Researchers will use that risk analysis to rank the types of fraud based on the “ease of commission” and the impact of the fraud.

Recommendation 13: Conduct Research Using Database Comparisons

Researchers should compare information on databases to determine whether the voter rolls contain deceased persons and felons. In addition, the voter rolls can then be compared with the list of persons who voted to determine whether a vote was recorded by someone who is deceased or if felons are noted as having voted.

Recommendation 14: Conduct a Study of Deceptive Practices

The working group discussed the increasing use of deceptive practices, such as flyers and phone calls with false and/or intimidating information, to suppress voter participation. A number of groups, such as the Department of Justice, the EAC, and organizations such as the Lawyers Committee for Civil Rights, keep phone logs regarding complaints of such

practices. These logs should be reviewed and analyzed to see how and where such practices are being conducted and what can be done about them.

Recommendation 15: Study Use of HAVA Administrative Complaint Procedure as Vehicle for Measuring Fraud and Intimidation

EAC should study the extent to which states are utilizing the administrative complaint procedure mandated by HAVA. In addition, the EAC should study whether data collected through the administrative complaint procedure can be used as another source of information for measuring fraud and intimidation.

Recommendation 16: Examine the Use of Special Election Courts

Given that many state and local judges are elected, it may be worth exploring whether special election courts should be established to handle fraud and intimidation complaints before, during, and after Election Day. Pennsylvania employs such a system and could investigate how well that system is working.

Accepted Recommendations

There has never been a comprehensive, national study that gathered data regarding all claims, charges, and prosecutions of voting crimes. EAC feels that a comprehensive study is the most important research that it can offer the election community and the public. As such, EAC has adopted all or a part of six of the 16 recommendations made by EAC consultants and the working group.

While several of the other recommendations could be used to obtain more anecdotal information regarding election crimes, EAC believes that what is needed is a comprehensive survey and study of the information available from investigatory agencies, prosecutorial bodies and courts on the number and types of complaints, charges and prosecutions of election crimes. Additional media reviews, additional interviews and the use of observers to collect information from voters on Election Day will only serve to continue the use of anecdotal data to report on election crimes. Hard data on complaints, charges and prosecutions exists and we should gather and use that data, rather than rely on the perceptions of the media or the members of the public as to what might be fraud or intimidation.

Some of the recommendations are beyond the scope of the current study. While election courts may be a reasonable conclusion to reach after we determine the volume and type of election crimes being reported, charged or prosecuted, it is premature to embark on an analysis of that solution without more information. Last, some of the recommendations do not support a comprehensive study of election crimes. While a risk analysis might be appropriate in a smaller scale study, EAC desires to conduct a broader survey to avoid the existing problem of anecdotal and limited scope of information.

In order to further its goal of developing a comprehensive data set regarding election crimes and the laws and procedures used to identify and prosecute them, EAC intends to engage in the following research activities in studying the existence and enforcement of election crimes:

Survey Chief Election Officers Regarding Administrative Complaints

Likely sources of complaints concerning election crimes are the administrative complaint processes that states were required to establish to comply with Section 402 of HAVA. These complaint procedures were required to be in place prior to a state receiving any funds under HAVA. Citizens are permitted to file complaints alleging violations of HAVA Title III provisions under these procedures with the state's chief election official. Those complaints must be resolved within 60 days. The procedures also allow for alternative dispute resolution of claims. Some states have expanded this process to include complaints of other violations, such as election crimes.

In order to determine how many of these complaints allege the commission of election crimes, EAC will survey the states' chief election officers regarding complaints that have been filed, investigated, and resolved since January 1, 2004. EAC will use the definition of election crimes provided above in this report in its survey so that data regarding a uniform set of offenses will be collected.

Survey State Election Crime Investigation Units Regarding Complaints Filed and Referred

Several chief state election officials have developed investigation units focused on receiving, investigating, and referring complaints of election crimes. These units were established to bolster the abilities of state and local law enforcement to investigate allegations of election crimes. California, New York and Florida are just three examples of states that have these types of units.

EAC will use a survey instrument to gather information on the numbers and types of complaints that have been received by, investigated, and ultimately referred to local or state law enforcement by election crime investigation units since January 1, 2004. These data will help us understand the pervasiveness of perceived fraud, as well as the number of claims that state election officials felt were meritorious of being referred to local and state law enforcement or prosecutorial agencies for further action.

Survey Law Enforcement and Prosecutorial Agencies Regarding Complaints and Charge of Voting Crimes

While voters, candidates and citizens may call national hotlines or the news media to report allegations of election crimes, it is those complaints that are made to law enforcement that can be investigated and ultimately prosecuted. Thus, it is critical to the study of election crimes to obtain statistics regarding the number and types of complaints that are made to law enforcement, how many of those complaints result in the perpetrator

being charged or indicted, and how many of those charges or indictments result in pleas or convictions.

Thus, EAC will survey law enforcement and prosecutorial agencies at the local, state and federal level to determine the number and types of complaints, charges or indictments, and pleas or convictions of election crimes since January 1, 2004. In addition, EAC will seek to obtain an understanding of why some complaints are not charged or indicted and why some charges or indictments are not prosecuted.

Analyze Survey Data in Light of State Laws and Procedures

Once a reliable data set concerning the existence and enforcement of election crimes is assembled, a real analysis of the effectiveness of fraud prevention measures can be conducted. For example, data can be analyzed to determine if criminal activities related to elections are isolated to certain areas or regions of the country. Data collected from the election official surveys can be compared to the data regarding complaints, charges and prosecutions gathered from the respective law enforcement and prosecutorial agencies in each jurisdiction. The effect and/or effectiveness of provisions such as voter identification laws and challenger provisions can be assessed based on hard data from areas where these laws exist. Last, analyses such as the effectiveness of enforcement can be conducted in light of the resources available to the effort.

CONCLUSION

Election crimes are nothing new to our election process. The pervasiveness of these crimes and the fervor with which they have been enforced has created a great deal of debate among academics, election officials, and voters. Past studies of these issues have been limited in scope and some have been riddled with bias. These are issues that deserve comprehensive and nonpartisan review. EAC, through its clearinghouse role, will collect and analyze data on election crimes throughout the country. These data not only will tell us what types of election crimes are committed and where fraud exists, but also inform us of what factors impact the existence, prevention, and prosecution of election crimes.

APPENDIX 1 – BIOGRAPHIES OF JOB SEREBROV AND TOVA WANG

Available on EAC Website, www.eac.gov.

APPENDIX 2 – SUMMARIES OF BOOKS, REPORTS AND ARTICLES

Available on EAC Website, www.eac.gov.

APPENDIX 3 – SUMMARIES OF INTERVIEWS

Available on EAC Website, www.eac.gov.

APPENDIX 4 – SUMMARIES OF CASES REVIEWED

Available on EAC Website, www.eac.gov.



Gracia Hillman/EAC/GOV

12/04/2006 12:52 PM

To Juliet E. Thompson/EAC/GOV@EAC

cc pdegregorio@eac.gov, Ddavidson@eac.gov, Thomas R. Wilkey/EAC/GOV@EAC

bcc

Subject Fraud Report Executive Summary

Attached are my suggested edits to the Executive Summary. (I am still reviewing the report and may comment on other sections.)



EAC REPORT ON VOTING FRAUD AND VOTER INTIMIDATION STUDY.doc

014933

EAC REPORT ON VOTING FRAUD AND VOTER INTIMIDATION STUDY

EXECUTIVE SUMMARY

The Help America Vote Act of 2002 (HAVA) requires the U.S. Election Assistance Commission (EAC) to study a host of topics, including “voting fraud” and “voter intimidation.” In 2005, EAC embarked on an initial review of the existing knowledge of voting fraud and voter intimidation. The goal of that study was to develop a working definition of “voting fraud” and “voter intimidation” and to identify research methodology to conduct a comprehensive, nationwide study of these topics.

EAC staff along with two, bipartisan consultants reviewed the existing information available about voting fraud and voter intimidation, including reading articles, books and reports; interviewing subject matter experts; reviewing media reports of fraud and intimidation; and studying reported cases of prosecutions of these types of crimes. It is clear from this review that there is a great deal of debate on the pervasiveness of fraud in elections as well as what constitute the most common acts of fraud or intimidation. There is also no apparent consensus on the meaning of the phrases “voting fraud” and “voter intimidation.” Some think of voting fraud and voter intimidation only as criminal acts, while others include actions that may constitute civil wrongs, civil rights violations, and even legal activities.

In order to facilitate future study of these topics, EAC developed a working definition of “election crimes.” “Election crimes” are intentional acts or willful failures to act, prohibited by state or federal law, that are designed to cause ineligible persons to participate in the election process; eligible persons to be excluded from the election process; ineligible votes to be cast in an election; eligible votes not to be cast or counted; or other interference with or invalidation of election results. Election crimes generally fall into one of four categories: acts of deception, acts of coercion, acts of damage or destruction, and failures or refusals to act.

From EAC’s review of existing information on the issue, it was apparent that there have been a number of studies that touched on various topics and regions of the country concerning voting fraud and intimidation, but that there had never been a comprehensive, nationwide study of these topics. EAC will conduct further research to provide a comprehensive, nationwide look at “election crimes.” Future EAC study of this topic will focus on election-related, criminal activity and will not include acts that are exclusively civil wrongs, campaign finance violations, and violations of ethical provisions. EAC will study these concepts by surveying the states’ chief election officials about complaints they received, election crime investigation units regarding complaints received and those referred to law enforcement, and law enforcement and prosecutorial agencies regarding complaints received, charges filed, and final disposition of each complaint.

Comment [GH1]: Ethical provisions of what?

Comment [GH2]: We should learn about all complains received by election officials, not just those received through the admn complaint process.

Deleted: through their administrative complaint processes

Comment [GH3]: Our study should also include final disposition of each case where charges were filed.

Deleted: and



Gracia Hillman/EAC/GOV

12/04/2006 01:49 PM

To Juliet E. Thompson/EAC/GOV@EAC

cc pdegregorio@eac.gov, Ddavidson@eac.gov, Thomas R. Wilkey/EAC/GOV@EAC

bcc

Subject Edits to the Fraud Report

I offer edits to two sections of the report, on pages 14 and 19. Please see the attached one pager. I did a copy and paste of the two sections rather than resending back to you the entire report.



What is not an Election Crime for Purposes of this Study.doc

014935

What is not an Election Crime for Purposes of this Study

There are some actions or inactions that may constitute crimes or civil wrongs that we do not include in our definition of "election crimes." All criminal or civil violations related to campaign finance contribution limitations, prohibitions, and reporting either at the state or federal level are not "election crimes" for purposes of this study and any future study conducted by EAC. Similarly, criminal acts that are unrelated to elections, voting, or voter registration are not "election crimes," even when those offenses occur in a polling place, voter registration office, or a candidate's office or appearance. For example, an assault or battery that results from a fight in a polling place or at a candidate's office is not an election crime. Last, violations of ethical provisions and the Hatch Act are not "election crimes." Similarly, civil or other wrongs that do not rise to the level of criminal activity (i.e., a misdemeanor, relative felony or felony) are not "election crimes."

.....

Comment [GH1]: Ethical provisions of what?

Survey Chief Election Officers Regarding Administrative Complaints

Likely sources of complaints concerning election crimes are the administrative complaint processes that states were required to establish to comply with Section 402 of HAVA. These complaint procedures were required to be in place prior to a state receiving any funds under HAVA. Citizens are permitted to file complaints alleging violations of HAVA Title III provisions under these procedures with the state's chief election official. Those complaints must be resolved within 60 days. The procedures also allow for alternative dispute resolution of claims. Some states have expanded this process to include complaints of other violations, such as election crimes.

In order to determine how many of these complaints allege the commission of election crimes, EAC will survey the states' chief election officers regarding complaints that have been filed, investigated, and resolved since January 1, 2004. The data collected will also include complaints that have been filed outside of the administrative complaint procedures. EAC will use the definition of election crimes provided above in this report in its survey so that data regarding a uniform set of offenses will be collected.

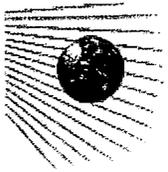
Comment [GH2]: We can be pretty certain that legitimate complaints will be filed outside of the Admin Complaint Procedure.

Juliet E. Hodgkins/EAC/GOV
12/04/2006 01:49 PM

To Paul DeGregorio/EAC/GOV@EAC
cc
bcc
Subject Re: Fraud report 

I assume that you saw Gracia's comments. I accepted them and added one or two words to clarify one point.

Juliet Thompson Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100
Paul DeGregorio/EAC/GOV



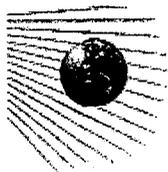
Paul DeGregorio /EAC/GOV
12/04/2006 01:42 PM

To Juliet E. Thompson/EAC/GOV
cc
Subject Fraud report

Julie,
I looked over your changes and they look fine with me. I'll trust your judgement on the final product we receive on Thursday. If any policy or major changes are made by other commissioners, let me know.
Thanks.
Paul

Sent from my BlackBerry Wireless Handheld

014937



Paul DeGregorio/EAC/GOV

10/18/2005 04:56 PM

To Juliet Thompson, Thomas R. Wilkey (EAC)

cc

bcc

Subject Fw: Research Grants

I am not sure you received this e-mail from Hans (it wasn't clear on the to: list).

Paul DeGregorio
Vice Chairman
US Election Assistance Commission
1225 New York Ave, NW
Suite 1100
Washington, DC 20005
1-866-747-1471 toll-free
202-566-3100
202-566-3127 (FAX)
pdegregorio@eac.gov
www.eac.gov

— Forwarded by Paul DeGregorio/EAC/GOV on 10/18/2005 04:56 PM —



"Hans.von.Spakovsky@usdoj.gov"

<Hans.von.Spakovsky@usdoj.gov>

10/18/2005 03:45 PM

To "gmhillman@eac.gov" <gmhillman@eac.gov>,
"rmartinez@eac.gov" <rmartinez@eac.gov>,
"pdegregorio@eac.gov" <pdegregorio@eac.gov>,
"eac.gov" <jthompson@eac.gov/twilke>,
"ddavison@eac.gov" <ddavison@eac.gov>
cc "christophert@michigan.gov" <christophert@michigan.gov>

Subject Research Grants

Dear Commissioners:

On August 18 I sent you an email raising serious concerns over the awarding of a contract to the Moritz College of Law given its clearly demonstrated pre-existing opinions about provisional balloting and voter identification. Unfortunately, nothing was apparently done about this situation.

I have just learned that a similar situation has occurred. I understand that another research grant has been awarded to Tova Wang for research into "voter fraud and voter intimidation." Ms. Wang has an even more pronounced partisan and one-sided view of these issues than was present in the situation involving Moritz College. She has many posted opinions available on the Internet that make it clear that she will not be able to conduct research in an objective fashion on these issues. Just a few examples illustrate this:

"It is truly shocking how, given all the problems in the voting system and

continued disenfranchisement, the terms of the debate have shifted to that of so-called 'ballot integrity.' It is reminiscent of how conservatives have misappropriated the concept of patriotism and the American flag, and used the power of language and messaging to distort the discussion, by using terms such as 'partial birth abortion' or death tax.'"

"This stands in stark contrast to the entire tenor of the Carter-Baker report, which presumes that fraud committed by voters is the biggest problem confronting our election system. There is simply no strong evidence of this, and some of the remedies proposed will take us backwards in the fight to increase voter participation."

"...voters are individually disenfranchised by continued, often race based, voter intimidation and deceptive practices..."

Carter-Baker Report: Some Bad Fixes for the Wrong Problem, 9/19/2005

"The data is also mounting that identification requirements have disproportionately disenfranchising impacts on certain communities...Given all this piling on of negative evidence, both in terms of the efficacy of ID requirements in fulfilling the goal their advocate's claim and their impact on voting rights, it is somewhat mind boggling that so many state officials, as well as other groups working on this issue, are still vigorously pushing for greater expansion of what seems to be a rather useless yet dangerous tool. Shouldn't the burden of proof now shift to the advocates of more voter ID to demonstrate the value of their cause?"

Voter ID and Fraud: Prove It, 7/28/2005

There are numerous more examples of her partisan opinions and attacks and demonstrably false claims against Republicans and election officials in general, such as her baseless charge in another article that "partisan election officials and party leaders usurped the process and manipulated the new federal voting law in ways that disenfranchised voters." Election 2004: A Report Card, 1/1/2005. The idea that she will write an objective report on issues that she has already expressed such strong opinions on ("there is no evidence that such election fraud is a serious problem") is hard to accept. I find it surprising that the EAC would award her a research grant or expect that election officials around the country would accept as valid a report written by an individual who asserts that "[a]t every step of the way, election officials in key states threw up unnecessary barriers to voting." Id. This gratuitous remark is an insult to the many hard-working election officials that we all know through our work who did everything they could during the last election to improve the election process and in large part succeeded.

Whatever procedures the EAC has set up to screen individuals and entities applying for research grants is obviously not working. I have no doubt that I could today, based on reading Ms. Wang's prior opinions, predict exactly what her report will conclude on the issues of voter fraud and voter intimidation. This situation needs to be corrected so that research is not being conducted by partisan individuals with preset opinions and views on issues. As with my prior email, I strongly recommend that the EAC reconsider the awarding of this contract.

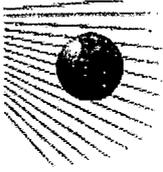
Hans A. von Spakovsky
Counsel to the Assistant Attorney General
Civil Rights Division - Room 5539
U.S. Department of Justice

014939

950 Pennsylvania Avenue
Washington, D.C. 20530

Telephone (202) 305-9750
Facsimile (202) 307-2839

014940



Paul DeGregorio /EAC/GOV
10/18/2005 05:17 PM

To "Hans.von.Spakovsky@usdoj.gov"
<Hans.von.Spakovsky@usdoj.gov>@GSAEXTERNAL
cc
bcc Juliet E. Thompson/EAC/GOV
Subject Re: Research Grants

Hans,

I wish you would have shown us the decency to have spoken to someone at the EAC before you sent this e-mail. Had you done so, you might have discovered that Ms. Wang was paired with Job Serebrov, a conservative attorney who, like you, has served on a local election board (Washington, Co, AK -Fayetteville). He has also worked on voting issues and election law in his practice, including voter fraud. He was counsel to the Arkansas GOP on ballot integrity issues and was the ballot protection specialist for Mike Huckabee in his campaign for Lt. Governor. In addition, Job formed and ran "Arkansans for Fair Elections", a non-partisan group that looked to investigate and prevent voter fraud issues. He headed that group for 8 years. Job served the Republican Party of Arkansas as the Chairman of the Committee for the Revision of the State Constitution.

Thor Heame called me last week to indicate that Job had called him to be on the working group that Job and Ms. Wang are putting together to look at the voter fraud/voter intimidation issues.

Job was recommended to the EAC for this work by Julie Thompson. His references included two US 8th Circuit judges appointed by GOP presidents: Morris Arnold and Lavenski Smith.

You may recall that the Advisory Board made it clear to the EAC that they thought the Voter Fraud/Voter Intimidation issues should be studied together. That's why Ms. Wang has been paired with Mr. Serebrov to do this study.

Julie tells me that she had a wide-ranging discussion with you last week but you never brought this issue up. It's too bad, as it may have prevented you from sending an e-mail to so many people that contains only half the story.

Paul DeGregorio
Vice Chairman
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pdegregorio@eac.gov
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"Hans.von.Spakovsky@usdoj.gov" <Hans.von.Spakovsky@usdoj.gov>



"Hans.von.Spakovsky@usdoj.gov"
<Hans.von.Spakovsky@usdoj.gov>
10/18/2005 03:45 PM

To "gmhillman@eac.gov" <gmhillman@eac.gov>,
"rmartinez@eac.gov" <rmartinez@eac.gov>,
"pdegregorio@eac.gov" <pdegregorio@eac.gov>,
"eac.gov" <jthompson@eac.gov/twilke>,
"ddavison@eac.gov" <ddavison@eac.gov>
cc "christophert@michigan.gov"

014941



<christophert@michigan.gov>
<...@electioncenter.org>
<dlewis@electioncenter.org>

Subject Research Grants

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Voter ID and Fraud: Prove It, 7/28/2005

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014942

Election 2004: A Report Card, 1/1/2005. The idea that she will write an objective report on issues that she has already expressed such strong opinions on ("there is no evidence that such election fraud is a serious problem") is hard to accept. I find it surprising that the EAC would award her a research grant or expect that election officials around the country would accept as valid a report written by an individual who asserts that "[a]t every step of the way, election officials in key states threw up unnecessary barriers to voting." Id. This gratuitous remark is an insult to the many hard-working election officials that we all know through our work who did everything they could during the last election to improve the election process and in large part succeeded.

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Hans A. von Spakovsky
Counsel to the Assistant Attorney General
Civil Rights Division - Room 5539
U.S. Department of Justice
950 Pennsylvania Avenue
Washington, D.C. 20530

Telephone (202) 305-9750
Facsimile (202) 307-2839

014943

Thomas R. Wilkey/EAC/GOV
10/18/2005 06:26 PM

To Paul DeGregorio/EAC/GOV@EAC
cc
bcc
Subject Re: Research Grants

Yes Ray has already called him to remind him that TWO people are working on the project and he obviously didn't finish reading the entire sentence in the Electionline report

Sent from my BlackBerry Wireless Handheld
Paul DeGregorio

From: Paul DeGregorio
Sent: 10/18/2005 04:56 PM
To: Juliet Thompson; Thomas Wilkey
Subject: Fw: Research Grants

I am not sure you received this e-mail from Hans (it wasn't clear on the to: list).

Paul DeGregorio
Vice Chairman
US Election Assistance Commission
1225 New York Ave, NW
Suite 1100
Washington, DC 20005
1-866-747-1471 toll-free
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202-566-3127 (FAX)
pdegregorio@eac.gov
www.eac.gov

----- Forwarded by Paul DeGregorio/EAC/GOV on 10/18/2005 04:56 PM -----



"Hans.von.Spakovsky@usdoj.gov"
<Hans.von.Spakovsky@usdoj.gov>
10/18/2005 03:45 PM

To "gmhillman@eac.gov" <gmhillman@eac.gov>,
"rmartinez@eac.gov" <rmartinez@eac.gov>,
"pdegregorio@eac.gov" <pdegregorio@eac.gov>,
"eac.gov" <jthompson@eac.gov/twilke>,
"ddavison@eac.gov" <ddavison@eac.gov>
cc "christophert@michigan.gov"
<christophert@michigan.gov>
<dlewis@electioncenter.org>
<[REDACTED]>
<[REDACTED]>

Subject Research Grants

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014944

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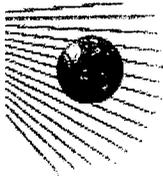
014945

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Hans A. von Spakovsky
Counsel to the Assistant Attorney General
Civil Rights Division - Room 5539
U.S. Department of Justice
950 Pennsylvania Avenue
Washington, D.C. 20530

Telephone (202) 305-9750
Facsimile (202) 307-2839

014946



Paul DeGregorio /EAC/GOV
10/25/2005 05:07 PM

To Karen Lynn-Dyson
cc
bcc
Subject Fw: Research Grants

see e-mail traffic below

— Forwarded by Paul DeGregorio/EAC/GOV on 10/25/2005 05:07 PM —



"Hans.von.Spakovsky@usdoj
.gov"
<Hans.von.Spakovsky@usdo
j.gov>
10/19/2005 09:49 AM

To "pdegregorio@eac.gov" <pdegregorio@eac.gov>
cc
Subject RE: Research Grants

perhaps if the Board of Advisors were kept better informed, I would not have been put into this position.

-----Original Message-----

From: pdegregorio@eac.gov [mailto:pdegregorio@eac.gov]
Sent: Tuesday, October 18, 2005 5:18 PM
To: von Spakovsky, Hans (CRT)
Subject: Re: Research Grants
Importance: High

Hans,

I wish you would have shown us the decency to have spoken to someone at the EAC before you sent this e-mail. Had you done so, you might have discovered that Ms. Wang was paired with Job Serebrov, a conservative attorney who, like you, has served on a local election board (Washington, Co, AK -Fayetteville). He has also worked on voting issues and election law in his practice, including voter fraud. He was counsel to the Arkansas GOP on ballot integrity issues and was the ballot protection specialist for Mike Hucabee in his campaign for Lt. Governor. In addition, Job formed and ran "Arkansans for Fair Elections", a non-partisan group that looked to investigate and prevent voter fraud issues. He headed that group for 8 years. Job served the Republican Party of Arkansas as the Chairman of the Committee for the Revision of the State Constitution.

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You may recall that the Advisory Board made it clear to the EAC that they thought the Voter Fraud/Voter Intimidation issues should be studied together. That's why Ms. Wang has been paired with Mr. Serebrov to do this study.

014947

Julie tells me that she had a wide-ranging discussion with you last week but you never brought this issue up. It's too bad, as it may have prevented you from sending an e-mail to so many people that contains only half the story.

Paul DeGregorio
Vice Chairman
US Election Assistance Commission
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"Hans.von.Spakovsky@usdoj.gov" <Hans.von.Spakovsky@usdoj.gov>
10/18/2005 03:45 PM

To

"'gmhillman@eac.gov'" <gmhillman@eac.gov>, "'rmartinez@eac.gov'"
<rmartinez@eac.gov>, "'pdegregorio@eac.gov'" <pdegregorio@eac.gov>,
"'eac.gov'" <jthompson@eac.gov/twilke>, "'ddavison@eac.gov'"
<ddavison@eac.gov>

cc

"'christophert@michigan.gov'" <christophert@michigan.gov>,
"
"'drewiselectioncenter.org'" <drewiselectioncenter.org>

Subject

Research Grants

Dear Commissioners:

On August 18 I sent you an email raising serious concerns over the awarding of a contract to the Moritz College of Law given its clearly demonstrated pre-existing opinions about provisional balloting and voter identification. Unfortunately, nothing was apparently done about this situation.

I have just learned that a similar situation has occurred. I understand that another research grant has been awarded to Tova Wang for research into "voter fraud and voter intimidation." Ms. Wang has an even more pronounced partisan and one-sided view of these issues than was present in the situation involving Moritz College. She has many posted opinions available on the Internet that make it clear that she will not be able to conduct research in an objective fashion on these issues. Just a few examples illustrate this:

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"It is truly shocking how, given all the problems in the voting system and continued disenfranchisement, the terms of the debate have shifted to that of so-called 'ballot integrity.' It is reminiscent of how conservatives have misappropriated the concept of patriotism and the American flag, and used the power of language and messaging to distort the discussion, by using terms such as 'partial birth abortion' or death tax.'"

"This stands in stark contrast to the entire tenor of the Carter-Baker report, which presumes that fraud committed by voters is the biggest problem confronting our election system. There is simply no strong evidence of this, and some of the remedies proposed will take us backwards in the fight to increase voter participation."

"...voters are individually disenfranchised by continued, often race based, voter intimidation and deceptive practices..."

Carter-Baker Report: Some Bad Fixes for the Wrong Problem, 9/19/2005

"The data is also mounting that identification requirements have disproportionately disenfranchising impacts on certain communities...Given all this piling on of negative evidence, both in terms of the efficacy of ID requirements in fulfilling the goal their advocate's claim and their impact on voting rights, it is somewhat mind boggling that so many state officials, as well as other groups working on this issue, are still vigorously pushing for greater expansion of what seems to be a rather useless yet dangerous tool. Shouldn't the burden of proof now shift to the advocates of more voter ID to demonstrate the value of their cause?"

Voter ID and Fraud: Prove It, 7/28/2005

There are numerous more examples of her partisan opinions and attacks and demonstrably false claims against Republicans and election officials in general, such as her baseless charge in another article that "partisan election officials and party leaders usurped the process and manipulated the new federal voting law in ways that disenfranchised voters." Election 2004: A Report Card, 1/1/2005. The idea that she will write an objective report on issues that she has already expressed such strong opinions on ("there is no evidence that such election fraud is a serious problem") is hard to accept. I find it surprising that the EAC would award her a research grant or expect that election officials around the country would accept as valid a report written by an individual who asserts that "[a]t every step of the way, election officials in key states threw up unnecessary barriers to voting." Id. This gratuitous remark is an insult to the many hard-working election officials that we all know through our work who did everything they could during the last election to improve the election process and in large part succeeded.

Whatever procedures the EAC has set up to screen individuals and entities applying for research grants is obviously not working. I have no doubt that I could today, based on reading Ms. Wang's prior opinions, predict exactly what her report will conclude on the issues of voter fraud and voter intimidation. This situation needs to be corrected so that research is not being conducted by partisan individuals with preset opinions and views on issues. As with my prior email, I strongly recommend that the EAC reconsider the awarding of this contract.

Hans A. von Spakovsky
Counsel to the Assistant Attorney General

014949

Civil Rights Division - Room 5539
U.S. Department of Justice
950 Pennsylvania Avenue
Washington, D.C. 20530

Telephone (202) 305-9750
Facsimile (202) 307-2839

014950



Paul DeGregorio /EAC/GOV
10/17/2006 10:14 AM

To Jeannie Layson/EAC/GOV@EAC
cc
bcc
Subject Re: NEED APPROVAL: Brennen Cen. letter 

The letter is fine with me.

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Jeannie Layson
Sent: 10/17/2006 10:06 AM
To: Paul DeGregorio; Gracia Hillman; Donetta Davidson
Cc: Thomas Wilkey; Margaret Sims; Karen Lynn-Dyson; Juliet Hodgkins; Gavin Gilmour; Bryan Whitener
Subject: NEED APPROVAL: Brennen Cen. letter

Commissioners,

I have not received input from everyone regarding the attached letter. It is a response to Wendy Weiser of the Brennan Center, who requested the staff voter fraud status report and the provisional voting draft report, both of which were presented to the Standards Bd. and the Bd. of Adv. at the May meeting. She also requested the draft voter ID report, which was not released at the May meeting. If possible, I'd like to get your input by the end of the day. The letter would go out under Tom's signature. Thank you.

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

014951



Amie J. Sherrill/EAC/GOV

11/04/2005 11:42 AM

To Paul DeGregorio/EAC/GOV@EAC

cc

bcc

Subject Tally Vote - Tova Wang contract



Tova Wang resume.pdf



Communication of Award - EAC 05-66.pdf



EAC 05-66 Voting Fraus & Voter Intimidation Contract Info.pdf



Memo for the record - EAC 05-66.pdf



SOW EAC 05-66 Voting Fraud & Voter Intimidation.pdf



Tally Vote - Vote Fraud & Voter Intimidation 9.16.05.pdf



Tally vote cover - Tova Wang.pdf



Tally Vote Memo - Tova Wang.pdf

Amie J. Sherrill
Special Assistant to Vice Chairman Paul S. DeGregorio
U.S. Election Assistance Commission
1225 New York NW - Suite 1100
Washington, DC 20005
(202) 566 3106

014952

Tova Andrea Wang

BAR ADMISSION: New York

EDUCATION

NEW YORK UNIVERSITY SCHOOL OF LAW, New York, N.Y.
J.D., May, 1996

BARNARD COLLEGE, COLUMBIA UNIVERSITY, New York, N.Y.
B.A. in Political Science, *magna cum laude*, May, 1991; GPA: 3.8

EXPERIENCE

THE CENTURY FOUNDATION, New York, N.Y.

Senior Program Officer and Democracy Fellow: March, 2001 – Present

Research, write, and publish reports, provide commentary to national and state press, provide expertise to policymakers, give expert testimony and speak before groups around the country on election reform and voting rights, in addition to other civil liberties issues. Currently serve as the Executive Director of The Century Foundation's Post-2004 Election Reform Working Group, comprised of preeminent election law scholars from across the country. Served as staff person to the National Commission on Federal Election Reform, co-chaired by former Presidents Carter and Ford, of which The Century Foundation was a co-sponsor.

THE KAMBER GROUP, New York, N.Y.

Deputy Director of Public Policy: August, 1998 – March, 2001

Formulated and drafted public policy ideas, provided policy research and analysis, and provided general strategic political consulting services to non-governmental organizations, political campaigns, elected officials and grassroots organizations. Conducted lobbying and public advocacy campaigns.

NEW YORK CITY PUBLIC ADVOCATE, Investigation Into Police Misconduct, New York, N.Y.

Deputy Director and Director of Policy: January, 1999 – July, 2000

Conducted all policy analysis and research, including evaluating programs and policies of the NYPD and police departments across the world. Developed policy proposals, conducted briefings, and wrote reports. Helped manage collection of quantitative and qualitative data, expert interviews, hearings, budgeting and fundraising.

INDEPENDENT POLICY/POLITICAL CONSULTANT: August, 1996 – August, 1998,
New York and Washington, D.C.

Advised on policy, politics, legislation, and public relations for Reverend Jesse Jackson, the Children's Defense Fund, and the Academy of Political Science.

AMERICAN JOURNAL OF INTERNATIONAL LAW, New York, N.Y.

Assistant to the Editor-in-Chief, Theodor Meron: September, 1995 - May, 1996

Researched, edited and assisted in writing articles and speeches on current issues in international human rights law.

U.S. DEPARTMENT OF JUSTICE, Executive Office for Immigration Review, New York, N.Y.

Legal Intern: June - August, 1995

Researched and wrote immigration court decisions in political asylum, deportation and exclusion cases.

CLINTON FOR PRESIDENT CAMPAIGN, New York, N.Y.

Manhattan Field Director: February - July, 1992

Coordinated all campaign field operations in Manhattan. Negotiated the support of elected officials and political

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leaders; conducted outreach to community organizations; mobilized and managed activities of 1000 volunteers.

ACTIVITIES/ASSOCIATIONS

Member, Election Law Committee, Association of the Bar of the City of New York

Member, State Affairs Committee, Citizens Union of New York

Member, Make Votes Count Committee, Citizens Union of New York

Founding member, American Constitution Society – New York

014954



**U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW - Suite 1100
Washington, DC 20005**

MEMORANDUM FOR THE RECORD

Date: November 1, 2005

From: Karen Lynn Dyson

Re: Communication of Award of Contracts EAC 05-66 and EAC 05-67, Personal Services Contracts with Tova Wang and Job Serebrov

In late August and early September 2005 a series of emails and phone calls were exchanged with Job Serebrov and Tova Wang in order to communicate the details of personal services contracts that were awarded to them. The substance of these e-mails and phone calls related to Mr. Serebrov and Ms. Wang's contracts, described the various services they would perform for EAC related to researching and possibly developing a future project that would study and analyze voting fraud and intimidation. These emails included transmitting a statement of work that would govern their work as well as emails and phone calls to establish a kick-off meeting that would provide information to them so that Mr. Serebrov and Ms. Wang could begin work.

Since that time, Ms. Wang and Mr. Serebrov have engaged in substantial work on this project. This has included developing, outlining and providing to EAC staff, a work plan for the project, meeting and conversing with one another to discuss the focus and work of the project, interviewing prospective persons who would serve on the project's review panel and presenting this initial list of persons to the EAC to be considered as members of this project review panel who would assess and review the project's work.

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**EAC CONTRACT #05-66 Consulting Services to Assist EAC
in the Development of a Voting Fraud and Voter Intimidation Project**

Background

Section 241 of HAVA lists a number of election administration topics on which the U.S. Election Assistance Commission may elect to do research. In particular, Section 241(b) (6) and (7) state the two topics of nationwide statistics and methods of identifying, deterring and investigating voting fraud in elections for Federal offices; and identifying, deterring and investigating methods of voter intimidation. The EAC Board of Advisors has recommended that the EAC make research on these topics a high priority.

The EAC seeks to obtain consulting services from an individual who can provide advice drawn from broad professional and technical experience in the area of voter fraud and intimidation. The EAC needs this consultant to conduct a preliminary examination of these topics to determine if a larger research project might be warranted. If so, the consultant would also be tasked to define the scope of the project and prepare a Statement of Work for the EAC to use for a subsequent competitive procurement. To promote a balanced and non-partisan approach to this effort, EAC is contracting with two consultants, who will work jointly to perform the work described below.

Nature of the Appointment

The EAC enters into this contract pursuant to its authority to contract for consultants under 5 U.S.C. §3109 (See 42 U.S.C. §15324(b)). As such this contract is for personal services and creates a limited employment relationship. (See 5 C.F.R. §304). As a result of this unique relationship, and pursuant to this agreement, you are required to follow all Federal laws and regulations as they relate to the release of agency documents and information, travel and conduct. All research, information, documents and any other intellectual property, (including but not limited to policies, procedures, manuals, and other work created at the request or otherwise while laboring for the EAC) shall be owned exclusively by the EAC, including copyright. All such work product shall be turned over to the EAC upon completion of your appointment term or as directed by the EAC. The EAC shall have exclusive rights over this material. You may not release government information or documents without the express permission of the EAC.

Supervision and Management.

The EAC Project Manager for this effort is Margaret Sims, EAC Research Specialist. Ms. Sims will provide taskings, and supervise, review and approve all work and performance.

Period of Appointment, Compensation and Travel.

The period of appointment under this contract is estimated at six months. The appointment shall constitute intermittent appointment (without a regularly scheduled tour of duty) per 5 C.F.R. §340.401(b). The consultant shall not incur overtime. The consultants shall not receive automatic adjustments of pay based upon 5 U.S.C. 5303. The consultants are not eligible for sick and annual leave, nor compensation for work performed on federal holidays. The Consultant is expected to work 450 hours during the estimated six month appointment period. These hours must be distributed evenly over the period so that the Consultant is working approximately, but no more than 20 hours per week. The consultant shall be paid at a rate of \$111 per hour. The dates of performance are flexible but shall be based upon the needs of the project and the EAC. The project at issue is sought to be completed within the sixth month period. The period of appointment shall continue until the project, outlined below, is completed.

Consultant's duty station shall be his/her home or place of business. The consultant has access to and shall supply common office equipment to include telecommunications, internet, a computer, office supplies, facsimile machine and common workplace software (including Microsoft Word and Excel). Other resources will be provided by the EAC as needed and at its discretion.

The Consultant is required to travel on a periodic, as needed basis, throughout the duration of their appointment. All travel must be pre-approved by the EAC per Federal Travel Regulations and EAC policy. The Consultant will be reimbursed, at the Federal government rates, for hotel and ground transportation costs, proper incidental expenses, and per diem while on official, pre-approved EAC travel.

Areas of Responsibility

1. Develop a comprehensive description of what constitutes voting fraud and voter intimidation in the context of Federal elections.
2. Using the description developed above, perform background research, including both Federal and State administrative and case law review, and a summation of current activities of key government agencies, civic and advocacy organizations regarding these topics. Deliver a written summary of this research and all source documentation.
3. Work in consultation with other EAC staff and the Commissioners to identify a working group of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation. The Working Group will be provided with the results of the consultant's research (discussed in 1 and 2, above) as background information. The consultant will be responsible for developing a discussion agenda and convene the Working Group with the objective of identifying promising avenues for future research by EAC.

4. The consultant shall be responsible for creating a report summarizing the findings of this preliminary research effort and Working Group deliberations. This report should include any recommendations for future research resulting from this effort.
5. Should the EAC decide to pursue one or more of the recommendations made in the report noted above, the consultant will be responsible for defining the appropriate project scope(s) and preparing Statement(s) of Work sufficient for use in a competitive procurement.

Compensation Procedures

Compensation shall be made for work done by submitting invoices. Invoices shall be submitted on a monthly basis. These invoices shall state the number of labor hours that have been expended. Invoices shall be delivered to Ms. Margaret Sims for review and Ms. Diana Scott, Administrative Officer, U.S. Election Assistance Commission, 1225 New York Avenue, N.W., Suite 1100, Washington DC 20005. Compensation for travel shall be submitted by travel voucher consistent with federal travel regulation and EAC requirements.

Termination

This consultant contract can be terminated without cause in advance of the current end date by two weeks' notice in writing by either of the parties.

Estimated Project Timetable.

Deliverable	Due Date
Project work plan	10 days after contract award
Progress reports	monthly
Description of voting fraud and voter intimidation	October 2005
Summary of background research and associated source documentation	January 2006
Convene working group	February 2006
Summary report describing findings and recommendations for future EAC research	March 2006
Statement(s) of Work for future research project(s)	TBD



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW - Suite 1100
Washington, DC 20005

MEMORANDUM FOR THE RECORD

Date:

From: Gracia Hillman, Chair
On Behalf of the Commission

Re: Ratification of Personal Services Contract with Tova Wang (EAC Contract No. 05-66; ACT No. E4019697)

The purpose of this memorandum is to document the ratification of the above referenced agreement. Ratification is the process proscribed by the Federal Acquisition Regulation (FAR) to approve, by an official with the authority to do so, an agreement that was not binding on an agency because the Government representative who made it lacked authority to enter into the agreement on behalf of the government (unauthorized commitment). (FAR 1.602-3(a)).

Background. Information was brought to the attention of the Commission late in the week of October 10. This information suggested that communication of award for the above referenced agreement may not have been made by an individual with authority to bind the government. As such, the agreement may be viewed as an unauthorized commitment. The above referenced personal services agreement was to assist EAC in researching and developing a Fraud and Voter Intimidation Project. This was needed by the Commission in order to fulfill its research responsibilities under Sections 241(b)(6) and (7) of HAVA.

The Commission has considered Ms. Wang's qualifications and found her to be experienced in matters involving voter fraud and intimidation. (Attachment "1", Resume) In addition, the Commission has agreed to a six-month period of performance, from September 2005 through February 2006. (Attachment "2", Statement of Work). An award was made by full vote of the EAC Commissioners on September 19, 2005 (Attachment "3", Tally Vote Certification and Memorandum). The award was announced by the Commission on the record at a public meeting on September 27, 2005.

Prior to the time that the formal award was made by vote of the Commission, award was communicated by an EAC employee through a series of telephone calls and emails in early September 2005. (Attachment "4", Statement from Karen Lynn Dyson). Work began on the contract following award notification. This was evidenced by a kickoff meeting between EAC employees and the contractor which took place on September 7, 2005. Also, the contractor provided services in meeting with the other contractor engaged to provide similar assistance, developing a work plan for the voter fraud and intimidation project, interviewing and considering members to serve as a review panel for the work of the consultants on this project, and

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developing a preliminary list of panelists. (Attachment "4", Statement of Karen Lynn Dyson). Ultimately, ratification of this agreement will result in the Commission receiving all of the deliverables identified in the contract.

Funding was available in fiscal year 2005 (FY 05) for the services at issue. And, it appears based upon a review of the law that funding this contract from FY05 funds would be proper. These FY 05 funds remain available. The funds were in fact obligated to the agreement, in the amount of \$50,000.00 on September 21, 2005. This was done under the belief that a legal obligation had been created. The agreement approved for award by the Commissioners had a total estimated cost of \$50,000.00.

Requirements. FAR 1.602-3 (b) and (c) set federal ratification policy and requirements. These sections note:

- (1) Agencies should take action to prevent the need for ratification actions. Ratification procedures should not be used in a manner that encourages unauthorized commitments being made by government personnel. (FAR 1.602-3(b)(1)).
- (2) The head of an agency's contracting activity, unless the authority is designated higher, may ratify an unauthorized agreement. This authority may be delegated with limitations. (FAR 1.602-3(b)(2) & (3)).
- (3) Agencies should process unauthorized commitments consistent with FAR 1.602-3. Such actions should not be forwarded to the General Accounting Office for resolution unless they are subject to a Contracts Dispute Act Claim or are not otherwise ratifiable under the subsection. (FAR 1.602-3(b)(4)-(5) & (d)).
- (4) Consistent with FAR 1.602-3(c)(1)-(7), ratification authority may be exercised only when:
 - a. *Supplies or services have been provided to and accepted by the Government, or the Government otherwise has obtained or will obtain a benefit resulting from performance of the unauthorized commitment;*
 - b. *The ratifying official has the authority to enter into a contractual commitment;*
 - c. *The resulting contract would otherwise have been proper if made by an appropriate contracting officer;*
 - d. *The contracting officer reviewing the unauthorized commitment determines the price to be fair and reasonable;*
 - e. *The contracting officer recommends payment and legal counsel concurs in the recommendation, unless agency procedures expressly do not require such concurrence; and*
 - f. *Funds are available and were available at the time the unauthorized commitment was made.*

Analysis. The commitment at issue began as a routine contracting effort. EAC, unlike many government agencies, has the express statutory authorization to enter into personal services contracts under 5 U.S.C. Section 3109. That authority is provided by the Help America Vote Act

Section 204(b). Section 3109 and the regulations promulgated by the Office of Personnel Management concerning personal services contracts allows these contracts only where a specific statute authorizes it and where it meets the terms as specified in the statute and regulation for type of appointment and rate of pay. The agreement with Ms. Wang appoints her in an intermittent capacity and establishes a rate of \$111 per hour, a rate which falls within the limits prescribed by 5 CFR Part 304.105.

In reviewing the fiscal law, it appears that the type of the contract is not dispositive as to whether the services provided by that contract are severable and must be funded in the fiscal year in which the services are rendered. While personal services contracts are generally considered severable (and payable in the fiscal year the work is performed), there must be an analysis of the nature of the work performed under the contract. The GAO Red Book, Vol. I sites one case which notes that legal administrative services were considered severable where there was no final report or final product produced from the contractual agreement. Another, case determined that substantive legal services procured from attorney's was non-severable. Thus, appears to be a distinction made between perennial, clerical work and substantive, project-based work. In the instant case, the consultant is providing project associated services that will result in a final report and final product in the form of a report and an RFP for a future study of voter fraud and voter intimidation.

Issues regarding the agreement's unauthorized nature arose near the end of the award process. While the contract authority (Commissioners) properly took action to make an award determination, they relied on EAC employees to communicate this fact to the contractor. In doing so, the Commission failed to realize that it is the communication of acceptance and award by the appropriate person that serves to obligate the government. EAC personnel seem to have viewed the Commissioners' concurrence as granting them the authority to communicate award in a manner that would obligate the agency. The bottom line is that the EAC employee believed her efforts to notify the contractor of award obligated the EAC by accepting the contractor's proposal. Based upon this, the contractor began performance on the agreement and the EAC has and will receive benefit.

Looking specifically at the requirements for ratification noted in FAR 1.602-3(c) and the facts outlined, above, the Commission finds:

- a. Services Accepted or Benefit Received. Services under this agreement have been accepted by the government. Moreover the government has and will obtain needed benefit from the services provided and upon completion of the unauthorized agreement.
- b. Contract Authority. The undersigned, as the chair of the EAC, has the authority to contract on behalf of the agency. Furthermore, the Chair's signature represents the decision of the full Commission to take this ratification action. This is documented by the attached Tally Vote. (Attachment "5", Tally Vote). EAC's four Commissioners have the legal authority to contract and otherwise bind the agency per the specific authority of the Help America Vote Act (42 U.S.C. §15325(e)) and, generally, as agency heads (see FAR 1.601).

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- c. Contract Otherwise Proper. This agreement, having previously been initiated, processed, and awarded by full vote of the Commission was proper, but for the unauthorized communication of award made by an individual without authority to bind the agency. As stated previously, EAC is specifically authorized by statute to enter into personal services contracts. HAVA Section 204(b). This agreement falls within the statute and regulations governing personal services contracts. See specifically 5 U.S.C. 3109 and 5 CFR Part 304.
- d. Price Fair and Reasonable. The rate at which this contractor is providing services is within the amount allowable under 5 CFR Part 304.105. In addition, the contractor works regularly as Senior Program Officer and Democracy Fellow for The Century Foundation. The rate provided is commensurate with her regular rate for consulting services.
- e. Payment of Funds Recommended. After consultation with the General Counsel, the Commission recommends payment of funds.
- f. Funds Available. Consistent with the facts noted above, the Commission finds that funds are available and were available at the time of the unauthorized commitment.

Prevention. Unfortunately, there are a number of agreements which have suffered from the same deficiencies as discussed above. FAR 1.602(b)(1) makes it clear that agencies should take steps to prevent the need for ratifications and avoid using the process in a way that would encourage unauthorized commitments. The EAC must determine why these unauthorized commitments occurred and how to prevent them in the future. An initial review of EAC's contract process showed deficiencies in (1) the contracting procedure, (2) training of employees on contracting process and procedure, (3) coordination with the General Counsel's office, and (4) communication amongst contracting officers and staff that resulted in an unauthorized commitment. No new contracting should occur until issues surrounding the process have been resolved. EAC is in the process of negotiating with another government agency to handle its procurement process, thereby relieving the EAC staff of the responsibility of processing these procurements.

Gracia Hillman
Chair
On Behalf of the Commission

I Concur.

Juliet Thompson
General Counsel

014962

Statement of Work

Assistance with developing an Election Assistance Commission (EAC) Voting Fraud and Voter Intimidation Project

Background

Section 241 of HAVA enumerates a number of periodic studies of election administration issues in which the U.S. Election Assistance Commission may elect to engage. In general "On such periodic basis as the Commission may determine, the Commission shall conduct and make available to the public studies regarding the election administration issues described in subsection (b)"

Sections 241(b) (6) and (7) list the following election administration issues:

(6) Nationwide statistics and methods of identifying, deterring and investigating voting fraud in election for Federal offices.

(7) Identifying, deterring and investigating methods of voter intimidation.

Building on this HAVA reference to studies of voting fraud and voter intimidation, the EAC Board of Advisors has indicated that further study of these issues to determine how the EAC might respond to them is a high priority.

The U.S. Election Assistance Commission (EAC) seeks to identify one or more senior-level project consultants to develop various project activities and studies related to voting fraud and voter intimidation affecting Federal elections.

The consultant(s) must have knowledge of voting fraud and voter intimidation along with an understanding of the complexities, nuances and challenges which surround the topics. The EAC is particularly interested in candidates with experience in elections, with public policy and with the law. The consultant (s) must be able to demonstrate an ability to approach the issues of voting fraud and voter intimidation in a balanced, nonpartisan fashion.

Duties

The consultant(s), whose contract would run for the period September-February, 2005, would be responsible for the following.

1. Identifying what constitutes voting fraud and voter intimidation affecting Federal elections.
2. Performing background research, including Federal and state-by state administrative and case law review related to voting fraud and voter intimidation, and a review of current voting fraud and voter intimidation activities taking place with key government agencies, civic and advocacy organizations. A written summary of this research, and a copy of any source documentation used, will be presented to EAC.
3. Identifying, in consultation with EAC, and convening a working group of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation. The working group's goals and objectives and meeting agendas will be vetted with key EAC staff.
4. Developing a project scope of work and a project work plan related to voting fraud and voter intimidation. The consultants (s) will develop a draft scope of work and project work plan for EAC's consideration based on research into the topics, the deliberations and findings of the working group, and the consultants' understanding of EAC's mission and agency objectives.
5. Authoring a report summarizing the key findings of this preliminary study of voting fraud and voter intimidation. The report will also include suggestions for specific activities that EAC may undertake to address these topics.

From this initial research and exploration of these topics the consultant (s) may be retained to help oversee follow-on research projects and contracts EAC may pursue on the topics of voting fraud and voter intimidation.

Special Considerations

Work for Hire. The services performed under the terms of this agreement are considered "work for hire," and any intellectual property or deliverables, including but not limited to, research, policies, procedures, manuals, and other works submitted; or which are specified to be delivered; or which are developed or produced and paid for by EAC, shall be owned exclusively by EAC, including copyright. EAC or its assignees have the exclusive right to reproduce all work products from this agreement without further payment to the Contractor.

Terms and Conditions

The period of performance for this consulting contract is six months, with a fixed price ceiling of \$50,000 for labor. The consultant (s) is expected to work at least 450 hours in performing this work. The EAC estimates that the most efficient distribution of these hours would be for the consultant to work 20 hours per week. The period of performance and level of effort can be revised in writing by mutual agreement of the EAC and the consultant, as required.

The Consultant is required to travel to the EAC Washington, D.C. offices on a periodic, as needed basis, throughout the duration of the contract. The Consultant will be reimbursed, at the Federal government rates, for hotel and ground transportation costs, other approved incidental expenses, and per diem costs while working on-site at the EAC offices. A fixed price ceiling of \$5,000 has been allocated for reimbursement for travel and other allowable expenses.

Invoicing

Invoices may be submitted monthly in equal payments for labor. Expenses claimed for reimbursement shall be itemized with appropriate receipts provided. Invoices shall be delivered to Ms. Diana Scott, Administrative Officer, U.S. Election Assistance Commission, 1225 New York Avenue, N.W., Suite 1100, Washington DC 20005.

Deliverables and Timetable

Deliverable	Due Date
Draft project work plan (Phase I)	ASAP after award
Progress Reports to Contracting Officer's Representative (COR)	Monthly
A written summary of background research on voting fraud and voter intimidation.	TBD
Identifying and convening a working group knowledgeable about voting fraud and voter intimidation.	TBD
Developing a project scope of work and project work plan (Phase II)	TBD
Summary report describing key findings of this preliminary study of voting fraud and voter intimidation	TBD

014965



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW - Suite 1100
Washington, DC 20005

TALLY VOTE MATTER

DATE & TIME OF TRANSMITTAL: September 16, 2005, 3:00PM

BALLOT DEADLINE: September 20, 2005, 3:00PM

COMMISSIONERS: HILLMAN, DEGREGORIO, MARTINEZ, DAVIDSON

SUBJECT: Consulting assistance with developing an Election Assistance Commission (EAC) Voting Fraud and Voter Intimidation Project

- () I approve the recommendation.
() I disapprove of the recommendation.
() I object to the recommendation.
() I am recused from voting.

COMMENTS: _____

DATE: _____ SIGNATURE: _____

A definite vote is required. All ballots must be signed and dated. Please return ONLY THE BALLOT to DeAnna Smith. Please return the ballot no later than the date and time shown above.

FROM THOMAS R. WILKEY, EXECUTIVE DIRECTOR

014966



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW - Suite 1100
Washington, DC 20005

TALLY VOTE MEMORANDUM

TO: EAC Commissioners Hillman, DeGregorio, Martinez, Davidson
FROM:  Thomas Wilkey, EAC Executive Director
DATE: September 16, 2005
RE: Consulting assistance with developing an Election Assistance Commission (EAC) Voting Fraud and Voter Intimidation Project

Background

"On such periodic basis as the Commission may determine, the Commission shall conduct and make available to the public studies regarding the election administration issues described in subsection (b)" Sections 241(b) (6) and (7) list the following election administration issues:

- (6) Nationwide statistics and methods of identifying, deterring and investigating voting fraud in election for Federal offices.
- (7) Identifying, deterring and investigating methods of voter intimidation.

Building on this HAVA reference to studies of voting fraud and voter intimidation, the EAC Board of Advisors has indicated that further study of these issues, to determine how the EAC might respond to them, is a high priority.

The U.S. Election Assistance Commission (EAC) has identified two senior-level project consultants to develop various project activities and studies related to voting fraud and voter intimidation affecting Federal elections. The consultants, whose contracts would run for the period September-February, 2005, would be responsible for helping the EAC identify what constitutes voting fraud and voter intimidation affecting Federal elections.

To accomplish this the consultants will: perform background research, including Federal and state-by state administrative and case law review related to voting fraud and voter intimidation, along with a review of current voting fraud and voter intimidation activities taking place with key government agencies, civic and advocacy organizations; in consultation with EAC, identify and convene, a working group of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation; develop an EAC project scope of work and a project work plan related to voting fraud and voter intimidation and; author a report summarizing the key findings of this preliminary study of voting fraud and voter intimidation.

Recommendation

Attached is the Statement of Work for the voting fraud and voter intimidation project consultants. The consultant contract fees total \$110,000 (\$55,000 per person). An additional \$10,000 is allotted for the voting fraud and intimidation project working group. The total project amount is \$120,000.

014967



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW - Suite 1100
Washington, DC 20005

TALLY VOTE MATTER

DATE & TIME OF TRANSMITTAL: September 16, 2005, 3:00PM

BALLOT DEADLINE: September 20, 2005, 3:00PM

COMMISSIONERS: HILLMAN, DEGREGORIO, MARTINEZ, DAVIDSON

SUBJECT: Consulting assistance with developing an Election Assistance Commission (EAC) Voting Fraud and Voter Intimidation Project

- () I approve the recommendation.
- () I disapprove of the recommendation.
- () I object to the recommendation.
- () I am recused from voting.

COMMENTS: _____

DATE: 9-16-05

SIGNATURE: Donetta Davidson

A definite vote is required. All ballots must be signed and dated. Please return ONLY THE BALLOT to DeAnna Smith. Please return the ballot no later than the date and time shown above.

FROM THOMAS R. WILKEY, EXECUTIVE DIRECTOR

014968



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW - Suite 1100
Washington, DC 20005

TALLY VOTE MATTER

DATE & TIME OF TRANSMITTAL: September 16, 2005, 3:00PM

BALLOT DEADLINE: September 20, 2005, 3:00PM

COMMISSIONERS: HILLMAN, DEGREGORIO, MARTINEZ, DAVIDSON

SUBJECT: Consulting assistance with developing an Election Assistance Commission (EAC) Voting Fraud and Voter Intimidation Project

- I approve the recommendation.
 I disapprove of the recommendation.
 I object to the recommendation.
 I am recused from voting.

COMMENTS: _____

DATE: 9/16/05

SIGNATURE: *Ray Martinez*

A definite vote is required. All ballots must be signed and dated. Please return ONLY THE BALLOT to DeAnna Smith. Please return the ballot no later than the date and time shown above.

FROM THOMAS R. WILKEY, EXECUTIVE DIRECTOR *TRW*

014969



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW - Suite 1100
Washington, DC 20005

TALLY VOTE MATTER

DATE & TIME OF TRANSMITTAL: September 16, 2005. 3:00PM

BALLOT DEADLINE: September 20, 2005. 3:00PM

COMMISSIONERS: HILLMAN, DEGREGORIO, MARTINEZ, DAVIDSON

SUBJECT: Consulting assistance with developing an Election Assistance Commission (EAC) Voting Fraud and Voter Intimidation Project

- I approve the recommendation.
- I disapprove of the recommendation.
- I object to the recommendation.
- I am recused from voting.

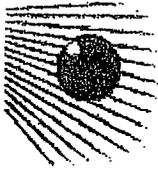
COMMENTS: _____

DATE: September 18, 2005 SIGNATURE: Paul S DeGregorio
signed by Amir Sweid

A definite vote is required. All ballots must be signed and dated. Please return ONLY THE BALLOT to DeAnna Smith. Please return the ballot no later than the date and time shown above.

FROM THOMAS R. WILKEY, EXECUTIVE DIRECTOR

014970



Paul DeGregorio/EAC/GOV

09/18/2005 04:38 PM

To Amie J. Sherrill/EAC/GOV

cc Thomas R. Wilkey/EAC/GOV, Juliet E. Thompson/EAC/GOV,
Karen Lynn-Dyson/EAC/GOV, Carol A. Paquette/EAC/GOV

bcc

Subject Tally Votes

This is to authorize my Special Assistant, Amie Sherrill, to mark on my behalf the following Tally Votes regarding the awarding of contracts, as approving the staff recommendation for each of the following:

1. RFP #05-04 to the University of Florida Levin College of Law for the development of legal resources clearinghouse
2. RFP #05-07 to the Center for Public Policy and Administration of the University of Utah for the development of best practices on vote count and recount procedures
3. RFP #05-11 to Zimmerman Associates, Inc for the development of records management policies and procedures
- ~~4. Sole Source contracts to Job Serebry and Nava Wang in developing a EAC Young Staff and Voter Education Project~~
5. Sole Source contract to the National Academies of Science for Technical Support for Statewide Registration Database Implementation with Online Forums for Discussion

Paul DeGregorio
Vice Chairman
US Election Assistance Commission
1225 New York Ave, NW
Suite 1100
Washington, DC 20005
1-866-747-1471 toll-free
202-566-3100
202-566-3127 (FAX)
pdegregorio@eac.gov
www.eac.gov

014071



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW - Suite 1100
Washington, DC 20005

TALLY VOTE MATTER

DATE & TIME OF TRANSMITTAL: September 16, 2005, 3:00PM

BALLOT DEADLINE: September 20, 2005, 3:00PM

COMMISSIONERS: HILLMAN, DEGREGORIO, MARTINEZ, DAVIDSON

SUBJECT: Consulting assistance with developing an Election Assistance Commission (EAC) Voting Fraud and Voter Intimidation Project

- I approve the recommendation.
- I disapprove of the recommendation.
- I object to the recommendation.
- I am recused from voting.

COMMENTS: _____

DATE: 9-17-05

SIGNATURE: *Jim Hillman*

A definite vote is required. All ballots must be signed and dated. Please return ONLY THE BALLOT to DeAnna Smith. Please return the ballot no later than the date and time shown above.

FROM THOMAS R. WILKEY, EXECUTIVE DIRECTOR

TRW

014972



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW - Suite 1100
Washington, DC 20005

TALLY VOTE MATTER

DATE & TIME OF TRANSMITTAL: November 3, 2005, 5:00PM

BALLOT DEADLINE: November 7, 2005, 5:00 PM

COMMISSIONERS: DEGREGORIO, HILLMAN, MARTINEZ, DAVIDSON

SUBJECT: Ratification of Personal Services Contract with Tova Wang
(EAC 05-66).

- () I approve the recommendation.
- () I disapprove the recommendation.
- () I object to the recommendation.
- () I am recused from voting.

COMMENTS: See the attached memo in support.

DATE: _____ **SIGNATURE:** _____

A definite vote is required. All ballots must be signed and dated. Please return ONLY THE BALLOT to the Benita Fundersburg. Please return the ballot no later than date and time shown above.

FROM JULIET THOMPSON, GENERAL COUNSEL

014973



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW - Suite 1100
Washington, DC 20005

MEMORANDUM

TO: Commissioners Hillman, DeGregorio, Martinez and Davidson

FROM: Juliet Thompson

DATE: November 1, 2005

RE: **Personal Services Contract with Tova Wang (EAC Contract No. 05-66; ACT No. E4019697)**

BACKGROUND:

On or about October 7, 2005, the Chair of the EAC requested that the Office of General Counsel review 19 contracts for procurement of goods and services. As a part of the review, we examined contract file documents and spoke with EAC staff and representatives involved in each stage of the contracting process.

In reviewing the contract with Ms. Tova Wang to provide services in researching and developing a voter fraud and intimidation project for EAC, we determined that the agreement had been entered through a legally permissible process, that a vote was taken by the Commission to award this agreement, that the award was communicated by an EAC staff member to Ms. Wang, work has begun under the agreement, and that EAC has and will receive a benefit from the provision of these services by Ms. Wang. The review revealed that the commitment was made by a person who was not the contracting officer of EAC and who was not authorized to make such commitment. Therefore, this agreement was made by a person who did not have the authority to bind the Commission. Because the contract was otherwise proper and EAC has and will continue to receive benefits from the completion of this contract, the agreement and facts surrounding it fit within the framework for ratification set forth in the Federal Acquisition Regulation (FAR).

Ratification is the process proscribed by the FAR to approve, by an official with the authority to do so, an agreement that was not binding on an agency because the Government representative who made it lacked authority to enter into the agreement on behalf of the government (unauthorized commitment). (FAR 1.602-3(a)).

REQUIREMENTS FOR RATIFICATION:

FAR 1.602-3 (b) and (c) set federal ratification policy and requirements. These sections note:

- (1) Agencies should take action to prevent the need for ratification actions. Ratification procedures should not be used in a manner that encourages unauthorized commitments being made by government personnel. (FAR 1.602-3(b)(1)).
- (2) The head of an agency's contacting activity, unless the authority is designated higher, may ratify an unauthorized agreement. This authority may be delegated with limitations. (FAR 1.602-3(b)(2) & (3)).
- (3) Agencies should process unauthorized commitments consistent with FAR 1.602-3. Such actions should not be forwarded to the General Accounting Office for resolution unless they are subject to a Contracts Dispute Act Claim or are not otherwise ratifiable under the subsection. (FAR 1.602-3(b)(4)-(5) & (d)).
- (4) Consistent with FAR 1.602-3(c)(1)-(7), ratification authority may be exercised only when:
 - a. *Supplies or services have been provided to and accepted by the Government, or the Government otherwise has obtained or will obtain a benefit resulting from performance of the unauthorized commitment;*
 - b. *The ratifying official has the authority to enter into a contractual commitment;*
 - c. *The resulting contract would otherwise have been proper if made by an appropriate contracting officer;*
 - d. *The contracting officer reviewing the unauthorized commitment determines the price to be fair and reasonable;*
 - e. *The contracting officer recommends payment and legal counsel concurs in the recommendation, unless agency procedures expressly do not require such concurrence; and*
 - f. *Funds are available and were available at the time the unauthorized commitment was made.*

ANALYSIS:

The commitment at issue began as a routine contracting effort. EAC, unlike many government agencies, has the express statutory authorization to enter into personal services contracts under 5 U.S.C. Section 3109. That authority is provided by the Help America Vote Act Section 204(b). Section 3109 and Office of Personnel Management regulations implementing the statute allow personal services contracts only when they meet the terms specified in the statute and regulation for type of appointment and rate of pay. The agreement with Mr. Serebrov properly appoints him in an intermittent capacity and establishes a rate of \$111 per hour, a rate which falls within the limits prescribed by 5 CFR Part 304.105.

In reviewing the fiscal law, it appears that the type of the contract is not dispositive as to whether the services provided by that contract are severable and must be funded in the fiscal year in

which the services are rendered. While personal services contracts are generally considered severable (and payable in the fiscal year the work is performed), there must be an analysis of the nature of the work performed under the contract. The GAO Red Book, Vol. I sites one case which notes that legal administrative services were considered severable where there was no final report or final product produced from the contractual agreement. Another, case determined that substantive legal services procured from attorney's was non-severable. Thus, appears to be a distinction made between perennial, clerical work and substantive, project-based work. In the instant case, the consultant is providing project associated services that will result in a final report and final product in the form of a report and an RFP for a future study of voter fraud and voter intimidation.

Issues regarding the agreement's unauthorized nature arose near the end of the award process. While the contract authority (Commissioners) properly took action to make an award determination, they relied on EAC employees to communicate this fact to the contractor. In doing so, the Commission failed to realize that it is the communication of acceptance and award by the appropriate person that serves to obligate the government. EAC personnel seem to have viewed the Commissioners' concurrence as granting them the authority to communicate award in a manner that would obligate the agency. The bottom line is that the EAC employee believed her efforts to notify the contractor of award obligated the EAC by accepting the contractor's proposal. Based upon this, the contractor began performance on the agreement and the EAC has and will receive benefit.

RECOMMENDATION:

- (1) Review the contract, contract materials and statements of persons involved in the contracting process;
- (2) Ratify the contract by voting affirmatively to take such action;
- (3) Authorize the Chair on behalf of the Commission, with concurrence by the General Counsel, to document such ratification through a memorandum for the record to become a permanent part of the contract file on this contract;
- (4) Execute the contract and transmit the signed contract to the contractor.



Paul DeGregorio /EAC/GOV

11/17/2005 10:18 AM

To Juliet E. Thompson/EAC/GOV

cc

bcc

Subject Fw: RESPONSE REQUESTED-Working Group for Voting Fraud and Voter Intimidation Project

Fyi.
Any recommendations?

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Margaret Sims

Sent: 11/16/2005 01:12 PM

To: Gracia Hillman; Paul DeGregorio; Raymundo Martinez;
donetta.davidson@sos.state.co.us

Cc: Sheila Banks; Amie Sherrill; Adam Ambrogi; Elieen Collver; Gavin Gilmour

Subject: RESPONSE REQUESTED-Working Group for Voting Fraud and Voter Intimidation Project

Dear Commissioners:

The consultants' contracts for EAC's voting fraud and voter intimidation project require Tova Wang and Job Serebrov to work in consultation with EAC staff and the Commissioners "to identify a working group of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation". The contracts do not specify the number of working group members but, as EAC has to pay for the group's travel and we want the size of the group to be manageable, I recommend that we limit the number to 6 or 8. Please let me know if you think that this limit is too conservative .

Attached for your review and comment are two lists of potential working group members for this project. One list was submitted by Job, the other by Tova. Tova and Job have provided brief summaries of each candidate's relevant experience and have placed asterisks next to the names of the individuals whom they particularly recommend. I can provide more extensive biographies of these individuals, if you need them. If EAC agrees that the recommended working group members are acceptable, an equal number may be selected from each list in order to maintain a balanced perspective.

Absent from the attached lists is the name of a representative from the U.S. Department of Justice's Election Crimes Branch. At this time, I am working through the DOJ bureaucracy to determine to what degree Craig Donsanto will be permitted to participate. If he cannot be named as a working group member, we may still be able to use him as a resource.

Please provide your feedback to me no later than Monday , November 28. I am available to meet with you if you would like to discuss this matter further.

Peggy Sims
Research Specialist

014977



Possible Working Group Members -Serebrov.doc



Possible Working Group Members- Wang.doc

Possible Working Group Members - Serebrov

I recommend the first four with an *

***Mark (Thor) Hearne II**-Counsel to Republican National Committee; National Counsel to American Center for Voting Rights; National election counsel to Bush-Cheney, '04; Testified before U.S. House Administration Committee hearings into conduct of Ohio presidential election; Academic Advisor to Commission on Federal Election Reform (Baker-Carter Commission).

***Todd Rokita**-Secretary of State, Indiana; Secretary Rokita strives to reform Indiana's election practices to ensure Indiana's elections are as fair, accurate and accessible as possible; Secretary Rokita serves on the nine-member Executive Board of the Election Assistance Commission Standards Board, charged by federal law to address election reform issues.

***Patrick J. Rogers**-Partner/Shareholder, Modrall, Sperling, Roehl, Harris and Sisk, P.A., Albuquerque, New Mexico; 1991-2003 General Counsel to the New Mexico Republican Party; Election cases: *The Coalition to Expose Ballot Deception, et al v. Judy N. Chavez, et al*; Second Judicial District Court of Bernalillo County, New Mexico (2005); represented plaintiffs challenging petition procedures; *Miguel Gomez v. Ken Sanchez and Judy Chaves*; Second Judicial District Court of Bernalillo County, New Mexico (2005); residency challenge; *Moises Griego, et al v. Rebecca Vigil-Giron v. Ralph Nader and Peter Miguel Camejo*, Supreme Court for the State of New Mexico (2004); represented Ralph Nader and Peter Camejo, ballot access issues; *Larry Larrañaga, et al v. Mary E. Herrera and Rebecca Vigil-Giron*, Supreme Court of New Mexico (2004); voter identification and fraudulent registration issues; *Decker, et al v. Kunko, et al*; District Court of Chaves County, New Mexico (2004); voter identification and fraudulent registration issues; *Kunko, et al v. Decker, et al*; Supreme Court of New Mexico (2004); voter identification and fraudulent registration issues; *In the Matter of the Security of Ballots Cast in Bernalillo County in the 2000 General Election*; Second Judicial District Court of Bernalillo County, New Mexico (2000); voting and counting irregularities and fraud.

***David A. Norcross**- Partner, Blank Rome LLP, Trenton NJ, Washington D.C; Chairman, New Jersey Republican State Committee, 1977 – 1981; General Counsel, Republican National Committee, 1993 – 1997; General Counsel, International Republican Institute; Counsel, The Center for Democracy; Vice Chairman, Commission on Presidential Debates; Executive Director, New Jersey Election Law Enforcement Commission

Benjamin L. Ginsberg-Served as national counsel to the Bush-Cheney presidential campaign; He played a central role in the 2000 Florida recount; He also represents the campaigns and leadership PACs of numerous members of the Senate and House, as well as the Republican National Committee, National Republican Senatorial Committee and

National Republican Congressional Committee; His expertise is more in campaign finance.

Cleta Mitchell-Partner in the Washington, D.C. office of Foley & Lardner LLP; She advises corporations, nonprofit organizations, candidates, campaigns, and individuals on state and federal election and campaign finance law, and compliance issues related to lobbying, ethics and financial disclosure; Ms. Mitchell practices before the Federal Election Commission and similar federal and state enforcement agencies; Her expertise is more in campaign finance law.

Mark Braden-Of counsel at Baker & Hostetler; He concentrates his work principally on election law and governmental affairs, including work with Congress, the Federal Election Commission, state campaign finance agencies, public integrity issues, political broadcast regulation, contests, recounts, the Voting Rights Act, initiatives, referendums and redistricting; His expertise is mainly outside of the voter fraud area.

To: Peggy Sims
From: Tova Wang
Re: Working Group Recommendations
Date: November 12, 2005

*Wendy R. Weiser, Associate Counsel in the Democracy Program at the Brennan Center for Justice at NYU School of Law and an expert in federal and constitutional law, has done a great deal of research, writing, speaking, and litigating on voting rights and election law issues. As part of the Brennan Center's wide ranging activities in the area of democracy, Ms. Weiser is currently overseeing an analysis and investigation of recent allegations of voter fraud throughout the country.

*Barbara Arnwine is Executive Director of the Lawyers Committee for Civil Rights Under Law, an organization that for four decades has been at the forefront of the legal struggle to secure racial justice and equal access to the electoral process for all voters. Notably, Ms. Arnwine and the organization have led the Election Protection program for the last several years, a nationwide grassroots education and legal effort deploying thousands of volunteers and using a nationally recognized voter hotline to protect voters' rights on election day.

*Daniel Tokaji, professor and associate director of the Election Law Center at the Moritz College of Law at the Ohio State University, is one of the nation's foremost experts in election law and reform and ensuring equality in the voting system. Professor Tokaji frequently writes and speaks on democracy related issues at academic and practitioner conferences, on such issues as voting technology, fraud, registration, and identification requirements, as well as the interplay between the election administration practices and voting rights laws.

Donna Brazile is Chair of the Democratic National Committee's Voting Rights Institute, the Democratic Party's major initiative to promote and protect the right to vote created in response to the irregularities of the 2000 election, and former Campaign Manager for Gore-Lieberman 2000 (the first African American to lead a major presidential campaign.) Brazile is a weekly contributor and political commentator on CNN's Inside Politics and American Morning, a columnist for Roll Call Newspaper and a contributing writer for Ms. Magazine.

Wade Henderson is the Executive Director of the Leadership Conference on Civil Rights (LCCR) and Counsel to the Leadership Conference on Civil Rights Education Fund (LCCREF), an organization at the forefront of defending voting rights for the last fifty years. Prior to his role with the Leadership Conference, Mr. Henderson was the Washington Bureau Director of the National Association for the Advancement of Colored People (NAACP)

Robert Bauer is the Chair of the Political Law Practice at the law firm of Perkins Coie, National Counsel for Voter Protection, Democratic National Committee, Counsel to the Democratic Senatorial and Congressional Campaign Committees and Co-Author, Report

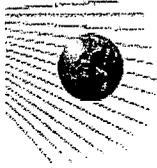
014981

of Counsel to the Senate Rules and Administration Committee in the Matter of the United States Senate Seat from Louisiana in the 105th Congress of the United States, (March 27, 1997). He is the author of *United States Federal Election Law*, and one of the foremost attorneys in the country in the area of federal/state campaign finance and election laws.

Laughlin McDonald has been the executive director of the Southern Regional Office of the ACLU since 1972 and as the Director of the ACLU Voting Rights Project, McDonald has played a leading role eradicating discriminatory election practices and protecting the gains in political participation won by racial minorities since passage of the 1965 federal Voting Rights Act. During the past two decades, McDonald has broken new ground by expanding ACLU voting rights cases to include representation of Native Americans in various western states, and written innumerable publications on voting rights issues.

Joseph E. Sandler is a member of the firm of Sandler, Reiff & Young, P.C., in Washington, D.C., concentrating in campaign finance and election law matters, and general counsel to the Democratic National Committee. As an attorney he has handled campaign finance and election law matters for Democratic national and state party organizations, Members of Congress, candidates and campaigns. He served as general co-counsel of the Association of State Democratic Chairs, as general counsel for the Democratic Governors' Association and as counsel to several state Democratic parties.

Cathy Cox is serving her second term as Georgia's Secretary of State, having first been elected in 1998. In 2002 she earned re-election with over 61 percent of the vote, winning 146 out of 159 counties. Because of Secretary Cox's efforts Georgia has become a national leader in election reform. Her initiative made Georgia the first state in America to deploy a modern, uniform electronic voting system in every county



Paul DeGregorio /EAC/GOV

09/28/2006 09:09 PM

To Juliet E. Hodgkins/EAC/GOV@EAC

cc

bcc

Subject Re: Speech on Fraud intimidation Sept 29 06 Salt Lake City

Thanks. I actually sent you an earlier version by mistake. That paragraph. (and a few others) have been improved. You are right about Tova. I'll say the consultants' report is undergoing staff review.

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Juliet E. Hodgkins

Sent: 09/28/2006 08:52 PM

To: Paul DeGregorio

Subject: Re: Speech on Fraud intimidation Sept 29 06 Salt Lake City

Paul,

Two comments:

1) There is a sentence on page 2 that doesn't make sense. I have copied the text below.

. While others consider any form of ineligible voter as fraud.

2) I am pretty sure that we have received the final product from our voter fraud/intimidation contractors. However, that product is pending staff review. So, if Tova is in the audience and she likely will be, she may challenge the statement in the speech that we await their report.

Juliet Thompson Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

-----Paul DeGregorio/EAC/GOV wrote: -----

To: Juliet E. Thompson/EAC/GOV, Jeannie Layson/EAC/GOV
From: Paul DeGregorio/EAC/GOV
Date: 09/28/2006 05:10PM

014983

Juliet E. Hodgkins/EAC/GOV
12/08/2006 04:38 PM

To Paul DeGregorio/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC, "Davidson, Donetta" <ddavidson@eac.gov>, Thomas R. Wilkey/EAC/GOV@EAC
cc Bert A. Benavides/EAC/GOV@EAC, Sheila A. Banks/EAC/GOV@EAC, Elieen L. Collver/EAC/GOV@EAC, Matthew Masterson/EAC/GOV@EAC, jlayson@eac.gov
bcc

Subject Draft response to Tova Wang

History

 This message has been replied to

Commissioners,

Jeannie and I have collaborated on the following draft response to Tova Wang's letter. Please let me know if you agree or have comments/edits.



draft response to Tova Wang.doc

Juliet Thompson Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

014984

December 8, 2006

Ms. Tova Wang
(Address)
(Address)

Dear Ms. Wang:

The U.S. Election Assistance Commission believes that voting fraud and voter intimidation are very important, complex topics that should be studied and reported on fairly and accurately. As a clearinghouse of election administration information, EAC is committed to providing complete and comprehensive information to the election community and the public.

In its December 2006 report on voting fraud and voter intimidation, EAC honored this commitment by providing the readers of its report with the full and complete summaries of every interview conducted as well as every book, article, report or case that was reviewed. It is incumbent upon us to provide them with the best and most complete data and research that we can. Rather than provide only the synopsis of these interviews, EAC provided the readers with the entire summaries created by the consultants so readers could reach their own conclusions about the substance of the interviews.

With regard to the interviews of two of the personnel from the Department of Justice, EAC made clarifying edits. Upon reviewing initial information about their interviews contained in the status report provided to the EAC Standards Board and EAC Board of Advisors and the information provided by the consultants at the working group meeting, those persons interviewed did not agree with certain characterizations of their statements contained in these materials. The Department of Justice is an important prosecutorial agency engaged in enforcing Federal anti-fraud and anti-intimidation laws. Thus, it was important to EAC to assure that the summary of their comments did not lend confusion to an already complex and hotly-debated topic.

Because of the lack of organization and cohesion in the draft provided by the consultants, that document would have led to greater confusion and division regarding the issues of voting fraud and voter intimidation. As such, EAC revised the draft report and provided the entirety of the supporting documentation to the public.

For these reasons, the report on voting fraud and voter intimidation will stand as adopted on December 7, 2006.

014985

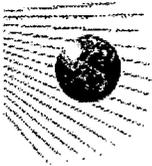
Juliet E. Hodgkins/EAC/GOV
12/08/2006 05:37 PM

To Paul DeGregorio/EAC/GOV@EAC
cc
bcc
Subject Re: Draft response to Tova Wang

History: This message has been replied to

I can certainly do that. I was focusing on trying to use her own words against her.

Juliet Thompson Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100
Paul DeGregorio/EAC/GOV



Paul DeGregorio /EAC/GOV
12/08/2006 05:29 PM

To Juliet E. Hodgkins/EAC/GOV@EAC
cc
Subject Re: Draft response to Tova Wang

Julie,

The letter is good, but don't you want to point out that in every report we issue that the research provided by paid consultants/organizations is provided under contract to the EAC, who by law is ultimately responsible for any final report issued to the public. And that such reports always takes into consideration the research provided but the EAC is obligated to consider all factors when making determinations to insure fairness and integrity of the process.

Paul

Sent from my BlackBerry Wireless Handheld
Juliet E. Hodgkins
----- Original Message -----

From: Juliet E. Hodgkins
Sent: 12/08/2006 04:38 PM
To: Paul DeGregorio; Gracia Hillman; Donetta Davidson; Thomas Wilkey
Cc: Bert Benavides; Sheila Banks; Elieen Collver; Matthew Masterson; Jeannie Layson
Subject: Draft response to Tova Wang

Commissioners,

Jeannie and I have collaborated on the following draft response to Tova Wang's letter. Please let me know if you agree or have comments/edits.

[attachment "draft response to Tova Wang.doc" deleted by Paul DeGregorio/EAC/GOV]

Juliet Thompson Hodgkins
General Counsel

014986

United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

014987



Paul DeGregorio /EAC/GOV

12/08/2006 05:40 PM

To Juliet E. Hodgkins/EAC/GOV@EAC

cc

bcc

Subject Re: Draft response to Tova Wang 

I saw that...and feel it's VERY appropriate considering the unprofessional conduct she had shown in dealing with this matter.
Have a great weekend.

Sent from my BlackBerry Wireless Handheld

Juliet E. Hodgkins

----- Original Message -----

From: Juliet E. Hodgkins

Sent: 12/08/2006 05:37 PM

To: Paul DeGregorio

Subject: Re: Draft response to Tova Wang

I can certainly do that. I was focusing on trying to use her own words against her.

Juliet Thompson Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100
Paul DeGregorio/EAC/GOV



Paul DeGregorio /EAC/GOV

12/08/2006 05:29 PM

To Juliet E. Hodgkins/EAC/GOV@EAC

cc

Subject Re: Draft response to Tova Wang 

Julie,

The letter is good, but don't you want to point out that in every report we issue that the research provided by paid consultants/organizations is provided under contract to the EAC, who by law is ultimately responsible for any final report issued to the public. And that such reports always takes into consideration the research provided but the EAC is obligated to consider all factors when making determinations to insure fairness and integrity of the process.

Paul

Sent from my BlackBerry Wireless Handheld

Juliet E. Hodgkins

----- Original Message -----

From: Juliet E. Hodgkins

Sent: 12/08/2006 04:38 PM

To: Paul DeGregorio; Gracia Hillman; Donetta Davidson; Thomas Wilkey

Cc: Bert Benavides; Sheila Banks; Elieen Collver; Matthew Masterson;

Jeannie Layson

014988

Subject: Draft response to Tova Wang

Commissioners,

Jeannie and I have collaborated on the following draft response to Tova Wang's letter. Please let me know if you agree or have comments/edits.

[attachment "draft response to Tova Wang.doc" deleted by Paul DeGregorio/EAC/GOV]

Juliet Thompson Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

014989

Juliet E. Hodgkins/EAC/GOV
12/11/2006 11:40 AM

To "Davidson, Donetta" <ddavidson@eac.gov>, Paul
DeGregorio/EAC/GOV@EAC
cc Gracia Hillman/EAC/GOV@EAC

bcc

Subject Fw: Draft response to Tova Wang

History: This message has been replied to

commisisoners,

See below edits that Gracia has offered to the letter. Let me know if you agree. I would like to send this out today. Also, in response to Gracia's question below, I believe that since her letter was addressed to the Commissioners that the Commissioners should respond (either collectively or through the Chairman). Please let me know if you agree with the edits. It would be nice to get this out today.

Juliet Thompson Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/11/2006 11:37 AM -----



Gracia Hillman/EAC/GOV
12/11/2006 11:26 AM

To Juliet E. Hodgkins/EAC/GOV@EAC, jlayson@eac.gov
cc

Subject Re: Draft response to Tova Wang

Julie and Jeannie:

Thank you for the quick turn around on drafting a response to Tova Wang.

I have made substantial edits because I think the first draft offered too much information, which is not germane to Tova's complaint. Additionally, too much verbiage masks the strength of our good report and seemed to obscure the main points in our response.

I hope you will find the attached helpful.

BTW, who will sign the letter ?



Tova Wang, Dec06.doc

Gracia M. Hillman
Commissioner
U.S. Election Assistance Commission
1225 New York Avenue, NW, Suite 1100
Washington, DC 20005
Tel: 202-566-3100
Fax: 202-566-1392
www.eac.gov

014990

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014991

December 8, 2006

Ms. Tova Wang
(Address)
(Address)

Dear Ms. Wang:

We are writing in response to your December 7, 2006 memorandum. As you know, the U.S. Election Assistance Commission (EAC) issued its first report on election crimes last week, based in large part on the work that was done for EAC by Job and you. The report contains the full and complete summaries of every interview conducted as well as every book, article, report or case that was reviewed. Rather than provide the synopsis of these interviews, EAC provided the individual summaries so readers could reach their own conclusions about the substance of the interviews.

Upon reviewing initial information about the Department of Justice interviews contained in the status report that was provided to the EAC Standards Board and EAC Board of Advisors and the information provided at the working group meeting in May 2006, those persons interviewed at the Department of Justice did not agree with certain characterizations of their statements contained in these materials. Therefore, EAC exercised its responsibility to make clarifying edits. The Department of Justice is an important prosecutorial agency engaged in enforcing Federal anti-fraud and anti-intimidation laws. Thus, it was important to EAC to assure that the summary of their comments did not lend confusion to an already complex and hotly-debated topic.

The report on voting fraud and voter intimidation will stand as adopted on December 7, 2006. Again, we thank you for the contributions you made to the EAC's initial research of these important issues.

Sincerely,

Deleted: The U.S. Election Assistance Commission believes that voting fraud and voter intimidation are very important, complex topics that should be studied and reported on fairly and accurately. As a clearinghouse of election administration information, EAC is committed to providing complete and comprehensive information to the election community and the public. ¶

Deleted: ¶
In its December 2006 report on voting fraud and voter intimidation,

Deleted: EAC honored this commitment by providing the readers of its report with

Deleted: It is incumbent upon us to provide them with the best and most complete data and research that we can.

Deleted: only

Deleted: readers with the

Deleted: entire

Deleted: created by the consultants

Deleted: With regard to the interviews of two of the personnel from the Department of Justice, EAC made clarifying edits.

Deleted: eir

Deleted: by the consultants

Deleted:

Deleted: Because of the lack of organization and cohesion in the draft provided by the consultants, that document would have led to greater confusion and division regarding the issues of voting fraud and voter intimidation. As such, EAC revised the draft report and provided the entirety of the supporting documentation to the public. ¶

¶
For these reasons, t



Gracia Hillman /EAC/GOV

12/11/2006 02:16 PM

To Juliet E. Hodgkins/EAC/GOV@EAC

cc "Davidson, Donetta" <ddavidson@eac.gov>, Paul
DeGregorio/EAC/GOV@EAC

bcc

Subject Re: Fw: Draft response to Tova Wang 

With respect to how the letter to Tova is signed, either way is fine with me.

014993



Paul DeGregorio /EAC/GOV

12/11/2006 03:40 PM

To Juliet E. Hodgkins/EAC/GOV

cc "Davidson, Donetta" <ddavidson@eac.gov>, Gracia Hillman/EAC/GOV@EAC

bcc

Subject Re: Fw: Draft response to Tova Wang

Julie,

I am ok with the edits Commissioner made to the letter; however, I do think that because of the tone of Tova's letter, which is likely to be supplied to others (as was their report to us). that we need a paragraph in the letter that makes it clear that the process used in producing this final report was consistent with the process we have used in all the reports and studies we have issued to date. What she needs to know (in writing) is that while we review the work of our researchers and consultants on a topic closely to draw various conclusions, our staff and the commissioners themselves have input into the final product that becomes the public report issued by a majority vote of the EAC. Since I've been on the EAC, we have consistently questioned statistics, statements and conclusions drawn by those doing work for the EAC. We have also drawn upon our collect resources and wisdom to produce the best report possible. I think that was true in this case as it has been with all the other reports we have issued. In the end, it is the EAC--and the commissioners in particular--who are held accountable for what we adopt and release; not our paid consultants or organizations we contract with to do studies.

Paul DeGregorio
Chairman
US Election Assistance Commission
1225 New York Ave, NW
Suite 1100
Washington, DC 20005
1-866-747-1471 toll-free
202-566-3100
202-566-3127 (FAX)
pdegregorio@eac.gov
www.eac.gov

Juliet E. Hodgkins/EAC/GOV

Juliet E. Hodgkins/EAC/GOV

12/11/2006 11:40 AM

To "Davidson, Donetta" <ddavidson@eac.gov>, Paul DeGregorio/EAC/GOV@EAC

cc Gracia Hillman/EAC/GOV@EAC

Subject Fw: Draft response to Tova Wang

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Juliet Thompson Hodgkins

4994

General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

— Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/11/2006 11:37 AM —



Gracia Hillman/EAC/GOV

12/11/2006 11:26 AM

To Juliet E. Hodgkins/EAC/GOV@EAC, jlayson@eac.gov

cc

Subject Re: Draft response to Tova Wang 

Julie and Jeannie:

Thank you for the quick turn around on drafting a response to Tova Wang.

I have made substantial edits because I think the first draft offered too much information, which is not germane to Tova's complaint. Additionally, too much verbiage masks the strength of our good report and seemed to obscure the main points in our response.

I hope you will find the attached helpful.

BTW, who will sign the letter ?

[attachment "Tova Wang, Dec06.doc" deleted by Paul DeGregorio/EAC/GOV]

Gracia M. Hillman
Commissioner
U.S. Election Assistance Commission
1225 New York Avenue, NW, Suite 1100
Washington, DC 20005
Tel: 202-566-3100
Fax: 202-566-1392
www.eac.gov

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014995



Gracia Hillman /EAC/GOV
12/11/2006 03:43 PM

To Juliet E. Hodgkins/EAC/GOV@EAC
cc "Davidson, Donetta" <ddavidson@eac.gov>, Paul
DeGregorio/EAC/GOV@EAC
bcc
Subject Re: Fw: Draft response to Tova Wang 

I agree with the Chairman's recommended additional language.

014996

Juliet E. Hodgkins/EAC/GOV
12/11/2006 03:50 PM

To Paul DeGregorio/EAC/GOV@EAC
cc "Davidson, Donetta" <ddavidson@eac.gov>, Gracia Hillman/EAC/GOV@EAC
bcc
Subject Re: Fw: Draft response to Tova Wang 

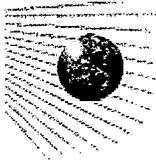
Commissioners,

Consistent with the changes requested by both Commissioners DeGregorio and Hillman, I have revised the draft response. Please take one more look at the letter. If possible, it would be nice to get this out today.



tova wang response 121106.doc

Juliet Thompson Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100
Paul DeGregorio/EAC/GOV



Paul DeGregorio/EAC/GOV
12/11/2006 03:40 PM

To Juliet E. Hodgkins/EAC/GOV@EAC
cc "Davidson, Donetta" <ddavidson@eac.gov>, Gracia Hillman/EAC/GOV@EAC
Subject Re: Fw: Draft response to Tova Wang 

Julie,

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Paul DeGregorio
Chairman
US Election Assistance Commission
1225 New York Ave, NW
Suite 1100
Washington, DC 20005

014997

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pdegregorio@eac.gov
www.eac.gov

Juliet E. Hodgkins/EAC/GOV

Juliet E. Hodgkins/EAC/GOV
12/11/2006 11:40 AM

To "Davidson, Donetta" <ddavidson@eac.gov>, Paul
DeGregorio/EAC/GOV@EAC
cc Gracia Hillman/EAC/GOV@EAC
Subject Fw: Draft response to Tova Wang

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Juliet Thompson Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

— Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/11/2006 11:37 AM —



Gracia Hillman/EAC/GOV
12/11/2006 11:26 AM

To Juliet E. Hodgkins/EAC/GOV@EAC, jlayson@eac.gov
cc
Subject Re: Draft response to Tova Wang

Julie and Jeannie:

Thank you for the quick turn around on drafting a response to Tova Wang.

I have made substantial edits because I think the first draft offered too much information, which is not germane to Tova's complaint. Additionally, too much verbiage masks the strength of our good report and seemed to obscure the main points in our response.

I hope you will find the attached helpful.

BTW, who will sign the letter ?

[attachment "Tova Wang, Dec06.doc" deleted by Paul DeGregorio/EAC/GOV]

014998

Gracia M. Hillman
Commissioner
U.S. Election Assistance Commission
1225 New York Avenue, NW, Suite 1100
Washington, DC 20005
Tel: 202-566-3100
Fax: 202-566-1392
www.eac.gov

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014999

December 11, 2006

Ms. Tova Wang
c/o The Century Foundation
1333 H Street NW, 10th Floor
Washington, DC 20005

Via U.S. Mail and Facsimile Transmission
202-483-9430

Dear Ms. Wang:

We are writing in response to your December 7, 2006 memorandum. As you know, the U.S. Election Assistance Commission (EAC) issued its first report on election crimes last week, based in large part on the work that was done for EAC by Job and you. The report contains the full and complete summaries of every interview conducted as well as every book, article, report or case that was reviewed. Rather than provide the synopsis of these interviews, EAC provided the individual summaries so readers could reach their own conclusions about the substance of the interviews.

As the agency responsible for these final reports, it is incumbent upon EAC to assure that the information contained in the reports is accurate and fairly presented. With each of the reports, best practices documents, quick start guides, and other documents that EAC publishes, EAC makes changes as needed to make certain that our constituents are receiving the best and most complete information. This due diligence process is observed regardless of whether the document was created in-house or was created by consultants or contractors.

Upon reviewing initial information about the Department of Justice interviews contained in the status report that was provided to the EAC Standards Board and EAC Board of Advisors and the information provided at the working group meeting in May 2006, those persons interviewed at the Department of Justice did not agree with certain characterizations of their statements contained in these materials. Therefore, EAC exercised its responsibility to make clarifying edits. The Department of Justice is an important prosecutorial agency engaged in enforcing Federal anti-fraud and anti-intimidation laws. Thus, it was important to EAC to assure that the summary of their comments did not lend confusion to an already complex and hotly-debated topic.

Deleted: 1

015000

The report on voting fraud and voter intimidation will stand as adopted on December 7, 2006. Again, we thank you for the contributions you made to the EAC's initial research of these important issues.

Sincerely,

<u>Paul DeGregorio</u>	<u>Donetta Davidson</u>
<u>Chairman</u>	<u>Commissioner</u>

Gracia Hillman
Commissioner

Karen Lynn-Dyson/EAC/GOV

To twilkey@eac.gov, Bert A. Benavides/EAC/GOV@EAC

cc

06/15/2006 11:26 AM

bcc Paul DeGregorio/EAC/GOV

Subject Eagleton letter in response to the Chairman

History:

 This message has been forwarded.

Tom-

Attached is a letter which I have drafted for you summarizing the Commissioner's discussion on the Eagleton contract and which will respond to John Weingart's letter to the Chairman.

K



Wilkey Eagleton close out letter.doc
Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

015002

June 15, 2006

John Weingart:
Eagleton Institute of Politics
Rutgers University

Dear John:

During its bi-weekly meeting the four EAC Commissioners met, discussed and reviewed possible next steps with the provisional voting and voter identification studies as well as the Eagleton contract which is scheduled to conclude on June 30, 2006.

The four Commissioners were in agreement that Eagleton's work on the EAC contract should conclude, as scheduled, by June 30, 2006. In preparation for this conclusion the Commissioners have asked that the comments and suggestions which were noted during the EAC's recent Board of Advisors and Standards Boards meeting (and were described in your June xxx letter to Chairman DeGregorio) be included in the final report on provisional which Eagleton will deliver to the EAC on or about June 30, 2006. The Commissioners have determined that they will take this final report and, from it, develop guidance and best practice recommendations that will be presented to the Board of Advisors and Standards Boards for further review.

The EAC Commissioners have also reviewed and considered next steps with the voter identification draft report which Eagleton has prepared. While the final disposition of the results and findings of this study, on the part of the EAC, are still unclear, the Commissioners have asked that the final report of this study also be prepared and submitted to the EAC not later than June 30, 2006.

We look forward to receiving these reports. On behalf of the EAC thank you for the considerable time and energy which the Eagleton/Moritz team has devoted to these critical election issues during the last eighteen months.

Sincerely,

Thomas Wilkey

015003



Paul DeGregorio /EAC/GOV
06/15/2006 03:25 PM

To Amie J. Sherrill/EAC/GOV
cc
bcc
Subject Fw: Eagleton letter in response to the Chairman

Paul DeGregorio
Chairman
US Election Assistance Commission
1225 New York Ave, NW
Suite 1100
Washington, DC 20005
1-866-747-1471 toll-free
202-566-3100
202-566-3127 (FAX)
pdegregorio@eac.gov
www.eac.gov

— Forwarded by Paul DeGregorio/EAC/GOV on 06/15/2006 03:24 PM —

Karen Lynn-Dyson/EAC/GOV

06/15/2006 11:26 AM

To twilkey@eac.gov, Bert A. Benavides/EAC/GOV@EAC
cc
Subject Eagleton letter in response to the Chairman

Tom-

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K



Wilkey Eagleton close out letter.doc
Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

015004

June 15, 2006

John Weingart:
Eagleton Institute of Politics
Rutgers University

Dear John:

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We look forward to receiving these reports. On behalf of the EAC thank you for the considerable time and energy which the Eagleton/Moritz team has devoted to these critical election issues during the last eighteen months.

Sincerely,

Thomas Wilkey

015005



Paul DeGregorio /EAC/GOV
10/12/2006 05:20 PM

To Caroline_C._Hunter@who.eop.gov
cc
bcc
Subject Report

Caroline,

You may have read some news articles regarding a "report" we did not release publicly regarding a study we are conducting on vote fraud/voter intimidation issues. The report in question is a May 17 status report on the study that was given to our Advisory and Standards Boards at a meeting they had in Washington. Someone obviously leaked it to the media and some have now made suggestions that it was not released to keep its contents quiet. We had to give it to the media because it was a public document that we shared with our boards at a public meeting. I have attached a copy of the report and a letter that I sent today to Barbara Arnwine of the Lawyer's Committee for Civil Rights that explains what this is all about (she was quite misinformed in the letter she sent to the EAC last Friday). Staff and counsel are now reviewing more information, data and feedback that has come in since the May 17 status report and we are not likely to issue any final report on the initial study on this issue for a month or so.

Paul



10.12.06 response to B. Arnwine ltr.pdf 10.6.06 ltr from B. Arnwine re VF.I report.pdf Voting Fraud.Voter Intimidation.pdf

015006



U.S. ELECTION ASSISTANCE COMMISSION
1225 NEW YORK AVENUE, N.W., SUITE 1100
WASHINGTON, D.C. 20005

OFFICE OF THE CHAIRMAN

October 12, 2006

Ms. Barbara R. Arnwine
Executive Director
Lawyers' Committee for Civil Rights Under Law
1401 New York Avenue, NW
Suite 400
Washington, DC 20005-2124

RE: October 6, 2006 Letter

Dear Ms. Arnwine:

Your letter of October 6, 2006 requests the release of EAC's Voter Fraud and Intimidation Report. I would like to take this opportunity to clarify the purpose and status of this study.

In late 2005, EAC hired two consultants for the purpose of assisting EAC with two things: 1) developing a uniform definition of the phrase voter fraud, and 2) making recommendations on how to further study the existence, prosecution, and means of deterring such voter fraud. In May 2006, a status report on this study was given to the EAC Standards Board and EAC Board of Advisors, a group of which you are now a member, during their public meetings. During the same week, a working group convened to react to and provide comment on the progress and potential conclusions that could be reached from the work of the two consultants.

The conversation at the working group meeting was lively on the very points that we were trying to accomplish as a part of this study, namely what is voter fraud and how do we pursue studying it. Many of the proposed conclusions that were suggested by the consultants were challenged by the working group members. As such, the consultants were tasked with reviewing the concerns expressed at the working group meeting, conducting additional research as necessary, and providing a draft report to EAC that took into account the working group's concerns and issues.

That draft report is currently being vetted by EAC staff. EAC will release a final report from this study after it has conducted a review of the draft provided by the consultants, the working group meeting transcript, and data sources provided by the consultants as a part of their working papers. However, it is important to remember the purpose of this study – finding a uniform definition of voter fraud and making recommendations on how

to study the existence, prosecution and deterrence of voter fraud -- as it will serve as the basis of the EAC report on this study.

Thank you for your letter. Please continue to contact us with any concerns that you may have. You and your colleagues on the Board of Advisors are important to the EAC process. As such, you can be assured that as soon as a final report on the fraud and intimidation study is available, a copy will be provided to all members of the EAC Board of Advisors.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul DeGregorio". The signature is fluid and cursive, with the first name "Paul" being larger and more prominent than the last name "DeGregorio".

Paul S. DeGregorio, Chairman
Designated Federal Officer, EAC Board of Advisors

015008



**LAWYERS' COMMITTEE FOR
CIVIL RIGHTS
UNDER LAW**

1401 New York Avenue, NW Tel: 202.662.8600
Suite 100 Fax: 202.783.0857
Washington, DC 20005-2124 www.lawyerscommittee.org

VIA FACSIMILE

October 6, 2006

Chairman Paul S. DeGregorio
Commissioner Donetta L. Davidson
Commissioner Gracia M. Hillman
United States Election Assistance Commission
1225 New York Avenue N.W., Suite - 1100
Washington, DC 20005
FAX: (202) 566-3127

Dear Commissioners,

Co-Chairs
Robert E. Harrington
Marsha E. Simms
Secretary
Robert A. Murphy
Treasurer
William L. Robinson
Counsel
Nicholas T. Christatos
Executive Director
Barbara R. Arnwine

Regional Vice-Chairs

Midwest Region
Lay Clayton
Teresa J. Kamke
Northeastern Region
Gregory P. Mansel
Neil V. McKinley
Mid-Atlantic Region
Brooks R. Burdette
Bellana B. Plevan
Southeastern Region
Paul W. Rebein
Michael W. Tyler
Western Region
Nora Cregan
Bradley S. Phillips
Paul F. Fekucia
Chesapeake Region
Jonathan L. Greenblatt
Keri Keenan

As a member of the Election Assistance Commission (EAC) Board of Advisors and a member of the EAC's Working Group on Voter Fraud and Voter Intimidation, I write requesting the release of the EAC's Voter Fraud and Voter Intimidation Report. This report was commissioned over a year ago and has yet to be released. In May, 2006 the Working Group met to discuss the project and was told that the final report would be released shortly thereafter. Five months later, and on the heels of another national election, election officials, policy makers and advocates are without guidance from the EAC on this critical subject. Across the country and at all levels of government, legislative and judicial debates that should be informed by the report's findings continue. The EAC has had ample time to research and release this critical report. There is no reasonable explanation for this delay.

Please immediately release the Election Assistance Commission's Voter Fraud and Voter Intimidation report. If immediate release is not possible, please provide me with an explanation of the delay and a detailed time line for the report's release.

Thank You.

Barbara R. Arnwine
Executive Director
Lawyers' Committee for Civil Rights Under Law

To: Hon. Trent Lott, Chairman, Senate Committee on Rules and Administration
Hon. Christopher J. Dodd, Ranking Member, Senate Committee on Rules and Administration
Hon. Vernon Ehlers, Chairman, Committee on House Administration
Hon. Juanita Millender-McDonald, Ranking Member, Committee on House Administration



U.S. ELECTION ASSISTANCE COMMISSION

**Status Report on the
Voting Fraud-Voter Intimidation Research
Project**

May 17, 2006

015010

INTRODUCTION

Section 241 of the Help America Vote Act of 2002 (HAVA) requires EAC to conduct research on election administration issues. Among the tasks listed in the statute is the development of:

- nationwide statistics and methods of identifying, deterring, and investigating voting fraud in elections for Federal office [section 241(b)(6)]; and
- ways of identifying, deterring, and investigating methods of voter intimidation [section 241(b)(7)].

EAC's Board of Advisors recommended that the agency make research on these matters a high priority.

FOCUS OF CURRENT RESEARCH

In September 2005, the Commission hired two consultants with expertise in this subject matter, Job Serebrov and Tova Wang, to:

- develop a comprehensive description of what constitutes voting fraud and voter intimidation in the context of Federal elections;
- perform background research (including Federal and State administrative and case law review), identify current activities of key government agencies, civic and advocacy organizations regarding these topics, and deliver a summary of this research and all source documentation;
- establish a project working group, in consultation with EAC, composed of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation;
- provide the description of what constitutes voting fraud and voter intimidation and the results of the preliminary research to the working group, and convene the working group to discuss potential avenues for future EAC research on this topic; and
- produce a report to EAC summarizing the findings of the preliminary research effort and working group deliberations that includes recommendations for future research, if any;

As of the date of this report, the consultants have drafted a definition of election fraud, reviewed relevant literature and reports, interviewed persons from government and private sectors with subject matter expertise, analyzed news reports of alleged election fraud, reviewed case law, and established a project working group.

DEFINITION OF ELECTION FRAUD

The consultants drafted a definition of election fraud that includes numerous aspects of voting fraud (including voter intimidation, which is considered a subset of voting fraud) and voter registration fraud, but excludes campaign finance violations and election administration mistakes. This draft will be discussed and probably refined by the project working group, which is scheduled to convene on May 18, 2006.

LITERATURE REVIEW

The consultants found many reports and books that describe anecdotes and draw broad conclusions from a large array of incidents. They found little research that is truly systematic or scientific. The most systematic look at fraud appears to be the report written by Lori Minnite, entitled "Securing the Vote: An Analysis of Election Fraud". The most systematic look at voter intimidation appears to be the report by Laughlin McDonald, entitled "The New Poll Tax". The consultants found that books written about this subject all seem to have a political bias and a pre-existing agenda that makes them somewhat less valuable.

Moreover, the consultants found that reports and books make allegations but, perhaps by their nature, have little follow up. As a result, it is difficult to know when something has remained in the stage of being an allegation and gone no further, or progressed to the point of being investigated or prosecuted or in any other way proven to be valid by an independent, neutral entity. This is true, for example, with respect to allegations of voter intimidation by civil rights organizations, and, with respect to fraud, John Fund's frequently cited book, "Stealing Elections".

Consultants found that researchers agree that measuring something like the incidence of fraud and intimidation in a scientifically legitimate way is extremely difficult from a methodological perspective and would require resources beyond the means of most social and political scientists. As a result, there is much more written on this topic by advocacy groups than social scientists.

Other items of note:

- There is as much evidence, and as much concern, about structural forms of disenfranchisement as about intentional abuse of the system. These include felon disenfranchisement, poor maintenance of databases and identification requirements.
- There is tremendous disagreement about the extent to which polling place fraud, e.g. double voting, intentional felon voting, noncitizen voting, is a serious problem. On balance, more researchers find it to be less of a problem than is commonly described in the political debate; but some reports say it is a major problem, albeit hard to identify.

- There is substantial concern across the board about absentee balloting and the opportunity it presents for fraud.
- Federal law governing election fraud and intimidation is varied and complex and yet may nonetheless be insufficient or subject to too many limitations to be as effective as it might be.
- Deceptive practices, e.g. targeted flyers and phone calls providing misinformation, were a major problem in 2004.
- Voter intimidation continues to be focused on minority communities, although the American Center for Voting Rights uniquely alleges it is focused on Republicans.

Recommendations

The consultants recommend that subsequent EAC research include a follow up study of allegations made in reports, books and newspaper articles. They also suggest that the research should focus on filling the gap between the lack of reports based on methodical studies by social or political scientists and the numerous, but less scientific, reports published by advocacy groups.

INTERVIEWS

The consultants jointly selected experts from the public and private sector for interviews. The consultants' analysis of their discussions with these members of the legal, election official, advocacy, and academic communities follows.

Common Themes

- There is virtually universal agreement that absentee ballot fraud is the biggest problem, with vote buying and registration fraud coming in after that. The vote buying often comes in the form of payment for absentee ballots, although not always. Some absentee ballot fraud is part of an organized effort; some is by individuals, who sometimes are not even aware that what they are doing is illegal. Voter registration fraud seems to take the form of people signing up with false names. Registration fraud seems to be most common where people doing the registration were paid by the signature.
- There is widespread but not unanimous agreement that there is little polling place fraud, or at least much less than is claimed, including voter impersonation, "dead" voters, noncitizen voting and felon voters. Those few who believe it occurs often enough to be a concern say that it is impossible to show the extent to which it happens, but do point to instances in the press of such incidents. Most people believe that false registration forms have not resulted in polling place fraud,

although it may create the perception that vote fraud is possible. Those who believe there is more polling place fraud than reported/investigated/prosecuted believe that registration fraud does lead to fraudulent votes. Jason Torchinsky from the American Center for Voting Rights is the only interviewee who believes that polling place fraud is widespread and among the most significant problems in the system.

- Abuse of challenger laws and abusive challengers seem to be the biggest intimidation/suppression concerns, and many of those interviewed assert that the new identification requirements are the modern version of voter intimidation and suppression. However there is evidence of some continued outright intimidation and suppression, especially in some Native American communities. A number of people also raise the problem of poll workers engaging in harassment of minority voters. Other activities commonly raised were the issue of polling places being moved at the last moment, unequal distribution of voting machines, videotaping of voters at the polls, and targeted misinformation campaigns.
- Several people indicate that, for various reasons, DOJ is bringing fewer voter intimidation and suppression cases now, and has increased its focus on matters such as noncitizen voting, double voting, and felon voting. Interviews with DOJ personnel indicate that the Voting Section, Civil Rights Division, focuses on systemic patterns of malfeasance in this area. While the Election Crimes Branch, Public Integrity Section, continues to maintain an aggressive pursuit of systematic schemes to corrupt the electoral process (including voter suppression), it also has increased prosecutions of individual instances of felon, alien, and double voting.
- The problem of badly kept voter registration lists, with both ineligible voters remaining on the rolls and eligible voters being taken off, remains a common concern. A few people are also troubled by voters being on registration lists in two states. They said that there was no evidence that this had led to double voting, but it opens the door to the possibility. There is great hope that full implementation of the new requirements of HAVA – done well, a major caveat – will reduce this problem dramatically.

Common Recommendations:

- Many of those interviewed recommend better poll worker training as the best way to improve the process; a few also recommended longer voting times or voting on days other than election day (such as weekends) but fewer polling places so only the best poll workers would be employed.
- Many interviewed support stronger criminal laws and increased enforcement of existing laws with respect to both fraud and intimidation. Advocates from across the spectrum expressed frustration with the failure of the Department of Justice to pursue complaints.

- With respect to DOJ's Voting Section, Civil Rights Division, John Tanner indicated that fewer cases are being brought because fewer are warranted – it has become increasingly difficult to know when allegations of intimidation and suppression are credible since it depends on one's definition of intimidation, and because both parties are doing it. Moreover prior enforcement of the laws has now changed the entire landscape – race based problems are rare now. Although challenges based on race and unequal implementation of identification rules would be actionable, Mr. Tanner was unaware of such situations actually occurring and his office has not pursued any such cases.
- Craig Donsanto of DOJ's Election Crimes Branch, Public Integrity Section, says that while the number of election fraud related complaints have not gone up since 2002, nor has the proportion of legitimate to illegitimate claims of fraud, the number of cases DOJ is investigating and the number of indictments his office is pursuing are both up dramatically. Since 2002, in addition to pursuing systematic election corruption schemes, DOJ has brought more cases against alien voters, felon voters and double voters than ever before. Mr. Donsanto would like more resources so that his agency can do more and would like to have laws that make it easier for the federal government to assume jurisdiction over voter fraud cases.
- A couple of interviewees recommend a new law that would make it easier to criminally prosecute people for intimidation even when there is not racial animus.
- Several advocate expanded monitoring of the polls, including some associated with the Department of Justice.
- Almost everyone hopes that administrators will maximize the potential of statewide voter registration databases to prevent fraud.
- Challenge laws, both with respect to pre-election day challenges and challengers at the polls, need to be revised by all states to ensure they are not used for purposes of wrongful disenfranchisement and harassment.
- Several people advocate passage of Senator Barak Obama's "deceptive practices" bill.
- There is a split on whether it would be helpful to have nonpartisan election officials – some indicated they thought even if elections officials are elected as non partisan officials, they will carry out their duties in biased ways nonetheless. However, most agree that elections officials pursuing partisan agendas are a problem that must be addressed in some fashion. Suggestions included moving election responsibilities out of the secretary of states' office; increasing transparency in the process; and enacting conflict of interest rules.

- A few recommend returning to allowing use of absentee ballots “for cause” only if it were politically feasible.
- A few recommend enacting a national identification card, including Pat Rogers, an attorney in New Mexico, and Jason Torchinsky from ACVR, who advocates the proposal in the Carter-Baker Commission Report.
- A couple of interviewees indicated the need for clear standards for the distribution of voting machines

NEWS ARTICLES

Consultants conducted a Nexis search of related news articles published between January 1, 2001 and January 1, 2006. A systematic, numerical analysis of the data collected during this review is currently being prepared. What follows is an overview of these articles provided by the consultants.

Absentee Ballots

According to press reports, absentee ballots are abused in a variety of ways:

- Campaign workers, candidates and others coerce the voting choices of vulnerable populations, usually elderly voters.
- Workers for groups and individuals have attempted to vote absentee in the names of the deceased.
- Workers for groups, campaign workers and individuals have attempted to forge the names of other voters on absentee ballot requests and absentee ballots and thus vote multiple times.

It is unclear how often actual convictions result from these activities (a handful of articles indicate convictions and guilty pleas), but this is an area in which there have been a substantial number of official investigations and actual charges filed, according to news reports where such information is available. A few of the allegations became part of civil court proceedings contesting the outcome of the election.

While absentee fraud allegations turn up throughout the country, a few states have had several such cases. Especially of note are Indiana, New Jersey, South Dakota, and most particularly, Texas. Interestingly, there were no articles regarding Oregon, where the entire system is vote by mail.

Voter Registration Fraud

According to press reports, the following types of allegations of voter registration fraud are most common:

- Registering in the name of dead people;
- Fake names and other information on voter registration forms;
- Illegitimate addresses used on voter registration forms;
- Voters being tricked into registering for a particular party under false pretenses; and
- Destruction of voter registration forms depending on the party the voter registered with.

There was only one self evident instance of a noncitizen registering to vote. Many of the instances reported included official investigations and charges filed, but few actual convictions, at least from the news reporting. There have been multiple reports of registration fraud in California, Colorado, Florida, Missouri, New York, North Carolina, Ohio, South Dakota, and Wisconsin.

Voter Intimidation and Suppression

This is the area which had the most articles, in part because there were so many allegations of intimidation and suppression during the 2004 election. Most of these remained allegations and no criminal investigation or prosecution ensued. Some of the cases did end up in civil litigation.

This is not to say that these alleged activities were confined to 2004 – there were several allegations made during every year studied. Most notable were the high number of allegations of voter intimidation and harassment reported during the 2003 Philadelphia mayoral race.

A very high number of the articles were about the issue of challenges to voters' registration status and challengers at the polling places. There were many allegations that planned challenge activities were targeted at minority communities. Some of the challenges were concentrated in immigrant communities.

However, the tactics alleged varied greatly. The types of activities discussed also include the following:

- Photographing or videotaping voters coming out of polling places;
- Improper demands for identification;

- Poll watchers harassing voters;
- Poll workers being hostile to or aggressively challenging voters;
- Disproportionate police presence;
- Poll watchers wearing clothes with messages that seemed intended to intimidate; and
- Insufficient voting machines and unmanageably long lines.

Although the incidents reported on occurred everywhere, not surprisingly, many came from “battleground” states. There were several such reports out of Florida, Ohio, and Pennsylvania.

“Dead Voters and Multiple Voting”

There were a high number of articles about people voting in the names of the dead and voting more than once. Many of these articles were marked by allegations of big numbers of people committing these frauds, and relatively few of these allegations turning out to be accurate according to investigations by the newspapers themselves, elections officials, and criminal investigators. Often the problem turned out to be a result of administrative error, poll workers mis-marking voter lists, a flawed registration list and/or errors made in the attempt to match names of voters on the list with the names of the people who voted. In a good number of cases, there were allegations that charges of double voting by political leaders were an effort to scare people away from the voting process.

Nonetheless there were a few cases of people actually being charged and/or convicted for these kinds of activities. Most of the cases involved a person voting both by absentee ballot and in person. A few instances involved people voting both during early voting and on Election Day, which calls into question the proper marking and maintenance of the voting lists. In many instances, the person charged claimed not to have voted twice on purpose. A very small handful of cases involved a voter voting in more than one county and there was one substantiated case involving a person voting in more than one state. Other instances in which such efforts were alleged were disproved by officials.

In the case of voting in the name of a dead person, the problem lay in the voter registration list not being properly maintained, i.e. the person was still on the registration list as eligible to vote, and a person took criminal advantage of that. In total, the San Francisco Chronicle found five such cases in March 2004; the AP cited a newspaper analysis of five such persons in an Indiana primary in May 2004; and a senate committee found two people to have voted in the names of the dead in 2005.

As usual, there were a disproportionate number of such articles coming out of Florida. Notably, there were three articles out of Oregon, which has one hundred percent vote-by-mail.

Vote Buying

There were a surprising number of articles about vote buying cases. A few of these instances involved long-time investigations concentrated in three states (Illinois, Kentucky, and West Virginia). There were more official investigations, indictments and convictions/pleas in this area.

Deceptive Practices

In 2004 there were numerous reports of intentional disinformation about voting eligibility and the voting process meant to confuse voters about their rights and when and where to vote. Misinformation came in the form of flyers, phone calls, letters, and even people going door to door. Many of the efforts were reportedly targeted at minority communities. A disproportionate number of them came from key battleground states, particularly Florida, Ohio, and Pennsylvania. From the news reports found, only one of these instances was officially investigated, the case in Oregon involving the destruction of completed voter registration applications. There were no reports of prosecutions or any other legal proceeding.

Non-citizen Voting

There were surprisingly few articles regarding noncitizen registration and voting – just seven all together, in seven different states across the country. They were also evenly split between allegations of noncitizens registering and noncitizens voting. In one case, charges were filed against ten individuals. In another case, a judge in a civil suit found there was illegal noncitizen voting. Three instances prompted official investigations. Two cases, from this Nexis search, remained just allegations of noncitizen voting.

Felon Voting

Although there were only thirteen cases of felon voting, some of them involved large numbers of voters. Most notably, of course, are the cases that came to light in the Washington gubernatorial election contest (see Washington summary) and in Wisconsin (see Wisconsin summary). In several states, the main problem was the large number of ineligible felons that remained on the voting list.

Election Official Fraud

In most of the cases in which fraud by elections officials is suspected or alleged, it is difficult to determine whether it is incompetence or a crime. There are several cases of ballots gone missing, ballots unaccounted for and ballots ending up in a worker's possession. In two cases workers were said to have changed peoples' votes. The one

instance in which widespread ballot box stuffing by elections workers was alleged was in Washington State. The judge in the civil trial of that election contest did not find that elections workers had committed fraud. Four of the cases are from Texas.

Recommendation

The consultants recommend that subsequent EAC research should include a Nexis search that specifically attempts to follow up on the cases for which no resolution is evident from this particular initial search.

CASE LAW RESEARCH

After reviewing over 40,000 cases from 2000 to the present, the majority of which came from appeals courts, the consultants found comparatively few applicable to this study. Of those that were applicable, the consultants found that no apparent thematic pattern emerges. However, it appears to them that the greatest areas of fraud and intimidation have shifted from past patterns of stealing votes to present problems with voter registration, voter identification, the proper delivery and counting of absentee and overseas ballots, provisional voting, vote buying, and challenges to felon eligibility.

Recommendation

Because so few cases provided a picture of these current problems, consultants suggest that subsequent EAC research include a review of state trial-level decisions.

PROJECT WORKING GROUP

Consultants and EAC worked together to select members for the Voting Fraud-Voter Intimidation Working Group that included election officials and representatives of advocacy groups and the legal community who have an interest and expertise in the subject matter. (See Attachment A for a list of members.) The working group is scheduled to convene at EAC offices on May 18, 2006 to consider the results of the preliminary research and to offer ideas for future EAC activities concerning this subject.

FINAL REPORT

After convening the project working group, the consultants will draft a final report summarizing the results of their research and the working group deliberations. This report will include recommendations for future EAC research related to this subject matter. The draft report will be reviewed by EAC and, after obtaining any clarifications or corrections deemed necessary, will be made available to the EAC Standards Board and EAC Board of Advisors for review and comment. Following this, a final report will be prepared.

Attachment A

Voting Fraud-Voter Intimidation Project Working Group

The Honorable Todd Rokita

Indiana Secretary of State

Member, EAC Standards Board and the Executive Board of the Standards Board

Kathy Rogers

Georgia Director of Elections, Office of the Secretary of State

Member, EAC Standards Board

J.R. Perez

Guadalupe County Elections Administrator, TX

Barbara Arnwine

Executive Director, Lawyers Committee for Civil Rights Under Law

Leader of Election Protection Coalition

(To be represented at May 18, 2006 meeting by Jon M. Greenbaum, Director of the Voting Rights Project for the Lawyers Committee for Civil Rights Under Law)

Robert Bauer

Chair of the Political Law Practice at the law firm of Perkins Coie, DC

National Counsel for Voter Protection, Democratic National Committee

Benjamin L. Ginsberg

Partner, Patton Boggs LLP

Counsel to national Republican campaign committees and Republican candidates

Mark (Thor) Hearne II

Partner-Member, Lathrop & Gage, St Louis, MO

National Counsel to the American Center for Voting Rights

Barry Weinberg

Former Deputy Chief and Acting Chief, Voting Section, Civil Rights Division, U.S.

Department of Justice

EAC Invited Technical Advisor:

Craig Donsanto

Director, Election Crimes Branch, U.S. Department of Justice



Amie J. Sherrill/EAC/GOV

10/18/2006 11:03 AM

To Paul DeGregorio/EAC/GOV@EAC

cc

bcc

Subject Phone msg. - Jerry Reynolds of the U.S. Comm. on Civil Rights

He called regarding the voter fraud and intimidation report. He may be reached at (816) 556-2789.

Amie J. Sherrill
Special Assistant to Chairman Paul S. DeGregorio
U.S. Election Assistance Commission
1225 New York NW - Suite 1100
Washington, DC 20005
(202) 566 3106

015022

Jeannie Layson /EAC/GOV
10/18/2006 11:46 AM

To pdegregorio@eac.gov
cc asherrill@eac.gov, bwhitener@eac.gov
bcc
Subject Interview request

Mr. Chairman,

Chuck McCutchen of Newhouse News Service wants to interview you tomorrow at 11:30 regarding absentee voting, and your thoughts about whether this presents more opportunities for fraud. He asked for and I sent him the status report on fraud, but he's focused on the absentee voting angle. He knows you were a former elections official and have first hand experience with this issue. The interview would last about 15 min. Newhouse owns about 25 newspapers scattered throughout the nation. Please let me know if you can accomodate him. If so, we are to call him at 202-383-7801.

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

Q15023



Amie J. Sherrill/EAC/GOV
10/20/2006 04:26 PM

To Paul DeGregorio/EAC/GOV@EAC
cc
bcc

Subject Fw: Letter to Mr. Reynolds Re: Voter Fraud Report

History:

 This message has been replied to.

Attached is a draft letter from Julie to Mr. Reynolds of the Comm. on Civ Rights. It contains the same language as the other letters we have sent. Please let me know if you would like for me to use your e-signature and get it faxed to them this afternoon.

Amie J. Sherrill
Special Assistant to Chairman Paul S. DeGregorio
U.S. Election Assistance Commission
1225 New York NW - Suite 1100
Washington, DC 20005
(202) 566 3106

— Forwarded by Amie J. Sherrill/EAC/GOV on 10/20/2006 04:23 PM —



DeAnna M. Smith/EAC/GOV
10/20/2006 04:02 PM

To Amie J. Sherrill/EAC/GOV@EAC
cc

Subject Letter to Mr. Reynolds Re: Voter Fraud Report



draft letter to Mr Reynolds.doc

DeAnna M. Smith
Paralegal Specialist
Office of the General Counsel
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, D.C. 20005
202-566-3117 (phone)
202-566-1392 (fax)
www.eac.gov

015024

October 20, 2006

Gerald A Reynolds
Chairman, United States Commission on Civil Rights
624 9th Street, NW
Washington, DC 20425

Via Facsimile Transmission ONLY
202-376-7672

RE: October 19, 2006 Letter

Dear Mr. Reynolds:

Your letter of October 19, 2006 requests the release of EAC's Voter Fraud and Intimidation Report. I would like to take this opportunity to clarify the purpose and status of this study.

In late 2005, EAC hired two consultants for the purpose of assisting EAC with two things: 1) developing a uniform definition of the phrase voter fraud, and 2) making recommendations on how to further study the existence, prosecution, and means of deterring such voter fraud. In May 2006, a status report on this study was given to the EAC Standards Board and EAC Board of Advisors during their public meetings. During the same week, a working group convened to react to and provide comment on the progress and potential conclusions that could be reached from the work of the two consultants.

The conversation at the working group meeting was lively on the very points that we were trying to accomplish as a part of this study, namely what is voter fraud and how do we pursue studying it. Many of the proposed conclusions that were suggested by the consultants were challenged by the working group members. As such, the consultants were tasked with reviewing the concerns expressed at the working group meeting, conducting additional research as necessary, and providing a draft report to EAC that took into account the working group's concerns and issues.

That draft report is currently being vetted by EAC staff. EAC will release a final report from this study after it has conducted a review of the draft provided by the consultants. However, it is important to remember the purpose of this study – finding a uniform definition of voter fraud and making recommendations on how to study the existence, prosecution and deterrence of voter fraud -- as it will serve as the basis of the EAC report on this study.

Thank you for your letter. You can be assured that as soon as a final report on the fraud and intimidation study is available, a copy will be made available to the public.

Sincerely,

Paul S. DeGregorio
Chairman

015025



Amie J. Sherrill/EAC/GOV

10/18/2006 11:03 AM

To Paul DeGregorio/EAC/GOV@EAC

cc

bcc

Subject Phone msg. - Jerry Reynolds of the U.S. Comm. on Civil Rights

He called regarding the voter fraud and intimidation report. He may be reached at (816) 556-2789.

Amie J. Sherrill
Special Assistant to Chairman Paul S. DeGregorio
U.S. Election Assistance Commission
1225 New York NW - Suite 1100
Washington, DC 20005
(202) 566 3106

015026

Margaret Sims /EAC/GOV
09/27/2006 12:18 PM

To pdegregorio@eac.gov
cc
bcc
Subject Last Submission from Vote Fraud-Voter Intimidation
Consultants

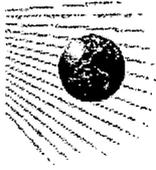
History:  This message has been replied to.

Dear Mr. Chairman:

The last submission from the Vote Fraud-Voter Intimidation Study consultants is dated August 8. At this time, EAC staff are reviewing all items submitted for the report to the Commission with an eye toward the best way of presenting the information to the Commissioners for their consideration. There has been some delay in this staff review process, for which I take full responsibility.

Peggy Sims
Election Research Specialist

015027



Paul DeGregorio /EAC/GOV
09/27/2006 12:36 PM

To Margaret Sims/EAC/GOV
cc
bcc
Subject Re: Last Submission from Vote Fraud-Voter Intimidation Consultants 

No big deal--and no big delay. Don't worry about it.

Paul DeGregorio
Chairman
US Election Assistance Commission
1225 New York Ave, NW
Suite 1100
Washington, DC 20005
1-866-747-1471 toll-free
202-566-3100
202-566-3127 (FAX)
pdegregorio@eac.gov
www.eac.gov

Margaret Sims/EAC/GOV

Margaret Sims /EAC/GOV
09/27/2006 12:18 PM

To pdegregorio@eac.gov
cc
Subject Last Submission from Vote Fraud-Voter Intimidation Consultants

Dear Mr. Chairman:

The last submission from the Vote Fraud-Voter Intimidation Study consultants is dated August 8. At this time, EAC staff are reviewing all items submitted for the report to the Commission with an eye toward the best way of presenting the information to the Commissioners for their consideration. There has been some delay in this staff review process, for which I take full responsibility.

Peggy Sims
Election Research Specialist

015028

Juliet E. Hodgkins/EAC/GOV
09/27/2006 01:43 PM

To Paul DeGregorio/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC, "Davidson, Donetta" <ddavidson@eac.gov>, Thomas R. Wilkey/EAC/GOV@EAC

cc

bcc

Subject Fw: Media request - USA Today

Commissioners,

I wanted to make sure that you were aware of this request. Information that has previously been distributed to the Board of Advisors and Standards Board or otherwise publicly released will be provided to the requestor. This includes a status report on voter fraud and the information that was distributed to the SB and BOA regarding the provisional voting study.

Juliet Thompson Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

— Forwarded by Juliet E. Hodgkins/EAC/GOV on 09/27/2006 01:41 PM —

Bryan Whitener/EAC/GOV

09/22/2006 05:10 PM

To Margaret Sims/EAC/GOV@EAC, Karen Lynn-Dyson/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC, Juliet E. Hodgkins/EAC/GOV@EAC, Gavin S. Gilmour/EAC/GOV@EAC

cc Jeannie Layson/EAC/GOV@EAC

Subject Media request - USA Today

All

Richard Wolf of USA Today called and asked for the following. Jeannie and I ask that you consider this carefully and let us know ASAP what to provide .

(1) The status report on voter fraud and consultant update that was presented to the advisory boards in May, 2006.

(2) The status of the required guidance document on provisional voting and voter ID that is referenced in the following passage in today's Electionline Weekly by Doug Chapin.

In addition to the EAC's considerable election management responsibilities (especially in the area of voting equipment certification and testing), the agency has key policy issues to resolve in the immediate to near-term future, including a required guidance document on provisional voting and voter ID (now nearly two years overdue) and continued regulatory oversight over state implementation of "motor voter". This latter issue will almost certainly involve questions about the intersection of state and federal laws on voter registration - questions which divided the Commission when applied to Arizona, and could divide it again as Republicans and Democrats continue their traditional struggle to balance access to the franchise with concerns about the potential for fraud at the polls.

Thanks,
Bryan

015029

Bryan Whitener /EAC/GOV
09/27/2006 04:39 PM

To Paul DeGregorio/EAC/GOV@EAC, Donetta L.
Davidson/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC
cc Juliet E. Hodgkins/EAC/GOV@EAC, Thomas R.
Wilkey/EAC/GOV@EAC

bcc

Subject draft text for USA Today

History:  This message has been replied to

Commissioners,

As you requested, I provided Tom and Julie a draft response to USA Today to accompany the docs requested by Richard Wolf . Julie revised it as follows and Tom agrees. Please let me know ASAP if you concur.

Rich,

As we discussed, here are the docs you asked about that were presented at the board meetings in May and links to the meeting agenda. There are two reports: (1) a draft report produced by Eagleton Institute concerning provisional voting; and (2) a status report produced by EAC contractors regarding research being conducted on voter fraud and intimidation. The reports were presented by the contractors to the Standards Board and Board of Advisors for their input. This type of input is required for any guidance issued by EAC and is desired for any product that we provide to the election community and the public. Based on the input that was received from these boards, particularly regarding the questionable information contained in Eagleton's provisional voting report, EAC has not issued the Eagleton draft report as a final EAC document. As for the voter fraud and intimidation status report, it is merely an update on the status of the research conducted by the EAC contractors. A report and recommendations on future actions regarding this topic will be produced after EAC review of the preliminary research.

###

015030

Karen Lynn-Dyson/EAC/GOV

05/25/2005 12:55 PM

To Paul DeGregorio/EAC/GOV@EAC, Raymundo
Martinez/EAC/GOV@EAC

cc Juliet E. Thompson/EAC/GOV@EAC

bcc

Subject Job Description for a Voter Fraud Project Consultant

Commissioners-

Attached please find a first draft of a short job description outlining EAC's expectations for a project consultant on voter fraud.

As you are aware, Julie has shared with me the resume of someone with an interest in the position. Ray has indicated that he participates in a legal list-serve group that has recently focused on voter fraud issues. This list-serve is probably a good place to "advertise" the consultant opportunity.

Let me know your thoughts on next steps. I look forward to getting this project up and running.

Regards-

K



voterfraud project manager.doc

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

015031

Job Description**U.S. Election Assistance Commission (EAC) Voter Fraud Project Consultant**

The U.S. Election Assistance Commission (EAC) seeks to identify a senior-level project consultant to assist with the oversight and development of a study and possible project examining U.S. election voter fraud.

The consultant must have a knowledge of voter fraud and an understanding of the complexities, nuances and challenges which surround the topic. The EAC is particularly interested in candidates with experience in elections, with public policy and the law. The consultant must be able to demonstrate an ability to approach the issue of voter fraud in a balanced, nonpartisan fashion.

This consultant, whose contract would run for the period June-November, 2005, would be responsible for conceptualizing a project scope of work around the issue and from that, developing a statement of work for a research project around the topic.

In consultation with EAC staff, EAC Commissioners, and other key EAC stakeholders, the consultant will develop a project plan around voter fraud. The consultant will recommend certain EAC project activities related to voter fraud and will develop a scope of work for an EAC research study on voter fraud. The consultant will oversee and manage various processes related to EAC contracts awarded for work related to voter fraud.

EAC's consultant fees are competitive and are awarded based on the candidates' relevant background and experience.

Karen Lynn-Dyson/EAC/GOV

To Paul DeGregorio/EAC/GOV@EAC

06/06/2005 01:03 PM

cc

bcc

Subject Project documents for your consideration

Paul-

Enclosed please find my revisions to the job description for the Voter Fraud and Voter Intimidation Project Consultant who would work with us to help us define our work around these issues. Please revise/edit and you see fit.

Also enclosed is a draft Statement of Work for EAC project work related to vote counts and vote recounts. I'm hoping that you will be willing to serve as lead Commissioner on this project, since I believe this is an area you have expressed an interest in and are concerned about.

Let me know your thoughts on these documents and how you would like me to proceed.

Hope the weekend was restful, and look forward to seeing you tomorrow.

Regards-

Karen Lynn-Dyson
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tel:202-566-3123



Vote Count and Recount SOW.doc voterfraud project manager.doc

015033

Karen Lynn-Dyson/EAC/GOV
05/09/2005 12:24 PM

To Juliet E. Thompson/EAC/GOV@EAC, Gavin S.
Gilmour/EAC/GOV@EAC, Gaylin Vogel/EAC/GOV@EAC
cc Paul DeGregorio/EAC/GOV@EAC, Carol A.
Paquette/EAC/GOV@EAC
bcc

Subject Meeting with Craig DonSanto

Hi-

I've scheduled a meeting with Craig DonSanto for Tuesday, May 17th at 10:00 am in his offices.

We'll be discussing voter fraud and what the EAC might do regarding research on the issue. As you may know, Craig's office is issuing a major report/manual on the topic. He will share the draft of this effort with us at the meeting next week.

As you know, I'm hoping one of our interns will be working on this project for us this summer. In the meantime, I'm hoping at least one of the folks from the EAC legal team can come tho this meeting. BTW, Craig's office is just down the street.

Let me know your availability, and which intern you can assign to this effort.

Thanks

K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

015034

Job Description**U.S. Election Assistance Commission (EAC) Voter Fraud and Voter Intimidation Project Consultant**

The U.S. Election Assistance Commission (EAC) seeks to identify a senior-level project consultant to develop various project activities and studies related to U.S. election voter fraud and voter intimidation.

The consultant must have knowledge of voter fraud and intimidation along with an understanding of the complexities, nuances and challenges which surround the topics. The EAC is particularly interested in candidates with experience in elections, with public policy and the law. The consultant must be able to demonstrate an ability to approach the issues of voter fraud and intimidation in a balanced, nonpartisan fashion.

This consultant, whose contract would run for the period June-November, 2005, would be responsible for:

- Identifying and convening a working group of key individuals and organizations knowledgeable about the topics of voter fraud and intimidation;
- Developing a project scope of work and a project work plan related to voter fraud and intimidation;
- Authoring a report summarizing the key findings of this preliminary study of voter fraud and intimidation. The report will also include suggestions for specific activities the EAC may undertake around these topics.

From this initial research and exploration of these topics the consultant may be retained to help oversee research projects and contracts EAC may develop on the topics of voter fraud and intimidation.

EAC's consultant fees are competitive and are awarded based on the candidate's relevant background and experience.

Jeannie Layson /EAC/GOV
06/10/2005 12:57 PM

To ghillman@eac.gov, rmartinez@eac.gov,
pdegregorio@eac.gov
cc klynndyson@eac.gov, cpaquette@eac.gov,
jthompson@eac.gov
bcc

Subject Eagleton draft press release

Commissioners,

Below is a draft of a press release Eagleton wants to distribute regarding the EAC contract. (It's also attached.) Please let me know if you have edits/changes. Also, take a close look at the language regarding the scope for the voter ID study to make sure it is acceptable.

DRAFT FOR APPROVAL

EAGLETON INSTITUTE OF POLITICS WINS \$560,000 CONTRACT FROM U.S. ELECTION ASSISTANCE COMMISSION

Rutgers Institute to Study Provisional Voting, Voter Identification Procedures

NEW BRUNSWICK/PISCATAWAY, N.J. – The U.S. Election Assistance Commission (EAC) has awarded the Eagleton Institute of Politics at Rutgers, The State University of New Jersey, a \$560,000 contract to study provisional voting and voter identification procedures based on experiences from the 2004 election.

Under the national contract, the institute will develop recommendations for EAC to issue as guidance to the states to use in 2006, according to Eagleton Director Ruth B. Mandel, the study's principal investigator. She added that the Moritz College of Law at Ohio State University, Eagleton's partner in the contract application, will be responsible for the legal analysis of the competitively bid, seven-month project.

Eagleton already is home to an extensive civic education and political participation program, with several projects aimed at increasing voter turnout, political participation and Americans' involvement in civic life.

EAC was established by the Help America Vote Act (HAVA) of 2002. It is an independent, bipartisan agency and provides federal funds to states to upgrade voting systems and improve election administration. It publishes voluntary guidelines for the states and serves as a national clearinghouse of information regarding election administration.

The Eagleton project team, led by Mandel, includes Ingrid W. Reed, John Weingart and consultant Thomas O'Neill, retired president of the Partnership for New Jersey, who will serve as project director. The project will address key questions related to provisional voting and voter identification in the context of effective election administration, voter access and ballot security.

Questions include:

- Did the states have in place clear and uniform written procedures, guidelines and instructions to govern the casting and counting of provisional ballots?

015036

- Did local procedures reflect the state's uniform procedures?
- Did all states and election jurisdictions make these procedures available to the public, political parties and candidates before the election?
- To what extent were poll workers appropriately trained on how to administer provisional ballots, including establishing the identity of the potential voter seeking a provisional ballot?
- How were federal funds under the Help America Vote Act used to educate voters about their rights to cast a provisional ballot and where such provisional ballots must be cast to be counted?
- In states where a provisional ballot had to be cast at the voter's assigned polling place or precinct, was information available to poll workers to allow them to determine the voter's assigned precinct and polling place?
- Did states have mechanisms in place to inform voters casting provisional ballots whether their vote was counted and whether they are now registered for subsequent elections?

Eagleton will address these questions by examining the nation's experience with provisional voting and voter identification requirements and practices in 2004 through extensive research including a survey of local election officials across the country. In addition, the work will be informed by scrutiny from a panel of peer reviewers as well as by comments offered at public hearings to be held in conjunction with the project.

At the contract's conclusion, the team will present a narrative on both topics, indexed databases of major articles on provisional voting and voter identification requirements, summaries of case law on each subject, analyses of provisional voting procedures from around the country and of voter participation and vote fraud under various voter ID requirements, and a report of alternatives to existing practices and procedures.

Jeannie Layson
 U.S. Election Assistance Commission
 1225 New York Ave., NW
 Suite 1100
 Washington, DC 20005
 Phone: 202-566-3100



www.eac.gov Eagleton release.doc

015037

Contact: Steve Manas, 732/932-7084, ext. 612, E-mail: smanas@ur.rutgers.edu

June 13, 2005

DRAFT FOR APPROVAL

EDITOR'S NOTE: ATTENTION POLITICAL, ASSIGNMENT EDITORS

**EAGLETON INSTITUTE OF POLITICS WINS \$560,000 CONTRACT
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Questions include:

- Did the states have in place clear and uniform written procedures, guidelines and instructions to govern the casting and counting of provisional ballots?
- Did local procedures reflect the state's uniform procedures?
- Did all states and election jurisdictions make these procedures available to the public, political parties and candidates before the election?
- To what extent were poll workers appropriately trained on how to administer provisional ballots, including establishing the identity of the potential voter seeking a provisional ballot?
- How were federal funds under the Help America Vote Act used to educate voters about their rights to cast a provisional ballot and where such provisional ballots must be cast to be counted?
- In states where a provisional ballot had to be cast at the voter's assigned polling place or precinct, was information available to poll workers to allow them to determine the voter's assigned precinct and polling place?
- Did states have mechanisms in place to inform voters casting provisional ballots whether their vote was counted and whether they are now registered for subsequent elections?

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At the contract's conclusion, the team will present a narrative on both topics, indexed databases of major articles on provisional voting and voter identification requirements, summaries of case law on each subject, analyses of provisional voting procedures from around the country and of voter participation and vote fraud under various voter ID requirements, and a report of alternatives to existing practices and procedures.

Carol A. Paquette/EAC/GOV
06/10/2005 02:09 PM

To Gracia Hillman/EAC/GOV@EAC
cc Jeannie Layson/EAC/GOV@EAC, Juliet E.
Thompson/EAC/GOV@EAC, Karen
Lynn-Dyson/EAC/GOV@EAC, Paul
bcc
Subject Re: Eagleton draft press release 

Made essentially the same comment to Jeannie regarding the guidance language in paragraph two. We had no input to the creation of this release, so there is no EAC intent to use this as a trial balloon.

Carol A. Paquette
Interim Executive Director
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov
Gracia Hillman/EAC/GOV



Gracia Hillman/EAC/GOV
06/10/2005 02:00 PM

To Jeannie Layson/EAC/GOV@EAC, Raymundo
Martinez/EAC/GOV, Paul DeGregorio/EAC/GOV
Karen Lynn-Dyson/EAC/GOV, Carol A. Paquette/EAC/GOV,
cc Juliet E. Thompson/EAC/GOV, "Tom Wilkey"

Subject Re: Eagleton draft press release

I have some concerns about the press release. In paragraph two, I am not comfortable with the following language in what I believe is paragraph two: Under the national contract, the institute will develop recommendations for EAC to issue as guidance to the states to use in 2006.

It seems to me that EAC will develop the guidance based on Eagleton's findings.

Also, I do not think the press release should contain the list of questions. Are they/we trying to float a trial balloon and elicit initial reaction at this early stage of the study??

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Jeannie Layson
Sent: 06/10/2005 12:57 PM
To: Gracia Hillman; Raymundo Martinez; Paul DeGregorio
Cc: Karen Lynn-Dyson; Carol Paquette; Juliet Thompson
Subject: Eagleton draft press release

Commissioners,
Below is a draft of a press release Eagleton wants to distribute regarding the EAC contract. (It's also

015040

attached.) Please let me know if you have edits/changes. Also, take a close look at the language regarding the scope for the voter ID study to make sure it is acceptable.

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Eagleton already is home to an extensive civic education and political participation program, with several projects aimed at increasing voter turnout, political participation and Americans' involvement in civic life.

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The Eagleton project team, led by Mandel, includes Ingrid W. Reed, John Weingart and consultant Thomas O'Neill, retired president of the Partnership for New Jersey, who will serve as project director. The project will address key questions related to provisional voting and voter identification in the context of effective election administration, voter access and ballot security.

Questions include:

- Did the states have in place clear and uniform written procedures, guidelines and instructions to govern the casting and counting of provisional ballots?

- Did local procedures reflect the state's uniform procedures?
- Did all states and election jurisdictions make these procedures available to the public, political parties and candidates before the election?

- To what extent were poll workers appropriately trained on how to administer provisional ballots, including establishing the identity of the potential voter seeking a provisional ballot?

- How were federal funds under the Help America Vote Act used to educate voters about

015041

their rights to cast a provisional ballot and where such provisional ballots must be cast to be counted?

- In states where a provisional ballot had to be cast at the voter's assigned polling place or precinct, was information available to poll workers to allow them to determine the voter's assigned precinct and polling place?
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Eagleton will address these questions by examining the nation's experience with provisional voting and voter identification requirements and practices in 2004 through extensive research including a survey of local election officials across the country. In addition, the work will be informed by scrutiny from a panel of peer reviewers as well as by comments offered at public hearings to be held in conjunction with the project.

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Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

Jeannie Layson /EAC/GOV
06/13/2005 12:05 PM

To pdegregorio@eac.gov, rmartinez@eac.gov,
ghillman@eac.gov
cc cpaquette@eac.gov, jthompson@eac.gov,
[REDACTED]
bcc [REDACTED]

Subject Eagleton press release

History: This message has been replied to.

Following is the Eagleton press release including revisions from the chair and Carol. If anyone else has changes or edits, please let me know by tomorrow morning so Eagleton can get this out. Thank you.

DRAFT FOR APPROVAL

EDITOR'S NOTE: ATTENTION POLITICAL, ASSIGNMENT EDITORS

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Under the national contract, the institute will develop recommendations for EAC to consider in the development of its guidance to the states for the 2006 elections, according to Eagleton Director Ruth B. Mandel, the study's principal investigator. She added that the Moritz College of Law at Ohio State University, Eagleton's partner in the contract application, will be responsible for the legal analysis of the competitively bid, seven-month project.

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The Eagleton project team, led by Mandel, includes Ingrid W. Reed, John Weingart and consultant Thomas O'Neill, retired president of the Partnership for New Jersey, who will serve as project director. The project will address key questions related to provisional voting and voter identification in the context of effective election administration, voter access and ballot security. Eagleton will examine the nation's experience with provisional voting and voter identification requirements and practices in 2004 through extensive research including a survey of local

015043

election officials across the country. In addition, the work will be informed by scrutiny from a panel of peer reviewers as well as by comments offered at public hearings to be held in conjunction with the project.

At the contract's conclusion, the team will present a narrative on both topics, indexed databases of major articles on provisional voting and voter identification requirements, summaries of case law on each subject, analyses of provisional voting procedures from around the country and of voter participation and vote fraud under various voter ID requirements, and a report of potential alternatives to existing practices and procedures.

Jeannie Layson
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Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

015044

Karen Lynn-Dyson/EAC/GOV

06/23/2005 02:34 PM

To Gracia Hillman/EAC/GOV@EAC, Paul DeGregorio/EAC/GOV@EAC, Raymundo Martinez/EAC/GOV@EAC
cc Thomas R. Wilkey/EAC/GOV@EAC, Juliet E. Thompson/EAC/GOV@EAC

bcc

Subject Fw: Peer Review Group

Commissioners-

Enclosed please find a preliminary list of Peer Review Group members, whom Eagleton is considering for their Peer Review Group. **Tom Wilkey will be bringing this item to you for discussion and input at Monday's Commissioner's meeting.**

Eagleton envisions this Peer Review Group as the body that will review the draft analysis that it will prepare on provisional voting and on voter identification. The Group would also provide comment on the development of alternative approaches to provisional voting and voter identification which Eagleton will develop for the EAC.

I have included the e-mail from the Eagleton Project Director, Tom O'Neil, so that you could get a feel for his approach/philosophy to assembling the Group.

Regards-
K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/23/2005 02:25 PM -----



"Tom O'Neil"

[Redacted name]

06/22/2005 03:29 PM

To klynndyson@eac.gov

cc

Subject Peer Review Group

Karen,

As you probably recall, one of the features of our proposal was the creation of a Peer Review Group to look over our findings, conclusions and draft reports before we prepare final drafts for the EAC's review. The EAC asked that before recruiting members of the PRG we submit names for EAC's review. The aim, course, is to assemble a panel that is experienced, informed, and balanced.

Attached is a list of potential PRG members drawn from academia, the law, and non-profit organizations with interests in this area. Please look it over.

We may conclude that the PRG should also include two or three former government officials now in

015045

academia or related fields. We have a conference call with our partners at Moritz planned for tomorrow or Friday to decide a) if former officials should be included in the PRG and b)if so, who they should be. I'll keep you informed of our thinking as it develops.

Tom



PROPOSED MEMBERS OF PEER REVIEW GROUP.doc

015046

PROPOSED MEMBERS OF PEER REVIEW GROUP

R. Michael Alvarez, Ph.D.

Professor of Political Science
California Institute of Technology
rma@hss.caltech.edu
626-395-4422

Alvarez has taught political science at Caltech since 1992. He received his B.A. in political science from Carleton College; his M.A. and Ph.D. from Duke University. Alvarez focuses on the study of electoral politics. He has published many articles on electoral behavior and public opinion. Support for his research has come from the National Science Foundation, The IBM Corporation, the Carnegie Corporation, of New York, and the Knight Foundation. Alvarez edits the Analytical Methods for Social Research book series and is on the editorial boards of a number of academic journals. He is Co-Director of the Caltech-MIT Voting Technology Project

Deborah Goldberg, Ph.D

Program Director, Democracy Program
Brennan Center for Justice at NYU School of Law
161 Avenue Of The Americas, 12th Floor
New York, NY 10013
212-998-6730

Goldberg supervises the Democracy Program's litigation, scholarship, and public education. She was the principal author of *Writing Reform: A Guide to Drafting State & Local Campaign Finance Laws*, and was lead counsel to the intervenor in the Supreme Court case *Nixon v. Shrink Missouri Government PAC*. She serves on the Steering Committee of a coalition to restore voting rights to persons with past felony convictions. Goldberg is a graduate of Harvard Law School. Before joining the Brennan Center, she was in private practice. She holds a Ph.D. in philosophy and taught ethics at Columbia University.

Martha E. Kropf, Ph.D.

Assistant Professor of Political Science
University of Missouri-Kansas City
816-235-5948; KropfM@umkc.edu

Kropf has been on the faculty at Missouri since 1999. She received her BA Summa Cum Laude, Phi Beta Kappa from Kansas State University and her PhD in Political Science from American University. Her work concentrates on Research Methods, Urban Politics, American Government, and Political Behavior. Before joining the faculty at Missouri, she was Project Coordinator at the University of Maryland Survey Research Center. She has published recent on undervoting in presidential elections, and on invalidated ballots in the 1996 presidential election, and on the incremental process of election reform in Missouri.

Wade Henderson, Esq.

Executive Director
Leadership Conference on Civil Rights
1629 K Street, NW, 10th Floor
Washington, DC 20006

Wade Henderson is the Executive Director of the LCCR and Counsel to the Leadership Conference on Civil Rights Education Fund (LCCREF), and leads the organizations' work on issues involving nationwide election reform. He is a graduate of Howard University and the Rutgers University School of Law. During its over 50 years of existence, LCCR has worked to redefine civil rights issues in broad and inclusive ways. Today, it includes over 180 national organizations. Previously Henderson served as Washington Bureau Director of the NAACP. He began his career as a legislative counsel of the ACLU.

Kay Maxwell

President
League of Women Voters of the U.S.
1730 M Street NW, Suite 1000

Washington, DC 20036-4508
202-429-1965

Kay J. Maxwell has been a member of the League since 1976. She attended Smith College and earned a B.A. in International Relations from the University of Pennsylvania. She has conducted civic participation training for women leaders in Bosnia, Israel, the West Bank, Rwanda, Kuwait and Jamaica. She has also served as vice president at the International Executive Service Corps (IESC), an international economic development organization. She is a board member of DC Vote, and the New Voters Project.

Tim Storey

Program Principal
Legislative Management Program
National Conference of State Legislatures
7700 East First Place
Denver, CO 80230
303-364-7700
or
444 North Capitol Street, N.W., Suite 515
Washington, D.C. 20001
202-624-5400

Peter G. Veniero, Esq.

Counsel
Sills, Cummis, Epstein and Gross, PC
One Riverfront Plaza
Newark, New Jersey 07102
Tel: 973- 643-7000

Veniero chairs the firm's Appellate Practice Group. He earned his B.A. at Drew University, Phi Beta Kappa, and his J.D. (with honors) at the Duke University School of Law. In 1999, he was appointed a justice of the New Jersey Supreme Court, where he served for 7 years before re-entering private practice. Before his appointment to the Supreme Court, he served as New Jersey's Attorney General, and in that capacity oversaw the state's election laws. He also served as Chief of Staff and Chief Counsel to Governor Christine Todd Whitman.

Karen Lynn-Dyson/EAC/GOV
07/01/2005 11:02 AM

To "Job Serebrov"
[REDACTED] SAEXTERNAL
cc Juliet E. Thompson/EAC/GOV@EAC, Thomas R.
Wilkey/EAC/GOV@EAC
bcc Paul DeGregorio/EAC/GOV
Subject Re: project [REDACTED]

Job-

Thanks ever so much for following up. Indeed, the Commissioners have reviewed the issue and have agreed in principle, to an approach that would entail hiring a consultant or consultants to help the EAC study and frame the issues of voter fraud and intimidation.

The idea would be that after a period of time, the consultants, and, perhaps, a working group of the EAC, would make a series of recommendations on next steps for the agency to take regarding voter fraud and intimidation.

Thanks for your patience; I hope to have a definitive answer for you by mid-July at the latest.

Regards-

Karen Lynn-Dyson
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U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
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tel:202-566-3123

015069

Karen Lynn-Dyson/EAC/GOV
07/21/2005 01:35 PM

To "Job Serebrov"
<[REDACTED]@GSAEXTERNAL>
cc Thomas R. Wilkey/EAC/GOV@EAC
bcc Paul DeGregorio/EAC/GOV
Subject Re: project 

Job-

I write to see if you might be available to come to Washington on Monday, August 1 to meet with several EAC staff and Commissioners to discuss the voter fraud/voter intimidation project and your possible work as a consultant on the project.

I'd like to schedule this 1-2 hour meeting for sometime between 1 and 3 in the afternoon.

Might you be available to come to Washington for this ?

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

015050

Karen Lynn-Dyson/EAC/GOV
08/01/2005 06:12 PM

To "Tom O'Neill" [REDACTED] SAEXTERNAL
cc Thomas R. Wilkey/EAC/GOV@EAC, Juliet E.
Thompson/EAC/GOV@EAC, Adam
Ambrogio/EAC/GOV@EAC
bcc Paul DeGregorio/EAC/GOV
Subject RE: Meeting with EAC [REDACTED]

Tom-

I will be in touch shortly with possible dates in very late August or early September, when EAC staff might be available to meet with Eagleton to discuss the project's research results and next steps.

In the meantime, I thought it was important to follow up on the issues Vice Chair DeGregorio raised while we were in Pasadena.

To be certain that I have the latest information, could you send to me the final list of the Eagleton/Moritz Peer Review Group and the list of organizations that Eagleton will be contacting for input?

Regards-

Karen

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

015051

Karen Lynn-Dyson/EAC/GOV
08/04/2005 05:44 PM

To Paul DeGregorio/EAC/GOV@EAC
cc
bcc

Subject Re: List of centrist/conservative groups 

Thanks for this list, Vice Chair. I've passed it along to Eagleton

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

015052

Karen Lynn-Dyson/EAC/GOV
08/16/2005 01:39 PM

To Gracia Hillman/EAC/GOV@EAC, Paul
DeGregorio/EAC/GOV@EAC, Raymundo
Martinez/EAC/GOV@EAC, Juliet E.
cc Sheila A. Banks/EAC/GOV@EAC, Amie J.
Sherrill/EAC/GOV@EAC, Adam Ambrogi/EAC/GOV@EAC,
Nicole Mortellito/CONTRACTOR/EAC/GOV@EAC

bcc

Subject Fw: Sept 6th EAC meeting

Commissioners-

As mentioned in this morning's meeting, Eagleton/Moritz project staff are scheduled to come to Washington in early September to brief EAC staff on the project's progress to date.

Let me know if you would like to attend or if you will send someone in your place.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

— Forwarded by Karen Lynn-Dyson/EAC/GOV on 08/15/2005 01:34 PM —



Nicole
Mortellito/CONTRACTOR/EA
C/GOV

08/16/2005 11:51 AM

To [REDACTED]

cc Karen Lynn-Dyson/EAC/GOV@EAC

Subject Sept 6th EAC meeting

Mr. O'Neill,

Just a quick note to remind you that your meeting with EAC is confirmed for September 6 at 1 p.m. in Washington. The purpose of this meeting will be to review the draft of your analysis and alternatives paper with EAC and discuss the outline and direction of the Preliminary Guidance Document.

Regards,

Nicole K. Mortellito
Assistant to the Executive Director - Thomas R. Wilkey
U.S. Election Assistance Commission
1225 New York Avenue - Suite 1100
Washington, DC
202.566.3114 phone
202.566.3127 fax

015053



"Hans.von.Spakovsky@usdoj.
gov"
<Hans.von.Spakovsky@usdoj.
gov>

08/18/2005 03:40 PM

To "jthompson@eac.gov" <jthompson@eac.gov>,
"ddavidson@eac.gov" <ddavidson@eac.gov>,
"twilke@eac.gov" <twilke@eac.gov>
cc [REDACTED],
"christophert@michigan.gov"
<christophert@michigan.gov>, "dlewis@electioncenter.org"

bcc

Subject Research Contracts

Dear Commissioners:

At the meeting of the Board of Advisors in Portland, Oregon, our notebooks included an EAC Information Research Update, dated July 18, 2005. The Update indicates that the EAC has awarded a contract to the Eagleton Institute / Moritz College of Law ("Moritz") to conduct research into "Provisional Voting / ID Requirements."

Obviously, the duty of the EAC as outlined in Section 241 to conduct research on election issues is a very important one. That is why it is clearly an absolute necessity that the researchers who are awarded contracts to conduct that research be objective and nonpartisan in their work. It would be inappropriate and potentially very damaging and embarrassing to the EAC (and the Board of Advisors) if this research is conducted by entities that have a preconceived opinion or bias on the issue being researched or are, in fact, advocates on the issue. Any findings or recommendations such biased entities put in their final report would be open to question and could cause great harm.

Unfortunately, hiring the faculty at Moritz to conduct research on provisional balloting and voter identification provisions calls into question whether the research can be conducted in an objective manner and reach conclusions that are not pre-determined by the public and pre-existing views of the researchers. This is crystal clear from an easily-conducted review of the Moritz website.

The Associate Director of the Election Law program at Moritz, Daniel Tokaji, is an outspoken opponent of voter identification requirements and commentator on provisional voting. Here is a brief summary of some of his recent comments, taken from the Moritz website:

It's therefore questionable at best whether an ID requirement is really necessary to combat voting fraud. Supporters of the ID requirement have yet to make a convincing case that existing methods of discouraging and punishing fraud are insufficient. While the anti-fraud benefits of stricter ID laws are dubious, there is evidence that an ID requirement would impose a severe burden on many voters, particularly those of low income...In their present form, the ID bills presently on the table are likely unconstitutional.... (ID and the Right to Vote, April 12, 2005)

"Ohio's election reform is a mixed bag. Establishing a clear rule for provisional ballots is a good idea, but I don't think there's a good reason for refusing to count provisional ballots cast out of precinct, given that a statewide registration database (which should allow for easy verification of eligibility) has to be in place by 2006. It would be much better to move to in-precinct early voting than mail-in absentee voting, but it seems that Ohio doesn't want to spend the money." (Reform Comes to Ohio, May 20, 2005).

"Nevertheless, DOJ seems likely to sign off on this [Arizona's proposition 200

015054

implementing rules], given that they've take the position - quite clearly an erroneous one, in my view - that voters need not even be given a provisional ballot if they lack ID." (Arizona Voter ID, July 18, 2005).

"It remains to be seen, of course, whether DOJ will rigorously enforce Section 5 of the Voting Rights Act, when it comes to practices - like the Georgia ID law - that threaten to result in the denial of minority votes...." (Preclearance, Preclearance, Preclearance, July 20, 2005).

"...I tend to doubt that the preclearance process will prove to be an effective remedy for measures like the Georgia ID law. Even though this law will have a "retrogressive" effect, by serving as a barrier to minority voters' participation...." (The Voting Rights Act, Then and Now, July 31, 2005)

"We should remember that, at the turn of the 20th Century, allegations of "good government" were used by white Democrats in a remarkably successful strategy to suppress the black vote. The result of those very successful efforts was to impose barriers like the literacy test, which excluded African Americans from voting throughout the South for the better part of the century, until after the Voting Rights Act of 1965. If you go back and read some of the documents from the late 1800's and early 1900's, as I've recently been doing, the similarity to the sort of arguments being advanced now in support of photo ID laws is frightening. It is beyond unfortunate to see the same sort of tactics, albeit dressed up in more respectable garb, being employed at the start of the 21st Century." (Vote Suppression, Fraud and Voter ID, August 3, 2005)

In addition to these postings, Dr. Tokaji is acting as an advocate on voter identification issues, having submitted a comment letter to the Department of Justice dated August 18, 2005, along with a number of other professors, urging an objection to a voter identification provision currently before the Department for review under Section 5 of the Voting Rights Act. Obviously, this advocacy is occurring after the EAC awarded this contract and during the pendency of the research work.

The issue here is not whether Dr. Tokaji's opinions are correct or incorrect, or the appropriateness of his submitting a comment letter to the Department of Justice. The point is the strongly held, pre-existing notions about both provisional balloting and voter identification espoused by the Associate Director of Moritz's election law program and his advocacy on these issues. This raises serious concerns about the propriety of Moritz being provided with federal tax dollars to conduct non-partisan and impartial research into such a sensitive and high profile area of election law. We cannot be certain that data collected and conclusions reached by this research project will not be predetermined to comport with the views of Moritz's officials.

I would strongly recommend that this contract be reconsidered by the EAC. Under these circumstances, any report issued by Moritz will be open to serious questions as to its validity and objectivity.

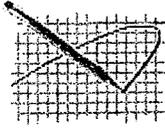
Hans A. von Spakovsky
Counsel to the Assistant Attorney General
Civil Rights Division - Room 5539
U.S. Department of Justice
950 Pennsylvania Avenue
Washington, D.C. 20530

}

015055

Telephone (202) 305-9750
Facsimile (202) 307-2839

015056



Raymundo
Martinez/EAC/GOV
08/19/2005 01:02 AM

To "Hans.von.Spakovsky@usdoj.gov"
<Hans.von.Spakovsky@usdoj.gov>@GSAEXTERNAL
cc Juliet E. Thompson/EAC/GOV@eac.gov, Donetta L.
Davidson/EAC/GOV@eac.gov, "twilke@eac.gov"
<twilke@eac.gov>, Paul DeGregorio/EAC/GOV@eac.gov,
bcc

Subject Re: Research Contracts

Hans:

I'm currently at the Seattle airport awaiting a return flight to D.C., so I apologize if my response below is somewhat incomplete. I think the issue you raise certainly deserves our full consideration, so I will look forward to additional responses and dialogue from others included in this distribution list.

A couple of quick points in response to your concerns (and I am speaking for myself below, and not for the entire commission):

(1) The RFP that was issued by the EAC pertaining to the research on provisional voting and voter ID requirements was widely advertised (as all our RFP's are). We did so because we wanted to receive a wide range of possible contractors to conduct this important research. This was a competitive RFP process which, if my memory serves me correct, produced a good number of responses from interested entities.

(2) Carol Paquette assembled a review panel (I'm not sure how many persons were involved in the review panel) to score the responses to this RFP...the submission by the Eagleton Institute included, as a part of their proposal, the Moritz School of Law at Ohio State University as a partner in conducting the legal research required for Eagleton to provide a final report (due in October) to the EAC. The review panel scored the Eagleton submission as best, considering a variety of factors.

(3) The lead entity in this project is the Eagleton Institute. While the project manager's name from Eagleton escapes me right now, the lead from Moritz is not Dan Tokagi, but Ned Foley, who directs the election law section (or something to that effect) at Moritz. Certainly it is true that Professor Tokagi is contributing to the work product being assembled by Moritz, which consists primarily of reviewing election and administrative codes from all 50 states to ascertain how each state deals with provisional voting and voter ID requirements.

(4) As is the case with all federal contractors, both Eagleton Institute and Moritz are contractually obligated to produce objective, sound and unbiased research and analysis on this project. While it is certainly prudent to consider the potential bias of any prospective contractor(s), after receiving the recommendation from the review panel and Carol Paquette (at the time, the acting EAC Executive Director), we unanimously agreed among the commissioners that the recommendation was worthy of support. At the time, we were aware, for example, that the Eagleton Institute had been involved last year in some litigation involving provisional ballots. We were also aware, as you point out, of Professor Tokagi's personal views regarding the issue of voter ID and provisional voting. Nevertheless, there was unanimous agreement in supporting the staff (and review panel) recommendation to move forward with the proposal submitted by Eagleton Institute.

(5) Finally, to ensure that the final workproduct from both Eagleton and Moritz is objective and representative of all view points on these important issues, Eagleton proposed early in the process -- and we enthusiastically agreed -- to the formation of a balanced peer review panel which will review the work, on an on-going basis, of Eagleton and Moritz. All EAC commissioners have had an opportunity to provide names to Eagleton to ensure appropriate political balance on this peer review panel and Eagleton has been responsive to our various suggestions.

015057

By way of summary, let me say that I believe we have an obligation to closely scrutinize the conduct of all of our federal contractors. If things come to light that bring into question the objectivity of any of our contractors, I believe the EAC ought to conduct its due diligence and deal with such matters accordingly, including the possibility of contract termination.

I would be happy to conduct such due diligence with regard to this particular contract. However, I must say, with all due respect, that I do not think any breach has occurred, either by Eagleton or Moritz, which would necessitate termination of this contract. I think appropriate checks and balances have been accounted for in this contract, and I believe these checks and balances will ensure an objective and sound final product from Eagleton.

I welcome your continued feedback, Hans.

Kindest regards,

RAY MARTINEZ III
Commissioner
U.S. Election Assistance Commission
1225 New York Avenue, N.W., Suite 1100
Washington, D.C. 20005

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015058



Paul DeGregorio /EAC/GOV
08/19/2005 11:06 AM

To Gracia Hillman, Raymundo Martinez, d davidson@eac.gov,
Tom Wilkey, Juliet Thompson, Karen Lynn-Dyson, Carol
Paquette

cc

bcc Amie J. Sherrill/EAC/GOV

Subject Eagleton

In his note regarding the Eagleton contract, Hans has raised some of the same concerns I raised from the beginning of any discussions I had regarding this contract with our staff, and at our first formal meeting with Eagleton. In reviewing their work product from time to time, I continue to have concerns about a lack of balanced input and have repeatedly voiced them with staff and with Eagleton. I did this when the initial peer review group was proposed and again during their presentation at our meeting in Pasadena (the outreach slide in their public presentation showed outreach to seven groups, of which only one could be considered conservative-leaning). Now, as I have just had the opportunity to read their July progress report, it appears that Eagleton seems to be going into a larger analysis of the voter fraud issue than was authorized in the contract. My suspicion is that Dan Tokaji is injecting his views into this to dismiss or diminish the concerns some people may have about voter fraud. I could be wrong, but his previous writings lead me to believe otherwise.

I only found one mention of voter fraud in the contract with Eagleton. It is in Section 3.5 regarding provisional voting, where it discusses "minimizing opportunity for voter fraud." Yet, on page 4 of the July progress report from Eagleton, in describing their work plan for the next month it states: "we will expand upon vote fraud research and examine further the relationship between instances of vote fraud and ensuing election reforms." This clearly seems to be going beyond the mandate we gave them as I thought they were going to be looking at voter fraud relating to provisional voting (as the contract calls for), not voter fraud as it relates to election reforms. While voter fraud was never mentioned in the contract regarding the voter ID issue, page 5 of their July report indicates that their narratives "will include an appraisal of the prevalence and nature of vote fraud." In addition to this, page 6 describes a look into the "relationship between voter ID regime and vote fraud."

Voter fraud is clearly an issue that is perceived differently from the Right and from the Left. I have struggled with determining what a clear definition of voter fraud is myself, and therefore want to obtain various perspectives and good analysis on this issue before I formulate a solid conclusion in my mind. It has been my understanding all along that the whole voter fraud/voter intimidation issue is going to be studied by the EAC using a balanced group of consultants--not Eagleton and Moritz, who are likely to focus on just on the number of prosecutions of voter fraud, rather than the complaints made or the fact that many election officials are frustrated that some prosecutors don't take their complaints about voter fraud seriously. I am not convinced at this point that we will get a balanced and objective study from Eagleton/Moritz on voter fraud. I am puzzled on why they seem to be expending a significant portion of their time on this and would want to know if we somehow authorized them to do more research into the voter fraud issue.

On page 7 of their July report Eagleton indicates that communications with the EAC on the Peer Review Group "were not clear or timely." I would like to know what this refers to. Also, I may have missed it, but I do not recall seeing the final list of who is serving as the Peer Review group.

The August 15th copy of the July report that I received from Karen did not include the attachment of the financial report of expenses incurred. I would like to see that attachment.

Outside of our NIST work, this contract represents our largest single outside expenditure of our operational funds. Any single expenditure of \$500,000+ needs to be closely monitored. I, for one, am not going to sign off on any report that appears to have been written from a biased viewpoint, especially one that doesn't appear to be interested in hearing from conservative organizations or right-leaning researchers, or seems to minimize any input from them. I've already had questions from congressional staff and others on why we picked Eagleton and Moritz, as they are perceived by some as biased against

015059

Republicans. I assured the critics that we have insisted all along on an objective study from Eagleton. An unbalanced or biased study from them will not only hurt my credibility, but also that of the EAC. I'm not suggesting that we stop their work, but I do want Tom and Julie to inform them in no uncertain terms that we will not accept a report that does not seriously consider all viewpoints on provisional voting and the voter ID issue, and that any study or interpretations they present to us reflect a diversity of opinions on these subjects. We also need for staff to determine whether their considerable work into the voter fraud area is authorized in the contract. We should not be paying for and receiving work we did not authorize.

The contract clearly calls for "alternative approaches" on voter ID requirements and "alternatives" on provisional voting. I agreed to support this contract to Eagleton because I was assured that we would receive a variety of approaches from their work, and not just those from a liberal perspective.

Paul DeGregorio
Vice Chairman
US Election Assistance Commission
1225 New York Ave, NW
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1-866-747-1471 toll-free
202-566-3100
202-566-3127 (FAX)
pdegregorio@eac.gov
www.eac.gov

015060



Gracia Hillman/EAC/GOV

08/19/2005 12:06 PM

To Thomas R. Wilkey/EAC/GOV@EAC

cc "Paul DeGregorio" <pdegregorio@eac.gov>, "Ray Martinez" <rmartinez@eac.gov>, "Karen Lynn-Dyson" <klynn-dyson@eac.gov>, Juliet E.

bcc

Subject Fw: Eagleton

Tom: Please put this on the agenda for discussion when we get together on Friday in Denver.

Sent from my BlackBerry Wireless Handheld
Paul DeGregorio

From: Paul DeGregorio

Sent: 08/19/2005 11:06 AM

To: Gracia Hillman; Raymundo Martinez; Donetta Davidson;
[REDACTED]; Juliet Thompson; Karen Lynn-Dyson; Carol Paquette

Subject: Eagleton

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On page 7 of their July report Eagleton indicates that communications with the EAC on the Peer Review

015061

Group "were not clear or timely." I would like to know what this refers to. Also, I may have missed it, but I do not recall seeing the final list of who is serving as the Peer Review group.

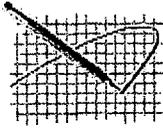
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Paul DeGregorio
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015062



Raymundo
Martinez/EAC/GOV
08/19/2005 02:37 PM

To Paul DeGregorio/EAC/GOV@EAC
cc Gracia Hillman/EAC/GOV@EAC, Donetta L.
Davidson/EAC/GOV@EAC, Raymundo
Martinez/EAC/GOV@EAC

bcc

Subject Eagleton

Paul:

I am directing this email only to the commissioners, because I don't think we should air our disagreements among staff until we have at least had a chance to discuss controversial issues with each other in person. It appears from Gracia's email that we will have a chance do so next week in Denver.

In the meantime, I feel compelled to respond to your email regarding Eagleton.

(1) As I stated last night in my email to Hans, we have an on-going responsibility to monitor the expenditure of all our federal funds, including to government contractors who are contractually obligated to deliver unbiased research. However, I will remind you that we did not contract with Eagleton merely to provide a compilation of state laws and procedures. Rather, we contracted with Eagleton (and indirectly with Moritz through Eagleton) to provide both research AND analysis of provisional voting and voter ID. Invariably, the analysis portion of their final product will be from a professional (and institutional) perspective, and will NOT represent any one researcher's personal point of view. If it does, then Eagleton and Moritz risk damaging their credibility not just with the EAC, but with other federal government agencies which undoubtedly contract with their respective institutions on other projects. I doubt seriously that either institution would risk such damage and allow one team member to inject bias into the work. Moreover, the peer review group that is (or has) been assembled by Eagleton is designed to cure any lingering concerns about potential insitutional or personal bias...Eagleton has been responsive to your feedback on this issue, to the point where they have removed all perspective representatives of the advocacy community on the peer review group (because they felt they could not achieve political "balance" from the advocacy groups). If there is some person (or persons) which you would like to see Eagleton include in the review group, it is my understanding that such inclusion is but a mere phone call away.

(2) You will recall that at our meeting last week, I raised the exact same concern about the Eagleton progress report, and asked for clarification from staff regarding the details of this particular work (i.e., fraud) on the part of Eagleton. I expect staff (or us directly) to ask questions of Eagleton (as we would any contractor) and determine if their work in this area is within the scope of work (and contract) we all agreed to. If it isn't then we re-direct them, just as we have done, for example with Kim Brace and EDS.

(3) Finally, I must express my disappointment, Paul, regarding your comments on Professor Tokagi that you chose to include in your email. While I may disagree with Hans on his particular analysis of the perceived personal bias of this contract, at least his allegations regarding Professor Tokagi's potential bias are grounded in fact (and he recited them as such in his email). You, on the other hand, have chosen to accuse Professor Tokagi of manipulating the work on this project based on your "suspicion." With all due respect, that unfortunate accusation borders, in my view, on a breach of professional decorum and I cannot let it go without response.

We clearly have some political issues that are increasingly being injected into nearly every discussion at the EAC table. I have stated both to you and Gracia individually that I believe this trend in part represents a "maturation" of the EAC and I am not uncomfortable with it. However, if we are going to bring accusations of subjectivity and bias to the table, then I will expect that such a filter will be applied across the board to ALL projects undertaken by the EAC, and that such a filter will be based solidly on fact, and not on innuendo, personal hunches or suspicions.

015063

I send this email, as always, with the highest degree of respect and friendship toward you. And yet, my disappointment is evident in your comments regarding an esteemed and respected member of the legal academic community (and someone whom I regard as a personal friend.)

I look forward to our continued discussion on this matter. And as for the substance of Hans' concern regarding Moritz, I stand by my email which I sent to everyone last night.

Regards,

RAY MARTINEZ III
Commissioner
U.S. Election Assistance Commission
1225 New York Avenue, N.W., Suite 1100
Washington, D.C. 20005

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015064

Karen Lynn-Dyson/EAC/GOV
08/19/2005 03:41 PM

To "Tom O'Neill" [REDACTED]
cc
bcc Paul DeGregorio/EAC/GOV
Subject Re: Peer Review Group [REDACTED]

History: [REDACTED] This message has been forwarded.

Tom-

Thank you for sharing this list of your Peer Review Group members, to-date. I will share this list with the Commissioners and will be certain to let your know of their feedback, if any.

I will also be back in touch regarding Eagleton's research around voter fraud and the research project EAC will be undertaking, this fall, around voting fraud and voter intimidation. The EAC is presently in the process of finalizing a work and staff plan for this project and once it is completed, I will be certain to brief you on it.

In the meantime, EAC staff and several of the Commissioners looks forward to meeting with the Eagleton/Moritz team on September 6 at 1:30 PM.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'Neill" [REDACTED]



"Tom O'Neill"
[REDACTED]
08/19/2005 02:20 PM

To klynndyson@eac.gov
cc
Subject Peer Review Group

Karen,

Attached is a report on the status of recruitment of members of the Peer Review Group. We extended 9 invitations. We have four confirmed members, one reluctant turn-down, one who has yet to respond to an initial inquiry, and are awaiting confirmation from 3 others who initially agreed. Please let me know if you need additional information.

Tom O'Neill

015065



RecruitmentStatus.doc

STATUS OF PEER REVIEW GROUP RECRUITMENT

(As of August 17, 2005)

R. Michael Alvarez, Ph.D. Professor of Political Science California Institute of Technology	YES/CONFIRMED
Guy-Uriel Charles Associate Professor, School of Law University of Minnesota 612-626-9154	YES*
Brad Clark Professor of Law George Washington University School of Law	NO
Pamela Susan Karlan Montgomery Professor of Public Interest Law Stanford Law School 650-725-4851	YES
Martha E. Kropf, Ph.D. Assistant Professor of Political Science University of Missouri-Kansas City 816-235-5948; KropfM@umkc.edu	YES/CONFIRMED
Daniel H. Lowenstein Professor of Law UCLA 310-825-4841	YES
John F. Manning Professor Harvard Law School	NO RESPONSE
Tim Storey Program Principal Legislative Management Program National Conference of State Legislatures	YES/CONFIRMED
Peter G. Verniero, Esq. Counsel Sills, Cummis, Epstein and Gross, PC (Former NJ Attorney General and Supreme Court Justice)	YES/CONFIRMED

Karen Lynn-Dyson/EAC/GOV
08/19/2005 04:38 PM

To Paul DeGregorio/EAC/GOV@EAC
cc
bcc
Subject Fw: Requested Documents

Commissioner-

I thought you would find of particular interest, the attached short description that one of our consultants who will be working on the voting fraud, voter participation issues, has provided.

I think Job will be a wonderful addition to our group of consultants and will bring a wealth of practical knowledge and political balance to our review of the voting fraud and voter intimidation issue. Job is very, very excited about working on this topic and looks forward to meeting the EAC staff, when we bring them together for a meeting in early September.

Best-

K
Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 08/18/2005 04:32 PM -----



"Job Serebrov"
[Redacted] >
08/19/2005 04:14 PM

To klynndyson@eac.gov
cc
Subject Re: Requested Documents

Karen:

I enjoyed the discussion too. I really think that this project will be of national importance and can positively affect elections administration while providing an answer to the handling of the vote fraud problem for the future.

Regards,

Job

Summary of Election Activities of Job Serebrov

Background to Election Problems in Arkansas

Ever since Reconstruction, Arkansas has had a history of election problems. The election fraud that gave

015068

rise to the Brooks-Baxter War in Arkansas in the 1870s involved people from both sides of the aisle voting more than once, the dead rising to cast a ballot or two, destroying ballots, creating ballots and making ballot boxes disappear. A strong one-party system perpetuated this tradition into modern times.

In 1995, I met with Arkansas Supreme Court Justice Tom Glaze to discuss voting issues and my efforts to clean up the electoral process. Although supportive, Justice Glaze encouraged me to proceed with caution. Before being elected to the Supreme Court, Justice Glaze had been employed in the 1960s by Gov. Win Rockefeller to clean up ballot fraud throughout Arkansas. He was nearly disbarred in the process by those involved in ballot fraud in a small, rural county.

Shortly after my discussion with Justice Glaze, I discovered how pervasive the election problems were in the state. For instance, ballot boxes were stuffed or disappeared into the night only to return altered. Contrary to state law, county sheriffs running in contested elections maintained custody of the ballot boxes. In one instance, 20 voted ballot boxes were found in the attic of a sheriff's deputy after he died.

Attorney (1991-2004)

In my private practice as an attorney, I represented numerous clients in county election contests throughout Arkansas. I also represented clients in matters before the Federal Election Commission. I have never lost an election case. Finally, I was hired as a consultant to a major nonprofit legal organization to review and summarize the 2002 amendments to federal election laws and apply the new law to 10 scenarios.

Member, Washington County Board of Election Commissioners, Fayetteville, Arkansas (1990-1996)

This board consisted of three commissioners; I was the lone Republican. We were charged with supervising the training of poll workers, evaluating voting systems and then purchasing an optical scan system to be used countywide, preparing and justifying our annual budget before the Washington County Quorum Court, hiring and supervising staff and sitting as an administrative tribunal.

When I first came on the board, Washington County was primarily a one-party county and the Democrats were used to running elections according to tradition rather than the law. I had to battle with the two Democrats on the board to enforce election laws within the county. As I started to force the issue in the courts, the Republican Party gained strength. Four years later and after outlasting eight Democrat commissioners, I was able to work with new Democrat

commissioners who recognized the need to enforce the law. At this point, the commission requested that I draft administrative regulations for the board. These remain in place today.

Founder, President, General Counsel; Arkansans for Fair Elections (1994-1999)

In 1994, Gov. Mike Huckabee (R), then a candidate for lieutenant governor, asked me to serve as his general counsel for ballot fraud protection. Thinking it best to act independently of any candidate, I formed Arkansans for Fair Elections. I served as the organization's president and, later, general counsel. This group launched a statewide educational campaign to train poll watchers to recognize irregular or fraudulent electoral procedures; this included the creation of literature and a video. Our extensive public relations campaign brought media attention to the issue. We also organized a statewide team of citizen poll watchers and attorneys to ensure that the election laws were fairly enforced. We were so successful in the lieutenant governor's race that Arkansans for Fair Elections was asked to continue the effort until 1999 when I moved to Louisiana.

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(Through my role with Arkansans for Fair Elections and the Ballot Fraud Protection Committee, I successfully sued or negotiated a settlement in more than two-thirds of the 75 counties in Arkansas over electoral irregularities.)

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Republicans in the General Assembly requested that I review and draft suggested changes to Arkansas election law. Based on my personal experience as an election commissioner and as an election attorney, I identified a number of areas of concern and drafted new statutes modeled on the best examples that I could find from other states. My proposal was not passed by the Democrat-controlled General Assembly as a package, however, several of its components were passed into law.

015070

Consultant to the Arkansas Court of Appeals
Redistricting Commission (1996-1999)

I drafted five redistricting bills and maps for the constitutionally required redistricting of the Arkansas Court of Appeals. These bills were based on current U.S. Supreme Court precedent regarding gerrymandering. I had to present each bill and give supporting testimony to the commission.

Director of International Development - Louisiana
State University, Baton Rouge, Louisiana (2000-2003)

Part of my duties as director was to develop international cooperative projects. The theme of several of these proposals was democratization. In each case, I required review of the national election code of the country involved.

My activities in Namibia led to a request by the director of the Namibian Election Commission, Joram Rukambe and the Speaker of the Namibian National Assembly, Dr. Mose Tjitendero to review and suggest changes to the Namibian election code. This review took three months and resulted in proposed alterations a number of code sections. These suggestions were considered by the Namibian National Assembly and a number were incorporated into the code revisions. Additionally, I drafted legislation for the Speaker to guarantee voting rights to agricultural workers that were being denied by the owners of the farms. This legislation also was passed into law.

During this time, I was qualified as an election expert and placed on an election consultant list by the United Nations, IFES and the Electoral Institute of Southern Africa.

Related Memberships

- Republican Party of Arkansas (1990-1999)
 - Benton County, Arkansas, Republican Committee (1996-1999)
 - Washington County, Arkansas, Republican Committee (1990-1996)
- (When we moved to Louisiana in 1999, the party was in such turmoil that it was difficult to get involved. This past year, I have been prohibited by the Hatch Act from participating in partisan politics. This prohibition ends August 19 when my judicial clerkship ends.)

Related Education

- Graduate certificate in electoral governance, Griffith University, Queensland, Australia (2003)

015071

Thomas R. Wilkey/EAC/GOV
08/19/2005 04:44 PM

To Karen Lynn-Dyson/EAC/GOV@EAC, Paul
DeGregorio/EAC/GOV

cc

bcc

Subject Re: Requested Documents

Yes I believe he will make a great addition to this project and will bring a wealth of experience on dealing with voter fraud . He even makes me look like raving moderate.

Sent from my BlackBerry Wireless Handheld
Karen Lynn-Dyson

From: Karen Lynn-Dyson
Sent: 08/19/2005 04:38 PM
To: Paul DeGregorio
Subject: Fw: Requested Documents

Commissioner-

I thought you would find of particular interest, the attached short description that one of our consultants who will be working on the voting fraud, voter participation issues, has provided.

I think Job will be a wonderful addition to our group of consultants and will bring a wealth of practical knowledge and political balance to our review of the voting fraud and voter intimidation issue. Job is very, very excited about working on this topic and looks forward to meeting the EAC staff, when we bring them together for a meeting in early September.

Best-

K
Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

--- Forwarded by Karen Lynn-Dyson/EAC/GOV on 08/18/2005 04:32 PM ---



"Job Serebroy"
[REDACTED]
08/19/2005 04:14 PM

To klyndyson@eac.gov

cc

Subject Re: Requested Documents

Karen:

I enjoyed the discussion too. I really think that this project will be of national importance and can positively affect elections administration while providing an answer to the handling of the vote fraud problem for the future.

015072

Regards,

Job

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015073

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015074

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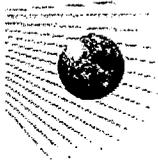
- Republican Party of Arkansas (1990-1999)
- Benton County, Arkansas, Republican Committee (1996-1999)
- Washington County, Arkansas, Republican Committee (1990-1996)

015075

(When we moved to Louisiana in 1999, the party was in such turmoil that it was difficult to get involved. This past year, I have been prohibited by the Hatch Act from participating in partisan politics. This prohibition ends August 19 when my judicial clerkship ends.)

Related Education

- Graduate certificate in electoral governance, Griffith University, Queensland, Australia (2003)



Paul DeGregorio /EAC/GOV
08/22/2005 02:49 PM

To Amie J. Sherrill/EAC/GOV
cc
bcc
Subject Fw: Peer Review Group

Amie,

I need for you to do research into every identified on this Peer Review Group to identify their politics and/or political leanings. You can go to www.opensecrets.com to determine if they have given to political candidates. Thanks.

Paul DeGregorio
Vice Chairman
US Election Assistance Commission
1225 New York Ave, NW
Suite 1100
Washington, DC 20005
1-866-747-1471 toll-free
202-566-3100
202-566-3127 (FAX)
pdegregorio@eac.gov
www.eac.gov

----- Forwarded by Paul DeGregorio/EAC/GOV on 08/19/2005 10:52 PM -----

Karen Lynn-Dyson/EAC/GOV
08/19/2005 03:41 PM

To "Tom O'neill" [REDACTED] INTERNAL
cc
Subject Re: Peer Review Group

Tom-

Thank you for sharing this list of your Peer Review Group members, to-date. I will share this list with the Commissioners and will be certain to let your know of their feedback, if any.

I will also be back in touch regarding Eagleton's research around voter fraud and the research project EAC will be undertaking, this fall, around voting fraud and voter intimidation. The EAC is presently in the process of finalizing a work and staff plan for this project and once it is completed, I will be certain to brief you on it.

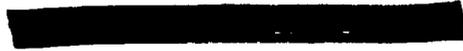
In the meantime, EAC staff and several of the Commissioners looks forward to meeting with the Eagleton/Moritz team on September 6 at 1:30 PM.

Regards-

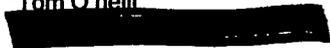
Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100

015077

Washington, DC 20005
tel:202-566-3123



"Tom O'Neill"



08/19/2005 02:20 PM

To klynndyson@eac.gov
cc
Subject Peer Review Group

Karen,

Attached is a report on the status of recruitment of members of the Peer Review Group. We extended 9 invitations. We have four confirmed members, one reluctant turn-down, one who has yet to respond to an initial inquiry, and are awaiting confirmation from 3 others who initially agreed. Please let me know if you need additional information.

Tom O'Neill



RecruitmentStatus.doc

015078



Paul DeGregorio /EAC/GOV
08/30/2005 02:31 PM

To Karen Lynn-Dyson
cc Thomas R. Wilkey/EAC/GOV
bcc ddavidson@eac.gov
Subject Eagleton Peer Review Group

Karen,

I have reviewed the Eagleton Peer Review Group recruitment list that you recently provided. Based on what I or Amie can determine from the bio's provided or an Internet search, it appears that at least 4 of the 7 people who have said yes to be on the group seem to have a liberal perspective, or have had a history of working on that side of the political spectrum. I could only identify one as being a Republican, and a moderate one at that (Verniero). Mike Alvarez has conducted a lot of research into election issues and generally seems to do it in a neutral way. I have been unable to obtain a bio or background information on Tim Storey, who is not an academic. The only person that I could identify on their list as being conservative was Brad Clark, who has declined to participate.

Therefore, based on this information regarding the Peer Review Group, I am not satisfied that they will provide Eagleton with the balanced review that I thought they would receive from such a group. I would urge you to ask them to seek the input of more conservative academics so that whatever study we receive from them will have the benefit of a balanced review. I am going to have Amie provide you with the background sheet on Professor Tim O'Rourke of Salisbury University in Maryland, whom they may want to consider for this panel. We have some calls into others who could suggest some conservative academics for this review panel.

Thanks.

Paul DeGregorio
Vice Chairman
US Election Assistance Commission
1225 New York Ave, NW
Suite 1100
Washington, DC 20005
1-866-747-1471 toll-free
202-566-3100
202-566-3127 (FAX)
pdegregorio@eac.gov
www.eac.gov

015079



Amie J. Sherrill/EAC/GOV
09/17/2005 11:22 PM

To Paul DeGregorio/EAC/GOV
cc
bcc
Subject Fw: Tally Vote voter fraud

Amie J. Sherrill
Special Assistant to Vice Chairman Paul S. DeGregorio
U.S. Election Assistance Commission
1225 New York NW - Suite 1100
Washington, DC 20005
(202) 566 3106
Nicole Mortellito

From: Nicole Mortellito
Sent: 09/16/2005 03:29 PM
To: Amie Sherrill; Sheila Banks
Subject: Tally Vote voter fraud



Tallyvote Ballot Voter Fraud.doc Tally vote Memo - voter fraud.doc

Regards,

Nicole K. Mortellito
Assistant to the Executive Director - Thomas R. Wilkey
U.S. Election Assistance Commission
1225 New York Avenue - Suite 1100
Washington, DC
202.566.3114 phone
202.566.3127 fax

015080



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW - Suite 1100
Washington, DC 20005

TALLY VOTE MATTER

DATE & TIME OF TRANSMITTAL: September 16, 2005, 3:00PM

BALLOT DEADLINE: September 20, 2005, 3:00PM

COMMISSIONERS: HILLMAN, DEGREGORIO, MARTINEZ, DAVIDSON

SUBJECT: Consulting assistance with developing an Election Assistance Commission (EAC) Voting Fraud and Voter Intimidation Project

- () I approve the recommendation.
- () I disapprove of the recommendation.
- () I object to the recommendation.
- () I am recused from voting.

COMMENTS: _____

DATE: _____ SIGNATURE: _____

A definite vote is required. All ballots must be signed and dated. Please return ONLY THE BALLOT to DeAnna Smith. Please return the ballot no later than the date and time shown above.

FROM THOMAS R. WILKEY, EXECUTIVE DIRECTOR

015081



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW – Suite 1100
Washington, DC 20005

TALLY VOTE MEMORANDUM

TO: EAC Commissioners Hillman, DeGregorio, Martinez, Davidson
FROM: Thomas Wilkey, EAC Executive Director
DATE: September 16, 2005
RE: Consulting assistance with developing an Election Assistance Commission (EAC) Voting Fraud and Voter Intimidation Project

Background

“On such periodic basis as the Commission may determine, the Commission shall conduct and make available to the public studies regarding the election administration issues described in subsection (b)” Sections 241(b) (6) and (7) list the following election administration issues:

(6) Nationwide statistics and methods of identifying, deterring and investigating voting fraud in election for Federal offices.

(7) Identifying, deterring and investigating methods of voter intimidation.

Building on this HAVA reference to studies of voting fraud and voter intimidation, the EAC Board of Advisors has indicated that further study of these issues, to determine how the EAC might respond to them, is a high priority.

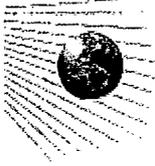
The U.S. Election Assistance Commission (EAC) has identified two senior-level project consultants to develop various project activities and studies related to voting fraud and voter intimidation affecting Federal elections. The consultants, whose contracts would run for the period September-February, 2005, would be responsible for helping the EAC identify what constitutes voting fraud and voter intimidation affecting Federal elections.

To accomplish this the consultants will: perform background research, including Federal and state-by state administrative and case law review related to voting fraud and voter intimidation, along with a review of current voting fraud and voter intimidation activities taking place with key government agencies, civic and advocacy organizations; in consultation with EAC, identify and convene, a working group of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation; develop an EAC project scope of work and a project work plan related to voting fraud and voter intimidation and; author a report summarizing the key findings of this preliminary study of voting fraud and voter intimidation.

Recommendation

Attached is the Statement of Work for the voting fraud and voter intimidation project consultants. The consultant contract fees total \$110,000 (\$55,000 per person). An additional \$10,000 is allotted for the voting fraud and intimidation project working group. The total project amount is \$120,000.

015082



Paul DeGregorio /EAC/GOV

09/18/2005 04:38 PM

To Amie J. Sherrill (EAC)

cc Thomas R. Wilkey/EAC/GOV, Juliet E. Thompson/EAC/GOV,
Karen Lynn-Dyson/EAC/GOV, Carol A. Paquette/EAC/GOV

bcc

Subject Tally Votes

This is to authorize my Special Assistant, Amie Sherrill, to mark on my behalf the following Tally Votes regarding the awarding of contracts, as approving the staff recommendation for each of the following:

1. RFP #05-04 to the University of Florida Levin College of Law for the development of legal resources clearinghouse
2. RFP #05-07 to the Center for Public Policy and Administration of the University of Utah for the development of best practices on vote count and recount procedures
3. RFP #05-11 to Zimmerman Associates, Inc for the development of records management policies and procedures
4. Sole Source contracts to Job Serebrov and Tova Wang in developing a EAC Voting Fraud and Voter Intimidation Project
5. Sole Source contract to the National Academies of Science for Technical Support for Statewide Registration Database Implementation with Online Forums for Discussion

Paul DeGregorio
Vice Chairman
US Election Assistance Commission
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www.eac.gov

015083

Thomas R. Wilkey/EAC/GOV
09/19/2005 01:30 PM

To Paul DeGregorio/EAC/GOV@EAC
cc
bcc
Subject Couple of Items

Paul; I know I relayed this message to you through Aimee but just double checking to let you know that Eagleton put from FEC Commissioner Brad Smith on the peer review group. We have had a devil of a time getting anyone someone to return are calls from FEMA and have tried several places including the woman you recommended. I am having Donetta call her contact at the White House to see what he can do. We also extended an invitation to them to attend. And finally did you know you are a celebrity now. If you received the Carter/Baker report look under the section on Administration and there is a picture of a couple of guys from the EAC Safe Travels
Tom

Thomas R. Wilkey
Executive Director
US Election Assistance Commission
1225 New York Ave, NW - Suite 1100
Washington, DC 20005
(202) 566-3109 phone
TWilkey@eac.gov

015084

Karen Lynn-Dyson/EAC/GOV

10/17/2005 03:29 PM

To Paul DeGregorio/EAC/GOV@EAC, Raymundo
Martinez/EAC/GOV@EAC

cc Gracia Hillman/EAC/GOV@EAC, Donetta L.
Davidson/EAC/GOV@EAC

bcc

Subject Fw: Eagleton's September Progress Report

Commissioners-

Attached please find a copy of the September Eagleton/Moritz progress report.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 10/16/2005 03:25 PM -----



jdobrich@eden.rutgers.edu

10/17/2005 03:14 PM

To klynndyson@eac.gov

cc

Subject Eagleton's September Progress Report

Dear Ms. Karen Lynn Dyson:

My name is Johanna Dobrich and I have taken over the responsibility of sending the Eagleton Institute of Politics Monthly Progress Reports to you, in place of Lauren Vincelli.

Attached in this email you will find the Eagleton Institute of Politics monthly Progress Report for September 2005. Also attached, is a document called "PRG Summary Comments" which is an attachment to September's Progress Report.

Please email me at jdobrich@eden.rutgers.edu to confirm that you have received this email. If you prefer I send a hard copy of these documents, in addition to the electronic version, please let me know.

Sincerely,

Johanna Dobrich



ProgressReport_SEPTEMBER2005_EagletonInstitute.doc PRG Summary Comments 10.17.05.doc

015085



Deliberative Process
Privilege

EAGLETON INSTITUTE OF POLITICS

*Contract to Provide Research Assistance to The EAC
For the Development of Voluntary Guidance on
Provisional Voting and Voter Identification Procedures*

MONTHLY PROGRESS REPORT
September 2005

For
UNITED STATES ELECTION ASSISTANCE COMMISSION
1225 New York Avenue N.W., Suite - 1100
Washington, DC 20005

September 14, 2005

Prepared by:
Eagleton Institute of Politics
Rutgers, The State University of New Jersey
191 Ryders Lane
New Brunswick, NJ 08901-8557

015086

OUTLINE

- Introduction
- Provisional Voting
 - Task 3.5
- Voter Identification Requirements
 - Task 3.10
 - Task 3.11
- Project Management
 - Task 3.1
- Financial Report

INTRODUCTION

This report describes our progress from September 1 through September 30, 2005. It includes brief descriptions of key tasks; progress made; challenges encountered or anticipated; milestones reached; and projections for work to be completed in the coming month.

We focused in September on refining our Provisional Voting research. This refinement was necessary to prepare a strong final analysis paper and develop alternative approaches to Provisional Voting based on the analysis. An important part of this refinement involved reconciling sometimes conflicting data on Provisional Voting from different sources, including the Election Day Study, which finally became available in September. With a clearer understanding of our data, we began the critical work of selecting alternatives to recommend to the EAC as guidance or best practices responsive to both our research and the needs of the Commission.

Three meetings this month helped us accomplish the necessary refinement. We briefed the EAC on our work on September 6, held the first meeting of the Peer Review Group (PRG) on September 21, and gained the benefit of the EAC's reaction to the September 6 briefing in a conference call on September 30.

The completion of our work on Provisional Voting has been delayed by the time needed to absorb and incorporate the findings of the EAC Election Day Study, to recruit and receive the comments of the PRG, and to receive the Commission's comments on the September 6 briefing. The schedule called for the release of the Election Day Study last spring, the submission of the Preliminary Guidance Document to the EAC's advisory boards in mid-September, and a public hearing on the Guidance Document in late October. We now plan to submit to the EAC a final draft of our report, a preliminary guidance document, and draft

015037

best practices before the end of October. And we understand that after review of those materials, the EAC will decide whether to issue a guidance document or recommend best practices. Projecting a late November date for those decisions seems reasonable. If the EAC does decide to issue a Guidance Document on Provisional Voting, the time needed for a review by the advisory boards is likely to delay a public hearing until January.

While we have made a good start on the Voter ID sections of our research, most time and resources this month were dedicated to resolving issues involved in Provisional Voting.

This report is divided into 3 sections: Provisional Voting, Voter Identification Requirements, and Project Management. Each section references specific tasks described in paragraph 3 of the contract. The Financial Report will be sent separately by the Rutgers Division of Grant and Contract Accounting.

Please direct questions or comments about this report to Tom O'Neill at:

[REDACTED]

PROVISIONAL VOTING

Tasks 3.4 – 3.9 in our contract relate to Provisional Voting. Work on the first of these must be complete before proceeding to later tasks. Task 3.4 was completed in August, and Task 3.5 is well underway.

Task 3.5: Analysis and Alternative Approaches. Assess the potential, problems, and challenges of Provisional Voting and develop alternative means to achieve the goals of Provisional Voting.

LEGISLATION, REGULATIONS, AND LITIGATION

The research team at the Moritz College of Law has the lead responsibility for the collection and analysis of legislation, administrative procedures and litigation. This information constitutes the compendium of legislation, administrative regulations, and case law called for under this task. It has provided a base of understanding for the analysis of states' actual experience with Provisional Voting in 2004, for which the Eagleton team has lead responsibility.

Description: The Moritz team has created a 50-state chart to summarize information on Provisional Voting, compiled statutes, case law and administrative procedures regarding Provisional Voting and is near completion with this research.

Progress: We have completed the memorandum outlining Provisional Voting legislative changes since the 2004 election and we are continuing to clarify the laws prior to these changes.

Challenges: The variety in the form and frequency of Provisional Voting legislation from state to state makes creating a snap-shot view across states a challenge.

Work Plan: The analysis of the information, data, and survey results concerning Provisional Voting was completed in September, on schedule. We are now revising it in response to comments by the Peer Review Group (PRG). We are also revising the alternatives document to reflect the critique of the PRG and the guidance from the EAC in response to the September 6 briefing.

PREPARATION FOR AND EXPERIENCE WITH PROVISIONAL VOTING

The Eagleton team has researched and compiled a narrative of each state's experience with Provisional Voting in 2004. The report findings from the survey of 400 local election officials are now complete. The survey results have proven to be instrumental in shaping our

understanding of actual practice in administering Provisional Voting, including the steps local officials took to prepare for the election.

PROVISIONAL VOTING NARRATIVES

Description: To construct the narratives, a researcher examined newspaper accounts, state websites, and reports from third-party organizations to gather information on the experience with Provisional Voting in the 2004 election. To organize the information derived from this examination, we created an information system that catalogues information about the states (i.e. whether a state was new to Provisional Voting, the percentage of provisional votes counted, the method of notifying voters if their vote was counted, etc.) and combined it with Moritz's collection and analysis of statutes, regulations and litigation.

Progress: We completed a state-by-state narrative of developments in Provisional Voting and distributed it to the EAC and the PRG. This work has been helpful in understanding the context of the data collected on provisional voting from the states.

Challenges: The primary obstacle to constructing the narratives was difficulty in communicating and obtaining necessary information from various state officials. As a result, the narratives underwent several revisions to incorporate up-to-date and reliable information. Now that so many other analyses, including the Election Day Survey, have been released, we were challenged by different interpretations of the same basic facts. But the reconciliation of interpretation and data collection has been invaluable in establishing rigor in our report.

Work Plan: We completed revisions of the narratives incorporating comments from the PRG.

PROVISIONAL VOTING STATISTICAL ANALYSIS

Description: Throughout September the Eagleton research team revised and clarified its statistical analysis, and worked to reconcile the classifications of this analysis (such as states counting only those provisional ballots cast within the proper precinct versus states that counted ballots cast within the proper county) with the classification made in other parts of this study or in other studies (such as the Election Day Study or *Electionline* reports).

Progress: In response to comments from the PRG, we have clarified and sharpened the presentation on the methods used and results achieved in the statistical analysis. We have double checked the classification of variables upon which the study is based and reconciled differences in various areas of the overall study. This effort is nearing completion.

Challenges: The difficulties encountered have been a result of communication delays and time constraints. Overall, these are not problems or hindrances, but simply slow down the process.

Work Plan: In mid-October we aim to complete a final revision of the statistical analysis and a full reconciliation of all data within the study.

SURVEY OF COUNTY ELECTION OFFICIALS

Description: The Eagleton Center for Public Interest Polling (CPIP) conducted a national survey of county election officials to measure several aspects of Provisional Voting.

Progress: The analysis of the survey results and findings report is complete. As a result of the critique by the PRG, the research team is revising and clarifying the descriptions of the survey design and sample selection process to make the research methods more transparent.

Work Plan: We used the information from the survey in drafting the analysis and alternatives document required under Task 3.5. We will include necessary clarifications regarding survey design and sample selection in the final analysis and alternatives document.

Peer Review Group

Most members of the PRG met by telephone conference on September 21 to comment on all the research described above. Participating in the meeting were Michael Alvarez, Martha Kropf, Dan Lowenstein, Peter Verniero, Brad Smith, and Tim Storey. Timothy O'Rourke contributed his comments separately. The group provided a detailed critique of our approach, methods, and conclusions, and we are now revising each document in response to the comments and suggestions. It praised the quality of the work and the rigor of much of the analysis. A summary of the suggestions from the members of the PRG is attached to this report.

Challenges and Work Plan

Making arrangements for review of drafts by the PRG and by the EAC has taken longer than anticipated by the Work Plan. The schedule called for all research and analysis to have been completed and incorporated into a Draft Preliminary Guidance Document by mid September. The review process by the EAC and PRG took longer than contemplated by the Work Plan. And we now understand that the EAC will make a separate decision --that will require additional time-- whether to issue a Guidance Document or recommendations for best practices. It has not, therefore, been possible to schedule a public hearing or arrange for review of our work by the EAC's advisory boards, as called for in the Work Plan. We now aim to complete our reports and recommendations for guidance by the end of October, and to then await a response from the EAC before scheduling submission to the advisory boards or making arrangements for a hearing.

VOTER IDENTIFICATION REQUIREMENTS

The contract lists 7 tasks (3.10 – 3.16) related to Voter Identification Requirements. The research on Voter ID requirements is proceeding concurrently with our work on the experience of Provisional Voting, and is becoming the principal focus of our research.

Task 3.10: Legislation, regulations, and litigation

The research team at the Moritz College of Law has the lead responsibility for the collection and analysis of legislation, administrative procedures and litigation with regard to Voter Identification Requirements. This collection of material is nearing completion. It will constitute the compendium of legislation, administrative regulations, and case law called for under this task.

Description: The Moritz team has compiled statutes on Voter Identification, and will provide a summarized analysis of this research to the project team for review.

Progress: The 50 State (plus the District of Columbia) chart has been completed, the voter identification statutes have been collected for all states and D.C., and summaries of the existing voter identification statutes have been written for all states and D.C.

Challenges: Identifying the relevant statutes has been challenging because of the different terminology used from state to state to codify voter identification issues, and because many states have scattered election law provisions throughout their codes. This variety from state to state makes creating a snap-shot view across states a challenge.

Work Plan: Analysis of voter identification data will begin now.

SUPPLEMENTS TO LEGAL ANALYSIS

To supplement the legal analysis, the Eagleton team is undertaking two research efforts: First, compiling information on the debate over voter ID in the states; and second, estimating the effect on turnout of different voter ID regimes. Tracking the continuing political debate over voter identification reveals that the relatively narrow HAVA requirements for voter identification have apparently sparked in many states a broader concern and a sharp political debate over rigorous identification requirements for all voters. The research follows these developments both to monitor possible secondary effects of HAVA on voter ID, and to provide a rich collection of alternative approaches for consideration.

Individual narratives for the states with significant activity in voter ID will provide a resource for understanding the wide range of experience in the 2004 election. The narratives will include an appraisal of the prevalence and nature of vote fraud, a focus of the concern with increasing the rigor of voter ID requirements. We understand that the EAC has issued a

research contract that will focus on vote fraud and vote suppression. Our research in this area will be limited to developing an understanding of the tradeoffs between ballot security and access to the ballot. We have completed the basic database on voter identification issues has been completed, and the next key step will be drafting the first narratives.

VOTER ID AND TURNOUT ANALYSIS

The second supplemental analysis will provide objective information on a contentious feature of the debate over voter ID in the states: the effects of more rigorous voter ID regimes on voter turnout and the relationship between the voter ID regime and vote fraud. As part of this effort, Eagleton is undertaking a statistical analysis to gauge the effect of a state's voter ID regime on turnout, especially turnout by minority and elderly voters.

Description: We have created a database and gathered statistics on the effects of state-level voter identification requirements on voter turnout at the county-level in the 2004 election.

Progress: The collection of data for the Voter ID-Turnout analysis is complete. The assembled database contains population demographic data, voter registration data and voter turnout data from all 50 states, 3113 Counties, and the District of Columbia. We have also utilized exit poll data collected on Election Day 2004 as a resource for understanding the demographics of voter turnout.

Challenges: The analysis of these data has been postponed until the data reconciliation of Provisional Voting is complete. The main challenge now is an issue of time management. As a result of the extensive revision and data reconciliation efforts aimed at the Provisional Voting section of our work VID has been temporarily placed on hold.

Work Plan: The analysis of the impact that voter identification requirements have upon voter turnout should be completed by early November.

PROJECT MANAGEMENT

PEER REVIEW GROUP

Description: A feature of our proposal was the creation of a PRG. It reviews our research and methodology and provides valuable feedback and suggestions for the direction of our work.

Progress: The research team held its first conference call with PRG members on September 19, 2005. The research team will hold a workshop meeting on October 19, 2005 to address the PRG's comments.

Challenges: To date we still have not heard back from two PRG Members.

Projections: Revisions and clarifications to our reports on Provisional Voting will be resolved by the end of October. We will need to schedule a second conference call to review our research with regard to Voter Identification Requirements in late November. As noted earlier, a summary of the comments we have received from the PRG is attached to this report.

COORDINATION AND INFORMATION MANAGEMENT

Collecting and merging information and data from myriad sources is a demanding requirement of this research. We have developed two principal mechanisms to facilitate the analysis of the material collected or created in the project: an information system and an internal website for easy access to drafts and reports.

INFORMATION SYSTEM

Description: The statutory data and reports prepared by the Moritz College of Law is being merged with the political and procedural data and analysis prepared by the Eagleton Institute of Politics to provide a cohesive final product to the EAC, which will include a compendium of case law and statutes regarding Provisional Voting and voter identification.

Progress: At this point in the research process, many documents are complete after a lengthy process of circulating drafts among team members. We have reorganized our system by separating final drafts from earlier versions of documents, discarding dated files contained in the Information System, and updating the system as a whole.

Projections: The entire project team continues to use the Information System which contains the above referenced research, in working toward the preparation for our final reports to the EAC.

INTRANET

Description: All project team members have signed on to the Intranet site. The Intranet facilitates the exchange of information and collaboration among project participants.

Progress: Project team members regularly post drafts, completed materials and spreadsheets online for internal review. The intranet has helped team members and serves as an internal website with announcements and important documents readily available to all team members.

FINANCIAL REPORT

The financial reporting for this project is supervised and prepared by the Division of Grant and Contract Accounting (DGCA) at Rutgers. Financial reporting on grant accounts is limited to actual expenses that have been incurred during the reporting period. Our contact at DGCA is: Constance Bornheimer, (732) 932-0165, EXT. 2235.

A detail of expenses incurred from project September 1- September 30, 2005, will be sent under separate cover to: Ms. Dianna Scott, Administrative Officer at the EAC.

015095

*Peer Review Group
Summary of Comments
To the Eagleton/Moritz Group
Under Contract to Provide Research Assistance to the EAC*

October 15, 2005

The Peer Review Group (PRG) met by telephone conference on September 21. Those participating included: Michael Alvarez, John C. Harrison, Martha Kropf, Dan Lowenstein, Peter Verniero, Brad Smith, and Tim Storey. This summary also includes additional written remarks submitted by Martha Kropf and additional remarks from a follow-up phone call with Timothy O'Rourke. We are now addressing all the comments including, in some cases, returning to members of the group to seek further elaboration or clarification.

We encouraged the members of the PRG to comment about any aspect of the project. We furnished them with these materials before the meeting.

1. Survey of local (mainly county) officials conducted in June 2005.
2. State-by-state narrative of developments in provisional voting
3. Statistical Analysis of state provisional voting
4. Memorandum on Provisional Voting Litigation
5. Memorandum on Provisional Ballot Litigation by State
6. July Memorandum on Provisional Ballot Litigation by Issue

We suggested that PRG members rank our draft responses to each of the six key questions posed by the EAC along these lines:

- 1- Research supports conclusions well.
- 2- Research supports some conclusions. Specific questions are:
- 3- Research does not support conclusions. Major problems are:

On the Alternatives paper, we asked PRG members to list up to three items they found questionable in light of the research and their own knowledge of provisional voting and election administration and to give us their thoughts on alternative policies that we had not included.

General Suggestions

1. Make transparently clear the meaning of 'old' versus 'new' states. It is not enough to categorize the states as such, we need to determine why specific states were considered 'old' or 'new' (i.e. clarify what conditions were met by old states).

2. Be **clear** in our report about the **data that we were unable to obtain** and perhaps speculate on why that data was not available. (For example, do we have the documentation the state election boards gave the localities regarding counting practices? If not, why not? Indicate the states for which it was difficult to obtain data.

3. Prescribe less and **describe more** (tell what voters/administrators have done, not what they should have done or ought to do).

4. Questioned our assumption about public trust – How do we know that decreases in disputes/challenges signify an increase in public trust? We need to explain this assertion.

Specific Review by Area of Analysis/Document

Response to Statistical Review:

- Challenged our emphasis on the number of provisional ballots counted as a percentage of those cast as an indication of success of Provisional Voting. Suggested alternative relationships to consider (PB v. Turnout, PB v. Registered Voters, and PB v. Voting age Population).
- Wanted the inclusion of variation within states among counties (and geographical considerations).
- The report needs to address the quality and validity of the data used in the analysis.
- On Page 8, cautioned using the estimate of 280,000 disenfranchised voters who would have voted if outside precinct voting was permitted.

Response to Question Four:

- Remove the comments in the footnote (p. 1) that offers an alternative way of analyzing the question relating to the possible increase in voter participation as a result of provisional voting because the margin of error in the Census survey does not support a conclusion at this level of significance.
- Address the alternative explanation for why old states may enfranchise more voters than new states (i.e. Kropf 's Failsafe option).
- Include a statistical summary of the relationship between the length of time a state has had PV and the rate at which votes are counted.

Response to Question Five:

- Is it possible to draw any conclusions about the local differences within and among states broken down by county (presumably 20 states worth)?

- Clarify what is meant by “design” and say how many states have/had provisional ballots that are designed differently and look different. Why is design important?
- Page 17 indicates that states with statewide voter databases end up validating fewer PVs. This is important & should be addressed in more detail.

Response to Question Six:

- On the usefulness of instructions, 98% said the instructions were useful. Make it clear that this represents 98% of the officials who got instruction.
- Is the passive voice the best means to communicate this information (for ex. "Second, objectively how well did the process appear to be managed?")

Response to State Narratives:

- When in doubt about whether we have data to support a sentence it is important to be careful about the language we use (say ‘doing XYZ would have revealed’ as opposed to ‘most of what we know about XYZ revealed’ ...)
- Clarify for the readers what is meant by "provisional vote/total vote". Does that mean provisional votes cast? Counted? Make it clear right at the beginning of every document?
- Footnote states that do not list poll sites or tell people where to vote with the fact that many cities/counties do have a poll finder.

Election Official Survey

- Clarify how we determined who to include in the sample and how we developed the questions in the survey (was a focus group an initial step?) Why were 3,800 election officials deemed eligible to participate (out of how many? 5,000 or so?)
- Clarify old and new states on pg. 2 in National Survey. Comment on how to assess fraud in provisional voting? What is the relationship between PV and turnout?
- Explore more issues about citizenship (18% non-citizen voting in CA)?
- Appendix A says survey was random, but it’s not. How was the data weighted for small, medium and large counties, and for other issues? Clarify this in the report.

015098

- Why doesn't the total of new and old states equal 50 (25 and 18) and why does the National Survey of Election Officials have different numbers? Is FL an 'old' state?
- Are the New England states underrepresented in the survey? If so, why?
- Report should offer more information about the response rate.

. Alternatives Document

- The importance of clarity in state processes for both administrators and voters needs to be better articulated.
(Better training of poll workers, clarity whether failure to check boxes disqualifies voters, access to better info. at polling locations)
- Cautions the use of definitive statements (such as A-3, perhaps say "This raises the question of...").
- Have other EAC Guidelines been tested in court yet?
- On page 3: the 'tracking number' in # 6 is not feasible. Also, "the information" in # 12 should be changed to "the website and 800 numbers" for clarification.
- Page 6, there were disagreements about # 1 and # 2 of options in Sec. F regarding the installation of a separate body to rule on PV for the integrity process; a motion was made to get rid of them.
- Page 6, Sec. E option # 1 should be eliminated or clarified
- Add to Sec. F a '# 5' requiring states to provide detailed public info. on PV



"Hans.von.Spakovsky@usdoj.
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<Hans.von.Spakovsky@usdoj.
gov>

10/18/2005 03:45 PM

To "gmhillman@eac.gov" <gmhillman@eac.gov>,
"rmartinez@eac.gov" <rmartinez@eac.gov>,
"pdegregorio@eac.gov" <pdegregorio@eac.gov>,
cc "christophert@michigan.gov"
<christophert@michigan.gov>

bcc

Subject Research Grants

History:

✉ This message has been replied to and forwarded.

Dear Commissioners:

On August 18 I sent you an email raising serious concerns over the awarding of a contract to the Moritz College of Law given its clearly demonstrated pre-existing opinions about provisional balloting and voter identification. Unfortunately, nothing was apparently done about this situation.

I have just learned that a similar situation has occurred. I understand that another research grant has been awarded to Tova Wang for research into "voter fraud and voter intimidation." Ms. Wang has an even more pronounced partisan and one-sided view of these issues than was present in the situation involving Moritz College. She has many posted opinions available on the Internet that make it clear that she will not be able to conduct research in an objective fashion on these issues. Just a few examples illustrate this:

"It is truly shocking how, given all the problems in the voting system and continued disenfranchisement, the terms of the debate have shifted to that of so-called 'ballot integrity.' It is reminiscent of how conservatives have misappropriated the concept of patriotism and the American flag, and used the power of language and messaging to distort the discussion, by using terms such as 'partial birth abortion' or death tax.'"

"This stands in stark contrast to the entire tenor of the Carter-Baker report, which presumes that fraud committed by voters is the biggest problem confronting our election system. There is simply no strong evidence of this, and some of the remedies proposed will take us backwards in the fight to increase voter participation."

"...voters are individually disenfranchised by continued, often race based, voter intimidation and deceptive practices..."

Carter-Baker Report: Some Bad Fixes for the Wrong Problem, 9/19/2005

"The data is also mounting that identification requirements have disproportionately disenfranchising impacts on certain communities...Given all this piling on of negative evidence, both in terms of the efficacy of ID requirements in fulfilling the goal their advocate's claim and their impact on voting rights, it is somewhat mind boggling that so many state officials, as well as other groups working on this issue, are still vigorously pushing for greater expansion of what seems to be a rather useless yet dangerous tool. Shouldn't the burden of proof now shift to the advocates of more voter ID to demonstrate the value of their cause?"

Voter ID and Fraud: Prove It, 7/28/2005

There are numerous more examples of her partisan opinions and attacks and demonstrably false claims against Republicans and election officials in general, such as her baseless charge in another article that

015100

"partisan election officials and party leaders usurped the process and manipulated the new federal voting law in ways that disenfranchised voters." Election 2004: A Report Card, 1/1/2005. The idea that she will write an objective report on issues that she has already expressed such strong opinions on ("there is no evidence that such election fraud is a serious problem") is hard to accept. I find it surprising that the EAC would award her a research grant or expect that election officials around the country would accept as valid a report written by an individual who asserts that "[a]t every step of the way, election officials in key states threw up unnecessary barriers to voting." Id. This gratuitous remark is an insult to the many hard-working election officials that we all know through our work who did everything they could during the last election to improve the election process and in large part succeeded.

Whatever procedures the EAC has set up to screen individuals and entities applying for research grants is obviously not working. I have no doubt that I could today, based on reading Ms. Wang's prior opinions, predict exactly what her report will conclude on the issues of voter fraud and voter intimidation. This situation needs to be corrected so that research is not being conducted by partisan individuals with preset opinions and views on issues. As with my prior email, I strongly recommend that the EAC reconsider the awarding of this contract.

Hans A. von Spakovsky
Counsel to the Assistant Attorney General
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Washington, D.C. 20530

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015101



Paul DeGregorio /EAC/GOV
 10/18/2005 04:56 PM

To Juliet Thompson, Thomas R. Wilkey (EAC)
 cc
 bcc
 Subject Fw: Research Grants

I am not sure you received this e-mail from Hans (it wasn't clear on the to: list).

Paul DeGregorio
 Vice Chairman
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— Forwarded by Paul DeGregorio/EAC/GOV on 10/18/2005 04:56 PM —



"Hans.von.Spakovsky@usdoj.gov"
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 10/18/2005 03:45 PM

To "gmhillman@eac.gov" <gmhillman@eac.gov>,
 "rmartinez@eac.gov" <rmartinez@eac.gov>,
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cc "christophert@michigan.gov" <christophert@michigan.gov>
 [REDACTED]
 <drewis@electioncenter.org>,
 [REDACTED]

Subject Research Grants

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015104

Juliet E. Thompson/EAC/GOV
10/18/2005 05:02 PM

To Paul DeGregorio/EAC/GOV@EAC
cc
bcc
Subject Job Serebrov

Voter Fraud experience

Worked for Mike Hucaby (sp??) in his Lieutenant Gov's race as counsel for ballot fraud protection

Formed and worked for Arkansans for Fair Elections (non-profit -- unofficial effort of the Rep. party) working on voter fraud issues (approximately 8 years). That included organizing a state ballot protection campaign, a video and written materials protection plan, and working on a variety of fraud issues (ballot stuffing, voting system fraud, counting issues), and handling legal issues.

Appointed by Asa Hutchinson to be counsel for ballot issues.

Federal election attorney for Fay (sp) Bozeman in the failed campaign.

Juliet E. Thompson
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
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015105



Paul DeGregorio /EAC/GOV
10/18/2005 05:17 PM

To "Hans.von.Spakovsky@usdoj.gov"
<Hans.von.Spakovsky@usdoj.gov>@GSAEXTERNAL
cc
bcc Juliet E. Thompson/EAC/GOV
Subject Re: Research Grants 

Hans,

I wish you would have shown us the decency to have spoken to someone at the EAC before you sent this e-mail. Had you done so, you might have discovered that Ms. Wang was paired with Job Serebrov, a conservative attorney who, like you, has served on a local election board (Washington, Co, AK -Fayetteville). He has also worked on voting issues and election law in his practice, including voter fraud. He was counsel to the Arkansas GOP on ballot integrity issues and was the ballot protection specialist for Mike Huckabee in his campaign for Lt. Governor. In addition, Job formed and ran "Arkansans for Fair Elections", a non-partisan group that looked to investigate and prevent voter fraud issues. He headed that group for 8 years. Job served the Republican Party of Arkansas as the Chairman of the Committee for the Revision of the State Constitution.

Thor Hearne called me last week to indicate that Job had called him to be on the working group that Job and Ms. Wang are putting together to look at the voter fraud/voter intimidation issues.

Job was recommended to the EAC for this work by Julie Thompson. His references included two US 8th Circuit judges appointed by GOP presidents: Morris Arnold and Lavenski Smith.

You may recall that the Advisory Board made it clear to the EAC that they thought the Voter Fraud/Voter Intimidation issues should be studied together. That's why Ms. Wang has been paired with Mr. Serebrov to do this study.

Julie tells me that she had a wide-ranging discussion with you last week but you never brought this issue up. It's too bad, as it may have prevented you from sending an e-mail to so many people that contains only half the story.

Paul DeGregorio
Vice Chairman
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10/18/2005 03:45 PM

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cc "christophert@michigan.gov"

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<lewis@electioncenter.org>

klinerjr@mindspring.com

Subject: Research Grants

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"This stands in stark contrast to the entire tenor of the Carter-Baker report, which presumes that fraud committed by voters is the biggest problem confronting our election system. There is simply no strong evidence of this, and some of the remedies proposed will take us backwards in the fight to increase voter participation."

"...voters are individually disenfranchised by continued, often race based, voter intimidation and deceptive practices..."

Carter-Baker Report: Some Bad Fixes for the Wrong Problem, 9/19/2005

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Voter ID and Fraud: Prove It, 7/28/2005

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015107

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Hans A. von Spakovsky
Counsel to the Assistant Attorney General
Civil Rights Division - Room 5539
U.S. Department of Justice
950 Pennsylvania Avenue
Washington, D.C. 20530

Telephone (202) 305-9750
Facsimile (202) 307-2839

015108



"Hans.von.Spakovsky@usdoj.
gov"
<Hans.von.Spakovsky@usdoj.
gov>

10/19/2005 09:49 AM

To "pdegregorio@eac.gov" <pdegregorio@eac.gov>

cc

bcc

Subject RE: Research Grants

History:  This message has been forwarded

perhaps if the Board of Advisors were kept better informed, I would not have been put into this position.

-----Original Message-----

From: pdegregorio@eac.gov [mailto:pdegregorio@eac.gov]
Sent: Tuesday, October 18, 2005 5:18 PM
To: von Spakovsky, Hans (CRT)
Subject: Re: Research Grants
Importance: High

Hans,

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Julie tells me that she had a wide-ranging discussion with you last week but you never brought this issue up. It's too bad, as it may have prevented you from sending an e-mail to so many people that contains only half the story.

Paul DeGregorio
Vice Chairman
US Election Assistance Commission
1225 New York Ave, NW
Suite 1100

015109

Washington, DC 20005
1-866-747-1471 toll-free
202-566-3100
202-566-3127 (FAX)
pdegregorio@eac.gov
www.eac.gov

"Hans.von.Spakovsky@usdoj.gov" <Hans.von.Spakovsky@usdoj.gov>
10/18/2005 03:45 PM

To

"gmhillman@eac.gov" <gmhillman@eac.gov>, "rmartinez@eac.gov"
<rmartinez@eac.gov>, "pdegregorio@eac.gov" <pdegregorio@eac.gov>,
"eac.gov" <jthompson@eac.gov/twilke>, "ddavison@eac.gov"
<ddavison@eac.gov>

CC

"christophert@michigan.gov" <christophert@michigan.gov>,
" [REDACTED] ",
" [REDACTED] <dlewis@electioncenter.org>,"
" [REDACTED] "

Subject

Research Grants

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015110

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Civil Rights Division - Room 5539
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950 Pennsylvania Avenue
Washington, D.C. 20530

Telephone (202) 305-9750
Facsimile (202) 307-2839

015111



Paul DeGregorio /EAC/GOV

10/25/2005 05:07 PM

To Karen Lynn-Dyson

cc

bcc

Subject Fw: Research Grants

see e-mail traffic below

----- Forwarded by Paul DeGregorio/EAC/GOV on 10/25/2005 05:07 PM -----



"Hans.von.Spakovsky@usdoj

.gov"

<Hans.von.Spakovsky@usdo

j.gov>

10/19/2005 09:49 AM

To "pdegregorio@eac.gov" <pdegregorio@eac.gov>

cc

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Sent: Tuesday, October 18, 2005 5:18 PM

To: von Spakovsky, Hans (CRT)

Subject: Re: Research Grants

Importance: High

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015112

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To
"gmhillman@eac.gov" <gmhillman@eac.gov>, "rmartinez@eac.gov"
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<ddavison@eac.gov>

cc
"christophert@michigan.gov" <christophert@michigan.gov>,
" [REDACTED]

"dlewis@electioncenter.org" <dlewis@electioncenter.org>
" [REDACTED]

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015113

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015114

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Telephone (202) 305-9750
Facsimile (202) 307-2839

015115

Karen Lynn-Dyson/EAC/GOV
10/25/2005 05:36 PM

To Paul DeGregorio/EAC/GOV@EAC
cc
bcc
Subject Re: Fw: Research Grants 

So, did he "retract" his statement to his colleagues on the Board of Advisors, or have they, at least, been informed that Tova has been teamed with Job?

Also- does Hans know how to say " mea culpa"
:-)

Thanks for passing this on.

K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

Paul DeGregorio/EAC/GOV



Paul DeGregorio /EAC/GOV
10/25/2005 05:07 PM

To Karen Lynn-Dyson/EAC/GOV
cc
Subject Fw: Research Grants

see e-mail traffic below

----- Forwarded by Paul DeGregorio/EAC/GOV on 10/25/2005 05:07 PM -----



"Hans.von.Spakovsky @usdoj
.gov"
<Hans.von.Spakovsky @usdoj
j.gov>
10/19/2005 09:49 AM

To "pdegregorio@eac.gov" <pdegregorio@eac.gov>
cc
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Subject: Re: Research Grants
Importance: High

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10/18/2005 03:45 PM

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<ddavison@eac.gov>

015117

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"'dlewis@electioncenter.org'" <dlewis@electioncenter.org>,
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Voter ID and Fraud: Prove It, 7/28/2005

015118

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950 Pennsylvania Avenue
Washington, D.C. 20530

Telephone (202) 305-9750
Facsimile (202) 307-2839

015119



Paul DeGregorio /EAC/GOV
11/09/2005 11:28 AM

To Gracia Hillman, Donetta Davidson (EAC), Raymundo
Martinez, Juliet Thompson, Thomas R. Wilkey (EAC)
cc Karen Lynn-Dyson/EAC/GOV

bcc

Subject Call from Paul Vinovich

I took a telephone call this morning from Paul Vinovich. He had attempted to reach Gracia, but since she was not here, he asked Sheila if I was in the office so he spoke to me.

Paul was very upset with comments that Tova Wang had made at yesterday's AEI's meeting in which she basically indicated that voter fraud did not exist in the USA. He asked how a person who believes that voter fraud does not exist--or not seem at least willing to listen to both sides--can be hired by the EAC to do a study on voter fraud/voter intimidation. I explained to Paul (as I have now had to explain to many others) that Tova was "balanced" on the study with Job Severbrov. He did not know Job but was well-aware of Tova's positions and was concerned that her public comments indicate that she will not be fair in looking at this issue. I explained to Paul that we were monitoring the work of our consultants on this study and no report would be issued publicly without the support of at least three commissioners. I sent him some background information on Job. I think this study will need close monitoring.

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Vice Chairman
US Election Assistance Commission
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Suite 1100
Washington, DC 20005
1-866-747-1471 toll-free
202-566-3100
202-566-3127 (FAX)
pdegregorio@eac.gov
www.eac.gov

015120



Gracia Hillman/EAC/GOV

11/09/2005 12:40 PM

To Paul DeGregorio/EAC/GOV@EAC, Donetta L. Davidson/EAC/GOV, Raymundo Martinez/EAC/GOV, Juliet E. Thompson/EAC/GOV, Thomas R. Wilkey/EAC/GOV
cc Karen Lynn-Dyson/EAC/GOV

bcc

Subject Re: Call from Paul Vinovich

What Paul V said is NOT at all an accurate statement of what Tova said. I was there. This is very disappointing to read. I may call Mr. V myself.

I watched and heard what was said and by whom. I will be glad to brief you tomorrow morning.

Sent from my BlackBerry Wireless Handheld
Paul DeGregorio

From: Paul DeGregorio
Sent: 11/09/2005 11:28 AM
To: Gracia Hillman; Donetta Davidson; Raymundo Martinez; Juliet Thompson; Thomas Wilkey
Cc: Karen Lynn-Dyson
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www.eac.gov

015121

Karen Lynn-Dyson/EAC/GOV
05/16/2006 04:50 PM

To Paul DeGregorio/EAC/GOV@EAC, Raymundo
Martinez/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC,
Donetta L. Davidson/EAC/GOV@EAC, twilkey@eac.gov
cc Amie J. Sherrill/EAC/GOV@EAC, Sheila A.
Banks/EAC/GOV@EAC, Elieen L. Collver/EAC/GOV@EAC,
Adam Ambrogi/EAC/GOV@EAC, Bert A.
bcc
Subject Receipt of Eagleton Voter Identification paper by tomorrow at
9:00 AM

Commissioners-

I just received a call from Tom O'Neill, Project Manager for the Eagleton/Moritz contract, indicating that the peer review team has not completed their final review of the Voter Identification paper. They are scheduled to have a conference call at 9:00 PM tonight to go over the final review.

I am told I will receive the final Voter Id paper by 9:00 AM, tomorrow morning .

Regards-

K
Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

015122



**U.S. ELECTION ASSISTANCE COMMISSION
STANDARDS BOARD**

RESOLUTION 2006-01

WHEREAS, the U.S. Election Assistance Commission is conducting studies and research on a wide variety of subjects related to elections.

RESOLVED that the Standards Board recommends—

- The EAC carefully review each study and recommendation of researchers to ensure that findings are based on facts that are clearly defended by quantitative data, rather than suspicions or assumptions;
- The EAC require researchers to study and report on the practicality and expense of implementing each recommendation;
- Election Day survey questions be considered and completed and noticed to states no later than two years before the election in which the data is to be collected.

Margaret Sims/EAC/GOV
04/20/2007 09:00 AM

To Curtis Crider/EAC/GOV@EAC
cc Karen Lynn-Dyson/EAC/GOV@EAC
bcc
Subject Clarification of Previous Statement re Vote Fraud Project
Audit

Curtis:

I was given a copy of the original draft Statement of Work and asked for comments. You will see my response (comments and suggested changes) among the first archived messages on the subject.

Peggy Sims
Election Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

F only

----- Forwarded by Margaret Sims/EAC/GOV on 04/20/2007 08:51 AM -----

Margaret Sims/EAC/GOV
04/19/2007 02:50 PM

To Curtis Crider/EAC/GOV@EAC
cc Karen Lynn-Dyson/EAC/GOV@EAC
Subject Re: Vote Fraud Project Audit

Curtis:

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Karen began as the COR and Project Director but, very early on, the assignment was transferred to me. Virtually all the oversight/management of the project was on my watch.

I'm happy to hear that you are setting up a means for me to submit the materials electronically. For the archived emails, we may have to put the info on disk and give it to you that way.

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Curtis Crider/EAC/GOV

Curtis Crider/EAC/GOV

015124

04/19/2007 12:57 PM

To Margaret Sims/EAC/GOV@EAC

cc

Subject audit 

We are just getting started - but we will need copies of all your e-mails, correspondence and notes associated with the projects. We are in the process of setting up an e-mail account so that you can e-mail documents vs printing. As soon as the account is set up I will let you know.

What was your involvement in drafting the contract, vendor selection, oversight/monitoring of the projects

Curtis Crider
Office of Inspector General, Election Assistance Commission
Phone - (202) 566-3125
Fax - (202) 566-0957

Important: This electronic transmission is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected from disclosure under applicable law.

Margaret Sims/EAC/GOV

Margaret Sims/EAC/GOV

04/19/2007 10:55 AM

To Curtis Crider/EAC/GOV@EAC

cc twilkey@eac.gov

Subject Fw: Rep. Serrano

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Gracia Hillman/EAC/GOV

04/19/2007 10:37 AM

To Jeannie Layson/EAC/GOV@EAC

cc Donetta L. Davidson/EAC/GOV@EAC, Caroline C.

Hunter/EAC/GOV@EAC, Rosemary E.

Rodriguez/EAC/GOV@EAC, Juliet E.

Hodgkins/EAC/GOV@EAC, Margaret

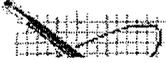
Sims/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC,

Curtis Crider/EAC/GOV@EAC

Subject Re: Rep. Serrano 



015125



I hope the IG will be able to get to the bottom of this -- and REAL soon -- during his investigation!!

-----Jeannie Layson/EAC/GOV wrote: -----

To: Donetta L. Davidson/EAC/GOV, ghillman@eac.gov, Caroline C. Hunter/EAC/GOV@EAC, Rosemary E. Rodriguez/EAC/GOV@EAC
From: Jeannie Layson/EAC/GOV
Date: 04/19/2007 10:11AM
cc: Juliet E. Hodgkins/EAC/GOV@EAC, Margaret Sims/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC
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The Fraudulence of Voter Fraud

The Bush administration purged U.S. attorneys for failing to prosecute crimes that didn't occur

By Joel Bleifuss

April 18, 2007

On April 6, 2006, in Washington, D.C., Karl Rove gave a speech to the Republican National Lawyers Association and issued this dire warning:

We are, in some parts of the country, I'm afraid to say, beginning to look like we have elections like those run in countries where the guys in charge are, you know, colonels in mirrored sunglasses. I mean, it's a real problem, and I appreciate all that you're doing in those hot spots around the country to ensure that the ballot--the integrity of the ballot--is protected, because it's important to our democracy.

When Rove talks about protecting "ballot integrity," that is shorthand for disenfranchising Democratic Party voters. Over the last several years, the Justice Department, with the help of White House operatives, has sought to boost GOP electoral fortunes by orchestrating a national campaign against voter fraud. But the administration overreached on Dec. 7, when President George W. Bush fired eight U.S. attorneys, a political scandal that some say could become this president's Watergate.

When Republicans talk about *voter* fraud they are referring to illegal voting by individuals, as opposed to *vote* fraud--systematic attempts to steal an election by an organized group of partisans. This emphasis on voter fraud has convinced eight states to pass laws requiring voters to present

015126

official photo identification in order to cast a ballot--laws that studies have shown suppress Democratic turnout among voters who are poor, black, Latino, Asian-American or disabled. Understanding that one way to win closely contested elections is to keep Democratic voters away from the polls, the Republican Party has tried to stoke public fears of voter fraud. On Feb. 15, 2005, the U.S. Senate Republican Policy Committee issued a report, "Putting an End to Voter Fraud," which said, "Voter fraud continues to plague our nation's federal elections, diluting and canceling out the lawful votes of the vast majority of Americans." To remedy the situation, the Senate Republicans advised Congress to "require that voters at the polls show photo identification."

But voting experts maintain that voter fraud is not a national problem. In March, Lorraine C. Minnite, a professor of political science at Columbia University, released "The Politics of Voter Fraud," a report she prepared for Project Vote, an advocacy group based in Arkansas. She writes: The claim that voter fraud threatens the integrity of American elections is itself a fraud. It is being used to persuade the public that deceitful and criminal voters are manipulating the electoral system. ... The exaggerated fear of voter fraud has a long history of scuttling efforts to make voting easier and more inclusive, especially for marginalized groups in American society. With renewed partisan vigor, fantasies of fraud are being spun again to undo some of the progress America has made lowering barriers to vote.

This is borne out by a study from the Eagleton Institute of Politics at Rutgers University, which found that in the 2004 election, voters in states that required documentation of identity were 2.7 percent less likely to vote than voters in states where documentation was not required. Specifically, the study, commissioned by the U.S. Election Assistance Commission, found that Latinos were 10 percent less likely to vote, Asian-Americans 8.5 percent less likely to vote and blacks 5.7 percent less likely to vote.

What's more, despite GOP claims to the contrary, voter fraud is a very rare occurrence. In 2002 the Justice Department established the Ballot Access and Voting Integrity Initiative to ferret out fraudulent voters. On Oct. 4, 2005, Attorney General Alberto Gonzales, with great fanfare, proclaimed, "We've made enforcement of election fraud and corrupting offenses a top priority." Yet according to an April 12 *New York Times* article, only 120 people have been charged with the crime over the past five years, leading to 86 convictions. Furthermore, the *Times* noted, federal attorneys say that most of the transgressions have been mistakes by immigrants and felons who simply misunderstood eligibility requirements.

The extent of voter fraud is further complicated by the fact that earlier this year the Election Assistance Commission changed the conclusions of a report it had commissioned. The original report by outside election experts concluded, "There is widespread but not unanimous agreement that there is little polling place fraud." The commission deleted that sentence and replaced it with, "There is a great deal of debate on the pervasiveness of fraud."

Rep. José Serrano (D.-N.Y.), who chairs the House Appropriations subcommittee that oversees the commission, is disturbed by this apparently politically motivated substitution. He told *In These Times* :

This possibly could be another Watergate. We have to ask the questions, "Why was this report doctored, and how does this play into the larger picture of voter suppression and intimidation?" By directing public attention to voter fraud you divert attention from the fact that Americans in certain communities are not able to cast their votes properly and that their votes are not being counted. Is this something that this small new agency thought of by themselves or did they get marching

orders from somewhere else, perhaps as far up as the White House?

Firing prosecutors

It appears that, under Rove's direction the White House has been planning to use U.S. attorneys to fan national fears of voter fraud. In his speech to the GOP lawyers, Rove listed 11 states that would play a pivotal role in the 2008 elections. Since 2005, Bush has appointed new U.S. attorneys in nine of those states: Florida, Colorado, Wisconsin, Minnesota, Iowa, Michigan, Nevada, Arkansas and New Mexico.

What's more, the firings of U.S. attorneys in New Mexico, Arkansas and Washington appear directly related to this Republican plan to exploit the issue of voter fraud and suppress Democratic turnout.

In Arkansas, Bush fired a sitting U.S. attorney in order to appoint Rove protégé Tim Griffin. (See "The Talented Mr. Griffin" by Greg Palast on page 31.)

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On March 6, McKay testified before the Senate that after the election Republicans pressured him to open an investigation. He said his office had examined the allegations of voter fraud and decided there was not enough evidence to pursue a case.

"Had anyone at the Justice Department or the White House ordered me to pursue any matter criminally in the 2004 governor's election, I would have resigned," McKay told the *Seattle Times*. "There was no evidence, and I am not going to drag innocent people in front of a grand jury."

In New Mexico, David C. Iglesias was equally suspect in the eyes of the GOP. Recall that in 2000, Gore beat Bush by 377 votes in New Mexico. Consequently, in 2004, Democrat-affiliated groups initiated voter registration campaigns in New Mexico. As a result, two boys, age 13 and 15, received voter cards in the mail. Iglesias responded by setting up a bipartisan task force to investigate. This didn't satisfy attorney Mickey D. Barnett, who represented the 2004 Bush-Cheney campaign in New Mexico. He told Iglesias he should bring federal charges against a canvasser who forged their signatures, which he refused to do.

In a *New York Times* op-ed, Iglesias wrote:

What the critics, who don't have any experience as prosecutors, have asserted is reprehensible--namely that I should have proceeded without having proof beyond a reasonable doubt. The public has a right to believe that prosecution decisions are made on legal, not political grounds.

Manufacturing voter fraud

The issue of fraudulent voters undermining American democracy did not spontaneously erupt. To promote national concern about voter fraud, in March 2005 GOP operatives with ties to the White House established a 501(c)4 organization called the American Center for Voting Rights Legislative Fund (ACVR). The group went public by establishing a Web site, ac4vr.com. (The site has since been taken down for unknown reasons.)

According to its 990 tax forms, ACVR is based in Midlothian, Va., and its executive director is Robin DeJarnette, who is also the founder and executive director of the Virginia Conservative Action PAC. However, according to the registration form for its Internet domain name, the group's address is a mailbox at a UPS Store in Dallas. The chairman of ACVR is Brian Lunde, a former Democratic National Committee official from Texas, who in 2004 was head of Democrats for Bush.

ACVR specializes in issuing studies that purport to document a host of voter fraud cases, like the report titled: "Democrat operatives far more involved in voter intimidation and suppression in 2004 than Republicans."

On March 21, 2005, four days after ACVR went public, Rep. Bob Ney (R-Ohio), then chair of the Committee on House Administration, opened hearings on 2004 election irregularities. One person who testified was ACVR National Counsel Mark "Thor" Hearne II, who described himself as "a longtime advocate of voter rights and an attorney experienced in election law." In the aftermath of the 2000 presidential campaign, Hearne was dispatched to Florida as a Republican observer in Broward County's manual recount, and in 2004 he worked as the national general counsel for Bush/Cheney '04 Inc.

In his testimony, Hearne described ACVR as "committed to defending the rights of voters and working to increase public confidence in the fairness of the outcome of elections." And he submitted to the committee a copy of the ACVR's "Ohio Election Report," of which he was the lead author. That report read in part:

This [Democratic] voter registration effort was not limited to registration of legal voters but, criminal investigations and news reports suggest, that this voter registration effort also involved the registration of thousands of fictional voters such as the now infamous Jive F. Turkey, Sr., Dick Tracy and Mary Poppins. Those individuals registering these fictional voters were reportedly paid not just money to do but were, in at least one instance, paid in crack cocaine.

And in testimony on Dec. 7, 2006, the same day the prosecutors were fired, Hearne told the Election Assistance Commission: "Recent press reports suggest that voter registration fraud remains a significant issue in the recent mid-term elections."

The press contact for ACVR is Jim Dyke, who was the communications director of the Republican National Committee during the 2004 election. In the fall of 2005 he was working in the White House trying to get Harriet Miers on the Supreme Court, before moving on to work in Vice President Dick Cheney's office. Brad Friedman of BradBlog.com reported that according to internet records, Dyke registered the ACVR Internet domain name, ac4vr.com, in December 2004. Those records have since disappeared from public view. (The source of ACVR's funding is also mysterious. According to the *Pittsburgh Tribune-Review*, "When asked to name any contributors to his nonprofit, Hearne claimed he did not know but said Lunde did. When Lunde was asked, he claimed he did not know but said Hearne did.")

Dyke is a good friend of his fellow Arkansan Tim Griffin, the new U.S. attorney in Arkansas. In 2004, both worked at the Republican National Committee helping Bush get re-elected. Dyke has been a vocal defender of Griffin's appointment as U.S. Attorney. "He has a real passion for the law," Dyke told the *Arkansas Democrat-Gazette*.

Rounding out the GOP operatives is Pat Rogers, who sits on the board of ACVR. An attorney for the Republican Party in New Mexico, he has been a vocal critic of fired U.S. Attorney Iglesias. According to the *Albuquerque Tribune*, Rogers is on the short list to replace Iglesias.

Rove's role

Minnite, who did the study on voter fraud, has read through the reports prepared by ACVR and presented by Hearne at various official hearings. She noticed that the claims follow a predictable script. "It all starts to look the same," she says. "There is a pattern in the way the documents that claim to show voter fraud are put together. It is usually a compilation of news reports on allegations. There is no follow up, no research done, no analysis."

"As I delved into it, I was faced with the question: 'Why do people think there is a lot of fraud

when there isn't any real evidence?" I think people are being manipulated by politics, which takes the form of these reports that are dumped on the public. It is as if you get a big enough pile maybe you will convince people that the volume of fraud is quite large and that we have a serious problem."

Wisconsin provides a case in point. At a March 13 press conference, White House Counsel Dan Bartlett identified Wisconsin as one of the states from which the White House had "received complaints about U.S. attorneys."

In 2005, U.S. Attorney Steve Biskup, who was appointed by Bush, investigated these allegations of voter fraud and reported that he found no evidence on which to press charges.

It turns out that early in 2005, Republican officials in Wisconsin prepared a report titled "Fraud in Wisconsin 2004: A Timeline/Summary." The document, which was found in White House and Justice Department records released by the House Judiciary Committee, was written by Chris Lato, the former communications director for the state Republican Party, on orders from Rick Wiley, the party's executive director. The 30-page report, which covers Aug. 31, 2004 to April 1, 2005, contains 65 entries detailing voter fraud. The final example is titled: "RPW [Republican Party of Wisconsin] News Release: Evidence of Election Fraud Piles Up."

The information contained in this Wisconsin compilation, made its way into a 78-page report released on July 21, 2005, by ACVR: "Vote Fraud, Intimidation & Suppression in the 2004 Presidential Election." In the introduction, the ACVR's Hearne and Lunde wrote that the report "documents hundreds of incidents and allegations from around the country. ... [T]housands of Americans were disenfranchised by illegal votes cast on Election Day 2004 ... [P]aid Democrat operatives were far more involved in voter intimidation and suppression activities than were their Republican counterparts. ... [R]equiring government-issued photo ID at the polls ... will help assure ... that no American is disenfranchised by illegal votes."

And who was behind this trail of misinformation? On April 7, Daniel Bice, a columnist for the *Milwaukee Journal Sentinel*, reported that a source familiar with the document told him, "The report was prepared for Karl Rove. Rick [Wiley] wanted it so he could give it to Karl Rove."

On April 6, 2006, in Washington, at the aforementioned speech to Republican Party attorneys, Rove began with a joke: "I ran into [AVCR's] Thor Hearne as I was coming in. He was leaving; he was smart, and he was leaving to go out and enjoy the day." Rove then told the assembled party lawyers, "We have, as you know, an enormous and growing problem with elections in certain parts of America today."

Rove should know. He helped grow the problem.

Jeannie Layson
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Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

015130

Margaret Sims/EAC/GOV
04/19/2007 02:50 PM

To Curtis Crider/EAC/GOV@EAC
cc Karen Lynn-Dyson/EAC/GOV@EAC
bcc
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Margaret Sims/EAC/GOV

015131

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Subject Re: Rep. Serrano



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From: Jeannie Layson/EAC/GOV
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By Joel Bleifuss

April 18, 2007

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015133

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What the critics, who don't have any experience as prosecutors, have asserted is reprehensible--namely that I should have proceeded without having proof beyond a reasonable doubt. The public has a right to believe that prosecution decisions are made on legal, not political grounds.

Manufacturing voter fraud

The issue of fraudulent voters undermining American democracy did not spontaneously erupt. To promote national concern about voter fraud, in March 2005 GOP operatives with ties to the White House established a 501(c)4 organization called the American Center for Voting Rights Legislative Fund (ACVR). The group went public by establishing a Web site, ac4vr.com. (The site has since been taken down for unknown reasons.)

According to its 990 tax forms, ACVR is based in Midlothian, Va., and its executive director is Robin DeJarnette, who is also the founder and executive director of the Virginia Conservative Action PAC. However, according to the registration form for its Internet domain name, the group's address is a mailbox at a UPS Store in Dallas. The chairman of ACVR is Brian Lunde, a former Democratic National Committee official from Texas, who in 2004 was head of Democrats for Bush.

ACVR specializes in issuing studies that purport to document a host of voter fraud cases, like the report titled: "Democrat operatives far more involved in voter intimidation and suppression in 2004 than Republicans."

On March 21, 2005, four days after ACVR went public, Rep. Bob Ney (R-Ohio), then chair of the Committee on House Administration, opened hearings on 2004 election irregularities. One person who testified was ACVR National Counsel Mark "Thor" Hearne II, who described himself as "a longtime advocate of voter rights and an attorney experienced in election law." In the aftermath of the 2000 presidential campaign, Hearne was dispatched to Florida as a Republican observer in Broward County's manual recount, and in 2004 he worked as the national general counsel for Bush/Cheney '04 Inc.

In his testimony, Hearne described ACVR as "committed to defending the rights of voters and working to increase public confidence in the fairness of the outcome of elections." And he submitted to the committee a copy of the ACVR's "Ohio Election Report," of which he was the lead author. That report read in part:

This [Democratic] voter registration effort was not limited to registration of legal voters but, criminal investigations and news reports suggest, that this voter registration effort also involved the registration of thousands of fictional voters such as the now infamous Jive F. Turkey, Sr., Dick Tracy and Mary Poppins. Those individuals registering these fictional voters were reportedly paid not just money to do but were, in at least one instance, paid in crack cocaine.

And in testimony on Dec. 7, 2006, the same day the prosecutors were fired, Hearne told the

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Election Assistance Commission: "Recent press reports suggest that voter registration fraud remains a significant issue in the recent mid-term elections."

The press contact for ACVR is Jim Dyke, who was the communications director of the Republican National Committee during the 2004 election. In the fall of 2005 he was working in the White House trying to get Harriet Miers on the Supreme Court, before moving on to work in Vice President Dick Cheney's office. Brad Friedman of BradBlog.com reported that according to internet records, Dyke registered the ACVR Internet domain name, ac4vr.com, in December 2004. Those records have since disappeared from public view. (The source of ACVR's funding is also mysterious. According to the *Pittsburgh Tribune-Review*, "When asked to name any contributors to his nonprofit, Hearne claimed he did not know but said Lunde did. When Lunde was asked, he claimed he did not know but said Hearne did.")

Dyke is a good friend of his fellow Arkansan Tim Griffin, the new U.S. attorney in Arkansas. In 2004, both worked at the Republican National Committee helping Bush get re-elected. Dyke has been a vocal defender of Griffin's appointment as U.S. Attorney. "He has a real passion for the law," Dyke told the *Arkansas Democrat-Gazette*.

Rounding out the GOP operatives is Pat Rogers, who sits on the board of ACVR. An attorney for the Republican Party in New Mexico, he has been a vocal critic of fired U.S. Attorney Iglesias. According to the *Albuquerque Tribune*, Rogers is on the short list to replace Iglesias.

Rove's role

Minnite, who did the study on voter fraud, has read through the reports prepared by ACVR and presented by Hearne at various official hearings. She noticed that the claims follow a predictable script. "It all starts to look the same," she says. "There is a pattern in the way the documents that claim to show voter fraud are put together. It is usually a compilation of news reports on allegations. There is no follow up, no research done, no analysis."

"As I delved into it, I was faced with the question: 'Why do people think there is a lot of fraud when there isn't any real evidence?' I think people are being manipulated by politics, which takes the form of these reports that are dumped on the public. It is as if you get a big enough pile maybe you will convince people that the volume of fraud is quite large and that we have a serious problem."

Wisconsin provides a case in point. At a March 13 press conference, White House Counsel Dan Bartlett identified Wisconsin as one of the states from which the White House had "received complaints about U.S. attorneys."

In 2005, U.S. Attorney Steve Biskup, who was appointed by Bush, investigated these allegations of voter fraud and reported that he found no evidence on which to press charges.

It turns out that early in 2005, Republican officials in Wisconsin prepared a report titled "Fraud in Wisconsin 2004: A Timeline/Summary." The document, which was found in White House and Justice Department records released by the House Judiciary Committee, was written by Chris Lato, the former communications director for the state Republican Party, on orders from Rick Wiley, the party's executive director. The 30-page report, which covers Aug. 31, 2004 to April 1, 2005, contains 65 entries detailing voter fraud. The final example is titled: "RPW [Republican Party of Wisconsin] News Release: Evidence of Election Fraud Piles Up."

The information contained in this Wisconsin compilation, made its way into a 78-page report released on July 21, 2005, by ACVR: "Vote Fraud, Intimidation & Suppression in the 2004 Presidential Election." In the introduction, the ACVR's Hearne and Lunde wrote that the report "documents hundreds of incidents and allegations from around the country. ... [T]housands of

Americans were disenfranchised by illegal votes cast on Election Day 2004 ... [P]aid Democrat operatives were far more involved in voter intimidation and suppression activities than were their Republican counterparts. ... [R]equiring government-issued photo ID at the polls ... will help assure ... that no American is disenfranchised by illegal votes."

And who was behind this trail of misinformation? On April 7, Daniel Bice, a columnist for the *Milwaukee Journal Sentinel*, reported that a source familiar with the document told him, "The report was prepared for Karl Rove. Rick [Wiley] wanted it so he could give it to Karl Rove."

On April 6, 2006, in Washington, at the aforementioned speech to Republican Party attorneys, Rove began with a joke: "I ran into [AVCR's] Thor Hearne as I was coming in. He was leaving; he was smart, and he was leaving to go out and enjoy the day." Rove then told the assembled party lawyers, "We have, as you know, an enormous and growing problem with elections in certain parts of America today."

Rove should know. He helped grow the problem.

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

015137

Obligated FPO5

ORDER FOR SUPPLIES AND SERVICES

IMPORTANT: See instructions in GSAR
553.370-300-1 for distribution

PAGE 1 OF 1 PAGES

1. DATE OF ORDER 11/08/05		2. ORDER NUMBER		3. CONTRACT NUMBER EAC 05-66		4. AC E4019697	
FOR GOVERNMENT USE ONLY	5. ACCOUNTING CLASSIFICATION				6. FINANCE DIVISION		
	FUND 8035	ORG CODE TZM91100	B/A CODE 10	O/C CODE 25	AC	SS	VENDOR NAME
	FUNC CODE 000	C/E CODE 516	PROJ./PROS. NO.	CC-A	MDL	FI	G/L DEBT
	W/ITEM	CC-B	PRT./CRFT		AI	LC	DISCOUNT

To: CONTRACTOR: (Name, address and zip code)
Tova Wang
201 West 74th Street, Apt. 11F
New York, NY 10023

Contact: Tova Wang (212) 362-5223

7. EMPLOYER'S IDENTIFICATION NUMBER 119701137		9B. CHECK, IF APPROP <input type="checkbox"/> WITHHOLD 20%		B. TYPE OF ORDER <input checked="" type="checkbox"/> A. PURCHASE Please furnish the following on the terms specified on both sides of the order and the attached sheets, if any, including delivery as indicated. <input type="checkbox"/> B. DELIVERY This delivery order is subject to instructions contained on this side only of this form and is issued subject to the terms and conditions of the above numbered contract	
10A. CLASSIFICATION <input type="checkbox"/> A. SMALL BUSINESS <input checked="" type="checkbox"/> B. OTHER THAN SMALL BUSINESS <input type="checkbox"/> C. SMALL DISADVANTAGED <input type="checkbox"/> D. SMALL WOMEN-OWNED		12. REMITTANCE ADDRESS (MANDATORY) Tova Wang 201 West 74th Street, Apt. 11F New York, NY 10023		10B. TYPE OF BUSINESS ORGANIZATION <input type="checkbox"/> A. CORPORATION <input type="checkbox"/> B. PARTNER-SHIP <input type="checkbox"/> C. SOLE	
11. ISSUING OFFICE (Address, zip code, and telephone no.) Election Assistance Commission 25 New York Ave., N.W., Suite 1100 Washington, DC 20005		15. REQUISITION OFFICE (Name, symbol and telephone no.) Election Assistance Commission		13. SHIP TO (Consignee address, zip code and telephone no.) Same as block 11	
14. PLACE OF INSPECTION AND ACCEPTANCE AC, 1225 New York Ave., NW, #1100, Wash. DC 20005		17. GOVERNMENT B/L NO.		18. DELIVERY F.O.B. POINT ON OR BEFORE 09/01/05	
16. F.O.B. POINT Destination		19. PAYMENT/DISCOUNT TERMS Net 30			

20. SCHEDULE					
ITEM NO. (A)	SUPPLIES OR SERVICES (B)	QUANTITY ORDERED (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	Under the authority of Public Law 107-252, dated October 29, 2002, establishing the U.S. Election Assistance Commission (EAC). Request to provide consulting services to the EAC to assist in the development of a Voting Fraud and Voter Intimidation Project. See the attached statement work for a description of the specifics. LABOR COST: \$50,000.00 TRAVEL COST: \$ 5,000.00 TOTAL COST OF CONTRACT: \$55,000.00				

RECEIVING OFFICE (Name, symbol and telephone no.) Election Assistance Commission (202) 566-3100		TOTAL FROM 300-A(s)	\$55,000.00
SHIPPING POINT		GRAND TOTAL	55,000.00
MAIL INVOICE TO: (Include zip code) Federal Services Administration (FUND) Election Assistance Commission 25 New York Ave., NW Suite 1100 Washington, DC 20005		23. GROSS SHIP WT.	
25A. FOR INQUIRIES REGARDING PAYMENT CONTACT: Diana Scott		25B. TELEPHONE NO. 202-566-3100	
26A. NAME OF CONTRACTING/ORDERING OFFICER (Type) Gracia Hillman, Chair		26B. TELEPHONE NO. 202-566-3100	
26C. SIGNATURE 			

PURCHASE ORDER TERMS AND CONDITIONS

552.229-70 FEDERAL, STATE, AND LOCAL TAXES (APR 1984)

The contract price includes all applicable Federal, State, and local taxes. No adjustment will be made to cover taxes which may subsequently be imposed on this transaction or changes in the rates of currently applicable taxes. However, the Government will, upon the request of the Contractor, furnish evidence appropriate to establish exemption from any tax from which the Government is exempt and which was not included in the contract price.

552.210-79 PACKING LIST (DEC 1989)

(a) A packing list or other suitable shipping document shall accompany each shipment and shall indicate (1) Name and address of consignor; (2) Name and address of consignee; (3) Government order or requisition number; (4) Government bill of lading number covering the shipment (if any); and (5) Description of the material shipped, including item number, quantity, number of containers, and package number (if any).

(b) When payment will be made by Government commercial credit card, in addition to the information in (a) above, the packing list or shipping document shall include: (1) Cardholder name and telephone number and (2) the term "Credit Card".

52.232-1 PAYMENTS (APR 1984)

The Government shall pay the Contractor, upon the submission of proper invoices or vouchers, the prices stipulated in this contract for supplies delivered and accepted or services rendered and accepted, less any deductions provided in this contract. Unless otherwise specified in this contract, payment shall be made on partial deliveries accepted by the Government if; (a) The amount due on the deliveries warrants it; or (b) The Contractor requests it and the amount due on the deliveries is at least \$1,000 or 50 percent of the total contract price.

52.232-8 DISCOUNTS FOR PROMPT PAYMENT (APR 1989)

a) Discounts for prompt payment will not be considered in the valuation of offers. However, any offered discount will form a part of the award, and will be taken if payment is made within the discount period indicated in the offer by the offeror. As an alternative to offering a prompt payment discount in conjunction with the offer, offerors awarded contracts may include prompt payment discounts on individual invoices.

b) In connection with any discount offered for prompt payment, time shall be computed from the date of the invoice. For the purpose of computing the discount earned, payment shall be considered to have been made on the date which appears on the payment check or the date on which an electronic funds transfer was made.

PROMPT PAYMENT

Prompt Payment clause 52.232-25 is incorporated in this contract by reference. The clause contains information on payment due date, invoice requirements, constructive acceptance and interest penalties. Certain portions of the clause regarding payment due date, invoice requirements, and constructive acceptance have been extracted for your convenience. All days referred to in the extracts below are calendar days.

(2) . . . The due date for making invoice payments by the designated payment office shall be the later of the following two events:

- i) The 30th day after the designated billing office has received a copy of the invoice from the Contractor.
- ii) The 30th day after Government acceptance of supplies delivered services performed by the Contractor . . .

(4) . . . An invoice shall be prepared and submitted to the designated payment office specified in the contract. A proper invoice must include the items listed in . . . (i) through . . . (viii) . . . If the invoice does not comply with these requirements, then the Contractor will be notified of the defect within 7 days after receipt of the invoice at the designated payment office . . . Untimely notification will be taken into account in the computation of any interest penalty owed the Contractor . . .

i) Name and address of the Contractor.

ii) Invoice date.

iii) Contract number or other authorization for supplies delivered or services performed (including order number and contract line item number).

iv) Description, quantity, unit of measure, unit price, and extended price of supplies delivered or services performed.

v) Shipping and payment terms (e.g., shipment number and date of shipment, prompt payment discount terms), Bill of lading number and weight of shipment will be shown for shipments on Government bills of lading.

vi) Name and address of Contractor official to whom payment is to be made (must be the same as that in the contract or in a proper notice of assignment).

vii) Name (where practicable), title, phone number, and mailing address of person to be notified in event of a defective invoice.

NOTE: Invoices must include the ACT number (block 4) and shall be submitted in an original only, unless otherwise specified, to the billing office designated in block 24 to receive invoices. The "remittance to" address must correspond to the remittance address in block 12.

(a)(6)(i) For the sole purpose of computing an interest penalty that might be due the Contractor, Government acceptance shall be deemed to have occurred constructively on the 7th day (unless otherwise specified in block 20) after the Contractor delivered the supplies or performed the services in accordance with the terms and conditions of the contract, unless there is a disagreement over quantity, quality or contractor compliance with a contract provision . . .

52.222-40 SERVICE CONTRACT ACT OF 1965, AS AMENDED - CONTRACTS OF \$2,500 OR LESS (MAY 1989)

Except to the extent that an exception, variation, or tolerance would apply if this contract were in excess of \$2,500, the Contractor and any subcontractor shall pay all employees working on the contract not less than the minimum wage specified under Section 6 a) (1) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201-206). Regulations and interpretations of the Service Contract Act of 1965 are contained in 29 CFR Part 4.

52.222-41 SERVICE CONTRACT ACT OF 1965, AS AMENDED (MAY 1989)

52.222-42 STATEMENT OF EQUIVALENT RATES FOR FEDERAL HIRES (MAY 1989)

(52.222-41 and 52.222-42 apply to service contracts when the amount exceeds \$2,500).

The GSA Form 2166, Service Contract Act of 1965 and Statement of Equivalent Rates for Federal Hires is attached hereto and made a part hereof.

52.252-2 CLAUSES INCORPORATED BY REFERENCE (JUN 1988)

This contract incorporates the following clauses by reference with the same force and effect as if they were given in full text. Upon request the Contracting Officer will make their full text available:

FEDERAL ACQUISITION REGULATION (48 CFR CHAPTER 1) CLAUSES

Applicable to purchase orders for supplies or services:

- 52.203-1 Officials Not to Benefit (APR 84)
- 52.203-3 Gratuities (APR 84)
- 52.203-5 Covenant Against Contingent Fees (APR 84)
- 52.203-6 Restriction on Subcontractor Sales to the Government (JUL 85)
- 52.203-7 Anti-Kickback Procedures (OCT 88)
- 52.212-9 Variation in Quantity (APR 84)
(In the preceding clause, the permissible variations are stated in the schedule.)
- 52.222-3 Convict Labor (APR 84)
- 52.222-26 Equal Opportunity (APR 84)(Applies when amount exceeds \$10,000.)
- 52.222-35 Affirmative Action for Special Disabled and Vietnam Era Veterans (APR 84)(Applies when amount exceeds \$10,000.)
- 52.222-36 Affirmative Action for Handicapped Workers (APR 84)(Applies when amount exceeds \$2,500.)
- 52.222-37 Employment Reports on Special Disabled Veterans and Veterans of the Vietnam Era (JAN 88)(Applies whenever clause 52.222-35 is included.)
- 52.223-6 Drug Free Workplace (JUL 90)(Applies if contract is awarded to an individual.)
- 52.225-3 Buy American Act - Supplies (JAN 89)
- 52.225-11 Restrictions on Certain Foreign Purchases (MAY 92)
- 52.232-25 Prompt Payment (SEP 92)
- 52.233-1 Disputes (DEC 91)
- 52.233-3 Protest After Award (AUG 89)
- 52.246-1 Contractor Inspection Requirements (APR 84)
- 52.249-8 Default (Fixed-Price Supply and Service)(APR 84)

Applicable to purchase orders for supplies:

- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR 86)(Applies when amount is between \$2,500 and \$10,000.)
- 52.222-20 Walsh-Healey Public Contracts Act (APR 84)(Applies when amount exceeds \$10,000.)
- 52.243-1 Changes - Fixed Price (AUG 87)
- 52.249-1 Termination for Convenience of the Government (Fixed Price)(Short Form)(APR 84).

Applicable to purchase orders for services:

- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR 86)(Applies when amount exceeds \$2,500.)
- 52.243-1 Changes - Fixed Price (APR 84) - Alt. II
- 52.249-4 Termination for Convenience of the Government (Services)(Short Form)(APR 84)

015139

ACT NUMBER E4019697; EAC CONTRACT NUMBER 05-66

Consulting Services to Assist EAC in the Development of a Voting Fraud and Voter Intimidation Project

Background

Section 241 of HAVA lists a number of election administration topics on which the U.S. Election Assistance Commission may elect to do research. In particular, Section 241(b) (6) and (7) state the two topics of nationwide statistics and methods of identifying, deterring and investigating voting fraud in elections for Federal offices; and identifying, deterring and investigating methods of voter intimidation. The EAC Board of Advisors has recommended that the EAC make research on these topics a high priority.

The EAC seeks to obtain consulting services from an individual who can provide advice drawn from broad professional and technical experience in the area of voter fraud and intimidation. The EAC needs this consultant to conduct a preliminary examination of these topics to determine if a larger research project might be warranted. If so, the consultant would also be tasked to define the scope of the project and prepare a Statement of Work for the EAC to use for a subsequent competitive procurement. To promote a balanced and non-partisan approach to this effort, EAC is contracting with two consultants, who will work jointly to perform the work described below.

Nature of the Appointment

The EAC enters into this contract pursuant to its authority to contract for consultants under 5 U.S.C. §3109 (See 42 U.S.C. §15324(b)). As such this contract is for personal services and creates a limited employment relationship. (See 5 C.F.R. §304). As a result of this unique relationship, and pursuant to this agreement, you are required to follow all Federal laws and regulations as they relate to the release of agency documents and information, travel and conduct. All research, information, documents and any other intellectual property, (including but not limited to policies, procedures, manuals, and other work created at the request or otherwise while laboring for the EAC) shall be owned exclusively by the EAC, including copyright. All such work product shall be turned over to the EAC upon completion of your appointment term or as directed by the EAC. The EAC shall have exclusive rights over this material. You may not release government information or documents without the express permission of the EAC.

Supervision and Management.

The EAC Project Manager for this effort is Margaret Sims, EAC Research Specialist. Ms. Sims will provide taskings, and supervise, review and approve all work and performance.

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Period of Appointment, Compensation and Travel.

The period of appointment under this contract is estimated at six months. The appointment shall constitute intermittent appointment (without a regularly scheduled tour of duty) per 5 C.F.R. §340.401(b). The consultant shall not incur overtime. The consultants shall not receive automatic adjustments of pay based upon 5 U.S.C. 5303. The consultants are not eligible for sick and annual leave, nor compensation for work performed on federal holidays. The Consultant is expected to work 450 hours during the estimated six month appointment period. These hours must be distributed evenly over the period-so that the Consultant is working approximately, but no more than 20 hours per week. The consultant shall be paid at a rate of \$111 per hour. The dates of performance are flexible but shall be based upon the needs of the project and the EAC. The project at issue is sought to be completed within the sixth month period. The period of appointment shall continue until the project, outlined below, is completed.

Consultant's duty station shall be his/her home or place of business. The consultant has access to and shall supply common office equipment to include telecommunications, internet, a computer, office supplies, facsimile machine and common workplace software (including Microsoft Word and Excel). Other resources will be provided by the EAC as needed and at its discretion.

The Consultant is required to travel on a periodic, as needed basis, throughout the duration of their appointment. All travel must be pre-approved by the EAC per Federal Travel Regulations and EAC policy. The Consultant will be reimbursed, at the Federal government rates, for hotel and ground transportation costs, proper incidental expenses, and per diem while on official, pre-approved EAC travel.

Areas of Responsibility

1. Develop a comprehensive description of what constitutes voting fraud and voter intimidation in the context of Federal elections.
2. Using the description developed above, perform background research, including both Federal and State administrative and case law review, and a summation of current activities of key government agencies, civic and advocacy organizations regarding these topics. Deliver a written summary of this research and all source documentation.
3. Work in consultation with other EAC staff and the Commissioners to identify a working group of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation. The Working Group will be provided with the results of Tasks 1 and 2 as background information. The consultant will be responsible for developing a discussion agenda and convene the Working Group with the objective of identifying promising avenues for future research by EAC.

4. The consultant shall be responsible for creating a report summarizing the findings of this preliminary research effort and Working Group deliberations. This report should include any recommendations for future research resulting from this effort.
5. Should the EAC decide to pursue one or more of the recommendations made in the report noted above, the consultant will be responsible for defining the appropriate project scope(s) and preparing Statement(s) of Work sufficient for use in a competitive procurement.

Compensation Procedures

Compensation shall be made for work done by submitting invoices. Invoices shall be submitted on a monthly basis. These invoices shall state the number of labor hours that have been expended. Invoices shall be delivered to Ms. Margaret Sims for review and Ms. Diana Scott, Administrative Officer, U.S. Election Assistance Commission, 1225 New York Avenue, N.W., Suite 1100, Washington DC 20005. Compensation for travel shall be submitted by travel voucher consistent with federal travel regulation and EAC requirements.

Termination

This consultant contract can be terminated without cause in advance of the current end date by two weeks' notice in writing by either of the parties.

Estimated Project Timetable.

Deliverable	Due Date
Project work plan	10 days after contract award
Progress reports	monthly
Description of voting fraud and voter intimidation	October 2005
Summary of background research and associated source documentation	January 2006
Convene working group	February 2006
Summary report describing findings and recommendations for future EAC research	March 2006
Statement(s) of Work for future research project(s)	TBD

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U.S. ELECTION ASSISTANCE COMMISSION
1225 NEW YORK AVENUE, N.W., SUITE 1100
WASHINGTON, D.C. 20005

OFFICE OF THE CHAIR

November 8, 2005

Ms. Tova Wang
201 West 74th Street, Apt. 11F
New York, NY 10023

Dear Ms. Wang:

Enclosed is a signed personal services contract (EAC 05-66) in the amount for the provision of services to the U.S. Election Assistance Commission (EAC) in researching and developing a plan for a voter fraud and intimidation study. On or about September 1, 2005, an EAC employee communicated to you that EAC agreed to enter this personal services agreement with you. You began work based upon this notice of award. Despite the fact that the agreement was entered and communicated by an unauthorized person, EAC has reviewed the contract and concluded that ratification of this agreement is appropriate. EAC has ratified the agreement made with you on September 1, 2005. EAC has also received your first invoice for the period September 1 through September 30. That invoice will be reviewed and placed in line for payment.

To acknowledge receipt of this contract, please countersign and date below and return one copy of this letter to the attention of Nicole Mortellito.

We appreciate your work on these important efforts.

Sincerely,

Gracia Hillman
Chair

Tova Wang

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Obligated FY05

ORDER FOR SUPPLIES AND SERVICES

IMPORTANT: See instructions in GSAR 553.370-300-1 for distribution

PAGE 1 OF 1 PAGES

DATE OF ORDER 1/08/05	2. ORDER NUMBER	3. CONTRACT NUMBER EAC 05-67	4. A
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E4019698

FOR GOVERNMENT USE ONLY	5. ACCOUNTING CLASSIFICATION				6. FINANCE DIVISION		
	FUND 8035	ORG CODE TZM91100	B/A CODE 10	O/C CODE 25	AC	SS	VENDOR NAME
	FUNC CODE 000	C/E CODE 516	PROJ./PROS. NO.	CC-A	MDL	FI	GA/DEBT
	W/ITEM	CC-B	PRT./CRFT		AI	LC	DISCOUNT

10. CONTRACTOR (Name, address and zip code)

Job Serebrov
110 South Spring Street
Little Rock, AR 72206

Contact: Job Serebrov (501) 374-2176

B. TYPE OF ORDER REFERENCE YOUR

A. PURCHASE

Please furnish the following on the terms specified on both sides of the order and the attached sheets, if any, including delivery as indicated.

B. DELIVERY
This delivery order is subject to instructions contained on this side only of this form and is issued subject to the terms and conditions of the above numbered contract

C. MODIFICATION NO. AUTHORITY FOR ISSUING

EMPLOYER'S IDENTIFICATION NUMBER
114647486

9B. CHECK, IF APPROP
 WITHHOLD 20%

Except as provided herein, all terms and conditions of the original order, as heretofore modified, remain unchanged.

CLASSIFICATION

A. SMALL BUSINESS
 B. OTHER THAN SMALL BUSINESS
 C. SMALL DISADVANTAGED
 D. SMALL WOMEN-OWNED

10B. TYPE OF BUSINESS ORGANIZATION

A. CORPORATION
 B. PARTNER-SHIP
 C. SOLE

ISSUING OFFICE (Address, zip code, and telephone no.)
Election Assistance Commission
5 New York Ave., N.W., Suite 1100
Washington, DC 20005

12. REMITTANCE ADDRESS (MANDATORY)
Job Serebrov
2110 South Spring Street
Little Rock, AR 72206

13. SHIP TO (Consignee address, zip code and telephone no.)
Same as block 11

PLACE OF INSPECTION AND ACCEPTANCE
C, 1225 New York Ave., NW, #1100, Wash. DC 20005

15. REQUISITION OFFICE (Name, symbol and telephone no.)
Election Assistance Commission

F.O.B. POINT
Destination

17. GOVERNMENT B/L NO.

18. DELIVERY F.O.B. POINT ON OR BEFORE
09/01/05

19. PAYMENT/DISCOUNT TERMS
Net 30

20. SCHEDULE					
ITEM NO. (A)	SUPPLIES OR SERVICES (B)	QUANTITY ORDERED (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	Under the authority of Public Law 107-252, dated October 29, 2002, establishing the U.S. Election Assistance Commission (EAC). Request to provide consulting services to the EAC to assist in the development of a Voting Fraud and Voter Intimidation Project. See the attached statement work for a description of the specifics. LABOR COST: \$50,000.00 TRAVEL COST: \$5,000.00 TOTAL COST OF CONTRACT: \$55,000.00				

RECEIVING OFFICE (Name, symbol and telephone no.)
Election Assistance Commission (202) 566-3100

TOTAL FROM 300-A(s)	\$55,000.00
GRAND TOTAL	55,000.00

23. GROSS SHIP WT.

25A. FOR INQUIRIES REGARDING PAYMENT CONTACT:
Diana Scott

25B. TELEPHONE NO.
202-566-3100

26A. NAME OF CONTRACTING/ORDERING OFFICER (Type)
Gracia Hillman, Chair

26B. TELEPHONE NO.
202-566-3100

26C. SIGNATURE

ACT NUMBER E4019698; EAC CONTRACT NUMBER 05-67

Consulting Services to Assist EAC in the Development of a Voting Fraud and Voter Intimidation Project

Background

Section 241 of HAVA lists a number of election administration topics on which the U.S. Election Assistance Commission may elect to do research. In particular, Section 241(b) (6) and (7) state the two topics of nationwide statistics and methods of identifying, deterring and investigating voting fraud in elections for Federal offices; and identifying, deterring and investigating methods of voter intimidation. The EAC Board of Advisors has recommended that the EAC make research on these topics a high priority.

The EAC seeks to obtain consulting services from an individual who can provide advice drawn from broad professional and technical experience in the area of voter fraud and intimidation. The EAC needs this consultant to conduct a preliminary examination of these topics to determine if a larger research project might be warranted. If so, the consultant would also be tasked to define the scope of the project and prepare a Statement of Work for the EAC to use for a subsequent competitive procurement. To promote a balanced and non-partisan approach to this effort, EAC is contracting with two consultants, who will work jointly to perform the work described below.

Nature of the Appointment

The EAC enters into this contract pursuant to its authority to contract for consultants under 5 U.S.C. §3109 (See 42 U.S.C. §15324(b)). As such this contract is for personal services and creates a limited employment relationship. (See 5 C.F.R. §304). As a result of this unique relationship, and pursuant to this agreement, you are required to follow all Federal laws and regulations as they relate to the release of agency documents and information, travel and conduct. All research, information, documents and any other intellectual property, (including but not limited to policies, procedures, manuals, and other work created at the request or otherwise while laboring for the EAC) shall be owned exclusively by the EAC, including copyright. All such work product shall be turned over to the EAC upon completion of your appointment term or as directed by the EAC. The EAC shall have exclusive rights over this material. You may not release government information or documents without the express permission of the EAC.

Supervision and Management.

The EAC Project Manager for this effort is Margaret Sims, EAC Research Specialist. Ms. Sims will provide taskings, and supervise, review and approve all work and performance.

015146

Period of Appointment, Compensation and Travel.

The period of appointment under this contract is estimated at six months. The appointment shall constitute intermittent appointment (without a regularly scheduled tour of duty) per 5 C.F.R. §340.401(b). The consultant shall not incur overtime. The consultants shall not receive automatic adjustments of pay based upon 5 U.S.C. 5303. The consultants are not eligible for sick and annual leave, nor compensation for work performed on federal holidays. The Consultant is expected to work 450 hours during the estimated six month appointment period. These hours must be distributed evenly over the period so that the Consultant is working approximately, but no more than 20 hours per week. The consultant shall be paid at a rate of \$111 per hour. The dates of performance are flexible but shall be based upon the needs of the project and the EAC. The project at issue is sought to be completed within the sixth month period. The period of appointment shall continue until the project, outlined below, is completed.

Consultant's duty station shall be his/her home or place of business. The consultant has access to and shall supply common office equipment to include telecommunications, internet, a computer, office supplies, facsimile machine and common workplace software (including Microsoft Word and Excel). Other resources will be provided by the EAC as needed and at its discretion.

The Consultant is required to travel on a periodic, as needed basis, throughout the duration of their appointment. All travel must be pre-approved by the EAC per Federal Travel Regulations and EAC policy. The Consultant will be reimbursed, at the Federal government rates, for hotel and ground transportation costs, proper incidental expenses, and per diem while on official, pre-approved EAC travel.

Areas of Responsibility

1. Develop a comprehensive description of what constitutes voting fraud and voter intimidation in the context of Federal elections.
2. Using the description developed above, perform background research, including both Federal and State administrative and case law review, and a summation of current activities of key government agencies, civic and advocacy organizations regarding these topics. Deliver a written summary of this research and all source documentation.
3. Work in consultation with other EAC staff and the Commissioners to identify a working group of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation. The Working Group will be provided with the results of Tasks 1 and 2 as background information. The consultant will be responsible for developing a discussion agenda and convene the Working Group with the objective of identifying promising avenues for future research by EAC.

015147

4. The consultant shall be responsible for creating a report summarizing the findings of this preliminary research effort and Working Group deliberations. This report should include any recommendations for future research resulting from this effort.
5. Should the EAC decide to pursue one or more of the recommendations made in the report noted above, the consultant will be responsible for defining the appropriate project scope(s) and preparing Statement(s) of Work sufficient for use in a competitive procurement.

Compensation Procedures

Compensation shall be made for work done by submitting invoices. Invoices shall be submitted on a monthly basis. These invoices shall state the number of labor hours that have been expended. Invoices shall be delivered to Ms. Margaret Sims for review and Ms. Diana Scott, Administrative Officer, U.S. Election Assistance Commission, 1225 New York Avenue, N.W., Suite 1100, Washington DC 20005. Compensation for travel shall be submitted by travel voucher consistent with federal travel regulation and EAC requirements.

Termination

This consultant contract can be terminated without cause in advance of the current end date by two weeks' notice in writing by either of the parties.

Estimated Project Timetable.

Deliverable	Due Date
Project work plan	10 days after contract award
Progress reports	monthly
Description of voting fraud and voter intimidation	October 2005
Summary of background research and associated source documentation	January 2006
Convene working group	February 2006
Summary report describing findings and recommendations for future EAC research	March 2006
Statement(s) of Work for future research project(s)	TBD



U.S. ELECTION ASSISTANCE COMMISSION
1225 NEW YORK AVENUE, N.W., SUITE 1100
WASHINGTON, D.C. 20005

OFFICE OF THE CHAIR

November 8, 2005

Mr. Job Serebrov
2110 South Spring Street
Little Rock, AR 72206

Via U.S. Mail and Facsimile Transmission
(501)682-5117

Dear Mr. Serebrov:

Enclosed is a signed personal services contract (EAC 05-67) in the amount for the provision of services to the U.S. Election Assistance Commission (EAC) in researching and developing a plan for a voter fraud and intimidation study. On or about September 1, 2005, an EAC employee communicated to you that EAC agreed to enter this personal services agreement with you. You began work based upon this notice of award. Despite the fact that the agreement was entered and communicated by an unauthorized person, EAC has reviewed the contract and concluded that ratification of this agreement is appropriate. EAC has ratified the agreement made with you on September 1, 2005. EAC has also received your first invoice for the period September 1 through September 30. That invoice will be reviewed and placed in line for payment.

To acknowledge receipt of this contract, please countersign and date below and return one copy of this letter to the attention of Nicole Mortellito.

We appreciate your work on these important efforts.

Sincerely,

Gracia Hillman
Chair

Job Serebrov

015149

**Deliberative Process
Privilege**

**Attorney-Client
Privilege**

Juliet E. Hodgkins/EAC/GOV

12/08/2006 04:38 PM

To Paul DeGregorio/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC, "Davidson, Donetta" <ddavidson@eac.gov>, Thomas R. Wilkey/EAC/GOV@EAC
cc Bert A. Benavides/EAC/GOV@EAC, Sheila A. Banks/EAC/GOV@EAC, Elieen L. Colver/EAC/GOV@EAC, Matthew Masterson/EAC/GOV@EAC, jlayson@eac.gov

bcc

Subject Draft response to Tova Wang

Commissioners,

Jeannie and I have collaborated on the following draft response to Tova Wang's letter. Please let me know if you agree or have comments/edits.



draft response to Tova Wang.doc

Juliet Thompson Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

015150

December 8, 2006

Ms. Tova Wang
(Address)
(Address)

Dear Ms. Wang:

The U.S. Election Assistance Commission believes that voting fraud and voter intimidation are very important, complex topics that should be studied and reported on fairly and accurately. As a clearinghouse of election administration information, EAC is committed to providing complete and comprehensive information to the election community and the public.

In its December 2006 report on voting fraud and voter intimidation, EAC honored this commitment by providing the readers of its report with the full and complete summaries of every interview conducted as well as every book, article, report or case that was reviewed. It is incumbent upon us to provide them with the best and most complete data and research that we can. Rather than provide only the synopsis of these interviews, EAC provided the readers with the entire summaries created by the consultants so readers could reach their own conclusions about the substance of the interviews.

With regard to the interviews of two of the personnel from the Department of Justice, EAC made clarifying edits. Upon reviewing initial information about their interviews contained in the status report provided to the EAC Standards Board and EAC Board of Advisors and the information provided by the consultants at the working group meeting, those persons interviewed did not agree with certain characterizations of their statements contained in these materials. The Department of Justice is an important prosecutorial agency engaged in enforcing Federal anti-fraud and anti-intimidation laws. Thus, it was important to EAC to assure that the summary of their comments did not lend confusion to an already complex and hotly-debated topic.

Because of the lack of organization and cohesion in the draft provided by the consultants, that document would have led to greater confusion and division regarding the issues of voting fraud and voter intimidation. As such, EAC revised the draft report and provided the entirety of the supporting documentation to the public.

For these reasons, the report on voting fraud and voter intimidation will stand as adopted on December 7, 2006.

Attorney-Client
Privilege

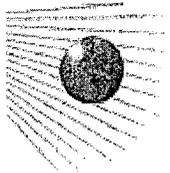
Juliet E. Hodgkins/EAC/GOV
12/08/2006 05:37 PM

To Paul DeGregorio/EAC/GOV@EAC
cc
bcc
Subject Re: Draft response to Tova Wang 

Deliberative Process
Privilege

I can certainly do that. I was focusing on trying to use her own words against her.

Juliet Thompson Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100
Paul DeGregorio/EAC/GOV



Paul DeGregorio /EAC/GOV
12/08/2006 05:29 PM

To Juliet E. Hodgkins/EAC/GOV@EAC
cc
Subject Re: Draft response to Tova Wang 

Julie,

The letter is good, but don't you want to point out that in every report we issue that the research provided by paid consultants/organizations is provided under contract to the EAC, who by law is ultimately responsible for any final report issued to the public. And that such reports always takes into consideration the research provided but the EAC is obligated to consider all factors when making determinations to insure fairness and integrity of the process.

Paul

Sent from my BlackBerry Wireless Handheld
Juliet E. Hodgkins
----- Original Message -----

From: Juliet E. Hodgkins
Sent: 12/08/2006 04:38 PM
To: Paul DeGregorio; Gracia Hillman; Donetta Davidson; Thomas Wilkey
Cc: Bert Benavides; Sheila Banks; Elieen Collver; Matthew Masterson; Jeannie Layson
Subject: Draft response to Tova Wang

Commissioners,

Jeannie and I have collaborated on the following draft response to Tova Wang's letter. Please let me know if you agree or have comments/edits.

[attachment "draft response to Tova Wang.doc" deleted by Paul DeGregorio/EAC/GOV]

Juliet Thompson Hodgkins
General Counsel
United States Election Assistance Commission

015152

1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

015153

**Deliberative Process
Privilege**

**Attorney-Client
Privilege**

Juliet E. Hodgkins/EAC/GOV
12/11/2006 03:50 PM

To Paul DeGregorio/EAC/GOV@EAC
cc "Davidson, Donetta" <ddavidson@eac.gov>, Gracia Hillman/EAC/GOV@EAC
bcc
Subject Re: Fw: Draft response to Tova Wang 

Commissioners,

Consistent with the changes requested by both Commissioners DeGregorio and Hillman, I have revised the draft response. Please take one more look at the letter. If possible, it would be nice to get this out today.



tova wang response 121106.doc

Juliet Thompson Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100
Paul DeGregorio/EAC/GOV



Paul DeGregorio /EAC/GOV
12/11/2006 03:40 PM

To Juliet E. Hodgkins/EAC/GOV@EAC
cc "Davidson, Donetta" <ddavidson@eac.gov>, Gracia Hillman/EAC/GOV@EAC
Subject Re: Fw: Draft response to Tova Wang 

Julie,

I am ok with the edits Commissioner made to the letter; however, I do think that because of the tone of Tova's letter, which is likely to be supplied to others (as was their report to us). that we need a paragraph in the letter that makes it clear that the process used in producing this final report was consistent with the process we have used in all the reports and studies we have issued to date. What she needs to know (in writing) is that is that while we review the work of our researchers and consultants on a topic closely to draw various conclusions, our staff and the commissioners themselves have input into the final product that becomes the public report issued by a majority vote of the EAC. Since I've been on the EAC, we have consistently questioned statistics, statements and conclusions drawn by those doing work for the EAC. We have also drawn upon our collect resources and wisdom to produce the best report possible. I think that was true in this case as it has been with all the other reports we have issued. In the end, it is the EAC--and the commissioners in particular--who are held accountable for what we adopt and release; not our paid consultants or organizations we contract with to do studies.

Paul DeGregorio
Chairman
US Election Assistance Commission
1225 New York Ave, NW
Suite 1100
Washington, DC 20005

015154

1-866-747-1471 toll-free
202-566-3100
202-566-3127 (FAX)
pdegregorio@eac.gov
www.eac.gov

Juliet E. Hodgkins/EAC/GOV

Juliet E. Hodgkins/EAC/GOV
12/11/2006 11:40 AM

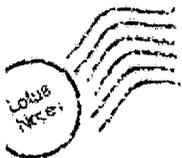
To "Davidson, Donetta" <ddavidson@eac.gov>, Paul
DeGregorio/EAC/GOV@EAC
cc Gracia Hillman/EAC/GOV@EAC
Subject Fw: Draft response to Tova Wang

commisisoners,

See below edits that Gracia has offered to the letter. Let me know if you agree. I would like to send this out today. Also, in response to Gracia's question below, I believe that since her letter was addressed to the Commissioners that the Commissioners should respond (either collectively or through the Chairman). Please let me know if you agree with the edits. It would be nice to get this out today.

Juliet Thompson Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

— Forwarded by Juliet E. Hodgkins/EAC/GOV on 12/11/2006 11:37 AM —



Gracia Hillman /EAC/GOV
12/11/2006 11:26 AM

To Juliet E. Hodgkins/EAC/GOV@EAC, jlayson@eac.gov
cc
Subject Re: Draft response to Tova Wang

Julie and Jeannie:

Thank you for the quick turn around on drafting a response to Tova Wang.

I have made substantial edits because I think the first draft offered too much information, which is not germane to Tova's complaint. Additionally, too much verbiage masks the strength of our good report and seemed to obscure the main points in our response.

I hope you will find the attached helpful.

BTW, who will sign the letter ?

[attachment "Tova Wang, Dec06.doc" deleted by Paul DeGregorio/EAC/GOV]

015155

Gracia M. Hillman
Commissioner
U.S. Election Assistance Commission
1225 New York Avenue, NW, Suite 1100
Washington, DC 20005
Tel: 202-566-3100
Fax: 202-566-1392
www.eac.gov

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December 11, 2006

Ms. Tova Wang
c/o The Century Foundation
1333 H Street NW, 10th Floor
Washington, DC 20005

Via U.S. Mail and Facsimile Transmission
202-483-9430

Dear Ms. Wang:

We are writing in response to your December 7, 2006 memorandum. As you know, the U.S. Election Assistance Commission (EAC) issued its first report on election crimes last week, based in large part on the work that was done for EAC by Job and you. The report contains the full and complete summaries of every interview conducted as well as every book, article, report or case that was reviewed. Rather than provide the synopsis of these interviews, EAC provided the individual summaries so readers could reach their own conclusions about the substance of the interviews.

As the agency responsible for these final reports, it is incumbent upon EAC to assure that the information contained in the reports is accurate and fairly presented. With each of the reports, best practices documents, quick start guides, and other documents that EAC publishes, EAC makes changes as needed to make certain that our constituents are receiving the best and most complete information. This due diligence process is observed regardless of whether the document was created in-house or was created by consultants or contractors.

Upon reviewing initial information about the Department of Justice interviews contained in the status report that was provided to the EAC Standards Board and EAC Board of Advisors and the information provided at the working group meeting in May 2006, those persons interviewed at the Department of Justice did not agree with certain characterizations of their statements contained in these materials. Therefore, EAC exercised its responsibility to make clarifying edits. The Department of Justice is an important prosecutorial agency engaged in enforcing Federal anti-fraud and anti-intimidation laws. Thus, it was important to EAC to assure that the summary of their comments did not lend confusion to an already complex and hotly-debated topic.

015157

The report on voting fraud and voter intimidation will stand as adopted on December 7, 2006. Again, we thank you for the contributions you made to the EAC's initial research of these important issues.

Sincerely,

Paul DeGregorio
Chairman

Donetta Davidson
Commissioner

Gracia Hillman
Commissioner



HvonSpakovsky@fec.gov
04/11/2007 11:35 AM

To chunter@eac.gov
cc
bcc
Subject Fw: Voter ID and turnout

----- Forwarded by Hans von Spakovsky/FEC/US on 04/11/2007 11:35 AM -----

John Lo [REDACTED]

04/10/2007 09:00 PM

To HvonSpakovsky@fec.gov
cc
Subject Re: Voter ID and turnout

One option is why don't you have me or someone else who is doing research on voter ID debate them in a forum before the commission. As you know, I already have a study done on this issue and would happy to do it almost as soon as you wanted to set something up. I agree that unless you look at data over time you can't tell anything about the effect of the regulations.

On Apr 10, 2007, at Tuesday, April 10, 3:35 PM, HvonSpakovsky@fec.gov wrote:

John,

have you seen the controversy over the release of a study done under contract for the U.S. Election Assistance Commission on voter ID and turnout? Here is the link to the press release that the EAC put out about the voter ID study: http://www.eac.gov/news_033007.asp.

Basically, the EAC awarded the contract to individuals who had lots of prior writings indicating their opposition to any voter ID requirements. When they did the study, it apparently didn't come out showing what they wanted it to show, so they recast the numbers to come to the conclusion they wanted. The methodology they used is completely flawed, the most obvious problem being that they only looked at one election year and then compared the turnout in different states, completely failing to take into account the fact that different states have different turnout rates as a matter of historical and cultural trends. Comparing a state in the West that traditionally has very high turnout to a state in the South like Georgia that traditionally has much lower turnout to prove that Georgia's voter ID law must lower turnout is problematic when you don't look at or review longer term turnout trends in each state, particularly before and after an ID requirement is implemented.

015159

The point of my sending you this is that I think this study would be a great opportunity for you to do what you are very good at - analyzing the methodology used by the authors and pointing out its flaws. Apparently, there was a peer review conducted by some academics for the EAC who orally told the EAC that study was flawed.

This study is now being trumpeted as proof that voter ID hurts turnout, and if it is a flawed study, someone with your kind of reputation needs to point that out. If you are interested in doing this, Caroline Hunter, one of the new commissioners at the EAC, would be happy to provide you with whatever information you might need.

Hans A. von Spakovsky
Commissioner
Federal Election Commission
999 E Street, NW
Washington, D.C. 20463
Tel. (202) 694-1011
Fax (202) 219-8493

=

015160

Peer Review Group

A draft of this report and the statistical analysis in its appendix were critiqued by a Peer Review Group. The comments of its members improved the quality of our work. While the Group as a whole and the comments of its members individually contributed generously to the research effort, any errors of fact or weaknesses in inference are the responsibility of the Eagleton-Moritz research team. The members of the Peer Review Group do not necessarily share the views reflected in our recommendations.

R. Michael Alvarez
Professor of Political Science
California Institute of Technology

Timothy G. O'Rourke
Dean, Fulton School of Liberal Arts
Salisbury University

John C. Harrison
Massee Professor of Law
University of Virginia School of Law

Bradley Smith
Professor of Law
Capital University Law School

Martha E. Kropf
Assistant Professor Political Science
University of Missouri-Kansas City

Tim Storey
Program Principal
National Conference of State Legislatures

Daniel H. Lowenstein
Professor of Law, School of Law
University of California at Los Angeles

Peter G. Verniero
former Attorney General, State of New Jersey
Counsel, Sills, Cummis, Epstein and Gross, PC

Margaret Sims/EAC/GOV
03/13/2007 02:31 PM

To Jeannie Layson/EAC/GOV@EAC
cc ddavidson@eac.gov, jthompson@eac.gov, twilkey@eac.gov
bcc
Subject Re: Voter ID, Fraud & Intimidation--Need your input 

Looks fine to me. Of course, she is probably referring to our decision not to release the consultants' draft final report. --- Peggy

Jeannie Layson/EAC/GOV

03/13/2007 02:25 PM

To jthompson@eac.gov, twilkey@eac.gov, psims@eac.gov, ddavidson@eac.gov
cc
Subject Voter ID, Fraud & Intimidation--Need your input

Hello all,

A columnist from the WaPo has asked for info about both the voter ID and the fraud and intimidation reports. This was prompted by the accusation that the president was concerned that the fired prosecutors were not aggressively pursuing voter fraud cases. She had heard that we were refusing to release this information, so I am trying to demonstrate otherwise, as well as show that we have discussed these projects numerous times in public meetings. Please take a look at my draft email to her and let me know if you have any suggestions. She needs to hear back from me by 4 p.m. Thanks for your help with this.

Ms. Cocco,

Per your questions, go [here](#) to view the testimony regarding voter ID from our Feb. 2 public meeting. As I mentioned, at this meeting EAC Chair Donetta Davidson requested that staff review the initial research provided by Eagleton and produce a final report, which would include recommendations for further study on this subject. Currently, staff is working to finalize the voter ID report.

Regarding the voter fraud and intimidation research, at a May 2006 public meeting of our Standards Board and Board of Advisors, the EAC project manager for this research presented a staff update on the project. Go [here](#) to view the agenda, page 3. The document you referred to was the update the project manager gave at this public meeting, and it has been made available to anyone who asked for it. The final culmination of this project can be found [here](#), and links to the attachments provided by the consultants are available by going to page 24 of this report. The commissioners adopted this report at a [public meeting in](#)

015162

Dec. 2006.

As a small agency of 23 employees, including the four commissioners, it is necessary for the agency to contract with consultants to gather the initial data for these projects. After EAC receives the initial data, the agency reviews the data for accuracy and then releases a final report.

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

015163

Karen Lynn-Dyson/EAC/GOV
01/30/2007 05:03 PM

To "John Weingart"
<john.weingart@rutgers.edu>@GSAEXTERNAL
cc
bcc Donetta L. Davidson/EAC/GOV
Subject Re: February 8th EAC meeting 

John-

At the present, I envision my role will merely be to provide a chronology of the project and to provide a context to what has happened with the project and the reports, thus far.

All of the Commissioners will have read your final June 28, 2006 report on Voter Identification and will be addressing their questions to the material contained in that 32 page report and the appendices.

When, or if, I get additional information on the substance of the meeting I'll be certain to pass that information along.

Regards-

Karen Lynn-Dyson
Research Director
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"John Weingart" <john.weingart@rutgers.edu>



"John Weingart"
<john.weingart@rutgers.edu>

01/30/2007 04:55 PM

To "Karen Lynn-Dyson" <klynndyson@eac.gov>
cc
Subject February 8th EAC meeting

Karen - I understand you will be a panelist on the Eagleton/Moritz Voter ID study along with Tom O'Neill and Tim Vercellotti at next Thursday's EAC meeting. Could you let us know what you will be covering so we prepare comments that will not be redundant.

Thanks. I hope your new year is off to a good start.

John

--

-- John Weingart, Associate Director
Eagleton Institute of Politics
(732) 932-9384, x.290 .

015164

Juliet E. Hodgkins/EAC/GOV
11/17/2006 09:40 AM

To Gracia Hillman/EAC/GOV@EAC, Paul
DeGregorio/EAC/GOV@EAC, "Davidson, Donetta"
<ddavidson@eac.gov>, Thomas R. Wilkey/EAC/GOV@EAC
cc Elieen L. Collver/EAC/GOV@EAC, Sheila A.
Banks/EAC/GOV@EAC, Matthew
Masterson/EAC/GOV@EAC
bcc
Subject Meeting regarding draft voter fraud and intimidation report

Commissioners & Tom,

After checking all of your schedules, it appears that Wednesday, Nov. 29 in the morning is available for everyone. Let's set 10:30 as the time. I will reserve the small conference room. Will anyone other than Donetta be calling in?

Juliet Thompson Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

015165

Jeannie Layson/EAC/GOV
11/28/2006 10:27 AM

To EAC Personnel
cc
bcc
Subject FOIA Request

History:  This message has been replied to.

Hello everyone,

I need each of you to respond affirmatively or negatively to the FOIA request below. **If you have no documents in your possession related to this request, please reply to me with the words "no records."** If you have records, please identify them in an e-mail reply and attach them to the e-mail. If the document is not electronic, hand deliver them to me. Also, if you believe any of these related documents should be withheld, please provide a brief memo stating the reason for your position.

I need this information and/or a response by **COB December 5, 2006**. If you cannot comply by this date, please provide notification and an estimated time when you will provide the information and the reason why you cannot comply by the original deadline. Thanks for your cooperation. See request below:

Wendy Weiser of the Brennan Center for Justice has submitted a FOIA request for the voting fraud report prepared by our consultants and the voter ID report, as well as the following information:

"In the event that the EAC denies my renewed request for the voter ID and voting fraud reports or delays another week in providing those materials, we respectfully request copies of (1) all requests for proposals and contracts relating to the voter ID and voting fraud reports; and (2) all written and electronic communications concerning the voter ID and voting fraud reports between the EAC and (a) the Eagleton Institute of Politics, (b) the Moritz College of Law, (c) Tova Wang, (d) Job Serebrov, and (e) any other individuals or entities, including but not limited to outside reviewers."

Please let me know if you would like a copy of the FOIA request.

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

015166



Elieen L. Collver/EAC/GOV
10/17/2006 05:06 PM

To Donetta L. Davidson/EAC/GOV@EAC
cc
bcc
Subject Re: Fw: NEED APPROVAL: Brennen Cen. letter

History: This message has been replied to

by the way, i forwarded the commissioner's staff meeting materials to Trudie's aol account so you can print them out.

Elle L.K Collver
U.S. Election Assistance Commission
1225 New York Avenue, Suite 1100
Washington, D.C. 20005
office: (202) 566-2256

www.eac.gov

Donetta L. Davidson/EAC/GOV

Donetta L.
Davidson/EAC/GOV
10/17/2006 04:57 PM

To "Elle Collver" <ecollver@eac.gov>
cc
Subject Fw: NEED APPROVAL: Brennen Cen. letter

Here is the time that I can do the phone call

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Donetta L. Davidson
Sent: 10/17/2006 03:54 PM
To: Jeannie Layson
Subject: Re: NEED APPROVAL: Brennen Cen. letter

Jeannie. My appointments are at 9 20 - 12 00 - 2 00. I could call him tomorrow at 9 DC time or about 6 DC time.
Let me know if that works.

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Jeannie Layson
Sent: 10/17/2006 10:06 AM

015167

To: Paul DeGregorio; Gracia Hillman; Donetta Davidson
Cc: Thomas Wilkey; Margaret Sims; Karen Lynn-Dyson; Juliet Hodgkins; Gavin Gilmour; Bryan Whitener
Subject: NEED APPROVAL: Brennen Cen. letter

Commissioners,

I have not received input from everyone regarding the attached letter. It is a response to Wendy Weiser of the Brennan Center, who requested the staff voter fraud status report and the provisional voting draft report, both of which were presented to the Standards Bd. and the Bd. of Adv. at the May meeting. She also requested the draft voter ID report, which was not released at the May meeting. If possible, I'd like to get your input by the end of the day. The letter would go out under Tom's signature. Thank you.

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

015168



"Todd Rokita"

06/02/2006 09:38 PM

To ddavidson@eac.gov

cc [REDACTED] psokeson@sos.in.gov

bcc

Subject FW: Voter ID Law

History

This message has been forwarded.

Donetta--- this is the person to whom the EAC is paying taxpayer money to perform dispassionate research on voter fraud? No wonder she has concluded for all of us that voter fraud (in person) really does not exist, except for maybe a few isolated places in the Midwest. If her report sees the light of day, I can almost guaranty problems. The fact that the report may have a co-writer does not solve this problem. She should not even be paid. There is a clear agenda behind her conclusions. I believe the credibility of the EAC is in question with your decision to hire this person and allow her to report on behalf of the EAC on either election fraud or voter intimidation. I would like a response from the Chairman that addresses this article. Thanks

Rumble in the Desert

Civil rights groups are challenging Arizona's Prop 200, which endangers voting rights for citizens.

Tova Andrew Wang

June 01, 2006

Article created by The Century Foundation.

Without a lot of fanfare, a very important lawsuit was filed last week by the Lawyers Committee for Civil Rights and other groups in Arizona. Finally, two years after the passage of the quite pernicious Prop 200, groups are finally taking serious action to combat it.

Basically an anti-immigrant measure, Prop 200 set out a bunch of restrictions on access to services for immigrants. However, with respect to voting rights, Prop 200 set up a situation blocking the right to vote for many *citizens* by requiring every person registering to vote to prove citizenship.

As the Lawyer's Committee describes it, Proposition 200 requires that that counties reject any voter registration application that does not include satisfactory proof of citizenship, such as a copy of the applicant's birth certificate, passport, a driver's license or non-operating identification license, but only if issued after October 1, 1996, a tribal identification card or naturalization documents. This even applies to voters who must re-register simply because they moved across county lines.

This measure is at least as damaging as many of the voter identification laws being passed and contemplated across the country. This stops someone from being part of the

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process before they've even gotten to square one. As I have repeatedly discussed with respect to ID laws, many voters are unlikely to have the required documentation and efforts to obtain the documentation will take time and money, therefore amounting to an unconstitutional poll tax.

Ironically, it has proven to be eligible voters who have been caught in the snare of this act. Last year in Maricopa County, home to Phoenix, more than 10,000 people trying to register were rejected for being unable to prove their citizenship. A spokeswoman for the recorder's office said most are probably U.S. citizens whose married names differ from the ones on their birth certificates or who have lost documentation. In Pima County, home to Tucson, 60 percent of those who tried to register initially could not. The elections chief said that all appeared to be U.S. citizens, but many had moved to Arizona recently and couldn't get their birth certificates or passports.

Moreover, Prop 200 is based on the idea that noncitizens are coming to the polling place and voting illegally. The premise is false. There is no evidence of any number of immigrants knowingly voting in the past in Arizona, and certainly it would seem unlikely when the last thing immigrants want to do in these times is draw official attention to themselves.

Finally, as the lawsuit persuasively argues, the measure also makes it virtually impossible for groups to conduct voter registration drives in Arizona. How many people go to the supermarket with their birth certificate?

The recent decision in Indiana upholding its draconian ID bill and the intolerance toward immigrants being displayed right now makes me worry about how the Arizona courts will respond. They upheld the Proposition in another context once before. But anyone who cares about the right to vote—for qualified, U.S. citizens—should hope that the law is struck down as the unconstitutional and anti-democratic measure it is.

Tova Andrea Wang is Democracy Fellow at The Century Foundation.

David R. Maxwell

Campaign Assistant

Todd Rokita

Secretary of State Reelection Campaign

47 South Meridian Street, Suite 200

Indianapolis, Indiana 46204

Direct: (317) 964 - 5027

[REDACTED]

[REDACTED]

015170

Bryan Whitener/EAC/GOV
05/10/2007 05:45 PM

To Donetta L. Davidson/EAC/GOV@EAC, Rosemary E. Rodriguez/EAC/GOV@EAC, Caroline C. Hunter/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC
cc Bert A. Benavides/EAC/GOV@EAC, Bola Olu/EAC/GOV@EAC, Brian Hancock/EAC/GOV@EAC, Curtis Crider/EAC/GOV@EAC, DeAnna M.
bcc

Subject FYI - Today's media inquiries (5-10-07, Thurs)

Commissioners:

Today we had the following media inquiries:

(1) Leslie Robinson, a reporter for the news blog, ColoradoConfidential.com inquired about the rules and regulations that EAC board members must adhere to. She said that one of the EAC members from Colorado, Dan Kopelman, has recently been sited by the Secretary of State for his business of selling voter lists and consulting partisan candidates. She asked if these infractions cause Kopelman to withdraw from the EAC board. We explained that, according to SEC. 213 of the Help America Vote Act of 2002 (HAVA), there are two EAC Standards Board representatives from each state, that one is a local official, one is a state official and that both individuals represent their state on the Board. We said that the state representatives are selected by the Chief State election official from each state. We said that, with respect to Colorado, Mr. Kopelman was selected to serve on the Board by Colorado Secretary of State Michael Coffman. We suggested Ms. Robinson contact their office for questions regarding the appointment of state representatives from Colorado.

(2) Rose Marie Berger, Associate Editor of Sojourners/Call to Renewal, asked for the document on voter fraud authored by Tova Wang and Job Serebrov. We replied that our Inspector General is currently reviewing the circumstances surrounding this research and noted page two of the following memo from the chair. We said that when that process is complete we'll be glad to discuss it further. 04/16/07 - EAC Requests Review of Voter ID, Vote Fraud & Voter Intimidation Research Projects

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015171

Bryan Whitener/EAC/GOV
05/11/2007 06:18 PM

To Donetta L. Davidson/EAC/GOV@EAC, Rosemary E. Rodriguez/EAC/GOV@EAC, Caroline C. Hunter/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC
cc Bert A. Benavides/EAC/GOV@EAC, Bola Olu/EAC/GOV@EAC, Brian Hancock/EAC/GOV@EAC, Curtis Crider/EAC/GOV@EAC, DeAnna M.
bcc
Subject FYI - Today's media inquiries (5-11-07, Frid)

Commissioners:

Today we had the following media inquiries:

(1) Meg Cox, a freelance journalist in Chicago is working on an article about voter fraud and voter ID laws. She asked the following two questions:

- 1) Is the EAC still sending its "Elections Crimes" report to journalists who request the report on voter fraud and intimidation authored by Wang and Serebrov?
- 2) If the answer to #1 is yes, is the EAC still sending the "Election Crimes" report in these cases without comment--in other words, without indicating that it is not the Wang/Serebrov report?

We forwarded her questions to Curtis and replied to Ms. Cox that the chair has asked our Inspector General to review the circumstances surrounding this research project, as well as research done about voter ID. We said he has requested that EAC not comment on either one of these projects while his review is ongoing. We referred her to the following link: [here](#). and said we'd be glad to make sure she receives the IG's review when it is completed.

(2) Jenna Portnoy of the Doylestown Intelligencia in Bucks Co., PA called again to ask about EAC's progress in determining the status of Pennsylvania's 102 funds. She wants to know the amount of money, if any, that they will have to return. We said that EAC is still reviewing the certifications submitted by the states and we hope to have this process completed as soon as possible. We said we are also evaluating all the reports submitted by the states regarding their 101 and 251 funds expenditures.

015172

Bryan Whitener/EAC/GOV
05/14/2007 06:18 PM

To Donetta L. Davidson/EAC/GOV@EAC, Rosemary E. Rodriguez/EAC/GOV@EAC, Caroline C. Hunter/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC
cc Bert A. Benavides/EAC/GOV@EAC, Bola Olu/EAC/GOV@EAC, Brian Hancock/EAC/GOV@EAC, Curtis Crider/EAC/GOV@EAC, DeAnna M.
bcc

Subject FYI - Today's media inquiries (5-14-07, Mon)

Commissioners:

Today Meg Cox, a freelance journalist in Chicago, sent us the same two questions she sent us last Friday (see below). She had not been satisfied with our response. She is working on an article about voter fraud and voter ID laws. She said she is concerned that journalists are receiving a substitute report from EAC and not the real thing. We replied that we directed her to the one and only report adopted by EAC -- Election Crimes: An Initial Review and Recommendations for Future Study -- We noted that it contains clear language about the role of the consultants, identifies them by name and that their bios are included in the EAC report as Appendix D here. We said we would notify her when the IG has completed his review of this subject. We also noted the following contents of the report:

- Page one: "EAC staff along with two, bipartisan consultants reviewed the existing information available about voting fraud and voter intimidation, including reading articles, books and reports; interviewing subject matter experts; reviewing media reports of fraud and intimidation; and studying reported cases of prosecutions of these types of crimes.
- Page three: To accomplish these tasks, EAC employed two consultants, Job Serebrov and Tova Wang, who worked with EAC staff and interns to conduct the research that forms the basis of this report.
- Page four: The consultants drafted a report for EAC that included their summaries of relevant cases, studies and reports on voting fraud and voter intimidation as well as summaries of the interviews that they conducted. The draft report also provided a definition of voting fraud and intimidation and made certain recommendations developed by the consultants or by the working group on how to pursue further study of this subject. This document was vetted and edited by EAC staff to produce this final report.

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BACKGROUND: Last Friday's Q&A.

Meg Cox, a freelance journalist in Chicago is working on an article about voter fraud and voter ID laws. She asked the following two questions:

- 1) Is the EAC still sending its "Elections Crimes" report to journalists who request the report on voter fraud and intimidation authored by Wang and Serebrov?
- 2) If the answer to #1 is yes, is the EAC still sending the "Election Crimes" report in these cases without comment--in other words, without indicating that it is not the Wang/Serebrov report?

We forwarded her questions to Curtis and replied to Ms. Cox that the chair has asked our Inspector General to review the circumstances surrounding this research project, as well as research done about voter ID. We said he has requested that EAC not comment on either one of these projects while his review is ongoing. We referred her to the following link: here. and said we'd be glad to make sure she receives the IG's review when it is completed.

015173

Juliet E. Hodgkins/EAC/GOV
05/02/2007 05:16 PM

To "Davidson, Donetta" <ddavidson@eac.gov>, Rosemary E. Rodriguez/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC, Caroline C. Elieen L. Coliver/EAC/GOV@EAC, Sheila A. Banks/EAC/GOV@EAC, "Fabre, Stacie"
bcc [REDACTED], Stephanie

Subject: Feinstein and Durbin letter

Commissioners and Tom,

There are several questions in the Feinstein and Durbin letter that I need your assistance responding to. Particularly, I need your responses as to question 1 for both the Voter ID study (page 4 -- numbered at the top) and Voting Fraud and Intimidation (page 5 -- numbered at the top). While these two questions actually say the same exact thing, I believe that the question under Voter ID was intended to refer to the Voter ID study and not the Voting Fraud and Voter Intimidation Study. In addition, please look at questions 5 and 9 under Voting Fraud and Voter Intimidation. Each of these questions require information and documents that you may have. Last, if you have any input on the response to Question 10 under Voting Fraud and Voter Intimidation, please let me know.

I am currently working on the response and anticipate working on it tomorrow and Friday. I would appreciate any information that you may have.



Feinstein and Durbin letter.pdf

Juliet T. Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

015174

United States Senate
WASHINGTON, DC 20510

April 12, 2007

The Honorable Donetta Davidson
Chairman
U.S. Election Assistance Commission
1225 New York Avenue, N.W.
Suite 1100
Washington, DC 20005

Dear Commissioner Davidson:

We are writing to seek a response to very troubling news reports that included allegations that the Commission may have altered or delayed release of two taxpayer-funded studies of election issues for political purposes.

While the Commission is within its rights to decide what guidance it issues to election officials, it is critical that its actions are not perceived as politically motivated and it is imperative that you provide full documentation about the Commission's proceedings on these matters.

On Wednesday, the *New York Times* reported that a bipartisan team of election law experts hired by the Commission to research voter fraud in federal elections found that there was little such fraud around the nation, but the Commission revised the report to say that the pervasiveness of voter fraud was still open to debate.

On Monday, *Roll Call* reported that the Commission two weeks ago rejected the findings of a report, prepared as part of a \$560,000 contract with Rutgers University's Eagleton Institute and Ohio State University's Moritz College of Law. That report found that voter identification laws may reduce election turnout, especially by minorities.

015175

Commissioner Davidson

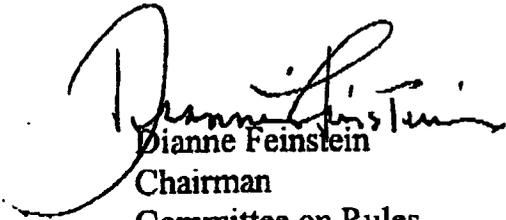
- 2 -

April 12, 2007

It is imperative that the Commission's actions and deliberations are unbiased, free from political influence and transparent. While the Commission does not have to agree with the experts who perform its research, it should make the research available unfettered and unfiltered.

Attached are a series of questions, we would like the Commission to address. We look forward to your timely response.

Sincerely,



Dianne Feinstein
Chairman
Committee on Rules
and Administration



Richard J. Durbin
Chairman
Subcommittee on Financial
Services and General
Government
Committee on Appropriations

015176

We request information and documentation from the Commission that answer the following questions:

COMMISSION'S OVERSIGHT ON EAGLETON CONTRACT TO PERFORM A STUDY ON VOTER IDENTIFICATION

1. Did the Commissioners or Commission senior staff receive any outside communication or pressure to change or not release the entire draft report or portions of the draft language on the voter fraud report? If so, who made those requests?
2. Would you please provide a copy of the approved Request For Proposals, as well as any contract modifications that were agreed to between the Commission and Eagleton Institute and subcontractors?
3. Can you provide the names and qualifications of Election Assistance Commission staff that worked on the Eagleton Institute project?
4. Please indicate how many project meetings occurred during the term of the Eagleton contract, including in-person meetings, conference calls regarding the status of the report, and any meeting where Commissioners were present for at least part of the meeting. Please provide copies of any minutes from those meetings.
5. Please identify the names and affiliations of members of the Peer Review group or groups that examined the Eagleton Institute drafts. Please also indicate the dates upon which any such review of the Eagleton research was conducted, and the specific concerns or complaints that were raised by members of the Peer Review group as to either the analysis or statistical methodology, if any. Please provide copies of any minutes from those meetings.
6. If certain members of the Peer Review groups had concerns with the data or methodology of the Eagleton study, was that information communicated to Eagleton, and were any changes made to the study based on Peer Review group concerns with methodology or data?
7. Who were the individuals (and what were their academic qualifications) that advised the Commission that the data, methodology, or the results of the Eagleton Contract were so flawed that the Commission should reject the report? At what point did the Commission receive input from those individuals?

8. The Commission previewed its research on the Eagleton Institute's study on Provisional Voting at its May 2006 Advisory Board meetings—why was the Voter Identification Draft Study not discussed at that time? What is the status of the Provisional Voting report?
9. In rejecting the Eagleton report, the Commission indicated concerns that there was only one year's worth of data. Given that this was the first year that Commission had studied the results, isn't "one year" what was originally contemplated in the Eagleton contract? Isn't the reason for having a major research institute conduct this study is so they can draw initial assessments from that data—even though that data can be augmented in future years? Because of the rejected report, will the Commission start anew for research in the 2008 elections?
10. What was the final, total cost of the Eagleton contract, and what was produced or released by that Commission as a result of that contract?

COMMISSION'S OVERSIGHT OVER VOTER FRAUD/INTIMIDATION STUDY

1. Did the Commissioners or Commission senior staff receive any outside communication or pressure to change or not release the entire draft report or portions of the draft language on the voter fraud report? If so, who made those requests?
2. Given the bipartisan nature of the Working Group that guided the Voter Fraud/Intimidation report, and the bipartisan nature of the contracted experts who uniformly support the results of this report, what concerns lead the Commission to determine the report should not be released?
3. If there were points in the report that the Commission objected to, were there attempts to work with the contractors to deal with specific concerns? If there were such attempts, please describe them.

4. Who drafted the Commission summary (released in December, 2006) of the Voter Fraud/Intimidation report, and what were their credentials and involvement in the original research process? Were there instructions or guidance given from Commissioners or senior staff as to what portions of the research should be emphasized? Who at the Commission reviewed the summarized report? Since the contracted experts are referred to in the Commission's released report, were the contractors allowed a chance to review or edit that Commission's final report that was released in December, 2006?
5. Please provide copies of any electronic or written communications between Commission employees that relate to the editing of the Voter Fraud/Intimidation report.
6. Please explain what Mr. Job Serebrov was referring to in his email referenced in the *New York Times* article of April 11, 2007. Please provide any documents in the Commission's possession where employees or contracted experts discussed pressure, political sensitivities, or the failure of the Commission to adopt the Voter Fraud/Intimidation report from March 1, 2006 to present.
7. While we realize that the Commission voted to release its summary report in December 2006, was there a public vote taken to reject the Draft Voter Fraud/Intimidation report? Such a monumental decision to reject the contract experts' work is a policy decision, and one that should be done in public. When was the decision made to reject the original report, and what notice was provided to the public that the Commission would reject that report?
8. Prior to the Draft Voter Fraud/Intimidation report's release, had other organizations requested a copy of that original report? Please include copies of your responses to those organizations, if any.
9. Had any States requested that the Commission or staff provide guidance related to voter identification requirements in the Help America Vote Act, or identification requirements generally? Please provide those requests, and any responses from the Commission.
10. Please indicate what steps the Commission is taking to ensure that political considerations do not impact the agency's research and that decisions are handled in a public and transparent manner.

Jeannie Layson/EAC/GOV
04/27/2007 04:54 PM

To EAC Personnel
cc
bcc
Subject Voter ID and Vote Fraud and Voter Intimidation IG Review
Update

Hello everyone,

The chair wanted to distribute the attached memo from the IG, which contains guidance about how we proceed during the review of the voter ID and the vote fraud and voter intimidation research projects. She will continue to keep staff informed as this review moves forward, and she thanks everyone for their continued cooperation and hard work.



IG Memo to Chair on Review of Studies (4-27-07).pdf

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

015180

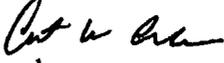


U.S. ELECTION ASSISTANCE COMMISSION
OFFICE OF INSPECTOR GENERAL
1225 New York Ave. NW - Suite 1100
Washington, DC 20005

April 27, 2007

Memorandum

To: Donetta Davidson
Chair, U.S. Elections Commission

From: Curtis Crider 
Inspector General

Subject: U.S. Election Assistance Commission Activities Pending the Office of Inspector
General Investigation of the Voting Fraud and Voter Intimidation Report

In your letter of April 23, 2007, you requested my comments concerning several activities that the Election Assistance Commission (EAC) was considering to undertake pending our review of the Voting Fraud and Voter Intimidation Study and on related questions. My responses to your proposed activities and questions follow:

1. The EAC would like to prepare a summary of the differences between the draft report prepared by the consultants and the final report adopted by the EAC.

Answer: We believe that such a summary will be helpful to our investigation. Please provide us with a copy of the summary of differences upon its completion.

2. Would there be any prohibition against the Director of Communications speaking with EAC employees, consultants or working group members when questions arise from members of the press or under the Freedom of Information Act?

Answer: We are not aware of any prohibition. However, we suggest that EAC not comment or limit its comments on this matter because of the ongoing investigation. Any FOIA requests should be promptly responded to stating that the matter is under investigation. Once the investigation is completed, appropriate information should be made available to the FOIA requester.

3. Would there be any prohibition against EAC briefing members of the EAC Standards Board and the EAC Board of Advisors.

Answer: We are not aware of any prohibition. Our preference, however, would be that EAC allow the investigation to be completed before conducting any briefings.

4. Would there be any prohibition against gathering information related to this project in order to respond to inquiries that have been made by members of Congress?

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Answer: We are not aware of any prohibition. As previously stated, our preference is that there are no public comments while the investigation is in process or that comments be limited. However, we appreciate the sensitivity of Congressional requests, EAC must decide how best to proceed in this matter. We ask that you share any proposed responses with us prior to their release and that you provide us with a copy of final responses and any attachments.

5. Would there be any prohibition against responding to an inquiry that the Commission has received from an attorney engaged by one of the consultants?

Answer: It is the EAC's decision whether to respond to the attorney for the consultant. We prefer that the consultants not be released from the confidentiality clause of their contracts until the OIG has completed its investigations.

We understand that EAC will want to respond to criticism of its handling of the Voter Fraud and Intimidation Study, and that management must ultimately decide how best to proceed. Our preference would be that you attempt to defer commenting until we have finished our investigation.

I appreciate you raising these matters to me before acting. Please feel free to contact me if you have any questions about this memorandum.

015182

Curtis Crider/EAC/GOV

04/23/2007 02:27 PM

To EAC Personnel

cc

bcc

Subject documentation for evaluation

All:

The Office of Inspector General has initiated an evaluation of the contracting process used by the EAC for the voter fraud and voter intimidation projects. In order for us to complete our evaluation, we need copies of all e-mails or other documents that you have regarding either project. Electronic documents can be sent to an e-mail account that we have set up- eacon@eac.gov. If you have any hard copy documents, please let me know.

If you do not have any documents or e-mails, please send me an e-mail to that effect.

Thank you,

Curtis Crider
Office of Inspector General, Election Assistance Commission
Phone - (202) 566-3125
Fax - (202) 566-0957

Important: This electronic transmission is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected from disclosure under applicable law.

015183

Bryan Whitener/EAC/GOV
04/23/2007 11:25 AM

To Donetta L. Davidson/EAC/GOV@EAC, Rosemary E. Rodriguez/EAC/GOV@EAC, Caroline C. Hunter/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC
cc Bert A. Benavides/EAC/GOV@EAC, Bola Olu/EAC/GOV@EAC, Brian Hancock/EAC/GOV@EAC, Curtis Crider/EAC/GOV@EAC, DeAnna M.
bcc

Subject CQ WEEKLY article today - Election Board Facing Votes of No Confidence

History

This message has been forwarded

Commissioners:

We just accessed the following article that appears today in Congressional Quarterly's CQ WEEKLY.



wr20070423-17election-cht.pdf

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Election Board Facing Votes of No Confidence

CQ WEEKLY - IN FOCUS
Congressional Quarterly
April 23, 2007 - Page 1164
By David Nather, CQ Staff

After the turmoil over the 2000 presidential election, Congress created a bipartisan commission that was supposed to do nice, non-controversial things: hand out some federal grants, do some studies, certify voting machines, promote voting practices that seem to work well.

Instead, the Election Assistance Commission is now surrounded by controversy and tough questions. And the same lawmakers who could barely be bothered to pay attention to its creation four years ago are putting it under the microscope now.

Democrats were enraged by the commission's handling of a report on voter fraud – the panel ordered up the report (which found little evidence of fraud), sat on the document for several months, then released a rewritten version that concluded “there is a great deal of debate” about how much voter fraud takes place. Republicans have contended that voter fraud is a big problem and benefits Democrats.

A second commission report on voter identification laws found that the laws can reduce turnout, particularly among Hispanics. The panel delayed releasing that report for months, then made it public even while refusing to endorse its conclusions.

Voting rights groups have criticized the commission's handling of the reports, and two powerful Democratic senators – Dianne Feinstein of California, who chairs the Rules and Administration Committee, and Majority Whip Richard J. Durbin of Illinois, who chairs the Appropriations subcommittee that funds the commission – have asked the panel to answer a barrage of questions. More than anything, they want to know whether the commission received “any outside communication or pressure” to delay or change the reports.

The controversy has put a harsh spotlight on the commission in recent weeks, but it's hardly the only case where the panel's actions have gotten it into trouble. Last year, the commission angered Arizona's secretary of state when it refused to grant the state permission to require voters to provide proof of citizenship when they registered by mail using federal forms. Secretary of State Jan Brewer, a

015184

Republican, called the decision "inexcusably wrong" because Arizona's voters called for the requirement in Proposition 200 and because the Department of Justice had approved it.

On top of it all, secretaries of state have been suspicious of the commission all along, fearing that it would turn into yet another federal regulatory agency. The National Association of Secretaries of State called for the commission to be abolished after the 2006 election, since its three-year authorization expired at the end of fiscal 2005. New Hampshire Secretary of State William Gardner, a Democrat, urged the group to take that position because, he said, "I could see what could potentially be coming. . . . I remember when the Federal Election Commission was basically a clearinghouse as well."

These are a lot of pressures for a four-member commission with a staff of 19 and an operating budget of just over \$11 million, which got so little attention from Congress that it took a year before its first four members won Senate confirmation. The commission also has strict limits on what it can do under the 2002 election overhaul law that created it. Among other things, it's not supposed to be a regulatory agency – though it does have some authority under the National Voter Registration Act of 1993, the "motor voter" law that was at issue in the Arizona dispute.

'We Took On Too Much'

Donetta L. Davidson, the Republican who in January became the commission's third chairman, says she takes seriously the questions about the reports on voter fraud and voter identification. The commission has referred the issue to its own inspector general, asking him to take a hard look at the panel's contracting procedures for outside research projects. "We want to be as transparent as possible," Davidson said.

But Davidson, who was previously Colorado's secretary of state, says the biggest problem was that the commission may have been trying to move too many reports with a small staff that mostly works with outside contractors rather than producing its own research. "I think that was our biggest mistake – being too aggressive," she said. "We just took on too much."

That explanation won't quiet the criticism. House Majority Leader Steny H. Hoyer, a Maryland Democrat and one of the authors of the 2002 law, is concerned that the commission "may have mishandled taxpayer-financed reports" and has called for hearings, said spokeswoman Stacey Farnen Bernards. Feinstein's committee already has an oversight hearing tentatively scheduled for June.

Voting rights groups are highly suspicious of the commission's actions, though there is no evidence the administration interfered with the reports. Jonah Goldman, director of the Lawyers' Committee for Civil Rights Under Law, said it "just seems a little too convenient that there's no political motive" given that the administration reportedly fired some U.S. attorneys because they were not aggressive in prosecuting alleged voter fraud.

And even those who don't subscribe to a political conspiracy find fault with the commission's handling of the reports. "I think they're just trying to avoid controversy, and trying to avoid controversy is not what we need right now," said Richard L. Hasen, an election-law expert at Loyola Law School in Los Angeles. "With all the problems we're having with elections in this country, we need bold leadership, and they're not providing it."

Congressional Alarm Bells

Davidson insists that the commission doesn't shy away from controversial subjects. "That's our job," she said. Indeed, the law spells out a list of reports the commission is supposed to produce, and they touch on nearly every hot-button election issue imaginable: ballot designs, voter registration methods, recount procedures, the handling of misinformation about election times and locations, and even proposals to make Election Day a holiday.

Much of the commission's other work is advice and testing of voting systems. In 2005, it published

guidelines that dealt with security issues, paper audit trails, and accommodations for voters with disabilities. And last year, it started testing and certifying voting systems in preparation for the 2008 election.

Still, the way the voter fraud and identification reports were handled and the possibility that the Justice Department influenced the reports have alarmed some members of Congress.

That issue won't be settled until the hearings have been held and the inspector general's office has issued its report. But the back story of one incident with the voter fraud report – in which two Justice officials secured changes to the summaries of their interviews for the report – suggests the department was more than a bystander in the voter fraud study.

In the appendix, which summarizes all of the expert interviews conducted for the fraud report, two Justice officials' interviews are included: Craig Donsanto, director of the Election Crimes Branch of the Public Integrity Section, and John Tanner, chief of the Civil Rights Division's Voting Section. In both cases, a footnote declares that "this interviewee did not agree with the consultants' interpretation of his interview comments" and that the commission made "clarifying edits." No such note accompanies any of the other expert interviews.

Donsanto got to see the summary of his interview because he was a technical adviser to the working group. He thought the summary erroneously implied that his unit didn't pursue systematic fraud schemes anymore, only individual cases like voting by felons and non-citizens. He worried that civil rights groups would think their constituencies were being singled out. Peggy Sims, an election research specialist at the commission who managed the project, agreed and had it changed.

Tanner took issue with the suggestion that he had said the Department of Justice wasn't pursuing voter-suppression cases anymore, and provided examples of cases where it was doing just that. His remarks were corrected.

Sims said that neither Donsanto nor Tanner got to weigh in on the entire report before it was released.

Such controversies are inevitable given that some lawmakers are worried about political influence on the commission and others are concerned it might grow too powerful. Elections are emotional, and even a bipartisan panel will have disagreements. When the four commissioners tried to revisit the Arizona decision, for instance, they deadlocked on party lines, something that also happens periodically to the bipartisan Federal Election Commission.

But the commission can go a long way, voting rights groups say, simply by operating with more transparency and establishing more written procedures for making decisions. "It is a relatively young agency," said Wendy R. Weiser of the Brennan Center for Justice at the New York University School of Law. "But they've been around long enough that this is no longer acceptable."

Davidson said more transparency and better procedures are her goals as well. "Definitely I hear what Congress is saying," she said. "We're a bipartisan commission, and we want to do the right thing." Now, in a year when lawmakers say they're trying to improve oversight, it's up to Congress to decide whether it is interested enough in its own creation to help the commissioners do the right thing.

FOR FURTHER READING: Voter fraud and U.S. attorneys, CQ Weekly, p. 968; commission's creation, 2003 CQ Weekly, p. 3059; election law (PL 107-252), 2002 Almanac, p. 14-3; motor-voter law (PL 103-31), 1993 Almanac, p. 199. Source: CQ Weekly. The definitive source for news about Congress.

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Who's Who on the Commission

The Election Assistance Commission was created in 2002 to help states comply with federal rules and to set standards and distribute grants for voting equipment. Its members, two from each party, are nominated by the president and confirmed by the Senate to four-year terms that are renewable once.



Donetta L. Davidson (Republican) was appointed in 2005 and is the current chairwoman. She had been Colorado's secretary of state for six years and before that state elections director and a county clerk in suburban Denver. Her term expires in December.



Gracia M. Hillman (Democrat) is a longtime figure in the voting rights movement and a former executive director of the League of Women Voters. She was president of a Washington consulting company when appointed in 2003. Her term expired in 2005, but she is serving until a replacement is named.



Caroline C. Hunter (Republican) was deputy director of the White House Office of Public Liaison when President Bush appointed her in 2007. She is a former attorney for the Republican National Committee and ombudsman for the Bureau of Citizenship and Immigration Services. Her term expires in February 2011.



Rosemary E. Rodriguez (Democrat) was finishing her third year on the Denver City Council when she was appointed in 2007 to replace Ray Martinez, who resigned. She had previously been Denver's city clerk and director of boards and commissions for the mayor. Her term expires in December.

Jeannie Layson/EAC/GOV
04/17/2007 04:56 PM

To Donetta L. Davidson/EAC/GOV, ghillman@eac.gov, Caroline
C. Hunter/EAC/GOV@EAC, Rosemary E.
Rodriguez/EAC/GOV@EAC
cc EAC Staff

bcc

Subject Today's press inquiries (04-17-07)

1. I spoke with St. Louis editorial board members Christine Bertelson and Kevin Korrigan regarding an editorial that ran today, asserting that we'd worked on the vote fraud/voter intimidation study for five years, and that the administration/White House edited the report. I told them both of these assertions were false, and I requested a correction. I gave them the details about how this project was conceived and managed. I explained that the vote fraud and voter intimidation project began in Sept. 2004. As I said, the statement that this project had been five years in the making is incorrect -- that predates the creation of the EAC. Commissioners were appointed in Dec. 2003, and the agency's first year of operations was 2004 with a \$1.2 million operating budget. I said the assertion that the administration edited the document was false, and said that at no point in the process did the administration play any role. I also pointed out that the chair requested the IG to fully review the matter. They are going to run a correction. The editorial follows.

Snipe hunting in Jeff City

Tuesday, Apr. 17 2007

The Missouri Legislature's dogged efforts to crack down on voter fraud call to mind the hallowed tradition of the snipe hunt.

In a snipe hunt, gullible kids are taken out to the woods, handed sticks and gunny sacks and told to track down the elusive snipe. Meanwhile, their pals, who know a snipe is a bird of marsh and shore generally found nowhere near the woods, yuck it up.

Voter fraud is about as rare as snipe in most parts of the country, including Missouri. As evidence of that we have the testimony of (a) a five-year study by the federal Election Assistance Commission; (b) a report from the Missouri Secretary of State showing nobody in the state tried to vote with a fake I.D. in 2006; (c) Department of Justice statistics showing only 86 people were convicted of voter fraud-related crimes in the last five years, many of them on trivial errors; and (d) a federal judge's ruling last week that the justice department had failed to demonstrate that voter fraud had occurred in Missouri last year.

Undaunted by these facts, Republicans in the Legislature lurk about like Elmer Fudd with their gunny sacks and sticks, promoting bills to require voters to present photo identification before they're allowed to cast a ballot. They passed such a bill last year, but the courts threw it out as unfair to those who couldn't afford the cost and hassle involved in getting a photo I.D. card.

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This year's versions of the photo I.D. bills would allow voters without photo I.D. to cast "provisional ballots," which may or may not get counted. So, despite the fact that a photo I.D. requirement would disenfranchise many voters in the cause of solving a problem that doesn't exist, the Missouri House could pass such a bill this week.

Evidence continues to mount that the hunt master for the national voter I.D. snipe hunt is none other than Karl Rove, President George W. Bush's deputy chief of staff and political guru. As The New York Times suggested Sunday, "The more we learn about the White House purge of United States attorneys, the more a single thread runs through it: the Bush administration's campaign to transform the minor problem of voter fraud into a supposed national scourge."

Not only did the administration suggest that some of the eight fired prosecutors had been insufficiently aggressive in pursuing voter fraud cases, it changed the wording of the Election Assistance Commission's findings on the voter fraud issue. What originally read, "there is widespread but not unanimous agreement that there is little polling place fraud" became "there is a great deal of debate on the pervasiveness of fraud."

Moreover, the release of the commission's report was delayed for nine months, during which period eight states, including Missouri, dealt with voter I.D. laws. Since the 3 percent to 4 percent of the electorate who don't have photo I.D.s tend to be poor, disabled or elderly voters, suppressing their vote would tend to help Republican candidates.

Investigators looking for evidence of fraud need look no further than the e-mail messages emanating from Mr. Rove's offices. Alas, thousands, perhaps millions, of those messages are now "missing." Perhaps Attorney General Alberto Gonzales will shed some light on the problem when his testimony before the Senate Judiciary Committee is rescheduled. In the meantime, Missouri lawmakers should put down the sticks and gunny sacks and back slowly out of the woods before their constituents realize they've been snookered, too.

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

015189

Bryan Whitener/EAC/GOV
04/19/2007 06:19 PM

To Donetta L. Davidson/EAC/GOV@EAC, Rosemary E. Rodriguez/EAC/GOV@EAC, Caroline C. Hunter/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC
cc Bert A. Benavides/EAC/GOV@EAC, Bola Olu/EAC/GOV@EAC, Brian Hancock/EAC/GOV@EAC, Curtis Crider/EAC/GOV@EAC, DeAnna M.
bcc

Subject FYI - Today's media inquiries (4-19-07, Thurs)

Commissioners:

Jeannie issued the following media inquiries log for today:

(1) I asked Rick Hasen of Election Law Blog to please post info about our Spanish language glossary of election terms, and he did.

(2) Eliza Carney, National Journal columnist, interviewed the chair today about the recent challenges EAC has encountered. She asked about CIBER, and the chair explained the interim process, the way we modeled our interim process after NVLAP. Eliza wanted to know what EAC was doing to address some of the criticism, and the chair talked about the bipartisan subcommittees and her request to the IG. She said Rep. Hinchey told her the only reason we released the voter ID report was because he asked for it at a hearing. The chair pointed out that in Feb. she asked staff to bring the commission recommendations for wrapping it up w/n 30 days. She asked the chair about the voter fraud report, and the chair said staff reviewed it for accuracy, as we have a responsibility to do. I sent her background info on the history of certification and the voluntary nature of the guidelines and our certification program. She also asked for info about our budgets, and our employee cap, which I sent to her.

(3) David Nather of Congressional Quarterly interviewed the chair about how the agency is standing up against all of the recent criticism. She talked about the bipartisan subcommittees and the IG review request. She said if the IG identifies things that need to be changed, we'll change them. He had emails b/w Peggy and Craig Donsanto about discrepancies with his interview. Peggy talked with the reporter about the issue. She explained that she sat in on the interview, and that she agreed with Craig that they had gotten something wrong -- they stated that DOJ had moved from focusing on fraud conspiracies to individual cases. Peg and Craig agreed that what he'd said was that DOJ used to only focus on conspiracies, now they also focus on individual cases too. Peg said Craig learned of the inaccurate portrayal during his role as the technical advisor to the working group. She said none of the people interviewed were given the opportunity to review the summaries. Craig found out about his through the working group, and Tanner learned about his interview summary after the boards were briefed on the project in May. He asked me if we were finished with the following research projects: -- ballot designs, voter registration methods, recount procedures, misinformation about election times and locations, and proposals to make election day a holiday. I told him all of that research is underway. HAVA-mandated research that's been completed includes Election Crimes (vote fraud), the 2004 Uniformed and Overseas Citizens Absentee Voting Act Survey, and the 2003-2004 National Voter Registration Act Survey. We've also released the 2004 Election Day Survey. And we've issued a series of quick management start guides to election officials throughout the nation, addressing voting system security, introducing a new voting system, ballot preparation, and poll workers. Yesterday, the commission adopted the Spanish language glossary of election terms, the first project released under EAC's Language Accessibility Program, which consists of working groups comprised of local election officials, national advocacy groups and research and public policy organizations to advise the commission on how to best meet language accessibility requirements. Next we will translate the glossary in five Asian languages. We also are working on a Legal Resources Clearinghouse, which will be a web-based database containing statutes, regulations, rules, and fed. and state court decisions related to election administration. It will provide the public and election officials a central location to conduct election administration research. I pointed out to him that we have already met two of the biggest HAVA mandates -- VVSG and the certification program. He asked for the ages of all the commissioners, and I gave it him.

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(4) Philip Burrowes of Congressional Quarterly asked for photos of all commissioners and their length of terms which we provided. He also asked for the names of the members of Congress who made recommendations to the White House regarding appointments. We provided the text of HAVA regarding recommendations and said he would need to ask the White House for names.

(5) Marc Songini of Computer World had the following questions, and my responses follow.

A. Is the EAC doing enough to strengthen voluntary voting system guidelines and voting system certification? EAC, the National Institute of Science and Technology (NIST), and the Technical Guidelines Development Committee (TGDC) have already completed an initial update of the 2002 standards. First, it is important to note that these guidelines are voluntary, and it is up to states whether to adopt them. The 2005 guidelines update and augment the 2002 voting system standards, as required by HAVA, to address advancements in election practices and computer technologies. After December of this year, voting systems will no longer be tested against the 2002 standards. The major changes from 2002 to 2005 fall in the areas of accessibility and usability. The changes made to these sections include a usability section which was not in the 2002 standards and increase the number of accessibility requirements from 29 to 120 and increase language accessibility requirements. The 2005 guidelines also created greater security requirements based on the new technology used in the voting machines, increasing standards in the areas of data transmission and voter verification. The 2005 guidelines also include a section on conformance testing that was not in the previous standards and included more requirements regarding wireless components. It also provides an overview of the requirements for Independent Verification systems, including requirements for a voter verified paper audit trail for states that require this feature for their voting systems. The VVSG includes the requirement that all voting system vendors submit software to a national repository, which will allow local election officials to make sure the voting system software they purchase is the same software that was certified. In addition, NIST and the TGDC are working on the next iteration of guidelines as we speak, and have said they expect to provide their recommendations to EAC by this summer. You may also want to contact Jan Kosko at NIST. Her number is 301-975-2767.

B. Regarding EAC resources, please see our operating budgets below. Note that the National Institute of Standards and Technology (NIST) receives a pass through in our budget, so that amount is not part of EAC's operating budget.

FY 2004 -- \$1.2 million

FY 2005 -- \$13.8 million (\$2.8 million of which was a pass through for NIST)

FY 2006 -- \$14 million (\$2.8 million of which was a pass through for NIST)

FY 2007 -- \$16.2 million (\$4.95 million of which was a pass through for NIST)

C. Regarding your inquiry about what EAC is doing to strengthen the certification program, the most important issue is that it is now a role the federal government has assumed for the very first time. In the past, this was done by the National Association of State Election Directors (NASED) on a volunteer basis. NASED is not a federal agency, and it did not receive any federal funds in its efforts. EAC made the decision not to grandfather any systems certified by NASED. So any system seeking an EAC certification must be tested end to end. Under EAC's program, which is laid out in our Testing and Certification Program Manual, the federal government will not only operate a more rigorous testing and certification process, it will also have a Quality Monitoring Program in place. For the first time manufacturers will be held accountable through not only this program, but also under the decertification process, which would be the ultimate sanction against a manufacturer. If a system is decertified, the manufacturer may not represent the system as being certified, may not label the system as certified, and the system will be removed from the EAC's list of certified voting systems. Election officials will be notified about the decertification. The Quality Monitoring Program will allow election officials to report anomalies. EAC will visit facilities for quality control purposes, and we will perform site reviews per states' requests. In addition, this program will be transparent. Information about the process and the manufacturers and test labs that participate will be posted on the agency's website. Go here for the list of documents and information we will provide. In addition to holding the manufacturers accountable, any federal employees involved with this program will have their financial holdings reviewed for potential conflicts of interest.

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015191

Jeannie Layson/EAC/GOV
04/16/2007 03:18 PM

To [REDACTED] m
cc
bcc
Subject Chair requests internal review

History This message has been forwarded.

Hello everyone,
I wanted to notify you that Chair Davidson, in agreement with the other three commissioners, has requested that our IG -- Curtis Crider -- conduct a review of our contracting procedures surrounding the voter identification and vote fraud and voter intimidation research projects. Very shortly, I will distribute her request along with a press release to the media and to all our stakeholders. However, she wanted to make sure the staff was fully informed about this action before we make this news public.

The chair's request, the press release and all of the materials referenced in her request will be available on the home page under Announcements very shortly. Please direct anyone with questions about this action to the website. And let me know if you have questions about any of this information or if I can be of assistance answering questions from the public about this issue.

The chair wants to convey to everyone how much she appreciates your hard work, and that she is confident in our ability to work with Curtis to resolve this issue. Tom would like staff to join him at 3:30 today in the large conf. room upstairs to answer any questions you have.



2007-13 (4-16-07) EAC Requests Review of Voter ID, Fraud & Intimidation Research Projects.pdf
Jeannie Layson
U.S. Election Assistance Commission
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U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW – Suite 1100
Washington, DC 20005

EAC Requests Review of Voter ID, Vote Fraud and Voter Intimidation Research Projects

For Immediate Release
April 16, 2007

Contact: Jeannie Layson
Bryan Whitener
(202) 566-3100

WASHINGTON – U.S. Election Assistance Commission (EAC) Chair Donetta Davidson today issued a formal request to the commission’s inspector general to conduct a review of the commission’s contracting procedures, including a review of two recent projects focusing on voter identification and vote fraud and voter intimidation. The chair’s memo to the inspector general is attached.

“The actions taken by the commission regarding these research projects have been challenged, and the commissioners and I agree that it is appropriate and necessary to ask the inspector general to review this matter,” said EAC Chair Davidson.

Chair Davidson has requested that the inspector general specifically review the circumstances surrounding the issuance and management of the voter identification research project and the vote fraud and voter intimidation research project.

EAC is an independent bipartisan commission created by HAVA. It is charged with administering payments to states and developing guidance to meet HAVA requirements, implementing election administration improvements, adopting voluntary voting system guidelines, accrediting voting system test laboratories and certifying voting equipment and serving as a national clearinghouse and resource of information regarding election administration. The four EAC commissioners are Donetta Davidson, chair; Rosemary E. Rodriguez, Caroline Hunter and Gracia Hillman.

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015193



April 16, 2007

MEMORANDUM

To: EAC Inspector General Curtis Crider
Fr: EAC Chair Donetta Davidson
Cc: Commissioners Rodriguez, Hillman and Hunter, Tom Wilkey, and Julie Hodgkins
RE: EAC requests review of contracting procedures

On Friday, April 13, each of my three colleagues – Rosemary Rodriguez, Gracia Hillman, and Caroline Hunter -- agreed with my recommendation that we issue the following formal request to the Commission's Office of Inspector General to review the circumstances surrounding two recent EAC research projects – vote fraud and voter intimidation and voter identification.

Background

The U.S. Election Assistance Commission (EAC) is an independent, bipartisan Commission created by the Help America Vote Act (HAVA) of 2002.

EAC develops guidance to meet HAVA requirements, adopts voluntary voting system guidelines, accredits voting system test laboratories, certifies voting systems and audits the use of HAVA funds. HAVA also directs EAC to maintain the national mail voter registration form developed in accordance with the National Voter Registration Act (NVRA) of 1993.

The Commission serves as a national clearinghouse and resource of information regarding election administration. It is under the Commission's clearinghouse role that research projects are conducted with the goal of providing information that will lead to improvements in election administration, as well as inform the public about how, where and when we vote.

The voter identification research was conducted by Rutgers, the State University of New Jersey, through its Eagleton Institute of Politics ("Contractor"). The contract, awarded in May 2005, required the Contractor to perform a review and legal analysis of state legislation, administrative procedures and court cases, and to perform a literature review on other research and data available on the topic of voter identification requirements. Further, the Contractor was asked to analyze the problems and challenges of voter identification, to hypothesize alternative approaches and to recommend various policies that could be applied to these approaches. Last month, the commission voted

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unanimously not to adopt the report, citing concerns with its methodology, but voted to release all of the data provided by the Contractor.

The vote fraud and voter intimidation research was conducted by Tova Wang and Job Serebrov ("Consultants"). The contracts, awarded in September 2005, issued to these Consultants tasked them with defining the terms vote fraud and voter intimidation and providing recommendations how to conduct extensive research in the future on these topics. The contract stated that the Consultants were responsible for "creating a report summarizing the findings of this preliminary research effort and Working Group deliberations. This report should include any recommendations for future EAC research resulting from this effort."

Review Request

The actions taken by the Commission regarding both the voter identification and the vote fraud and voter intimidation research projects have been challenged. Specifically, Members of Congress, the media, and the public have suggested that political motivations may have been part of the Commission's decision making process regarding these two projects. Also, the Commission has been criticized for the amount of taxpayer dollars that were spent on these two projects, as well as how efficiently these projects were managed.

The Commission takes these allegations very seriously, and we request that you fully review the following issues and provide the Commission and the Congress with a report of your findings as soon as possible. The Commission stands ready to assist you in these efforts and will provide whatever information, including memos, emails and other documents you will need. Cooperating with your review will be the staff's top priority.

1. Current Commission policy regarding awarding and managing research contracts.
2. Issuance and management of the vote fraud and voter intimidation contract.
3. Circumstances surrounding the receipt of information from Consultants regarding the vote fraud and voter intimidation project.
4. Circumstances surrounding staff efforts to write a final report for Commission consideration.
5. Identification of staff members who assisted in the editing and collaboration of the final vote fraud and voter intimidation report for Commission consideration.
6. Staff and/or Commissioner collaboration with political entities or other federal agencies regarding the vote fraud and voter intimidation project.
7. Circumstances surrounding Commission discussion and deliberation of final adoption of *Election Crimes: An Initial Review and Recommendation for Further Study*.
8. Issuance and management of the voter identification contract.
9. Circumstances surrounding the receipt of information from Contractor regarding the voter identification report.
10. Identification of staff members who assisted in the editing, collaboration, and recommendation to the Commission regarding final adoption of the voter identification report.

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11. Staff and/or Commissioner collaboration with political entities or other federal agencies regarding the voter identification project.
12. Circumstances surrounding Commission deliberation whether to adopt a final voter identification report.

For your information, I have attached statements and related correspondence from Members of Congress, and a statement issued by the Commission regarding the criticism.

It is our hope that your findings will instruct us how to move forward in a more efficient, effective and transparent manner. The Commission takes its mandates under HAVA very seriously, and this small Commission has an enormous amount of work to conduct, including testing and certifying voting equipment, providing guidance and assistance to election officials, and auditing the proper use of the \$3.1 billion that was distributed under HAVA.

We look forward to your findings so that we may take the actions necessary to improve the way we conceive research projects, manage research contracts, and make decisions regarding the final release of data provided to the Commission from a third party.

United States Senate
WASHINGTON, DC 20510

April 12, 2007

The Honorable Donetta Davidson
Chairman
U.S. Election Assistance Commission
1225 New York Avenue, N.W.
Suite 1100
Washington, DC 20005

Dear Commissioner Davidson:

We are writing to seek a response to very troubling news reports that included allegations that the Commission may have altered or delayed release of two taxpayer-funded studies of election issues for political purposes.

While the Commission is within its rights to decide what guidance it issues to election officials, it is critical that its actions are not perceived as politically motivated and it is imperative that you provide full documentation about the Commission's proceedings on these matters.

On Wednesday, the *New York Times* reported that a bipartisan team of election law experts hired by the Commission to research voter fraud in federal elections found that there was little such fraud around the nation, but the Commission revised the report to say that the pervasiveness of voter fraud was still open to debate.

On Monday, *Roll Call* reported that the Commission two weeks ago rejected the findings of a report, prepared as part of a \$560,000 contract with Rutgers University's Eagleton Institute and Ohio State University's Moritz College of Law. That report found that voter identification laws may reduce election turnout, especially by minorities.

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Commissioner Davidson

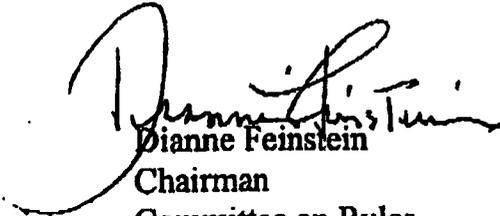
- 2 -

April 12, 2007

It is imperative that the Commission's actions and deliberations are unbiased, free from political influence and transparent. While the Commission does not have to agree with the experts who perform its research, it should make the research available unfettered and unfiltered.

Attached are a series of questions, we would like the Commission to address. We look forward to your timely response.

Sincerely,



Dianne Feinstein
Chairman
Committee on Rules
and Administration



Richard J. Durbin
Chairman
Subcommittee on Financial
Services and General
Government
Committee on Appropriations

015198

We request information and documentation from the Commission that answer the following questions:

COMMISSION'S OVERSIGHT ON EAGLETON CONTRACT TO PERFORM A STUDY ON VOTER IDENTIFICATION

1. Did the Commissioners or Commission senior staff receive any outside communication or pressure to change or not release the entire draft report or portions of the draft language on the voter fraud report? If so, who made those requests?
2. Would you please provide a copy of the approved Request For Proposals, as well as any contract modifications that were agreed to between the Commission and Eagleton Institute and subcontractors?
3. Can you provide the names and qualifications of Election Assistance Commission staff that worked on the Eagleton Institute project?
4. Please indicate how many project meetings occurred during the term of the Eagleton contract, including in-person meetings, conference calls regarding the status of the report, and any meeting where Commissioners were present for at least part of the meeting. Please provide copies of any minutes from those meetings.
5. Please identify the names and affiliations of members of the Peer Review group or groups that examined the Eagleton Institute drafts. Please also indicate the dates upon which any such review of the Eagleton research was conducted, and the specific concerns or complaints that were raised by members of the Peer Review group as to either the analysis or statistical methodology, if any. Please provide copies of any minutes from those meetings.
6. If certain members of the Peer Review groups had concerns with the data or methodology of the Eagleton study, was that information communicated to Eagleton, and were any changes made to the study based on Peer Review group concerns with methodology or data?
7. Who were the individuals (and what were their academic qualifications) that advised the Commission that the data, methodology, or the results of the Eagleton Contract were so flawed that the Commission should reject the report? At what point did the Commission receive input from those individuals?

8. The Commission previewed its research on the Eagleton Institute's study on Provisional Voting at its May 2006 Advisory Board meetings—why was the Voter Identification Draft Study not discussed at that time? What is the status of the Provisional Voting report?
9. In rejecting the Eagleton report, the Commission indicated concerns that there was only one year's worth of data. Given that this was the first year that Commission had studied the results, isn't "one year" what was originally contemplated in the Eagleton contract? Isn't the reason for having a major research institute conduct this study is so they can draw initial assessments from that data—even though that data can be augmented in future years? Because of the rejected report, will the Commission start anew for research in the 2008 elections?
10. What was the final, total cost of the Eagleton contract, and what was produced or released by that Commission as a result of that contract?

COMMISSION'S OVERSIGHT OVER VOTER FRAUD/INTIMIDATION STUDY

1. Did the Commissioners or Commission senior staff receive any outside communication or pressure to change or not release the entire draft report or portions of the draft language on the voter fraud report? If so, who made those requests?
2. Given the bipartisan nature of the Working Group that guided the Voter Fraud/Intimidation report, and the bipartisan nature of the contracted experts who uniformly support the results of this report, what concerns lead the Commission to determine the report should not be released?
3. If there were points in the report that the Commission objected to, were there attempts to work with the contractors to deal with specific concerns? If there were such attempts, please describe them.

4. Who drafted the Commission summary (released in December, 2006) of the Voter Fraud/Intimidation report, and what were their credentials and involvement in the original research process? Were there instructions or guidance given from Commissioners or senior staff as to what portions of the research should be emphasized? Who at the Commission reviewed the summarized report? Since the contracted experts are referred to in the Commission's released report, were the contractors allowed a chance to review or edit that Commission's final report that was released in December, 2006?
5. Please provide copies of any electronic or written communications between Commission employees that relate to the editing of the Voter Fraud/Intimidation report.
6. Please explain what Mr. Job Serebrov was referring to in his email referenced in the *New York Times* article of April 11, 2007. Please provide any documents in the Commission's possession where employees or contracted experts discussed pressure, political sensitivities, or the failure of the Commission to adopt the Voter Fraud/Intimidation report from March 1, 2006 to present.
7. While we realize that the Commission voted to release its summary report in December 2006, was there a public vote taken to reject the Draft Voter Fraud/Intimidation report? Such a monumental decision to reject the contract experts' work is a policy decision, and one that should be done in public. When was the decision made to reject the original report, and what notice was provided to the public that the Commission would reject that report?
8. Prior to the Draft Voter Fraud/Intimidation report's release, had other organizations requested a copy of that original report? Please include copies of your responses to those organizations, if any.
9. Had any States requested that the Commission or staff provide guidance related to voter identification requirements in the Help America Vote Act, or identification requirements generally? Please provide those requests, and any responses from the Commission.
10. Please indicate what steps the Commission is taking to ensure that political considerations do not impact the agency's research and that decisions are handled in a public and transparent manner.

COMMITTEE ON THE JUDICIARY

- CHAIR — SUBCOMMITTEE ON IMMIGRATION, CITIZENSHIP, REFUGEES, BORDER SECURITY, AND INTERNATIONAL LAW
- SUBCOMMITTEE ON COURTS, THE INTERNET, AND INTELLECTUAL PROPERTY
- SUBCOMMITTEE ON COMMERCIAL AND ADMINISTRATIVE LAW

COMMITTEE ON HOMELAND SECURITY

- SUBCOMMITTEE ON BORDER, MARITIME AND GLOBAL COUNTERTERRORISM
- SUBCOMMITTEE ON EMERGING THREATS, CYBERSECURITY, AND SCIENCE AND TECHNOLOGY

COMMITTEE ON HOUSE ADMINISTRATION

- CHAIR — SUBCOMMITTEE ON ELECTIONS

CHAIR, CALIFORNIA DEMOCRATIC CONGRESSIONAL DELEGATION

Congress of the United States
House of Representatives
 Washington, DC 20515-0516

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 16TH DISTRICT, CALIFORNIA

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CO-CHAIR, CONGRESSIONAL HAZARDS CAUCUS

CO-CHAIR, BIPARTISAN CONGRESSIONAL REFUGEE CAUCUS

CO-CHAIR, CONGRESSIONAL VIETNAM CAUCUS

April 12, 2007

Chairwoman Donetta Davidson
 United States Election Assistance Commission
 1225 New York Avenue N.W., Suite 1100
 Washington, DC 20005

Dear Chairwoman Davidson:

As Chairwoman of the Committee on House Administration Subcommittee on Elections, which has oversight over the Election Assistance Commission, I was alarmed at what appears to be an emerging pattern by the EAC to hold off on publicly releasing reports as well as modifying reports that are released. Two recent instances have brought to light the increased politicalization of the EAC and this lack of transparency.

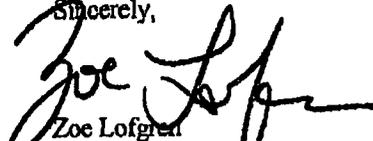
First, the House Appropriations Subcommittee on Financial Services and General Government released a draft version of an EAC report on voter fraud and intimidation that shows significant changes were made to the findings of outside experts before the final report was released. The EAC released report "Election Crimes: An Initial Review and Recommendations for Future Study" does not accurately reflect the research in the original report "Voting Fraud and Voter Intimidation."

Second, in addition to this report on voter fraud and intimidation, the EAC recently released a report by The Eagleton Institute of Politics at Rutgers University on voter identification. Again, the EAC did not endorse the report, citing methodological concerns, and only released it after pressure from Congress.

The EAC is charged with conducting nonpartisan research and to advise policy makers. How are we to rely on advice if instead of full and accurate reporting, we are provided an inaccurate modified version which negates clear evidence to the contrary in the original research? I am outraged that the election process is being threatened by a lack of transparency and limited discussion.

In order to preempt any further problems with the release of reports from the EAC, I request all versions of the Absentee Ballot report and the Military and Overseas report, as well as any other overdue reports, including supporting documents and research, be provided to my office by close of business Monday, April 16, 2007. These reports are overdue and I want to ensure that the delay is no way related to what appears to be an ongoing problem of politicalization of the EAC.

Sincerely,


 Zoe Lofgren
 Member of Congress

For Immediate Release

April 11, 2007

Hinchey, Serrano Urge Non-Partisanship, Greater Transparency at Election Assistance Commission

Washington, DC - Today, Congressmen Maurice Hinchey (NY-22) and José E. Serrano (NY-16) urged the Election Assistance Commission (EAC) to act with greater transparency and without partisanship. The comments from the congressmen came as the House Appropriations Subcommittee on Financial Services and General Government released a draft version of an EAC report on voter fraud and intimidation that shows significant changes were made to the findings of outside experts before the final report was released.

"The EAC has an obligation to be forthright with the American people and operate transparently and in a non-partisan manner," said Congressman Hinchey, who requested the draft report from EAC Commissioner Donetta L. Davidson during a subcommittee hearing last month. "The draft report was commissioned with taxpayer dollars upon a mandate from Congress so that we could learn more about voter fraud and intimidation. The need for this report is even more clear when we see the way in which the Bush administration is carrying out the electoral process and how this system is sliding towards corruption. In hiding a draft report from the public that is significantly different from the final version, the EAC has created a lot more questions than it has answered while stunting debate on the issue. In order for our democracy to function properly it is essential that our elections are free of any corruption and that includes ensuring that the EAC does not work to benefit one political party over the other. To achieve that goal we must have all the facts and opinions on the table, not just some of them. The EAC must never limit discussion and debate."

"The EAC is charged with helping to ensure our elections are trustworthy and administered fairly," said Congressman Serrano, who is Chair of the Appropriations Subcommittee that oversees the EAC budget. "I'm concerned if changes were made to the report on voter fraud because of partisan bias rather than impartial analysis. When you read the draft report side-by-side with the final version, it is clear that important conclusions of the experts who wrote the draft report were excluded from the final product. Among the excluded information is an analysis that undermines the notion that voter fraud is rampant."

"I am concerned that the EAC did not publicly release the taxpayer-funded draft report, and I worry that political considerations may have played a role. We cannot have a politicized EAC, or one that yields to outside pressure. Our democracy, and the American people's faith in it, is far more important than any short-term political advantage."

The draft report was written by outside experts under contract with the EAC. The final report was entitled "Election Crimes: An Initial Review and Recommendations for Future Study" and was issued on December 7, 2006.

The EAC is an independent bipartisan commission created by the 2002 Help America Vote Act in order to disburse funds to the states for the purchase of new voting systems, certify voting technologies, develop guidelines and serve as an information resource for election administration.

015203



Congressman José E. Serrano
Representing the Sixteenth District of New York

MEDIA CONTACT:
Philip Schmidt (202)
225-4361

FOR IMMEDIATE
RELEASE:
Apr 11, 2007

PRESS RELEASE

SERRANO, HINCHEY URGE NON-PARTISANSHIP, GREATER TRANSPARENCY AT ELECTION ASSISTANCE COMMISSION

Washington, DC – April 11, 2007 – Today, Congressmen Maurice Hinchey (NY-22) and José E. Serrano (NY-16) urged the Election Assistance Commission (EAC) to act with greater transparency and without partisanship. The comments from the congressmen came as the House Appropriations Subcommittee on Financial Services and General Government released a draft version of an EAC report on voter fraud and intimidation that shows significant changes were made to the findings of outside experts before the final report was released.

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015204

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###

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Email: jserrano@mail.house.gov	

015205

Juliet E. Hodgkins/EAC/GOV
04/15/2007 05:55 PM

To "Davidson, Donetta" <ddavidson@eac.gov>, Gracia Hillman/EAC/GOV@EAC, Caroline C. Hunter/EAC/GOV@EAC, Rosemary E.
cc Thomas R. Wilkey/EAC/GOV@EAC, jlayson@eac.gov, Elieen L. Kuala/EAC/GOV@EAC, Sheila A. Banks/EAC/GOV@EAC, Stephanie Wofford, "Fabre, Stacie"
bcc

Subject Draft letter to Congresswoman Lofgren

History

This message has been forwarded

Commissioners,

Attached is a draft letter to respond to Congresswoman Lofgren's letter regarding the voting fraud and voter intimidation and voter identification studies as well as requesting information regarding our studies on Free Absentee Ballot Postage and Military and Overseas Voting (Internet Voting). I have not attached the appendixes as I have those in hard copy and will be assembling them in the morning into the appendixes. Congresswoman Lofgren has asked for this information by COB Monday. As such, I would appreciate your comments as early as possible tomorrow, but no later than 2:00 p.m. -- so that I can consolidate the comments and get the information to the Congresswoman's office by her deadline.

Thanks in advance for your quick review of this letter. Please let me know if you have any questions.



letter to Congresswoman Lofgren re studies - draft - 041507.doc

Juliet T. Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

015206

April 13, 2007

Congresswoman Zoe Lofgren, Chair
House Administration Committee
Subcommittee on Elections
102 Cannon House Office Building
Washington, DC 20515

Via Hand Delivery

RE: EAC Research Efforts

Dear Congresswoman Lofgren:

Thank you for your letter of April 12, 2007 and the opportunity to provide valuable information about the research efforts being undertaken by the U.S. Election Assistance Commission. Your letter referenced four studies that have been or are being conducted by EAC through contracts and contracted employees. I will address each in turn, below.

Voting Fraud and Voter Intimidation Study

The first study about which you inquired is the voting fraud and voter intimidation study. This study was conducted by contract employees of the EAC for the EAC. In the fall of 2005, EAC hired two contract employees to conduct an initial review of the existing information available about voting fraud and voter intimidation. From that review, the employees were asked to provide two things: (1) a definition of voting fraud and voter intimidation that could be used in a future and comprehensive study of these topics; and (2) a series of recommendations on how such a future, comprehensive study could be conducted. In July 2006, EAC received a body of research including summaries of the articles, books, interviews, and media reports that were reviewed by the contract employees. In addition, they provided a draft report for EAC's review and consideration.

EAC, as a Federal agency, is the policy and decision making body. Consultants, contractors and employees do not make policy for EAC. Their recommendations were only one part of a deliberative process that precedes any agency decision. The Freedom of Information Act, a Federal statute governing the release of documents to the public, creates an exemption to protect pre-decisional, draft documents.

The report requested by House Appropriations Committee is a draft, representing one phase of the deliberative process—before the document was vetted by staff, approved by the Executive Director and reviewed and approved by the Commissioners (the relevant policy makers). Ultimately, the draft document was created by contract employees in order to aid the EAC's Commissioners in their decisions regarding voting fraud and voter

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intimidation. The contract employees had no personal interest in their submissions and had no agency decision-making authority. Each was tasked with simply providing pre-decisional research and information to the EAC. Their efforts were limited to creating a truthful, comprehensive, and unbiased draft report. Only when the report is finalized and is adopted by EAC does it constitute an EAC decision or a policy determination.

In keeping with this concept, EAC reviews and vets all draft products or recommendations delivered by its consultants, contractors and employees. It would be irresponsible for EAC to accept the product of contracted employees and publish that information without exercising due diligence in vetting the product of the employees' work and the veracity of the information used to produce that product. EAC conducted this review of the draft voting fraud and intimidation report provided by the contracted employees. EAC found that the draft report failed to provide a definition of the terms as required, contained conclusions that were not sought under the terms of the contract or were not supported by the underlying research, and contained allegations that showed bias. EAC also found that the research provided by the contracted employees was a good body of data concerning the existing knowledge of voting fraud and intimidation. EAC staff developed a subsequent draft report to correct the problems mentioned above, to address the questions that this study sought to answer, and to address inconsistencies between the contracted employees' draft report and the research that was provided. The staff report included all of the contracted employees' and working group's recommendations. The staff report was adopted by EAC on December 7, 2007 during its public meeting and became the final and decisional report of the Commission on this issue. The final report as well as all of the underlying research conducted by the contracted employees are available on EAC's Web site, www.eac.gov.

Voter Identification Study

The second study about which you inquired was a study conducted by Rutgers University in conjunction with Moritz College of Law. Rutgers and Moritz served as contractors to EAC and produced this draft document pursuant to the provisions of the contract governing that relationship. A draft report was created by Rutgers University in conjunction with the Moritz College of Law (Ohio State University) to "...provide research assistance to the EAC for the development of voluntary guidance on provisional voting and voter identification procedures." The stated objective of the contract was to:

...obtain assistance with the collection, analysis and interpretation of information regarding HAVA provisional voting and voter identification requirements for the purpose of drafting guidance on these topics... The anticipated outcome of this activity is the generation of concrete policy recommendations to be issued as voluntary guidance for States.

As with the voter fraud and intimidation study mentioned above, the contractors were provided guidance, information, and were directed by EAC personnel. The final product they delivered (draft report sought) was identified as "a guidance document for EAC

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adoption.” Clearly, as noted by the contract, the issuance of Federal guidance to states is a matter of government policy and limited to official EAC action.

EAC reviewed and vetted of the draft document provided by Eagleton. Review of that document revealed data and analysis that caused EAC concern. The study only focused on one federal election. An analysis using averaged county-level turnout data from the U.S. Census showed no statistically significant correlations. A second analysis using a data set based upon the Current Population Survey (which was self-reported and showed a significantly higher turnout rate than other conventional data) was conducted that produced some evidence of correlation between voter identification requirements and turnout. The initial categorization of voter identification requirements included classifications that, actually, require no identification documentation, such as “state your name.” The research methodology and the statistical analysis used by the Contractor were questioned by an EAC review group comprised of social scientists and statisticians. The Contractor and the EAC agree that the report raises more questions than provides answers and both agree the study should have covered more than one federal election.⁴

On March 30, 2007, EAC decided not to adopt Eagleton’s study and not to issue an EAC report based upon this study. The Commission did release all of the material provided by Eagleton at that time. In addition, EAC voted to engage in a longer-term, more systematic review of voter identification requirements. Additional study on the topic will include more than one Federal election cycle, additional environmental and political factors that effect voter participation and the numerous changes in state laws and regulations related to voter identification requirements that have occurred since 2004.

EAC will undertake the following activities:

- Conduct an ongoing state-by-state review, reporting and tracking of voter identification requirements. This will include tracking states’ requirements which require a voter to state his or her name, to sign his or her name, to match his or her signature to a signature on file, to provide photo or non-photo identification or to swear an affidavit affirming his or her identify.
- Establish a baseline of information that will include factors that may affect or influence Citizen Voting Age Population (CVAP) voter participation, including various voter identification requirements, the competitiveness of a race and certain environmental or political factors. EAC will use some of the information collected by Eagleton as well as additional data from the states to develop this baseline.
- In 2007, convene a working group of advocates, academics, research methodologists and election officials to discuss EAC’s next study of voter identification. Topics to be discussed include methodology, specific issues to be covered in the study and timelines for completing an EAC study on voter identification.

- Study how voter identification provisions that have been in place for two or more Federal elections have impacted voter turnout, voter registration figures, and fraud. Included in this study will be an examination of the relationship between voter turnout and other factors such as race and gender. Study the effects of voter identification provisions, or the lack thereof, on early, absentee and vote-by-mail voting.
- Publish a series of best practice case studies which detail a particular state's or jurisdiction's experiences with educating poll workers and voters about various voter identification requirements. Included in the case studies will be detail on the policies and practices used to educate and inform poll workers and voters.

Free Absentee Ballot Postage Study

Pursuant to Section 246 of the Help America Vote Act of 2002 (HAVA), EAC was directed to study and produce a report on the feasibility and advisability of a program that would provide absentee ballots that could be returned by the voter postage-free. HAVA directed that this report be delivered one year after the passage of HAVA, that is not later than October 29, 2003.

EAC was not able to complete this study within the original deadline set forth in HAVA, but EAC currently has a pending research project to provide information for a report on this subject. On the deadline set forth in HAVA, EAC Commissioners had not yet been appointed and confirmed to fill their positions and to form the agency that is now EAC. After the formation of EAC in December 2003, Congress provided an appropriation for FY 2004 in the amount of \$1.2 million dollars, which did not include sufficient funding for research activities. EAC received operational funding including some funding for research in its FY 2005 budget. Thus, in FY 2005, EAC developed an issued a request for proposals for a research contract to study this issue. No responsible bidders responded to the request for proposals and the request was ultimately withdrawn by the Commission due to the failure to receive any responsible bids.

Because this research report was required by HAVA and the deadline for the completion of the project had passed, EAC issued a subsequent request for proposals in FY 2006. EAC received proposals and awarded a contract for the study of this issue. The statement of work for that project has been attached as Appendix "1" to this letter for your review and convenience. As you will see, the statement of work sets forth several requirements for the contractor, including conducting a survey of registered voters to gather information from them regarding their voting behavior and whether the implementation of a national program for free absentee ballot postage would change that behavior. The contractor was further asked to conduct a series of focus groups comprised of potential beneficiaries of free or reduced absentee ballot postage.

The EAC and its contractors are subject to the Paperwork Reduction Act (PRA) and thus all information collection instruments must be published prior to issuance to obtain public

comment regarding the questions asked, the necessity of the collection, and the burden that will be imposed on respondents. EAC published the survey instrument to be used as a part of this study in the Federal Register on November 14, 2006. See Federal Register, Vol. 71, No. 219, Page 66321. A copy of the Federal Register notice and request for comments is attached as Appendix "2" to this letter. In keeping with the PRA, a notice for comments to be provided to the Office of Management and Budget (OMB) was published in the Federal Register on January 23, 2007. See Federal Register, Vol. 72, No. 14, Page 2875. A copy of that notice is attached as Appendix "3" to this letter. In addition for your convenience a copy of the actual survey instrument has been attached as Appendix "4" to this letter.

In keeping with the statement of work, the contractor has also developed discussion guides for the focus groups that it has planned involving senior citizens, disabled voters, and low income voters. These guides have been attached as Appendix "5" to this letter. This research project requires coordination with the United States Postal Service (USPS) as implementation of such a program would undoubtedly have a significant impact on that agency. Through that participation, USPS has suggested that additional focus groups be added to the original work plan for this study. The contractor communicated that request to EAC and the proposal for additional working groups has been attached as Appendix "6" to this letter. EAC believes that these additional focus groups would be helpful for this research project and is working with the contracting officer on this contract to determine whether the contract can be amended to add these additional focus groups.

You will note from the attached work plan that this project has a current project completion date of November 1, 2007. See Attachment "7", Work Plan. Progress reports updating progress on the work plan are also attached as Appendix "7" to this letter. However, additional focus groups would require additional time to complete the proposed, expanded statement of work. See Attachment "6", Proposal for Adding Focus Groups to the Free/Reduced Postage for Absentee Ballots Research Project. Progress reports updating progress on the work plan are also attached as Appendix "7" to this letter.

Military and Overseas Voting Study

Section 245 of HAVA directs EAC to study the risks and benefits of using the Internet to conduct voting. The only area in which this type of electronic technology has been used at all to administer voting is for military and overseas citizens. As such, EAC has focused on using that experience as instructive for the possibility of Internet voting on a larger scale.

This study was directed to be completed within 20 months of the passage of HAVA, or no later than June 30, 2004. EAC was unable to complete this study by the original deadline, but currently has a pending research project to provide information regarding the use of electronic means for voting in military and overseas citizen voting.

Much like the Free Absentee Ballot Postage Study, the majority of time allotted in the original deadline for research passed prior to the existence of EAC and during the time of its initial budget which did not allow for research spending. In FY 2005, EAC approached the Technical Guidelines Development Committee (TGDC), the Federal advisory committee that researches and proposes voting system standards to EAC, to provide guidelines on security, core requirements and usability requirements for the use of the Internet in voting. The TGDC declined to include these as a part of their recommendations for voting system guidelines. TGDC considered the possibility of using the Internet for voting too risky and further believed that any voting system, Internet-based or not, must conform to the standards established by EAC based upon their research and recommendation.

Following this set back, EAC opted to seek a contractor to provide research in this area. We first conferred with the Federal Voting Assistance Program of the Department of Defense that several years ago worked on a substantial project aimed at establishing Internet voting for military members. In those conversations, we learned that there are many obstacles at the state and local level to implementing Internet-based voting. Based on this information, EAC determined that the best course of action was to find out what the current state of readiness and willingness is among state and local election jurisdictions to implement Internet-based voting. We can only develop standards for an appropriate system if we know what needs that system will have to serve and what obstacles it will have to overcome. A request for proposals was issued in FY 2006 and a contract was awarded.

A copy of the statement of work for this study has been attached as Appendix "8" to this letter. As you will see, that statement tasks the contractor with conducting case studies of election jurisdictions with experience in this area, conducting a survey of military and overseas voters, and a conducting a conference on Internet voting. The contractor has developed an outline for their case studies. This outline has been attached as Appendix "9" to this letter. In addition, the contractor has developed and distributed a survey instrument in keeping with the emergency provisions of the PRA. A copy of that survey instrument is attached as Appendix "10" to this letter. The conference is planned for August 2007 in New Orleans. The progress reports from the contract showing their progress on completing tasks as set forth in the statement of work are attached as Appendix "11" to this letter.

Thank you for your requests and your interest in election administration. I trust that the information that we have provided will give you a complete picture of the status of the pending research projects about which you inquired as well as valuable information concerning EAC's previous research projects regarding voting fraud and voter intimidation and voter identification. However, if you have further questions, please do not hesitate to contact me.

Sincerely,

Donetta Davidson
Chair

015213

Donetta L.
Davidson/EAC/GOV
04/13/2007 12:36 PM

To Elieen L. Kuala/EAC/GOV@EAC
cc
bcc
Subject Re: FOIA Request

History: This message has been replied to

Thanks

Sent from my BlackBerry Wireless Handheld
Elieen L. Kuala
----- Original Message -----

From: Elieen L. Kuala
Sent: 04/12/2007 02:18 PM EDT
To: Donetta Davidson
Subject: Re: FOIA Request

I did a search through your emails with their names and I didn't find any. I don't have any either. However, I will check and see if we have any mailed correspondence hard copies.

Elle L.K. Kuala
Special Assistant to the Chair
U.S. Election Assistance Commission
1225 New York Avenue, Suite 1100
Washington, DC 20005
office: (202) 566-2256
fax: (202) 566-1392
[REDACTED]

Donetta L. Davidson/EAC/GOV

Donetta L.
Davidson/EAC/GOV
04/12/2007 01:33 PM

To Jeannie Layson/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC, Caroline C. Hunter/EAC/GOV@EAC, Rosemary E. Rodriguez/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC, Juliet E. Hodgkins/EAC/GOV@EAC, Karen Lynn-Dyson/EAC/GOV@EAC, Margaret Sims/EAC/GOV@EAC, Sheila A. Banks/EAC/GOV@EAC, Elieen L. Kuala/EAC/GOV@EAC, Bert A. Benavides/EAC/GOV@EAC, Gavin S. Gilmour/EAC/GOV@EAC, Bryan Whitener/EAC/GOV@EAC, "stephanie wolson" [REDACTED]

cc

Subject Re: FOIA Request

Elle, I don't think I have any emails from Job or Tova, but to be on the safe side would you double check

Sent from my BlackBerry Wireless Handheld
Jeannie Layson

015214

----- Original Message -----

From: Jeannie Layson

Sent: 04/12/2007 08:38 AM EDT

To: Donetta Davidson; Gracia Hillman; Caroline Hunter; Rosemary Rodriguez; Thomas Wilkey; Juliet Hodgkins; Karen Lynn-Dyson; Margaret Sims; Sheila Banks; Elieen Kuala; Bert Benavides; Gavin Gilmour; Bryan Whitener;

Subject: FOIA Request

Today I will circulate a formal FOIA request to all of you. Please note that this request is from a journalist. The information I circulate will include a copy of the original request, which was made by the DC bureau of McClatchy Newspapers. An abbreviated version of the request follows:

"Copies of all emails between Job Serebrov and Election Assistance Commission staff or members and all emails between Tova Wang and commission staff or members pertaining to a voter fraud study the two were contracted to perform for EAC."

Some of you have provided similar information in the past, but I will need another complete submission that includes any related files that may have been generated since your last submission.

Please anticipate a formal request to be distributed to everyone today, and take note that the deadline to provide this information is April 30. Thank you.

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

015215

Donetta L.
Davidson/EAC/GOV
04/14/2007 12:35 PM

To Elieen L. Kuala/EAC/GOV@EAC
cc
bcc
Subject Re: FOIA Request

History

This message has been replied to.

Thanks

Sent from my BlackBerry Wireless Handheld
Elieen L. Kuala
----- Original Message -----

From: Elieen L. Kuala
Sent: 04/13/2007 02:00 PM EDT
To: Donetta Davidson
Subject: Re: FOIA Request

I checked all of our paper records and found nothing so I submitted our FOIA response to Jeannie.

Elle L.K. Kuala
Special Assistant to the Chair
U.S. Election Assistance Commission
1225 New York Avenue, Suite 1100
Washington, DC 20005
office: (202) 566-2256
fax: (202) 566-1392

Donetta L. Davidson/EAC/GOV

Donetta L.
Davidson/EAC/GOV
04/13/2007 12:36 PM

To Elieen L. Kuala/EAC/GOV@EAC
cc
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Elle L.K. Kuala

015216

Special Assistant to the Chair
U.S. Election Assistance Commission
1225 New York Avenue, Suite 1100
Washington, DC 20005
office: (202) 566-2256
fax: (202) 566-1392
[REDACTED]

Donetta L. Davidson/EAC/GOV

Donetta L.
Davidson/EAC/GOV
04/12/2007 01:33 PM

To Jeannie Layson/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC, Caroline C. Hunter/EAC/GOV@EAC, Rosemary E. Rodriguez/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC, Juliet E. Hodgkins/EAC/GOV@EAC, Karen Lynn-Dyson/EAC/GOV@EAC, Margaret Sims/EAC/GOV@EAC, Sheila A. Banks/EAC/GOV@EAC, Elieen L. Kuala/EAC/GOV@EAC, Bert A. Benavides/EAC/GOV@EAC, Gavin S. Gilmour/EAC/GOV@EAC, Bryan Whitener/EAC/GOV@EAC, "stephanie wolson" <[REDACTED]>

cc

Subject Re: FOIA Request [REDACTED]

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[REDACTED]
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Some of you have provided similar information in the past, but I will need another complete submission that includes any related files that may have been generated since your last submission.

Please anticipate a formal request to be distributed to everyone today, and take note that the deadline to provide this information is April 30. Thank you.

015217

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

015218

Donetta L.
Davidson/EAC/GOV
04/14/2007 10:00 PM

To Elieen L. Kuala/EAC/GOV@EAC
cc
bcc
Subject Re: FOIA Request

History: This message has been forwarded.

Thanks

Sent from my BlackBerry Wireless Handheld
Elieen L. Kuala
----- Original Message -----

From: Elieen L. Kuala
Sent: 04/14/2007 09:58 PM EDT
To: Donetta Davidson
Subject: Re: FOIA Request

Also I got your message and I will get to work on that tomorrow. I will email Tom and we can talk about what you want to write to Curtis.

Elle Collver
U.S. Election Assistance Commission
1225 New York Avenue, Suite 1100
Washington, D.C. 20005
(202) 566-2256
www.eac.gov

Sent from my BlackBerry Wireless Handheld
Donetta L. Davidson
----- Original Message -----

From: Donetta L. Davidson
Sent: 04/14/2007 12:35 PM EDT
To: Elieen Kuala
Subject: Re: FOIA Request

Thanks

Sent from my BlackBerry Wireless Handheld
Elieen L. Kuala
----- Original Message -----

From: Elieen L. Kuala
Sent: 04/13/2007 02:00 PM EDT
To: Donetta Davidson
Subject: Re: FOIA Request

I checked all of our paper records and found nothing so I submitted our FOIA response to Jeannie.

Elle L.K. Kuala
Special Assistant to the Chair
U.S. Election Assistance Commission
1225 New York Avenue, Suite 1100

015219

Washington, DC 20005
office: (202) 566-2256
fax: (202) 566-1392
[REDACTED]

Donetta L. Davidson/EAC/GOV

Donetta L.
Davidson/EAC/GOV
04/13/2007 12:36 PM

To Elieen L. Kuala/EAC/GOV@EAC
cc
Subject Re: FOIA Request [REDACTED]

Thanks

Sent from my BlackBerry Wireless Handheld
Elieen L. Kuala
----- Original Message -----

From: Elieen L. Kuala
Sent: 04/12/2007 02:18 PM EDT
To: Donetta Davidson
Subject: Re: FOIA Request

I did a search through your emails with their names and I didn't find any. I don't have any either. However, I will check and see if we have any mailed correspondence hard copies.

Elle L.K. Kuala
Special Assistant to the Chair
U.S. Election Assistance Commission
1225 New York Avenue, Suite 1100
Washington, DC 20005
office: (202) 566-2256
fax: (202) 566-1392
[REDACTED]

Donetta L. Davidson/EAC/GOV

Donetta L.
Davidson/EAC/GOV
04/12/2007 01:33 PM

To Jeannie Layson/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC, Caroline C. Hunter/EAC/GOV@EAC, Rosemary E. Rodriguez/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC, Juliet E. Hodgkins/EAC/GOV@EAC, Karen Lynn-Dyson/EAC/GOV@EAC, Margaret Sims/EAC/GOV@EAC, Sheila A. Banks/EAC/GOV@EAC, Elieen L. Kuala/EAC/GOV@EAC, Bert A. Benavides/EAC/GOV@EAC, Gavin S. Gilmour/EAC/GOV@EAC, Bryan Whitener/EAC/GOV@EAC, "stephanie wolson" [REDACTED]
cc
Subject Re: FOIA Request [REDACTED]

015220

Elle, I don't think I have any emails from Job or Tova, but to be on the safe side would you double check

Sent from my BlackBerry Wireless Handheld

Jeannie Layson

----- Original Message -----

From: Jeannie Layson

Sent: 04/12/2007 08:38 AM EDT

To: Donetta Davidson; Gracia Hillman; Caroline Hunter; Rosemary Rodriguez;
Thomas Wilkey; Juliet Hodgkins; Karen Lynn-Dyson; Margaret Sims; Sheila Banks;
Eliien Kuala; Bert Benavides; Gavin Gilmour; Bryan Whitener;

Subject: FOIA Request

Today I will circulate a formal FOIA request to all of you. Please note that this request is from a journalist. The information I circulate will include a copy of the original request, which was made by the DC bureau of McClatchy Newspapers. An abbreviated version of the request follows:

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Please anticipate a formal request to be distributed to everyone today, and take note that the deadline to provide this information is April 30. Thank you.

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

015221

Margaret Sims/EAC/GOV
04/13/2007 11:57 AM

To Jeannie Layson/EAC/GOV@EAC
cc Bert A. Benavides/EAC/GOV@EAC, Caroline C.
Hunter/EAC/GOV@EAC, Donetta L.
Davidson/EAC/GOV@EAC, Elieen L.
bcc

Subject Re: FOR YOUR REVIEW: Draft letter to Bds

History

This message has been forwarded

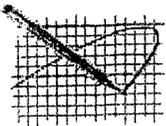
Jeannie:

I noticed the following factual errors in the draft letter, which we may want to correct:

- The consultants were asked to do 4 things (not 2): (1) provide a definition of voting fraud and voter intimidation that could be used in a future and comprehensive study of these topics; (2) perform background research (including Federal and State administrative and case law review) and identify current activities of key government agencies, civic and advocacy organizations regarding voting fraud and voter intimidation; (3) establish and convene a project working group, in consultation with EAC, composed of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation to review the definition of what constitutes voting fraud and voter intimidation and the results of the background research, and to make recommendations on future EAC research on the topic; and (4) report to EAC on the preliminary research effort, working group deliberations, and recommendations for future research.
- The project working group met and offered its feedback and recommendations just before the 2006 meetings of the Standards and Advisory Boards, but after the May 2006 status report had been prepared. EAC staff orally updated the boards on the results of this meeting.

--- Peggy

Jeannie Layson/EAC/GOV



Jeannie Layson/EAC/GOV
04/13/2007 10:12 AM

To Donetta L. Davidson/EAC/GOV, ghillman@eac.gov, Caroline
C. Hunter/EAC/GOV@EAC, Rosemary E.
Rodriguez/EAC/GOV@EAC
cc Thomas R. Wilkey/EAC/GOV@EAC, Juliet E.
Hodgkins/EAC/GOV@EAC, Sheila A.
Banks/EAC/GOV@EAC, Bert A.
Benavides/EAC/GOV@EAC, Elieen L.
Kuala/EAC/GOV@EAC, Margaret Sims/EAC/GOV@EAC,
Stephanie Wolson/EAC/GOV@EAC,

Subject FOR YOUR REVIEW: Draft letter to Bds

Commissioners,

We attempted to capture your edits in this version. Please let me know if this is what you had in mind. Also, take note that there is still pending decision regarding the release of the draft, which is why the related sentence is highlighted. Thank you.

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100

015222

Washington, DC 20005
Phone: 202-566-3100
www.eac.gov



- AdvBdsletterDRAFT.doc

015223

April 13, 2007

EAC Board of Advisors
EAC Standards Board

RE: EAC Election Crimes Study

Dear Members of the EAC Standards Board and EAC Board of Advisors:

The U.S. Election Assistance Commission has recently come under fire for not releasing a draft report from EAC's Voting Fraud and Voter Intimidation project that was submitted by two contracted employees, Tova Wang and Job Serebrov. That draft report, which is attached to this letter, is a compilation of summaries of the work that they conducted. We thought it was important to explain the circumstances surrounding this project.

In 2005, the EAC Board of Advisors helped EAC prioritize its research efforts. As a result, EAC developed a research agenda that included studying voting fraud and voter intimidation. In the fall of 2005, EAC hired the two contract employees to conduct an initial review of the information available about voting fraud and voter intimidation. The employees were asked to provide two things: (1) a definition of voting fraud and voter intimidation that could be used in a future and comprehensive study of these topics; and (2) a series of recommendations on how such a future, comprehensive study could be conducted.

In May 2006, a status report regarding this study was presented at both public meetings of the Standards Board and Board of Advisors. Each group provided feedback on the progress of the study and the direction that it should take. Following those meetings, the employees convened a working group that likewise provided feedback on the study. In July 2006, EAC received a body of research including summaries of the articles, books, interviews, and media reports that were reviewed by the contract employees. In addition, they provided a draft report for EAC's review and consideration. EAC adopted a final report on voting fraud and voter intimidation, *Election Crimes: An Initial Review and Recommendations for Future Study*, in December 2006.

After the release of EAC's final report there was some debate about whether EAC should release the draft version provided by our contracted employees. The Board of Advisors considered, but did not pass, a resolution urging the release of that document. Recently, EAC testified before a Congressional committee that requested the draft report. A copy was provided to the committee, and the committee released the draft report this week.

There has been much discussion surrounding EAC's review process of the material provided by the contract employees, and how much was included in the final report. After receiving the information from the consultants, EAC conducted due diligence to make sure the information was accurate, as both boards encouraged us to do regarding this project as well as all research we receive from third parties. During our review, we

015224

closely examined any claims regarding existing voter fraud and intimidation or the lack thereof. Due to the small scope of the project, we wanted to be very sure any claims could be fully supported by data.

The consultants interviewed 24 people with experience in these issues. As you will see in the consultants' draft, they reached conclusions in their summaries that were based solely on these interviews, not on the entire body of work they collected. While individual accounts are certainly useful and instruct us on what issues to examine in moving forward, we did not feel these interviews provided the kind of extensive data upon which to draw these conclusions.

We understand that the topics of voter fraud and voter intimidation are hotly debated and sometimes divisive. We assure you that the process we took to review all of the materials and adopt a final report was not motivated by partisan politics, but by a responsibility and desire to issue data and findings that EAC could stand firmly behind and defend.

To avoid even the appearance of partisan influence in future research endeavors, EAC has established a bipartisan commission panel to oversee all research. We will also review our contracting policy and internal procedures to make sure consultants provide data that can be fully supported and substantiated. We will also take a hard look at our internal review process to determine if we can make further improvements as well as identify ways to expedite the process in which we complete these projects.

We take input from our advisory boards, Congress, and the public very seriously, and we pledge to you that we will continue to provide you with accurate, complete, and supported research, whether that research is conducted by consultants or by EAC staff.

Thank you for your service and for your continued commitment to the election process. We know that you in the election community rely on us to supply you with reliable information and we will strive to provide you with the very best information available on election administration issues.

We have attached a copy of EAC's statement on this issue, as well as a statement issued by Congressmen Maurice Hinchey and José Serrano. If you have any questions regarding this study or on any other matter, please don't hesitate to contact us.

Sincerely,

Donetta Davidson, Chair

Gracia Hillman, Commissioner

Caroline Hunter, Commissioner

Rosemary Rodriguez, Commissioner

015225

Juliet E. Hodgkins/EAC/GOV
04/13/2007 09:19 AM

To Elieen L. Kuala/EAC/GOV@EAC
cc
bcc
Subject Fw: First cut at letter to Zoe Lofgren

History:  This message has been forwarded

Elle,

would you fax this to donetta?



letter to Congresswoman Lofgren re studies - draft.doc

Juliet T. Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

— Forwarded by Juliet E. Hodgkins/EAC/GOV on 04/13/2007 09:18 AM —

Donetta L.
Davidson/EAC/GOV
04/13/2007 08:50 AM

To Juliet E. Hodgkins/EAC/GOV@EAC
cc
Subject Re: First cut at letter to Zoe Lofgren 

Julie. Could you fax the Zoe lett to 3037415861. Thanks

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Juliet E. Hodgkins
Sent: 04/12/2007 06:19 PM EDT
To: Donetta Davidson
Subject: First cut at letter to Zoe Lofgren

Donetta,

I have attached a draft of a letter that we might use to respond to the request from Zoe Lofgren. I wanted to get it to you for you to start reviewing. It is rather lengthy. It also assumes that we are not going to release the fraud and intimidation report (a matter which came under some debate this afternoon). If that decision changes, I will have to alter the letter. You will also note that there are a number of blanks in the document, which I will fill in as soon as I have the information from Karen.

015226

Juliet T. Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

015227

April 13, 2007

Congresswoman Zoe Lofgren, Chair
House Administration Committee
Subcommittee on Elections
102 Cannon House Office Building
Washington, DC 20515

Via Hand Delivery

RE: EAC Research Efforts

Dear Congresswoman Lofgren:

Thank you for your letter of April 12, 2007 and the opportunity to provide valuable information about the research efforts being undertaken by the U.S. Election Assistance Commission. Your letter referenced four studies that have been or are being conducted by EAC through contracts and contracted employees. I will address each in turn, below.

Voting Fraud and Voter Intimidation Study

The first study about which you inquired is the voting fraud and voter intimidation study. This study was conducted by contract employees of the EAC for the EAC. In the fall of 2005, EAC hired two contract employees to conduct an initial review of the existing information available about voting fraud and voter intimidation. From that review, the employees were asked to provide two things: (1) a definition of voting fraud and voter intimidation that could be used in a future and comprehensive study of these topics; and (2) a series of recommendations on how such a future, comprehensive study could be conducted. In July 2006, EAC received a body of research including summaries of the articles, books, interviews, and media reports that were reviewed by the contract employees. In addition, they provided a draft report for EAC's review and consideration.

EAC, as a Federal agency, is the policy and decision making body. Consultants, contractors and employees do not make policy for EAC. Their recommendations are only one part of a deliberative process that precedes any agency decision. The Freedom of Information Act, a Federal statute governing the release of documents to the public, creates an exemption to protect pre-decisional, draft documents.

As you may know, the deliberative process privilege protects intra-agency documents that are (1) pre-decisional in nature and (2) part of the deliberative process. In other words, the documents must be part of a process that recommends or presents opinions on a policy matter or governmental decision before that matter is finally decided. It is a well settled matter of law that the work of contract employees and

015228

contractors (“consultants”) constitute intra-agency documents.¹ This is true even where the consultants are deemed to be independent contractors and are not subject to the degree of control that agency employment entails.² The courts have made this determination after recognizing that agencies have a special need for the opinions and recommendations of temporary consultants.³ Ultimately, deliberative documents are exempt from release (1) to encourage open and frank discussions on policy matters between agency subordinates and superiors, (2) to protect against premature disclosure of proposed policies and (3) to protect against public confusion that might result from disclosure of rationales that were not in fact the ultimate basis for agency action.⁴

The report requested by House Appropriations Committee is a draft, representing one phase of the deliberative process—before the document was vetted by staff, approved by the Executive Director and reviewed and approved by the Commissioners (the relevant policy makers). Ultimately, the draft document was created by contract employees in order to aid the EAC’s Commissioners in their decisions regarding voting fraud and voter intimidation. The contract employees had no personal interest in their submissions and had no agency decision-making authority. Each was tasked with simply providing pre-decisional research and information to the EAC. Their efforts were limited to creating a truthful, comprehensive, and unbiased draft report. Only when the report is finalized and is adopted by EAC does it constitute an EAC decision or a policy determination.

The determination of this document as predecisional is born out in the facts surrounding the project at issue, including the contract documents that gave rise to research and writing of this draft report. First, the voter fraud and intimidation study that was requested is a draft of a final document that has already been released after being vetted by staff and approved by the EAC Commissioners. It is available in its final form on EAC’s Web site, www.eac.gov. The draft document at issue was created by two contract employees hired pursuant to 5 U.S.C. §3109 (see 42 U.S.C. §15324(b)). Individuals hired under this authority enter into an employment relationship with the EAC. The contract employees were supervised by an EAC program director who participated directly in the project. For example, the supervisor approved, facilitated, scheduled and participated in interviews conducted for the project. Further, the contract employees were provided research materials and other support from EAC law clerks and staff. As stated by their contracts, these consultants were hired so that the EAC could “...obtain consulting services from an individual who can provide advice drawn from broad professional and technical experience in the area of voter fraud and intimidation.”

¹ Department of the Interior v. Klamath Water Users Protective Association, 532 U.S. 1, 9-11 (2001) (Citing Harry E. Hoover v. Dept. of the Interior, 611 F.2d 1132, at 1138 (1980); Lead Industries Assn. v. OSHA, 610 F.2d 70, 83 (C.A.5 1980) (applying exemption 5 to draft reports prepared by contractors); and Government Land Bank v. GSA, 671 F.2d 663, 665 (CA1 1982)); See also Hertzberg v. Veneman, 273 F. Supp. 2d 67, 76 n.2 (D.D.C. 2003).

² Klamath, at 10.

³ Hoover, 611 F.2d at 1138.

⁴ NLRB v. Sears, Roebuck & Co., 41 U.S. at 151.

Moreover, the contracts clearly forbid the consultants from releasing the draft they created consistent with the privilege covering the draft report. The contract states

All research, information, documents and any other intellectual property (including but not limited to policies, procedures, manuals, and other work created at the request or otherwise while laboring for the EAC) shall be owned exclusively by the EAC, including copyright. All such work product shall be turned over to the EAC upon completion of your appointment term or as directed by the EAC. The EAC shall have exclusive rights over this material. You may not release government information or documents without the express written permission of the EAC.

Finally, the purpose or subject of the draft report at issue was to make an EAC determination on how voter fraud should be studied by the agency. This was to be done by (1) assessing the nature and quality of the information that presently exists on the subject matter, (2) defining the terms and scope of EAC study as proposed by HAVA, (3) determining what is to be studied and (4) determining how it is to be studied. In addition, the Consultants were asked to develop a definition of the phrases "voting fraud" and "voter intimidation."

In keeping with this concept, EAC reviews and vets all draft products or recommendations delivered by its consultants, contractors and employees. It would be irresponsible for EAC to accept the product of contracted employees and publish that information without exercising due diligence in vetting the product of the employees' work and the veracity of the information used to produce that product. EAC conducted this review of the draft voter fraud and intimidation report provided by the contracted employees. EAC found that the draft report failed to provide a definition of the terms as required, contained conclusions that were not sought under the terms of the contract or were not supported by the underlying research, and contained allegations that showed bias. EAC also found that the research provided by the contracted employees was a good body of data concerning the existing knowledge of voting fraud and intimidation. EAC staff developed a subsequent draft report to correct the problems mentioned above, to address the questions that this study sought to answer, and to address inconsistencies between the contracted employees' draft report and the research that was provided. The staff report included all of the contracted employees' and working group's recommendations. The staff report was adopted by EAC on December 7, 2007 during its public meeting and became the final and decisional report of the Commission on this issue. The final report as well as all of the underlying research conducted by the contracted employees are available on EAC's Web site, www.eac.gov.

EAC understands and appreciates that the a request from a Congressional committee is exempt from the provisions of FOIA, and as such, EAC provided the draft document despite the fact that the deliberative process exemption clearly applies to its contents.

Voter Identification Study

The second study about which you inquired was a study conducted by Rutgers University in conjunction with Moritz College of Law. Rutgers and Moritz served as contractors to EAC and produced this draft document pursuant to the provisions of the contract governing that relationship. A draft report was created by Rutgers University in conjunction with the Moritz College of Law (Ohio State University) to "...provide research assistance to the EAC for the development of voluntary guidance on provisional voting and voter identification procedures." The stated objective of the contract was to:

...obtain assistance with the collection, analysis and interpretation of information regarding HAVA provisional voting and voter identification requirements for the purpose of drafting guidance on these topics... The anticipated outcome of this activity is the generation of concrete policy recommendations to be issued as voluntary guidance for States.

As with the voter fraud and intimidation study mentioned above, the contractors were provided guidance, information, and were directed by EAC personnel. The final product they delivered (draft report sought) was identified as "a guidance document for EAC adoption." Clearly, as noted by the contract, the issuance of Federal guidance to states is a matter of government policy and limited to official EAC action.

EAC reviewed and vetted of the draft document provided by Eagleton. Review of that document revealed data and analysis that caused EAC concern. The study only focused on one federal election. An analysis using averaged county-level turnout data from the U.S. Census showed no statistically significant correlations. A second analysis using a data set based upon the Current Population Survey (which was self-reported and showed a significantly higher turnout rate than other conventional data) was conducted that produced some evidence of correlation between voter identification requirements and turnout. The initial categorization of voter identification requirements included classifications that, actually, require no identification documentation, such as "state your name." The research methodology and the statistical analysis used by the Contractor were questioned by an EAC review group comprised of social scientists and statisticians. The Contractor and the EAC agree that the report raises more questions than provides answers and both agree the study should have covered more than one federal election.⁴

On March 30, 2007, EAC decided not to adopt Eagleton's study and not to issue an EAC report based upon this study. The Commission did release all of the material provided by Eagleton at that time. In addition, EAC voted to engage in a longer-term, more systematic review of voter identification requirements. Additional study on the topic will include more than one Federal election cycle, additional environmental and political factors that effect voter participation and the numerous changes in state laws and regulations related to voter identification requirements that have occurred since 2004.

EAC will undertake the following activities:

- Conduct an ongoing state-by-state review, reporting and tracking of voter identification requirements. This will include tracking states' requirements which require a voter to state his or her name, to sign his or her name, to match his or her signature to a signature on file, to provide photo or non-photo identification or to swear an affidavit affirming his or her identify.
- Establish a baseline of information that will include factors that may affect or influence Citizen Voting Age Population (CVAP) voter participation, including various voter identification requirements, the competitiveness of a race and certain environmental or political factors. EAC will use some of the information collected by Eagleton as well as additional data from the states to develop this baseline.
- In 2007, convene a working group of advocates, academics, research methodologists and election officials to discuss EAC's next study of voter identification. Topics to be discussed include methodology, specific issues to be covered in the study and timelines for completing an EAC study on voter identification.
- Study how voter identification provisions that have been in place for two or more Federal elections have impacted voter turnout, voter registration figures, and fraud. Included in this study will be an examination of the relationship between voter turnout and other factors such as race and gender. Study the effects of voter identification provisions, or the lack thereof, on early, absentee and vote-by-mail voting.
- Publish a series of best practice case studies which detail a particular state's or jurisdiction's experiences with educating poll workers and voters about various voter identification requirements. Included in the case studies will be detail on the policies and practices used to educate and inform poll workers and voters.

Free Absentee Ballot Postage Study

Pursuant to Section 246 of the Help America Vote Act of 2002 (HAVA), EAC was directed to study and produce a report on the feasibility and advisability of a program that would provide absentee ballots that could be returned by the voter postage-free. HAVA directed that this report be delivered one year after the passage of HAVA, that is not later than October 29, 2003. On that date, EAC Commissioners had not yet been appointed and confirmed to fill their positions and to form the agency that is now EAC.

After the formation of EAC in December 2003, Congress provided an appropriation for FY 2004 in the amount of \$1.2 million dollars, which did not include sufficient funding for research activities. EAC received operational funding including some funding for research in its FY 2005 budget. Thus, in FY 2005, EAC developed an issued a request for proposals for a research contract to study this issue. No responsible bidders responded to the request for proposals. As such, EAC issued a subsequent request for

proposals in FY 2006. EAC received proposals and awarded a contract for the study of this issue. The work plan for this study shows that EAC expects to receive a final product from the contractor around _____. Documents related to this study including _____ are attached as Appendix "1" to this letter.

Military and Overseas Voting Study

Section 245 of HAVA directs EAC to study the risks and benefits of using the Internet to conduct voting. The only area in which this type of technology has been used at all to administer elections is for military and overseas citizens. As such, EAC has focused on using that experience as instructive for the possibility of Internet voting on a larger scale.

This study was directed to be completed within 20 months of the passage of HAVA, or no later than June 30, 2004. Again, the majority of this period for research passed prior to the existence of EAC and during the time of its initial budget which did not allow for research spending. In FY 2005, EAC approached the Technical Guidelines Development Committee (TGDC), the Federal advisory committee that researches and proposes voting system standards to EAC, to provide guidelines on security, core requirements and usability requirements for the use of the Internet in voting. The TGDC declined to include these as a part of their recommendations for voting system guidelines. TGDC considered the possibility of using the Internet for voting too risky and further believed that any voting system, Internet-based or not, must conform to the standards established by EAC based upon their research and recommendation.

Following this set back, EAC opted to seek a contractor to provide research in this area. We first conferred with the Federal Voting Assistance Program of the Department of Defense that several years ago worked on a substantial project aimed at establishing Internet voting for military members. In those conversations, we learned that there are many obstacles at the state and local level to implementing Internet-based voting. Based on this information, EAC determined that the best course of action was to find out what the current state of readiness and willingness is amongst state and local election jurisdictions to implement Internet-based voting. We can only develop standards for an appropriate system if we know what needs that system will have to serve and what obstacles it will have to overcome. A request for proposals was issued in FY 2006 and a contract was awarded. The work plan for that contract shows that a product from the contractor should be available to EAC around _____. Documents related to ongoing work on this study including _____ are attached as Appendix "2" to this letter.

Thank you for your requests and your interest in election administration. If you have further questions, please do not hesitate to contact me.

Sincerely,

015233

Donetta Davidson
Chair

Jeannie Layson/EAC/GOV
04/12/2007 08:38 AM

To Donetta L. Davidson/EAC/GOV, ghillman@eac.gov, Caroline
C. Hunter/EAC/GOV@EAC, Rosemary E.
Rodriguez/EAC/GOV@EAC, Thomas R.

cc

bcc

Subject FOIA Request

Today I will circulate a formal FOIA request to all of you. Please note that this request is from a journalist. The information I circulate will include a copy of the original request, which was made by the DC bureau of McClatchy Newspapers. An abbreviated version of the request follows:

"Copies of all emails between Job Serebrov and Election Assistance Commission staff or members and all emails between Tova Wang and commission staff or members pertaining to a voter fraud study the two were contracted to perform for EAC."

Some of you have provided similar information in the past, but I will need another complete submission that includes any related files that may have been generated since your last submission.

Please anticipate a formal request to be distributed to everyone today, and take note that the deadline to provide this information is April 30. Thank you.

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

015235

Rosemary E.
Rodriguez/EAC/GOV
04/12/2007 12:25 PM

To Jeannie Layson/EAC/GOV@EAC
cc Bert A. Benavides/EAC/GOV@EAC, bwhitener@eac.gov,
Caroline C. Hunter/EAC/GOV@EAC, Donetta L.
Davidson/EAC/GOV@EAC, Elieen L.
bcc
Subject Re: FOIA Request

History: This message has been forwarded

I do not have anything. Thanks.

Rosemary E. Rodriguez
Commissioner
United States Election Assistance Commission
1225 New York Avenue, N.W.
Suite 1100
Washington, D.C. 20005
Telephone: 202-566-3104
Facsimile: 202-566-3127
www.eac.gov
rrodriguez@eac.gov

Jeannie Layson/EAC/GOV

Jeannie Layson/EAC/GOV
04/12/2007 08:38 AM

To Donetta L. Davidson/EAC/GOV, ghillman@eac.gov, Caroline
C. Hunter/EAC/GOV@EAC, Rosemary E.
Rodriguez/EAC/GOV@EAC, Thomas R.
Wilkey/EAC/GOV@EAC, jthompson@eac.gov,
klyndyson@eac.gov, psims@eac.gov, sbanks@eac.gov,
Elieen L. Kuala/EAC/GOV@EAC, Bert A.
Benavides/EAC/GOV@EAC, Gavin S. Gilmour/EAC/GOV,
bwhitener@eac.gov,
cc
Subject FOIA Request

Today I will circulate a formal FOIA request to all of you. Please note that this request is from a journalist. The information I circulate will include a copy of the original request, which was made by the DC bureau of McClatchy Newspapers. An abbreviated version of the request follows:

"Copies of all emails between Job Serebrov and Election Assistance Commission staff or members and all emails between Tova Wang and commission staff or members pertaining to a voter fraud study the two were contracted to perform for EAC."

Some of you have provided similar information in the past, but I will need another complete submission that includes any related files that may have been generated since your last submission.

Please anticipate a formal request to be distributed to everyone today, and take note that the deadline to provide this information is April 30. Thank you.

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW

015236

Suite 1100
Washington, DC 20005
Phone: 202-566-3100
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015237

Donetta L.
Davidson/EAC/GOV
04/12/2007 01:33 PM

To Jeannie Layson/EAC/GOV@EAC, Gracia
Hillman/EAC/GOV@EAC, Caroline C.
Hunter/EAC/GOV@EAC, Rosemary E.
cc
bcc
Subject Re: FOIA Request

History: This message has been replied to.

Elle, I don't think I have any emails from Job or Tova, but to be on the safe side would you double check

Sent from my BlackBerry Wireless Handheld

Jeannie Layson

----- Original Message -----

From: Jeannie Layson
Sent: 04/12/2007 08:38 AM EDT
To: Donetta Davidson; Gracia Hillman; Caroline Hunter; Rosemary Rodriguez;
Thomas Wilkey; Juliet Hodgkins; Karen Lynn-Dyson; Margaret Sims; Sheila Banks;
Eileen Kuala; Bert Benavides; Gavin Gilmour; Bryan Whitener;

Subject: FOIA Request

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015238

Bryan Whitener/EAC/GOV
04/11/2007 05:49 PM

To Donetta L. Davidson/EAC/GOV@EAC, Rosemary E. Rodriguez/EAC/GOV@EAC, Caroline C. Hunter/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC
cc Bert A. Benavides/EAC/GOV@EAC, Bola Olu/EAC/GOV@EAC, Brian Hancock/EAC/GOV@EAC, Curtis Crider/EAC/GOV@EAC, DeAnna M.
bcc

Subject FYI - Today's media inquiries (4-11-07, Wed)

Commissioners:

Today we had the following media inquiries:

(1) Commissioner Hillman was interviewed by Allison Keyes of NPR about the fraud report. Commissioner Hillman explained the scope of the contract and that we asked the contractors to do two things: define voter fraud and intimidation and provide recommendations for future study on these topics. The commissioner pointed out that we did not ask them for conclusions. The reporter asked if it was true that EAC was trying to suppress information about voter intimidation among minorities. The commissioner said she had worked all her life to prevent minorities from being intimidated at the polls, and that she was very anxious to embark upon a more expansive study on this very topic. The commissioner said the agency was transparent, and talked about our public meetings and the transcripts and testimony that were available to the public through our website.

NOTE: The interview will be aired repeatedly this evening on the five minute newscast at the top and bottom of the hour. To listen, tune into WAMU 88.5 FM American University Radio or Listen Live.

(2) Laura Strickler of CBS News wanted to know how much we spent on the fraud report and the voter ID report. We told her the fraud and intimidation research contract was for \$147,106, and the voter ID and provisional voting research contract was \$560,002. We explained that voter ID was only part of the contract. It also tasked Eagleton to provide information about provisional voting practices. In Oct. 2006, the Commission issued provisional voting best practices.

(3) Rich Wolfe of USA Today is working on a story on what states will have to do if Rush Holt's bill is enacted. He asked for details on what states and vendors are currently facing in order to transition from the 2002 to the 2005 voting system guidelines which we provided. Brian Hancock also spoke with him on background about the testing and certification program. Mr. Wolf wanted to know more details regarding the differences in the VSS 2002 and the VVSG 2005. Brian explained that the most significant changes related to accessibility and usability. His real concern was what practical effect the VVSG would have on elections 2008. We noted that more than the VVSG, the changes brought about by the EAC implementation of our Testing and Certification Program might have just as big an impact. We noted that we would not be grandfathering any NASED systems, and that if State law required EAC certification, the manufacturers would need to bring their voting systems through the EAC program for full testing. We also explained the implementation date of December 2005 and that as of that date, no systems could apply for testing to the 2002 VSS. We also made sure that Mr. Wolf understood that the EAC program was voluntary and that participation in the EAC certification program would be driven ultimately by the statutes, regulations or procedures in each of the States.

(4) Paul DeGregorio called to let us know he was interviewed by Adam Stichko of the St. Louis Post Dispatch about the fraud report. The reporter wanted to know if the reaction was a major setback for the agency. Paul said no, and that as EAC noted in its statement, it was going to improve its internal operations. He pointed out that sometimes EAC makes tough decisions that both sides of the aisle might not agree upon. But regardless, he said the agency has a responsibility to conduct due diligence, and make the tough decisions. He talked about what we have accomplished and the assistance we provide -- best practices, quick starts, VVSG and certification program.

(5) Meg Cox a freelance writer in Chicago asked what prompted EAC's Statement Regarding Research &

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Contracting Policies and whether something new happened in Congress to prompt the statement. We said that the statement contains the information.

(6) Ross Tuttle of Los Angeles was in town today and is working on a documentary series titled "The Freedom Files" which includes an episode on voting rights. He asked for EAC's statement in response to the NYT article on the release of the report. We sent him today's statement.

(7) Kat Zambon of electionline.org asked if other states have a similar partnership arrangement that the Secretary of State in Georgia has with Kennesaw State University to provide technical support for the state's voting machines, as well as outreach, education, ballot design, training and consultation. We said this is the only one that we are aware of.

(8) John Gideon of Voters Unite and Brad Blog had the following questions, and Jeannie's responses follow:

A. How does the EAC see their position as a "clearinghouse" of information as required by HAVA? We follow the mandates of HAVA regarding our responsibilities to conduct studies about election administration issues. The results of those studies make up the "clearinghouse." B. What responsibility does the EAC have with regard to warning states about what may be security vulnerabilities in specific voting systems? The EAC certification program will collect anomaly reports (go here to view the form), which we will then investigate and share with election officials and the public. C. Chairwoman Davidson has said that the EAC's middle name is "Assistance". How does ignoring potential security issues fit into that theme? As I mentioned above, monitoring anomalies is part of our certification program. As we've discussed before, the system you are referring to was not certified by EAC. If the manufacturer of this system wants an EAC certification for this system, it would have to successfully complete our certification process and adhere to all of its rules. EAC did not grandfather any systems already in use (meaning that we did not automatically issue certifications or transfer NASED qualifications to existing systems), including the one you referenced. Mr. Gideon replied that he was amazed that instead of answering the questions I conflated the certification of voting systems with a security vulnerability that is in existence across the country. He asserted this issue had nothing to do with the EAC certification program. I replied that the very fact that we have set up a system to track voting system anomalies is evidence that we think monitoring performance is very important. Again, as we have discussed many times, we did not certify this voting system. If it successfully completes EAC's certification program in the future, then it would be subject to our rules and conditions, and if a problem occurs we would notify the election community and the public.

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015240

Caroline C. Hunter/EAC/GOV
04/11/2007 03:15 PM

To Jeannie Layson/EAC/GOV@EAC
cc EAC Personnel, stephanie.wolson@gmail.com
bcc
Subject Re: EAC Statement

History

This message has been forwarded

Rick Hasen <rick.hasen@lls.edu>
Sent by:

owner-election-law_gl@majordomo.lls.edu

04/11/2007 02:08 PM

To election-law <election-law@majordomo.lls.edu>
cc

Subje Indiana Secretary of State Rokita , the EAC Controversy, and the Incidence of
ct Voter Fraud

<http://electionlawblog.org/archives/008228.html>

Indiana Secretary of State Rokita , the EAC Controversy, and the Incidence of Voter Fraud

At a recent AEI-Brookings Election reform project [event](#), I [tangled](#) a bit with Indiana Sec. of State Todd Rokita, including over [the question](#) whether the National Association of Secretaries of State will continue to take its unfortunate position that the EAC should be disbanded. Sec. Rokita has also been a strong supporter of voter identification laws, and his state's law has been subject to challenge in the Crawford case (see some of my [analysis](#) of the cert. possibilities for this case).

I did not realize until now (or perhaps I forgot) that Sec. Rokita was a member of the EAC's [working group on vote fraud issues](#) (see page 4 of pdf).

In the draft Seberov/Wang [report leaked](#) to the NY Times, Sec. of State Rokita is quoted as making some troubling remarks about conducting research into possible voter fraud, a key empirical question not only for the constitutional issue in *Crawford* but for election administration more generally. On page 28 of the report, Sec. Rokita is quoted as saying *both* that he believes the EAC should be in business of designing its own methodology for figuring out the incidence of voter fraud (rather than relying on existing assessments of the amount of fraud) *and* that the EAC should be "very careful" not to make the "wrong selection in the eyes of some group" of a political scientist to conduct such a study.

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In my view, there's no way that the EAC can design a sound methodology for a new study of voter fraud without the help of well-trained political scientists (or other social scientists well trained in appropriate research methods). It cannot subject the selection of such a political scientist to some kind of litmus test that excludes a good political scientist whose choice offends some interest group. This is part of the EAC's new pathology generally: it is afraid to release any data that might offend some group or take a side. (Under pressure, the EAC has now released that Eagleton/Moritz study on voter id and turnout that it has disowned).

In the end, I get the sense that no amount of evidence from the most eminent political scientist would convince Sec. Rokita that voter fraud at the polling place is not a major problem. From the report: "Mr. Rokita stated that, 'We're not sure that fraud at the polling place doesn't exist. We can't conclude that.'"

With the apparent demise of the American Center for Voting Rights (whose Thor Hearne was also in the EAC working group), Mr. Rokita appears to be fighting this battle alone on the EAC.

A more general lesson from the EAC controversy: There has been much writing in recent years by Chris Elmendorf, Heather Gerken, and myself on the use of election reform commissions and other devices to get changes in election administration rules. I fear that we will be studying the EAC's failures for many years to understand how *not* to engage in meaningful election administration reform.

--

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Jeannie Layson/EAC/GOV

015242

Jeannie Layson/EAC/GOV
04/11/2007 10:58 AM

To EAC Personnel
cc
bcc
Subject EAC Statement

History

This message has been forwarded.

Hello everyone,
I'm sure you have read the article in today's NYT about the voter fraud report this agency issued. Today, Congressmen Hinchey and Serrano have issued the following statement. Very shortly, EAC will post and distribute the attached statement to articulate our role and approach to conducting research and the steps we will take to improve our process. Please let me know if you have any questions about this, as I am sure we will all receive phone calls today about this issue. You may also direct people with questions to the statement that will be on the website. I will keep everyone informed as this situation evolves.



2007- 11 (4-11-07) Statement on Research & Contracting Policies.pdf

For
Immediate
Release

April 11, 2007

Hinchey, Serrano Urge Non-Partisanship, Greater Transparency at Election Assistance Commission

Washington, DC - Today, Congressmen Maurice Hinchey (NY-22) and José E Serrano (NY-16) urged the Election Assistance Commission (EAC) to act with greater transparency and without partisanship. The comments from the congressmen came as the House Appropriations Subcommittee on Financial Services and General Government released a draft version of an EAC report on voter fraud and intimidation that shows significant changes were made to the findings of outside experts before the final report was released.

"The EAC has an obligation to be forthright with the American people and operate transparently and in a non-partisan manner," said Congressman Hinchey, who requested the draft report from EAC Commissioner Donetta L. Davidson during subcommittee hearing last month. "The draft report was commissioned with taxpayer dollars upon a mandate from Congress so that we could learn more about voter fraud and intimidation. The need for this report is even more clear when we see the way in which the Bush administration is carrying out the electoral process and how this system is sliding towards corruption. In hiding a draft report from the public that is significantly different from the final version, the EAC has created a lot more questions than it has answered while stunting debate on the issue. In order for our democracy to function properly it is essential that our elections are free of any corruption and that includes ensuring

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that the EAC does not work to benefit one political party over the other. To achieve that goal we must have all the facts and opinions on the table, not just some of them. The EAC must never limit discussion and debate."

"The EAC is charged with helping to ensure our elections are trustworthy and administered fairly," said Congressman Serrano, who is Chair of the Appropriations Subcommittee that oversees the EAC budget. "I'm concerned if changes were made to the report on voter fraud because of partisan bias rather than impartial analysis. When you read the draft report side-by-side with the final version, it is clear that important conclusions of the experts who wrote the draft report were excluded from the final product. Among the excluded information was an analysis that undermines the notion that voter fraud is rampant.

"I am concerned that the EAC did not publicly release the taxpayer-funded draft report, and I worry that political considerations may have played a role. We cannot have a politicized EAC, or one that yields to outside pressure. Our democracy, and the American people's faith in it, is far more important than any short-term political advantage."

The draft report was written by outside experts under contract with the EAC. The final report was entitled "Election Crimes: An Initial Review and Recommendations for Future Study" and was issued on December 7, 2006.

The EAC is an independent bipartisan commission created by the 2002 Help America Vote Act in order to disburse funds to the states for the purchase of new voting systems, certify voting technologies, develop guidelines and serve as an information resource for election administration.

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015244



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW – Suite 1100
Washington, DC 20005

EAC Statement Regarding Research and Contracting Policies

Commission to Review Internal Procedures

For Immediate Release
April 11, 2007

Contact: Jeannie Layson
Bryan Whitener
(202) 566-3100

WASHINGTON – The Help America Vote Act of 2002 (HAVA) directs the Election Assistance Commission (EAC) to serve as a national clearinghouse and resource by, among other things, conducting studies with the goal of improving the administration of federal elections. To fulfill this mandate, the EAC has entered into contracts with a variety of persons and entities. Reports adopted by the EAC, a bipartisan federal entity, are likely to be cited as authoritative in public discourse. Prior to the EAC's adopting a report submitted by a contractor, the EAC has the responsibility to ensure its accuracy and to verify that conclusions are supported by the underlying research.

The Commission takes input and constructive criticism from Congress and the public very seriously. We will take a hard look at the way we do business. Specifically, we will examine both the manner in which we have awarded contracts and our decision-making process regarding the release of research and reports. The EAC takes its mandates very seriously, and we will continue to move forward in a bipartisan way to improve the way America votes.

EAC is an independent bipartisan commission created by HAVA. It is charged with administering payments to states and developing guidance to meet HAVA requirements, implementing election administration improvements, adopting voluntary voting system guidelines, accrediting voting system test laboratories and certifying voting equipment and serving as a national clearinghouse and resource of information regarding election administration. The four EAC commissioners are Donetta Davidson, chair; Rosemary Rodriguez, Caroline Hunter and Gracia Hillman.

###

015245

Jeannie Layson/EAC/GOV
04/10/2007 06:30 PM

To Donetta L. Davidson/EAC/GOV, ghillman@eac.gov, Caroline
C. Hunter/EAC/GOV@EAC, Rosemary E.
Rodriguez/EAC/GOV@EAC
cc EAC Staff

bcc

Subject NEED YOUR APPROVAL: Statement for tomorrow

Commissioners,

As you know, the NYT will run an article tomorrow about EAC, and I think the focus will be on our recent stumbles, and it will speculate about what kind of role you've been assuming. I think it will portray us as under fire and struggling to regain our footing due to mismanagement and a late start. Also, tomorrow Hinchey and Serrano will release the draft fraud report along with a press release. I'd like to release and post the following statement as soon as their press release hits the street. Please let me know if you agree with this statement. Press log follows.

"EAC's policy is to thoroughly review any information submitted by contractors. That review involves due diligence to ensure that every report EAC adopts and issues is based on accurate information. We have a responsibility to take the time to get things right, and to make sure we can stand behind and each and every report we issue.

"However, we take input from Congress and the public very seriously, and we will take a hard look at the way we do business. If changes need to be made to increase transparency or speed up our review process, we will make those changes. EAC takes its responsibilities very seriously, and we will continue to move forward in a bipartisan way to improve the way America votes."

1. Ian Urbina of the NYT interviewed commissioners Davidson and Hillman about the fraud report. Both told him that EAC has a responsibility to make sure information we release is accurate, and that means conducting due diligence. The chair pointed out that we now have bi-partisan subcommittees to review research, budget issues and certification. She pointed out that we have a responsibility to take the time to get things right. Comm. Hillman answered his questions about specific passages, and explained why we made changes and how some of the comparisons he was making wasn't germane. Ray Martinez called and wanted us to know that he was also interviewed by Ian, and Ray told him he has always thought the agency should make final contractor reports available to the public. My responses to additional questions he posed follow:

A. In the draft on page 7, sec. bullet, it says "there is widespread but not unanimous." In the final, page one, it says "It is clear from the review that there is a great deal of debate on the pervasiveness of fraud in elections as well as what constitute the most common acts of fraud or intimidation." Reason for the change from draft to final language -- The statement in the draft report is based on the interviews only, not on the entire body of research that was conducted. The latter statement in the final report is based upon the entire body of research, including the articles, books and cases which constitute the appendices. Also, the sentence from the draft is in the section that describes the interviews. The sentence in the final version is in the executive summary, which focuses on the entire project, not just the interviews.

B. In the draft on page 7 it says there is "evidence of some intimidation." In the final, page 7, it says "voter intimidation is also a topic of some debate because there is little agreement concerning what constitutes actionable voter intimidation." Reason for the change from draft to final language -- After reviewing all of the data provided by the consultants, EAC determined that there is little agreement as to what constitutes "voter intimidation." There is a difference between actionable intimidation (criminal) and civil issues and activities that are legal in both the criminal and civil context. No one is debating that there is some evidence of intimidation. The question is how intimidation is defined (criminal, civil, both, neither).

C. In the draft on page 7, second bullet, it says "most people believe that false registration forms have not resulted in fraud." This sentence wasn't supported by the entire body of research. Regarding the sentence in the final report: "For example, the interviewees largely agreed that absentee balloting is subject to the

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greatest proportion of fraudulent acts, following by voting buying and voter registration fraud." This language was taken from the first bullet on page seven of the draft report, which begins "There is virtually universal agreement that absentee ballot fraud is the biggest problem..."

D. In the draft, the consultants offered conclusions up front. In the final version, these conclusions either ended up in the appendices or elsewhere in the document. Why? EAC organized the content of the document in the manner that seemed most suitable. For instance, all of the recommendations (consultants' and working group's) are grouped together. We added language that reflected the commission's decision to adopt six of the recommendations.

E. Was this voted on in public? Was it unanimous? Three commissioners -- Paul DeGregorio, Gracia Hillman, and Donetta Davidson unanimously approved the final report at a public meeting on Dec. 7, 2006. Go here for details.

F. Who managed this project? Initially, the project was managed by EAC Dir. of Research Karen Lynn-Dyson, but early on the project was shifted to EAC Election Research Specialist Margaret Sims.

G. When did the work begin and when was it concluded? The consultants began work in Sept. 2005. They delivered sections of the draft document in phases (all dates are 2006). Interview conclusions were delivered to EAC in April; future suggestions in June; everything else (except next item) delivered in July; and literature review arrived in August.

H. What are the political affiliations of Karen and Margaret? Who appointed them? I don't know Karen's or Margaret's political affiliation. They are not political appointees -- they are federal employees, not appointed by the commission but hired by the executive director.

I. What about Julie Thompkins? Julie was appointed by the commission. Go here to read the press release about her appointment. The last person she worked for was a Republican, but Julie's appointment to the EAC was not on a partisan basis. She was appointed by a unanimous vote of the full (four commissioners) commission.

J. Explain the circumstances surrounding the only commission vote that wasn't unanimous. HAVA gave EAC the mandate under the National Voter Registration Act (previously held by FEC) to develop a federal voter registration form that must be accepted and used by states covered under the Act. As part of that mandate, EAC routinely updates the state instructions on the form. Instructions provide information about voting rules and laws in the states.

Arizona requested a change to the federal form's state instructions reflecting Prop. 200. Staff routinely reviews and approves state requests regarding changes to the instructions. In this case, the executive director denied Arizona's request. Paul DeGregorio (R), who was EAC chair at the time, put the matter to a vote, proposing that the Commission accommodate Arizona's proof of citizenship procedure by amending the state specific portion of the federal voter registration form. The vote failed along party lines, 2 - 2. HAVA requires any measure to be carried by at least three votes. Therefore, the measure failed.

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015247

Jeannie Layson/EAC/GOV
04/06/2007 05:27 PM

To Donetta L. Davidson/EAC/GOV, ghillman@eac.gov, Caroline
C. Hunter/EAC/GOV@EAC, Rosemary E.
Rodriguez/EAC/GOV@EAC
cc EAC Staff

bcc

Subject FYI ONLY: Today's media inquiries (04-06-07)

1. I confirmed for Matt Murray of Roll Call that Comm. Hunter is a Republican and that she came to EAC in March. He asked for our FY budget figures, which I sent to him. He asked if it was true that we bungled the certification of voting systems in reference to the CIBER situation. I said that it had nothing to do with certifying voting systems, and explained the entire interim process and the reason we had to implement after NIST told us they wouldn't get labs accredited until late 2006 and NASED's termination of its program. I said we announced this program and our decision to invite the three labs to apply at a public meeting in 2005, and that we've had several public meetings about the interim program, as well as sending updates to our stakeholders. He asked me how I would characterize the criticism surrounding CIBER, and I said the feedback we received was that we should have been more proactive in reminding people that CIBER had not received interim certification, that it was still pending. I emphasized that we have not certified any voting systems, so it would be incorrect to state that we had "bungled" that process. He asked if we released the Eagleton data after Hinchey urged us to, and I said yes, but told him that the chair announced that we would complete this project w/n 30 days at a public meeting in Feb. in which Eagleton testified and answered questions about their methodology. I also gave him the following quote: We have a responsibility to take the time to get things right. However, we understand the criticism and we are taking a hard look at our internal processes. We will identify what changes need to be made, and we will make them. We take comments from Congress very seriously, and we appreciate their input and their willingness to give us what we need to get the job done.

2. The chair was interviewed by Pam Zubeck of the Gazette (CO) about what she's seeing regarding voting by mail. The chair talked about the trends in the NW, and how it was important to make sure states have accurate and up to date lists. She noted that the introduction of statewide databases will be especially helpful to those states. The reporter asked if CO sends out ballots to inactive voters, and the chair said yes, and told her it is a federal requirement that voters must be notified before they are removed from voter rolls.

3. Freelance journalist Meg Cox, who is writing an article for Op-Ed News, had the following questions, and my responses follow: a) You said that the Wang/Serebrov report has not been released because it was predecisional. Was the Moritz/Eagleton report released because it was not predecisional? The Moritz/Eagleton report was a predecisional document. The commissioners took an action not to adopt a final report based upon the Moritz/Eagleton report, but to release all the predecisional information (the draft report).

b) I understood you to say that the December EAC report includes all of the Wang/Serebrov recommendations but not all of the Wang/Serebrov findings. Is that correct? The report does include all of their recommendations, as well as the research they reviewed, which includes books and articles and court cases. The contract with the consultants did not ask them to produce findings. It was an initial effort to identify what relevant information is available, define voter fraud and voter intimidation, and make recommendations to EAC regarding future study.

c) I understood you to say that EAC staff added results of their own research to the December EAC report. Is that correct? Yes, EAC conducted additional research to further clarify the definitions of "voter fraud" and "voter intimidation." On page 13, you will see the results of the EAC research, which resulted in defining the scope of future study and new terminology for these topics -- election crimes. EAC staff reviewed the report for accuracy, for grammar and added language that reflected the commission's decision to adopt the final version based upon the initial research provided by the consultants. New language was also added to communicate the commission's decision adopt six of the 16 recommendations put forth by the consultants.

d) If I'm correct on questions 2 and 3, would it be accurate to say that readers of the December report

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cannot tell how much of that report does and does not reflect the original Wang/Serebrov findings? Again, the contract with the consultants did not ask them to produce findings, nor was that the scope of the contract. It was an initial effort that tasked them to identify what relevant information is available, define voter fraud and voter intimidation, and make recommendations to EAC regarding future study. The research (Appendix D, 197 pages; and Appendix B, 57 pages) and all of their recommendations are included in the final report.

e) I called earlier today requesting the Wang/Serebrov report, and you sent me the December EAC report. I am concerned that if I had not already been researching this closely, I would have thought that you'd sent me the Wang/Serebrov report and would have reported incorrectly that you had. Does the EAC have any comment on this manner of replying to press inquiries? (I contacted you to request the report after I read in the Statesman Journal of Salem, Oregon, an article by Marie Cocco that says: "The bipartisan commission didn't widely release the consultants' review, but makes it available on request." Did the EAC indeed give Ms. Cocco a copy of the "consultants' review"? Or has she misunderstood you in the way I'm concerned about?) I sent you a link to the "EAC report" because it is what was adopted by the commission based upon the research conducted by the consultants. The final report clearly states how it was compiled, includes bios for both of the consultants, their research and summaries of their interviews. Regarding Ms. Cocco, I explained the entire process to her. I provided the staff update on the project which was presented at a public meeting in May 2006 and the final report, which is posted on the EAC website. Regarding "this manner of responding to press inquiries," I have forwarded your comments to my supervisor so he can review my performance regarding the handling of your inquiry.

f) I understood you to say that the EAC did not release the Wang/Serebrov report in its original form because the EAC has to do due diligence and its staff is small. Do I understand you correctly? As a small agency of 23 employees, including the four commissioners, it is necessary for the agency to contract with consultants to gather the initial data for research projects. After EAC receives the initial data, the agency reviews the data for accuracy. What form of due diligence does the EAC's staff routinely conduct on research that is contracted out to experts before that research is released? You mentioned "vetting" the research. What does that vetting entail? It depends on the project, but in every case, the agency has a responsibility to make sure the information it receives from any contractor is accurate. In this case, EAC staff read every article cited by the consultants and reviewed the contents of every interview they conducted. Appendix C contains the interview summaries, and the changes EAC made are clearly footnoted. Regarding other research projects, if it is information directly related to a mandate within the Help America Vote Act (HAVA), staff will make sure that the information is consistent with the law. If the research focuses on election laws throughout the country, we make sure the laws are cited correctly and that state legislatures haven't changed or amended these laws since the research was conducted. (As you probably know, there have been many new election laws introduced at the state level since 2004.) Throughout the process, we review for grammar as well as make sure the document flows and is arranged logically -- the basic tenets of editing.

Jeannie Layson
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015249

Jeannie Layson/EAC/GOV
04/10/2007 01:11 PM

To Donetta L. Davidson/EAC/GOV, ghillman@eac.gov, Caroline
C. Hunter/EAC/GOV@EAC, Rosemary E.
Rodriguez/EAC/GOV@EAC
cc Tom Wilkey, jthompson@eac.gov, psims@eac.gov,
stephanie.wolson@gmail.com, sbanks@eac.gov, Elieen L.
Kuala/EAC/GOV@EAC, Bert A. Benavides/EAC/GOV@EAC
bcc

Subject NYT Interview Request

History:

✉ This message has been replied to.

Commissioners,
Ian Urbina of the NYT is working on a story about our fraud report. He has the original, and he's asking questions about how we arrived at the final version, as well as wanted to confirm that there were intense discussion among the commissioners about whether to release everything.

Madam Chair--I need to know if you can speak with him in the next 30 min. If not, I need to know which commish would be available to speak with Ian. We are under seige, and I think it's very important to have a commish perspective/input in this piece.

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www.eac.gov

015250

Bryan Whitener/EAC/GOV
04/04/2007 05:31 PM

To Donetta L. Davidson/EAC/GOV@EAC, Rosemary E. Rodriguez/EAC/GOV@EAC, Caroline C. Hunter/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC
cc Bert A. Benavides/EAC/GOV@EAC, Bola Olu/EAC/GOV@EAC, Brian Hancock/EAC/GOV@EAC, Curtis Crider/EAC/GOV@EAC, DeAnna M.
bcc

Subject FYI - Today's media inquiries (4-4-07, Wed)

Commissioners:

For the second time in a month, Dan Seligson of Electionline.org requested the same document on voter fraud that was requested of EAC by the House Appropriations Subcommittee on Financial Services. Again, we said that the document that was requested by the subcommittee is considered predecisional under the Freedom of Information Act (FOIA), but that of course we provided it to the subcommittee because they are exempt from FOIA. We noted however, that the EAC adopted a final report on election crimes at our Dec. 7, 2006 public meeting. We said that the final report was based on the research provided by the consultants and additional information gathered by EAC staff and that it is available on our website [here](#). We said that the report includes all of the data reviewed by the consultants. (links on page 24.) and that it also includes all of the recommendations for further study that the consultants put forth. We said that ultimately, the commission adopted four of those recommendations and provided the press release link [here](#). We said that as a small agency, EAC often works with contractors, consultants and experts to gather data and conduct research. After the commission receives the initial data or information, staff then works to incorporate this information into a final EAC report.

###

015251

Jeannie Layson/EAC/GOV
12/12/2006 04:57 PM

To Elieen L. Collver/EAC/GOV@EAC
cc
bcc
Subject Re: Need info from you for annual report 

History:  This message has been replied to

Elle,

I need a more complete TGDC roster, including their titles and affiliations. Please see last year's annual report, page 45. Again, I need a complete list of those who served in Fiscal Year 2006, which covers Oct. 1, 2005 through Sept. 30, 2006. Anyone who was not serving as of Sept. 30, I will list them as former members. Please let me know if you have any questions.

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
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www.eac.gov
Elieen L. Collver/EAC/GOV



Elieen L. Collver/EAC/GOV
12/12/2006 04:45 PM

To jlayson@eac.gov@EAC
cc bwhitener@eac.gov
Subject Re: Need info from you for annual report 

Here is a list of the cities Commissioner Davidson has visited on official business for FY06:

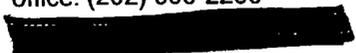
San Francisco, CA
Portland, OR
Albuquerque, NM
Hot Springs, VA
Bismark, ND
Cleveland, OH
Seattle, WA
Austin, TX
Denver, CO
Gaithersberg, MD
Caper, WY
Columbia, SC
Santa Fe, NM
San Diego, CA
Eugene, OR
Chicago, IL
Hartford, CT
Providence, RI
Carson, CA
St. Louis, MO

Roster of TGDC members who served during FY06:

015252

Dr. William Jeffrey
John Gale
Alice Miller
Sharon Turner-Buie
Helen Purcell
Jim Elekes (*resigned July, 26, 2006*)
J.R. Harding (*resigned July 26, 2006*)
H. Stephen Berger
Dr. Brittain Williams
Paul Craft (*replaced August 2, 2006*)
Patrick Gannon
Whitney Quesenberg
Dr. Ronald Rivest
Dr. Daniel Schutzer

Elle L.K Collver
U.S. Election Assistance Commission
1225 New York Avenue, Suite 1100
Washington, D.C. 20005
office: (202) 566-2256


www.eac.gov
Jeannie Layson/EAC/GOV

Jeannie Layson/EAC/GOV
12/12/2006 09:03 AM

To Elieen L. Collver/EAC/GOV@EAC
cc bwhitener@eac.gov
Subject Need info from you for annual report

Elle,
Per Bryan's earlier emails, I need several things from you ASAP for the Annual Report, which covers everything from Oct. 1, 2005 to Sept. 30, 2006. 1) A list of cities the commissioner visited during that time period; 2) The TGDC roster as of Oct. 1, 2005. I also need a list of members who resigned during that time period so I can note their service, even though they won't be listed on the roster. In addition, please make sure her bio on the website is current, as that is what will be in the annual report.

Also, my records indicate that I did not receive a response from you regarding my FOIA request. Please note that it specifically asks for a response from everyone, even if the response is "no records." I'm assuming you have checked with the commissioner to see if she has any responsive records. Original request is below. Please let me know if you have any questions or need clarification about any of this. Thank you.

Hello everyone,
I need each of you to respond affirmatively or negatively to the FOIA request below. If you have no documents in your possession related to this request, please reply to me with the words "no records." If you have records, please identify them in an e-mail reply and attach them to the e-mail. If the document is not electronic, hand deliver them to me. Also, if you believe any of these related documents should be withheld, please provide a brief memo stating the reason for your position.

015253

I need this information and/or a response by COB December 5, 2006. If you cannot comply by this date, please provide notification and an estimated time when you will provide the information and the reason why you cannot comply by the original deadline. Thanks for your cooperation. See request below:

Wendy Weiser of the Brennan Center for Justice has submitted a FOIA request for the voting fraud report prepared by our consultants and the voter ID report, as well as the following information:

"In the event that the EAC denies my renewed request for the voter ID and voting fraud reports or delays another week in providing those materials, we respectfully request copies of (1) all requests for proposals and contracts relating to the voter ID and voting fraud reports; and (2) all written and electronic communications concerning the voter ID and voting fraud reports between the EAC and (a) the Eagleton Institute of Politics, (b) the Moritz College of Law, (c) Tova Wang, (d) Job Serebrov, and (e) any other individuals or entities, including but not limited to outside reviewers."

Please let me know if you would like a copy of the FOIA request.

Jeannie Layson
U.S. Election Assistance Commission
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Washington, DC 20005
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www.eac.gov

015254

Juliet E. Hodgkins/EAC/GOV
11/28/2006 01:35 PM

To "Davidson, Donetta" <ddavidson@eac.gov>, Thomas R. Wilkey/EAC/GOV@EAC
cc Paul DeGregorio/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC
bcc Elieen L. Collver/EAC/GOV
Subject Call in number for tomorrow's briefing on the Voting Fraud and Voter Intimidation Report

I have made arrangements for a conference call for tomorrow's briefing. There are four lines available. That would be sufficient for Tom, Donetta, and me (if necessary). In addition, there is one additional line in the event someone else needs to call in. If there will be more than the callers identified above (Tom, Donetta, and me) please let me know.

Here is the call in number and pass code:

[REDACTED]

[REDACTED]

The call will be open from 10:30 to 12:00 (just in case we run over the one hour scheduled meeting).

Juliet Thompson Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

015255

Jeannie Layson/EAC/GOV
12/12/2006 09:03 AM

To Elieen L. Colver/EAC/GOV@EAC
cc bwhitener@eac.gov
bcc

Subject Need info from you for annual report

History:  This message has been replied to and forwarded.

Elle,

Per Bryan's earlier emails, I need several things from you ASAP for the Annual Report, which covers everything from Oct. 1, 2005 to Sept. 30, 2006. 1) A list of cities the commissioner visited during that time period; 2) The TGDC roster as of Oct. 1, 2005. I also need a list of members who resigned during that time period so I can note their service, even though they won't be listed on the roster. In addition, please make sure her bio on the website is current, as that is what will be in the annual report.

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Hello everyone,

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I need this information and/or a response by COB December 5, 2006. If you cannot comply by this date, please provide notification and an estimated time when you will provide the information and the reason why you cannot comply by the original deadline. Thanks for your cooperation. See request below:

Wendy Weiser of the Brennan Center for Justice has submitted a FOIA request for the voting fraud report prepared by our consultants and the voter ID report, as well as the following information:

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Please let me know if you would like a copy of the FOIA request.

Jeannie Layson
U.S. Election Assistance Commission
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Phone: 202-566-3100
www.eac.gov

015256

Jeannie Layson/EAC/GOV
12/12/2006 09:26 AM

To Elieen L. Collver/EAC/GOV@EAC
cc
bcc
Subject Re: FOIA Request

History

This message has been forwarded.

That also applies to the Eagleton contract, which is voter ID. Also, please check with the commissioner to make sure she doesn't have any responsive records.

Jeannie Layson
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Elieen L. Collver/EAC/GOV



Elieen L. Collver/EAC/GOV
12/12/2006 09:23 AM

To jlayson@eac.gov@EAC
cc
Subject Re: FOIA Request

Jeannie,

I don't have any written correspondence regarding the Voter Fraud issue/Tova or Job correspondence.

I did have a few phone calls that came in from one of the members of the working group. But that's it as far as correspondence.

Elle

Elle L.K Collver
U.S. Election Assistance Commission
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office: (202) 566-2256
www.eac.gov
Jeannie Layson/EAC/GOV

Jeannie Layson/EAC/GOV
11/28/2006 10:27 AM

To EAC Personnel
cc
Subject FOIA Request

015257

Hello everyone,

I need each of you to respond affirmatively or negatively to the FOIA request below. If you have no documents in your possession related to this request, please reply to me with the words "no records." If you have records, please identify them in an e-mail reply and attach them to the e-mail. If the document is not electronic, hand deliver them to me. Also, if you believe any of these related documents should be withheld, please provide a brief memo stating the reason for your position.

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Please let me know if you would like a copy of the FOIA request.

Jeannie Layson
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www.eac.gov

015258

Juliet E. Hodgkins/EAC/GOV
11/16/2006 11:34 AM

To Eileen L. Coliver/EAC/GOV@EAC, Sheila A.
Banks/EAC/GOV@EAC, Matthew
Masterson/EAC/GOV@EAC

cc

bcc

Subject Meeting with Commissioners re: Draft Voter Fraud and Voter
Intimidation Report

History: This message has been replied to and forwarded.

I need to set a meeting with the Commissioners some time during the week of Nov 27 to discuss their comments/issues on the draft voter fraud/voter intimidation report. Please let me know when they are available either in person or by phone. My only limitations at this point are Wednesday, 12:00 -2:00 and Friday, 9:00 - 10:00.

Juliet Thompson Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

015259

Jeannie Layson/EAC/GOV

To EAC Personnel

11/28/2006 10:27 AM

cc

bcc

Subject FOIA Request

History:

 This message has been replied to

Hello everyone,

I need each of you to respond affirmatively or negatively to the FOIA request below. If you have no documents in your possession related to this request, please reply to me with the words "no records." If you have records, please identify them in an e-mail reply and attach them to the e-mail. If the document is not electronic, hand deliver them to me. Also, if you believe any of these related documents should be withheld, please provide a brief memo stating the reason for your position.

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Please let me know if you would like a copy of the FOIA request.

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015260

Jeannie Layson/EAC/GOV
04/10/2007 01:52 PM

To Donetta L. Davidson/EAC/GOV
cc
bcc
Subject interview

We asked them to do two things: 1) define voter fraud and voter intimidation; and 2) provide recommendations for future study.

Jeannie Layson
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015261

Jeannie Layson/EAC/GOV
04/11/2007 10:58 AM

To EAC Personnel
cc
bcc
Subject EAC Statement

Hello everyone,
I'm sure you have read the article in today's NYT about the voter fraud report this agency issued. Today, Congressmen Hinchey and Serrano have issued the following statement. Very shortly, EAC will post and distribute the attached statement to articulate our role and approach to conducting research and the steps we will take to improve our process. Please let me know if you have any questions about this, as I am sure we will all receive phone calls today about this issue. You may also direct people with questions to the statement that will be on the website. I will keep everyone informed as this situation evolves.



2007- 11 (4-11-07) Statement on Research & Contracting Policies.pdf

For
Immediate
Release

April 11, 2007

Hinchey, Serrano Urge Non-Partisanship, Greater Transparency at Election Assistance Commission

Washington, DC - Today, Congressmen Maurice Hinchey (NY-22) and José E Serrano (NY-16) urged the Election Assistance Commission (EAC) to act with greater transparency and without partisanship. The comments from the congressmen came as the House Appropriations Subcommittee on Financial Services and General Government released a draft version of an EAC report on voter fraud and intimidation that shows significant changes were made to the findings of outside experts before the final report was released.

"The EAC has an obligation to be forthright with the American people and operate transparently and in a non-partisan manner," said Congressman Hinchey, who requested the draft report from EAC Commissioner Donetta L. Davidson during subcommittee hearing last month. "The draft report was commissioned with taxpayer dollars upon a mandate from Congress so that we could learn more about voter fraud and intimidation. The need for this report is even more clear when we see the way in which the Bush administration is carrying out the electoral process and how this system is sliding towards corruption. In hiding a draft report from the public that is significantly different from the final version, the EAC has created a lot more questions than it has answered while stunting debate on the issue. In order for our democracy to function properly it is essential that our elections are free of any corruption and that includes ensuring that the EAC does not work to benefit one political party over the other. To achieve that goal we must have all the facts and opinions on the table, not just

015262

some of them. The EAC must never limit discussion and debate.”

“The EAC is charged with helping to ensure our elections are trustworthy and administered fairly,” said Congressman Serrano, who is Chair of the Appropriations Subcommittee that oversees the EAC budget. “I’m concerned if changes were made to the report on voter fraud because of partisan bias rather than impartial analysis. When you read the draft report side-by-side with the final version, it is clear that important conclusions of the experts who wrote the draft report were excluded from the final product. Among the excluded information was an analysis that undermines the notion that voter fraud is rampant.

“I am concerned that the EAC did not publicly release the taxpayer-funded draft report, and I worry that political considerations may have played a role. We cannot have a politicized EAC, or one that yields to outside pressure. Our democracy, and the American people’s faith in it, is far more important than any short-term political advantage.”

The draft report was written by outside experts under contract with the EAC. The final report was entitled “Election Crimes: An Initial Review and Recommendations for Future Study” and was issued on December 7, 2006.

The EAC is an independent bipartisan commission created by the 2002 Help America Vote Act in order to disburse funds to the states for the purchase of new voting systems, certify voting technologies, develop guidelines and serve as an information resource for election administration.

Jeannie Layson
U.S. Election Assistance Commission
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Phone: 202-566-3100
www.eac.gov

015263



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW – Suite 1100
Washington, DC 20005

EAC Statement Regarding Research and Contracting Policies

Commission to Review Internal Procedures

For Immediate Release
April 11, 2007

Contact: Jeannie Layson
Bryan Whitener
(202) 566-3100

WASHINGTON – The Help America Vote Act of 2002 (HAVA) directs the Election Assistance Commission (EAC) to serve as a national clearinghouse and resource by, among other things, conducting studies with the goal of improving the administration of federal elections. To fulfill this mandate, the EAC has entered into contracts with a variety of persons and entities. Reports adopted by the EAC, a bipartisan federal entity, are likely to be cited as authoritative in public discourse. Prior to the EAC's adopting a report submitted by a contractor, the EAC has the responsibility to ensure its accuracy and to verify that conclusions are supported by the underlying research.

The Commission takes input and constructive criticism from Congress and the public very seriously. We will take a hard look at the way we do business. Specifically, we will examine both the manner in which we have awarded contracts and our decision-making process regarding the release of research and reports. The EAC takes its mandates very seriously, and we will continue to move forward in a bipartisan way to improve the way America votes.

EAC is an independent bipartisan commission created by HAVA. It is charged with administering payments to states and developing guidance to meet HAVA requirements, implementing election administration improvements, adopting voluntary voting system guidelines, accrediting voting system test laboratories and certifying voting equipment and serving as a national clearinghouse and resource of information regarding election administration. The four EAC commissioners are Donetta Davidson, chair; Rosemary Rodriguez, Caroline Hunter and Gracia Hillman.

###

015264

Bryan Whitener/EAC/GOV
04/11/2007 05:49 PM

To Donetta L. Davidson/EAC/GOV@EAC, Rosemary E. Rodriguez/EAC/GOV@EAC, Caroline C. Hunter/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC
cc Bert A. Benavides/EAC/GOV@EAC, Bola Olu/EAC/GOV@EAC, Brian Hancock/EAC/GOV@EAC, Curtis Crider/EAC/GOV@EAC, DeAnna M.
bcc

Subject FYI - Today's media inquiries (4-11-07, Wed)

Commissioners:

Today we had the following media inquiries:

(1) Commissioner Hillman was interviewed by Allison Keyes of NPR about the fraud report. Commissioner Hillman explained the scope of the contract and that we asked the contractors to do two things: define voter fraud and intimidation and provide recommendations for future study on these topics. The commissioner pointed out that we did not ask them for conclusions. The reporter asked if it was true that EAC was trying to suppress information about voter intimidation among minorities. The commissioner said she had worked all her life to prevent minorities from being intimidated at the polls, and that she was very anxious to embark upon a more expansive study on this very topic. The commissioner said the agency was transparent, and talked about our public meetings and the transcripts and testimony that were available to the public through our website.

NOTE: The interview will be aired repeatedly this evening on the five minute newscast at the top and bottom of the hour. To listen, tune into WAMU 88.5 FM American University Radio or Listen Live:

(2) Laura Strickler of CBS News wanted to know how much we spent on the fraud report and the voter ID report. We told her the fraud and intimidation research contract was for \$147,106, and the voter ID and provisional voting research contract was \$560,002. We explained that voter ID was only part of the contract. It also tasked Eagleton to provide information about provisional voting practices. In Oct. 2006, the Commission issued provisional voting best practices.

(3) Rich Wolfe of USA Today is working on a story on what states will have to do if Rush Holt's bill is enacted. He asked for details on what states and vendors are currently facing in order to transition from the 2002 to the 2005 voting system guidelines which we provided. Brian Hancock also spoke with him on background about the testing and certification program. Mr. Wolf wanted to know more details regarding the differences in the VSS 2002 and the VVSG 2005. Brian explained that the most significant changes related to accessibility and usability. His real concern was what practical effect the VVSG would have on elections 2008. We noted that more than the VVSG, the changes brought about by the EAC implementation of our Testing and Certification Program might have just as big an impact. We noted that we would not be grandfathering any NASED systems, and that if State law required EAC certification, the manufacturers would need to bring their voting systems through the EAC program for full testing. We also explained the implementation date of December 2005 and that as of that date, no systems could apply for testing to the 2002 VSS. We also made sure that Mr. Wolf understood that the EAC program was voluntary and that participation in the EAC certification program would be driven ultimately by the statutes, regulations or procedures in each of the States.

(4) Paul DeGregorio called to let us know he was interviewed by Adam Stichko of the St. Louis Post Dispatch about the fraud report. The reporter wanted to know if the reaction was a major setback for the agency. Paul said no, and that as EAC noted in its statement, it was going to improve its internal operations. He pointed out that sometimes EAC makes tough decisions that both sides of the aisle might not agree upon. But regardless, he said the agency has a responsibility to conduct due diligence, and make the tough decisions. He talked about what we have accomplished and the assistance we provide -- best practices, quick starts, VVSG and certification program.

(5) Meg Cox a freelance writer in Chicago asked what prompted EAC's Statement Regarding Research &

015265

Contracting Policies and whether something new happened in Congress to prompt the statement. We said that the statement contains the information.

(6) Ross Tuttle of Los Angeles was in town today and is working on a documentary series titled "The Freedom Files" which includes an episode on voting rights. He asked for EAC's statement in response to the NYT article on the release of the report. We sent him today's statement.

(7) Kat Zambon of electionline.org asked if other states have a similar partnership arrangement that the Secretary of State in Georgia has with Kennesaw State University to provide technical support for the state's voting machines, as well as outreach, education, ballot design, training and consultation. We said this is the only one that we are aware of.

(8) John Gideon of Voters Unite and Brad Blog had the following questions, and Jeannie's responses follow:

A. How does the EAC see their position as a "clearinghouse" of information as required by HAVA? We follow the mandates of HAVA regarding our responsibilities to conduct studies about election administration issues. The results of those studies make up the "clearinghouse." B. What responsibility does the EAC have with regard to warning states about what may be security vulnerabilities in specific voting systems? The EAC certification program will collect anomaly reports (go here to view the form), which we will then investigate and share with election officials and the public. C. Chairwoman Davidson has said that the EAC's middle name is "Assistance". How does ignoring potential security issues fit into that theme? As I mentioned above, monitoring anomalies is part of our certification program. As we've discussed before, the system you are referring to was not certified by EAC. If the manufacturer of this system wants an EAC certification for this system, it would have to successfully complete our certification process and adhere to all of its rules. EAC did not grandfather any systems already in use (meaning that we did not automatically issue certifications or transfer NASED qualifications to existing systems), including the one you referenced. Mr. Gideon replied that he was amazed that instead of answering the questions I conflated the certification of voting systems with a security vulnerability that is in existence across the country. He asserted this issue had nothing to do with the EAC certification program. I replied that the very fact that we have set up a system to track voting system anomalies is evidence that we think monitoring performance is very important. Again, as we have discussed many times, we did not certify this voting system. If it successfully completes EAC's certification program in the future, then it would be subject to our rules and conditions, and if a problem occurs we would notify the election community and the public.

###

Rosemary E.
Rodriguez/EAC/GOV
04/12/2007 08:28 AM

To Juliet E. Hodgkins/EAC/GOV@EAC, Caroline C.
Hunter/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC,
Donetta L. Davidson/EAC/GOV@EAC
cc Sheila A. Banks/EAC/GOV@EAC, Elieen L.
Kuala/EAC/GOV@EAC, "Stephanie Wolson"
[REDACTED] Fabre, Stacie"
bcc [REDACTED]

Subject Re: Draft letter to board of advisors and standards board

Pls see the front page of today's NYTimes--scant evidence of voter fraud

Juliet E. Hodgkins

----- Original Message -----

From: Juliet E. Hodgkins
Sent: 04/12/2007 07:31 AM EDT
To: Caroline Hunter; Gracia Hillman; Donetta Davidson; Rosemary Rodriguez
Cc: Sheila Banks; Elieen Kuala; "Stephanie Wolson"
[REDACTED] "Fabre, Stacie" [REDACTED]; Thomas
Wilkey; Gavin Gilmour; Jeannie Layson
Subject: Re: Draft letter to board of advisors and standards board

From the variety of comments it is not clear to me that there is a common understanding on how to proceed and what we should say -- or at least I am not comfortable that I understand how you all want this letter to read. So, I would suggest we spend a bit more time on the theme this morning so that I can efficiently and accurately edit the letter so that we can get it out timely today.

Sent from my BlackBerry Wireless Handheld

Caroline C. Hunter

----- Original Message -----

From: Caroline C. Hunter
Sent: 04/12/2007 07:27 AM EDT
To: Gracia Hillman; Juliet Hodgkins; Donetta Davidson; Rosemary Rodriguez
Cc: Sheila Banks; Elieen Kuala; "Wolson" [REDACTED];
"Fabre, Stacie" [REDACTED] s Wilkey; Gavin Gilmour;
Jeannie Layson
Subject: Re: Draft letter to board of advisors and standards board

Keeping it narrow to the current controversy is ok with me, but I think we cannot assume people know how the recent events unfolded, ie Cong released, NYT wrote, etc.

Gracia Hillman

----- Original Message -----

From: Gracia Hillman
Sent: 04/12/2007 07:22 AM EDT
To: Caroline Hunter; Juliet Hodgkins; Donetta Davidson; Rosemary Rodriguez
Cc: Sheila Banks; Elieen Kuala; "Wolson" [REDACTED];
"Fabre, Stacie" [REDACTED] Thomas Wilkey; Gavin Gilmour;
Jeannie Layson
Subject: Re: Draft letter to board of advisors and standards board

It appears there will be a substantive rewrite so I will save my edits for that version.

However, my original suggestion was to communicate with the boards about the current controversy, not just research in general. Otherwise it looks like we are sidestepping the problem at hand, which is why we are writing to the boards in the first place.

015267

Jeannie Layson/EAC/GOV
04/12/2007 08:38 AM

To Donetta L. Davidson/EAC/GOV, ghillman@eac.gov, Caroline
C. Hunter/EAC/GOV@EAC, Rosemary E.
Rodriguez/EAC/GOV@EAC, Thomas R.

cc

bcc

Subject FOIA Request

History:  This message has been replied to.

Today I will circulate a formal FOIA request to all of you. Please note that this request is from a journalist. The information I circulate will include a copy of the original request, which was made by the DC bureau of McClatchy Newspapers. An abbreviated version of the request follows:

"Copies of all emails between Job Serebrov and Election Assistance Commission staff or members and all emails between Tova Wang and commission staff or members pertaining to a voter fraud study the two were contracted to perform for EAC."

Some of you have provided similar information in the past, but I will need another complete submission that includes any related files that may have been generated since your last submission.

Please anticipate a formal request to be distributed to everyone today, and take note that the deadline to provide this information is April 30. Thank you.

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

015268

Jeannie Layson/EAC/GOV
04/06/2007 05:27 PM

To Donetta L. Davidson/EAC/GOV, ghillman@eac.gov, Caroline
C. Hunter/EAC/GOV@EAC, Rosemary E.
Rodriguez/EAC/GOV@EAC
cc EAC Staff

bcc

Subject FYI ONLY: Today's media inquiries (04-06-07)

1. I confirmed for Matt Murray of Roll Call that Comm. Hunter is a Republican and that she came to EAC in March. He asked for our FY budget figures, which I sent to him. He asked if it was true that we bungled the certification of voting systems in reference to the CIBER situation. I said that it had nothing to do with certifying voting systems, and explained the entire interim process and the reason we had to implement after NIST told us they wouldn't get labs accredited until late 2006 and NASED's termination of its program. I said we announced this program and our decision to invite the three labs to apply at a public meeting in 2005, and that we've had several public meetings about the interim program, as well as sending updates to our stakeholders. He asked me how I would characterize the criticism surrounding CIBER, and I said the feedback we received was that we should have been more proactive in reminding people that CIBER had not received interim certification, that it was still pending. I emphasized that we have not certified any voting systems, so it would be incorrect to state that we had "bungled" that process. He asked if we released the Eagleton data after Hinchey urged us to, and I said yes, but told him that the chair announced that we would complete this project w/n 30 days at a public meeting in Feb. in which Eagleton testified and answered questions about their methodology. I also gave him the following quote: We have a responsibility to take the time to get things right. However, we understand the criticism and we are taking a hard look at our internal processes. We will identify what changes need to be made, and we will make them. We take comments from Congress very seriously, and we appreciate their input and their willingness to give us what we need to get the job done.

2. The chair was interviewed by Pam Zubeck of the Gazette (CO) about what she's seeing regarding voting by mail. The chair talked about the trends in the NW, and how it was important to make sure states have accurate and up to date lists. She noted that the introduction of statewide databases will be especially helpful to those states. The reporter asked if CO sends out ballots to inactive voters, and the chair said yes, and told her it is a federal requirement that voters must be notified before they are removed from voter rolls.

3. Freelance journalist Meg Cox, who is writing an article for Op-Ed News, had the following questions, and my responses follow: a) You said that the Wang/Serebrov report has not been released because it was predecisional. Was the Moritz/Eagleton report released because it was not predecisional? The Moritz/Eagleton report was a predecisional document. The commissioners took an action not to adopt a final report based upon the Moritz/Eagleton report, but to release all the predecisional information (the draft report).

b) I understood you to say that the December EAC report includes all of the Wang/Serebrov recommendations but not all of the Wang/Serebrov findings. Is that correct? The report does include all of their recommendations, as well as the research they reviewed, which includes books and articles and court cases. The contract with the consultants did not ask them to produce findings. It was an initial effort to identify what relevant information is available, define voter fraud and voter intimidation, and make recommendations to EAC regarding future study.

c) I understood you to say that EAC staff added results of their own research to the December EAC report. Is that correct? Yes, EAC conducted additional research to further clarify the definitions of "voter fraud" and "voter intimidation." On page 13, you will see the results of the EAC research, which resulted in defining the scope of future study and new terminology for these topics -- election crimes. EAC staff reviewed the report for accuracy, for grammar and added language that reflected the commission's decision to adopt the final version based upon the initial research provided by the consultants. New language was also added to communicate the commission's decision adopt six of the 16 recommendations put forth by the consultants.

d) If I'm correct on questions 2 and 3, would it be accurate to say that readers of the December report

015269

cannot tell how much of that report does and does not reflect the original Wang/Serebrov findings? Again, the contract with the consultants did not ask them to produce findings, nor was that the scope of the contract. It was an initial effort that tasked them to identify what relevant information is available, define voter fraud and voter intimidation, and make recommendations to EAC regarding future study. The research (Appendix D, 197 pages; and Appendix B, 57 pages) and all of their recommendations are included in the final report.

e) I called earlier today requesting the Wang/Serebrov report, and you sent me the December EAC report. I am concerned that if I had not already been researching this closely, I would have thought that you'd sent me the Wang/Serebrov report and would have reported incorrectly that you had. Does the EAC have any comment on this manner of repoding to press inquiries? (I contacted you to request the report after I read in the Statesman Journal of Salem, Oregon, an article by Marie Cocco that says: "The bipartisan commission didn't widely release the consultants' review, but makes it available on request." Did the EAC indeed give Ms. Cocco a copy of the "consultants' review"? Or has she misunderstood you in the way I'm concerned about?) I sent you a link to the "EAC report" because it is what was adopted by the commission based upon the research conducted by the consultants. The final report clearly states how it was compiled, includes bios for both of the consultants, their research and summaries of their interviews. Regarding Ms. Cocco, I explained the entire process to her. I provided the staff update on the project which was presented at a public meeting in May 2006 and the final report, which is posted on the EAC website. Regarding "this manner of responding to press inquiries," I have forwarded your comments to my supervisor so he can review my performance regarding the handling of your inquiry.

f) I understood you to say that the EAC did not release the Wang/Serebrov report in its original form because the EAC has to do due diligence and its staff is small. Do I understand you correctly? As a small agency of 23 employees, including the four commissioners, it is necessary for the agency to contract with consultants to gather the initial data for research projects. After EAC receives the initial data, the agency reviews the data for accuracy. What form of due diligence does the EAC's staff routinely conduct on research that is contracted out to experts before that research is released? You mentioned "vetting" the research. What does that vetting entail? It depends on the project, but in every case, the agency has a responsibility to make sure the information it receives from any contractor is accurate. In this case, EAC staff read every article cited by the consultants and reviewed the contents of every interview they conducted. Appendix C contains the interview summaries, and the changes EAC made are clearly footnoted. Regarding other research projects, if it is information directly related to a mandate within the Help America Vote Act (HAVA), staff will make sure that the information is consistent with the law. If the research focuses on election laws throughout the country, we make sure the laws are cited correctly and that state legislatures haven't changed or amended these laws since the research was conducted. (As you probably know, there have been many new election laws introduced at the state level since 2004.) Throughout the process, we review for grammar as well as make sure the document flows and is arranged logically -- the basic tenets of editing.

Jeannie Layson
U.S. Election Assistance Commission
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www.eac.gov

015270

Jeannie Layson/EAC/GOV
04/05/2007 04:53 PM

To Donetta L. Davidson/EAC/GOV, Gracia Hillman/EAC/GOV@EAC, Caroline C. Hunter/EAC/GOV@EAC, Rosemary E. EAC Staff

bcc

Subject FYI ONLY: Today's media inquiries (04-05-07)

1. Matthew Murray of Roll Call interviewed Commissioner Hunter about the voter ID report. He asked her why the commission declined to adopt it, and she explained that we thought it was important to look at more than one year and that the commission had questions about the methodology -- two analyses produced two conclusions and the state comparisons (reading from the commission statement). She said it was the EAC's responsibility to conduct due diligence and make sure the data was accurate. He asked why it took so long to reach a decision, and that some groups were saying we purposely did not act before the Nov. elections. The commissioner explained that we were reviewing the data and during that time several independent experts also reviewed the information. He wanted to know if Eagleton discussed their methodology with us, and the commissioner said yes. He asked how much it cost, the commissioner told him \$560,000, and explained that the contract also included research on provisional voting which resulted in a set of best practices. He asked how EAC will prevent this kind of thing from happening in the future, and the commissioner said we are going to take a much more thorough approach, including making sure the methodology is approved by everyone before the process begins and that we will be constantly updated as the research progresses. He asked if the research didn't produce what we thought it would, and she said the issue was that we had concerns about the methodology. She pointed out that the commission voted to make it public so people could examine it and come to their own conclusions. He asked if we had refused to release this in the past, and I explained that while we were reviewing the information it was a pre-decisional document, but that along with the commission's decision not to adopt the report, they took action to make it public. I pointed out to him that this was an unanimous decision reached by two dems and two reps, and that they also unanimously decided to make it public. I told him we had public meetings about this project, in which the consultants were asked questions about the methodology.

Jeannie Layson
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www.eac.gov

015271

Rosemary E.
Rodriguez/EAC/GOV
04/04/2007 05:25 PM

To Jeannie Layson/EAC/GOV@EAC, Donetta L.
Davidson/EAC/GOV@EAC, Caroline C.
Hunter/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC
cc Thomas R. Wilkey/EAC/GOV@EAC, Karen
Lynn-Dyson/EAC/GOV@EAC, Juliet E.
Hodgkins/EAC/GOV@EAC
bcc

Subject Re: Roll Call Interview Request for Tomorrow 

Yes please and thanks!

Jeannie Layson

----- Original Message -----

From: Jeannie Layson
Sent: 04/04/2007 05:00 PM EDT
To: Donetta Davidson; Caroline Hunter; Rosemary Rodriguez; Gracia Hillman
Cc: Thomas Wilkey; Karen Lynn-Dyson; Juliet Hodgkins
Subject: Roll Call Interview Request for Tomorrow

Commissioners,

Matt Murray of Roll Call wants to interview one of you tomorrow via phone (he's available all day) about the voter ID report. Commissioner Rodriguez - as the vice chair, you would be up, but since you're out tomorrow, do you want Commissioner Hunter to do the interview? The reporter has the following questions:

1. What fiscal year money did we use to pay for the study? A: Fiscal Year 2005
2. What was the EAC's budget during that fiscal year? A: \$13.8 million

We should assume that his angle is that this was a waste of money -- what does EAC have to show for two years of work and \$560,000 out of a budget of \$13.8 million? He also mentioned that the interest groups are not pleased that we delayed releasing this information, and they are not happy we did not adopt a report. I recommend that we stick with the talking points I circulated last week, which are attached.

The bottom line is that we did receive value from this contract, which included provisional voting research, which culminated in a set of best practices. And yes, the commission decided that the voter ID data provided more questions than answers, and that's why it voted to conduct a much more expansive look at this important topic. However, it also made all of the information available to the public.

Remember, many voter ID laws have changed since 2004, and that also has instructed us how to move forward.

EAC should stand firm on its decision, talk about our next steps to conduct a more extensive study, and stress that we released everything to the public.

Please let me know if you agree with this approach.

[attachment "VoterIDtalkingpts.doc" deleted by Rosemary E. Rodriguez/EAC/GOV]

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100

015272

Jeannie Layson/EAC/GOV
03/30/2007 08:33 PM

To "Donetta Davidson" <ddavidson@eac.gov>, "Gracia Hillman" <ghillman@eac.gov>, Rosemary E. Rodriguez/EAC/GOV@EAC, Caroline C. cc "Tom Wilkey" <twilkey@eac.gov>, "Karen Lynn-Dyson" <klynndyson@eac.gov>, "Julie Thompson" <jthompson@eac.gov>

bcc

Subject Hinchey statement

Hinchey Statement on U.S. Election Assistance Commission's

Release of Report on Voter Identification Issues

Washington, DC - Congressman Maurice Hinchey (D-NY) today released the following report in response to the U.S. Election Assistance Commission's (EAC) release of a report on voter identification issues that was submitted to them by Rutgers, the State University of New Jersey, through its Eagleton Institute of Politics, and Ohio State University's Moritz College of Law. Hinchey directly requested the release of the report when EAC Chairwoman Donetta Davidson appeared earlier this month before the House Appropriations Subcommittee on Financial Services, of which the congressman is a member. Davidson told Hinchey at the hearing that she would provide the subcommittee with the report that is being released to the public today. Hinchey also requested the release of a separate report on voter fraud and intimidation. The Help America Vote Act (HAVA) requires the EAC to conduct and make available to the public studies regarding certain voting issues.

"I am very pleased that following Chairwoman Davidson's appearances before Congress the EAC decided to do the right thing and make public the Eagleton Institute of Politics study on voter identification issues. I hope that this decision signals a new day of transparency and sets a precedent for all future and previous studies and reports submitted to the EAC.

"When Chairwoman Davidson came before our subcommittee a few weeks ago, I also requested that the EAC make public another report about voter fraud and voter intimidation submitted to them by two outside consultants. It is my hope they will release this report to the public as well. The EAC has the responsibility to keep the public informed on any findings it has with regards to voter fraud, intimidation, and any other electoral issues.

"As we work to increase voter turnout and make our democracy function more effectively, it is imperative that potential voters are assured that they will be able to cast their votes fairly and in an environment free of intimidation. To achieve that goal, the EAC must be open with the information it receives in order to help identify voting problems and make recommendations on fixing them."

Sent from my BlackBerry Wireless Handheld

015273

Rosemary E.
Rodriguez/EAC/GOV
04/12/2007 12:25 PM

To Jeannie Layson/EAC/GOV@EAC
cc Bert A. Benavides/EAC/GOV@EAC, bwhitener@eac.gov,
Caroline C. Hunter/EAC/GOV@EAC, Donetta L.
Davidson/EAC/GOV@EAC, Elieen L.
bcc
Subject Re: FOIA Request

I do not have anything. Thanks.

Rosemary E. Rodriguez
Commissioner
United States Election Assistance Commission
1225 New York Avenue, N.W.
Suite 1100
Washington, D.C. 20005
Telephone: 202-566-3104
Facsimile: 202-566-3127
www.eac.gov
rrodriguez@eac.gov

Jeannie Layson/EAC/GOV

Jeannie Layson/EAC/GOV
04/12/2007 08:38 AM

To Donetta L. Davidson/EAC/GOV, ghilman@eac.gov, Caroline
C. Hunter/EAC/GOV@EAC, Rosemary E.
Rodriguez/EAC/GOV@EAC, Thomas R.
Wilkey/EAC/GOV@EAC, jthompson@eac.gov,
klynndyson@eac.gov, psims@eac.gov, sbanks@eac.gov,
Elieen L. Kuala/EAC/GOV@EAC, Bert A.
Benavides/EAC/GOV@EAC, Gavin S. Gilmour/EAC/GOV,
bwhitener@eac.gov, [REDACTED]
cc
Subject FOIA Request

Today I will circulate a formal FOIA request to all of you. Please note that this request is from a journalist. The information I circulate will include a copy of the original request, which was made by the DC bureau of McClatchy Newspapers. An abbreviated version of the request follows:

"Copies of all emails between Job Serebrov and Election Assistance Commission staff or members and all emails between Tova Wang and commission staff or members pertaining to a voter fraud study the two were contracted to perform for EAC."

Some of you have provided similar information in the past, but I will need another complete submission that includes any related files that may have been generated since your last submission.

Please anticipate a formal request to be distributed to everyone today, and take note that the deadline to provide this information is April 30. Thank you.

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100

015274

Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

015275



Elieen L. Kuala/EAC/GOV
04/12/2007 02:18 PM

To Donetta L. Davidson/EAC/GOV@EAC
cc
bcc
Subject Re: FOIA Request

History: This message has been replied to and forwarded

I did a search through your emails with their names and I didn't find any. I don't have any either. However, I will check and see if we have any mailed correspondence hard copies.

Elle L.K. Kuala
Special Assistant to the Chair
U.S. Election Assistance Commission
1225 New York Avenue, Suite 1100
Washington, DC 20005
office: (202) 566-2256
fax: (202) 566-1392



Donetta L. Davidson/EAC/GOV

Donetta L.
Davidson/EAC/GOV
04/12/2007 01:33 PM

To Jeannie Layson/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC, Caroline C. Hunter/EAC/GOV@EAC, Rosemary E. Rodriguez/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC, Juliet E. Hodgkins/EAC/GOV@EAC, Karen Lynn-Dyson/EAC/GOV@EAC, Margaret Sims/EAC/GOV@EAC, Sheila A. Banks/EAC/GOV@EAC, Elieen L. Kuala/EAC/GOV@EAC, Bert A. Benavides/EAC/GOV@EAC, Gavin S. Gilmour/EAC/GOV@EAC, Bryan Whitener/EAC/GOV@EAC, "stephanie wolson"

cc

Subject Re: FOIA Request

Elle, I don't think I have any emails from Job or Tova, but to be on the safe side would you double check

Sent from my BlackBerry Wireless Handheld
Jeannie Layson
----- Original Message -----

From: Jeannie Layson
Sent: 04/12/2007 08:38 AM EDT
To: Donetta Davidson; Gracia Hillman; Caroline Hunter; Rosemary Rodriguez; Thomas Wilkey; Juliet Hodgkins; Karen Lynn-Dyson; Margaret Sims; Sheila Banks; Elieen Kuala; Bert Benavides; Gavin Gilmour; Bryan Whitener;
Subject: FOIA request

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015276

McClatchy Newspapers. An abbreviated version of the request follows:

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Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

015277



Elieen L. Kuala/EAC/GOV
04/13/2007 02:00 PM

To Donetta L. Davidson/EAC/GOV@EAC
cc
bcc
Subject Re: FOIA Request

History

This message has been replied to

I checked all of our paper records and found nothing so I submitted our FOIA response to Jeannie.

Elle L.K. Kuala
Special Assistant to the Chair
U.S. Election Assistance Commission
1225 New York Avenue, Suite 1100
Washington, DC 20005
office: (202) 566-2256
fax: (202) 566-1392

Donetta L. Davidson/EAC/GOV

Donetta L.
Davidson/EAC/GOV
04/13/2007 12:36 PM

To Elieen L. Kuala/EAC/GOV@EAC
cc
Subject Re: FOIA Request

Thanks

Sent from my BlackBerry Wireless Handheld
Elieen L. Kuala
----- Original Message -----

From: Elieen L. Kuala
Sent: 04/12/2007 02:18 PM EDT
To: Donetta Davidson
Subject: Re: FOIA Request

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Elle L.K. Kuala
Special Assistant to the Chair
U.S. Election Assistance Commission
1225 New York Avenue, Suite 1100
Washington, DC 20005
office: (202) 566-2256
fax: (202) 566-1392

Donetta L. Davidson/EAC/GOV

Donetta L.

015278

Davidson/EAC/GOV
04/12/2007 01:33 PM

To Jeannie Layson/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC, Caroline C. Hunter/EAC/GOV@EAC, Rosemary E. Rodriguez/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC, Juliet E. Hodgkins/EAC/GOV@EAC, Karen Lynn-Dyson/EAC/GOV@EAC, Margaret Sims/EAC/GOV@EAC, Sheila A. Banks/EAC/GOV@EAC, Elieen L. Kuala/EAC/GOV@EAC, Bert A. Benavides/EAC/GOV@EAC, Gavin S. Gilmour/EAC/GOV@EAC, Bryan Whitener/EAC/GOV@EAC, "stephanie wolson" [REDACTED]

cc

Subject Re: FOIA Request [REDACTED]

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Sent from my BlackBerry Wireless Handheld
Jeannie Layson
----- Original Message -----

From: Jeannie Layson
Sent: 04/12/2007 08:38 AM EDT
To: Donetta Davidson; Gracia Hillman; Caroline Hunter; Rosemary Rodriguez; Thomas Wilkey; Juliet Hodgkins; Karen Lynn-Dyson; Margaret Sims; Sheila Banks; Elieen Kuala; Bert Benavides; Gavin Gilmour; Bryan Whitener; [REDACTED]
Subject: FOIA Request

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Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

015279



Elieen L. Kuala/EAC/GOV
04/14/2007 09:58 PM

To Donetta L. Davidson/EAC/GOV@EAC
cc
bcc
Subject Re: FOIA Request

History

This message has been replied to

Also I got your message and I will get to work on that tomorrow. I will email Tom and we can talk about what you want to write to Curtis.

Elle Collver
U.S. Election Assistance Commission
1225 New York Avenue, Suite 1100
Washington, D.C. 20005
(202) 566-2256
www.eac.gov

Sent from my BlackBerry Wireless Handheld
Donetta L. Davidson
----- Original Message -----

From: Donetta L. Davidson
Sent: 04/14/2007 12:35 PM EDT
To: Elieen Kuala
Subject: Re: FOIA Request

Thanks

Sent from my BlackBerry Wireless Handheld
Elieen L. Kuala
----- Original Message -----

From: Elieen L. Kuala
Sent: 04/13/2007 02:00 PM EDT
To: Donetta Davidson
Subject: Re: FOIA Request

I checked all of our paper records and found nothing so I submitted our FOIA response to Jeannie.

Elle L.K. Kuala
Special Assistant to the Chair
U.S. Election Assistance Commission
1225 New York Avenue, Suite 1100
Washington, DC 20005
office: (202) 566-2256
fax: (202) 566-1392
[REDACTED]

Donetta L. Davidson/EAC/GOV

Donetta L.
Davidson/EAC/GOV
04/13/2007 12:36 PM

To Elieen L. Kuala/EAC/GOV@EAC
cc

015280

Subject Re: FOIA Request

Thanks

Sent from my BlackBerry Wireless Handheld
Elieen L. Kuala
----- Original Message -----

From: Elieen L. Kuala
Sent: 04/12/2007 02:18 PM EDT
To: Donetta Davidson
Subject: Re: FOIA Request

I did a search through your emails with their names and I didn't find any. I don't have any either. However, I will check and see if we have any mailed correspondence hard copies.

Elle L.K. Kuala
Special Assistant to the Chair
U.S. Election Assistance Commission
1225 New York Avenue, Suite 1100
Washington, DC 20005
office: (202) 566-2256
fax: (202) 566-1392
[REDACTED]

Donetta L. Davidson/EAC/GOV

Donetta L.
Davidson/EAC/GOV
04/12/2007 01:33 PM

To: Jeannie Layson/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC, Caroline C. Hunter/EAC/GOV@EAC, Rosemary E. Rodriguez/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC, Juliet E. Hodgkins/EAC/GOV@EAC, Karen Lynn-Dyson/EAC/GOV@EAC, Margaret Sims/EAC/GOV@EAC, Sheila A. Banks/EAC/GOV@EAC, Elieen L. Kuala/EAC/GOV@EAC, Bert A. Benavides/EAC/GOV@EAC, Gavin S. Gilmour/EAC/GOV@EAC, Bryan Whitener/EAC/GOV@EAC, "stephanie wolson" [REDACTED] >

cc

Subject Re: FOIA Request

Elle, I don't think I have any emails from Job or Tova, but to be on the safe side would you double check

Sent from my BlackBerry Wireless Handheld
Jeannie Layson
----- Original Message -----

From: Jeannie Layson
Sent: 04/12/2007 08:38 AM EDT

015281

To: Donetta Davidson; Gracia Hillman; Caroline Hunter; Rosemary Rodriguez; Thomas Wilkey; Juliet Hodgkins; Karen Lynn-Dyson; Margaret Sims; Sheila Banks; Eileen Kuala; Bert Benavides; Gavin Gilmour; Bryan Whitener;

Subject: FOIA Request

Today I will circulate a formal FOIA request to all of you. Please note that this request is from a journalist. The information I circulate will include a copy of the original request, which was made by the DC bureau of McClatchy Newspapers. An abbreviated version of the request follows:

"Copies of all emails between Job Serebrov and Election Assistance Commission staff or members and all emails between Tova Wang and commission staff or members pertaining to a voter fraud study the two were contracted to perform for EAC."

Some of you have provided similar information in the past, but I will need another complete submission that includes any related files that may have been generated since your last submission.

Please anticipate a formal request to be distributed to everyone today, and take note that the deadline to provide this information is April 30. Thank you.

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

015282

Jeannie Layson/EAC/GOV
04/16/2007 10:18 AM

To Donetta L. Davidson/EAC/GOV, ghillman@eac.gov, Caroline
C. Hunter/EAC/GOV@EAC, Rosemary E.
Rodriguez/EAC/GOV@EAC
cc Thomas R. Wilkey/EAC/GOV@EAC, Juliet E.
Hodgkins/EAC/GOV@EAC

bcc

Subject Chair Requests Internal Review

Commissioners,

The chair has asked me to provide you with the memo she just submitted to Curtis Crider, requesting a review of our contracting procedures surrounding the voter identification and vote fraud and voter intimidation research projects. She has asked me to write a press release about this decision, which I will send to you shortly. She requests that we incorporate the commission's request into the letter to the advisory boards and to Congresswoman Lofgren. She also requests that we respond to Sen. Feinstein's letter, letting her know that we are working to comply with her request, but we wanted to alert her to the action we've taken.

I am going to circulate this to the staff so everyone will be aware of this action. Please let me know if you have any questions, and I will have a press release for your review shortly. Attached to the press release will be this memo, letters from Members of Congress regarding this issue, and the recent statements from Congressmen Hinchey and Serrano.



IG Review Req. 4-16-07.doc

Jeannie Layson
U.S. Election Assistance Commission
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Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

015283



April 16, 2007

MEMORANDUM

To: EAC Inspector General Curtis Crider
Fr: EAC Chair Donetta Davidson
Cc: Commissioners Rodriguez, Hillman and Hunter, Tom Wilkey, and Julie Hodgkins
RE: EAC requests review of contracting procedures

On Friday, April 13, each of my three colleagues – Rosemary Rodriguez, Gracia Hillman, and Caroline Hunter -- agreed with my recommendation that we issue the following formal request to the Commission's Office of Inspector General to review the circumstances surrounding two recent EAC research projects – vote fraud and voter intimidation and voter identification.

Background

The U.S. Election Assistance Commission (EAC) is an independent, bipartisan Commission created by the Help America Vote Act (HAVA) of 2002.

EAC develops guidance to meet HAVA requirements, adopts voluntary voting system guidelines, accredits voting system test laboratories, certifies voting systems and audits the use of HAVA funds. HAVA also directs EAC to maintain the national mail voter registration form developed in accordance with the National Voter Registration Act (NVRA) of 1993.

The Commission serves as a national clearinghouse and resource of information regarding election administration. It is under the Commission's clearinghouse role that research projects are conducted with the goal of providing information that will lead to improvements in election administration, as well as inform the public about how, where and when we vote.

The voter identification research was conducted by Rutgers, the State University of New Jersey, through its Eagleton Institute of Politics ("Contractor"). The contract, awarded in May 2005, required the Contractor to perform a review and legal analysis of state legislation, administrative procedures and court cases, and to perform a literature review on other research and data available on the topic of voter identification requirements. Further, the Contractor was asked to analyze the problems and challenges of voter identification, to hypothesize alternative approaches and to recommend various policies that could be applied to these approaches. Last month, the commission voted

015284

unanimously not to adopt the report, citing concerns with its methodology, but voted to release all of the data provided by the Contractor.

The vote fraud and voter intimidation research was conducted by Tova Wang and Job Serebrov ("Consultants"). The contracts, awarded in September 2005, issued to these Consultants tasked them with defining the terms vote fraud and voter intimidation and providing recommendations how to conduct extensive research in the future on these topics. The contract stated that the Consultants were responsible for "creating a report summarizing the findings of this preliminary research effort and Working Group deliberations. This report should include any recommendations for future EAC research resulting from this effort."

Review Request

The actions taken by the Commission regarding both the voter identification and the vote fraud and voter intimidation research projects have been challenged. Specifically, Members of Congress, the media, and the public have suggested that political motivations may have been part of the Commission's decision making process regarding these two projects. Also, the Commission has been criticized for the amount of taxpayer dollars that were spent on these two projects, as well as how efficiently these projects were managed.

The Commission takes these allegations very seriously, and we request that you fully review the following issues and provide the Commission and the Congress with a report of your findings as soon as possible. The Commission stands ready to assist you in these efforts and will provide whatever information, including memos, emails and other documents you will need. Cooperating with your review will be the staff's top priority.

1. Current Commission policy regarding awarding and managing research contracts.
2. Issuance and management of the vote fraud and voter intimidation contract.
3. Circumstances surrounding the receipt of information from Consultants regarding the vote fraud and voter intimidation project.
4. Circumstances surrounding staff efforts to write a final report for Commission consideration.
5. Identification of staff members who assisted in the editing and collaboration of the final vote fraud and voter intimidation report for Commission consideration.
6. Staff and/or Commissioner collaboration with political entities or other federal agencies regarding the vote fraud and voter intimidation project.
7. Circumstances surrounding Commission discussion and deliberation of final adoption of *Election Crimes: An Initial Review and Recommendation for Further Study*.
8. Issuance and management of the voter identification contract.
9. Circumstances surrounding the receipt of information from Contractor regarding the voter identification report.
10. Identification of staff members who assisted in the editing, collaboration, and recommendation to the Commission regarding final adoption of the voter identification report.

11. Staff and/or Commissioner collaboration with political entities or other federal agencies regarding the voter identification project.
12. Circumstances surrounding Commission deliberation whether to adopt a final voter identification report.

For your information, I have attached statements and related correspondence from Members of Congress, and a statement issued by the Commission regarding the criticism.

It is our hope that your findings will instruct us how to move forward in a more efficient, effective and transparent manner. The Commission takes its mandates under HAVA very seriously, and this small Commission has an enormous amount of work to conduct, including testing and certifying voting equipment, providing guidance and assistance to election officials, and auditing the proper use of the \$3.1 billion that was distributed under HAVA.

We look forward to your findings so that we may take the actions necessary to improve the way we conceive research projects, manage research contracts, and make decisions regarding the final release of data provided to the Commission from a third party.

Jeannie Layson/EAC/GOV
04/16/2007 11:33 AM

To Caroline C. Hunter/EAC/GOV@EAC
cc Donetta L. Davidson/EAC/GOV@EAC, ghillman@eac.gov,
Juliet E. Hodgkins/EAC/GOV@EAC, Rosemary E.
Rodriguez/EAC/GOV@EAC, Thomas R.
bcc
Subject Re: IG Press Release 

It's in there... first sentence in the fourth paragraph: "Last month, the commission voted unanimously to launch a comprehensive study focused on voter identification laws **after concluding that initial research it received in a report was not sufficient to draw any conclusions.**"

Please let me know if that is sufficient.

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov
Caroline C. Hunter/EAC/GOV

Caroline C. Hunter/EAC/GOV
04/16/2007 11:28 AM

To Jeannie Layson/EAC/GOV@EAC
cc Donetta L. Davidson/EAC/GOV@EAC, ghillman@eac.gov,
Juliet E. Hodgkins/EAC/GOV@EAC, Rosemary E.
Rodriguez/EAC/GOV@EAC, Thomas R.
Wilkey/EAC/GOV@EAC
Subject Re: IG Press Release 

Could we pls add a sentence about why we did not adopt the fraud report - ie- had conclusions that were not supported by the underlying research.

Caroline C. Hunter
Commissioner
Election Assistance Commission
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Suite 1100
Washington, DC 20005
(202) 566-3107
chunter@eac.gov
www.eac.gov

Jeannie Layson/EAC/GOV

Jeannie Layson/EAC/GOV
04/16/2007 11:13 AM

To Donetta L. Davidson/EAC/GOV, ghillman@eac.gov, Caroline
C. Hunter/EAC/GOV@EAC, Rosemary E.
Rodriguez/EAC/GOV@EAC
cc Thomas R. Wilkey/EAC/GOV@EAC, Juliet E.
Hodgkins/EAC/GOV@EAC

015287

Subject IG Press Release

Commissioners,

Per the chair's request, I have drafted the following press release to communicate the commission's decision to ask the IG to review our contract procedures. Please let me know if this is okay with all of you. I would like this to go out ASAP, so if you could get back to me with any comments before noon, I would appreciate it. Sorry for the short turnaround, but I think circumstances demand that this get out immediately. Thank you.

After you give me the okay on the press release, I will send everything to staff before releasing it.



EAC IGRequest 04-16-07.doc

Jeannie Layson
U.S. Election Assistance Commission
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www.eac.gov

015288 /



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW – Suite 1100
Washington, DC 20005

EAC Requests Review of Voter ID, Vote Fraud and Voter Intimidation Research Projects

For Immediate Release
April 16, 2007

Contact: Jeannie Layson
Bryan Whitener
(202) 566-3100

WASHINGTON – U.S. Election Assistance Commission (EAC) Chair Donetta Davidson today issued a formal request to the commission’s inspector general to conduct a review of the commission’s contracting procedures, including a review of two recent projects focusing on voter identification and vote fraud and voter intimidation. The chair’s memo to the inspector general is attached.

“The actions taken by the commission regarding these research projects have been challenged, and the commissioners and I agree that it is appropriate and necessary to ask the inspector general to review this matter,” said EAC Chair Davidson.

Chair Davidson has requested that the inspector general specifically review the circumstances surrounding the issuance and management of the voter identification research project and the vote fraud and voter intimidation research project.

Last month, the commission voted unanimously to launch a comprehensive study focused on voter identification laws after concluding that initial research it received in a report was not sufficient to draw any conclusions. The commission declined to adopt the report, but released all of the data to the public. The report and the research, conducted by Rutgers, the State University of New Jersey, through its Eagleton Institute of Politics, are available at www.eac.gov.

At a public meeting in December 2006, the commission adopted *Election Crimes: An Initial Review and Recommendations for Further Study*, available at www.eac.gov. This report was the culmination of research conducted by Tova Wang and Job Serebrov, who were tasked with defining the terms vote fraud and voter intimidation and providing recommendations how to conduct extensive research in the future on these topics. The contract stated that the consultants were responsible for “creating a report summarizing the findings of this preliminary research effort and working group deliberations. This report should include any recommendations for future EAC research resulting from this effort.”

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###

Caroline C. Hunter/EAC/GOV
04/16/2007 11:38 AM

To Jeannie Layson/EAC/GOV@EAC
cc Donetta L. Davidson/EAC/GOV@EAC, ghillman@eac.gov,
Juliet E. Hodgkins/EAC/GOV@EAC, Rosemary E.
Rodriguez/EAC/GOV@EAC, Thomas R.
bcc
Subject Re: IG Press Release 

I was referring to the fraud study and why we did not release the contractor's report

Caroline C. Hunter
Commissioner
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04/16/2007 11:33 AM

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Subject Re: IG Press Release 

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Caroline C. Hunter/EAC/GOV
04/16/2007 11:28 AM

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Wilkey/EAC/GOV@EAC
Subject Re: IG Press Release 

015290

Could we pls add a sentence about why we did not adopt the fraud report - ie- had conclusions that were not supported by the underlying research.

Caroline C. Hunter
Commissioner
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Jeannie Layson/EAC/GOV

Jeannie Layson/EAC/GOV
04/16/2007 11:13 AM

To Donetta L. Davidson/EAC/GOV, ghillman@eac.gov, Caroline
C. Hunter/EAC/GOV@EAC, Rosemary E.
Rodriguez/EAC/GOV@EAC
cc Thomas R. Wilkey/EAC/GOV@EAC, Juliet E.
Hodgkins/EAC/GOV@EAC
Subject IG Press Release

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After you give me the okay on the press release, I will send everything to staff before releasing it.



EAC IGRequest 04-16-07.doc

Jeannie Layson
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www.eac.gov

015291



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW – Suite 1100
Washington, DC 20005

EAC Requests Review of Voter ID, Vote Fraud and Voter Intimidation Research Projects

For Immediate Release
April 16, 2007

Contact: Jeannie Layson
Bryan Whitener
(202) 566-3100

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###

Jeannie Layson/EAC/GOV
04/16/2007 12:01 PM

To Caroline C. Hunter/EAC/GOV@EAC
cc Donetta L. Davidson/EAC/GOV@EAC, ghillman@eac.gov,
Juliet E. Hodgkins/EAC/GOV@EAC, Rosemary E.
Rodriguez/EAC/GOV@EAC, Thomas R.
bcc
Subject Re: IG Press Release 

Sorry bout that... is this sentence acceptable to everyone? It's the last sentence in the fifth paragraph.
Revised press release is attached.

"EAC staff reviewed the consultants' material, and found inconsistencies in their conclusions and the data they submitted. The material in the final report was motivated by a responsibility, especially as a federal agency, to issue findings only when they are supported by data that can enable EAC to firmly defend its conclusions."



EAC IGRequest 04-16-07FINAL.doc Jeannie Layson
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Jeannie Layson/EAC/GOV

Jeannie Layson/EAC/GOV
04/16/2007 11:33 AM

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015293

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cc Thomas R. Wilkey/EAC/GOV@EAC, Juliet E.
Hodgkins/EAC/GOV@EAC

015294

Subject IG Press Release

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EAC IGRequest 04-16-07.doc

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015295



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Washington, DC 20005

EAC Requests Review of Voter ID, Vote Fraud and Voter Intimidation Research Projects

For Immediate Release
April 16, 2007

Contact: Jeannie Layson
Bryan Whitener
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###

015296

Rosemary E.
Rodriguez/EAC/GOV
04/16/2007 12:19 PM

To Jeannie Layson/EAC/GOV
cc Caroline C. Hunter/EAC/GOV@EAC, Donetta L.
Davidson/EAC/GOV@EAC, ghillman@eac.gov, Juliet E.
Hodgkins/EAC/GOV@EAC, Thomas R.
bcc
Subject Re: IG Press Release 

Since it's Donetta's statement, I think she should her consent is important. I don't see a need to defend our actions in this release but simply to announce that we have asked the IG to take a look.

Rosemary E. Rodriguez
Commissioner
United States Election Assistance Commission
1225 New York Avenue, N.W.
Suite 1100
Washington, D.C. 20005
Telephone: 202-566-3104
Facsimile: 202-566-3127
www.eac.gov
rrodriguez@eac.gov

Jeannie Layson/EAC/GOV

Jeannie Layson/EAC/GOV
04/16/2007 12:01 PM

To Caroline C. Hunter/EAC/GOV@EAC
cc Donetta L. Davidson/EAC/GOV@EAC, ghillman@eac.gov,
Juliet E. Hodgkins/EAC/GOV@EAC, Rosemary E.
Rodriguez/EAC/GOV@EAC, Thomas R.
Wilkey/EAC/GOV@EAC
Subject Re: IG Press Release 

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Revised press release is attached.

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EAC IGRequest 04-16-07FINAL.doc Jeannie Layson
U.S. Election Assistance Commission
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Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov
Caroline C. Hunter/EAC/GOV

015297

Caroline C. Hunter/EAC/GOV

04/16/2007 11:38 AM

To Jeannie Layson/EAC/GOV@EAC

cc Donetta L. Davidson/EAC/GOV@EAC, ghilman@eac.gov,
Juliet E. Hodgkins/EAC/GOV@EAC, Rosemary E.
Rodriguez/EAC/GOV@EAC, Thomas R.
Wilkey/EAC/GOV@EAC

Subject Re: IG Press Release 

I was referring to the fraud study and why we did not release the contractor's report

Caroline C. Hunter
Commissioner
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Jeannie Layson/EAC/GOV

Jeannie Layson/EAC/GOV

04/16/2007 11:33 AM

To Caroline C. Hunter/EAC/GOV@EAC

cc Donetta L. Davidson/EAC/GOV@EAC, ghilman@eac.gov,
Juliet E. Hodgkins/EAC/GOV@EAC, Rosemary E.
Rodriguez/EAC/GOV@EAC, Thomas R.
Wilkey/EAC/GOV@EAC

Subject Re: IG Press Release 

It's in there... first sentence in the fourth paragraph: "Last month, the commission voted unanimously to launch a comprehensive study focused on voter identification laws **after concluding that initial research it received in a report was not sufficient to draw any conclusions.**"

Please let me know if that is sufficient.

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Caroline C. Hunter/EAC/GOV

Caroline C. Hunter/EAC/GOV

04/16/2007 11:28 AM

To Jeannie Layson/EAC/GOV@EAC

cc Donetta L. Davidson/EAC/GOV@EAC, ghilman@eac.gov,
Juliet E. Hodgkins/EAC/GOV@EAC, Rosemary E.

015298

Rodriguez/EAC/GOV@EAC, Thomas R.
Wilkey/EAC/GOV@EAC
Subject Re: IG Press Release 

Could we pls add a sentence about why we did not adopt the fraud report - ie- had conclusions that were not supported by the underlying research.

Caroline C. Hunter
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Jeannie Layson/EAC/GOV

Jeannie Layson/EAC/GOV
04/16/2007 11:13 AM

To Donetta L. Davidson/EAC/GOV, ghillman@eac.gov, Caroline
C. Hunter/EAC/GOV@EAC, Rosemary E.
Rodriguez/EAC/GOV@EAC
cc Thomas R. Wilkey/EAC/GOV@EAC, Juliet E.
Hodgkins/EAC/GOV@EAC
Subject IG Press Release

Commissioners,
Per the chair's request, I have drafted the following press release to communicate the commission's decision to ask the IG to review our contract procedures. Please let me know if this is okay with all of you. I would like this to go out ASAP, so if you could get back to me with any comments before noon, I would appreciate it. Sorry for the short turnaround, but I think circumstances demand that this get out immediately. Thank you.

After you give me the okay on the press release, I will send everything to staff before releasing it.



EAC IGRequest 04-16-07.doc

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015299



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW – Suite 1100
Washington, DC 20005

Deliberative Process
Privilege

EAC Requests Review of Voter ID, Vote Fraud and Voter Intimidation Research Projects

For Immediate Release
April 16, 2007

Contact: Jeannie Layson
Bryan Whitener
(202) 566-3100

WASHINGTON – U.S. Election Assistance Commission (EAC) Chair Donetta Davidson today issued a formal request to the commission's inspector general to conduct a review of the commission's contracting procedures, including a review of two recent projects focusing on voter identification and vote fraud and voter intimidation. The chair's memo to the inspector general is attached.

"The actions taken by the commission regarding these research projects have been challenged, and the commissioners and I agree that it is appropriate and necessary to ask the inspector general to review this matter," said EAC Chair Davidson.

Chair Davidson has requested that the inspector general specifically review the circumstances surrounding the issuance and management of the voter identification research project and the vote fraud and voter intimidation research project.

Last month, the commission voted unanimously to launch a comprehensive study focused on voter identification laws after concluding that initial research it received in a report was not sufficient to draw any conclusions. The commission declined to adopt the report, but released all of the data to the public. The report and the research, conducted by Rutgers, the State University of New Jersey, through its Eagleton Institute of Politics, are available at www.eac.gov.

At a public meeting in December 2006, the commission adopted *Election Crimes: An Initial Review and Recommendations for Further Study*, available at www.eac.gov. This report was the culmination of research conducted by Tova Wang and Job Serebrov, who were tasked with defining the terms vote fraud and voter intimidation and providing recommendations how to conduct extensive research in the future on these topics. The contract stated that the consultants were responsible for "creating a report summarizing the findings of this preliminary research effort and working group deliberations. This report should include any recommendations for future EAC research resulting from this effort." EAC staff reviewed the consultants' material, and found inconsistencies in their conclusions and the data they submitted. The material in the final report was motivated by a responsibility, especially as a federal agency, to issue findings only when they are supported by data that can enable EAC to firmly defend its conclusions.

EAC is an independent bipartisan commission created by HAVA. It is charged with administering payments to states and developing guidance to meet HAVA requirements, implementing election administration improvements, adopting voluntary voting system guidelines, accrediting voting system test laboratories and certifying voting equipment and serving as a national clearinghouse and resource of information regarding election administration. The four EAC commissioners are Donetta Davidson, chair; Rosemary Rodriguez, Caroline Hunter and Gracia Hillman.

###

015301

Jeannie Layson/EAC/GOV
04/16/2007 03:18 PM

To EAC Personnel, [REDACTED]
cc
bcc
Subject Chair requests internal review

Hello everyone,

I wanted to notify you that Chair Davidson, in agreement with the other three commissioners, has requested that our IG -- Curtis Crider -- conduct a review of our contracting procedures surrounding the voter identification and vote fraud and voter intimidation research projects. Very shortly, I will distribute her request along with a press release to the media and to all our stakeholders. However, she wanted to make sure the staff was fully informed about this action before we make this news public.

The chair's request, the press release and all of the materials referenced in her request will be available on the home page under Announcements very shortly. Please direct anyone with questions about this action to the website. And let me know if you have questions about any of this information or if I can be of assistance answering questions from the public about this issue.

The chair wants to convey to everyone how much she appreciates your hard work, and that she is confident in our ability to work with Curtis to resolve this issue. Tom would like staff to join him at 3:30 today in the large conf. room upstairs to answer any questions you have.



2007-13 (4-16-07) EAC Requests Review of Voter ID, Fraud & Intimidation Research Projects.pdf
Jeannie Layson
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015302



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW – Suite 1100
Washington, DC 20005

**Deliberative Process
Privilege**

EAC Requests Review of Voter ID, Vote Fraud and Voter Intimidation Research Projects

For Immediate Release
April 16, 2007

Contact: Jeannie Layson
Bryan Whitener
(202) 566-3100

WASHINGTON – U.S. Election Assistance Commission (EAC) Chair Donetta Davidson today issued a formal request to the commission’s inspector general to conduct a review of the commission’s contracting procedures, including a review of two recent projects focusing on voter identification and vote fraud and voter intimidation. The chair’s memo to the inspector general is attached.

“The actions taken by the commission regarding these research projects have been challenged, and the commissioners and I agree that it is appropriate and necessary to ask the inspector general to review this matter,” said EAC Chair Davidson.

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015303



April 16, 2007

MEMORANDUM

To: EAC Inspector General Curtis Crider
Fr: EAC Chair Donetta Davidson
Cc: Commissioners Rodriguez, Hillman and Hunter, Tom Wilkey, and Julie Hodgkins
RE: EAC requests review of contracting procedures

On Friday, April 13, each of my three colleagues – Rosemary Rodriguez, Gracia Hillman, and Caroline Hunter -- agreed with my recommendation that we issue the following formal request to the Commission's Office of Inspector General to review the circumstances surrounding two recent EAC research projects – vote fraud and voter intimidation and voter identification.

Background

The U.S. Election Assistance Commission (EAC) is an independent, bipartisan Commission created by the Help America Vote Act (HAVA) of 2002.

EAC develops guidance to meet HAVA requirements, adopts voluntary voting system guidelines, accredits voting system test laboratories, certifies voting systems and audits the use of HAVA funds. HAVA also directs EAC to maintain the national mail voter registration form developed in accordance with the National Voter Registration Act (NVRA) of 1993.

The Commission serves as a national clearinghouse and resource of information regarding election administration. It is under the Commission's clearinghouse role that research projects are conducted with the goal of providing information that will lead to improvements in election administration, as well as inform the public about how, where and when we vote.

The voter identification research was conducted by Rutgers, the State University of New Jersey, through its Eagleton Institute of Politics ("Contractor"). The contract, awarded in May 2005, required the Contractor to perform a review and legal analysis of state legislation, administrative procedures and court cases, and to perform a literature review on other research and data available on the topic of voter identification requirements. Further, the Contractor was asked to analyze the problems and challenges of voter identification, to hypothesize alternative approaches and to recommend various policies that could be applied to these approaches. Last month, the commission voted

015304

unanimously not to adopt the report, citing concerns with its methodology, but voted to release all of the data provided by the Contractor.

The vote fraud and voter intimidation research was conducted by Tova Wang and Job Serebrov ("Consultants"). The contracts, awarded in September 2005, issued to these Consultants tasked them with defining the terms vote fraud and voter intimidation and providing recommendations how to conduct extensive research in the future on these topics. The contract stated that the Consultants were responsible for "creating a report summarizing the findings of this preliminary research effort and Working Group deliberations. This report should include any recommendations for future EAC research resulting from this effort."

Review Request

The actions taken by the Commission regarding both the voter identification and the vote fraud and voter intimidation research projects have been challenged. Specifically, Members of Congress, the media, and the public have suggested that political motivations may have been part of the Commission's decision making process regarding these two projects. Also, the Commission has been criticized for the amount of taxpayer dollars that were spent on these two projects, as well as how efficiently these projects were managed.

The Commission takes these allegations very seriously, and we request that you fully review the following issues and provide the Commission and the Congress with a report of your findings as soon as possible. The Commission stands ready to assist you in these efforts and will provide whatever information, including memos, emails and other documents you will need. Cooperating with your review will be the staff's top priority.

1. Current Commission policy regarding awarding and managing research contracts.
2. Issuance and management of the vote fraud and voter intimidation contract.
3. Circumstances surrounding the receipt of information from Consultants regarding the vote fraud and voter intimidation project.
4. Circumstances surrounding staff efforts to write a final report for Commission consideration.
5. Identification of staff members who assisted in the editing and collaboration of the final vote fraud and voter intimidation report for Commission consideration.
6. Staff and/or Commissioner collaboration with political entities or other federal agencies regarding the vote fraud and voter intimidation project.
7. Circumstances surrounding Commission discussion and deliberation of final adoption of *Election Crimes: An Initial Review and Recommendation for Further Study*.
8. Issuance and management of the voter identification contract.
9. Circumstances surrounding the receipt of information from Contractor regarding the voter identification report.
10. Identification of staff members who assisted in the editing, collaboration, and recommendation to the Commission regarding final adoption of the voter identification report.

11. Staff and/or Commissioner collaboration with political entities or other federal agencies regarding the voter identification project.
12. Circumstances surrounding Commission deliberation whether to adopt a final voter identification report.

For your information, I have attached statements and related correspondence from Members of Congress, and a statement issued by the Commission regarding the criticism.

It is our hope that your findings will instruct us how to move forward in a more efficient, effective and transparent manner. The Commission takes its mandates under HAVA very seriously, and this small Commission has an enormous amount of work to conduct, including testing and certifying voting equipment, providing guidance and assistance to election officials, and auditing the proper use of the \$3.1 billion that was distributed under HAVA.

We look forward to your findings so that we may take the actions necessary to improve the way we conceive research projects, manage research contracts, and make decisions regarding the final release of data provided to the Commission from a third party.

United States Senate
WASHINGTON, DC 20510

April 12, 2007

The Honorable Donetta Davidson
Chairman
U.S. Election Assistance Commission
1225 New York Avenue, N.W.
Suite 1100
Washington, DC 20005

Dear Commissioner Davidson:

We are writing to seek a response to very troubling news reports that included allegations that the Commission may have altered or delayed release of two taxpayer-funded studies of election issues for political purposes.

While the Commission is within its rights to decide what guidance it issues to election officials, it is critical that its actions are not perceived as politically motivated and it is imperative that you provide full documentation about the Commission's proceedings on these matters.

On Wednesday, the *New York Times* reported that a bipartisan team of election law experts hired by the Commission to research voter fraud in federal elections found that there was little such fraud around the nation, but the Commission revised the report to say that the pervasiveness of voter fraud was still open to debate.

On Monday, *Roll Call* reported that the Commission two weeks ago rejected the findings of a report, prepared as part of a \$560,000 contract with Rutgers University's Eagleton Institute and Ohio State University's Moritz College of Law. That report found that voter identification laws may reduce election turnout, especially by minorities.

015307

Commissioner Davidson

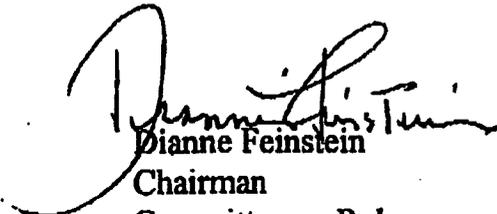
- 2 -

April 12, 2007

It is imperative that the Commission's actions and deliberations are unbiased, free from political influence and transparent. While the Commission does not have to agree with the experts who perform its research, it should make the research available unfettered and unfiltered.

Attached are a series of questions, we would like the Commission to address. We look forward to your timely response.

Sincerely,



Dianne Feinstein
Chairman
Committee on Rules
and Administration



Richard J. Durbin
Chairman
Subcommittee on Financial
Services and General
Government
Committee on Appropriations

015308

We request information and documentation from the Commission that answer the following questions:

COMMISSION'S OVERSIGHT ON EAGLETON CONTRACT TO PERFORM A STUDY ON VOTER IDENTIFICATION

1. Did the Commissioners or Commission senior staff receive any outside communication or pressure to change or not release the entire draft report or portions of the draft language on the voter fraud report? If so, who made those requests?
2. Would you please provide a copy of the approved Request For Proposals, as well as any contract modifications that were agreed to between the Commission and Eagleton Institute and subcontractors?
3. Can you provide the names and qualifications of Election Assistance Commission staff that worked on the Eagleton Institute project?
4. Please indicate how many project meetings occurred during the term of the Eagleton contract, including in-person meetings, conference calls regarding the status of the report, and any meeting where Commissioners were present for at least part of the meeting. Please provide copies of any minutes from those meetings.
5. Please identify the names and affiliations of members of the Peer Review group or groups that examined the Eagleton Institute drafts. Please also indicate the dates upon which any such review of the Eagleton research was conducted, and the specific concerns or complaints that were raised by members of the Peer Review group as to either the analysis or statistical methodology, if any. Please provide copies of any minutes from those meetings.
6. If certain members of the Peer Review groups had concerns with the data or methodology of the Eagleton study, was that information communicated to Eagleton, and were any changes made to the study based on Peer Review group concerns with methodology or data?
7. Who were the individuals (and what were their academic qualifications) that advised the Commission that the data, methodology, or the results of the Eagleton Contract were so flawed that the Commission should reject the report? At what point did the Commission receive input from those individuals?

015309

8. The Commission previewed its research on the Eagleton Institute's study on Provisional Voting at its May 2006 Advisory Board meetings—why was the Voter Identification Draft Study not discussed at that time? What is the status of the Provisional Voting report?
9. In rejecting the Eagleton report, the Commission indicated concerns that there was only one year's worth of data. Given that this was the first year that Commission had studied the results, isn't "one year" what was originally contemplated in the Eagleton contract? Isn't the reason for having a major research institute conduct this study is so they can draw initial assessments from that data—even though that data can be augmented in future years? Because of the rejected report, will the Commission start anew for research in the 2008 elections?
10. What was the final, total cost of the Eagleton contract, and what was produced or released by that Commission as a result of that contract?

COMMISSION'S OVERSIGHT OVER VOTER FRAUD/INTIMIDATION STUDY

1. Did the Commissioners or Commission senior staff receive any outside communication or pressure to change or not release the entire draft report or portions of the draft language on the voter fraud report? If so, who made those requests?
2. Given the bipartisan nature of the Working Group that guided the Voter Fraud/Intimidation report, and the bipartisan nature of the contracted experts who uniformly support the results of this report, what concerns lead the Commission to determine the report should not be released?
3. If there were points in the report that the Commission objected to, were there attempts to work with the contractors to deal with specific concerns? If there were such attempts, please describe them.

4. Who drafted the Commission summary (released in December, 2006) of the Voter Fraud/Intimidation report, and what were their credentials and involvement in the original research process? Were there instructions or guidance given from Commissioners or senior staff as to what portions of the research should be emphasized? Who at the Commission reviewed the summarized report? Since the contracted experts are referred to in the Commission's released report, were the contractors allowed a chance to review or edit that Commission's final report that was released in December, 2006?
5. Please provide copies of any electronic or written communications between Commission employees that relate to the editing of the Voter Fraud/Intimidation report.
6. Please explain what Mr. Job Serebrov was referring to in his email referenced in the *New York Times* article of April 11, 2007. Please provide any documents in the Commission's possession where employees or contracted experts discussed pressure, political sensitivities, or the failure of the Commission to adopt the Voter Fraud/Intimidation report from March 1, 2006 to present.
7. While we realize that the Commission voted to release its summary report in December 2006, was there a public vote taken to reject the Draft Voter Fraud/Intimidation report? Such a monumental decision to reject the contract experts' work is a policy decision, and one that should be done in public. When was the decision made to reject the original report, and what notice was provided to the public that the Commission would reject that report?
8. Prior to the Draft Voter Fraud/Intimidation report's release, had other organizations requested a copy of that original report? Please include copies of your responses to those organizations, if any.
9. Had any States requested that the Commission or staff provide guidance related to voter identification requirements in the Help America Vote Act, or identification requirements generally? Please provide those requests, and any responses from the Commission.
10. Please indicate what steps the Commission is taking to ensure that political considerations do not impact the agency's research and that decisions are handled in a public and transparent manner.

COMMITTEE ON THE JUDICIARY
 • CHAIR — SUBCOMMITTEE ON IMMIGRATION, CITIZENSHIP, REFUGEES, BORDER SECURITY, AND INTERNATIONAL LAW
 • SUBCOMMITTEE ON COURTS, THE INTERNET, AND INTELLECTUAL PROPERTY
 • SUBCOMMITTEE ON COMMERCIAL AND ADMINISTRATIVE LAW

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COMMITTEE ON HOUSE ADMINISTRATION
 • CHAIR — SUBCOMMITTEE ON ELECTIONS

CHAIR, CALIFORNIA DEMOCRATIC CONGRESSIONAL DELEGATION

Congress of the United States
House of Representatives
 Washington, DC 20515-0516

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CO-CHAIR, CONGRESSIONAL HAZARDS CAUCUS

CO-CHAIR, BIPARTISAN CONGRESSIONAL REFUGEE CAUCUS

CO-CHAIR, CONGRESSIONAL VIETNAM CAUCUS

April 12, 2007

Chairwoman Donetta Davidson
 United States Election Assistance Commission
 1225 New York Avenue N.W., Suite 1100
 Washington, DC 20005

Dear Chairwoman Davidson:

As Chairwoman of the Committee on House Administration Subcommittee on Elections, which has oversight over the Election Assistance Commission, I was alarmed at what appears to be an emerging pattern by the EAC to hold off on publicly releasing reports as well as modifying reports that are released. Two recent instances have brought to light the increased politicalization of the EAC and this lack of transparency.

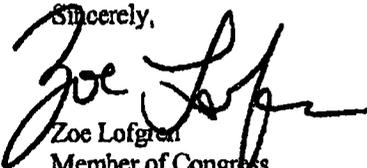
First, the House Appropriations Subcommittee on Financial Services and General Government released a draft version of an EAC report on voter fraud and intimidation that shows significant changes were made to the findings of outside experts before the final report was released. The EAC released report "Election Crimes: An Initial Review and Recommendations for Future Study" does not accurately reflect the research in the original report "Voting Fraud and Voter Intimidation."

Second, in addition to this report on voter fraud and intimidation, the EAC recently released a report by The Eagleton Institute of Politics at Rutgers University on voter identification. Again, the EAC did not endorse the report, citing methodological concerns, and only released it after pressure from Congress.

The EAC is charged with conducting nonpartisan research and to advise policy makers. How are we to rely on advice if instead of full and accurate reporting, we are provided an inaccurate modified version which negates clear evidence to the contrary in the original research? I am outraged that the election process is being threatened by a lack of transparency and limited discussion.

In order to preempt any further problems with the release of reports from the EAC, I request all versions of the Absentee Ballot report and the Military and Overseas report, as well as any other overdue reports, including supporting documents and research, be provided to my office by close of business Monday, April 16, 2007. These reports are overdue and I want to ensure that the delay is no way related to what appears to be an ongoing problem of politicalization of the EAC.

Sincerely,


 Zoe Lofgren
 Member of Congress

For Immediate Release

April 11, 2007

Hinchey, Serrano Urge Non-Partisanship, Greater Transparency at Election Assistance Commission

Washington, DC - Today, Congressmen Maurice Hinchey (NY-22) and José E. Serrano (NY-16) urged the Election Assistance Commission (EAC) to act with greater transparency and without partisanship. The comments from the congressmen came as the House Appropriations Subcommittee on Financial Services and General Government released a draft version of an EAC report on voter fraud and intimidation that shows significant changes were made to the findings of outside experts before the final report was released.

"The EAC has an obligation to be forthright with the American people and operate transparently and in a non-partisan manner," said Congressman Hinchey, who requested the draft report from EAC Commissioner Donetta L. Davidson during a subcommittee hearing last month. "The draft report was commissioned with taxpayer dollars upon a mandate from Congress so that we could learn more about voter fraud and intimidation. The need for this report is even more clear when we see the way in which the Bush administration is carrying out the electoral process and how this system is sliding towards corruption. In hiding a draft report from the public that is significantly different from the final version, the EAC has created a lot more questions than it has answered while stunting debate on the issue. In order for our democracy to function properly it is essential that our elections are free of any corruption and that includes ensuring that the EAC does not work to benefit one political party over the other. To achieve that goal we must have all the facts and opinions on the table, not just some of them. The EAC must never limit discussion and debate."

"The EAC is charged with helping to ensure our elections are trustworthy and administered fairly," said Congressman Serrano, who is Chair of the Appropriations Subcommittee that oversees the EAC budget. "I'm concerned if changes were made to the report on voter fraud because of partisan bias rather than impartial analysis. When you read the draft report side-by-side with the final version, it is clear that important conclusions of the experts who wrote the draft report were excluded from the final product. Among the excluded information is an analysis that undermines the notion that voter fraud is rampant."

"I am concerned that the EAC did not publicly release the taxpayer-funded draft report, and I worry that political considerations may have played a role. We cannot have a politicized EAC, or one that yields to outside pressure. Our democracy, and the American people's faith in it, is far more important than any short-term political advantage."

The draft report was written by outside experts under contract with the EAC. The final report was entitled "Election Crimes: An Initial Review and Recommendations for Future Study" and was issued on December 7, 2006.

The EAC is an independent bipartisan commission created by the 2002 Help America Vote Act in order to disburse funds to the states for the purchase of new voting systems, certify voting technologies, develop guidelines and serve as an information resource for election administration.

015313



Congressman José E. Serrano
Representing the Sixteenth District of New York

PRESS RELEASE

MEDIA CONTACT:
Philip Schmidt (202)
225-4361

FOR IMMEDIATE
RELEASE:
Apr 11, 2007

SERRANO, HINCHEY URGE NON-PARTISANSHIP, GREATER TRANSPARENCY AT ELECTION ASSISTANCE COMMISSION

Washington, DC – April 11, 2007 – Today, Congressmen Maurice Hinchey (NY-22) and José E. Serrano (NY-16) urged the Election Assistance Commission (EAC) to act with greater transparency and without partisanship. The comments from the congressmen came as the House Appropriations Subcommittee on Financial Services and General Government released a draft version of an EAC report on voter fraud and intimidation that shows significant changes were made to the findings of outside experts before the final report was released.

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Email: jserrano@mail.house.gov	

015315



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW – Suite 1100
Washington, DC 20005

EAC Statement Regarding Research and Contracting Policies

Commission to Review Internal Procedures

For Immediate Release
April 11, 2007

Contact: Jeannie Layson
Bryan Whitener
(202) 566-3100

WASHINGTON – The Help America Vote Act of 2002 (HAVA) directs the Election Assistance Commission (EAC) to serve as a national clearinghouse and resource by, among other things, conducting studies with the goal of improving the administration of federal elections. To fulfill this mandate, the EAC has entered into contracts with a variety of persons and entities. Reports adopted by the EAC, a bipartisan federal entity, are likely to be cited as authoritative in public discourse. Prior to the EAC's adopting a report submitted by a contractor, the EAC has the responsibility to ensure its accuracy and to verify that conclusions are supported by the underlying research.

The Commission takes input and constructive criticism from Congress and the public very seriously. We will take a hard look at the way we do business. Specifically, we will examine both the manner in which we have awarded contracts and our decision-making process regarding the release of research and reports. The EAC takes its mandates very seriously, and we will continue to move forward in a bipartisan way to improve the way America votes.

EAC is an independent bipartisan commission created by HAVA. It is charged with administering payments to states and developing guidance to meet HAVA requirements, implementing election administration improvements, adopting voluntary voting system guidelines, accrediting voting system test laboratories and certifying voting equipment and serving as a national clearinghouse and resource of information regarding election administration. The four EAC commissioners are Donetta Davidson, chair; Rosemary Rodriguez, Caroline Hunter and Gracia Hillman.

###

015316

Jeannie Layson/EAC/GOV
04/17/2007 04:56 PM

To Donetta L. Davidson/EAC/GOV, ghillman@eac.gov, Caroline
C. Hunter/EAC/GOV@EAC, Rosemary E.
Rodriguez/EAC/GOV@EAC
cc EAC Staff

bcc

Subject Today's press inquiries (04-17-07)

1. I spoke with St. Louis editorial board members Christine Bertelson and Kevin Korrigan regarding an editorial that ran today, asserting that we'd worked on the vote fraud/voter intimidation study for five years, and that the administration/White House edited the report. I told them both of these assertions were false, and I requested a correction. I gave them the details about how this project was conceived and managed. I explained that the vote fraud and voter intimidation project began in Sept. 2004. As I said, the statement that this project had been five years in the making is incorrect -- that predates the creation of the EAC. Commissioners were appointed in Dec. 2003, and the agency's first year of operations was 2004 with a \$1.2 million operating budget. I said the assertion that the administration edited the document was false, and said that at no point in the process did the administration play any role. I also pointed out that the chair requested the IG to fully review the matter. They are going to run a correction. The editorial follows.

Snipe hunting in Jeff City

Tuesday, Apr. 17 2007

The Missouri Legislature's dogged efforts to crack down on voter fraud call to mind the hallowed tradition of the snipe hunt.

In a snipe hunt, gullible kids are taken out to the woods, handed sticks and gunny sacks and told to track down the elusive snipe. Meanwhile, their pals, who know a snipe is a bird of marsh and shore generally found nowhere near the woods, yuck it up.

Voter fraud is about as rare as snipe in most parts of the country, including Missouri. As evidence of that we have the testimony of (a) a five-year study by the federal Election Assistance Commission; (b) a report from the Missouri Secretary of State showing nobody in the state tried to vote with a fake I.D. in 2006; (c) Department of Justice statistics showing only 86 people were convicted of voter fraud-related crimes in the last five years, many of them on trivial errors; and (d) a federal judge's ruling last week that the justice department had failed to demonstrate that voter fraud had occurred in Missouri last year.

Undaunted by these facts, Republicans in the Legislature lurk about like Elmer Fudd with their gunny sacks and sticks, promoting bills to require voters to present photo identification before they're allowed to cast a ballot. They passed such a bill last year, but the courts threw it out as unfair to those who couldn't afford the cost and hassle involved in getting a photo I.D. card.

015317

This year's versions of the photo I.D. bills would allow voters without photo I.D. to cast "provisional ballots," which may or may not get counted. So, despite the fact that a photo I.D. requirement would disenfranchise many voters in the cause of solving a problem that doesn't exist, the Missouri House could pass such a bill this week.

Evidence continues to mount that the hunt master for the national voter I.D. snipe hunt is none other than Karl Rove, President George W. Bush's deputy chief of staff and political guru. As The New York Times suggested Sunday, "The more we learn about the White House purge of United States attorneys, the more a single thread runs through it: the Bush administration's campaign to transform the minor problem of voter fraud into a supposed national scourge."

Not only did the administration suggest that some of the eight fired prosecutors had been insufficiently aggressive in pursuing voter fraud cases, it changed the wording of the Election Assistance Commission's findings on the voter fraud issue. What originally read, "there is widespread but not unanimous agreement that there is little polling place fraud" became "there is a great deal of debate on the pervasiveness of fraud."

Moreover, the release of the commission's report was delayed for nine months, during which period eight states, including Missouri, dealt with voter I.D. laws. Since the 3 percent to 4 percent of the electorate who don't have photo I.D.s tend to be poor, disabled or elderly voters, suppressing their vote would tend to help Republican candidates.

Investigators looking for evidence of fraud need look no further than the e-mail messages emanating from Mr. Rove's offices. Alas, thousands, perhaps millions, of those messages are now "missing." Perhaps Attorney General Alberto Gonzales will shed some light on the problem when his testimony before the Senate Judiciary Committee is rescheduled. In the meantime, Missouri lawmakers should put down the sticks and gunny sacks and back slowly out of the woods before their constituents realize they've been snookered, too.

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

015318



Curtis Crider/EAC/GOV

04/20/2007 11:46 AM

To Donetta L. Davidson/EAC/GOV@EAC, jhodgkins@eac.gov,
Margaret Sims/EAC/GOV@EAC, Diana
Scott/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC,

cc

bcc

Subject evaluation of contracting

To complete our evaluation of the contracting process and related issues for the voter fraud research and voter intimidation and voter identification research projects, we will need copies of all e-mails and a number of documents related to the projects including copies of all of the various drafts (versions) of the reports. I am requesting that all EAC personnel be notified that they are to preserve all of the documents including e-mails related to the projects. We are in the process of setting up an e-mail account to receive the documents, It is imperative that all documents related to the projects be preserved. As soon as the account is set up we will notify you of the address.

In addition, we are requesting access to the backup e-mail files maintained by GSA and EAC. As a result, we are requesting that no backup tapes or files be destroyed.

Curtis Crider
Office of Inspector General, Election Assistance Commission
Phone - (202) 566-3125
Fax - (202) 566-0957

Important: This electronic transmission is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected from disclosure under applicable law.

015319

Curtis Crider/EAC/GOV
04/23/2007 02:27 PM

To EAC Personnel
cc
bcc
Subject documentation for evaluation

All:

The Office of Inspector General has initiated an evaluation of the contracting process used by the EAC for the voter fraud and voter intimidation projects. In order for us to complete our evaluation, we need copies of all e-mails or other documents that you have regarding either project. Electronic documents can be sent to an e-mail account that we have set up- eacon@eac.gov. If you have any hard copy documents, please let me know.

If you do not have any documents or e-mails, please send me an e-mail to that effect.

Thank you,

Curtis Crider
Office of Inspector General, Election Assistance Commission
Phone - (202) 566-3125
Fax - (202) 566-0957

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015320



Curtis Crider/EAC/GOV

04/23/2007 02:33 PM

To EAC Personnel

cc

bcc

Subject documentation for evaluation

A question has been raised on the e-mails.

Q. Are these emails among staff, to recipients outside the office, or both?

A. We would like ALL e-mails including those among staff and recipients outside of the office.

Curtis Crider
Office of Inspector General, Election Assistance Commission
Phone - (202) 566-3125
Fax - (202) 566-0957

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All:

The Office of Inspector General has initiated an evaluation of the contracting process used by the EAC for the voter fraud and voter intimidation projects. In order for us to complete our evaluation, we need copies of all e-mails or other documents that you have regarding either project. Electronic documents can be sent to an e-mail account that we have set up- eaconn@eac.gov. If you have any hard copy documents, please let me know.

If you do not have any documents or e-mails, please send me an e-mail to that effect.

Thank you,

Curtis Crider
Office of Inspector General, Election Assistance Commission
Phone - (202) 566-3125
Fax - (202) 566-0957

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015321



Curtis Crider/EAC/GOV

04/23/2007 03:24 PM

To EAC Personnel

cc

bcc

Subject documentation for evaluation

History

This message has been forwarded.

All:

The Office of Inspector General has initiated an evaluation of the contracting process used by the EAC for the voter identification project. In order for us to complete our evaluation, we need copies of all e-mails or other documents that you have regarding the project. Electronic documents can be sent to an e-mail account that we have set up- eacon@eac.gov.

If you have any hard copy documents, please let me know.

If you do not have any documents or e-mails, please send me an e-mail to that effect.

Thank you,

Curtis Crider
Office of Inspector General, Election Assistance Commission
Phone - (202) 566-3125
Fax - (202) 566-0957

Important: This electronic transmission is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected from disclosure under applicable law.

015322



Elieen L. Kuala/EAC/GOV
04/23/2007 04:06 PM

To Donetta L. Davidson/EAC/GOV@EAC
cc
bcc

Subject Re: Fw: documentation for evaluation

History

This message has been replied to.

yep, I have already sent most of my emails to Curtis and he said they have been helpful.

Shall I look through yours as well?

Elle L.K. Collver
Special Assistant to the Chair
U.S. Election Assistance Commission
1225 New York Avenue, Suite 1100
Washington, DC 20005
office: (202) 566-2256
fax: (202) 566-1392

Donetta L. Davidson/EAC/GOV

Donetta L.
Davidson/EAC/GOV
04/23/2007 03:59 PM

To "Elle Collver" <ecollver@eac.gov>
cc
Subject Fw: documentation for evaluation

We need to start looking. I am sure you already have. Thanks

Sent from my BlackBerry Wireless Handheld
Curtis Crider
----- Original Message -----

From: Curtis Crider
Sent: 04/23/2007 03:24 PM EDT
To: EAC Personnel
Subject: documentation for evaluation

All:

The Office of Inspector General has initiated an evaluation of the contracting process used by the EAC for the voter identification project. In order for us to complete our evaluation, we need copies of all e-mails or other documents that you have regarding the project. Electronic documents can be sent to an e-mail account that we have set up- eacon@eac.gov. If you have any hard copy documents, please let me know.

If you do not have any documents or e-mails, please send me an e-mail to that effect.

Thank you,

Curtis Crider

015323

Office of Inspector General, Election Assistance Commission
Phone - (202) 566-3125
Fax - (202) 566-0957

Important: This electronic transmission is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected from disclosure under applicable law.

015324

Curtis Crider/EAC/GOV
04/25/2007 01:26 PM

To EAC Personnel
cc
bcc
Subject Investigation

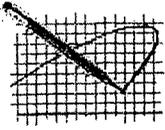
Mr. Eric Miller from the U.S. Department of the Interior, Office of Inspector General will be conducting the investigation of the EAC's handling of the voter fraud report and voter identification report. He will begin conducting interviews within the next couple of days. He will be assisted by Mr. Joe Ansnick.

If you have any questions concerning this matter, please feel free to contact me.

Curtis Crider
Office of Inspector General, Election Assistance Commission
Phone - (202) 566-3125
Fax - (202) 566-0957

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015325



Curtis Crider/EAC/GOV

04/25/2007 01:29 PM

To EAC Personnel

cc

bcc

Subject Investigation

The investigator's name is Eric Myers - sorry for the confusion.

Curtis Crider
Office of Inspector General, Election Assistance Commission
Phone - (202) 566-3125
Fax - (202) 566-0957

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Mr. Eric Miller from the U.S. Department of the Interior, Office of Inspector General will be conducting the investigation of the EAC's handling of the voter fraud report and voter identification report. He will begin conducting interviews within the next couple of days. He will be assisted by Mr. Joe Ansnick.

If you have any questions concerning this matter, please feel free to contact me.

Curtis Crider
Office of Inspector General, Election Assistance Commission
Phone - (202) 566-3125
Fax - (202) 566-0957

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015326



Elleen L. Collver/EAC/GOV
04/27/2007 04:04 PM

To Curtis Crider/EAC/GOV@EAC
cc ddavidson@eac.gov
bcc

Subject memo

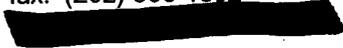
History:

 This message has been replied to.

Hello Curtis:

I was reviewing the memo that you brought to the Chair today regarding the research on Voting Fraud and Voter Intimidation. I have sent electronic and hard copies to the commissioners and senior staff. However, I was wondering if there if going to be a separate memo addressing the Voter ID issues. Per your request the staff is in the process of sending emails to your designated inbox and all of those issues. Please advise.

Many thanks,
Elle

Elle L.K. Collver
Special Assistant to the Chair
U.S. Election Assistance Commission
1225 New York Avenue, Suite 1100
Washington, DC 20005
office: (202) 566-2256
fax: (202) 566-1392


015327

Jeannie Layson/EAC/GOV
04/27/2007 04:54 PM

To EAC Personnel
cc
bcc
Subject Voter ID and Vote Fraud and Voter Intimidation IG Review
Update

Hello everyone,

The chair wanted to distribute the attached memo from the IG, which contains guidance about how we proceed during the review of the voter ID and the vote fraud and voter intimidation research projects. She will continue to keep staff informed as this review moves forward, and she thanks everyone for their continued cooperation and hard work.



IG Memo to Chair on Review of Studies (4-27-07).pdf

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

015328



U.S. ELECTION ASSISTANCE COMMISSION
OFFICE OF INSPECTOR GENERAL
1225 New York Ave. NW - Suite 1100
Washington, DC 20005

**Deliberative Process
Privilege**

April 27, 2007

Memorandum

To: Donetta Davidson
Chair, U.S. Elections Commission

From: Curtis Crider *Curtis Crider*
Inspector General

Subject: U.S. Election Assistance Commission Activities Pending the Office of Inspector
General Investigation of the Voting Fraud and Voter Intimidation Report

In your letter of April 23, 2007, you requested my comments concerning several activities that the Election Assistance Commission (EAC) was considering to undertake pending our review of the Voting Fraud and Voter Intimidation Study and on related questions. My responses to your proposed activities and questions follow:

1. The EAC would like to prepare a summary of the differences between the draft report prepared by the consultants and the final report adopted by the EAC.

Answer: We believe that such a summary will be helpful to our investigation. Please provide us with a copy of the summary of differences upon its completion.

2. Would there be any prohibition against the Director of Communications speaking with EAC employees, consultants or working group members when questions arise from members of the press or under the Freedom of Information Act?

Answer: We are not aware of any prohibition. However, we suggest that EAC not comment or limit its comments on this matter because of the ongoing investigation. Any FOIA requests should be promptly responded to stating that the matter is under investigation. Once the investigation is completed, appropriate information should be made available to the FOIA requester.

3. Would there be any prohibition against EAC briefing members of the EAC Standards Board and the EAC Board of Advisors.

Answer: We are not aware of any prohibition. Our preference, however, would be that EAC allow the investigation to be completed before conducting any briefings.

4. Would there be any prohibition against gathering information related to this project in order to respond to inquiries that have been made by members of Congress?

015329

Answer: We are not aware of any prohibition. As previously stated, our preference is that there are no public comments while the investigation is in process or that comments be limited. However, we appreciate the sensitivity of Congressional requests, EAC must decide how best to proceed in this matter. We ask that you share any proposed responses with us prior to their release and that you provide us with a copy of final responses and any attachments.

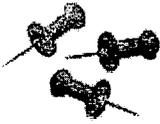
5. Would there be any prohibition against responding to an inquiry that the Commission has received from an attorney engaged by one of the consultants?

Answer: It is the EAC's decision whether to respond to the attorney for the consultant. We prefer that the consultants not be released from the confidentiality clause of their contracts until the OIG has completed its investigations.

We understand that EAC will want to respond to criticism of its handling of the Voter Fraud and Intimidation Study, and that management must ultimately decide how best to proceed. Our preference would be that you attempt to defer commenting until we have finished our investigation.

I appreciate you raising these matters to me before acting. Please feel free to contact me if you have any questions about this memorandum.

015330



DeAnna M. Smith/EAC/GOV
05/01/2007 09:46 AM

To Donetta L. Davidson/EAC/GOV@EAC, Rosemary E.
Rodriguez/EAC/GOV@EAC, Gracia
Hillman/EAC/GOV@EAC, Caroline C.
cc Eileen L. Colver/EAC/GOV@EAC,
[REDACTED] Sheila A.
Banks/EAC/GOV@EAC, Stephanie

bcc

Subject Tally Vote Matter

Good Morning,

The tally vote dated 4/30/07, Authority to Proceed with Side by Side Analysis of Draft Voter Fraud and Intimidation Report with EAC Election Crimes Report and Agreement to Release Draft with the Completed Side by Side Analysis, is withdrawn.

Thank You

DeAnna M. Smith
Paralegal Specialist
Office of the General Counsel
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, D.C. 20005
202-566-3117 (phone)
202-566-1392 (fax)
www.eac.gov

015331

Bryan Whitener/EAC/GOV
05/10/2007 05:45 PM

To Donetta L. Davidson/EAC/GOV@EAC, Rosemary E. Rodriguez/EAC/GOV@EAC, Caroline C. Hunter/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC
cc Bert A. Benavides/EAC/GOV@EAC, Bola Olu/EAC/GOV@EAC, Brian Hancock/EAC/GOV@EAC, Curtis Crider/EAC/GOV@EAC, DeAnna M.
bcc

Subject FYI - Today's media inquiries (5-10-07, Thurs)

Commissioners:

Today we had the following media inquiries:

(1) Leslie Robinson, a reporter for the news blog, ColoradoConfidential.com inquired about the rules and regulations that EAC board members must adhere to. She said that one of the EAC members from Colorado, Dan Kopelman, has recently been cited by the Secretary of State for his business of selling voter lists and consulting partisan candidates. She asked if these infractions cause Kopelman to withdraw from the EAC board. We explained that, according to SEC. 213 of the Help America Vote Act of 2002 (HAVA), there are two EAC Standards Board representatives from each state, that one is a local official, one is a state official and that both individuals represent their state on the Board. We said that the state representatives are selected by the Chief State election official from each state. We said that, with respect to Colorado, Mr. Kopelman was selected to serve on the Board by Colorado Secretary of State Michael Coffman. We suggested Ms. Robinson contact their office for questions regarding the appointment of state representatives from Colorado.

(2) Rose Marie Berger, Associate Editor of Sojourners/Call to Renewal, asked for the document on voter fraud authored by Tova Wang and Job Serebrov. We replied that our Inspector General is currently reviewing the circumstances surrounding this research and noted page two of the following memo from the chair. We said that when that process is complete we'll be glad to discuss it further. 04/16/07 - EAC Requests Review of Voter ID, Vote Fraud & Voter Intimidation Research Projects

###

015332

Bryan Whitener/EAC/GOV
05/11/2007 06:18 PM

To Donetta L. Davidson/EAC/GOV@EAC, Rosemary E. Rodriguez/EAC/GOV@EAC, Caroline C. Hunter/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC
cc Bert A. Benavides/EAC/GOV@EAC, Bola Olu/EAC/GOV@EAC, Brian Hancock/EAC/GOV@EAC, Curtis Crider/EAC/GOV@EAC, DeAnna M.
bcc

Subject FYI - Today's media inquiries (5-11-07, Frid)

Commissioners:

Today we had the following media inquiries:

(1) Meg Cox, a freelance journalist in Chicago is working on an article about voter fraud and voter ID laws. She asked the following two questions:

- 1) Is the EAC still sending its "Elections Crimes" report to journalists who request the report on voter fraud and intimidation authored by Wang and Serebrov?
- 2) If the answer to #1 is yes, is the EAC still sending the "Election Crimes" report in these cases without comment--in other words, without indicating that it is not the Wang/Serebrov report?

We forwarded her questions to Curtis and replied to Ms. Cox that the chair has asked our Inspector General to review the circumstances surrounding this research project, as well as research done about voter ID. We said he has requested that EAC not comment on either one of these projects while his review is ongoing. We referred her to the following link: [here](#). and said we'd be glad to make sure she receives the IG's review when it is completed.

(2) Jenna Portnoy of the Doylestown Intelligencia in Bucks Co., PA called again to ask about EAC's progress in determining the status of Pennsylvania's 102 funds. She wants to know the amount of money, if any, that they will have to return. We said that EAC is still reviewing the certifications submitted by the states and we hope to have this process completed as soon as possible. We said we are also evaluating all the reports submitted by the states regarding their 101 and 251 funds expenditures.

015333

Bryan Whitener/EAC/GOV
05/14/2007 06:18 PM

To Donetta L. Davidson/EAC/GOV@EAC, Rosemary E. Rodriguez/EAC/GOV@EAC, Caroline C. Hunter/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC
cc Bert A. Benavides/EAC/GOV@EAC, Bola Olu/EAC/GOV@EAC, Brian Hancock/EAC/GOV@EAC, Curtis Crider/EAC/GOV@EAC, DeAnna M.
bcc

Subject FYI - Today's media inquiries (5-14-07, Mon)

Commissioners:

Today Meg Cox, a freelance journalist in Chicago, sent us the same two questions she sent us last Friday (see below). She had not been satisfied with our response. She is working on an article about voter fraud and voter ID laws. She said she is concerned that journalists are receiving a substitute report from EAC and not the real thing. We replied that we directed her to the one and only report adopted by EAC -- Election Crimes: An Initial Review and Recommendations for Future Study -- We noted that it contains clear language about the role of the consultants, identifies them by name and that their bios are included in the EAC report as Appendix D here. We said we would notify her when the IG has completed his review of this subject. We also noted the following contents of the report:

- Page one: "EAC staff along with two, bipartisan consultants reviewed the existing information available about voting fraud and voter intimidation, including reading articles, books and reports; interviewing subject matter experts; reviewing media reports of fraud and intimidation; and studying reported cases of prosecutions of these types of crimes.
- Page three: To accomplish these tasks, EAC employed two consultants, Job Serebrov and Tova Wang, who worked with EAC staff and interns to conduct the research that forms the basis of this report.
- Page four: The consultants drafted a report for EAC that included their summaries of relevant cases, studies and reports on voting fraud and voter intimidation as well as summaries of the interviews that they conducted. The draft report also provided a definition of voting fraud and intimidation and made certain recommendations developed by the consultants or by the working group on how to pursue further study of this subject. This document was vetted and edited by EAC staff to produce this final report.

###

BACKGROUND: Last Friday's Q&A.

Meg Cox, a freelance journalist in Chicago is working on an article about voter fraud and voter ID laws. She asked the following two questions:

- 1) Is the EAC still sending its "Elections Crimes" report to journalists who request the report on voter fraud and intimidation authored by Wang and Serebrov?
- 2) If the answer to #1 is yes, is the EAC still sending the "Election Crimes" report in these cases without comment--in other words, without indicating that it is not the Wang/Serebrov report?

We forwarded her questions to Curtis and replied to Ms. Cox that the chair has asked our Inspector General to review the circumstances surrounding this research project, as well as research done about voter ID. We said he has requested that EAC not comment on either one of these projects while his review is ongoing. We referred her to the following link: here. and said we'd be glad to make sure she receives the IG's review when it is completed.

015334

Jeannie Layson/EAC/GOV
05/10/2007 06:57 AM

To Rosemary E. Rodriguez/EAC/GOV@EAC
cc
bcc

Subject Fw: Letter Regarding Brennan Center's FOIA Request

History:  This message has been replied to.

Guess Wendy changed her mind about giving me until the end of the week...

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: "Rowan Wilson" 
Sent: 05/09/2007 10:14 PM AST
To: Jeannie Layson
Cc: "Yani Indrajana Ho" ; perezm@juris.law.nyu.edu; wendy.weiser@nyu.edu
Subject: Letter Regarding Brennan Center's FOIA Request

Dear Ms. Layson:

My firm is representing the Brennan Center in connection with the FOIA requests it has made to the EAC. Attached, for your convenience, is a letter we have sent to you today by regular mail.

Sincerely,

Rowan Wilson

This e-mail is confidential and may be privileged. Use or disclosure of it by anyone other than a designated addressee is unauthorized. If you are not an intended recipient, please delete this e-mail from the computer on which you received it.



Brennan Center Letter to EAC 05-09-2007.pdf

015335

Jeannie Layson/EAC/GOV
05/10/2007 07:21 PM

To Rosemary E. Rodriguez/EAC/GOV@EAC, "Jeannie Layson"
<jlayson@eac.gov>, Thomas R. Wilkey/EAC/GOV@EAC
cc "Staci Fabre" <[redacted]>

bcc

Subject Re: Have we considered putting FOIA responses on the
web? 

History:  This message has been replied to.

Yes, we have talked about setting up a FOIA reading room like some other agencies. Those cull the most frequently asked for info, but don't post everything. It's just a function of getting caught up to do that. However, I'm open to posting everything.

Sent from my BlackBerry Wireless Handheld
Rosemary E. Rodriguez
----- Original Message -----

From: Rosemary E. Rodriguez
Sent: 05/10/2007 07:17 PM EDT
To: Jeannie Layson; Thomas Wilkey
Cc: "Staci Fabre" <[redacted]>
Subject: Have we considered putting FOIA responses on the web?

That would cut down on the number we are doing and make us more transparent,

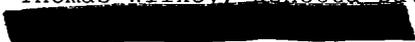
015336

Jeannie Layson/EAC/GOV
05/10/2007 07:35 PM

To Rosemary E. Rodriguez/EAC/GOV@EAC
cc
bcc
Subject Re: Have we considered putting FOIA responses on the web? 

And I really appreciate you saying that. Usually I do pretty well under pressure. I think I'm just having a couple of bad days! I'm already in a better mood.

Sent from my BlackBerry Wireless Handheld
Rosemary E. Rodriguez
----- Original Message -----

From: Rosemary E. Rodriguez
Sent: 05/10/2007 07:28 PM EDT
To: Jeannie Layson; Thomas Wilkey; Donetta Davidson
Cc: "Staci Fabre" 
Subject: Re: Have we considered putting FOIA responses on the web?

If we announced it, maybe we could stem the flow. We should discuss. And I do appreciate how stressful things are for you right now. My Mayor used to say that press was the hardest job in the ofc. He was under siege his first term (he served 3) and it feels for me a little like deja vu all over again because he was very misunderstood

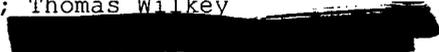
Best.

Jeannie Layson
----- Original Message -----

From: Jeannie Layson
Sent: 05/10/2007 07:21 PM EDT
To: Rosemary Rodriguez; Jeannie Layson; Thomas Wilkey
Cc: "Staci Fabre" 
Subject: Re: Have we considered putting FOIA responses on the web?

Yes, we have talked about setting up a FOIA reading room like some other agencies. Those cull the most frequently asked for info, but don't post everything. It's just a function of getting caught up to do that. However, I'm open to posting everything.

Sent from my BlackBerry Wireless Handheld
Rosemary E. Rodriguez
----- Original Message -----

From: Rosemary E. Rodriguez
Sent: 05/10/2007 07:17 PM EDT
To: Jeannie Layson; Thomas Wilkey
Cc: "Staci Fabre" 
Subject: Have we considered putting FOIA responses on the web?

That would cut down on the number we are doing and make us more transparent,

015337

Thomas R. Wilkey/EAC/GOV
05/11/2007 11:16 AM

To Donetta L. Davidson/EAC/GOV@EAC, Rosemary E.
Rodriguez/EAC/GOV@EAC, Caroline C.
Hunter/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC
cc
bcc
Subject Fw: Letter

History:  This message has been replied to

Commissioners;

Based on our conversation yesterday concerning the letter from the letter from the Attorney representing the Brennan Center Gavin has drafted the attached letter as our response.

Since this letter will also be copied to several members of Congress I thought it best to have you look it over before it goes out.

Please let me know if you have any concerns, I'd like to get it out COB today.

And if I don't see you today...Have a great Mother's Day

Tom.

Thomas R. Wilkey
Executive Director
US Election Assistance Commission
1225 New York Ave, NW - Suite 1100
Washington, DC 20005
(202) 566-3109 phone
TWilkey@eac.gov

----- Forwarded by Thomas R. Wilkey/EAC/GOV on 05/11/2007 11:09 AM -----

Gavin S. Gilmour/EAC/GOV
05/11/2007 09:01 AM

To Thomas R. Wilkey/EAC/GOV@EAC, Juliet E.
Hodgkins/EAC/GOV, Jeannie Layson/EAC/GOV@EAC
cc
Subject Letter

Tom,

For your review and policy determination.

GG



Brennan Center May 9th -2.doc

Gavin S. Gilmour

015338

Deputy General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

THIS MESSAGE IS FOR ITS INTENDED RECIPIENT ONLY. IT IS A PRIVILEGED DOCUMENT AND SHALL NOT BE RELEASED TO A THIRD PARTY WITHOUT THE CONSENT OF THE SENDER.

015339

Caroline C. Hunter/EAC/GOV
05/11/2007 12:21 PM

To Thomas R. Wilkey/EAC/GOV@EAC, Donetta L. Davidson/EAC/GOV@EAC, Rosemary E. Rodriguez/EAC/GOV@EAC, Gracia
cc
bcc
Subject Re: Letter 

Looks good to me, thanks Tom and Gavin.
Thomas R. Wilkey
----- Original Message -----

From: Thomas R. Wilkey
Sent: 05/11/2007 11:16 AM EDT
To: Donetta Davidson; Rosemary Rodriguez; Caroline Hunter; Gracia Hillman
Subject: Fw: Letter

Commissioners;
Based on our conversation yesterday concerning the letter from the letter from the Attorney representing the Brennan Center Gavin has drafted the attached letter as our response.
Since this letter will also be copied to several members of Congress I thought it best to have you look it over before it goes out.
Please let me know if you have any concerns, I'd like to get it out COB today.
And if I don't see you today...Have a great Mother's Day
Tom

Thomas R. Wilkey
Executive Director
US Election Assistance Commission
1225 New York Ave, NW - Suite 1100
Washington, DC 20005
(202) 566-3109 phone
TWilkey@eac.gov

----- Forwarded by Thomas R. Wilkey/EAC/GOV on 05/11/2007 11:09 AM -----

Gavin S. Gilmour/EAC/GOV
05/11/2007 09:01 AM

To Thomas R. Wilkey/EAC/GOV@EAC, Juliet E. Hodgkins/EAC/GOV, Jeannie Layson/EAC/GOV@EAC
cc
Subject Letter

Tom,

For your review and policy determination.

015340

GG

[attachment "Brennan Center May 9th -2.doc" deleted by Caroline C. Hunter/EAC/GOV]

Gavin S. Gilmour
Deputy General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

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015341

Thomas R. Wilkey/EAC/GOV
05/11/2007 02:08 PM

To Rosemary E. Rodriguez/EAC/GOV@EAC
cc
bcc
Subject Re: Just sent u a fax 

History:  This message has been replied to.

Got it...thanks

Gavin advises me that we are required to have a FOIA reading room and so we will do that but may not want to admit that we haven't up to now.

Thanks

Tom

Thomas R. Wilkey
Executive Director
US Election Assistance Commission
1225 New York Ave, NW - Suite 1100
Washington, DC 20005
(202) 566-3109 phone
TWilkey@eac.gov
Rosemary E. Rodriguez/EAC/GOV

Rosemary E.
Rodriguez/EAC/GOV
05/11/2007 01:26 PM

To "Tom Willkey" <TWilkey@eac.gov>
cc
Subject Just sent u a fax

015342

Thomas R. Wilkey/EAC/GOV
05/11/2007 02:32 PM

To: Rosemary E. Rodriguez/EAC/GOV@EAC
cc
bcc
Subject: Re: Just sent u a fax 

History:  This message has been replied to.

It's already been set up on the redesigned website which Jeannie hopes to unveil next week when we get out from under this paper.

The FOIA regulations have been on the Counsel's "to do" list but with everything else going on has not been completed.

We have two law clerks coming on for the summer in a couple weeks and this will be an excellent project for them to do.

Thanks
Tom

You are supposed to be relaxing

Thomas R. Wilkey
Executive Director
US Election Assistance Commission
1225 New York Ave, NW - Suite 1100
Washington, DC 20005
(202) 566-3109 phone
TWilkey@eac.gov
Rosemary E. Rodriguez/EAC/GOV

Rosemary E.
Rodriguez/EAC/GOV
05/11/2007 02:11 PM

To: Thomas R. Wilkey/EAC/GOV@EAC, Donetta L.
Davidson/EAC/GOV
cc
Subject: Re: Just sent u a fax 

We'd better get it up before we get dinged for not having it up!

Thomas R. Wilkey
----- Original Message -----

From: Thomas R. Wilkey
Sent: 05/11/2007 02:08 PM EDT
To: Rosemary Rodriguez
Subject: Re: Just sent u a fax

Got it...thanks
Gavin advises me that we are required to have a FOIA reading room and so we will do that but may not

015343

want to admit that we haven't up to now.
Thanks
Tom

Thomas R. Wilkey
Executive Director
US Election Assistance Commission
1225 New York Ave, NW - Suite 1100
Washington, DC 20005
(202) 566-3109 phone
TWilkey@eac.gov
Rosemary E. Rodriguez/EAC/GOV

Rosemary E.
Rodriguez/EAC/GOV
05/11/2007 01:26 PM

To "Tom Willkey" <TWilkey@eac.gov>
cc
Subject Just sent u a fax

015344



Bert A. Benavides/EAC/GOV
05/14/2007 04:13 PM

To Donetta L. Davidson/EAC/GOV, Rosemary E.
Rodriguez/EAC/GOV@EAC, chunter@eac.gov, Gracia
Hillman/EAC/GOV, Juliet E. Thompson-Hodgkins/EAC/GOV,
cc Elieen L. Collver/EAC/GOV@EAC, sfabre@eac.gov,
Stephanie Wolson/EAC/GOV@EAC, liriaeac@yahoo.com
bcc

Subject Response to lawyers for Brennan Center

Attached is the letter sent from Tom to the attorneys for the Brennan Center for Justice. Letter was faxed this morning and the hard copy is being mailed this afternoon.

Bert A. Benavides
Special Assistant to the Executive Director
U. S. Elections Assistance Commission
1225 New York Avenue, NW
Suite 1100
Washington, DC 20005
202-566-3114



Brennan Ctr - Response to 5-09-07 ltr.doc

015345

Rosemary E.
Rodriguez/EAC/GOV
03/30/2007 03:20 PM

To DDavidson@useac.gov, GHillman@useac.gov,
CHunter@useac.gov
cc TWilkey@useac.gov

bcc

Subject Fraud Report

I would very much like to explore the possibility of reconsidering the decision to release the Fraud Report.
How can I get this on our agenda?

Rosemary E. Rodriguez
Commissioner
United States Election Assistance Commission
1225 New York Avenue, N.W.
Suite 1100
Washington, D.C. 20005
Telephone: 202-566-3104
Facsimile: 202-566-3127
www.eac.gov
rrodriguez@eac.gov

015346

Rosemary E.
Rodriguez/EAC/GOV
03/30/2007 03:23 PM

To jlayson@eac.gov
cc
bcc
Subject Fw: Fraud Report

Rosemary E. Rodriguez
Commissioner
United States Election Assistance Commission
1225 New York Avenue, N.W.
Suite 1100
Washington, D.C. 20005
Telephone: 202-566-3104
Facsimile: 202-566-3127
www.eac.gov
rrodriguez@eac.gov

----- Forwarded by Rosemary E. Rodriguez/EAC/GOV on 03/30/2007 03:21 PM -----

Rosemary E.
Rodriguez/EAC/GOV
03/30/2007 03:20 PM

To DDavidson@useac.gov, GHillman@useac.gov,
CHunter@useac.gov
cc TWilkey@useac.gov
Subject Fraud Report

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rrodriguez@eac.gov

015347

Rosemary E.
Rodriguez/EAC/GOV
03/30/2007 03:23 PM

To ddavidson@eac.gov, Gracia Hillman/EAC/GOV@EAC,
chunter@eac.gov
cc TWilkey@eac.gov
bcc
Subject Fw: Fraud Report

Rosemary E. Rodriguez
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Telephone: 202-566-3104
Facsimile: 202-566-3127
www.eac.gov
rrodriguez@eac.gov

----- Forwarded by Rosemary E. Rodriguez/EAC/GOV on 03/30/2007 03:22 PM -----

Rosemary E.
Rodriguez/EAC/GOV
03/30/2007 03:20 PM

To DDavidson@useac.gov, GHillman@useac.gov,
CHunter@useac.gov
cc TWilkey@useac.gov
Subject Fraud Report

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How can I get this on our agenda?

Rosemary E. Rodriguez
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Telephone: 202-566-3104
Facsimile: 202-566-3127
www.eac.gov
rrodriguez@eac.gov

015348



"Rosemary Rodriguez"

04/14/2007 01:04 PM

To rrodriguez@eac.gov

cc

bcc

Subject Fw: Draft Letter w/edits

History:

This message has been forwarded

----- Forwarded Message -----

From: "ghillman@eac.gov" <ghillman@eac.gov>

To: jlayson@eac.gov

Cc: Ddavidson@eac.gov; chunter@eac.gov; [REDACTED]; twilkey@eac.gov;
jhodgkins@eac.gov

Sent: Friday, April 13, 2007 5:59:10 PM

Subject: Draft Letter w/edits

Gracia M. Hillman
Commissioner
U.S. Election Assistance Commission
1225 New York Avenue, NW, Suite 1100
Washington, DC 20005
Tel: 202-566-3100
Fax: 202-566-1392
www.eac.gov

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Ahhh...imagining that irresistible "new car" smell?



Check out [new cars at Yahoo! Autos](#). AdvBdsletterDRAFT.doc

015349

April 13, 2007

EAC Board of Advisors
EAC Standards Board

RE: EAC Election Crimes Study

Dear Members of the EAC Standards Board and EAC Board of Advisors:

The U.S. Election Assistance Commission has recently come under fire for not releasing a draft report from EAC's Voting Fraud and Voter Intimidation project, which was submitted by two contracted employees, Tova Wang and Job Serebrov. That draft report, which is attached to this letter, is a compilation of summaries from the work that they conducted. We thought it was important to explain the circumstances surrounding this project.

In 2005, the EAC Board of Advisors helped EAC prioritize its research efforts. As a result, EAC developed a research agenda that included studying voting fraud and voter intimidation. In the fall of 2005, EAC hired the two contract employees to conduct an initial review of the information available about voting fraud and voter intimidation. The employees were asked to provide two things: (1) a definition of voting fraud and voter intimidation that could be used in a future and comprehensive study of these topics; and (2) a series of recommendations on how such a future, comprehensive study could be conducted.

In May 2006, a status report regarding this study was presented at the public meetings of the EAC Standards Board and EAC Board of Advisors. Each board provided feedback on the progress of the study and the direction that it should take. Following those meetings, the project's working group convened and likewise provided feedback on the study. In July 2006, EAC received a body of research including summaries of the articles, books, interviews, and media reports that were compiled and reviewed by the contract employees. In addition, they provided a draft report of the summaries of the interviews for EAC's review and consideration.

EAC staff reviewed the material, briefed the commissioners, including at our October public meeting and presented for commissioner consideration a report, *Election Crimes: An Initial Review and Recommendations for Future Study*, which was adopted at our December 2006 public meeting.

After the release of EAC's report there was some debate about whether EAC should release the draft provided by our contracted employees. The Board of Advisors considered, but did not pass, a resolution urging the release of that document. Recently, EAC testified before a Congressional committee that requested the draft report. A copy was provided to the committee, which released the draft report this week.

Recently, there has been much discussion surrounding EAC's review process of the material provided by the contract employees, and how much was included in our election crimes report. After receiving the information from the consultants, EAC conducted due diligence. As you will see in the consultants' draft,

they reached conclusions in their summaries that were based almost entirely on the interviews they conducted with 24 people, not on the entire body of work they collected. EAC found the individual accounts were informative and they helped define what issues we should examine in moving forward.

We understand that the topics of voter fraud and voter intimidation are hotly debated and often divisive. We assure you that the process we took to review all of the materials and adopt a final report was not motivated by partisan politics, but by a responsibility, especially as a federal agency, to issue findings only when they are supported by data that can enable EAC to firmly defend its conclusions.

To avoid even the appearance of partisan influence in future research endeavors, EAC has established a bipartisan commission panel to oversee all research. We are currently reviewing our contracting policy and internal procedures to make certain that EAC and its consultants are clear on the products to be delivered. We will also expedite the process in which we complete these projects.

We have always taken input from our advisory boards, Congress, and the public very seriously, and we will continue to provide you with accurate, complete, and supported research, whether that research is conducted by consultants or by EAC staff.

Thank you for your service, your commitment to the election process and your support of EAC.

Also attached is a copy of EAC's statement on this issue, as well as a statement issued by Congressmen Maurice Hinchey and José Serrano. If you have any questions regarding this study or on any other matter, please don't hesitate to contact us.

Sincerely,

Donetta Davidson, Chair

Gracia Hillman, Commissioner

Caroline Hunter, Commissioner

Rosemary Rodriguez, Commissioner

cc: Project Working Group

Rosemary E.
Rodriguez/EAC/GOV
04/14/2007 01:44 PM

To ddavidson@eac.gov, Gracia Hillman/EAC/GOV@EAC,
Chunter@eac.gov, twikley@eac.gov, jhodgkins@eac.gov
cc
bcc
Subject my revisions to boards letter.



AdvBdsletterDRAFT.doc

Rosemary E. Rodriguez
Commissioner
United States Election Assistance Commission
1225 New York Avenue, N.W.
Suite 1100
Washington, D.C. 20005
Telephone: 202-566-3104
Facsimile: 202-566-3127
www.eac.gov
rrodriguez@eac.gov

015352

**Deliberative Process
Privilege**

Draft comments submitted by Rodriguez, April 14, 2007; 1:45 pm

April 13, 2007

EAC Board of Advisors
EAC Standards Board

RE: EAC Election Crimes Study

Dear Members of the EAC Standards Board and EAC Board of Advisors:

The U.S. Election Assistance Commission has recently come under fire for not releasing a draft report from EAC's Voting Fraud and Voter Intimidation project, which was submitted by two contracted research consultants, Tova Wang and Job Serebrov. That draft report, which is attached to this letter, is a compilation of summaries from the work that they conducted. We thought it was important to explain the circumstances surrounding this project.

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EAC staff reviewed the material, briefed the commissioners, including at our October public meeting and presented for commissioner consideration a report, *Election Crimes: An Initial Review and Recommendations for Future Study*, which was adopted at our December 2006 public meeting.

After the release of EAC's report there was some debate about whether EAC should release the draft provided by our contracted employees. A member of the Board of Advisors, Ms. Barbara Arnwine, went so far as to propose a resolution recommending that the EAC release the original "Voter Fraud and Intimidation Report" to the public, or, alternatively, to the Board of Advisors. The Board of Advisors rejected the resolution, persuaded by argument that the EAC should have complete control of the use of its commissioned research. This is an issue that the EAC, in light of recent events, must necessarily resolve with input from its Congressional Committees of Reference, and the Board of Advisors.

On March __, 2007, EAC testified before a Congressional committee that requested the draft report. A copy was provided to the committee, which released the draft report this week. The release of the draft report by members of Congress has made it widely available. Thus we attach it to this letter. We value your service on the Board of Advisors and believe that you should receive the draft directly from the EAC, and not a secondary source.

Recently, there has been much discussion surrounding EAC's review process of the material provided by the contract employees, and how much was included in our election crimes report. After receiving the information from the consultants, EAC conducted due diligence. As you will see in the consultants' draft, they reached conclusions in their summaries that were based almost entirely on the interviews they conducted with 24 people, not on the entire body of work they collected. EAC found the individual accounts were informative and they helped define what issues we should examine in moving forward.

We understand that the topics of voter fraud and voter intimidation are hotly debated and often divisive, even among members of the EAC. We assure you that we believe the process we took to review all of the materials and adopt a final report was motivated by a responsibility, especially as a federal agency, to issue findings only when they are supported by data that can enable EAC to firmly defend its conclusions.

To avoid even the appearance of partisan influence in future research endeavors, EAC has established a bipartisan commission panel to oversee all research. We are currently reviewing our contracting policy and internal procedures to make certain that EAC and its consultants are clear on the products to be delivered. We will also expedite the process in which we complete these projects.

We will continue to take input from our advisory boards, Congress, and the public very seriously, and we will continue to provide you with accurate, complete, and supported research, whether that research is conducted by consultants or by EAC staff.

Thank you for your service, your commitment to the election process and your support of EAC.

Also attached is a copy of EAC's statement on this issue, as well as a statement issued by Congressmen

Maurice Hinchey and José Serrano. If you have any questions regarding this study or on any other matter, please don't hesitate to contact us.

Sincerely,

Donetta Davidson, Chair

Gracia Hillman, Commissioner

Caroline Hunter, Commissioner

Rosemary Rodriguez, Commissioner

cc: Project Working Group



"Rosemary Rodriguez"
[REDACTED]
04/14/2007 01:04 PM

To rrodriguez@eac.gov
cc
bcc
Subject Fw: Draft Letter w/edits

History: This message has been forwarded

----- Forwarded Message -----

From: "ghillman@eac.gov" <ghillman@eac.gov>
To: jlayson@eac.gov
Cc: Ddavidson@eac.gov; chunter@eac.gov; [REDACTED]twilkey@eac.gov;
jhodgkins@eac.gov
Sent: Friday, April 13, 2007 5:59:10 PM
Subject: Draft Letter w/edits

Gracia M. Hillman
Commissioner
U.S. Election Assistance Commission
1225 New York Avenue, NW, Suite 1100
Washington, DC 20005
Tel: 202-566-3100
Fax: 202-566-1392
www.eac.gov

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Ahhh...imagining that irresistible "new car" smell?



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015357

**Deliberative Process
Privilege**

Draft comments submitted by Rodriguez, April 14, 2007; 1:45 pm

April 13, 2007

EAC Board of Advisors
EAC Standards Board

RE: EAC Election Crimes Study

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Sincerely,

Donetta Davidson, Chair

Gracia Hillman, Commissioner

Caroline Hunter, Commissioner

Rosemary Rodriguez, Commissioner

cc: Project Working Group

Rosemary E.
Rodriguez/EAC/GOV
04/14/2007 01:45 PM

To twilkey@eac.gov
cc
bcc
Subject Fw: Draft Letter w/edits

Rosemary E. Rodriguez
Commissioner
United States Election Assistance Commission
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Suite 1100
Washington, D.C. 20005
Telephone: 202-566-3104
Facsimile: 202-566-3127
www.eac.gov
rrodriguez@eac.gov

----- Forwarded by Rosemary E. Rodriguez/EAC/GOV on 04/14/2007 01:44 PM -----



"Rosemary Rodriguez"

[REDACTED]

04/14/2007 01:04 PM

To rrodriguez@eac.gov
cc
Subject Fw: Draft Letter w/edits

----- Forwarded Message -----

From: "ghillman@eac.gov" <ghillman@eac.gov>
To: jlayson@eac.gov
Cc: Ddavidson@eac.gov; chunter@eac.gov; [REDACTED]@eac.gov; twilkey@eac.gov;
jhodgkins@eac.gov
Sent: Friday, April 13, 2007 5:59:10 PM
Subject: Draft Letter w/edits

Gracia M. Hillman
Commissioner
U.S. Election Assistance Commission
1225 New York Avenue, NW, Suite 1100
Washington, DC 20005
Tel: 202-566-3100
Fax: 202-566-1392

015362

www.eac.gov

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Ahhh...imagining that irresistible "new car" smell?



Check out [new cars at Yahoo! Autos](#). AdvBdsletterDRAFT.doc

015363

April 13, 2007

EAC Board of Advisors
EAC Standards Board

RE: EAC Election Crimes Study

Dear Members of the EAC Standards Board and EAC Board of Advisors:

The U.S. Election Assistance Commission has recently come under fire for not releasing a draft report from EAC's Voting Fraud and Voter Intimidation project, which was submitted by two contracted employees, Tova Wang and Job Serebrov. That draft report, which is attached to this letter, is a compilation of summaries from the work that they conducted. We thought it was important to explain the circumstances surrounding this project.

In 2005, the EAC Board of Advisors helped EAC prioritize its research efforts. As a result, EAC developed a research agenda that included studying voting fraud and voter intimidation. In the fall of 2005, EAC hired the two contract employees to conduct an initial review of the information available about voting fraud and voter intimidation. The employees were asked to provide two things: (1) a definition of voting fraud and voter intimidation that could be used in a future and comprehensive study of these topics; and (2) a series of recommendations on how such a future, comprehensive study could be conducted.

In May 2006, a status report regarding this study was presented at the public meetings of the EAC Standards Board and EAC Board of Advisors. Each board provided feedback on the progress of the study and the direction that it should take. Following those meetings, the project's working group convened and likewise provided feedback on the study. In July 2006, EAC received a body of research including summaries of the articles, books, interviews, and media reports that were compiled and reviewed by the contract employees. In addition, they provided a draft report of the summaries of the interviews for EAC's review and consideration.

EAC staff reviewed the material, briefed the commissioners, including at our October public meeting and presented for commissioner consideration a report, *Election Crimes: An Initial Review and Recommendations for Future Study*, which was adopted at our December 2006 public meeting.

After the release of EAC's report there was some debate about whether EAC should release the draft provided by our contracted employees. The Board of Advisors considered, but did not pass, a resolution urging the release of that document. Recently, EAC testified before a Congressional committee that requested the draft report. A copy was provided to the committee, which released the draft report this week.

Recently, there has been much discussion surrounding EAC's review process of the material provided by the contract employees, and how much was included in our election crimes report. After receiving the information from the consultants, EAC conducted due diligence. As you will see in the consultants' draft,

they reached conclusions in their summaries that were based almost entirely on the interviews they conducted with 24 people, not on the entire body of work they collected. EAC found the individual accounts were informative and they helped define what issues we should examine in moving forward.

We understand that the topics of voter fraud and voter intimidation are hotly debated and often divisive. We assure you that the process we took to review all of the materials and adopt a final report was not motivated by partisan politics, but by a responsibility, especially as a federal agency, to issue findings only when they are supported by data that can enable EAC to firmly defend its conclusions.

To avoid even the appearance of partisan influence in future research endeavors, EAC has established a bipartisan commission panel to oversee all research. We are currently reviewing our contracting policy and internal procedures to make certain that EAC and its consultants are clear on the products to be delivered. We will also expedite the process in which we complete these projects.

We have always taken input from our advisory boards, Congress, and the public very seriously, and we will continue to provide you with accurate, complete, and supported research, whether that research is conducted by consultants or by EAC staff.

Thank you for your service, your commitment to the election process and your support of EAC.

Also attached is a copy of EAC's statement on this issue, as well as a statement issued by Congressmen Maurice Hinchey and José Serrano. If you have any questions regarding this study or on any other matter, please don't hesitate to contact us.

Sincerely,

Donetta Davidson, Chair

Gracia Hillman, Commissioner

Caroline Hunter, Commissioner

Rosemary Rodriguez, Commissioner

cc: Project Working Group

**Deliberative Process
Privilege**

April 13, 2007

EAC Board of Advisors
EAC Standards Board

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Sincerely,

Donetta Davidson, Chair

Gracia Hillman, Commissioner

Caroline Hunter, Commissioner

Rosemary Rodriguez, Commissioner

cc: Project Working Group

Rosemary E.
Rodriguez/EAC/GOV
04/20/2007 02:59 PM

To Gavin S. Gilmour/EAC/GOV@EAC, Donetta L.
Davidson/EAC/GOV@EAC, Gracia
Hillman/EAC/GOV@EAC, Caroline C.
cc Juliet E. Hodgkins/EAC/GOV@EAC

bcc

Subject Re: Draft response to Tova Wang's lawyer 

Isn't Peggy away on sick leave? Why do we direct her to Peggy?

Gavin S. Gilmour

----- Original Message -----

From: Gavin S. Gilmour
Sent: 04/20/2007 03:04 PM EDT
To: Donetta Davidson; Rosemary Rodriguez; Gracia Hillman; Caroline Hunter;
Thomas Wilkey
Cc: Juliet Hodgkins
Subject: Draft response to Tova Wang's lawyer

Pursuant to Commissioner Davidson's request, attached is the draft response to Tova Wang's lawyer.

[attachment "Wang Ltr 17apr07.doc" deleted by Rosemary E. Rodriguez/EAC/GOV]

Gavin S. Gilmour
Deputy General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

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015368

Rosemary E.
Rodriguez/EAC/GOV
04/20/2007 03:29 PM

To Juliet E. Hodgkins/EAC/GOV@EAC
cc Caroline C. Hunter/EAC/GOV@EAC, Donetta L.
Davidson/EAC/GOV@EAC, Gavin S.
Gilmour/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC,
bcc
Subject Re: Draft response to Tova Wang's lawyer

I haven't seen her for weeks. But I am in another corner of the office. Perhaps I am ill-informed.

Juliet E. Hodgkins

----- Original Message -----

From: Juliet E. Hodgkins
Sent: 04/20/2007 03:30 PM EDT
To: Rosemary Rodriguez
Cc: Caroline Hunter; Donetta Davidson; Gavin Gilmour; Gracia Hillman;
Thomas Wilkey
Subject: Re: Draft response to Tova Wang's lawyer

Commissioner Rodriguez,

Gavin's Blackberry is not working properly so he asked that I forward to you all the following response:

Julie,

My Blackberry keeps freezing up, again. Perhaps you could forward my comments.

Peggy was proposed as the point of contact for Ms. Wang because she was the original project manager and Tova's prior supervisor/COTR. Peggy would obviously staff requests. As for Peggy's status, I was under the impression that she was still an active employee, but obviously defer that issue to Tom.

GG

Juliet T. Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100
Rosemary E. Rodriguez/EAC/GOV

Rosemary E.
Rodriguez/EAC/GOV
04/20/2007 02:59 PM

To Gavin S. Gilmour/EAC/GOV@EAC, Donetta L.
Davidson/EAC/GOV@EAC, Gracia
Hillman/EAC/GOV@EAC, Caroline C.
Hunter/EAC/GOV@EAC, Thomas R.
Wilkey/EAC/GOV@EAC
cc Juliet E. Hodgkins/EAC/GOV@EAC
Subject Re: Draft response to Tova Wang's lawyer

Isn't Peggy away on sick leave? Why do we direct her to Peggy?

015369

Gavin S. Gilmour

----- Original Message -----

From: Gavin S. Gilmour
Sent: 04/20/2007 03:04 PM EDT
To: Donetta Davidson; Rosemary Rodriguez; Gracia Hillman; Caroline Hunter;
Thomas Wilkey
Cc: Juliet Hodgkins
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[attachment "Wang Ltr 17apr07.doc" deleted by Rosemary E. Rodriguez/EAC/GOV]

Gavin S. Gilmour
Deputy General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

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015370

Rosemary E.
Rodriguez/EAC/GOV
04/20/2007 05:46 PM

To [REDACTED]
cc
bcc
Subject Fw: Draft response to Tova Wang's lawyer

Gavin S. Gilmour
----- Original Message -----

From: Gavin S. Gilmour
Sent: 04/20/2007 03:04 PM EDT
To: Donetta Davidson; Rosemary Rodriguez; Gracia Hillman; Caroline Hunter;
Thomas Wilkey
Cc: Juliet Hodgkins
Subject: Draft response to Tova Wang's lawyer

Pursuant to Commissioner Davidson's request, attached is the draft response to Tova Wang's lawyer.



Wang Ltr 17apr07.doc

Gavin S. Gilmour
Deputy General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

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**Deliberative Process
Privilege**

April 17, 2007

James P. Joseph
Arnold & Porter L.L.P.
655 Twelfth Street, NW
Washington, DC 20004-1206

Mr. Joseph:

This letter is in response to your April 16, 2007 inquiry in which you request that your client, Ms. Tova Wang, be authorized by the U.S. Election Assistance Commission (EAC) to discuss certain matters pertaining to her prior employment with the agency.

As I am sure you are aware, Ms. Wang was employed by the EAC under its authority to hire experts and consultants pursuant to 42 U.S.C. §3109 (as implemented by 5 C.F.R. §304). As such, her agreement with the EAC created a limited employee/employer relationship. This is clearly stated in her contract. As an employee Ms. Wang has a duty to the Commission. Without direction from the EAC, Ms. Wang has no authority to speak for the EAC, release non-public information or discuss privileged matters with third parties. As you note in your letter, this concept is also clearly stated in her employment contract. The duties and responsibilities that come with Federal service are essential to the proper functioning of our government.

Ultimately, however, Ms. Wang's responsibilities should not have a significant impact on her ability to discuss her personal opinions on voter fraud. Per her employment contract, the project she worked on was focused on collecting existing information, defining terms and proposing future research methodology so that EAC could conduct a future research project on voter fraud and intimidation. As a result, the information gathered by Ms. Wang and other EAC employees is nothing more than a collection of articles, books and opinions that are publicly available. In fact, the EAC has published much of this information as an attachment to the final report which is available on our Web site. Ms. Wang is free to provide her personal opinion on voter fraud to anyone she wishes. Her only limitation is in speaking for the EAC or releasing privileged documents or information.

If Ms. Wang has questions concerning specific requests for information, or is requested to speak

015372

on behalf of the EAC, she may contact her prior supervisor, Ms. Peggy Sims at (202)566-3127 for assistance.

Sincerely,

Gavin S. Gilmour
Deputy General Counsel

015373

Rosemary E.
Rodriguez/EAC/GOV
04/20/2007 05:49 PM

To Gavin S. Gilmour/EAC/GOV@EAC, Donetta L.
Davidson/EAC/GOV@EAC, Gracia
Hillman/EAC/GOV@EAC, Caroline C.
cc Juliet E. Hodgkins/EAC/GOV@EAC

bcc

Subject Re: Draft response to Tova Wang's lawyer 

You know where I stand on this issue but, again, I think we should grant her request. We appear to be stonewalling and I do not think that is good for the agency nor is it good policy. I understand that we have rights to enforce the contract but we can also waive those rights and I think we ought to in this instance.

Gavin S. Gilmour

----- Original Message -----

From: Gavin S. Gilmour
Sent: 04/20/2007 03:04 PM EDT
To: Donetta Davidson; Rosemary Rodriguez; Gracia Hillman; Caroline Hunter; Thomas Wilkey
Cc: Juliet Hodgkins
Subject: Draft response to Tova Wang's lawyer

Pursuant to Commissioner Davidson's request, attached is the draft response to Tova Wang's lawyer.

[attachment "Wang Ltr 17apr07.doc" deleted by Rosemary E. Rodriguez/EAC/GOV]

Gavin S. Gilmour
Deputy General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

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015374

Rosemary E.
Rodriguez/EAC/GOV
04/20/2007 05:49 PM

To [REDACTED]
cc
bcc
Subject Fw: Draft response to Tova Wang's lawyer

Rosemary E. Rodriguez

----- Original Message -----

From: Rosemary E. Rodriguez
Sent: 04/20/2007 05:49 PM EDT
To: Gavin Gilmour; Donetta Davidson; Gracia Hillman; Caroline Hunter;
Thomas Wilkey
Cc: Juliet Hodgkins
Subject: Re: Draft response to Tova Wang's lawyer

You know where I stand on this issue but, again, I think we should grant her request. We appear to be stonewalling and I do not think that is good for the agency nor is it good policy. I understand that we have rights to enforce the contract but we can also waive those rights and I think we ought to in this instance.

Gavin S. Gilmour

----- Original Message -----

From: Gavin S. Gilmour
Sent: 04/20/2007 03:04 PM EDT
To: Donetta Davidson; Rosemary Rodriguez; Gracia Hillman; Caroline Hunter;
Thomas Wilkey
Cc: Juliet Hodgkins
Subject: Draft response to Tova Wang's lawyer

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[attachment "Wang Ltr 17apr07.doc" deleted by Rosemary E. Rodriguez/EAC/GOV]

Gavin S. Gilmour
Deputy General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

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015375

Rosemary E.
Rodriguez/EAC/GOV
04/20/2007 05:49 PM

To "Staci Fabre" <fms.eacfabre@yahoo.com>
cc
bcc
Subject Fw: Draft response to Tova Wang's lawyer

Gavin S. Gilmour

----- Original Message -----

From: Gavin S. Gilmour
Sent: 04/20/2007 03:04 PM EDT
To: Donetta Davidson; Rosemary Rodriguez; Gracia Hillman; Caroline Hunter;
Thomas Wilkey
Cc: Juliet Hodgkins
Subject: Draft response to Tova Wang's lawyer

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Wang Ltr 17apr07.doc

Gavin S. Gilmour
Deputy General Counsel
United States Election Assistance Commission
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Washington, DC 20005
(202) 566-3100

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015376

Rosemary E.
Rodriguez/EAC/GOV
04/20/2007 06:51 PM

To Donetta L. Davidson/EAC/GOV@EAC, Gracia
Hillman/EAC/GOV@EAC, Caroline C.
Hunter/EAC/GOV@EAC, Thomas R.
cc
bcc
Subject Re: Draft response to Tova Wang's lawyer 

Tom, is Peggy on sick leave?

Not sure if I sent this--I believe we should grant Tova's request. We are stonewalling and I do not think that is good for the agency nor is it good policy. I understand that we have rights to enforce the contract but we can also waive those rights and I think we ought to in this instance.

Gavin S. Gilmour

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Cc: Juliet Hodgkins
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Jeannie Layson/EAC/GOV
04/16/2007 11:13 AM

To Donetta L. Davidson/EAC/GOV, ghillman@eac.gov, Caroline
C. Hunter/EAC/GOV@EAC, Rosemary E.
Rodriguez/EAC/GOV@EAC
cc Thomas R. Wilkey/EAC/GOV@EAC, Juliet E.
Hodgkins/EAC/GOV@EAC
bcc

Subject IG Press Release

Commissioners,

Per the chair's request, I have drafted the following press release to communicate the commission's decision to ask the IG to review our contract procedures. Please let me know if this is okay with all of you. I would like this to go out ASAP, so if you could get back to me with any comments before noon, I would appreciate it. Sorry for the short turnaround, but I think circumstances demand that this get out immediately. Thank you.

After you give me the okay on the press release, I will send everything to staff before releasing it.



EAC IGRequest 04-16-07.doc

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

015378



*U.S. ELECTION
ASSISTANCE COMMISSION
1225 New
York Ave. NW
- Suite 1100
Washington,
DC 20005*

EAC Requests Review of Voter ID, Vote Fraud and Voter Intimidation Research Projects

For Immediate Release
April 16, 2007

Contact: Jeannie Layson
Bryan Whitener
(202) 566-3100

WASHINGTON – U.S. Election Assistance Commission (EAC) Chair Donetta Davidson today issued a formal request to the commission’s inspector general to conduct a review of the commission’s contracting procedures, including a review of two recent projects focusing on voter identification and vote fraud and voter intimidation. The chair’s memo to the inspector general is attached.

“The actions taken by the commission regarding these research projects have been challenged, and the commissioners and I agree that it is appropriate and necessary to ask the inspector general to review this matter,” said EAC Chair Davidson.

Chair Davidson has requested that the inspector general specifically review the circumstances surrounding the issuance and management of the voter identification research project and the vote fraud and voter intimidation research project.

Last month, the commission voted unanimously to launch a comprehensive study focused on voter identification

laws after concluding that initial research it received in a report was not sufficient to draw any conclusions. The commission declined to adopt the report, but released all of the data to the public. The report and the research, conducted by Rutgers, the State University of New Jersey, through its Eagleton Institute of Politics, are available at www.eac.gov.

At a public meeting in December 2006, the commission adopted *Election Crimes: An Initial Review and Recommendations for Further Study*, available at www.eac.gov. This report was the culmination of research conducted by Tova Wang and Job Serebrov, who were tasked with defining the terms vote fraud and voter intimidation and providing recommendations how to conduct extensive research in the future on these topics. The contract stated that the consultants were responsible for “creating a report summarizing the findings of this preliminary research effort and working group deliberations. This report should include any recommendations for future EAC research resulting from this effort.”

EAC is an independent bipartisan commission created by HAVA. It is charged with administering payments to states and developing guidance to meet HAVA requirements, implementing election administration improvements, adopting voluntary voting system guidelines, accrediting voting system test laboratories and certifying voting equipment and serving as a national clearinghouse and resource of information regarding election administration. The four EAC commissioners are Donetta Davidson, chair; Rosemary Rodriguez, Caroline Hunter and Gracia Hillman.

###

015380



Gracia Hillman/EAC/GOV
04/16/2007 11:28 AM

To Jeannie Layson/EAC/GOV@EAC
cc Caroline C. Hunter/EAC/GOV@EAC, Donetta L.
Davidson/EAC/GOV@EAC, Juliet E.
Hodgkins/EAC/GOV@EAC, Rosemary E.
bcc

Subject Re: IG Press Release

History: This message has been replied to

Jeannie:

The press release looks okay to me. I appreciate that you are being very careful with the words we use.

If there are changes to any of the words, I want to see them before giving final approval.

Gracia M. Hillman
Commissioner
U.S. Election Assistance Commission
1225 New York Avenue, NW, Suite 1100
Washington, DC 20005
Tel: 202-566-3100
Fax: 202-566-1392
www.eac.gov

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Caroline C. Hunter/EAC/GOV
04/16/2007 11:28 AM

To Jeannie Layson/EAC/GOV@EAC
cc Donetta L. Davidson/EAC/GOV@EAC, ghillman@eac.gov,
Juliet E. Hodgkins/EAC/GOV@EAC, Rosemary E.
Rodriguez/EAC/GOV@EAC, Thomas R.
bcc
Subject Re: IG Press Release 

Could we pls add a sentence about why we did not adopt the fraud report - ie- had conclusions that were not supported by the underlying research.

Caroline C. Hunter
Commissioner
Election Assistance Commission
1225 New York Avenue, NW
Suite 1100
Washington, DC 20005
(202) 566-3107
chunter@eac.gov
www.eac.gov

Jeannie Layson/EAC/GOV

Jeannie Layson/EAC/GOV
04/16/2007 11:13 AM

To Donetta L. Davidson/EAC/GOV, ghillman@eac.gov, Caroline
C. Hunter/EAC/GOV@EAC, Rosemary E.
Rodriguez/EAC/GOV@EAC
cc Thomas R. Wilkey/EAC/GOV@EAC, Juliet E.
Hodgkins/EAC/GOV@EAC
Subject IG Press Release

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EAC IGRequest 04-16-07.doc

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

015382



*U.S. ELECTION
ASSISTANCE C
OMMISSION
1225 New
York Ave. NW
– Suite 1100
Washington,
DC 20005*

EAC Requests Review of Voter ID, Vote Fraud and Voter Intimidation Research Projects

For Immediate Release
April 16, 2007

Contact: Jeannie Layson
Bryan Whitener
(202) 566-3100

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Last month, the commission voted unanimously to launch a comprehensive study focused on voter identification,

015383

laws after concluding that initial research it received in a report was not sufficient to draw any conclusions. The commission declined to adopt the report, but released all of the data to the public. The report and the research, conducted by Rutgers, the State University of New Jersey, through its Eagleton Institute of Politics, are available at www.eac.gov.

At a public meeting in December 2006, the commission adopted *Election Crimes: An Initial Review and Recommendations for Further Study*, available at www.eac.gov. This report was the culmination of research conducted by Tova Wang and Job Serebrov, who were tasked with defining the terms vote fraud and voter intimidation and providing recommendations how to conduct extensive research in the future on these topics. The contract stated that the consultants were responsible for “creating a report summarizing the findings of this preliminary research effort and working group deliberations. This report should include any recommendations for future EAC research resulting from this effort.”

EAC is an independent bipartisan commission created by HAVA. It is charged with administering payments to states and developing guidance to meet HAVA requirements, implementing election administration improvements, adopting voluntary voting system guidelines, accrediting voting system test laboratories and certifying voting equipment and serving as a national clearinghouse and resource of information regarding election administration. The four EAC commissioners are Donetta Davidson, chair; Rosemary Rodriguez, Caroline Hunter and Gracia Hillman.

###

Jeannie Layson/EAC/GOV
04/16/2007 11:33 AM

To Caroline C. Hunter/EAC/GOV@EAC
cc Donetta L. Davidson/EAC/GOV@EAC, ghillman@eac.gov,
Juliet E. Hodgkins/EAC/GOV@EAC, Rosemary E.
Rodriguez/EAC/GOV@EAC, Thomas R.
bcc
Subject Re: IG Press Release 

It's in there... first sentence in the fourth paragraph: "Last month, the commission voted unanimously to launch a comprehensive study focused on voter identification laws **after concluding that initial research it received in a report was not sufficient to draw any conclusions.**"

Please let me know if that is sufficient.

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov
Caroline C. Hunter/EAC/GOV

Caroline C. Hunter/EAC/GOV
04/16/2007 11:28 AM

To Jeannie Layson/EAC/GOV@EAC
cc Donetta L. Davidson/EAC/GOV@EAC, ghillman@eac.gov,
Juliet E. Hodgkins/EAC/GOV@EAC, Rosemary E.
Rodriguez/EAC/GOV@EAC, Thomas R.
Wilkey/EAC/GOV@EAC
Subject Re: IG Press Release 

Could we pls add a sentence about why we did not adopt the fraud report - ie- had conclusions that were not supported by the underlying research.

Caroline C. Hunter
Commissioner
Election Assistance Commission
1225 New York Avenue, NW
Suite 1100
Washington, DC 20005
(202) 566-3107
chunter@eac.gov
www.eac.gov

Jeannie Layson/EAC/GOV

Jeannie Layson/EAC/GOV
04/16/2007 11:13 AM

To Donetta L. Davidson/EAC/GOV, ghillman@eac.gov, Caroline
C. Hunter/EAC/GOV@EAC, Rosemary E.
Rodriguez/EAC/GOV@EAC
cc Thomas R. Wilkey/EAC/GOV@EAC, Juliet E.
Hodgkins/EAC/GOV@EAC

015385

Subject IG Press Release

Commissioners,

Per the chair's request, I have drafted the following press release to communicate the commission's decision to ask the IG to review our contract procedures. Please let me know if this is okay with all of you. I would like this to go out ASAP, so if you could get back to me with any comments before noon, I would appreciate it. Sorry for the short turnaround, but I think circumstances demand that this get out immediately. Thank you.

After you give me the okay on the press release, I will send everything to staff before releasing it.



EAC IGRequest 04-16-07.doc

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

015386



*U.S. ELECTION
ASSISTANCE COMMISSION
1225 New
York Ave. NW
– Suite 1100
Washington,
DC 20005*

EAC Requests Review of Voter ID, Vote Fraud and Voter Intimidation Research Projects

For Immediate Release
April 16, 2007

Contact: Jeannie Layson
Bryan Whitener
(202) 566-3100

WASHINGTON – U.S. Election Assistance Commission (EAC) Chair Donetta Davidson today issued a formal request to the commission’s inspector general to conduct a review of the commission’s contracting procedures, including a review of two recent projects focusing on voter identification and vote fraud and voter intimidation. The chair’s memo to the inspector general is attached.

“The actions taken by the commission regarding these research projects have been challenged, and the commissioners and I agree that it is appropriate and necessary to ask the inspector general to review this matter,” said EAC Chair Davidson.

Chair Davidson has requested that the inspector general specifically review the circumstances surrounding the issuance and management of the voter identification research project and the vote fraud and voter intimidation research project.

Last month, the commission voted unanimously to launch a comprehensive study focused on voter identification

laws after concluding that initial research it received in a report was not sufficient to draw any conclusions. The commission declined to adopt the report, but released all of the data to the public. The report and the research, conducted by Rutgers, the State University of New Jersey, through its Eagleton Institute of Politics, are available at www.eac.gov.

At a public meeting in December 2006, the commission adopted *Election Crimes: An Initial Review and Recommendations for Further Study*, available at www.eac.gov. This report was the culmination of research conducted by Tova Wang and Job Serebrov, who were tasked with defining the terms vote fraud and voter intimidation and providing recommendations how to conduct extensive research in the future on these topics. The contract stated that the consultants were responsible for “creating a report summarizing the findings of this preliminary research effort and working group deliberations. This report should include any recommendations for future EAC research resulting from this effort.”

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###



Curtis Crider/EAC/GOV
04/20/2007 11:46 AM

To Donetta L. Davidson/EAC/GOV@EAC, jhodgkins@eac.gov,
Margaret Sims/EAC/GOV@EAC, Diana
Scott/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC,

cc

bcc

Subject evaluation of contracting

History: This message has been forwarded

To complete our evaluation of the contracting process and related issues for the voter fraud research and voter intimidation and voter identification research projects, we will need copies of all e-mails and a number of documents related to the projects including copies of all of the various drafts (versions) of the reports. I am requesting that all EAC personnel be notified that they are to preserve all of the documents including e-mails related to the projects. We are in the process of setting up an e-mail account to receive the documents, It is imperative that all documents related to the projects be preserved. As soon as the account is set up we will notify you of the address.

In addition, we are requesting access to the backup e-mail files maintained by GSA and EAC. As a result, we are requesting that no backup tapes or files be destroyed.

Curtis Crider
Office of Inspector General, Election Assistance Commission
Phone - (202) 566-3125
Fax - (202) 566-0957

Important: This electronic transmission is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected from disclosure under applicable law.

015389

Curtis Crider/EAC/GOV
04/23/2007 02:27 PM

To EAC Personnel
cc
bcc
Subject documentation for evaluation

History: This message has been forwarded.

All:

The Office of Inspector General has initiated an evaluation of the contracting process used by the EAC for the voter fraud and voter intimidation projects. In order for us to complete our evaluation, we need copies of all e-mails or other documents that you have regarding either project. Electronic documents can be sent to an e-mail account that we have set up- eacon@eac.gov. If you have any hard copy documents, please let me know.

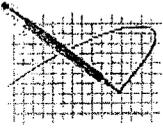
If you do not have any documents or e-mails, please send me an e-mail to that effect.

Thank you,

Curtis Crider
Office of Inspector General, Election Assistance Commission
Phone - (202) 566-3125
Fax - (202) 566-0957

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015390



Curtis Crider/EAC/GOV

04/23/2007 02:33 PM

To EAC Personnel

cc

bcc

Subject documentation for evaluation

A question has been raised on the e-mails.

Q. Are these emails among staff, to recipients outside the office, or both?

A. We would like ALL e-mails including those among staff and recipients outside of the office.

Curtis Crider
Office of Inspector General, Election Assistance Commission
Phone - (202) 566-3125
Fax - (202) 566-0957

Important: This electronic transmission is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected from disclosure under applicable law.

All:

The Office of Inspector General has initiated an evaluation of the contracting process used by the EAC for the voter fraud and voter intimidation projects. In order for us to complete our evaluation, we need copies of all e-mails or other documents that you have regarding either project. Electronic documents can be sent to an e-mail account that we have set up- eaconn@eac.gov. If you have any hard copy documents, please let me know.

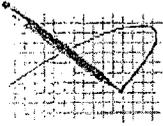
If you do not have any documents or e-mails, please send me an e-mail to that effect.

Thank you,

Curtis Crider
Office of Inspector General, Election Assistance Commission
Phone - (202) 566-3125
Fax - (202) 566-0957

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015391



Curtis Crider/EAC/GOV

04/23/2007 03:24 PM

To EAC Personnel

cc

bcc

Subject documentation for evaluation

All:

The Office of Inspector General has initiated an evaluation of the contracting process used by the EAC for the voter identification project. In order for us to complete our evaluation, we need copies of all e-mails or other documents that you have regarding the project. Electronic documents can be sent to an e-mail account that we have set up- eacon@eac.gov.

If you have any hard copy documents, please let me know.

If you do not have any documents or e-mails, please send me an e-mail to that effect.

Thank you,

Curtis Crider
Office of Inspector General, Election Assistance Commission
Phone - (202) 566-3125
Fax - (202) 566-0957

Important: This electronic transmission is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected from disclosure under applicable law.

015392

Attorney-Client
Privilege

Juliet E. Hodgkins/EAC/GOV
04/20/2007 12:14 PM

To "Davidson, Donetta" <ddavidson@eac.gov>, Gracia Hillman/EAC/GOV@EAC, Caroline C. Hunter/EAC/GOV@EAC, Rosemary E.
cc Gavin S. Gilmour/EAC/GOV@EAC

bcc

Subject Fw: Fraud Report

Commissioners & Tom,

After having received this request, reviewed it and discussed it with the Inspector General and Gavin, I believe that it is ill-advised to continue such a request in light of the pending investigation of this matter by the Inspector General. While I am certain that this was not the intent of this request, the inevitable appearance of this request would suggest that the Commission is seeking to influence an ongoing investigation of the IG. This appearance of inappropriate influence would arise because two employees, who will undoubtedly be contacted by and interviewed as a part of the ongoing IG investigation, are being asked to provide a statement to their supervisors prior to interviews of those persons by the IG. Furthermore, this situation could appear as an attempt by employees and/or the agency to collude on a statement prior to making a formal statement in the investigation of the IG.

This IG's investigation was requested to address issues of public perception. Thus, it is critical that this investigation proceed in a manner that leaves no room for question. As such, I believe that it is inappropriate to proceed with this request.

Juliet T. Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 04/20/2007 11:54 AM -----

Thomas R. Wilkey/EAC/GOV
04/19/2007 05:03 PM

To Juliet E. Hodgkins/EAC/GOV@EAC, Margaret Sims/EAC/GOV@EAC
cc "Jeannie Layson" <jlayson@eac.gov>

Subject Fraud Report

After much discussion today among the Commissioners would like you both to prepare an in depth overview of the work you did on this report. This would include all of the details of your work on the both the draft report and the final report adopted by the Commissioners, Jeannie has offered to help you in any way. I will discuss this further with each of you between now and tomorrow. I have been at the damn conference all day and have not been able to go to a single session or spend time with people.

Thanks
Tom

Sent from my BlackBerry Wireless Handheld

015398

Rosemary E.
Rodriguez/EAC/GOV
03/30/2007 03:20 PM

To DDavidson@useac.gov, GHillman@useac.gov,
CHunter@useac.gov
cc TWilkey@useac.gov
bcc
Subject Fraud Report

I would very much like to explore the possibility of reconsidering the decision to release the Fraud Report.
How can I get this on our agenda?

Rosemary E. Rodriguez
Commissioner
United States Election Assistance Commission
1225 New York Avenue, N.W.
Suite 1100
Washington, D.C. 20005
Telephone: 202-566-3104
Facsimile: 202-566-3127
www.eac.gov
rrodriguez@eac.gov

015384

Gavin S. Gilmour/EAC/GOV
04/20/2007 03:04 PM

To Donetta L. Davidson/EAC/GOV@EAC, Rosemary E.
Rodriguez/EAC/GOV, Gracia Hillman/EAC/GOV@EAC,
Caroline C. Hunter/EAC/GOV, Thomas R.
cc Juliet E. Hodgkins/EAC/GOV

bcc

Subject Draft response to Tova Wang's lawyer

History:  This message has been replied to and forwarded.

Pursuant to Commissioner Davidson's request, attached is the draft response to Tova Wang's lawyer.



Wang Ltr 17apr07.doc

Gavin S. Gilmour
Deputy General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

THIS MESSAGE IS FOR ITS INTENDED RECIPIENT ONLY. IT IS A PRIVILEGED DOCUMENT AND
SHALL NOT BE RELEASED TO A THIRD PARTY WITHOUT THE CONSENT OF THE SENDER.

015395

**Deliberative Process
Privilege**

Attorney-Client
Privilege

April 17, 2007

James P. Joseph
Arnold & Porter L.L.P.
655 Twelfth Street, NW
Washington, DC 20004-1206

Mr. Joseph:

This letter is in response to your April 16, 2007 inquiry in which you request that your client, Ms. Tova Wang, be authorized by the U.S. Election Assistance Commission (EAC) to discuss certain matters pertaining to her prior employment with the agency.

As I am sure you are aware, Ms. Wang was employed by the EAC under its authority to hire experts and consultants pursuant to 42 U.S.C. §3109 (as implemented by 5 C.F.R. §304). As such, her agreement with the EAC created a limited employee/employer relationship. This is clearly stated in her contract. As an employee Ms. Wang has a duty to the Commission. Without direction from the EAC, Ms. Wang has no authority to speak for the EAC, release non-public information or discuss privileged matters with third parties. As you note in your letter, this concept is also clearly stated in her employment contract. The duties and responsibilities that come with Federal service are essential to the proper functioning of our government.

Ultimately, however, Ms. Wang's responsibilities should not have a significant impact on her ability to discuss her personal opinions on voter fraud. Per her employment contract, the project she worked on was focused on collecting existing information, defining terms and proposing future research methodology so that EAC could conduct a future research project on voter fraud and intimidation. As a result, the information gathered by Ms. Wang and other EAC employees is nothing more than a collection of articles, books and opinions that are publicly available. In fact, the EAC has published much of this information as an attachment to the final report which is available on our Web site. Ms. Wang is free to provide her personal opinion on voter fraud to anyone she wishes. Her only limitation is in speaking for the EAC or releasing privileged documents or information.

If Ms. Wang has questions concerning specific requests for information, or is requested to speak

015396

on behalf of the EAC, she may contact her prior supervisor, Ms. Peggy Sims at [REDACTED] assistance.

Sincerely,

Gavin S. Gilmour
Deputy General Counsel

015397

Attorney-Client
Privilege

Thomas R. Wilkey/EAC/GOV
05/11/2007 02:08 PM

To Rosemary E. Rodriguez/EAC/GOV@EAC
cc
bcc
Subject Re: Just sent u a fax 

History:  This message has been replied to.

Got it....thanks

Gavin advises me that we are required to have a FOIA reading room and so we will do that but may not want to admit that we haven't up to now.

Thanks

Tom

Thomas R. Wilkey
Executive Director
US Election Assistance Commission
1225 New York Ave, NW - Suite 1100
Washington, DC 20005
(202) 566-3109 phone
TWilkey@eac.gov
Rosemary E. Rodriguez/EAC/GOV

Rosemary E.
Rodriguez/EAC/GOV
05/11/2007 01:26 PM

To "Tom Willkey" <TWilkey@eac.gov>
cc
Subject Just sent u a fax

015398

We have received your letter dated May 9, 2007, on behalf of your client, the Brennan Center for Justice ("Brennan Center"). We disagree with your client's perception that any EAC search of its records was unreasonable. While the Election Assistance Commission ("EAC") is a tiny agency and often struggles to meet the numerous requests it receives for agency documents, we take each request seriously and strive to be responsive. The EAC takes exception to the procedural, substantive and legal conclusions and representations made in your letter. We believe our search for records was conducted reasonably. Nevertheless, the EAC has decided that the best way to accommodate your request is to perform a new search for documents responsive to your request. We believe a new search will lay to rest your client's perception that our initial search was unreasonable.

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troubled over

The EAC has no desire to withhold information properly releasable under FOIA. Based upon the distribution of your letter, it is important for our agency to demonstrate its existing and continued policy of responsiveness by going beyond what is required and re-conducting the search that you allege was unreasonable. ✓ The EAC will essentially start over with regard to this request. As you know, Ms. Jeannie Layson has been in constant contact with Ms. Wendy Weiser of the Brennan Center during

See comments
on next
page.

Comment [s1]: Does "constant" accurately represent Jeannie's communication with Ms. Weiser?

015399

the pendency of its FOIA request. In fact, Ms. Layson recently contacted Ms. Weiser to inform her that that she had found additional responsive information in the course of EAC records reviews for similar requests for information. Additionally, Ms. Layson and Ms. Weiser were working together to provide any e-mail attachments or similar documents desired by the Brennan Center which were identified, but omitted in the original response. Due to the procedural and substantive confusion and disagreements surrounding this matter, we will terminate these piecemeal activities in order to prevent any future misunderstandings.

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The EAC will conduct a second search and review of its documents. We will not charge the Brennan Center for the document collection, review or copying. For the purpose of clarity and to avoid any confusion, based upon the Brennan Center's previous requests it is seeking:

ALSO, I believe this is a great opportunity to address the larger audience by including our desire (if it exists) to improve EAC transparency by setting up - in the very near future - a FOIA reading room. I implore you to turn this correspondence into a progressive step for the agency!

Rosemary Rodriguez

015400

Margaret Sims/EAC/GOV

04/03/2007 06:22 PM

To Jeannie Layson/EAC/GOV@EAC

cc jthompson@eac.gov, klyndyson@eac.gov, Thomas R. Wilkey/EAC/GOV@EAC

bcc

Subject Re: Please review my responses 

Julie has already raised the point that most concerned me: I don't think it is accurate to say the consultant's recommendations were their findings. The recommendations were a combination of consultant recommendations and working group recommendations for future EAC action. We did not ask the consultants to provide "findings" because this research was never supposed to be the definitive study on the subject. Instead, it was supposed to be an initial effort to see what relevant information is available, to define voting fraud and voter intimidation, and to make recommendations to EAC regarding how to pursue the subject (next steps). --- Peggy

Jeannie Layson/EAC/GOV

04/03/2007 05:33 PM

To psims@eac.gov, jthompson@eac.gov, klyndyson@eac.gov, Thomas R. Wilkey/EAC/GOV@EAC

cc

Subject Please review my responses

t

This are questions from a "freelance" reporter who is very hot about the "Tova Wang report." Please let me know if my answers are accurate, and I welcome any suggestions you may have. I need to get your input by COB tomorrow. I am also looking for more clarification on what didn't make it into the fraud report. She is asking if we included all of their "findings" and their "research."

Thanks.

1) You said that the Wang/Serebrov report has not been released because it was predecisional. Was the Moritz/Eagleton report released because it was not predecisional? The Moritz/Eagleton report was a predecisional document. The commissioners took an action not to adopt a final report based upon the Moritz/Eagleton report, but to release all the predecisional information (the draft report).

015401

2) I understood you to say that the December EAC report includes all of the Wang/Serebrov recommendations but not all of the Wang/Serebrov findings. Is that correct? The report does include all of their recommendations, which were their findings, and all of the research they conducted.

3) I understood you to say that EAC staff added results of their own research to the December EAC report. Is that correct? What I said was EAC staff reviewed the report for accuracy, for grammar and added language that reflected the commission's decision to adopt the final version based upon the initial research provided by the consultants.

4) If I'm correct on questions 2 and 3, would it be accurate to say that readers of the December report cannot tell how much of that report does and does not reflect the original Wang/Serebrov findings? The consultants' recommendations are their findings. All of the recommendations are included in the final report, so readers can make the determination regarding the recommendations.

5) I called earlier today requesting the Wang/Serebrov report, and you sent me the December EAC report. I am concerned that if I had not already been researching this closely, I would have thought that you'd sent me the Wang/Serebrov report and would have reported incorrectly that you had. Does the EAC have any comment on this manner of replying to press inquiries? (I contacted you to request the report after I read in the Statesman Journal of Salem, Oregon, an article by Marie Cocco that says: "The bipartisan commission didn't widely release the consultants' review, but makes it available on request." Did the EAC indeed give Ms. Cocco a copy of the "consultants' review"? Or has she misunderstood you in the way I'm concerned about?) I sent you a link to the "EAC report" because it is what was adopted by the commission based upon the research conducted by the consultants. The final report clearly states how it was compiled and includes bios for both of the consultants. Regarding Ms. Cocco, I explained the entire process to her. I provided the staff update on the project which was presented at a public meeting in May 2006 and the final report, which is posted on the EAC website. Regarding "this manner of responding to press inquiries," I have forwarded your comments to my supervisor so he can review my performance regarding the handling of your inquiry.

6) I understood you to say that the EAC did not release the Wang/Serebrov report in its original form because the EAC has to do due diligence and its staff is small. Do I understand you correctly? As a small agency of 23 employees, including the four commissioners, it is necessary for the agency to contract with consultants to gather the initial data for research projects. After EAC receives the initial data, the agency reviews the data for accuracy. What form of due diligence does the EAC's staff routinely conduct on research that is contracted out to experts before that research is released? You mentioned "vetting" the research. What does that vetting entail? It depends on the project. For instance, if it is information directly related to a mandate within the Help America Vote Act (HAVA), staff will make sure that the information is consistent with the law. In addition, we often ask for input from our Standards Board and Board of Advisors, which combined consist of more than 147 members. If we are using research that will eventually become guidance, we are required by HAVA to seek the input of these boards. Go here for more information about these boards and its members. If the board members have feedback, then we must make the determination whether to incorporate it, and, if so, how to incorporate their changes. If the research is focused on election laws throughout the country, we make sure the laws are cited correctly and that state legislatures haven't changed or amended these laws since the research was conducted. (As you probably know, there have been many new election laws introduced at the state level since 2004.) Throughout the

015402

process, we review for grammar as well as make sure the document flows and is arranged logically -- the basic tenets of editing.

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

015403

Juliet E. Hodgkins/EAC/GOV

04/03/2007 05:50 PM

To Jeannie Layson/EAC/GOV@EAC

cc Karen Lynn-Dyson/EAC/GOV@EAC, Margaret
Sims/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC
bcc

Subject Re: Please review my responses

With regard to # 3 we did add our own research, because theirs was insufficient on the definition of voting fraud and voter intimidation.

On #6, you might want to include is written in a consistent voice. This might seem elementary, but not in this case. The comments about the boards may be confusing, here, since this was not vetted through those boards.

I am comfortable with the idea that their recommendations were their findings, although I am sure that Tova would disagree. These consultant/employees were asked to provide two things: 1) a definition of the phrases "voting fraud" and "voter intimidation" and 2) recommendations on a research methodology to conduct a comprehensive review in this area. To accomplish this, we asked them to review existing information on voting fraud and voter intimidation. They wholly failed to provide a definition -- they provided a compilation -- a statement which would cover every possible connotation of those phrases. No logic or limitation was applied. A definition is by its very nature a limitation. So, we had to completely rework that -- hence the additional research referred to above. We reviewed state laws concerning voting fraud and voter intimidation to come up with a definition of "voting crimes." With regard to the second part of their charge, the consultants, as well as their working group and some of the interviewees, provided recommendations. All 16 of them were included in the final report. We did not adopt all of them, obviously, but we did adopt all or part of 6 of those recommendations.

Other statements that were contained in the report were just that ... statements, summaries, or opinions ... concerning the existing research that was out there on this topic. I would not classify those as "findings."

Juliet T. Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100
Jeannie Layson/EAC/GOV

Jeannie Layson/EAC/GOV

04/03/2007 05:33 PM

To psims@eac.gov, jthompson@eac.gov,
klynndyson@eac.gov, Thomas R. Wilkey/EAC/GOV@EAC
cc

Subject Please review my responses

This are questions from a "freelance" reporter who is very hot about the "Tova Wang report." Please let me know if my answers are accurate, and I welcome any suggestions you may have. I need to get your input by COB tomorrow. I am also looking for more clarification on what didn't make it into the fraud report. She is asking if we included all of their "findings" and their "research."

Thanks.

015404

1) You said that the Wang/Serebrov report has not been released because it was predecisional. Was the Moritz/Eagleton report released because it was not predecisional? The Moritz/Eagleton report was a predecisional document. The commissioners took an action not to adopt a final report based upon the Moritz/Eagleton report, but to release all the predecisional information (the draft report).

2) I understood you to say that the December EAC report includes all of the Wang/Serebrov recommendations but not all of the Wang/Serebrov findings. Is that correct? The report does include all of their recommendations, which were their findings, and all of the research they conducted.

3) I understood you to say that EAC staff added results of their own research to the December EAC report. Is that correct? What I said was EAC staff reviewed the report for accuracy, for grammar and added language that reflected the commission's decision to adopt the final version based upon the initial research provided by the consultants.

4) If I'm correct on questions 2 and 3, would it be accurate to say that readers of the December report cannot tell how much of that report does and does not reflect the original Wang/Serebrov findings? The consultants' recommendations are their findings. All of the recommendations are included in the final report, so readers can make the determination regarding the recommendations.

5) I called earlier today requesting the Wang/Serebrov report, and you sent me the December EAC report. I am concerned that if I had not already been researching this closely, I would have thought that you'd sent me the Wang/Serebrov report and would have reported incorrectly that you had. Does the EAC have any comment on this manner of replying to press inquiries? (I contacted you to request the report after I read in the Statesman Journal of Salem, Oregon, an article by Marie Cocco that says: "The bipartisan commission didn't widely release the consultants' review, but makes it available on request." Did the EAC indeed give Ms. Cocco a copy of the "consultants' review"? Or has she misunderstood you in the way I'm concerned about?) I sent you a link to the "EAC report" because it is what was adopted by the commission based upon the research conducted by the consultants. The final report clearly states how it was compiled and includes bios for both of the consultants. Regarding Ms. Cocco, I explained the entire process to her. I provided the staff update on the project which was presented at a public meeting in May 2006 and the final report, which is posted on the EAC website. Regarding "this manner of responding to press inquiries," I have forwarded your comments to my supervisor so he can review my performance regarding the handling of your inquiry.

6) I understood you to say that the EAC did not release the Wang/Serebrov report in its original form because the EAC has to do due diligence and its staff is small. Do I understand you correctly? As a small agency of 23 employees, including the four commissioners, it is necessary for the agency to contract with consultants to gather the initial data for research projects. After EAC receives the initial data, the agency reviews the data for accuracy. What form of due diligence does the EAC's staff routinely conduct on research that is contracted out to experts before that research is released? You mentioned "vetting" the research. What does that vetting entail? It depends on the project. For instance, if it is information directly related to a mandate within the Help America Vote Act (HAVA), staff will make sure that the information is consistent with the law. In addition, we often ask for input from our Standards Board and Board of Advisors, which combined consist of more

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than 147 members. If we are using research that will eventually become guidance, we are required by HAVA to seek the input of these boards. Go here for more information about these boards and its members. If the board members have feedback, then we must make the determination whether to incorporate it, and, if so, how to incorporate their changes. If the research is focused on election laws throughout the country, we make sure the laws are cited correctly and that state legislatures haven't changed or amended these laws since the research was conducted. (As you probably know, there have been many new election laws introduced at the state level since 2004.) Throughout the process, we review for grammar as well as make sure the document flows and is arranged logically -- the basic tenets of editing.

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Jeannie Layson/EAC/GOV
04/03/2007 05:33 PM

To psims@eac.gov, jthompson@eac.gov,
klynndyson@eac.gov, Thomas R. Wilkey/EAC/GOV@EAC

cc

bcc

Subject Please review my responses

This are questions from a "freelance" reporter who is very hot about the "Tova Wang report." Please let me know if my answers are accurate, and I welcome any suggestions you may have. I need to get your input by COB tomorrow. I am also looking for more clarification on what didn't make it into the fraud report. She is asking if we included all of their "findings" and their "research."

Thanks.

1) You said that the Wang/Serebrov report has not been released because it was predecisional. Was the Moritz/Eagleton report released because it was not predecisional? The Moritz/Eagleton report was a predecisional document. The commissioners took an action not to adopt a final report based upon the Moritz/Eagleton report, but to release all the predecisional information (the draft report).

2) I understood you to say that the December EAC report includes all of the Wang/Serebrov recommendations but not all of the Wang/Serebrov findings. Is that correct? The report does include all of their recommendations, which were their findings, and all of the research they conducted.

3) I understood you to say that EAC staff added results of their own research to the December EAC report. Is that correct? What I said was EAC staff reviewed the report for accuracy, for grammar and added language that reflected the commission's decision to adopt the final version based upon the initial research provided by the consultants.

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Where's the Voter Fraud?

Tova Andrea Wang, The Century Foundation, 12/4/2006

Over the past month, the silence has been deafening.

For the past few years, many on the Right have been vociferously propagating the myth that voter fraud at the polling place is a rampant problem of crisis proportions. But we haven't heard from them lately. In fact, as far as my research can discover (Nexis and Google news searches of multiple relevant terms), there has not been one confirmed report of any of these types of incidents in the 2006 election. Not one. Even the Republican National Committee's vote fraud watch operation in their list of complaints from the 2006 election could not come up with one such case.

If you've been listening to the likes of John Fund, Thor Hearne, Ken Mehlman, and John Lott, you would think non-citizens are lining up to vote at the polls, mischievous partisans are voting multiple times by impersonating other voters, and dead people are voting in polling places across the country. In order to justify their argument that we need all voters to present government issued photo identification at the polls, they claim that this type of fraud is the biggest problem our electoral system confronts. They have been building and building this argument, hammering and hammering away at it to the point that it has now become the prevailing belief of the American public.

I won't go into the recitation of all of the previous research that has been done on what a nonexistent problem polling place fraud is and the fraudulent disenfranchisement narrow voter identification requirements cause among perfectly eligible voters—disproportionately minorities, the poor, the elderly, and voters with disabilities (who by the way, according to conventional wisdom, are also all disproportionately Democratic voters). However, confronted with this continuously growing mountain of evidence undermining their case, it has been interesting to observe the evolution of the Right's spinning of this issue of late.

In recent months, even before this election, slowly recognizing the remarkable weakness of their substantive argument, conservatives' new tack has been to say that even if its true that there is not much polling place fraud, the simple fact that the American people *believe* it is occurring is a problem itself in that it is causing them to lose confidence in the election system. Well, no wonder they have the misguided belief that this is a problem— that's the message the Right has been hammering away at them over the last few years. In any case, the argument goes that we need identification requirements not because they will in actuality do anything to enhance the integrity of the voting process, but because we need to reassure people who have the perception the process is corrupt.

Let me provide just a few examples of this. In their answer in the identification litigation in Indiana, the state outright admitted that there had never been a single, solitary case of polling place fraud in the history of the state. Nevertheless, the state *argued*. A state may take action to avoid the appearance of fraud as well as its actual occurrence. A Rasmussen Report poll found that 58% of Americans believed that there was a lot or some fraud in American elections, and a Gallup poll after the 2000 election showed that 67% of adults nationally had only some or very little confidence in the way votes are cast and counted in our country. Public perceptions, grounded on publicly reported evidence of fraud such as

that identified above [by the people I mentioned earlier] are a further justification for fraud prevention requirements like Indiana's photo ID law.

During the argument over photo identification before the Supreme Court in Michigan, the assistant attorney general conceded there is no evidence of widespread voter fraud but rather "a concern about it." The esteemed Carter-Baker Commission wrote http://www.brennancenter.org/stack_detail.asp?key=97&subkey=9857, "There is no evidence of extensive fraud in US elections or of multiple voting . . . but the electoral system cannot inspire confidence if no safeguards exist to deter or detect fraud or confirm the identity of voters. . . . The problem is not the magnitude of fraud . . . the perception of possible fraud contributes to low confidence in the system."

The Supreme Court may even be starting to buy into this rhetoric. In the recent *Purcell* case regarding Arizona's identification law, Justice Kennedy wrote, "Confidence in the integrity of our electoral processes is essential to the functioning of our participatory democracy. Voter fraud drives honest citizens out of the democratic process and breeds distrust of our government. Voters who fear their legitimate votes will be outweighed by fraudulent ones will feel disenfranchised."

Georgia has twice passed voter identification requirements, in 1997 and 2005, basing the need for such barriers to the vote on instances of vote buying and absentee ballot fraud—two methods of voting that identification would do nothing about. More myths.

Basing voting rights laws upon purposely created misunderstandings of what the issues are is not a sound way to develop public policy. Rather than creating fake problems and then passing disenfranchising laws that purport to address them, we might do a better job of educating the American electorate as to what the real problems are in our voting system, and what they are not. It is only then that we will begin to address the flaws in the election systems that disenfranchise tens of thousands of voters in every major election.

Tou Wang is a Democracy Fellow at The Century Foundation.

The Century Foundation conducts public policy research and analyses of economic, social, and foreign policy issues, including inequality, retirement security, election reform, media studies, homeland security, and international affairs. The foundation produces books, reports, and other publications, convenes task forces, and working groups and operates eight informational Web sites. With offices in New York City and Washington, D.C., The Century Foundation is nonprofit and nonpartisan and was founded in 1919 by Edward A. Filene.

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**Deliberative Process
Privilege**

March 15, 2007

Congressman Jose Serrano, Chairman
House Appropriations Committee
Subcommittee on Financial Services
And General Government
2227 Rayburn House Office Building
Washington, DC 20515

Via Hand Delivery

RE: Documents requested during March 7, 2007 Hearing

Dear Chairman Serrano:

On March 7, 2007, the United States Election Assistance Commission (EAC) participated in a hearing on the issue of election integrity. During that hearing, Congressman Hinchey, a member of your subcommittee, requested that certain documents be provided to the Committee. We appreciate the Committee's interest in EAC's activities, and we are pleased to respond to the request. Congressman Hinchey requested three documents: EAC's assessment report on CIBER, Inc., the draft report submitted to EAC regarding voter fraud and intimidation, and the draft report submitted to EAC concerning voter identification. For your information, the assessment report on CIBER, Inc. and the final culmination of the voter fraud and intimidation research -- Election Crimes: An Initial Review and Recommendations for Further Study -- are available at www.eac.gov. However, we have provided hard copies of these reports as well as the additional information requested.

Assessment Report for CIBER, Inc.

The first requested document was the report of EAC's contracted laboratory assessor concerning the assessment and review of CIBER, Inc. under EAC's Interim Laboratory Accreditation Program. It is important to explain the purpose and process of EAC's Interim Accreditation Program, which was put in place after the National Institute of Standards and Technology (NIST) informed EAC that it would not complete its lab assessments until late 2006 or early 2007.

HAVA Accreditation Program Requirement. As you know, the Help America Vote Act of 2002 (Section 231(a)(1)) mandates EAC "... provide for the certification, de-certification and re-certification of voting system hardware and software by accredited laboratories." Additionally, the statute provides that laboratories are generally to be accredited in a two step process. First, NIST conducts an evaluation of independent non-Federal test laboratories. NIST selects those laboratories technically qualified to test voting systems to federal standards (2002 Voting System Standards and 2005 Voluntary

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Voting System Guidelines currently) and recommends them to EAC for accreditation. NIST has determined that it will utilize its preexisting National Voluntary Laboratory Accreditation Program (NVLAP) to perform its HAVA evaluation. Second, after receipt of NIST's recommendation, HAVA requires EAC issue a laboratory accreditation through a vote of its commissioners. As part of this process, EAC will conduct a review of its own to address non-technical issues such as conflict of interest, financial stability and recordkeeping.

HAVA required that NIST deliver its first set of recommended labs to the EAC "[n]ot later than 6 months after the Commission first adopts the voluntary voting system guidelines." This deadline passed in June 2006. Four laboratories applied to NIST for evaluation prior to the HAVA deadline, but the required technical reviews and on-site assessments were not completed by the deadline. The first set of NIST recommended laboratories were not received by the EAC until January 18, 2007.

The Need for EAC Interim Accreditation of Laboratories. Obviously, the need for EAC to provide accredited laboratories arose well before NIST's January 18 recommendation. First, towards the end of 2005 NIST informed the EAC that the expected timeline to complete required document collection and review, pre-assessment and formal on-site assessments of applicants made it highly unlikely that it would be able to provide a list of recommended laboratories before the end of 2006. This determination made it clear that the EAC would need to have an alternative process in place to provide accredited laboratories if it wished to implement its certification program before that time. Furthermore, in July of 2006, the National Association of State Election Directors (NASED) informed EAC that the organization was terminating its voting system qualification program. NASED is a non-governmental, private organization that accredited laboratories and qualified voting systems to federal standards for more than a decade. The organization's decision to terminate its voting system qualification program just before the 2006 general election required EAC to take immediate action. Without an entity to approve required voting system modifications for the 2006 election, some state election officials would be unable to field their HAVA-compliant systems. To address these situations, EAC was compelled to do two things (1) provide for interim accreditation of testing laboratories and (2) initiate a preliminary, pre-election phase of its voting system testing and certification program.¹

¹ The pre-election phase of EAC's certification program was not originally planned, but was ultimately required to serve election officials and the public. The program began on July 24, 2006. The purpose of the pre-election phase of the program is to provide voting system manufacturers with a means to obtain a Federal Certification of voting system modifications during the vital period immediately prior to the November 2006 General Elections. Many states require a Federal or national certification as a condition of state certification. Historically, the three to four month period immediately preceding a General Election produces a number of emergent situations that require the prompt modification of voting systems. These changes are often required by state or local election officials and must be made prior to Election Day. To this end, the pre-election phase of the EAC's Certification Program is designed to meet the immediate needs of election officials from the date NASED terminates its qualification program until after the November General Election. The pre-election requirements of the certification program are narrowly tailored to meet these needs. Additionally, the pre-election phase of the program was drastically limited in

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EAC needed to provide accredited labs on a temporary, interim basis to ensure that the agency had the means to implement its certification program. Additionally, EAC would be compelled to implement a provisional, pre-election certification program to replace services offered by NASED. EAC could not wait for NIST to recommend laboratories. Fortunately, HAVA provided a mechanism for EAC to take such action in Section 231(b)(2)(B). This section requires that EAC publish an explanation when accrediting a laboratory without a NIST recommendation. A notice was published on EAC's Web site to satisfy this requirement.

EAC's Interim Accreditation Program. At a public meeting in August 2005 held in Denver, the commissioners received a staff recommendation outlining the details of the interim accreditation program. The staff recommendation included a process in which the three laboratories previously accredited by NASED – CIBER, SysTest Labs, and Wyle Laboratories – would be allowed to apply for interim accreditation. In December of 2005, EAC officially began accepting applications for a limited interim accreditation program. As stated in the letters, the purpose of the interim accreditation program was to provide accredited laboratories to test voting systems to federal standards, until such time as NIST/NVLAP was able to present its first set of recommended laboratories. This accreditation was limited in scope to the 2002 Voluntary Voting System Standards and required the laboratory to apply to the NVLAP program to receive a permanent accreditation. The letters also sought variety of administrative information from the laboratories and required them to sign a Certification of Laboratory Conditions and Practices. This certification required the laboratories to affirm, under penalty of law, information regarding laboratory personnel, conflict of interest policies, recordkeeping, financial stability, technical capabilities, contractors, and material changes.

In order to accredit a laboratory (even on an interim basis), EAC needed to contract with a competent technical expert to serve as a laboratory assessor. EAC sought a qualified assessor with real-world experience in the testing of voting systems. Ultimately, only one individual responded to EAC's solicitation. The individual was (at the time) the only individual known to have the requisite experience and assessor qualifications. The contractor reviewed each of the laboratories that applied. The review was performed in accordance with international standards, the same standards used by NVLAP and other laboratory accreditation bodies. This standard is known as International Standard ISO/IEC 17025, *General Requirements for the Competence of Testing and Calibration Laboratories*. In addition, the EAC assessor (who also currently serves as a NVLAP assessor) applied NIST Handbooks 150, *Procedures and General Requirements* and NIST Handbook 150-22, *Voting System Testing*.

CIBER, SysTest Labs, and Wyle Laboratories applied for accreditation under the interim program. Each, as required, had previously received a NASED accreditation. EAC's

scope, (1) it did not certify voting systems, just modifications and (2) the certification was provisional and, thus, expired.

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assessor visited each of the labs and conducted a review consistent with the standards noted above. The assessor reviewed laboratory policies, procedures and capabilities to determine if the laboratories could perform the work required. Laboratory assessments do not make conclusions regarding past laboratory work product. Two of the applicant laboratories, SysTest Laboratories, L.L.C., and Wyle Laboratories, Inc. received an interim accreditation. The assessor's reports and EAC action regarding these laboratories are available on the EAC Web site.² EAC promptly published on its Web site information regarding its decision on accreditation (August and September of 2006). This notice provides some brief background on the interim accreditation process, starting with the fact that three previously NASED accredited laboratories were invited to apply to the program, including information on the program's requirements and limitations and ending with the identity and contact information of the two laboratories accredited. Information was also electronically forwarded to EAC's list of stakeholders via e-mail. The EAC stakeholders e-mail list includes almost 900 election officials and interest groups, nationwide. Staff members for EAC oversight and appropriations committees are included in this list of stakeholders. In addition to EAC's Web site and e-mail announcements, on September 21, 2006 EAC's Executive Director reiterated the Commission's decision at a public meeting Web cast to the EAC Web site. This announcement identified the interim accredited labs by name. Furthermore, in October 26, 2006, the two interim accredited laboratories testified at a nationally televised public hearing.

The Interim Accreditation Program and CIBER. The third laboratory, CIBER, has yet to satisfy the requirements of the interim accreditation program. The initial assessment of CIBER revealed a number of management, procedural and policy deficiencies that required remedial action before the laboratory could be considered for accreditation. These deficiencies are identified in the initial CIBER/Wyle report. They were also brought to the attention of CIBER's President of Federal Solutions in a letter from EAC's Executive Director dated September 15, 2006. The letter outlines, consistent with recommendation of EAC's assessor, the steps the laboratory must take to achieve compliance. The letter requires CIBER to:

- a. *Assign resources, adopt policies and implement systems for developing standardized tests to be used in evaluating the functionality of voting systems and voting system software. Neither ITA Practices, CIBER nor any of its partners will be permitted to rely on test plans suggested by a voting system manufacturer.*
- b. *Assign resources, adopt policies and implement systems for quality review and control of all tests performed on voting systems and the report of results from those tests. This shall include provisions to assure that all*

² Note: The Wyle and CIBER assessment was completed as a joint report. The two labs have a cooperative agreement to work together in test voting systems (Wyle performing hardware testing and CIBER software testing).

required tests have been performed by ITA Practices, CIBER or its accredited partner lab.

Finally, the letter required an additional "follow-up" assessment of the laboratory.

The follow-up assessment of CIBER was performed by EAC's assessor in December of 2006. The findings of this assessment were documented in a report, which is available on the EAC Web site. In the findings, the assessor recognized significant changes CIBER had made to its program in response to the initial assessment, including new policies regarding test procedures, management and personnel. The report also noted a number of non-conformities that had yet to be addressed by the laboratory.

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In a letter dated January 3, 2007, CIBER provided a written response to EAC's follow-up assessment and report. The response sought to address the deficiencies noted in the December assessment. Additionally, CIBER officials requested to meet with EAC staff to discuss their January 3 response. This meeting took place at EAC on January 10, 2007. At the meeting, EAC staff informed CIBER that their report could not serve as the basis of accreditation because it failed to resolve all outstanding issues. A number of CIBER responses to noted deficiencies were listed as "TBD." EAC's assessor and Certification Program Director formally reviewed CIBER's response. EAC provided CIBER notice of the deficiencies that remained outstanding and informed them of the steps they must take to come into compliance by a letter dated February 1, 2007. Due to the fact that the purpose and usefulness of the interim accreditation program is coming to a close, EAC allowed CIBER 30 days in which to document their full compliance. After this time, the program will be closed and no further assessment actions will be performed under the interim program. CIBER was notified of this procedure by letter dated January 26, 2007, and on February 8, 2007, EAC voted to close its interim laboratory accreditation program effective March 5, 2007. *WWD*

Information related to CIBER's status in the EAC interim accreditation program was not released prior to January 26, 2007. It was EAC's belief, in consultation with NIST, that it would be improper to release information regarding an incomplete assessment. However, on January 25, 2007, CIBER took the affirmative action of making this information available to a third party, the New York State Board of Elections. With this action, CIBER made the information public and EAC believed it was incumbent to provide this information to the public. As such, on January 26, 2007, EAC posted on its Web site assessment reports, correspondence, and responses from CIBER related to their progress in the EAC interim accreditation program.

Copies of the two reports issued by the EAC assessor concerning CIBER's laboratory accreditation assessments are attached as Appendixes 1 and 2 to this letter.

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Draft Voter Fraud and Voter Intimidation Report

The second document requested by Congressman Hinchey was the draft report prepared by Job Serebrov and Tova Wang as contracted employees to the EAC. This document was produced by contract employees of the EAC for the EAC. Thus, this draft report was and is considered predecisional under the deliberative process exemption to the Freedom of Information Act (FOIA).

As you may know, the Deliberative Process Privilege protects intra-agency documents that are (1) pre-decisional in nature and (2) part of the deliberative process. In other words, the documents must be part of a process that recommends or presents opinions on a policy matter or governmental decision before that matter is finally decided. It is a well settled matter of law that the work of contract employees and contractors ("consultants") constitute intra-agency documents.³ This is true even where the consultants are deemed to be independent contractors and are not subject to the degree of control that agency employment entails.⁴ The courts have made this determination after recognizing that agencies have a special need for the opinions and recommendations of temporary consultants.⁵ Ultimately, deliberative documents are exempt from release (1) to encourage open and frank discussions on policy matters between agency subordinates and superiors, (2) to protect against premature disclosure of proposed policies and (3) to protect against public confusion that might result from disclosure of rationales that were not in fact the ultimate basis for agency action.⁶

The report requested by Congressman Hinchey is a draft, representing one phase of the deliberative process—before the document was vetted by staff, approved by the Executive Director and reviewed and approved by the Commissioners (the relevant policy makers). Ultimately, the draft document was created by contract employees in order to aid the EAC's Commissioners in their decisions regarding voting fraud and voter intimidation. The contract employees had no personal interest in their submissions and had no agency decision-making authority. Each was tasked with simply providing pre-decisional research and information to the EAC. Their efforts were limited to creating a truthful, comprehensive, and unbiased draft report. Only when the report is finalized and is adopted by EAC does it constitute an EAC decision or a policy determination.

The determination of this document as predecisional is born out in the facts surrounding the project at issue, including the contract documents that gave rise to research and writing of this draft report. First, the voter fraud and intimidation study that

³ Department of the Interior v. Klamath Water Users Protective Association, 532 U.S. 1, 9-11 (2001) (Citing Harry E. Hoover v. Dept. of the Interior, 611 F.2d 1132, at 1138 (1980); Lead Industries Assn. v. OSHA, 610 F.2d 70, 83 (C.A.5 1980) (applying exemption 5 to draft reports prepared by contractors); and Government Land Bank v. GSA, 671 F.2d 663, 665 (CA1 1982)); See also Hertzberg v. Veneman, 273 F. Supp. 2d 67, 76 n.2 (D.D.C. 2003).

⁴ Klamath, at 10.

⁵ Hoover, 611 F.2d at 1138.

⁶ NLRB v. Sears, Roebuck & Co., 41 U.S. at 151.

was requested is a draft of a final document that has already been released after being vetted by staff and approved by the EAC Commissioners. It is available in its final form on EAC's Web site, www.eac.gov. The draft document at issue was created by two contract employees hired pursuant to 5 U.S.C. §3109 (see 42 U.S.C. §15324(b)). Individuals hired under this authority enter into an employment relationship with the EAC. The contract employees were supervised by an EAC program director who participated directly in the project. For example, the supervisor approved, facilitated, scheduled and participated in interviews conducted for the project. Further, the contract employees were provided research materials and other support from EAC law clerks and staff. As stated by their contracts, these consultants were hired so that the EAC could "...obtain consulting services from an individual who can provide advice drawn from broad professional and technical experience in the area of voter fraud and intimidation." Moreover, the contracts clearly forbid the consultants from releasing the draft they created consistent with the privilege covering the draft report. The contract states

All research, information, documents and any other intellectual property (including but not limited to policies, procedures, manuals, and other work created at the request or otherwise while laboring for the EAC) shall be owned exclusively by the EAC, including copyright. All such work product shall be turned over to the EAC upon completion of your appointment term or as directed by the EAC. The EAC shall have exclusive rights over this material. You may not release government information or documents without the express written permission of the EAC.

Finally, the purpose or subject of the draft report at issue was to make an EAC determination on how voter fraud should be studied by the agency. This was to be done by (1) assessing the nature and quality of the information that presently exists on the subject matter; (2) defining the terms and scope of EAC study as proposed by HAVA; (3) determining what is to be studied and (4) determining how it is to be studied. In addition, the Consultants were asked to develop a definition of the phrases "voting fraud" and "voter intimidation."

EAC's interpretation of HAVA and its determination of what it will study and how it will use its resources to study it are matters of agency policy and decision. It would be irresponsible for EAC to accept the product of contracted employees and publish that information without exercising due diligence in vetting the product of the employees' work and the veracity of the information used to produce that product. EAC conducted this review of the draft voter fraud and intimidation report provided by Ms. Wang and Mr. Serebrov. EAC found that the draft report failed to provide a definition of the terms as required, contained conclusions that were not sought under the terms of the contract or were not supported by the underlying research, and allegations that showed bias. EAC staff edited the draft report to correct the problems mentioned above and included all of the consultants' and working groups' recommendations. The final report was adopted by EAC on December 7, 2007 during its public meeting. The final report as well as all of

the underlying research conducted by Mr. Serebrov and Ms. Wang are available on EAC's Web site, www.eac.gov.

EAC understands and appreciates that the a request from a Congressional committee is exempt from the provisions of FOIA, and as such, EAC is providing this draft document despite the fact that the deliberative process exemption clearly applies to its contents. The draft report has been attached as Appendix 3 to this letter.

Draft Voter Identification Report

The third document requested is the draft report prepared by Rutgers University in conjunction with Moritz College of Law. Rutgers and Moritz served as contractors to EAC and produced this draft document pursuant to the provisions of the contract governing that relationship. This draft report, like the draft voter fraud and voter intimidation report, is predecisional under the deliberative process exemption to FOIA.

With regard to the Voter Identification draft report, it was created by Rutgers University in conjunction with the Moritz College of Law (Ohio State University) to "...provide research assistance to the EAC for the development of voluntary guidance on provisional voting and voting identification procedures." The stated objective of the contract was to:

...obtain assistance with the collection, analysis and interpretation of information regarding HAVA provisional voting and voter identification requirements for the purpose of drafting guidance on these topics... The anticipated outcome of this activity is the generation of concrete policy recommendations to be issued as voluntary guidance for States.

As with the voter fraud and intimidation study mentioned above, the contractors were provided guidance, information, and were directed by EAC personnel. The final product they delivered (draft report sought) was identified as "a guidance document for EAC adoption." Clearly, as noted by the contract, the issuance of Federal guidance to states is a matter of government policy and limited to official EAC action. EAC has not completed review and vetting of this document. However, initial review of this document reveals data and analysis that causes EAC concern. The Contractor used a single election's statistics to conduct this analysis. The two sets of data came from the Census Bureau and included persons who were not eligible to and did not vote. The first analysis using averaged county-level turnout data from the U.S. Census showed no statistically significant correlations. So, a second analysis using a data set based upon the Current Population Survey (which was self-reported and showed a significantly higher turnout rate than other conventional data) was conducted that produced only some evidence of correlation between voter identification requirements and turn out. Furthermore, the initial categorization of voter identification requirements included classifications that actually require no identification at all, such as "state your name." The research methodology and the statistical analysis used by the Contractor were questioned by independent working and peer review groups comprised of social scientists

and statisticians. The Contractor and the EAC agree that the report raises more questions than provides answers.⁷ After this review process is completed, EAC will make a decision whether to adopt or reject the draft report.

Again, recognizing that a request from a Congressional committee is exempt from the provisions of FOIA, EAC is providing this draft document despite the fact that the deliberative process exemption clearly applies to its contents. The draft report has been attached as Appendix 4 to this letter.

Thank you for your requests and your interest in election administration. If you have further questions, please do not hesitate to contact me.

Sincerely,

Donetta Davidson
Chair

cc: Congressman Maurice Hinchey (letter only)

⁷ See EAC Public Testimony, February 8, 2007, page 109.

**Deliberative Process
Privilege**

Thomas R. Wilkey/EAC/GOV
04/19/2007 05:03 PM

To Juliet E. Hodgkins/EAC/GOV@EAC, Margaret
Sims/EAC/GOV@EAC
cc "Jeannie Layson" <jlayson@eac.gov>
bcc

Subject Fraud Report

After much discussion today among the Commissioners would like you both to prepare an in depth overview of the work you did on this report.

This would include all of the details of your work on the both the draft report and the final report adopted by the Commissioners, Jeannie has offered to help you in any way.

I will discuss this further with each of you between now and tomorrow.

I have been at the damn conference all day and have not been able to go to a single session or spend time with people.

Thanks

Tom

Sent from my BlackBerry Wireless Handheld

015420

**Deliberative Process
Privilege**

**Attorney-Client
Privilege**

Thomas R. Wilkey/EAC/GOV
04/20/2007 12:13 PM

To Juliet E. Hodgkins/EAC/GOV@EAC, Donetta L.
Davidson/EAC/GOV@EAC, Gracia
Hillman/EAC/GOV@EAC, Caroline C.
cc Gavin S. Gilmour/EAC/GOV@EAC

bcc

Subject Re: Fraud Report

I discussed this with Julie last evening and again this morning and agree with her comments. I believe both the IG review and our responses to Senator Finesteins letter covers a great deal of what we were asking them to do.

Sent from my BlackBerry Wireless Handheld

Juliet E. Hodgkins

----- Original Message -----

From: Juliet E. Hodgkins
Sent: 04/20/2007 12:14 PM EDT
To: Donetta Davidson; Gracia Hillman; Caroline Hunter; Rosemary Rodriguez;
Thomas Wilkey; Margaret Sims; Jeannie Layson
Cc: Gavin Gilmour
Subject: Fw: Fraud Report

Commissioners & Tom,

After having received this request, reviewed it and discussed it with the Inspector General and Gavin, I believe that it is ill-advised to continue such a request in light of the pending investigation of this matter by the Inspector General. While I am certain that this was not the intent of this request, the inevitable appearance of this request would suggest that the Commission is seeking to influence an ongoing investigation of the IG. This appearance of inappropriate influence would arise because two employees, who will undoubtedly be contacted by and interviewed as a part of the ongoing IG investigation, are being asked to provide a statement to their supervisors prior to interviews of those persons by the IG. Furthermore, this situation could appear as an attempt by employees and/or the agency to collude on a statement prior to making a formal statement in the investigation of the IG.

This IG's investigation was requested to address issues of public perception. Thus, it is critical that this investigation proceed in a manner that leaves no room for question. As such, I believe that it is inappropriate to proceed with this request.

Juliet T. Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 04/20/2007 11:54 AM -----

Thomas R. Wilkey/EAC/GOV
04/19/2007 05:03 PM

To Juliet E. Hodgkins/EAC/GOV@EAC, Margaret
Sims/EAC/GOV@EAC
cc "Jeannie Layson" <jlayson@eac.gov>

Subject Fraud Report

After much discussion today among the Commissioners would like you both to prepare an in depth

015421

overview of the work you did on this report.

This would include all of the details of your work on the both the draft report and the final report adopted by the Commissioners, Jeannie has offered to help you in any way.

I will discuss this further with each of you between now and tomorrow.

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Thanks

Tom

Sent from my BlackBerry Wireless Handheld

015422

Attorney-Client
Privilege

Juliet E. Hodgkins/EAC/GOV

04/20/2007 12:14 PM

To "Davidson, Donetta" <ddavidson@eac.gov>, Gracia Hillman/EAC/GOV@EAC, Caroline C. Hunter/EAC/GOV@EAC, Rosemary E.
cc Gavin S. Gilmour/EAC/GOV@EAC

bcc

Subject Fw: Fraud Report

Commissioners & Tom,

After having received this request, reviewed it and discussed it with the Inspector General and Gavin, I believe that it is ill-advised to continue such a request in light of the pending investigation of this matter by the Inspector General. While I am certain that this was not the intent of this request, the inevitable appearance of this request would suggest that the Commission is seeking to influence an ongoing investigation of the IG. This appearance of inappropriate influence would arise because two employees, who will undoubtedly be contacted by and interviewed as a part of the ongoing IG investigation, are being asked to provide a statement to their supervisors prior to interviews of those persons by the IG. Furthermore, this situation could appear as an attempt by employees and/or the agency to collude on a statement prior to making a formal statement in the investigation of the IG.

This IG's investigation was requested to address issues of public perception. Thus, it is critical that this investigation proceed in a manner that leaves no room for question. As such, I believe that it is inappropriate to proceed with this request.

Juliet T. Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

— Forwarded by Juliet E. Hodgkins/EAC/GOV on 04/20/2007 11:54 AM —

Thomas R. Wilkey/EAC/GOV

04/19/2007 05:03 PM

To Juliet E. Hodgkins/EAC/GOV@EAC, Margaret Sims/EAC/GOV@EAC
cc "Jeannie Layson" <jlayson@eac.gov>

Subject Fraud Report

After much discussion today among the Commissioners would like you both to prepare an in depth overview of the work you did on this report. This would include all of the details of your work on the both the draft report and the final report adopted by the Commissioners, Jeannie has offered to help you in any way. I will discuss this further with each of you between now and tomorrow. I have been at the damn conference all day and have not been able to go to a single session or spend time with people.

Thanks

Tom

Sent from my BlackBerry Wireless Handheld

015424

Attorney-Client
Privilege

Juliet E. Hodgkins/EAC/GOV
04/20/2007 08:17 AM

To Gavin S. Gilmour/EAC/GOV@EAC
cc
bcc
Subject Re: Fw: Fraud Report

My understanding is that Jeannie requested that Peggy provide a complete recitation of what happened and then Gracia said that I should do the same.

Sent from my BlackBerry Wireless Handheld
Gavin S. Gilmour
----- Original Message -----

From: Gavin S. Gilmour
Sent: 04/20/2007 08:21 AM EDT
To: Juliet Hodgkins
Subject: Re: Fw: Fraud Report

Sure thing... not sure I fully understand the ultimate goal concerning the document.

GG

Gavin S. Gilmour
Deputy General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

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Juliet E. Hodgkins/EAC/GOV

Juliet E. Hodgkins/EAC/GOV
04/20/2007 07:50 AM

To Gavin S. Gilmour/EAC/GOV@EAC
cc
Subject Fw: Fraud Report

I would like to talk to you about this request when I get in. I am particularly interested in your thoughts on how this impacts atty-client privilege.

Sent from my BlackBerry Wireless Handheld
Thomas R. Wilkey
----- Original Message -----

From: Thomas R. Wilkey
Sent: 04/19/2007 05:03 PM EDT
To: Juliet Hodgkins; Margaret Sims
Cc: Jeannie Layson
Subject: Fraud Report

015425

After much discussion today among the Commissioners would like you both to prepare an in depth overview of the work you did on this report.
This would include all of the details of your work on the both the draft report and the final report adopted by the Commissioners, Jeannie has offered to help you in any way.
I will discuss this further with each of you between now and tomorrow.
I have been at the damn conference all day and have not been able to go to a single session or spend time with people.

Thanks

Tom

Sent from my BlackBerry Wireless Handheld

015426

Attorney-Client
Privilege

Thomas R. Wilkey/EAC/GOV
04/20/2007 12:13 PM

To Juliet E. Hodgkins/EAC/GOV@EAC, Donetta L.
Davidson/EAC/GOV@EAC, Gracia
Hillman/EAC/GOV@EAC, Caroline C.
cc Gavin S. Gilmour/EAC/GOV@EAC

bcc

Subject Re: Fraud Report

I discussed this with Julie last evening and again this morning and agree with her comments. I believe both the IG review and our responses to Senator Finesteins letter covers a great deal of what we were asking them to do.

Sent from my BlackBerry Wireless Handheld

Juliet E. Hodgkins

----- Original Message -----

From: Juliet E. Hodgkins
Sent: 04/20/2007 12:14 PM EDT
To: Donetta Davidson; Gracia Hillman; Caroline Hunter; Rosemary Rodriguez;
Thomas Wilkey; Margaret Sims; Jeannie Layson
Cc: Gavin Gilmour
Subject: Fw: Fraud Report

Commissioners & Tom,

After having received this request, reviewed it and discussed it with the Inspector General and Gavin, I believe that it is ill-advised to continue such a request in light of the pending investigation of this matter by the Inspector General. While I am certain that this was not the intent of this request, the inevitable appearance of this request would suggest that the Commission is seeking to influence an ongoing investigation of the IG. This appearance of inappropriate influence would arise because two employees, who will undoubtedly be contacted by and interviewed as a part of the ongoing IG investigation, are being asked to provide a statement to their supervisors prior to interviews of those persons by the IG. Furthermore, this situation could appear as an attempt by employees and/or the agency to collude on a statement prior to making a formal statement in the investigation of the IG.

This IG's investigation was requested to address issues of public perception. Thus, it is critical that this investigation proceed in a manner that leaves no room for question. As such, I believe that it is inappropriate to proceed with this request.

Juliet T. Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

----- Forwarded by Juliet E. Hodgkins/EAC/GOV on 04/20/2007 11:54 AM -----

Thomas R. Wilkey/EAC/GOV
04/19/2007 05:03 PM

To Juliet E. Hodgkins/EAC/GOV@EAC, Margaret
Sims/EAC/GOV@EAC
cc "Jeannie Layson" <jlayson@eac.gov>

Subject Fraud Report

After much discussion today among the Commissioners would like you both to prepare an in depth

015427

overview of the work you did on this report.

This would include all of the details of your work on the both the draft report and the final report adopted by the Commissioners, Jeannie has offered to help you in any way.

I will discuss this further with each of you between now and tomorrow.

I have been at the damn conference all day and have not been able to go to a single session or spend time with people.

Thanks

Tom

Sent from my BlackBerry Wireless Handheld

015428

Attorney-Client
Privilege

Gavin S. Gilmour/EAC/GOV
04/20/2007 08:21 AM

To Juliet E. Hodgkins/EAC/GOV
cc
bcc
Subject Re: Fw: Fraud Report

History: This message has been replied to.

Sure thing... not sure I fully understand the ultimate goal concerning the document.

GG

Gavin S. Gilmour
Deputy General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

THIS MESSAGE IS FOR ITS INTENDED RECIPIENT ONLY. IT IS A PRIVILEGED DOCUMENT AND SHALL NOT BE RELEASED TO A THIRD PARTY WITHOUT THE CONSENT OF THE SENDER.

Juliet E. Hodgkins/EAC/GOV

Juliet E. Hodgkins/EAC/GOV
04/20/2007 07:50 AM

To Gavin S. Gilmour/EAC/GOV@EAC
cc
Subject Fw: Fraud Report

I would like to talk to you about this request when I get in. I am particularly interested in your thoughts on how this impacts atty-client privilege.

Sent from my BlackBerry Wireless Handheld
Thomas R. Wilkey
----- Original Message -----

From: Thomas R. Wilkey
Sent: 04/19/2007 05:03 PM EDT
To: Juliet Hodgkins; Margaret Sims
Cc: Jeannie Layson
Subject: Fraud Report

After much discussion today among the Commissioners would like you both to prepare an in depth overview of the work you did on this report. This would include all of the details of your work on the both the draft report and the final report adopted by the Commissioners, Jeannie has offered to help you in any way. I will discuss this further with each of you between now and tomorrow. I have been at the damn conference all day and have not been able to go to a single session or spend time with people.
Thanks
Tom

015429

Sent from my BlackBerry Wireless Handheld

015430

Attorney-Client
Privilege

Thomas R. Wilkey/EAC/GOV
04/19/2007 07:54 PM

To Juliet E. Hodgkins/EAC/GOV@EAC
cc
bcc
Subject Re: Fraud Report

Ok

Sent from my BlackBerry Wireless Handheld
Juliet E. Hodgkins
----- Original Message -----

From: Juliet E. Hodgkins
Sent: 04/19/2007 07:53 PM EDT
To: Thomas Wilkey
Subject: Re: Fraud Report

I understand. However, this is less of a request and more of a demand. Sorry, but we need to talk about a few things before tomorrow.

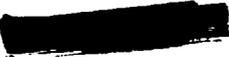
Sent from my BlackBerry Wireless Handheld
Thomas R. Wilkey
----- Original Message -----

From: Thomas R. Wilkey
Sent: 04/19/2007 07:51 PM EDT
To: Juliet Hodgkins
Subject: Re: Fraud Report

Ok if I can still talk..mi had to put hope with these three for the entire day

Sent from my BlackBerry Wireless Handheld
Juliet E. Hodgkins
----- Original Message -----

From: Juliet E. Hodgkins
Sent: 04/19/2007 07:50 PM EDT
To: Thomas Wilkey
Subject: Re: Fraud Report

Please call me at home after your dinner. 

Sent from my BlackBerry Wireless Handheld
Thomas R. Wilkey
----- Original Message -----

From: Thomas R. Wilkey
Sent: 04/19/2007 05:03 PM EDT
To: Juliet Hodgkins; Margaret Sims
Cc: Jeannie Layson
Subject: Fraud Report

After much discussion today among the Commissioners would like you both to prepare an in depth overview of the work you did on this report. This would include all of the details of your work on the both the draft report and the final report adopted

015431

by the Commissioners, Jeannie has offered to help you in any way.
I will discuss this further with each of you between now and tomorrow.
I have been at the damn conference all day and have not been able to go to a single session or spend time with people.

Thanks
Tom

Sent from my BlackBerry Wireless Handheld

015432

Attorney-Client
Privilege

Juliet E.
Thompson/EAC/GOV
11/02/2005 04:26 PM

To Gavin S. Gilmour/EAC/GOV@EAC
cc
bcc
Subject Re: Fw: Question 

Perhaps they could simply submit a supporting statement with the number of hours that they worked.

Juliet E. Thompson
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100
Gavin S. Gilmour/EAC/GOV

Gavin S. Gilmour/EAC/GOV
11/02/2005 01:14 PM

To Juliet E. Thompson/EAC/GOV@EAC, Margaret
Sims/EAC/GOV@EAC
cc
Subject Fw: Question

Julie,

FYI (see below)

I am thinking that Job and Tova will have to resubmit their invoice (maybe we should call them time sheets) and include a summary of their hours worked.

Your thoughts.

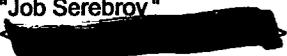
GG

Gavin S. Gilmour
Associate General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

----- Forwarded by Gavin S. Gilmour/EAC/GOV on 11/02/2005 01:12 PM -----



"Job Serebroy"


11/02/2005 01:07 PM

To ggilmour@eac.gov
cc wang@tcf.org
Subject Re: Question

Gavin:

015433

When do you think everything will be finalized and did you find out how long it will take to get paid for the Oct 25 invoice?

By the way, I think you and Julie gave me your colds.

Job

--- ggilmour@eac.gov wrote:

> Job,
>
> Per GSA Finance, the Federal Government does not
> have tax liability on
> Personal Services Contracts. You will be issued a
> 1099 and be responsible
> for paying the required taxes.
>
>
> Gavin S. Gilmour
> Associate General Counsel
> United States Election Assistance Commission
> 1225 New York Ave., NW, Ste 1100
> Washington, DC 20005
> (202) 566-3100

015434

Attorney-Client
Privilege

Juliet E. Hodgkins/EAC/GOV
04/20/2007 12:14 PM

To "Davidson, Donetta" <ddavidson@eac.gov>, Gracia
Hillman/EAC/GOV@EAC, Caroline C.
Hunter/EAC/GOV@EAC, Rosemary E.
cc Gavin S. Gilmour/EAC/GOV@EAC

bcc

Subject Fw: Fraud Report

Commissioners & Tom,

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Juliet T. Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

— Forwarded by Juliet E. Hodgkins/EAC/GOV on 04/20/2007 11:54 AM —

Thomas R. Wilkey/EAC/GOV
04/19/2007 05:03 PM

To Juliet E. Hodgkins/EAC/GOV@EAC, Margaret
Sims/EAC/GOV@EAC
cc "Jeannie Layson" <jlayson@eac.gov>

Subject Fraud Report

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Thanks
Tom

Sent from my BlackBerry Wireless Handheld

015435

Attorney-Client
Privilege

Juliet E. Hodgkins/EAC/GOV
04/20/2007 07:50 AM

To Gavin S. Gilmour/EAC/GOV@EAC
cc
bcc
Subject Fw: Fraud Report

I would like to talk to you about this request when I get in. I am particularly interested in your thoughts on how this impacts atty-client privilege.

Sent from my BlackBerry Wireless Handheld
Thomas R. Wilkey
----- Original Message -----

From: Thomas R. Wilkey
Sent: 04/19/2007 05:03 PM EDT
To: Juliet Hodgkins; Margaret Sims
Cc: Jeannie Layson
Subject: Fraud Report

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Thanks
Tom

Sent from my BlackBerry Wireless Handheld

015436



"Job Serebrov"

11/02/2005 02:07 PM

To ggilmour@eac.gov

cc wang@tcf.org

bcc

Subject Re: Question

History:

This message has been forwarded.

Gavin:

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By the way, I think you and Julie gave me your colds.

Job

--- ggilmour@eac.gov wrote:

> Job,
>
> Per GSA Finance, the Federal Government does not
> have tax liability on
> Personal Services Contracts. You will be issued a
> 1099 and be responsible
> for paying the required taxes.
>
>
> Gavin S. Gilmour
> Associate General Counsel
> United States Election Assistance Commission
> 1225 New York Ave., NW, Ste 1100
> Washington, DC 20005
> (202) 566-3100

015437

Attorney-Client
Privilege

Gavin S. Gilmour/EAC/GOV
11/02/2005 01:52 PM

To [REDACTED]
cc
bcc
Subject Question

Job,

Per GSA Finance, the Federal Government does not have tax liability on Personal Services Contracts. You will be issued a 1099 and be responsible for paying the required taxes.

Gavin S. Gilmour
Associate General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

015438

Gavin S. Gilmour/EAC/GOV
11/17/2006 04:51 PM

To Juliet E. Hodgkins/EAC/GOV@EAC
cc
bcc
Subject Re: Draft Voting Fraud and Voter Intimidation Report 

Looks good...

I have some comments... (hand written) we can discuss upon your return..

GG

Gavin S. Gilmour
Deputy General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

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Juliet E. Hodgkins/EAC/GOV

Juliet E. Hodgkins/EAC/GOV
11/17/2006 01:40 PM

To "Davidson, Donetta" <ddavidson@eac.gov>, Gracia Hillman/EAC/GOV@EAC, Paul DeGregorio/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC
cc Bert A. Benavides/EAC/GOV@EAC, Sheila A. Banks/EAC/GOV@EAC, Eileen L. Colver/EAC/GOV@EAC, Matthew Masterson/EAC/GOV@EAC, Gavin S. Gilmour/EAC/GOV@EAC
Subject Draft Voting Fraud and Voter Intimidation Report

Commissioners and Tom,

I have attached a draft version of the EAC Voting Fraud and Voter Intimidation report. **Please have your comments ready no later than Tuesday , Nov. 28, COB, so that I will be prepared to discuss them at our briefing on Wednesday , Nov. 29 at 10:30.**

You will note that there are appendixes referenced in the report. These documents are quite lengthy. Thus, I did not attach them to this email. If, however, you want to read the documents, DeAnna has access to them in my absence and can either email them to you or print them for you.

I think that the report is fairly self-explanatory. However, there are two questions that we need to address and that the Commissioners need to comment on:

1. The consultants provided summaries of articles, books, and reports that they read, as well as summaries of the interviews that they conducted. Peggy created two tables summarizing the consultants' summaries of books, article and reports as well as interviews. We need to make a determination of which summaries we want to attach as appendixes. The only issue that I am aware of (and I have a question pending to Peggy about the quality of these summaries) is a significant disagreement over the summaries

015439

of interviews with Craig Donsanto and John Tanner of the Dept. of Justice. They disagree with the characterization given by the consultants to what they said in the interview. Obviously, this matter would have to be resolved if we decide to use the consultants' summaries.

2. Tom and I had a conversation with Tova and Job about the fact that we are going to issue a report. Tova was quite insistent about being able to see the report before it is released. I am NOT inclined to give her a copy of the report before it is released. Neither Tova nor Job are still on contract with the EAC. Thus, they are just like any other member of the public. I believe that if we release it to them, then we may have a significant problem withholding the document from others that may ask for it via FOIA request. I believe that the course of action should be to release it to all persons simultaneously.

Happy reading and Happy Thanksgiving!



Voter Fraud & Intimidation Report.doc

Juliet Thompson Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

015440

Gavin S. Gilmour/EAC/GOV
04/11/2007 11:52 AM

To Jeannie Layson/EAC/GOV, Juliet E.
Hodgkins/EAC/GOV@EAC
cc
bcc
Subject An unsolicited thought/statement

The stated purpose of the EAC's recently released "fraud report" was not to draw conclusions about fraud, but determine how the subject should be studied by the EAC. As such, it would inappropriate for the EAC to make unsupported conclusions regarding fraud in its preliminary report. Such speculative statements would only serve to compromise its future effort to study this matter in a nonpartisan fashion.

Gavin S. Gilmour
Deputy General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

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015441

Comm. DeGregorio Files

015442

October 24, 2006

Gerald A Reynolds
Chairman, United States Commission on Civil Rights
624 9th Street, NW
Washington, DC 20425

Via Facsimile Transmission ONLY
202-376-7672

RE: October 19, 2006 Letter

Dear Mr. Reynolds:

Your letter of October 19, 2006 requests the status on the EAC's Voter Fraud and Intimidation Report. I would like to take this opportunity to clarify the purpose and status of this study.

In late 2005, EAC hired two consultants for the purpose of assisting EAC with two things: 1) developing a uniform definition of the phrase voter fraud, and 2) making recommendations on how to further study the existence, prosecution, and means of deterring such voter fraud. In May 2006, a status report on this study was given to the EAC Standards Board and EAC Board of Advisors during their public meetings. During the same week, a working group convened to react to and provide comment on the progress and potential conclusions that could be reached from the work of the two consultants.

The conversation at the working group meeting was lively on the very points that we were trying to accomplish as a part of this study, namely what is voter fraud and how do we pursue studying it. Many of the proposed conclusions that were suggested by the consultants were challenged by the working group members. As such, the consultants were tasked with reviewing the concerns expressed at the working group meeting, conducting additional research as necessary, and providing a draft report to EAC that took into account the working group's concerns and issues.

That draft report is currently being vetted by EAC staff. EAC will release a final report from this study after it has conducted a review of the draft provided by the consultants. However, it is important to remember the purpose of this study – finding a uniform definition of voter fraud and making recommendations on how to study the existence, prosecution and deterrence of voter fraud -- as it will serve as the basis of the EAC report on this study. Thank you for your letter.

Sincerely,

Paul S. DeGregorio
Chairman

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UNITED STATES COMMISSION ON CIVIL RIGHTS

624 NINTH STREET, NW, WASHINGTON, DC 20425

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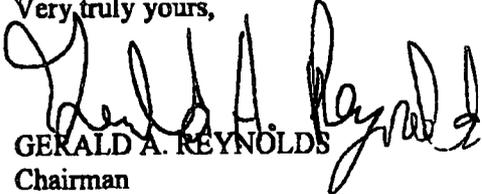
October 19, 2006

The Honorable Paul S. DeGregorio
Chairman
United States Election Assistance Commission
1225 New York Avenue, NW
Suite 1100
Washington, DC 20005

Dear Chairman DeGregorio:

On behalf of the U.S. Commission on Civil Rights, I write to inquire about the status of a report on voter fraud allegedly produced by the Election Assistance Commission. The U.S. Commission on Civil Rights held a briefing on October 13, 2006 on voter fraud and voter intimidation. During this briefing, a panelist cited media reports that the Election Assistance Commission had produced a report on voter fraud but had not yet released it to the public. It would be useful to know the status of this report as Election Day approaches. Any information provided by the Election Assistance Commission would be of great value to all voters seeking to effectively exercise their right to vote.

Very truly yours,



GERALD A. REYNOLDS
Chairman

015444

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Congress of the United States

October 16, 2006

Committee on Education
and the Workforce

Permanent Select Committee
on Intelligence
Ranking Member
Subcommittee on Intelligence Policy

Co-Chair
Children's Environmental Health Caucus
Member
Congressional Arts Caucus
Internet Caucus
Law Enforcement Caucus
Historic Preservation Caucus

The Honorable Paul DeGregorio
Chairman
U.S. Election Assistance Commission
1225 New York Avenue NW, Suite 1100
Washington, D.C. 20005-6156

Dear Chairman DeGregorio:

I am writing to express my concern about the fact that the Election Assistance Commission (EAC), in accordance with the statutory mandate that it do so, engaged consultants to study the issues of voting fraud and voter intimidation, but has failed to release to the public the results of that study.

Pursuant to Section 241 of the Help America Vote Act (HAVA), the EAC is required to "conduct and make available to the public studies regarding . . . [n]ationwide statistics and methods of identifying, deterring, and investigating voting fraud in elections for Federal office" and "[i]dentifying, deterring, and investigating methods of voter intimidation." Last week, USA Today reported that it had obtained a report from the EAC on those subjects "four months after it was delivered by two consultants hired to write it. The commission has not distributed it publicly." Enclosed is a copy of the May 17, 2006 "Status Report on the Voting Fraud-Voter Intimidation Research Project" obtained by USA Today. The report found that "[o]n balance, more researchers find [polling place fraud] to be less of a problem than is commonly described in the political debate," and that "[t]here is widespread but not unanimous agreement that there is little polling place fraud, or at least much less than is claimed, including voter impersonation, 'dead' voters, noncitizen voting and felon voters. Those few who believe it occurs often enough to be a concern say that it is impossible to show the extent to which it happens," and are left to refer to anecdotal accounts. At the same time, the report found that "[d]eceptive practices, e.g. targeted flyers and phone calls providing misinformation, were a major problem in 2004" and that "[v]oter intimidation continues to be focused on minority communities."

As you know, the Committee on House Administration conducted a hearing in June in the subject of non-citizen voting and a bill offered by Representative Hyde to require all voters to present government-issued photo identification before voting. Although the EAC was in possession of the enclosed report at that time, the report was not released, and therefore did not inform the proceedings. Subsequently, on September 20, the Hyde bill was reported to the floor of the House for debate and a vote. Again, the EAC was in possession of a report which was directly on the topic and reached conclusions in

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opposition to the assumptions upon which the bill was based, yet the EAC again chose not release it. Had Members been in possession of the report and informed of its conclusions, the relatively close vote on that measure might have come out otherwise.

This is deeply troubling. Under HAVA, the EAC is charged with the responsibility of serving as "a national clearinghouse and resource for the compilation of information," including information gathered in the course of conducting the studies mandated by Section 241. I would like to know, therefore, upon what grounds the EAC withheld that report when it was most needed to inform discussion and debate.

I ask the EAC to publish the full report immediately, with explanation or minority views, if appropriate.

Thank you for your consideration of this important matter. I look forward to hearing from you soon.

Sincerely,

A handwritten signature in black ink that reads "Rush Holt". The signature is written in a cursive style with a large initial "R".

RUSH HOLT
Member of Congress

RH/mpm

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U.S. ELECTION ASSISTANCE COMMISSION

**Status Report on the
Voting Fraud-Voter Intimidation Research
Project**

May 17, 2006

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INTRODUCTION

Section 241 of the Help America Vote Act of 2002 (HAVA) requires EAC to conduct research on election administration issues. Among the tasks listed in the statute is the development of:

- nationwide statistics and methods of identifying, deterring, and investigating voting fraud in elections for Federal office [section 241(b)(6)]; and
- ways of identifying, deterring, and investigating methods of voter intimidation [section 241(b)(7)].

EAC's Board of Advisors recommended that the agency make research on these matters a high priority.

FOCUS OF CURRENT RESEARCH

In September 2005, the Commission hired two consultants with expertise in this subject matter, Job Serebrov and Tova Wang, to:

- develop a comprehensive description of what constitutes voting fraud and voter intimidation in the context of Federal elections;
- perform background research (including Federal and State administrative and case law review), identify current activities of key government agencies, civic and advocacy organizations regarding these topics, and deliver a summary of this research and all source documentation;
- establish a project working group, in consultation with EAC, composed of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation;
- provide the description of what constitutes voting fraud and voter intimidation and the results of the preliminary research to the working group, and convene the working group to discuss potential avenues for future EAC research on this topic; and
- produce a report to EAC summarizing the findings of the preliminary research effort and working group deliberations that includes recommendations for future research, if any;

As of the date of this report, the consultants have drafted a definition of election fraud, reviewed relevant literature and reports, interviewed persons from government and private sectors with subject matter expertise, analyzed news reports of alleged election fraud, reviewed case law, and established a project working group.

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DEFINITION OF ELECTION FRAUD

The consultants drafted a definition of election fraud that includes numerous aspects of voting fraud (including voter intimidation, which is considered a subset of voting fraud) and voter registration fraud, but excludes campaign finance violations and election administration mistakes. This draft will be discussed and probably refined by the project working group, which is scheduled to convene on May 18, 2006.

LITERATURE REVIEW

The consultants found many reports and books that describe anecdotes and draw broad conclusions from a large array of incidents. They found little research that is truly systematic or scientific. The most systematic look at fraud appears to be the report written by Lori Minnite, entitled "Securing the Vote: An Analysis of Election Fraud". The most systematic look at voter intimidation appears to be the report by Laughlin McDonald, entitled "The New Poll Tax". The consultants found that books written about this subject all seem to have a political bias and a pre-existing agenda that makes them somewhat less valuable.

Moreover, the consultants found that reports and books make allegations but, perhaps by their nature, have little follow up. As a result, it is difficult to know when something has remained in the stage of being an allegation and gone no further, or progressed to the point of being investigated or prosecuted or in any other way proven to be valid by an independent, neutral entity. This is true, for example, with respect to allegations of voter intimidation by civil rights organizations, and, with respect to fraud, John Fund's frequently cited book, "Stealing Elections".

Consultants found that researchers agree that measuring something like the incidence of fraud and intimidation in a scientifically legitimate way is extremely difficult from a methodological perspective and would require resources beyond the means of most social and political scientists. As a result, there is much more written on this topic by advocacy groups than social scientists.

Other items of note:

- There is as much evidence, and as much concern, about structural forms of disenfranchisement as about intentional abuse of the system. These include felon disenfranchisement, poor maintenance of databases and identification requirements.
- There is tremendous disagreement about the extent to which polling place fraud, e.g. double voting, intentional felon voting, noncitizen voting, is a serious problem. On balance, more researchers find it to be less of a problem than is commonly described in the political debate; but some reports say it is a major problem, albeit hard to identify.

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- There is substantial concern across the board about absentee balloting and the opportunity it presents for fraud.
- Federal law governing election fraud and intimidation is varied and complex and yet may nonetheless be insufficient or subject to too many limitations to be as effective as it might be.
- Deceptive practices, e.g. targeted flyers and phone calls providing misinformation, were a major problem in 2004.
- Voter intimidation continues to be focused on minority communities, although the American Center for Voting Rights uniquely alleges it is focused on Republicans.

Recommendations

The consultants recommend that subsequent EAC research include a follow up study of allegations made in reports, books and newspaper articles. They also suggest that the research should focus on filling the gap between the lack of reports based on methodical studies by social or political scientists and the numerous, but less scientific, reports published by advocacy groups.

INTERVIEWS

The consultants jointly selected experts from the public and private sector for interviews. The consultants' analysis of their discussions with these members of the legal, election official, advocacy, and academic communities follows.

Common Themes

- There is virtually universal agreement that absentee ballot fraud is the biggest problem, with vote buying and registration fraud coming in after that. The vote buying often comes in the form of payment for absentee ballots, although not always. Some absentee ballot fraud is part of an organized effort; some is by individuals, who sometimes are not even aware that what they are doing is illegal. Voter registration fraud seems to take the form of people signing up with false names. Registration fraud seems to be most common where people doing the registration were paid by the signature.
- There is widespread but not unanimous agreement that there is little polling place fraud, or at least much less than is claimed, including voter impersonation, "dead" voters, noncitizen voting and felon voters. Those few who believe it occurs often enough to be a concern say that it is impossible to show the extent to which it happens, but do point to instances in the press of such incidents. Most people believe that false registration forms have not resulted in polling place fraud,

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although it may create the perception that vote fraud is possible. Those who believe there is more polling place fraud than reported/investigated/prosecuted believe that registration fraud does lead to fraudulent votes. Jason Torchinsky from the American Center for Voting Rights is the only interviewee who believes that polling place fraud is widespread and among the most significant problems in the system.

- Abuse of challenger laws and abusive challengers seem to be the biggest intimidation/suppression concerns, and many of those interviewed assert that the new identification requirements are the modern version of voter intimidation and suppression. However there is evidence of some continued outright intimidation and suppression, especially in some Native American communities. A number of people also raise the problem of poll workers engaging in harassment of minority voters. Other activities commonly raised were the issue of polling places being moved at the last moment, unequal distribution of voting machines, videotaping of voters at the polls, and targeted misinformation campaigns.
- Several people indicate that, for various reasons, DOJ is bringing fewer voter intimidation and suppression cases now, and has increased its focus on matters such as noncitizen voting, double voting, and felon voting. Interviews with DOJ personnel indicate that the Voting Section, Civil Rights Division, focuses on systemic patterns of malfeasance in this area. While the Election Crimes Branch, Public Integrity Section, continues to maintain an aggressive pursuit of systematic schemes to corrupt the electoral process (including voter suppression), it also has increased prosecutions of individual instances of felon, alien, and double voting.
- The problem of badly kept voter registration lists, with both ineligible voters remaining on the rolls and eligible voters being taken off, remains a common concern. A few people are also troubled by voters being on registration lists in two states. They said that there was no evidence that this had led to double voting, but it opens the door to the possibility. There is great hope that full implementation of the new requirements of HAVA – done well, a major caveat – will reduce this problem dramatically.

Common Recommendations:

- Many of those interviewed recommend better poll worker training as the best way to improve the process; a few also recommended longer voting times or voting on days other than election day (such as weekends) but fewer polling places so only the best poll workers would be employed.
- Many interviewed support stronger criminal laws and increased enforcement of existing laws with respect to both fraud and intimidation. Advocates from across the spectrum expressed frustration with the failure of the Department of Justice to pursue complaints.

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- With respect to DOJ's Voting Section, Civil Rights Division, John Tanner indicated that fewer cases are being brought because fewer are warranted – it has become increasingly difficult to know when allegations of intimidation and suppression are credible since it depends on one's definition of intimidation, and because both parties are doing it. Moreover prior enforcement of the laws has now changed the entire landscape – race based problems are rare now. Although challenges based on race and unequal implementation of identification rules would be actionable, Mr. Tanner was unaware of such situations actually occurring and his office has not pursued any such cases.
- Craig Donsanto of DOJ's Election Crimes Branch, Public Integrity Section, says that while the number of election fraud related complaints have not gone up since 2002, nor has the proportion of legitimate to illegitimate claims of fraud, the number of cases DOJ is investigating and the number of indictments his office is pursuing are both up dramatically. Since 2002, in addition to pursuing systematic election corruption schemes, DOJ has brought more cases against alien voters, felon voters and double voters than ever before. Mr. Donsanto would like more resources so that his agency can do more and would like to have laws that make it easier for the federal government to assume jurisdiction over voter fraud cases.
- A couple of interviewees recommend a new law that would make it easier to criminally prosecute people for intimidation even when there is not racial animus.
- Several advocate expanded monitoring of the polls, including some associated with the Department of Justice.
- Almost everyone hopes that administrators will maximize the potential of statewide voter registration databases to prevent fraud.
- Challenge laws, both with respect to pre-election day challenges and challengers at the polls, need to be revised by all states to ensure they are not used for purposes of wrongful disenfranchisement and harassment.
- Several people advocate passage of Senator Barak Obama's "deceptive practices" bill.
- There is a split on whether it would be helpful to have nonpartisan election officials – some indicated they thought even if elections officials are elected as non partisan officials, they will carry out their duties in biased ways nonetheless. However, most agree that elections officials pursuing partisan agendas are a problem that must be addressed in some fashion. Suggestions included moving election responsibilities out of the secretary of states' office; increasing transparency in the process; and enacting conflict of interest rules.

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- A few recommend returning to allowing use of absentee ballots "for cause" only if it were politically feasible.
- A few recommend enacting a national identification card, including Pat Rogers, an attorney in New Mexico, and Jason Torchinsky from ACVR, who advocates the proposal in the Carter-Baker Commission Report.
- A couple of interviewees indicated the need for clear standards for the distribution of voting machines

NEWS ARTICLES

Consultants conducted a Nexis search of related news articles published between January 1, 2001 and January 1, 2006. A systematic, numerical analysis of the data collected during this review is currently being prepared. What follows is an overview of these articles provided by the consultants.

Absentee Ballots

According to press reports, absentee ballots are abused in a variety of ways:

- Campaign workers, candidates and others coerce the voting choices of vulnerable populations, usually elderly voters.
- Workers for groups and individuals have attempted to vote absentee in the names of the deceased.
- Workers for groups, campaign workers and individuals have attempted to forge the names of other voters on absentee ballot requests and absentee ballots and thus vote multiple times.

It is unclear how often actual convictions result from these activities (a handful of articles indicate convictions and guilty pleas), but this is an area in which there have been a substantial number of official investigations and actual charges filed, according to news reports where such information is available. A few of the allegations became part of civil court proceedings contesting the outcome of the election.

While absentee fraud allegations turn up throughout the country, a few states have had several such cases. Especially of note are Indiana, New Jersey, South Dakota, and most particularly, Texas. Interestingly, there were no articles regarding Oregon, where the entire system is vote by mail.

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Voter Registration Fraud

According to press reports, the following types of allegations of voter registration fraud are most common:

- Registering in the name of dead people;
- Fake names and other information on voter registration forms;
- Illegitimate addresses used on voter registration forms;
- Voters being tricked into registering for a particular party under false pretenses; and
- Destruction of voter registration forms depending on the party the voter registered with.

There was only one self evident instance of a noncitizen registering to vote. Many of the instances reported included official investigations and charges filed, but few actual convictions, at least from the news reporting. There have been multiple reports of registration fraud in California, Colorado, Florida, Missouri, New York, North Carolina, Ohio, South Dakota, and Wisconsin.

Voter Intimidation and Suppression

This is the area which had the most articles, in part because there were so many allegations of intimidation and suppression during the 2004 election. Most of these remained allegations and no criminal investigation or prosecution ensued. Some of the cases did end up in civil litigation.

This is not to say that these alleged activities were confined to 2004 – there were several allegations made during every year studied. Most notable were the high number of allegations of voter intimidation and harassment reported during the 2003 Philadelphia mayoral race.

A very high number of the articles were about the issue of challenges to voters' registration status and challengers at the polling places. There were many allegations that planned challenge activities were targeted at minority communities. Some of the challenges were concentrated in immigrant communities.

However, the tactics alleged varied greatly. The types of activities discussed also include the following:

- Photographing or videotaping voters coming out of polling places;
- Improper demands for identification;

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- Poll watchers harassing voters;
- Poll workers being hostile to or aggressively challenging voters;
- Disproportionate police presence;
- Poll watchers wearing clothes with messages that seemed intended to intimidate;
and
- Insufficient voting machines and unmanageably long lines.

Although the incidents reported on occurred everywhere, not surprisingly, many came from "battleground" states. There were several such reports out of Florida, Ohio, and Pennsylvania.

"Dead Voters and Multiple Voting"

There were a high number of articles about people voting in the names of the dead and voting more than once. Many of these articles were marked by allegations of big numbers of people committing these frauds, and relatively few of these allegations turning out to be accurate according to investigations by the newspapers themselves, elections officials, and criminal investigators. Often the problem turned out to be a result of administrative error, poll workers mis-marking voter lists, a flawed registration list and/or errors made in the attempt to match names of voters on the list with the names of the people who voted. In a good number of cases, there were allegations that charges of double voting by political leaders were an effort to scare people away from the voting process.

Nonetheless there were a few cases of people actually being charged and/or convicted for these kinds of activities. Most of the cases involved a person voting both by absentee ballot and in person. A few instances involved people voting both during early voting and on Election Day, which calls into question the proper marking and maintenance of the voting lists. In many instances, the person charged claimed not to have voted twice on purpose. A very small handful of cases involved a voter voting in more than one county and there was one substantiated case involving a person voting in more than one state. Other instances in which such efforts were alleged were disproved by officials.

In the case of voting in the name of a dead person, the problem lay in the voter registration list not being properly maintained, i.e. the person was still on the registration list as eligible to vote, and a person took criminal advantage of that. In total, the San Francisco Chronicle found five such cases in March 2004; the AP cited a newspaper analysis of five such persons in an Indiana primary in May 2004; and a senate committee found two people to have voted in the names of the dead in 2005.

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As usual, there were a disproportionate number of such articles coming out of Florida. Notably, there were three articles out of Oregon, which has one hundred percent vote-by-mail.

Vote Buying

There were a surprising number of articles about vote buying cases. A few of these instances involved long-time investigations concentrated in three states (Illinois, Kentucky, and West Virginia). There were more official investigations, indictments and convictions/pleas in this area.

Deceptive Practices

In 2004 there were numerous reports of intentional disinformation about voting eligibility and the voting process meant to confuse voters about their rights and when and where to vote. Misinformation came in the form of flyers, phone calls, letters, and even people going door to door. Many of the efforts were reportedly targeted at minority communities. A disproportionate number of them came from key battleground states, particularly Florida, Ohio, and Pennsylvania. From the news reports found, only one of these instances was officially investigated, the case in Oregon involving the destruction of completed voter registration applications. There were no reports of prosecutions or any other legal proceeding.

Non-citizen Voting

There were surprisingly few articles regarding noncitizen registration and voting – just seven all together, in seven different states across the country. They were also evenly split between allegations of noncitizens registering and noncitizens voting. In one case, charges were filed against ten individuals. In another case, a judge in a civil suit found there was illegal noncitizen voting. Three instances prompted official investigations. Two cases, from this Nexis search, remained just allegations of noncitizen voting.

Felon Voting

Although there were only thirteen cases of felon voting, some of them involved large numbers of voters. Most notably, of course, are the cases that came to light in the Washington gubernatorial election contest (see Washington summary) and in Wisconsin (see Wisconsin summary). In several states, the main problem was the large number of ineligible felons that remained on the voting list.

Election Official Fraud

In most of the cases in which fraud by elections officials is suspected or alleged, it is difficult to determine whether it is incompetence or a crime. There are several cases of ballots gone missing, ballots unaccounted for and ballots ending up in a worker's possession. In two cases workers were said to have changed peoples' votes. The one

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instance in which widespread ballot box stuffing by elections workers was alleged was in Washington State. The judge in the civil trial of that election contest did not find that elections workers had committed fraud. Four of the cases are from Texas.

Recommendation

The consultants recommend that subsequent EAC research should include a Nexis search that specifically attempts to follow up on the cases for which no resolution is evident from this particular initial search.

CASE LAW RESEARCH

After reviewing over 40,000 cases from 2000 to the present, the majority of which came from appeals courts, the consultants found comparatively few applicable to this study. Of those that were applicable, the consultants found that no apparent thematic pattern emerges. However, it appears to them that the greatest areas of fraud and intimidation have shifted from past patterns of stealing votes to present problems with voter registration, voter identification, the proper delivery and counting of absentee and overseas ballots, provisional voting, vote buying, and challenges to felon eligibility.

Recommendation

Because so few cases provided a picture of these current problems, consultants suggest that subsequent EAC research include a review of state trial-level decisions.

PROJECT WORKING GROUP

Consultants and EAC worked together to select members for the Voting Fraud-Voter Intimidation Working Group that included election officials and representatives of advocacy groups and the legal community who have an interest and expertise in the subject matter. (See Attachment A for a list of members.) The working group is scheduled to convene at EAC offices on May 18, 2006 to consider the results of the preliminary research and to offer ideas for future EAC activities concerning this subject.

FINAL REPORT

After convening the project working group, the consultants will draft a final report summarizing the results of their research and the working group deliberations. This report will include recommendations for future EAC research related to this subject matter. The draft report will be reviewed by EAC and, after obtaining any clarifications or corrections deemed necessary, will be made available to the EAC Standards Board and EAC Board of Advisors for review and comment. Following this, a final report will be prepared.

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Attachment A

Voting Fraud-Voter Intimidation Project Working Group

The Honorable Todd Rokita

Indiana Secretary of State

Member, EAC Standards Board and the Executive Board of the Standards Board

Kathy Rogers

Georgia Director of Elections, Office of the Secretary of State

Member, EAC Standards Board

J.R. Perez

Guadalupe County Elections Administrator, TX

Barbara Arnwine

Executive Director, Lawyers Committee for Civil Rights Under Law

Leader of Election Protection Coalition

(To be represented at May 18, 2006 meeting by Jon M. Greenbaum, Director of the Voting Rights Project for the Lawyers Committee for Civil Rights Under Law)

Robert Bauer

Chair of the Political Law Practice at the law firm of Perkins Coie, DC

National Counsel for Voter Protection, Democratic National Committee

Benjamin L. Ginsberg

Partner, Patton Boggs LLP

Counsel to national Republican campaign committees and Republican candidates

Mark (Thor) Hearne II

Partner-Member, Lathrop & Gage, St Louis, MO

National Counsel to the American Center for Voting Rights

Barry Weinberg

Former Deputy Chief and Acting Chief, Voting Section, Civil Rights Division, U.S.

Department of Justice

EAC Invited Technical Advisor:

Craig Donsanto

Director, Election Crimes Branch, U.S. Department of Justice

015458



UNITED STATES COMMISSION ON CIVIL RIGHTS
WASHINGTON, D.C. 20425

OFFICE OF STAFF DIRECTOR

FACSIMILE COVER SHEET

DATE: 10-19-06

TO: U.S. ELECTION ASSISTANCE COMMISSION
ATTN: CHAIRMAN PAUL DE GREGGIO

FROM: OFFICE OF THE STAFF DIRECTOR

COMMENTS:

NUMBER OF PAGES INCLUDING COVER PAGE: _____

PERSON TO CONTACT IF PROBLEM:

OFFICE OF THE STAFF DIRECTOR
(202) 376-7700
FACSIMILE NO.: (202) 376-7672

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UNITED STATES COMMISSION ON CIVIL RIGHTS
WASHINGTON, D.C. 20435

OFFICE OF STAFF DIRECTOR

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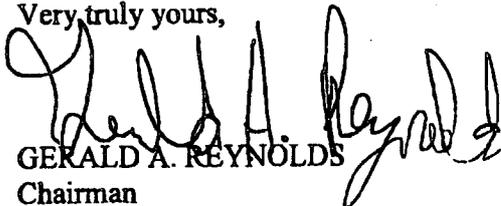
October 19, 2006

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Washington, DC 20005

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Very truly yours,



GERALD A. REYNOLDS
Chairman

015461



UNITED STATES COMMISSION ON CIVIL RIGHTS

624 NINTH STREET, NW, WASHINGTON, DC 20425

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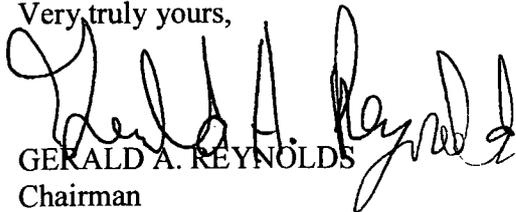
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GERALD A. REYNOLDS
Chairman

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U.S. ELECTION ASSISTANCE COMMISSION
1225 NEW YORK AVENUE, N.W., SUITE 1100
WASHINGTON, D.C. 20005

OFFICE OF THE CHAIRMAN

October 24, 2006

Gerald A Reynolds
Chairman, United States Commission on Civil Rights
624 9th Street, NW
Washington, DC 20425

Via Facsimile Transmission ONLY
202-376-7672

RE: October 19, 2006 Letter

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Your letter of October 19, 2006 requests the status on the EAC's Voter Fraud and Intimidation Report. I would like to take this opportunity to clarify the purpose and status of this study.

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The conversation at the working group meeting was lively on the very points that we were trying to accomplish as a part of this study, namely what is voter fraud and how do we pursue studying it. Many of the proposed conclusions that were suggested by the consultants were challenged by the working group members. As such, the consultants were tasked with reviewing the concerns expressed at the working group meeting, conducting additional research as necessary, and providing a draft report to EAC that took into account the working group's concerns and issues.

That draft report is currently being vetted by EAC staff. EAC will release a final report from this study after it has conducted a review of the draft provided by the consultants. However, it is important to remember the purpose of this study – finding a uniform definition of voter fraud and making recommendations on how to study the existence, prosecution and deterrence of voter fraud -- as it will serve as the basis of the EAC report on this study. Thank you for your letter.

Sincerely,


Paul S. DeGregorio
Chairman

015463

DRAFT – PREDECISIONAL – NOT FOR DISTRIBUTION

October 18, 2006

Honorable Rush Holt
1019 Longworth Building
Washington, DC 20515

Via Facsimile Transmission ONLY
202-225-6025

RE: October 16, 2006 Letter

Dear Congressman Holt:

Your letter of October 16, 2006 requests the release of EAC's Voter Fraud and Intimidation Report. I would like to take this opportunity to clarify the purpose and status of this study.

In late 2005, EAC hired two consultants for the purpose of assisting EAC with two things: 1) developing a uniform definition of the phrase voter fraud, and 2) making recommendations on how to further study the existence, prosecution, and means of deterring such voter fraud. In May 2006, a status report on this study was given to the EAC Standards Board and EAC Board of Advisors during their public meetings. During the same week, a working group convened to react to and provide comment on the progress and potential conclusions that could be reached from the work of the two consultants.

The conversation at the working group meeting was lively on the very points that we were trying to accomplish as a part of this study, namely what is voter fraud and how do we pursue studying it. Many of the proposed conclusions that were suggested by the consultants were challenged by the working group members. As such, the consultants were tasked with reviewing the concerns expressed at the working group meeting, conducting additional research as necessary, and providing a draft report to EAC that took into account the working group's concerns and issues.

That draft report is currently being vetted by EAC staff. EAC will release a final report from this study after it has conducted a review of the draft provided by the consultants. However, it is important to remember the purpose of this study – finding a uniform definition of voter fraud and making recommendations on how to study the existence, prosecution and deterrence of voter fraud -- as it will serve as the basis of the EAC report on this study.

Thank you for your letter. You can be assured that as soon as a final report on the fraud and intimidation study is available, a copy will be made available to the public.

Sincerely,

Paul S. DeGregorio, Chairman

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FINAL DRAFT

For Review by the Standards Board and Board of Advisors

Report to the
U. S. Election Assistance Commission
On
Best Practices to Improve Voter Identification Requirements
Pursuant to the
HELP AMERICA VOTE ACT OF 2002
Public Law 107-252

May 16, 2006

Submitted by

The Eagleton Institute of Politics, Rutgers, The State University of New Jersey

The Moritz College of Law, The Ohio State University

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FINAL DRAFT

For Review by the Standards Board and Board of Advisors

The Research Team

This research report on Voter Identification Requirements in the 2004 election is part of a broader analysis that also includes a study of Provisional Voting, which has already been submitted to the EAC. Conducting the work was a consortium of The Eagleton Institute of Politics of Rutgers, The State University of New Jersey, and The Moritz College of Law of The Ohio State University.

The Eagleton Institute explores state and national politics through research, education, and public service, linking the study of politics with its day-to-day practice. It focuses attention on how contemporary political systems work, how they change, and how they might work better. Eagleton regularly undertakes projects to enhance political understanding and involvement, often in collaboration with government agencies, the media, non-profit groups, and other academic institutions.

The Moritz College of Law has served the citizens of Ohio and the nation since its establishment in 1891. It has played a leading role in the legal profession through countless contributions made by graduates and faculty. Its contributions to election law have become well known through its Election Law @ Moritz website. *Election Law @ Moritz* illuminates public understanding of election law and its role in our nation's democracy.

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FINAL DRAFT

For Review by the Standards Board and Board of Advisors

Peer Review Group

A draft of this report and the statistical analysis in its appendix were critiqued by a Peer Review Group. The comments of its members improved the quality of our work. While the Group as a whole and the comments of its members individually contributed generously to the research effort, any errors of fact or weaknesses in inference are the responsibility of the Eagleton-Moritz research team. The members of the Peer Review Group do not necessarily share the views reflected in our recommendations.

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REPORT AND RECOMMENDATIONS TO THE EAC VOTER IDENTIFICATION ISSUES

Report Background

The Help America Vote Act of 2002 (HAVA) (Public Law 107-252) authorizes the United States Election Assistance Commission (EAC) (Sec. 241, 42 USC 15381) to conduct periodic studies of election administration issues. The purpose of these studies is to promote methods for voting and administering elections, including provisional voting, that are convenient, accessible and easy to use; that yield accurate, secure and expeditious voting systems; that afford each registered and eligible voter an equal opportunity to vote and to have that vote counted; and that are efficient.

This study provides information on voter identification practices in the 2004 election. It makes recommendations for best practices to evaluate future proposals for voter ID requirements, including the systematic collection and evaluation of information from the states. The research was conducted by the Eagleton Institute of Politics at Rutgers, the State University of New Jersey, and the Moritz College of Law at the Ohio State University under a contract with the EAC, dated May 24, 2005. The work included a review and legal analysis of state statutes, regulations and litigation concerning voter identification and provisional voting as well as a statistical analysis of the relationship of various requirements for voter identification to turnout in the 2004 election. This report is a companion to a report on Provisional Voting submitted to the EAC on November 28, 2005 under the same contract.

EXECUTIVE SUMMARY AND RECOMMENDATIONS

Background and Methods

This report arrives at a time of considerable ferment over the issue of voter identification. The debate across the nation over requiring voters to produce a specific identification document before being permitted to cast a regular (as opposed to a provisional) ballot, has revealed supporters and opponents in polarized camps.

- Proponents of stricter identification requirements base their case on improving the security of the ballot by reducing opportunities for one kind of vote fraud --multiple voting or voting by those who are not eligible. The proponents argue that their goal is to ensure that only those legally entitled to vote do so, and do so only once at each election.

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For review by the EAC's Advisory Boards

- Opponents seek to forestall more stringent identification requirements, such as for government-issued photo ID, in order to ensure broad access to a regular ballot. They fear that some voters --such as, they argue, racial and ethnic minorities, the young, and elderly voters-- may lack convenient access to the required ID documents, or that such voters may be fearful of submitting their ID documents to official scrutiny and thus stay away from the polls.
- Both sides argue that their preferred policy will engender faith in the electoral process among citizens.

This report considers policy issues associated with the voter ID debate and investigates whether empirical study can suggest a way to estimate the effects of different voter ID requirements on turnout, and important first step in assessing tradeoffs between ballot security and ballot access. The aim is to contribute to the effort to raise the quality of the debate over this contentious topic. The tradeoffs between ballot security and ballot access are crucial. A voting system that requires voters to produce an identity document or documents may prevent the ineligible from voting. It may also prevent eligible voters from casting a ballot. If the ID requirement of a ballot protection system blocks ineligible voters from the polls at the cost of preventing eligible voters who lack the required forms of identification, the integrity of the ballot may not have been improved; the harm may be as great as the benefit.

As part of the project's effort to analyze the relationship between Voter ID requirements, turnout, and their policy implications, a statistical analysis was conducted to examine the potential variation in turnout. This statistical study developed a model to illuminate the relationships between voter ID requirements and turnout. This model's findings and limitations suggest avenues for further research and analysis that may assist the EAC and the states as they explore policies to balance the goals of ballot integrity and ballot access.

The statistical analysis describes one possible way to estimate what might be the incremental effect on voters' access to the ballot of an increase in the rigor of voter identification requirements. We do not offer this statistical analysis as the last word, but rather as a preliminary word on the subject. Its findings must be regarded as tentative; the information that might permit greater certainty is simply not available. Indeed, as our recommendations indicate, the next step to improve understanding of the effects of stricter voter identification on turnout and on vote fraud is to collect more information on both topics systematically and regularly.

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Making a statistical estimate of the effect of voting regulations on turnout is difficult. The dynamics of turnout are complex, much studied, and only partially understood. Some agreement exists, however, that three factors that exert substantial influence on voter turnout are:¹ the socioeconomic status of the potential voter; legal requirements to vote; and the political context of the election. By focusing on how voters identify themselves at the polls, this report emphasizes legal requirements. The statistical analysis also considers some of the socioeconomic, racial, and age characteristics of the electorate, as well as the political context in 2004 (such as whether a state was a battleground in the presidential race).

Examining tradeoffs between ballot security and ballot access requires some measure of the effectiveness of voter ID requirements in reducing multiple voting or voting by ineligible voters. The existing evidence on the incidence of vote fraud, especially on the kind of vote fraud that could be reduced by requiring more rigorous voter identification, is not sufficient to evaluate those tradeoffs.² Assessing the effectiveness of voter ID as a way to protect the integrity of the ballot should logically include an estimate of the nature and frequency of vote fraud. This research does not include consideration of vote fraud, nor does it estimate the possible effectiveness of various voter ID regimes to counter attempts at vote fraud. Our analysis also cannot take into account how many potential voters who did not turn out under comparatively stricter voter ID requirements might have been ineligible or eligible to vote.

Despite these qualifications regarding the quality of the available data and the limitations of statistical analysis, however, although it used different statistical methods and two different sets of data on turnout in 2004 election, it points to the same general finding. As discussed at greater length in the appendix to this report, stricter voter identification requirements were correlated with reduced turnout in the models employed.³ As explained below, these models find that a statistically significant relationship exists, even when controlling for other factors (such as whether the election was in a battleground state) that might affect turnout. Without knowing more about the effects of stricter voter ID on reducing multiple voting or voting by ineligible

¹ See, for example, Tom William Rice and Patrick J. Kenney, "Voter Turnout in Presidential Primaries." 1985. Political Behavior, 7: 101-112. Identification requirements are not the only legal restrictions on voting. States also differ, for example, in their registration requirements (including how long before the election registration must take place and the identity documents required register).

² The EAC has contracted with other researchers to study vote fraud issues.

³ Appendix C: Tim Vercellotti, Eagleton Institute of Politics, *Analysis of Effects of Voter Identification Requirements on Turnout*.

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voters, however, the tradeoffs between ballot security and ballot access cannot be assessed fully.

Methodology

The report includes detailed information on the nature of the statutory requirements across the country in 2004 and on the statutes and court decisions that provide the legal context for the voter ID debate. We gathered information on the requirements in effect in the 50 states and the District of Columbia in that year. Based on our interpretation of state statutes, supplemented in some cases by conversations with state election officials, we divided the states' ID requirements into five categories. We believe each category is more rigorous than the one preceding, based on the demands they make on voters.⁴ The categories range from "Stating Name" which we judge to be somewhat less demanding than "Signing Name." "Signature Match" requires poll workers to examine the signature and compare it to a sample, which is slightly more demanding than the voter simply signing. "Present ID" requires voters to offer some documentary evidence of their identity, ranging from a utility bill to a passport. It is more demanding than the previous three categories because it requires that the voter remember to bring this documentation to the polls. (Even a simple ID, such as a utility bill, may not be available to some renters or, say, those in group housing.) We regard a government "Photo ID" as the most rigorous requirement. Such identity documents may not be uniformly and conveniently available to all voters.

For each state, we identified both the "maximum" and "minimum" identification requirements. The term "maximum" refers to the most that voters may be *asked* to do or show at the polling place (putting aside cases in which particular voter's eligibility may be questioned pursuant to a state challenge process). The term "minimum," on the other hand, refers to the most that voters can be *required* to do or show, in order to cast regular ballot (again leaving aside a state challenge process). We have included "maximum" requirements in our analysis, and not simply "minimum" requirements, because simply asking voters to produce particular identifying information may have a deterrent effect, even if voters are ultimately allowed to cast a regular ballot without that identification. For example, in a state where voters are asked to show photo ID at the polling place, but still allowed to vote by completing an affidavit confirming their eligibility, the "maximum" of being asked to show photo ID may deter some voters even though the "minimum" would allow them to vote without photo ID.

⁴ Even the most relaxed provisions for identification at the polls—anything stricter than the honor system used in North Dakota—will impose some burden on particular voters. Harvard Law Review 119:1146

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It is worth emphasizing that, at the time of the 2004 election, there was *no* state that had a "minimum" requirement of showing photo ID – in other words, there was no state that required voters to show photo ID in order to cast a regular ballot. For this reason, our report does not measure the impact of laws, like those recently enacted in Indiana and Georgia, which require voters to show photo ID in order to cast a regular ballot without an affidavit exception.

To examine the potential variation on turnout rates associated with each type of voter ID requirements in effect on Election Day 2004, the statistical analysis drew on two sets of data. These were, first, aggregate turnout data at the county level for each state and, second, the reports of individual voters collected in the November 2004 Current Population Survey by the U. S. Census Bureau. Using two different data sets makes it possible to check the validity of one analysis against the other. It also provides insights not possible using only one of the data sets. The aggregate analysis cannot provide valid estimates on the effects of different ID requirements on particular demographic groups (e.g., the old, the young, African-Americans, the poor, or high school graduates). The Current Population Survey data does permit that kind of analysis, although it has the disadvantage of relying on self-reports by respondents about their registration status and experience in the polling place.

To understand legal issues that have been raised in recent litigation over voter ID requirements, we collected and analyzed the few major cases that have been decided so far on this issue. The decisions so far provide some guidance on the constitutional and other constraints as to voter ID requirements.

Summary of Findings

As voter identification requirements vary, voter turnout varies as well. This finding emerged from both the statistical analysis's aggregate data and the individual-level data, although not always for both the maximum and minimum sets of requirements. The overall relationship between the stringency of ID requirements and turnout was fairly small, but still statistically significant.

In the model used with the aggregate data in the statistical analysis, the match signature requirement, the provide a non-photo ID requirement, and the photo ID requirement were all correlated with lower turnout compared to requiring that voters state their names. With the addition of the registration closing data to the aggregate analysis, photo id is no longer a

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significant predictor of turnout. Signature match and non-photo id remain significant and negative predictors in the model.

The reduction in turnout was not the same for all demographic groups in the citizen voting age population.

The non-photo identification requirement showed the most significant and consistent correlation with reduced turnout. This result may be surprising given the intense debates surrounding photo identification requirements. The effect of photo ID requirements cannot, however, be assessed from the data the statistical analysis examined, since none of the states had laws in 2004 that conditioned voting on presentation of photo ID. Each of the five states that had photo ID as a "maximum" requirement (i.e., the most that voters could be asked to show at the polls) accepted another type of identification or an affidavit as a "minimum" requirement in the 2004 election (i.e., they were allowed to cast a regular ballot with something less than photo ID).

Significant questions about the relationship of voter identification requirements to turnout remain unanswered. The data examined in this project could not capture the dynamics of how identification requirements might lower turnout. If ID requirements dampen turnout, is it because individuals are aware of the requirements and stay away from the polls because they cannot or do not want to meet the requirements? Or, do the requirements result in some voters being turned away when they cannot meet the requirements on Election Day? Other factors that may also be correlated with stricter ID laws – such as less user-friendly voter registration systems – may actually be causing lower turnout. The CPS data do not include the information needed to answer this question. Knowing more about the "on the ground" experiences of voters concerning identification requirements could guide policy-makers at the state and local level in determining whether and at what point in the electoral cycle a concerted public information campaign might be most effective in helping voters to meet identification requirements. Such knowledge also could help in designing training for election judges to handle questions about, and potential disputes over, voter identification requirements.

Our analysis of litigation suggests that the courts will look more strictly at requirements that voters produce a photo ID in order to cast a regular ballot, than at non-photo ID laws. The courts have used a balancing test to weigh the legitimate interest in preventing election fraud against the citizen's right to privacy (protecting social security numbers from public disclosure, for

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example) and the reasonableness of requirements for identity documents. To provide both the clarity and certainty in administration of elections needed to forestall destabilizing challenges to outcomes, a best practice for the states may be to limit requirements for voter identification to the minimum needed to prevent duplicate registration and ensure eligibility.

The current lack of understanding of precisely how voter ID requirements affect turnout could be ameliorated by requiring the collection and reporting of additional data, including the reasons potential voters are required to cast a provisional ballot and the reasons for rejecting provisional ballots during the 2006 and subsequent elections. Also useful would be the results of surveys of voters on their experiences in meeting voter ID requirements and on what type of ballot they cast.⁵ And, of course, more information is needed on the incidence and varieties of vote fraud, but that inquiry is outside the scope of this report.

Recommendations for consideration and action by the EAC

The dynamics of Voter ID requirements –how more rigorous voter ID requirements may affect the decision by potential voters to go or stay away from the polls-- are not perfectly understood. This lack of understanding should be recognized in the policy process in the states. The debate over voter ID in the states would be improved by additional research sponsored by the EAC.

The EAC should consider the following actions to improve understanding of the relationship between voter ID requirements and the two important goals of ensuring ballot access and ensuring ballot integrity.

1. Encourage or sponsor further research to clarify the connection between Voter ID requirements and the number of potential voters actually able to cast a ballot that is actually counted.
2. Recommend as a best practice the publication of a "Voting Impact Statement" by states as they assess their voter ID requirements to protect the integrity of the ballot. The analysis will help ensure that efforts to increase ballot security have a neutral effect on electoral participation by eligible voters. The Voter Impact Statement would estimate the number and demographics of 1) eligible, potential voters that may be kept from the polls

⁵ Arizona held its first election with its new, stricter ID requirements on March 14, 2006. In at least one county (Maricopa) election officials handed a survey to voters that asked if they knew about the voter identification law and if they did, how they found out about it. Edythe Jensen, "New Voter ID Law Goes Smoothly in Chandler," *Arizona Republic*, March 15, 2006. More surveys of this kind can illuminate the dynamics of voter ID and voting in ways that are not possible now because of insufficient data.

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or permitted to cast a provisional ballot by a stricter ID requirement; and 2) and assess the number of ineligible voters who will be prevented from voting by the stricter ID requirements.

3. Encourage or require the states in the 2006 election and beyond, to collect and report reliable, credible information on the relationship between ballot access and ballot security. EAC should publish an analysis of this information to provide a sound factual basis for the states to consider as they estimate the incidence of the kinds of vote fraud that more stringent ID requirements may prevent. The analysis should describe the dynamics of the voter ID process in preserving the security of the ballot. EAC can also use this information to encourage the states to assess the effectiveness of programs to ensure that all eligible voters have required ID and are permitted to vote in future elections. Well-designed longitudinal studies in the states can show the results of changing voter ID requirements on electoral participation over time. The studies should include precinct-level data to provide the fine-grained analysis that can provide a solid foundation for policy.
 - I. Useful information could be supplied by state-sponsored surveys of voters by local election officials. It would make clear why those who cast a provisional ballot were found ineligible to cast a regular ballot. The answers would illuminate the frequency with which ID issues divert voters into the provisional ballot line.
 - II. Surveys to ask voters what they know about the voter id requirements would also provide useful context for evaluating the effect of various voter ID requirements on electoral participation.
 - III. Spot checks by state election officials on how the identification process works at polling places could provide information on how closely actual practice tracks statutory or regulatory requirements. Such reports should be available to the public.
4. Encourage states to examine the time period allowed for voters who cast a provisional ballot because they lacked required ID to return with their identification. In eleven states, voters who had to cast a provisional ballot because they lacked the ID required for a regular ballot were permitted to return later with their ID. Their provision of this ID is the critical step in evaluating the ballots. The length of the period in which the voter may return with ID is important. In setting the time period for return, which now varies among the states from the same day to about two weeks, states should consider three factors:

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the convenience of the voter, the total time allowed to evaluate ballots⁶, and the safe harbor provision in presidential elections.

5. Recommendations to the states from EAC should reflect current judicial trends.

Requirements that voters provide some identifying documentation have been upheld, where photo ID is *not* the only acceptable form. Whether laws requiring photo ID will be upheld is more uncertain.

What about Indiana case?

SUMMARY OF RESEARCH

Background and Approach of the Study

Voter ID requirements are just one set of rules governing voting that may affect turnout. Social scientists have long studied how election rules affect participation in elections. The general view today is that the individual citizen makes the choice of whether to vote in a way similar to other decisions that a rational citizen makes, by comparing costs and benefits. The benefits of voting are fairly stable and hard to specify given the remote probability that any one vote will make a difference in an election. But whatever the benefit as perceived by an individual voter, as the costs of voting (for example, time, hassle, acquisition of information) increase, the likelihood that a citizen will vote decrease. Not all groups in the population calculate the cost of participation in the same way, so that election laws (such as registration or identification requirements) may affect different groups differently.

A short summary of some of the social science literature illustrates what may be a broad consensus that the rules of elections affect turnout, but note the important differences in the details of what groups may be most affected.

- Bowler, Brockington and Donovan in "Election Systems and Voter Turnout: Experiments in the United States". *The Journal of Politics*, 63:3 (August 2001) concluded that electoral systems help shape turnout by altering the benefits perceived by voters. For example, cumulative voting systems have 5% greater turnout than plurality systems
- The effect of registration systems has been the subject of many studies over the last 40 years. Kelley, Ayres, and Bowen in "Registration and Voting: Putting First Things First." *American Political Science Review*. 61:2 (June 1967) found that local variations in the

⁶ Our research on provisional voting reveals that states that provide more than a week to evaluate provisional ballots end up counting substantially more of those ballots than states that provide less than a week.

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rate of voting are most directly tied to variations in the rate of registering to vote, and that the rate of registering to vote in localities is most directly related to the laws and administration of the registration process. They concluded that the decline in voting over the past 80 years was due, in part, to the rise of registration laws.

- Brians and Grofman in "Election Day Registration's Effect on U.S. Voter Turnout." *Social Science Quarterly*. 82:1 (March 2001), found that relaxing registration laws produces higher turnout. In particular, they observed that relaxing registration laws is more likely to promote voter turnout among those with medium levels of income and education, rather than those at the lowest levels. Highton in "Easy Registration and Voter Turnout," *Journal of Politics*. 59:2 (May 1997); concluded similarly that registration laws affect voter turnout, but also observed that easier registration promotes turnout among those in lower socio-economic status.

- Mitchell and Wlezien. "The Impact of Legal Constraints on Voter Registration, Turnout, and the Composition of the American Electorate," *Political Behavior*. 17:2 (June 1995) agreed that easier registration promotes higher turnout, but also concluded that higher turnout from easier registration would be unlikely to change the composition of the electorate. Nagler in "The Effect of Registration Laws and Education on U.S. Voter Turnout." *American Political Science Review*. 85:4 (December 1991) found that registration laws decrease voter turnout by depressing the eligible electorate, but that lower educated people are not disproportionately impacted by these laws. But Rosenstone and Raymond E. Wolfinger in "The Effect of Registration Laws on Voter Turnout." *American Political Science Review*. 72:1 (March 1978) found that while registration laws did affect both voter turnout and the composition of the electorate, the sharpest effect of these restrictions was felt in the South and among the least educated.

- Squire, Wolfinger, and Glass in "Residential Mobility and Voter Turnout." *American Political Science Review*. 81:1 (March 1987) found that people who move constitute a major demographic group affected by registration laws. They estimated that altering laws to facilitate voting by recently moved people could increase turnout by 9%. Highton in "Residential Mobility, Community Mobility, and Voter Turnout." *Political Behavior*. 22:2 (June 2000) also found that people who move have lower turnout than stable residents, and estimated that the decline was more a result of registration laws than a loss of social connections.

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- Highton and Wolfinger in "Estimating the Effects of the National Voter Registration Act of 1993." *Political Behavior*. 20:2 (June 1998) concluded that the Motor Voter laws led to a significant increase in voting; that eliminating voter purges for not voting also increases voting; and that these effects are felt most heavily by the young (under 30) and the mobile (moved within past 2 years). Knack, in "Does 'Motor Voter' Work? Evidence from State-Level Data." *Journal of Politics*., 57:3 (August 1995), also found that motor voter does lead to increased registration and voting, but that other parts of NVRA of 1993, like mail-in registrations, agency-based registrations, and limitations on voter purges had not been as influential two years after the passage of the act.

While voter ID may not have been the subject of as much research as the registration process, establishing the eligibility of a person to vote has long been part of the electoral process. Voters may have to identify themselves twice in the electoral process: when registering to vote and then when casting a ballot. The pressures felt by the voter arising from the need to check ID, even so simple a check as a signature match, can be greater at the polls on Election Day than at the time of registration. Poll workers may feel under pressure when faced with long lines and limited time.

Voter ID requirements on Election Day

This analysis focuses on ID requirements on Election Day, but with an appreciation that the ID requirements at time of registration and on Election Day are inter-related.⁷ The emphasis in this report is on Voter ID requirements on Election Day and afterwards as election judges evaluate provisional ballots. This is the critical period for the electoral system, the time when ballot access and ballot security are in the most sensitive balance.

The report looks at voter ID issues that go beyond the rather narrow identification requirements in HAVA. Much of the current debate in state legislatures over voter ID ranges beyond HAVA to require more rigorous documentation of identity for all would-be voters, not just those who had not registered in person and are casting a ballot for the first time. Current controversies in the states over voter ID seems to have been sparked in part by the HAVA requirements, but goes beyond those requirements, and sets the context for the analysis here.⁸

⁷ As the Carter-Baker Commission noted, photo ID requirements for in-person voting do little to address the problem of fraudulent registration by mail, especially in states that do not require third-party organizations that register voters to verify ID. Commission on Federal Election Reform, pp 46-47.

⁸ Harvard Law Review 119:1127: "Legislators hoping to stiffen their state antifraud laws have taken their cue from identification provisions buried in HAVA."

*Carter-Baker
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Comments*
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We recognize that the previously technical, rather dull subject of voter ID requirements has become fiercely partisan and divisive in many states. The polarization of the debate has raised the stakes over this issue, making dispassionate analysis both more valuable and more rare.⁹ Voter ID is often described as the critical step in protecting the integrity of the ballot, the process to ensure that the potential voter is eligible and, if eligible, is permitted to cast one ballot and one ballot only. Truly protecting the integrity of the ballot, however, requires a perspective that takes in the entire voting process. It demands more than preventing the ineligible from voting, and should also ensure that all those who are eligible and want to vote can cast a ballot that counts. The protection effort must embrace all forms of voting, including absentee ballots, and consider each step in the process from registration through vote counting.

A voting system that requires voters to produce an identity document or documents may prevent the ineligible from voting. It may also prevent the eligible from casting a ballot. If the ID requirements block ineligible voters from the polls at the cost of preventing eligible voters who cannot obtain or have left at home the required forms of identification, the integrity of the ballot may not have been improved; the harm may be as great as the benefit. Ultimately, a normative evaluation of whether a state should adopt a stricter voter ID requirement (and, if so, what particular form that new requirement should take) will weigh value judgments as well as available factual evidence. Nonetheless, this report has proceeded on the premise that increased understanding of the factual evidence relating to the imposition of voter ID requirements, based on available data and statistical analysis of that data, can help inform the policy process.

Assessing the effectiveness of voter ID as a way to protect the integrity of the ballot should logically include an estimate of the nature and frequency of vote fraud. The EAC has commissioned a separate analysis of the incidence of vote fraud. Consequently, this research does not include consideration of vote fraud nor the possible effectiveness of various voter ID regimes to counter attempts at vote fraud. As a result, our study of the possible effects of voter

⁹ "Of the various electoral procedure laws passed in the fifty states since the 2000 and 2004 presidential elections and those still being debated in state legislatures and local media, few arouse more potent partisan feelings than voter identification laws." *Harvard Law Review* 119:1144. John Fund's 2004 book, *Stealing Elections: How Voter Fraud Threaten Our Democracy*, cites (pages 16 – 17) a Rasmussen Research poll that asked respondents if they were more concerned with voting by ineligible participants or with disenfranchisement of eligible voters. Sixty-two percent of Kerry supporters, but only 18 percent of Bush supporters, worried more about *disenfranchisement*; 58 percent of Bush supporters, but only 19 percent of Kerry supporters were more concerned with *voter fraud*.

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ID requirements on turnout cannot take into account how many potential voters who did not turn out under comparatively stricter voter ID requirements might have been ineligible or eligible to vote.

In some states, voters lacking required ID, or who have ID that does not reflect their current address, are able to vote only by casting a provisional ballot.¹⁰ Voter ID requirements that require voters to bring a document to the polls --rather than simply sign their names-- may divert more voters to the provisional ballot. Requiring poll workers to request and check ID, can put stress on the already demanding environment of the polling place. Scrutiny of ID can create lines at the polling places. Further delays can result when voters cast a provisional ballot and fill out the ballot envelope. Voters who cast a provisional ballot because they lack their ID on Election Day, and who then fail to return with the needed document or documents, will have their ballot rejected.¹¹ And, of course, the cost of processing provisional ballots is greater than the cost of regular ballots.

Each of these potential consequences of more elaborate voter identification processes can increase the chance of litigation. Long lines will, at best, discourage voters and at worst make voting seem a hassle, an impression that could keep more citizens (even those with ID) from the polls.

Evaluating the effect of different Voter ID regimes can be most effective when based on clear standards --legal, equitable, practical. The standards outlined here might be described as questions policy-makers should ask about Voter ID requirements. We suggest 7 questions that address important dimensions of the problem.

1. Is the Voter ID system designed on the basis of valid and reliable empirical studies of the incidence of the sorts of vote fraud it is designed to prevent?¹²

¹⁰ For example, the Florida voter ID law adopted after the 2004 election and pre-cleared by the Department of Justice, permits voters who cannot meet the ID requirements to sign an affidavit on the envelope of a provisional ballot, which will be counted if the signature matches that on the voter's registration form.

¹¹ The EAC's Election Day Study found "improper ID," to be the third most common reason for a provisional ballot to be rejected. "Improper ID" was cited by 7 states responding to the survey, compared to 14 mentions for voting in the wrong precinct. *Election Day Study*, Chapter 6, p. 5.

¹² "Often where the battle over voter identification is most heated, real evidence of voter fraud proves scarce: in Georgia, for example, the Secretary of State averred that she had never encountered a single instance of voter impersonation at the polls. State laws might sometimes impose tighter restrictions on in-person voting than on absentee ballots, which yield the greatest incidence of, and provide the easiest avenue for, voter fraud. . ." Harvard Law Review 127:1144 (2006)

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2. How effective is the ID requirement in increasing the security of the ballot? How well can it be coordinated with a statewide voter database?¹³
3. How practical is the requirement? (Can it be administered smoothly by the staff and budget likely to be made available? How much additional training of polling place workers might be required?) Is it simple enough or can it be defined with sufficient clarity that poll workers throughout the state can administer it uniformly and with a minimum of local interpretation made on the fly under the pressure of Election Day?¹⁴
4. How cost-effective is the system? Does it demonstrably increase the security of the ballot affordably, measured in both monetary and other costs? To improve understanding of the non-monetary component of the costs, conducting a voter impact study might be appropriate. The voter impact study would examine, before the adoption of the regulation, the cost of compliance by the voter (such as the cost in time and money of acquiring a photo ID card), any offsetting benefits to voters, and the possible disparate effects of the regulation on various groups of voters.¹⁵ A thorough, objective impact statement that demonstrated the nexus between the identification regime and the integrity of the ballot could provide protection against inevitable legal challenges.
5. If a side effect of the Voter ID regulation is likely to reduce turnout, generally or among particular groups, is it possible to take other steps to ameliorate the adverse consequences?¹⁶
6. Does it comply with the letter and spirit of Voting Rights Act?
7. The seventh question is the most difficult to answer. How neutral is the effect of the Voter ID requirement on the composition of the qualified and eligible electorate? Might it,

¹³ See the final section of this report for a brief overview of possible effects of a statewide voter database on voter identification issues.

¹⁴ In New York, in 2004, disparities in training and voting information were made apparent in a study finding elections officials had wildly varying interpretations of what the state's voter identification requirement actually was. Tova Wang, "Warning Bell in Ohio," December 5, 2005. Website, the Foundation for National Progress.

¹⁵ "Absent clear empirical evidence demonstrating widespread individual voter fraud, legislatures need to fashion narrowly tailored voter identification provisions with an eye toward the inevitable and well-grounded constitutional challenges that will arise in the courts. Only as states grow more adept at administering elections will courts likely demonstrate greater willingness to uphold strict identification requirements." Harvard Law Review 127:1144 (2006)

¹⁶ For example, the Carter-Baker Commission coupled its recommendation for a national voter ID card to a call for an affirmative effort by the states to reach out and register the unregistered, that is, to use the new Voter ID regime as a means to enroll more voters. Similarly, Richard Hasen has suggested combining a national voter ID with universal registration. See his "Beyond the Margin of Litigation: Reforming U.S. Election Administration to Avoid Electoral Meltdown," 62 Washington and Lee Law Review 937 (2005).

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intentionally or unintentionally, reduce the turnout of particular groups of voters or supporters of one party or another without an offsetting decrease in vote fraud?

Voter ID and Turnout

Based on research for this study by the Moritz College of Law, states had one of five types of maximum requirements in place on Election Day 2004. These are shown in Table 1, *Voter ID Requirements*. The five categories: at the polling place, voters were asked to either: state their names (10 states); sign their names (13 states and the District of Columbia); sign their names, to be matched to a signature on file (seven states); provide a form of identification that did not necessarily include a photo (15 states); or provide a photo identification (five states).¹⁷ Using this information made it possible to code the states according to these requirements, and examine the assumption that voter identification requirements would pose an increasingly demanding requirement in this order: stating one's name, signing one's name, matching one's signature to a signature on file, providing a form of identification, and providing a form of photo identification, however, in all "photo ID" states in 2004, voters without photo ID could cast a regular ballot after signing an affidavit concerning their identity and eligibility or provide other forms of ID). The report refers to this set of ID requirements as "maximum," the most rigorous ID the voter can be asked to present at the polling place in order to cast a regular ballot.¹⁸

Election laws in several states offer exceptions to these requirements if potential voters lack the necessary form of identification. Laws in those states set a minimum standard – that is the minimum requirement that a voter may be required to satisfy in order to vote using a regular ballot. States can be categorized based on the minimum requirement for voting with a regular ballot. In 2004 the categories were somewhat different compared to the maximum requirement, in that none of the states required photo identification as a minimum standard for voting with a regular ballot. That is, voters who lacked photo ID would still be allowed to vote in all states, if able to meet another requirement. Four states required voters to swear an affidavit as to their identity (Florida, Indiana, Louisiana, and North Dakota). The five categories for minimum requirements were: state name (12 states), sign name (14 states and the District of Columbia), match one's signature to a signature on file (six states), provide a non-photo identification (14 states), or swear an affidavit (four states). The analysis also examined this array of minimum

¹⁷ Oregon conducts elections entirely by mail. Voters sign their mail-in ballots, and election officials match the signatures to signatures on file. For the purposes of this analysis, Oregon is classified as a state that requires a signature match.

¹⁸ As noted above, our analysis does not consider additional requirements that particular voters may be subjected to as part of an official challenge process, in the event that their eligibility is called into question.

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identification requirements to assess how they correlated with turnout: state name, sign name, match signature, provide non-photo identification, and, given the potential legal consequences for providing false information, swearing an affidavit. As noted above, *no* state had a “minimum” requirement of showing photo ID. This analysis therefore cannot estimate the effect of laws, such as those recently enacted in Indiana and Georgia that require voters to show photo ID in order to cast a regular ballot without an affidavit or other exception.

We recognize the difficulties in summarizing each state’s voter ID requirements. The problem is illustrated by the number of footnotes to Table 1 below. The variety of statutory and regulatory details among the states is complex.

Moving beyond the statutes and regulations, we also recognize that the assignment of each state to one category may fail to reflect actual practice at many polling places. As in any system run by fallible humans, the voter ID process is subject to variation in practice.¹⁹ Voters may have been confronted with demands for identification different from the directives in state statutes or regulation. It seems reasonable to conclude, however, that while actual practices may vary, the variance is around each state’s legal requirement for ID. The analysis of the effect of state requirements on turnout must be viewed with some caution. We believe that the categories used in this report provide an acceptable level of discrimination among voter identification regimes.

¹⁹ One state election official told us that, “We have 110 election jurisdictions in Illinois, and I have reason to believe [the voter ID requirements] are administered little bit differently in each one. We wish it weren’t that way, but it probably is.”

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TABLE 1 – Voter ID Requirements²⁰

State	Maximum Forms of ID Required 2004	Current ID Requirement for First-Time Voters	Current ID Requirements for All Other Voters	Verification Method for Provisional Ballots
Alabama	Provide ID	Provide ID	Provide ID	Address & Registration
Alaska	Provide ID	Provide ID	Provide ID	Signature
Arizona	Provide ID	Gov-issued Photo ID	Gov-issued Photo ID ¹	Address & Registration
Arkansas	Provide ID	Provide ID	Provide ID	Address & Registration
California	Sign Name	Sign Name	Sign Name	Signature
Colorado	Provide ID	Provide ID	Provide ID	Address & Registration
Connecticut	Provide ID	Provide ID	Provide ID	Affidavit
D.C.	Sign Name	Provide ID*	Sign Name	Address & Registration
Delaware	Provide ID	Provide ID	Provide ID	Affidavit
Florida	Photo ID ²	Photo ID	Photo ID	Signature
Georgia	Provide ID	Gov. Issued Photo ID	Gov. Issued Photo ID	Affidavit
Hawaii	Photo ID [^]	Photo ID	Photo ID [^]	Affidavit
Idaho	Sign Name	Provide ID*	Sign Name	EDR
Illinois	Give Name	Provide ID*	Match Sig.	Affidavit
Indiana	Sign Name	Gov. Issued Photo ID	Gov. Issued Photo ID	Bring ID Later
Iowa	Sign Name	Provide ID*	Sign Name	Bring ID Later
Kansas	Sign Name	Sign Name	Sign Name	Bring ID Later
Kentucky	Provide ID	Provide ID	Provide ID	Affidavit
Louisiana	Photo ID	Photo ID	Photo ID [^]	DOB and Address
Maine	Give Name	Provide ID*	Give Name	EDR
Maryland	Sign Name	Provide ID*	Sign Name	Bring ID Later
Mass.	Give Name	Provide ID*	Give Name	Affidavit
Michigan	Sign Name	Provide ID*	Sign Name	Bring ID Later
Minnesota	Sign Name	Provide ID*	Sign Name	EDR
Mississippi	Sign Name	Provide ID*	Sign Name	Affidavit
Missouri	Provide ID	Provide ID*	Provide ID	Address & Registration
Montana	Provide ID	Provide ID*	Provide ID	Bring ID Later
Nebraska	Sign Name	Provide ID*	Sign Name	Affidavit
Nevada	Match Sig.	Provide ID*	Match Sig.	Affidavit
New Jersey	Match Sig.	Provide ID*	Match Sig.	Bring ID Later
New Mexico	Sign Name	Provide ID	Provide ID	Bring ID Later
New York	Match Sig.	Provide ID*	Match Sig.	Affidavit
NH	Give Name	Provide ID	Give Name	EDR
North Carolina	Give Name	Provide ID*	Give Name	Varies
North Dakota	Provide ID	Provide ID	Provide ID	No Registration
Ohio	Match Sig.	Provide ID	Provide ID	Address & Registration
Oklahoma	Sign Name	Provide ID*	Sign Name	Address & Registration
Oregon	Match Sig.	Provide ID*	Match Sig.	Signature
Penn.	Match Sig.	Provide ID ⁴	Match Sig.	Address & Registration
Rhode Island	Give Name	Provide ID*	Give Name	Address & Registration

²⁰ See Appendix 1 for a more detailed summary, including citations and statutory language, of the identification requirements in each state.

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South Carolina	Photo ID ^o	Photo ID	Photo ID ^{AA}	Address & Registration
South Dakota	Photo ID ^o	Photo ID	Photo ID ^{AA}	Affidavit
Tennessee	Provide ID	Provide ID ⁷	Provide ID	Affidavit
Texas	Provide ID	Provide ID ^o	Provide ID	Bring ID Later
Utah	Give Name	Provide ID	Give Name	Bring ID Later
Vermont	Give Name	Provide ID	Give Name	Affidavit
Virginia	Provide ID	Provide ID	Provide ID	Affidavit
Washington	Sign Name	Provide ID	Provide ID	Address & Registration
West Virginia	Match Sig.	Provide ID	Match Sig.	Address & Registration
Wisconsin	Give Name	Provide ID	Give Name	Bring ID Later
Wyoming	Give Name	Provide ID	Give Name	Affidavit

* States applies only HAVA's ID requirement, applicable to first-time voters who registered by mail and did not provide applicable ID at the time of registration.

¹ Arizona voters who lack a photo ID may present 2 forms of ID with no photograph.

² Florida required a photo ID in 2004, but voters without that credential could sign an affidavit concerning their identity and eligibility and cast a regular ballot. Florida subsequently changed its law to require that voters present photo ID to cast a regular ballot, though voters without photo ID may still cast a provisional ballot by signing an affidavit, which ballot should ordinarily be counted.

³ Louisiana required a photo ID in 2004. Voters without that credential could sign an affidavit concerning their identity and eligibility and cast a regular ballot.

⁴ Pennsylvania requires ID of all first-time voters, whether they registered by mail or in-person.

⁵ Voters lacking a photo ID could vote by providing another form of ID in 2004.

⁶ Voters lacking a photo ID could vote by providing another form of ID in 2004.

⁷ Tennessee voters must provide signature and address. In counties without computerized lists, the signature is compared to the registration card. In counties with computerized lists, the signature is compared to a signature on ID presented with the registration.

⁸ Texas voters must present a current registration certificate. Those without a certificate can vote provisionally after completing an affidavit.

Relationship of Voter ID requirements to Turnout

The statistical analysis examined the potential variation in turnout rates based on the type of voter identification required in each state on Election Day 2004 using two sets of data: aggregate turnout data at the county level for each state, as compiled by the Eagleton Institute of Politics, and individual-level survey data included in the November 2004 Current Population Survey conducted by the U.S. Census Bureau.

The statistical analysis examined turnout among U.S. citizens of voting age in both the aggregate and the individual-level data. Determining citizenship status in the individual-level data simply involved restricting the analyses to individuals who identified themselves as citizens in the November 2004 Current Population Survey. (Those who said they were not citizens did not have the opportunity to answer the supplemental voting questions contained in the Current Population Survey.)

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Findings of the statistical analysis

The analysis looked at the voter identification requirements in two ways, as a continuous variable and as a series of discrete variables. As a continuous variable the maximum voter identification requirements are ranked according to how demanding they were judged to be, with photo ID as the most demanding requirement. As discrete variables, the statistical analysis assume that stating name is the least demanding ID requirement and compare each other requirement to it.

The analysis treating the requirements as a continuous variable offers some statistical support for the premise that as the level of required proof increases, turnout declines. Averaging across counties in each state, statewide turnout is negatively correlated with maximum voter identification requirements ($r = -.30, p < .05$). In considering the array of minimum requirements, with affidavit as the most demanding requirement, however, the correlation between voter identification and turnout is negative, but it is not statistically significant ($r = -.20, p = .16$). This suggests that the relationship between turnout rates and minimum requirements may not be linear. Breaking down the turnout rates by type of requirement reveals in greater detail the relationship between voter identification requirements and voter turnout.

Table 2 – Variation in 2004 State Turnout Based on Voter Identification Requirements

Maximum Requirement		Minimum Requirement	
Voter Identification Required in the States	Mean Voter Turnout for States in that Category	Voter Identification Required in the States	Mean Voter Turnout for States in that Category
State Name	64.2 %	State Name	63.0 %
Sign Name	61.1 %	Sign Name	60.4 %
Match Signature	60.9 %	Match Signature	61.7 %
Provide Non-Photo ID	59.3 %	Provide Non-Photo ID	59.0 %
Provide Photo ID	58.1 %	Swear Affidavit	60.1 %
<i>Average Turnout (All States)</i>	60.9 %		

This table displays the mean turnout using the aggregate county level data for each state in 2004.

The aggregate data show that 60.9 percent of the estimated citizen voting age population voted in 2004. Differences in voter turnout at the state level in 2004 varied based on voter identification requirements. Taking into account the maximum requirements, an average of 64.6 percent of the voting age population turned out in states that required voters to state their names, compared to 58.1 percent in states that required photo identification. A similar trend

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emerged when considering minimum requirements. Sixty-three percent of the voting age population turned out in states requiring voters to state their names, compared to 60.1 percent in states that required an affidavit from voters. Given the lack of a clear, consistent linear relationship between turnout and minimum identification requirements, however, we opted to treat the voter identification requirements as a series of dichotomous variables in subsequent analyses.²¹

Voter identification requirements are just one factor that may affect voter turnout. Multivariate models that take into account other predictors of turnout can paint a more complete picture of the relationship between voter identification requirements and turnout. This analysis estimated the effects of voter identification requirements in multivariate models that also took into account the electoral context in 2004 and demographic characteristics of the population in each county. While the model takes account of several important variables, statistical models do not capture all the messiness of the real world. It is a simplification of a complex reality, and its results should be treated with appropriate caution.

The model also took into account such variables as:

- Was the county in a presidential battleground state?
- Was the county was in a state with a competitive race for governor and/or the U.S. Senate?
- Percentage of the voting-age population in each county that was Hispanic or African-American²²
- Percentage of county residents age 65 and older
- Percentage of county residents below the poverty line

Another contextual factor to consider is voter registration requirements, such as the deadline for registration. As states set the deadline farther away from Election Day, the task of remembering to register to vote becomes more challenging. Thus our model takes into account the number of days between each state's registration deadline and the election.

²¹ The voter identification requirements are coded as a series of dummy variables, coding each variable as one if the requirement existed in a given state, and zero otherwise. This yielded five dichotomous variables for maximum requirements (state name, sign name, match signature, non-photo identification, or photo identification), and five dichotomous variables for minimum requirements (state name, sign name, match signature, non-photo identification, or providing an affidavit). Omitted is the variable for stating one's name so that it could serve as the reference category in comparison with the other four identification requirements in each of the statistical analyses.

²² The U.S. Census projections for 2003 provided the data for the percentage of the voting-age population in each county that was Hispanic or African-American and for the percentage of county residents age 65 and older.

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The dependent variable in each model was voter turnout at the county level, with turnout calculated as the percentage of the citizen voting-age population that voted in the 2004 election.

The results of this modeling suggest that voter identification requirements such as signature matching, a non-photo ID or a photo ID are associated with lower turnout than in states that required voters to simply state their name, holding constant the electoral context and demographic variables.

Contextual factors, such as whether the county was in a battleground state or whether that state had a competitive race for governor and/or U.S. Senate, were associated with increased voter turnout. The time between the closing date for registration and the election was correlated with a slight negative effect on turnout. As the percentage of Hispanics in the county's population increased, turnout declined. The percentage of senior citizens in the county and household median income were associated with higher turnout. The percentage of African-Americans in the county did not have a significant effect in the model. The percentage of senior citizens in the county and household median income showed a positive correlation with turnout. In this aggregate model, the percentage of African-Americans in the county was not associated with a significant difference in turnout.

The relationship of the minimum voter identification requirements to turnout was not demonstrated. None of the dummy variables for voter identification requirements were statistically significant. Being a battleground state and having a competitive statewide race were significant and positive, as was the percentage of senior citizens in the county and household median income. The percentage of Hispanics in the county's population continued to be associated with reduced turnout, as was the number of days between the closing date for registration and the election.²³

Analysis of the aggregate data at the county level generates some support for the hypothesis that stricter identification requirements are correlated with lower turnout. For the maximum

²³ This test incorporated a series of interactions between the maximum and minimum voter identification requirements and the percentage of African-Americans and Hispanics living in the counties. In each case the interactions did not improve the fit of the models to the data. See tables A-1 and A-2 in the appendix of Vercellotti's paper in the appendices.

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requirements, a signature match, non-photo identification or photo identification were correlated with lower turnout in 2004, compared to requiring that voters simply state their names.

Aggregate data, however, cannot fully capture the individual demographic factors that may figure into the decision to turn out to vote.²⁴ Voter identification requirements could have a relationship to the turnout of particular groups of voters, in ways that county-level aggregate data on turnout would not capture. To explore the effects of voter identification requirements on turnout more completely, it is important to examine individual-level data as well.

Individual-level Analysis

Individual-level turnout data exists in the November 2004 Current Population Survey conducted by the U.S. Census Bureau. The Census Bureau conducts the CPS monthly to measure unemployment and other workforce data, but the bureau adds a battery of voter participation questions to the November survey in even-numbered years to coincide with either a presidential or midterm Congressional election.

One of the of the CPS is the sheer size of the sample. The survey's Voting and Registration Supplement consisted of interviews, either by telephone or in person, with 96,452 respondents.²⁵ The large sample size permits analyses of smaller groups, such as Black or Hispanic voters or voters with less than a high school education. The statistical analysis in relying on the CPS is based on reports from *self-described* registered voters. Omitted are those who said they were not registered to vote, as are those who said they cast absentee ballots because the identification requirements for absentee ballots may differ from those required when one votes in person. Eliminated from the sample are respondents who said they were not U.S. citizens; the questionnaire design skipped those individuals past the voter registration and turnout questions in the survey. In addition to the voter identification requirements, the models include other socioeconomic, demographic, and political environment factors that might have

²⁴ For example, previous research has found that education is a powerful determinant of turnout (Wolfinger and Rosenstone 1980, but see also Nagler 1991).²⁴ Married people also are more likely to vote than those who are not married (Alvarez and Ansolabehere 2002; Alvarez, Nagler and Wilson 2004; Fisher, Kenny, and Morton 1993).

²⁵ It is important to note that the Census Bureau allows respondents to answer on behalf of themselves and others in the household during the interview. While proxy reporting of voter turnout raises the possibility of inaccurate reports concerning whether another member of the household voted, follow-up interviews with those for whom a proxy report had been given in the November 1984 CPS showed 99 percent agreement between the proxy report and the information given by the follow-up respondent (U.S. Census Bureau 1990).

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influenced turnout in 2004.²⁶ The dependent variable in these analyses is whether a respondent said he or she voted in the November 2004 election.²⁷

In the model, three of the voter identification requirements have a statistically significant correlation with whether survey respondents said they had voted in 2004. That is, compared to states that require voters only to state their names, the requirement to sign one's name, provide a non-photo ID, or photo ID in the maximum requirements or affidavit in the minimum is associated with lower turnout.

Of the other state factors, only the competitiveness of the presidential race showed a significant, correlation with increased turnout. In terms of demographic influences, African-American voters were more likely than white voters or other voters to say they had cast a ballot, while Asian-Americans were less likely than white or other voters to say they had turned out. Hispanic voters were not statistically different from white or other voters in terms of reported turnout. Consistent with previous research, income, and marital status all were positive predictors of voting. Women also were more likely to say they voted than men. Among the age categories, those ages 45 to 64 and 65 and older were more likely than those ages 18 to 24 to say they voted. Respondents who had earned a high school diploma, attended some college, graduated from college or attended graduate school were all more likely to say they voted than those who had not finished high school.

While the probit models provide statistical evidence for the relationship of voter identification requirements and other variables to turnout, probit coefficients do not lend themselves to intuitive interpretation.²⁸ Table 3 below shows predicted probabilities (calculated from the probit coefficients) of voting for each level of voter identification requirements while holding all other independent variables in the models at their means.²⁹

²⁶ The models are estimated using probit analysis, which calculates the effects of independent variables on the probability that an event occurred – in this case whether a respondent said he or she voted and using robust standard errors to control for correlated error terms for observations from within the same state.

²⁷ The U.S. Census Bureau reported, based on the November 2004 CPS, that 89 percent of those who identified themselves as registered voters said they voted in 2004 (U.S. Census Bureau 2005). Previous research has shown that, generally speaking, some survey respondents overstate their incidence of voting. Researchers speculate that over-reports may be due to the social desirability that accompanies saying one has done his or her civic duty, or a reluctance to appear outside the mainstream of American political culture (U.S. Census Bureau 1990). It is also possible that voting is an indication of civic engagement that predisposes voters to agree to complete surveys at a higher rate than non-voters (Flanigan and Zingale 2002). Hence the voter turnout rates reported in the CPS tend to be up to 10 percentage points higher than the actual turnout rate for the nation (Flanigan and Zingale 2002). Even with this caveat, however, the CPS serves as a widely accepted source of data on voting behavior.

²⁸ A probit model is a popular specification of a generalized linear regression model, using the probit link function.

²⁹ In the case of dichotomous independent variables, holding them at their mean amounted to holding them at the percentage of the sample that was coded 1 for the variable (Long 1997).

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Table 3. Predicted probability of voter turnout – all voters		
	Maximum requirement	Minimum requirement
State name	91.7%	91.5%
Sign name	89.9%	90.2%
Match signature	Not significant	Not significant
Non-photo ID	89.0%	89.0%
Photo ID	88.8%	----
Affidavit	----	87.5%
Total difference from “state name” to “photo ID” or “affidavit”	2.9%	4.0%
N	54,973	
<p>Figures represent the predicted probability of registered voters saying they voted as the identification requirement varies stating one's name to providing photo identification or an affidavit, with all other variables held constant. N.S. = nonsignificant coefficient in the probit model.</p> <p>Data source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2004.</p>		

Taking into account that signature matches were not a predictor of turnout, the differences in predicted probability decline from stating one's name to providing a photo identification or affidavit. Voters in states that required photo identification were 2.7 percent less likely to vote than voters in states where individuals had to give their names.³⁰ In terms of the minimum requirement, voters in states that required an affidavit at minimum were 4 percent less likely to turn out than voters in states where they had to give their names.

The differences were more pronounced for those lower in education. Constraining the model to show predicted probabilities only for those with less than a high school diploma, the probability of voting was 5.1 percent lower in states that required photo identification as the maximum requirement and 7 percent lower in states that required an affidavit as the minimum requirement compared to states where stating one's name was the maximum or minimum requirement.

³⁰ The voter turnout percentages may seem disproportionately high compared to the turnout rates reported in the aggregate data analysis. It is important to consider that the turnout rates in the aggregate data were a proportion of all citizens of voting-age population, while the turnout rates for the individual-level data are the proportion of only registered voters who said they voted.

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Race and ethnicity have generated particular interest in the debate over voter ID requirements.³¹ The analysis using the aggregate data shed no light on the association between voter ID requirements and turnout for African-American and Hispanic voters. But in the models using the individual data, some significant relationships emerged for African-American, Hispanic and Asian citizens. For the entire population, the signature, non-photo identification and photo identification requirements all were associated with lower turnout compared to the requirement that voters simply state their names. These correlations translated into reduced probabilities of voting of about 3 to 4 percent for the entire sample, with larger differences for specific subgroups. For example, the predicted probability that Hispanics would vote in states that required non-photo identification was about 10 percentage points lower than in states where Hispanic voters gave their names. The difference was about 6 percent for African-Americans and Asian-Americans, and about 2 percent for white voters.

The model also showed that Hispanic voters were less likely to vote in states that required non-photo identification as opposed to stating one's name. Hispanic voters were 10 percent less likely to vote in non-photo identification states compared to states where voters only had to give their name.

Varying voter identification requirements were associated with lower turnout rates for Asian-American voters as well. Asian-American voters were 8.5 percent less likely to vote in states that required non-photo identification compared to states that require voters to state their names under the maximum requirements, and they were 6.1 percent less likely to vote where non-photo identification was the minimum requirement.

Conclusions of the Statistical Analysis

The statistical analysis found that, as voter identification requirements vary, voter turnout varies as well. This finding emerged from both the aggregate data and the individual-level data, although not always for both the maximum and minimum sets of requirements. The overall relationship between ID requirements and turnout for all registered voters was fairly small, but still statistically significant.

³¹ Incorporating discrete variables for Hispanics, African-Americans, and Asian-Americans into one model carries the implicit assumption that the remaining variables, including education and income, will influence each of these groups in a similar manner in terms of deciding whether to vote. These assumptions are not always born out by the data (see Leighley and Vedlitz, 1999.) To isolate the effects of voter identification and other variables on voter turnout within specific racial and ethnic groups, the sample is divided into sub-samples and the model re-run to calculate the data discussed and shown in Tables 5, 6, and 7 in Appendix C.

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In the aggregate data, the match signature requirement, the provide a non-photo ID requirement, and the photo ID requirement were all correlated with lower turnout compared to requiring that voters state their names.

The signature, non-photo ID, and photo ID requirements were all correlated with lower turnout compared to the requirement that voters simply state their names. That the non-photo identification requirement was the most consistent in terms of statistical significance across the groups is intriguing given the intense debates surrounding photo identification requirements.

Significant questions about the relationship between voter identification requirements and turnout remain unanswered. The data examined in the statistical analysis could not capture the dynamics of how identification requirements might lower turnout, nor could they rule out that other attributes of a state's electoral system might explain the statistically significant correlations that the study found. If ID requirements dampen turnout, is it because individuals are aware of the requirements and stay away from the polls because they cannot or do not want to meet the requirements? Or, do the requirements result in some voters being turned away when they cannot meet the requirements on Election Day , or forced to cast a provisional ballot that is not ultimately counted? The CPS data do not include measures that can answer this question. Knowing more about the "on the ground" experiences of voters concerning identification requirements could guide policy-makers at the state and local level in determining whether and at what point in the electoral cycle a concerted public information campaign might be most effective in helping voters to meet identification requirements. Such knowledge also could help in designing training for election judges to handle questions about, and potential disputes over, voter identification requirements.

Litigation Over Voter ID Requirements

A handful of cases have challenged identification requirements in court in recent years. In general, requirements that voters provide some identifying documentation have been upheld, where photo ID is *not* the only acceptable form. Whether laws requiring photo ID will be upheld is more doubtful. To date, only two cases have considered laws requiring voters to show photo ID (*Common Cause v. Billups* and *Indiana Democratic Party v. Rokita*).. Cases challenging the mandatory disclosure of voters' Social Security numbers on privacy grounds have yielded mixed results.

Non-photo identification. For the most part, courts have looked favorably on requirements that voters present some form of identifying documents if the photo identification is not the

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only form accepted. In *Colorado Common Cause v. Davidson*, No. 04CV7709, 2004 WL 2360485, at *1 (Colo. Dist. Ct. Oct. 18, 2004), plaintiffs challenged a law requiring all in-person voters to show identification (not just first-time registrants). The court upheld this requirement against a constitutional challenge. Similarly, in *League of Women Voters v. Blackwell*, 340 F. Supp. 2d 823 (N.D. Ohio 2004), the court rejected a challenge to an Ohio directive requiring first-time voters who registered by mail to provide one of the HAVA-permitted forms of identification, in order to have their provisional ballots counted. Specifically, the directive provided that their provisional ballots would be counted if the voter (a) orally recited his driver's license number or the last four digits of his social security number or (b) returned to the polling place before it closed with some acceptable identification (including reciting those identification numbers). *Id.* This was found to be consistent with HAVA.

Photo ID. Since the 2004 election, two states have adopted laws requiring photo identification at the polls in order to have one's vote counted, without an affidavit exception: Georgia and Indiana.³² Both these requirements were enacted in 2005 and both have been challenged in court. The Georgia law required voters attempting to cast a ballot in person present a valid form of photographic identification. O.C.G.A. § 21-2-417. On October 18, 2005, the District Court granted the plaintiffs' motion for a preliminary injunction, enjoining the application of the new identification requirements on constitutional grounds. In granting the injunction, the court held that plaintiffs' claims under both the Fourteenth Amendment (equal protection) and Twenty-Fourth Amendment (poll tax) had a substantial likelihood of succeeding on the merits at trial (*Common Cause v. Billups*, Prelim. Inj. 96, 104). In January 2006, Georgia enacted a modified version of its photo ID law, which the court has not yet ruled on. In the other state that has enacted a photo ID requirement (Indiana), legal challenges have also been filed. (*Indiana Democratic Party v. Rokita* and *Crawford v. Marion County Election Board*). On April 14, 2006, the district court granted defendants' motion for summary judgment, concluding that plaintiffs had failed to produce evidence showing that the state's ID law would have an adverse impact on voters. Another case of significance, for purposes of photo ID requirements, is *American Civil Liberties Union of Minnesota v. Kiffmeyer*, No. 04-CV-4653, 2004 WL

³² Indiana's law does allow voters without ID to cast provisional ballots, and then to appear before the county board of elections to execute an affidavit saying that they are indigent and unable to obtain the requisite ID without payment of a fee. But in contrast to other states, voters cannot cast a ballot that will be counted by submitting an affidavit at the polls, affirming that they are the registered voter and are otherwise eligible to vote.

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2428690, at *1 (D. Minn. Oct. 28, 2004). In that case, the court enjoined a Minnesota law that allowed the use of tribal photo ID cards, only for an Indian who lived on the reservation. 2004 WL 2428690, at *1. The Court found no rational basis for distinguishing based on whether or not the cardholder lives on the reservation. *Id.* at *1, 3. These decisions indicate that courts are likely to carefully scrutinize the evidence regarding the impact of photo ID requirements.

Privacy. In *Greidinger v. Davis*, 988 F.2d 1344 (4th Cir. 1993), the court struck down on due process grounds a Virginia law requiring disclosure of voters' social security numbers for voter registration. The social security numbers recorded in voter registration lists had been disclosed to the public and political parties that had requested the lists. The court found that the requirement to give the social security number effectively conditioned rights on the consent to an invasion of privacy. It concluded that this public disclosure of the social security numbers was not necessary to achieve the government's interest in preventing fraud. On the other hand, in *McKay v. Thompson*, 226 F.3d 752 (6th Cir. 2000), the court rejected privacy challenges based on both the Constitution and federal statutes, to a Tennessee law requiring social security numbers for voter registration since 1972. 226 F.3d at 755. Second, the NVRA only permits requiring the minimum amount of information necessary to prevent duplicate voter registration and to determine eligibility. The distinction appears to be between the use of Social Security numbers for internal purposes only, which was deemed permissible, and the disclosure of those numbers to the public, which was not.

These decisions suggest that the courts will carefully scrutinize the evidence, where states require that voters produce a photo ID in order to cast a regular ballot. The courts have used a balancing test to weigh the legitimate interest in preventing election fraud against the citizen's right to privacy (protecting social security numbers from public disclosure, for example) and the reasonableness of requirements for identity documents. To provide both the clarity and certainty in administration of elections needed to forestall destabilizing challenges to outcomes, these early decisions suggest that best practice may be to limit requirements for voter identification to the minimum needed to prevent duplicate registration and ensure eligibility.

Developments since 2004

Not true!
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Since the passage of HAVA, with its limited requirements for voter identification, and following the 2004 election, debate over voter ID has taken place in state legislatures across the country. That debate has not been characterized by solid information on the consequences of tightening requirements for voters to identify themselves before being permitted to cast a regular, rather than a provisional, ballot.

Better information might improve the quality of the debate. Answers to the following key questions are not available in a form that might satisfy those on both sides of the argument.

- What is the overall incidence of vote fraud?
- How does fraud take place in the various stage of the process: registration, voting at the polls, absentee voting, or ballot counting?
- What contribution can tighter requirements for voter ID make to reducing vote fraud?
- What would be the other consequences of increasingly demanding requirements for voters to identify themselves? This is the question addressed, within the limits of the available data, in the analysis in this report.

Answering these questions would provide the information needed for more informed judgment in the states as they consider the tradeoffs among the competing goals of ballot integrity, ballot access, and administrative efficiency. The Carter-Baker Commission recognized the tradeoffs when it tied recommendation for national ID to an affirmative effort by government to identify unregistered voters and make it easy for them to register.

State Voter Databases and Voter ID

With the implementation of the HAVA Computerized Statewide Voter Registration List, an application for voter registration for an election for Federal office may not be accepted or processed unless the application includes a driver's license number or last four digits of the Social Security number on the voter registration form. This information can be used to verify the identity of the registrant through interfacing with lists maintained by the Motor Vehicle office and Social Security office. If registrants do not have either a driver's license or Social Security number, the State will assign a unique identifier number to that person.

Some states are wrestling now with these unresolved issues. In New Jersey, for example, pending legislation would require that voters must be able to confirm their registration through a secure access to the Statewide Voter Registration List. It also requires voters to present ID at

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the polls in order to cast a regular ballot if the numbers recorded on the registration have not been verified (or if no verifiable number appears on the registration). It recognizes the HAVA requirement that if the number provided by the voter has not been verified and if the voter does not present ID at the polls, that voter may cast a provisional ballot. The bill does not specify they have to provide ID within 48 hours in order for their vote to count, as is the case with first-time mail-in registrants.

As some states gain experience in this area, the EAC would perform a useful service by making timely recommendations of best practices for all states to consider.

Conclusions

The analysis of voter ID requirements is complex. It takes into account important values associated with an electoral process, such as ballot access and integrity. The continuing effort to understand how voter ID requirements may affect turnout and the integrity of the ballot could benefit from additional factual information, including statistical analyses. Our research includes a statistical study of this kind. It indicated that the level of voter turnout in a state is correlated with the stringency of the voter ID requirement imposed by that state. Additional empirical research of this nature, with additional data collected by or for the EAC, would further illuminate the relationship between stricter voter ID rules and turnout, perhaps explaining if awareness of a strict ID requirement tends to discourage would-be voters from going to the polls. Or, additional research may shed light on whether, if voters did go to the polls, stricter Voter ID requirements will divert more voters into the line for provisional ballots. The consequence of increased reliance on provisional ballots can be longer lines at the polls and confusion, without necessarily a clear demonstration that the security of the ballot is correspondingly increased.³³

The debate over voter ID in the states would be improved by additional research sponsored by the EAC. That might include longitudinal studies of jurisdictions that have changed voter ID requirements, as well as precinct-level analyses that would allow more finely tuned assessment of the correlation between stricter identification requirements and turnouts. Further research could also identify methods to eliminate the need for voters to bring specific identity documents

³³ In this connection, the Brennan Center's response to the Carter-Baker Commission report observes that, "while it might be true that in a close election "a small amount of fraud could make the margin of difference," it is equally true that the rejection of a much larger number of eligible voters could make a much bigger difference in the outcome." *Response to the Report of the 2005 Commission on Federal Election Reform*, The Brennan Center for Justice at NYU School of Law and Spencer Overton, On Behalf Of The National Network on State Election Reform, September 19, 2005

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with them to the polls, while assuring that each voter who casts a ballot is eligible and votes only once.

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FINAL DRAFT

For Review by the Standards Board and Board of Advisors

Report to the
U. S. Election Assistance Commission
On
Best Practices to Improve Voter Identification Requirements
Pursuant to the
HELP AMERICA VOTE ACT OF 2002
Public Law 107-252

May 16, 2006

Submitted by

The Eagleton Institute of Politics, Rutgers, The State University of New Jersey

The Moritz College of Law, The Ohio State University

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FINAL DRAFT

For Review by the Standards Board and Board of Advisors

The Research Team

This research report on Voter Identification Requirements in the 2004 election is part of a broader analysis that also includes a study of Provisional Voting, which has already been submitted to the EAC. Conducting the work was a consortium of The Eagleton Institute of Politics of Rutgers, The State University of New Jersey, and The Moritz College of Law of The Ohio State University.

The Eagleton Institute explores state and national politics through research, education, and public service, linking the study of politics with its day-to-day practice. It focuses attention on how contemporary political systems work, how they change, and how they might work better. Eagleton regularly undertakes projects to enhance political understanding and involvement, often in collaboration with government agencies, the media, non-profit groups, and other academic institutions.

The Moritz College of Law has served the citizens of Ohio and the nation since its establishment in 1891. It has played a leading role in the legal profession through countless contributions made by graduates and faculty. Its contributions to election law have become well known through its Election Law @ Moritz website. *Election Law @ Moritz* illuminates public understanding of election law and its role in our nation's democracy.

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Peer Review Group

A draft of this report and the statistical analysis in its appendix were critiqued by a Peer Review Group. The comments of its members improved the quality of our work. While the Group as a whole and the comments of its members individually contributed generously to the research effort, any errors of fact or weaknesses in inference are the responsibility of the Eagleton-Moritz research team. The members of the Peer Review Group do not necessarily share the views reflected in our recommendations.

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015501

REPORT AND RECOMMENDATIONS TO THE EAC VOTER IDENTIFICATION ISSUES

Report Background

The Help America Vote Act of 2002 (HAVA) (Public Law 107-252) authorizes the United States Election Assistance Commission (EAC) (Sec. 241, 42 USC 15381) to conduct periodic studies of election administration issues. The purpose of these studies is to promote methods for voting and administering elections, including provisional voting, that are convenient, accessible and easy to use; that yield accurate, secure and expeditious voting systems; that afford each registered and eligible voter an equal opportunity to vote and to have that vote counted; and that are efficient.

This study provides information on voter identification practices in the 2004 election. It makes recommendations for best practices to evaluate future proposals for voter ID requirements, including the systematic collection and evaluation of information from the states. The research was conducted by the Eagleton Institute of Politics at Rutgers, the State University of New Jersey, and the Moritz College of Law at the Ohio State University under a contract with the EAC, dated May 24, 2005. The work included a review and legal analysis of state statutes, regulations and litigation concerning voter identification and provisional voting as well as a statistical analysis of the relationship of various requirements for voter identification to turnout in the 2004 election. This report is a companion to a report on Provisional Voting submitted to the EAC on November 28, 2005 under the same contract.

EXECUTIVE SUMMARY AND RECOMMENDATIONS

Background and Methods

This report arrives at a time of considerable ferment over the issue of voter identification. The debate across the nation over requiring voters to produce a specific identification document before being permitted to cast a regular (as opposed to a provisional) ballot, has revealed supporters and opponents in polarized camps.

- Proponents of stricter identification requirements base their case on improving the security of the ballot by reducing opportunities for one kind of vote fraud --multiple voting or voting by those who are not eligible. The proponents argue that their goal is to ensure that only those legally entitled to vote do so, and do so only once at each election.

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- Opponents seek to forestall more stringent identification requirements, such as for government-issued photo ID, in order to ensure broad access to a regular ballot. They fear that some voters --such as, they argue, racial and ethnic minorities, the young, and elderly voters-- may lack convenient access to the required ID documents, or that such voters may be fearful of submitting their ID documents to official scrutiny and thus stay away from the polls.
- Both sides argue that their preferred policy will engender faith in the electoral process among citizens.

This report considers policy issues associated with the voter ID debate and investigates whether empirical study can suggest a way to estimate the effects of different voter ID requirements on turnout, and important first step in assessing tradeoffs between ballot security and ballot access. The aim is to contribute to the effort to raise the quality of the debate over this contentious topic. The tradeoffs between ballot security and ballot access are crucial. A voting system that requires voters to produce an identity document or documents may prevent the ineligible from voting. It may also prevent eligible voters from casting a ballot. If the ID requirement of a ballot protection system blocks ineligible voters from the polls at the cost of preventing eligible voters who lack the required forms of identification, the integrity of the ballot may not have been improved; the harm may be as great as the benefit.

As part of the project's effort to analyze the relationship between Voter ID requirements, turnout, and their policy implications, a statistical analysis was conducted to examine the potential variation in turnout. This statistical study developed a model to illuminate the relationships between voter ID requirements and turnout. This model's findings and limitations suggest avenues for further research and analysis that may assist the EAC and the states as they explore policies to balance the goals of ballot integrity and ballot access.

The statistical analysis describes one possible way to estimate what might be the incremental effect on voters' access to the ballot of an increase in the rigor of voter identification requirements. We do not offer this statistical analysis as the last word, but rather as a preliminary word on the subject. Its findings must be regarded as tentative; the information that might permit greater certainty is simply not available. Indeed, as our recommendations indicate, the next step to improve understanding of the effects of stricter voter identification on turnout and on vote fraud is to collect more information on both topics systematically and regularly.

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Making a statistical estimate of the effect of voting regulations on turnout is difficult. The dynamics of turnout are complex, much studied, and only partially understood. Some agreement exists, however, that three factors that exert substantial influence on voter turnout are:¹ the socioeconomic status of the potential voter; legal requirements to vote; and the political context of the election. By focusing on how voters identify themselves at the polls, this report emphasizes legal requirements. The statistical analysis also considers some of the socioeconomic, racial, and age characteristics of the electorate, as well as the political context in 2004 (such as whether a state was a battleground in the presidential race).

Examining tradeoffs between ballot security and ballot access requires some measure of the effectiveness of voter ID requirements in reducing multiple voting or voting by ineligible voters. The existing evidence on the incidence of vote fraud, especially on the kind of vote fraud that could be reduced by requiring more rigorous voter identification, is not sufficient to evaluate those tradeoffs.² Assessing the effectiveness of voter ID as a way to protect the integrity of the ballot should logically include an estimate of the nature and frequency of vote fraud. This research does not include consideration of vote fraud, nor does it estimate the possible effectiveness of various voter ID regimes to counter attempts at vote fraud. Our analysis also cannot take into account how many potential voters who did not turn out under comparatively stricter voter ID requirements might have been ineligible or eligible to vote.

Despite these qualifications regarding the quality of the available data and the limitations of statistical analysis, however, although it used different statistical methods and two different sets of data on turnout in 2004 election, it points to the same general finding. As discussed at greater length in the appendix to this report, stricter voter identification requirements were correlated with reduced turnout in the models employed.³ As explained below, these models find that a statistically significant relationship exists, even when controlling for other factors (such as whether the election was in a battleground state) that might affect turnout. Without knowing more about the effects of stricter voter ID on reducing multiple voting or voting by ineligible

¹ See, for example, Tom William Rice and Patrick J. Kenney, "Voter Turnout in Presidential Primaries." 1985. *Political Behavior*, 7: 101-112. Identification requirements are not the only legal restrictions on voting. States also differ, for example, in their registration requirements (including how long before the election registration must take place and the identity documents required register).

² The EAC has contracted with other researchers to study vote fraud issues.

³ Appendix C: Tim Vercellotti, Eagleton Institute of Politics, *Analysis of Effects of Voter Identification Requirements on Turnout*.

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voters, however, the tradeoffs between ballot security and ballot access cannot be assessed fully.

Methodology

The report includes detailed information on the nature of the statutory requirements across the country in 2004 and on the statutes and court decisions that provide the legal context for the voter ID debate. We gathered information on the requirements in effect in the 50 states and the District of Columbia in that year. Based on our interpretation of state statutes, supplemented in some cases by conversations with state election officials, we divided the states' ID requirements into five categories. We believe each category is more rigorous than the one preceding, based on the demands they make on voters.⁴ The categories range from "Stating Name" which we judge to be somewhat less demanding than "Signing Name." "Signature Match" requires poll workers to examine the signature and compare it to a sample, which is slightly more demanding than the voter simply signing. "Present ID" requires voters to offer some documentary evidence of their identity, ranging from a utility bill to a passport. It is more demanding than the previous three categories because it requires that the voter remember to bring this documentation to the polls. (Even a simple ID, such as a utility bill, may not be available to some renters or, say, those in group housing.) We regard a government "Photo ID" as the most rigorous requirement. Such identity documents may not be uniformly and conveniently available to all voters.

For each state, we identified both the "maximum" and "minimum" identification requirements. The term "maximum" refers to the most that voters may be *asked* to do or show at the polling place (putting aside cases in which particular voter's eligibility may be questioned pursuant to a state challenge process). The term "minimum," on the other hand, refers to the most that voters can be *required* to do or show, in order to cast regular ballot (again leaving aside a state challenge process). We have included "maximum" requirements in our analysis, and not simply "minimum" requirements, because simply asking voters to produce particular identifying information may have a deterrent effect, even if voters are ultimately allowed to cast a regular ballot without that identification. For example, in a state where voters are asked to show photo ID at the polling place, but still allowed to vote by completing an affidavit confirming their eligibility, the "maximum" of being asked to show photo ID may deter some voters even though the "minimum" would allow them to vote without photo ID.

⁴ Even the most relaxed provisions for identification at the polls—anything stricter than the honor system used in North Dakota—will impose some burden on particular voters. Harvard Law Review 119:1146

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It is worth emphasizing that, at the time of the 2004 election, there was *no* state that had a "minimum" requirement of showing photo ID – in other words, there was no state that required voters to show photo ID in order to cast a regular ballot. For this reason, our report does not measure the impact of laws, like those recently enacted in Indiana and Georgia, which require voters to show photo ID in order to cast a regular ballot without an affidavit exception.

To examine the potential variation on turnout rates associated with each type of voter ID requirements in effect on Election Day 2004, the statistical analysis drew on two sets of data. These were, first, aggregate turnout data at the county level for each state and, second, the reports of individual voters collected in the November 2004 Current Population Survey by the U. S. Census Bureau. Using two different data sets makes it possible to check the validity of one analysis against the other. It also provides insights not possible using only one of the data sets. The aggregate analysis cannot provide valid estimates on the effects of different ID requirements on particular demographic groups (e.g., the old, the young, African-Americans, the poor, or high school graduates). The Current Population Survey data does permit that kind of analysis, although it has the disadvantage of relying on self-reports by respondents about their registration status and experience in the polling place.

To understand legal issues that have been raised in recent litigation over voter ID requirements, we collected and analyzed the few major cases that have been decided so far on this issue. The decisions so far provide some guidance on the constitutional and other constraints as to voter ID requirements.

Summary of Findings

As voter identification requirements vary, voter turnout varies as well. This finding emerged from both the statistical analysis's aggregate data and the individual-level data, although not always for both the maximum and minimum sets of requirements. The overall relationship between the stringency of ID requirements and turnout was fairly small, but still statistically significant.

In the model used with the aggregate data in the statistical analysis, the match signature requirement, the provide a non-photo ID requirement, and the photo ID requirement were all correlated with lower turnout compared to requiring that voters state their names. With the addition of the registration closing data to the aggregate analysis, photo id is no longer a

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significant predictor of turnout. Signature match and non-photo id remain significant and negative predictors in the model.

The reduction in turnout was not the same for all demographic groups in the citizen voting age population.

The non-photo identification requirement showed the most significant and consistent correlation with reduced turnout. This result may be surprising given the intense debates surrounding photo identification requirements. The effect of photo ID requirements cannot, however, be assessed from the data the statistical analysis examined, since none of the states had laws in 2004 that conditioned voting on presentation of photo ID. Each of the five states that had photo ID as a "maximum" requirement (i.e., the most that voters could be asked to show at the polls) accepted another type of identification or an affidavit as a "minimum" requirement in the 2004 election (i.e., they were allowed to cast a regular ballot with something less than photo ID).

Significant questions about the relationship of voter identification requirements to turnout remain unanswered. The data examined in this project could not capture the dynamics of how identification requirements might lower turnout. If ID requirements dampen turnout, is it because individuals are aware of the requirements and stay away from the polls because they cannot or do not want to meet the requirements? Or, do the requirements result in some voters being turned away when they cannot meet the requirements on Election Day? Other factors that may also be correlated with stricter ID laws – such as less user-friendly voter registration systems – may actually be causing lower turnout. The CPS data do not include the information needed to answer this question. Knowing more about the "on the ground" experiences of voters concerning identification requirements could guide policy-makers at the state and local level in determining whether and at what point in the electoral cycle a concerted public information campaign might be most effective in helping voters to meet identification requirements. Such knowledge also could help in designing training for election judges to handle questions about, and potential disputes over, voter identification requirements.

Our analysis of litigation suggests that the courts will look more strictly at requirements that voters produce a photo ID in order to cast a regular ballot, than at non-photo ID laws. The courts have used a balancing test to weigh the legitimate interest in preventing election fraud against the citizen's right to privacy (protecting social security numbers from public disclosure, for

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example) and the reasonableness of requirements for identity documents. To provide both the clarity and certainty in administration of elections needed to forestall destabilizing challenges to outcomes, a best practice for the states may be to limit requirements for voter identification to the minimum needed to prevent duplicate registration and ensure eligibility.

The current lack of understanding of precisely how voter ID requirements affect turnout could be ameliorated by requiring the collection and reporting of additional data, including the reasons potential voters are required to cast a provisional ballot and the reasons for rejecting provisional ballots during the 2006 and subsequent elections. Also useful would be the results of surveys of voters on their experiences in meeting voter ID requirements and on what type of ballot they cast.⁵ And, of course, more information is needed on the incidence and varieties of vote fraud, but that inquiry is outside the scope of this report.

Recommendations for consideration and action by the EAC

The dynamics of Voter ID requirements –how more rigorous voter ID requirements may affect the decision by potential voters to go or stay away from the polls-- are not perfectly understood. This lack of understanding should be recognized in the policy process in the states. The debate over voter ID in the states would be improved by additional research sponsored by the EAC.

The EAC should consider the following actions to improve understanding of the relationship between voter ID requirements and the two important goals of ensuring ballot access and ensuring ballot integrity.

1. Encourage or sponsor further research to clarify the connection between Voter ID requirements and the number of potential voters actually able to cast a ballot that is actually counted.
2. Recommend as a best practice the publication of a "Voting Impact Statement" by states as they assess their voter ID requirements to protect the integrity of the ballot. The analysis will help ensure that efforts to increase ballot security have a neutral effect on electoral participation by eligible voters. The Voter Impact Statement would estimate the number and demographics of 1) eligible, potential voters that may be kept from the polls

⁵ Arizona held its first election with its new, stricter ID requirements on March 14, 2006. In at least one county (Maricopa) election officials handed a survey to voters that asked if they knew about the voter identification law and if they did, how they found out about it. Edythe Jensen, "New Voter ID Law Goes Smoothly in Chandler," *Arizona Republic*, March 15, 2006. More surveys of this kind can illuminate the dynamics of voter ID and voting in ways that are not possible now because of insufficient data.

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or permitted to cast a provisional ballot by a stricter ID requirement; and 2) and assess the number of ineligible voters who will be prevented from voting by the stricter ID requirements.

3. Encourage or require the states in the 2006 election and beyond, to collect and report reliable, credible information on the relationship between ballot access and ballot security. EAC should publish an analysis of this information to provide a sound factual basis for the states to consider as they estimate the incidence of the kinds of vote fraud that more stringent ID requirements may prevent. The analysis should describe the dynamics of the voter ID process in preserving the security of the ballot. EAC can also use this information to encourage the states to assess the effectiveness of programs to ensure that all eligible voters have required ID and are permitted to vote in future elections. Well-designed longitudinal studies in the states can show the results of changing voter ID requirements on electoral participation over time. The studies should include precinct-level data to provide the fine-grained analysis that can provide a solid foundation for policy.
 - I. Useful information could be supplied by state-sponsored surveys of voters by local election officials. It would make clear why those who cast a provisional ballot were found ineligible to cast a regular ballot. The answers would illuminate the frequency with which ID issues divert voters into the provisional ballot line.
 - II. Surveys to ask voters what they know about the voter id requirements would also provide useful context for evaluating the effect of various voter ID requirements on electoral participation.
 - III. Spot checks by state election officials on how the identification process works at polling places could provide information on how closely actual practice tracks statutory or regulatory requirements. Such reports should be available to the public.
4. Encourage states to examine the time period allowed for voters who cast a provisional ballot because they lacked required ID to return with their identification. In eleven states, voters who had to cast a provisional ballot because they lacked the ID required for a regular ballot were permitted to return later with their ID. Their provision of this ID is the critical step in evaluating the ballots. The length of the period in which the voter may return with ID is important. In setting the time period for return, which now varies among the states from the same day to about two weeks, states should consider three factors:

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the convenience of the voter, the total time allowed to evaluate ballots⁶, and the safe harbor provision in presidential elections.

5. Recommendations to the states from EAC should reflect current judicial trends.
Requirements that voters provide some identifying documentation have been upheld, where photo ID is *not* the only acceptable form. Whether laws requiring photo ID will be upheld is more uncertain.

SUMMARY OF RESEARCH

Background and Approach of the Study

Voter ID requirements are just one set of rules governing voting that may affect turnout. Social scientists have long studied how election rules affect participation in elections. The general view today is that the individual citizen makes the choice of whether to vote in a way similar to other decisions that a rational citizen makes, by comparing costs and benefits. The benefits of voting are fairly stable and hard to specify given the remote probability that any one vote will make a difference in an election. But whatever the benefit as perceived by an individual voter, as the costs of voting (for example, time, hassle, acquisition of information) increase, the likelihood that a citizen will vote decrease. Not all groups in the population calculate the cost of participation in the same way, so that election laws (such as registration or identification requirements) may affect different groups differently.

A short summary of some of the social science literature illustrates what may be a broad consensus that the rules of elections affect turnout, but note the important differences in the details of what groups may be most affected.

- Bowler, Brockington and Donovan in "Election Systems and Voter Turnout: Experiments in the United States". *The Journal of Politics*, 63:3 (August 2001) concluded that electoral systems help shape turnout by altering the benefits perceived by voters. For example, cumulative voting systems have 5% greater turnout than plurality systems
- The effect of registration systems has been the subject of many studies over the last 40 years. Kelley, Ayres, and Bowen in "Registration and Voting: Putting First Things First." *American Political Science Review*. 61:2 (June 1967) found that local variations in the

⁶ Our research on provisional voting reveals that states that provide more than a week to evaluate provisional ballots end up counting substantially more of those ballots than states that provide less than a week.

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rate of voting are most directly tied to variations in the rate of registering to vote, and that the rate of registering to vote in localities is most directly related to the laws and administration of the registration process. They concluded that the decline in voting over the past 80 years was due, in part, to the rise of registration laws.

- Brians and Grofman in "Election Day Registration's Effect on U.S. Voter Turnout." *Social Science Quarterly*. 82:1 (March 2001), found that relaxing registration laws produces higher turnout. In particular, they observed that relaxing registration laws is more likely to promote voter turnout among those with medium levels of income and education, rather than those at the lowest levels. Highton in "Easy Registration and Voter Turnout," *Journal of Politics*. 59:2 (May 1997), concluded similarly that registration laws affect voter turnout, but also observed that easier registration promotes turnout among those in lower socio-economic status.

- Mitchell and Wlezien. "The Impact of Legal Constraints on Voter Registration, Turnout, and the Composition of the American Electorate," *Political Behavior*. 17:2 (June 1995) agreed that easier registration promotes higher turnout, but also concluded that higher turnout from easier registration would be unlikely to change the composition of the electorate. Nagler in "The Effect of Registration Laws and Education on U.S. Voter Turnout." *American Political Science Review*. 85:4 (December 1991) found that registration laws decrease voter turnout by depressing the eligible electorate, but that lower educated people are not disproportionately impacted by these laws. But Rosenstone and Raymond E. Wolfinger in "The Effect of Registration Laws on Voter Turnout." *American Political Science Review*. 72:1 (March 1978) found that while registration laws did affect both voter turnout and the composition of the electorate, the sharpest effect of these restrictions was felt in the South and among the least educated.

- Squire, Wolfinger, and Glass in "Residential Mobility and Voter Turnout." *American Political Science Review*. 81:1 (March 1987) found that people who move constitute a major demographic group affected by registration laws. They estimated that altering laws to facilitate voting by recently moved people could increase turnout by 9%. Highton in "Residential Mobility, Community Mobility, and Voter Turnout." *Political Behavior*. 22:2 (June 2000) also found that people who move have lower turnout than stable residents, and estimated that the decline was more a result of registration laws than a loss of social connections.

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- Highton and Wolfinger in "Estimating the Effects of the National Voter Registration Act of 1993." *Political Behavior*. 20:2 (June 1998) concluded that the Motor Voter laws led to a significant increase in voting; that eliminating voter purges for not voting also increases voting; and that these effects are felt most heavily by the young (under 30) and the mobile (moved within past 2 years). Knack, in "Does 'Motor Voter' Work? Evidence from State-Level Data." *Journal of Politics*., 57:3 (August 1995), also found that motor voter does lead to increased registration and voting, but that other parts of NVRA of 1993, like mail-in registrations, agency-based registrations, and limitations on voter purges had not been as influential two years after the passage of the act.

While voter ID may not have been the subject of as much research as the registration process, establishing the eligibility of a person to vote has long been part of the electoral process. Voters may have to identify themselves twice in the electoral process: when registering to vote and then when casting a ballot. The pressures felt by the voter arising from the need to check ID, even so simple a check as a signature match, can be greater at the polls on Election Day than at the time of registration. Poll workers may feel under pressure when faced with long lines and limited time.

Voter ID requirements on Election Day

This analysis focuses on ID requirements on Election Day, but with an appreciation that the ID requirements at time of registration and on Election Day are inter-related.⁷ The emphasis in this report is on Voter ID requirements on Election Day and afterwards as election judges evaluate provisional ballots. This is the critical period for the electoral system, the time when ballot access and ballot security are in the most sensitive balance.

The report looks at voter ID issues that go beyond the rather narrow identification requirements in HAVA. Much of the current debate in state legislatures over voter ID ranges beyond HAVA to require more rigorous documentation of identity for all would-be voters, not just those who had not registered in person and are casting a ballot for the first time. Current controversies in the states over voter ID seems to have been sparked in part by the HAVA requirements, but goes beyond those requirements, and sets the context for the analysis here.⁸

⁷ As the Carter-Baker Commission noted, photo ID requirements for in-person voting do little to address the problem of fraudulent registration by mail, especially in states that do not require third-party organizations that register voters to verify ID. Commission on Federal Election Reform, pp 46-47.

⁸ Harvard Law Review 119:1127: "Legislators hoping to stiffen their state antifraud laws have taken their cue from identification provisions buried in HAVA."

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We recognize that the previously technical, rather dull subject of voter ID requirements has become fiercely partisan and divisive in many states. The polarization of the debate has raised the stakes over this issue, making dispassionate analysis both more valuable and more rare.⁹ Voter ID is often described as the critical step in protecting the integrity of the ballot, the process to ensure that the potential voter is eligible and, if eligible, is permitted to cast one ballot and one ballot only. Truly protecting the integrity of the ballot, however, requires a perspective that takes in the entire voting process. It demands more than preventing the ineligible from voting, and should also ensure that all those who are eligible and want to vote can cast a ballot that counts. The protection effort must embrace all forms of voting, including absentee ballots, and consider each step in the process from registration through vote counting.

A voting system that requires voters to produce an identity document or documents may prevent the ineligible from voting. It may also prevent the eligible from casting a ballot. If the ID requirements block ineligible voters from the polls at the cost of preventing eligible voters who cannot obtain or have left at home the required forms of identification, the integrity of the ballot may not have been improved; the harm may be as great as the benefit. Ultimately, a normative evaluation of whether a state should adopt a stricter voter ID requirement (and, if so, what particular form that new requirement should take) will weigh value judgments as well as available factual evidence. Nonetheless, this report has proceeded on the premise that increased understanding of the factual evidence relating to the imposition of voter ID requirements, based on available data and statistical analysis of that data, can help inform the policy process.

Assessing the effectiveness of voter ID as a way to protect the integrity of the ballot should logically include an estimate of the nature and frequency of vote fraud. The EAC has commissioned a separate analysis of the incidence of vote fraud. Consequently, this research does not include consideration of vote fraud nor the possible effectiveness of various voter ID regimes to counter attempts at vote fraud. As a result, our study of the possible effects of voter

⁹ "Of the various electoral procedure laws passed in the fifty states since the 2000 and 2004 presidential elections and those still being debated in state legislatures and local media, few arouse more potent partisan feelings than voter identification laws." *Harvard Law Review* 119:1144. John Fund's 2004 book, *Stealing Elections: How Voter Fraud Threaten Our Democracy*, cites (pages 16 – 17) a Rasmussen Research poll that asked respondents if they were more concerned with voting by ineligible participants or with disenfranchisement of eligible voters. Sixty-two percent of Kerry supporters, but only 18 percent of Bush supporters, worried more about *disenfranchisement*; 58 percent of Bush supporters, but only 19 percent of Kerry supporters were more concerned with *voter fraud*.

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ID requirements on turnout cannot take into account how many potential voters who did not turn out under comparatively stricter voter ID requirements might have been ineligible or eligible to vote.

In some states, voters lacking required ID, or who have ID that does not reflect their current address, are able to vote only by casting a provisional ballot.¹⁰ Voter ID requirements that require voters to bring a document to the polls --rather than simply sign their names-- may divert more voters to the provisional ballot. Requiring poll workers to request and check ID, can put stress on the already demanding environment of the polling place. Scrutiny of ID can create lines at the polling places. Further delays can result when voters cast a provisional ballot and fill out the ballot envelope. Voters who cast a provisional ballot because they lack their ID on Election Day, and who then fail to return with the needed document or documents, will have their ballot rejected.¹¹ And, of course, the cost of processing provisional ballots is greater than the cost of regular ballots.

Each of these potential consequences of more elaborate voter identification processes can increase the chance of litigation. Long lines will, at best, discourage voters and at worst make voting seem a hassle, an impression that could keep more citizens (even those with ID) from the polls.

Evaluating the effect of different Voter ID regimes can be most effective when based on clear standards --legal, equitable, practical. The standards outlined here might be described as questions policy-makers should ask about Voter ID requirements. We suggest 7 questions that address important dimensions of the problem.

1. Is the Voter ID system designed on the basis of valid and reliable empirical studies of the incidence of the sorts of vote fraud it is designed to prevent?¹²

¹⁰ For example, the Florida voter ID law adopted after the 2004 election and pre-cleared by the Department of Justice, permits voters who cannot meet the ID requirements to sign an affidavit on the envelope of a provisional ballot, which will be counted if the signature matches that on the voter's registration form.

¹¹ The EAC's Election Day Study found "improper ID," to be the third most common reason for a provisional ballot to be rejected. "Improper ID" was cited by 7 states responding to the survey, compared to 14 mentions for voting in the wrong precinct. *Election Day Study*, Chapter 6, p. 5.

¹² "Often where the battle over voter identification is most heated, real evidence of voter fraud proves scarce: in Georgia, for example, the Secretary of State averred that she had never encountered a single instance of voter impersonation at the polls. State laws might sometimes impose tighter restrictions on in-person voting than on absentee ballots, which yield the greatest incidence of, and provide the easiest avenue for, voter fraud. . ." *Harvard Law Review* 127:1144 (2006)

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2. How effective is the ID requirement in increasing the security of the ballot? How well can it be coordinated with a statewide voter database?¹³
3. How practical is the requirement? (Can it be administered smoothly by the staff and budget likely to be made available? How much additional training of polling place workers might be required?) Is it simple enough or can it be defined with sufficient clarity that poll workers throughout the state can administer it uniformly and with a minimum of local interpretation made on the fly under the pressure of Election Day?¹⁴
4. How cost-effective is the system? Does it demonstrably increase the security of the ballot affordably, measured in both monetary and other costs? To improve understanding of the non-monetary component of the costs, conducting a voter impact study might be appropriate. The voter impact study would examine, before the adoption of the regulation, the cost of compliance by the voter (such as the cost in time and money of acquiring a photo ID card), any offsetting benefits to voters, and the possible disparate effects of the regulation on various groups of voters.¹⁵ A thorough, objective impact statement that demonstrated the nexus between the identification regime and the integrity of the ballot could provide protection against inevitable legal challenges.
5. If a side effect of the Voter ID regulation is likely to reduce turnout, generally or among particular groups, is it possible to take other steps to ameliorate the adverse consequences?¹⁶
6. Does it comply with the letter and spirit of Voting Rights Act?
7. The seventh question is the most difficult to answer. How neutral is the effect of the Voter ID requirement on the composition of the qualified and eligible electorate? Might it,

¹³ See the final section of this report for a brief overview of possible effects of a statewide voter database on voter identification issues.

¹⁴ In New York, in 2004, disparities in training and voting information were made apparent in a study finding elections officials had wildly varying interpretations of what the state's voter identification requirement actually was. Tova Wang, "Warning Bell in Ohio," December 5, 2005. Website, the Foundation for National Progress.

¹⁵ "Absent clear empirical evidence demonstrating widespread individual voter fraud, legislatures need to fashion narrowly tailored voter identification provisions with an eye toward the inevitable and well-grounded constitutional challenges that will arise in the courts. Only as states grow more adept at administering elections will courts likely demonstrate greater willingness to uphold strict identification requirements." Harvard Law Review 127:1144 (2006)

¹⁶ For example, the Carter-Baker Commission coupled its recommendation for a national voter ID card to a call for an affirmative effort by the states to reach out and register the unregistered, that is, to use the new Voter ID regime as a means to enroll more voters. Similarly, Richard Hasen has suggested combining a national voter ID with universal registration. See his "Beyond the Margin of Litigation: Reforming U.S. Election Administration to Avoid Electoral Meltdown," 62 Washington and Lee Law Review 937 (2005).

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intentionally or unintentionally, reduce the turnout of particular groups of voters or supporters of one party or another without an offsetting decrease in vote fraud?

Voter ID and Turnout

Based on research for this study by the Moritz College of Law, states had one of five types of maximum requirements in place on Election Day 2004. These are shown in Table 1, *Voter ID Requirements*. The five categories: at the polling place, voters were asked to either: state their names (10 states); sign their names (13 states and the District of Columbia); sign their names, to be matched to a signature on file (seven states); provide a form of identification that did not necessarily include a photo (15 states); or provide a photo identification (five states).¹⁷ Using this information made it possible to code the states according to these requirements, and examine the assumption that voter identification requirements would pose an increasingly demanding requirement in this order: stating one's name, signing one's name, matching one's signature to a signature on file, providing a form of identification, and providing a form of photo identification, however, in all "photo ID" states in 2004, voters without photo ID could cast a regular ballot after signing an affidavit concerning their identity and eligibility or provide other forms of ID). The report refers to this set of ID requirements as "maximum," the most rigorous ID the voter can be asked to present at the polling place in order to cast a regular ballot.¹⁸

Election laws in several states offer exceptions to these requirements if potential voters lack the necessary form of identification. Laws in those states set a minimum standard – that is the minimum requirement that a voter may be required to satisfy in order to vote using a regular ballot. States can be categorized based on the minimum requirement for voting with a regular ballot. In 2004 the categories were somewhat different compared to the maximum requirement, in that none of the states required photo identification as a minimum standard for voting with a regular ballot. That is, voters who lacked photo ID would still be allowed to vote in all states, if able to meet another requirement. Four states required voters to swear an affidavit as to their identity (Florida, Indiana, Louisiana, and North Dakota). The five categories for minimum requirements were: state name (12 states), sign name (14 states and the District of Columbia), match one's signature to a signature on file (six states), provide a non-photo identification (14 states), or swear an affidavit (four states). The analysis also examined this array of minimum

¹⁷ Oregon conducts elections entirely by mail. Voters sign their mail-in ballots, and election officials match the signatures to signatures on file. For the purposes of this analysis, Oregon is classified as a state that requires a signature match.

¹⁸ As noted above, our analysis does not consider additional requirements that particular voters may be subjected to as part of an official challenge process, in the event that their eligibility is called into question.

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identification requirements to assess how they correlated with turnout: state name, sign name, match signature, provide non-photo identification, and, given the potential legal consequences for providing false information, swearing an affidavit. As noted above, *no* state had a "minimum" requirement of showing photo ID. This analysis therefore cannot estimate the effect of laws, such as those recently enacted in Indiana and Georgia that require voters to show photo ID in order to cast a regular ballot without an affidavit or other exception.

We recognize the difficulties in summarizing each state's voter ID requirements. The problem is illustrated by the number of footnotes to Table 1 below. The variety of statutory and regulatory details among the states is complex.

Moving beyond the statutes and regulations, we also recognize that the assignment of each state to one category may fail to reflect actual practice at many polling places. As in any system run by fallible humans, the voter ID process is subject to variation in practice.¹⁹ Voters may have been confronted with demands for identification different from the directives in state statutes or regulation. It seems reasonable to conclude, however, that while actual practices may vary, the variance is around each state's legal requirement for ID. The analysis of the effect of state requirements on turnout must be viewed with some caution. We believe that the categories used in this report provide an acceptable level of discrimination among voter identification regimes.

¹⁹ One state election official told us that, "We have 110 election jurisdictions in Illinois, and I have reason to believe [the voter ID requirements] are administered little bit differently in each one. We wish it weren't that way, but it probably is."

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TABLE 1 – Voter ID Requirements²⁰

State	Maximum Forms of ID Required 2004	Current ID Requirement for First-Time Voters	Current ID Requirements for All Other Voters	Verification Method for Provisional Ballots
Alabama	Provide ID	Provide ID	Provide ID	Address & Registration
Alaska	Provide ID	Provide ID	Provide ID	Signature
Arizona	Provide ID	Gov-issued Photo ID	Gov-issued Photo ID ¹	Address & Registration
Arkansas	Provide ID	Provide ID	Provide ID	Address & Registration
California	Sign Name	Sign Name	Sign Name	Signature
Colorado	Provide ID	Provide ID	Provide ID	Address & Registration
Connecticut	Provide ID	Provide ID	Provide ID	Affidavit
D.C.	Sign Name	Provide ID*	Sign Name	Address & Registration
Delaware	Provide ID	Provide ID	Provide ID	Affidavit
Florida	Photo ID ²	Photo ID	Photo ID	Signature
Georgia	Provide ID	Gov. Issued Photo ID	Gov. Issued Photo ID	Affidavit
Hawaii	Photo ID ^{^^}	Photo ID	Photo ID ^{^^}	Affidavit
Idaho	Sign Name	Provide ID*	Sign Name	EDR
Illinois	Give Name	Provide ID*	Match Sig.	Affidavit
Indiana	Sign Name	Gov. Issued Photo ID	Gov. Issued Photo ID	Bring ID Later
Iowa	Sign Name	Provide ID*	Sign Name	Bring ID Later
Kansas	Sign Name	Sign Name	Sign Name	Bring ID Later
Kentucky	Provide ID	Provide ID	Provide ID	Affidavit
Louisiana	Photo ID	Photo ID	Photo ID [^]	DOB and Address
Maine	Give Name	Provide ID*	Give Name	EDR
Maryland	Sign Name	Provide ID*	Sign Name	Bring ID Later
Mass.	Give Name	Provide ID*	Give Name	Affidavit
Michigan	Sign Name	Provide ID*	Sign Name	Bring ID Later
Minnesota	Sign Name	Provide ID*	Sign Name	EDR
Mississippi	Sign Name	Provide ID*	Sign Name	Affidavit
Missouri	Provide ID	Provide ID*	Provide ID	Address & Registration
Montana	Provide ID	Provide ID*	Provide ID	Bring ID Later
Nebraska	Sign Name	Provide ID*	Sign Name	Affidavit
Nevada	Match Sig.	Provide ID*	Match Sig.	Affidavit
New Jersey	Match Sig.	Provide ID*	Match Sig.	Bring ID Later
New Mexico	Sign Name	Provide ID	Provide ID	Bring ID Later
New York	Match Sig.	Provide ID*	Match Sig.	Affidavit
NH	Give Name	Provide ID	Give Name	EDR
North Carolina	Give Name	Provide ID*	Give Name	Varies
North Dakota	Provide ID	Provide ID	Provide ID	No Registration
Ohio	Match Sig.	Provide ID	Provide ID	Address & Registration
Oklahoma	Sign Name	Provide ID*	Sign Name	Address & Registration
Oregon	Match Sig.	Provide ID*	Match Sig.	Signature
Penn.	Match Sig.	Provide ID ⁴	Match Sig.	Address & Registration
Rhode Island	Give Name	Provide ID*	Give Name	Address & Registration

²⁰ See Appendix 1 for a more detailed summary, including citations and statutory language, of the identification requirements in each state.

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South Carolina	Photo ID ⁵	Photo ID	Photo ID ^{^^}	Address & Registration
South Dakota	Photo ID ⁶	Photo ID	Photo ID ^{^^}	Affidavit
Tennessee	Provide ID	Provide ID ⁷	Provide ID	Affidavit
Texas	Provide ID	Provide ID ⁸	Provide ID	Bring ID Later
Utah	Give Name	Provide ID	Give Name	Bring ID Later
Vermont	Give Name	Provide ID	Give Name	Affidavit
Virginia	Provide ID	Provide ID	Provide ID	Affidavit
Washington	Sign Name	Provide ID	Provide ID	Address & Registration
West Virginia	Match Sig.	Provide ID	Match Sig.	Address & Registration
Wisconsin	Give Name	Provide ID	Give Name	Bring ID Later
Wyoming	Give Name	Provide ID	Give Name	Affidavit

* States applies only HAVA's ID requirement, applicable to first-time voters who registered by mail and did not provide applicable ID at the time of registration.

¹ Arizona voters who lack a photo ID may present 2 forms of ID with no photograph.

² Florida required a photo ID in 2004, but voters without that credential could sign an affidavit concerning their identity and eligibility and cast a regular ballot. Florida subsequently changed its law to require that voters present photo ID to cast a regular ballot, though voters without photo ID may still cast a provisional ballot by signing an affidavit, which ballot should ordinarily be counted.

³ Louisiana required a photo ID in 2004. Voters without that credential could sign an affidavit concerning their identity and eligibility and cast a regular ballot.

⁴ Pennsylvania requires ID of all first-time voters, whether they registered by mail or in-person.

⁵ Voters lacking a photo ID could vote by providing another form of ID in 2004.

⁶ Voters lacking a photo ID could vote by providing another form of ID in 2004.

⁷ Tennessee voters must provide signature and address. In counties without computerized lists, the signature is compared to the registration card. In counties with computerized lists, the signature is compared to a signature on ID presented with the registration.

⁸ Texas voters must present a current registration certificate. Those without a certificate can vote provisionally after completing an affidavit.

Relationship of Voter ID requirements to Turnout

The statistical analysis examined the potential variation in turnout rates based on the type of voter identification required in each state on Election Day 2004 using two sets of data: aggregate turnout data at the county level for each state, as compiled by the Eagleton Institute of Politics, and individual-level survey data included in the November 2004 Current Population Survey conducted by the U.S. Census Bureau.

The statistical analysis examined turnout among U.S. citizens of voting age in both the aggregate and the individual-level data. Determining citizenship status in the individual-level data simply involved restricting the analyses to individuals who identified themselves as citizens in the November 2004 Current Population Survey. (Those who said they were not citizens did not have the opportunity to answer the supplemental voting questions contained in the Current Population Survey.)

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Findings of the statistical analysis

The analysis looked at the voter identification requirements in two ways, as a continuous variable and as a series of discrete variables. As a continuous variable the maximum voter identification requirements are ranked according to how demanding they were judged to be, with photo ID as the most demanding requirement. As discrete variables, the statistical analysis assume that stating name is the least demanding ID requirement and compare each other requirement to it.

The analysis treating the requirements as a continuous variable offers some statistical support for the premise that as the level of required proof increases, turnout declines. Averaging across counties in each state, statewide turnout is negatively correlated with maximum voter identification requirements ($r = -.30, p < .05$). In considering the array of minimum requirements, with affidavit as the most demanding requirement, however, the correlation between voter identification and turnout is negative, but it is not statistically significant ($r = -.20, p = .16$). This suggests that the relationship between turnout rates and minimum requirements may not be linear. Breaking down the turnout rates by type of requirement reveals in greater detail the relationship between voter identification requirements and voter turnout.

Table 2 – Variation in 2004 State Turnout Based on Voter Identification Requirements

Maximum Requirement		Minimum Requirement	
Voter Identification Required in the States	Mean Voter Turnout for States in that Category	Voter Identification Required in the States	Mean Voter Turnout for States in that Category
State Name	64.2 %	State Name	63.0 %
Sign Name	61.1 %	Sign Name	60.4 %
Match Signature	60.9 %	Match Signature	61.7 %
Provide Non-Photo ID	59.3 %	Provide Non-Photo ID	59.0 %
Provide Photo ID	58.1 %	Swear Affidavit	60.1 %
<i>Average Turnout (All States)</i>	60.9 %		

This table displays the mean turnout using the aggregate county level data for each state in 2004.

The aggregate data show that 60.9 percent of the estimated citizen voting age population voted in 2004. Differences in voter turnout at the state level in 2004 varied based on voter identification requirements. Taking into account the maximum requirements, an average of 64.6 percent of the voting age population turned out in states that required voters to state their names, compared to 58.1 percent in states that required photo identification. A similar trend

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emerged when considering minimum requirements. Sixty-three percent of the voting age population turned out in states requiring voters to state their names, compared to 60.1 percent in states that required an affidavit from voters. Given the lack of a clear, consistent linear relationship between turnout and minimum identification requirements, however, we opted to treat the voter identification requirements as a series of dichotomous variables in subsequent analyses.²¹

Voter identification requirements are just one factor that may affect voter turnout. Multivariate models that take into account other predictors of turnout can paint a more complete picture of the relationship between voter identification requirements and turnout. This analysis estimated the effects of voter identification requirements in multivariate models that also took into account the electoral context in 2004 and demographic characteristics of the population in each county. While the model takes account of several important variables, statistical models do not capture all the messiness of the real world. It is a simplification of a complex reality, and its results should be treated with appropriate caution.

The model also took into account such variables as:

- Was the county in a presidential battleground state?
- Was the county was in a state with a competitive race for governor and/or the U.S. Senate?
- Percentage of the voting-age population in each county that was Hispanic or African-American²²
- Percentage of county residents age 65 and older
- Percentage of county residents below the poverty line

Another contextual factor to consider is voter registration requirements, such as the deadline for registration. As states set the deadline farther away from Election Day, the task of remembering to register to vote becomes more challenging. Thus our model takes into account the number of days between each state's registration deadline and the election.

²¹ The voter identification requirements are coded as a series of dummy variables, coding each variable as one if the requirement existed in a given state, and zero otherwise. This yielded five dichotomous variables for maximum requirements (state name, sign name, match signature, non-photo identification, or photo identification), and five dichotomous variables for minimum requirements (state name, sign name, match signature, non-photo identification, or providing an affidavit). Omitted is the variable for stating one's name so that it could serve as the reference category in comparison with the other four identification requirements in each of the statistical analyses.

²² The U.S. Census projections for 2003 provided the data for the percentage of the voting-age population in each county that was Hispanic or African-American and for the percentage of county residents age 65 and older.

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The dependent variable in each model was voter turnout at the county level, with turnout calculated as the percentage of the citizen voting-age population that voted in the 2004 election.

The results of this modeling suggest that voter identification requirements such as signature matching, a non-photo ID or a photo ID are associated with lower turnout than in states that required voters to simply state their name, holding constant the electoral context and demographic variables.

Contextual factors, such as whether the county was in a battleground state or whether that state had a competitive race for governor and/or U.S. Senate, were associated with increased voter turnout. The time between the closing date for registration and the election was correlated with a slight negative effect on turnout. As the percentage of Hispanics in the county's population increased, turnout declined. The percentage of senior citizens in the county and household median income were associated with higher turnout. The percentage of African-Americans in the county did not have a significant effect in the model. The percentage of senior citizens in the county and household median income showed a positive correlation with turnout. In this aggregate model, the percentage of African-Americans in the county was not associated with a significant difference in turnout.

The relationship of the minimum voter identification requirements to turnout was not demonstrated. None of the dummy variables for voter identification requirements were statistically significant. Being a battleground state and having a competitive statewide race were significant and positive, as was the percentage of senior citizens in the county and household median income. The percentage of Hispanics in the county's population continued to be associated with reduced turnout, as was the number of days between the closing date for registration and the election.²³

Analysis of the aggregate data at the county level generates some support for the hypothesis that stricter identification requirements are correlated with lower turnout. For the maximum

²³ This test incorporated a series of interactions between the maximum and minimum voter identification requirements and the percentage of African-Americans and Hispanics living in the counties. In each case the interactions did not improve the fit of the models to the data. See tables A-1 and A-2 in the appendix of Vercellotti's paper in the appendices.

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requirements, a signature match, non-photo identification or photo identification were correlated with lower turnout in 2004, compared to requiring that voters simply state their names.

Aggregate data, however, cannot fully capture the individual demographic factors that may figure into the decision to turn out to vote.²⁴ Voter identification requirements could have a relationship to the turnout of particular groups of voters, in ways that county-level aggregate data on turnout would not capture. To explore the effects of voter identification requirements on turnout more completely, it is important to examine individual-level data as well.

Individual-level Analysis

Individual-level turnout data exists in the November 2004 Current Population Survey conducted by the U.S. Census Bureau. The Census Bureau conducts the CPS monthly to measure unemployment and other workforce data, but the bureau adds a battery of voter participation questions to the November survey in even-numbered years to coincide with either a presidential or midterm Congressional election.

One of the of the CPS is the sheer size of the sample. The survey's Voting and Registration Supplement consisted of interviews, either by telephone or in person, with 96,452 respondents.²⁵ The large sample size permits analyses of smaller groups, such as Black or Hispanic voters or voters with less than a high school education. The statistical analysis in relying on the CPS is based on reports from *self-described* registered voters. Omitted are those who said they were not registered to vote, as are those who said they cast absentee ballots because the identification requirements for absentee ballots may differ from those required when one votes in person. Eliminated from the sample are respondents who said they were not U.S. citizens; the questionnaire design skipped those individuals past the voter registration and turnout questions in the survey. In addition to the voter identification requirements, the models include other socioeconomic, demographic, and political environment factors that might have

²⁴ For example, previous research has found that education is a powerful determinant of turnout (Wolfinger and Rosenstone 1980, but see also Nagler 1991).²⁴ Married people also are more likely to vote than those who are not married (Alvarez and Ansolabehere 2002; Alvarez, Nagler and Wilson 2004; Fisher, Kenny, and Morton 1993).

²⁵ It is important to note that the Census Bureau allows respondents to answer on behalf of themselves and others in the household during the interview. While proxy reporting of voter turnout raises the possibility of inaccurate reports concerning whether another member of the household voted, follow-up interviews with those for whom a proxy report had been given in the November 1984 CPS showed 99 percent agreement between the proxy report and the information given by the follow-up respondent (U.S. Census Bureau 1990).

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influenced turnout in 2004.²⁶ The dependent variable in these analyses is whether a respondent said he or she voted in the November 2004 election.²⁷

In the model, three of the voter identification requirements have a statistically significant correlation with whether survey respondents said they had voted in 2004. That is, compared to states that require voters only to state their names, the requirement to sign one's name, provide a non-photo ID, or photo ID in the maximum requirements or affidavit in the minimum is associated with lower turnout.

Of the other state factors, only the competitiveness of the presidential race showed a significant, correlation with increased turnout. In terms of demographic influences, African-American voters were more likely than white voters or other voters to say they had cast a ballot, while Asian-Americans were less likely than white or other voters to say they had turned out. Hispanic voters were not statistically different from white or other voters in terms of reported turnout. Consistent with previous research, income, and marital status all were positive predictors of voting. Women also were more likely to say they voted than men. Among the age categories, those ages 45 to 64 and 65 and older were more likely than those ages 18 to 24 to say they voted. Respondents who had earned a high school diploma, attended some college, graduated from college or attended graduate school were all more likely to say they voted than those who had not finished high school.

While the probit models provide statistical evidence for the relationship of voter identification requirements and other variables to turnout, probit coefficients do not lend themselves to intuitive interpretation.²⁸ Table 3 below shows predicted probabilities (calculated from the probit coefficients) of voting for each level of voter identification requirements while holding all other independent variables in the models at their means.²⁹

²⁶ The models are estimated using probit analysis, which calculates the effects of independent variables on the probability that an event occurred – in this case whether a respondent said he or she voted and using robust standard errors to control for correlated error terms for observations from within the same state.

²⁷ The U.S. Census Bureau reported, based on the November 2004 CPS, that 89 percent of those who identified themselves as registered voters said they voted in 2004 (U.S. Census Bureau 2005). Previous research has shown that, generally speaking, some survey respondents overstate their incidence of voting. Researchers speculate that over-reports may be due to the social desirability that accompanies saying one has done his or her civic duty, or a reluctance to appear outside the mainstream of American political culture (U.S. Census Bureau 1990). It is also possible that voting is an indication of civic engagement that predisposes voters to agree to complete surveys at a higher rate than non-voters (Flanigan and Zingale 2002). Hence the voter turnout rates reported in the CPS tend to be up to 10 percentage points higher than the actual turnout rate for the nation (Flanigan and Zingale 2002). Even with this caveat, however, the CPS serves as a widely accepted source of data on voting behavior.

²⁸ A probit model is a popular specification of a generalized linear regression model, using the probit link function.

²⁹ In the case of dichotomous independent variables, holding them at their mean amounted to holding them at the percentage of the sample that was coded 1 for the variable (Long 1997).

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Table 3. Predicted probability of voter turnout – all voters		
	Maximum requirement	Minimum requirement
State name	91.7%	91.5%
Sign name	89.9%	90.2%
Match signature	Not significant	Not significant
Non-photo ID	89.0%	89.0%
Photo ID	88.8%	----
Affidavit	----	87.5%
Total difference from “state name” to “photo ID” or “affidavit”	2.9%	4.0%
N	54,973	
<p>Figures represent the predicted probability of registered voters saying they voted as the identification requirement varies stating one's name to providing photo identification or an affidavit, with all other variables held constant. N.S. = nonsignificant coefficient in the probit model.</p> <p>Data source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2004.</p>		

Taking into account that signature matches were not a predictor of turnout, the differences in predicted probability decline from stating one's name to providing a photo identification or affidavit. Voters in states that required photo identification were 2.7 percent less likely to vote than voters in states where individuals had to give their names.³⁰ In terms of the minimum requirement, voters in states that required an affidavit at minimum were 4 percent less likely to turn out than voters in states where they had to give their names.

The differences were more pronounced for those lower in education. Constraining the model to show predicted probabilities only for those with less than a high school diploma, the probability of voting was 5.1 percent lower in states that required photo identification as the maximum requirement and 7 percent lower in states that required an affidavit as the minimum requirement compared to states where stating one's name was the maximum or minimum requirement.

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³⁰ The voter turnout percentages may seem disproportionately high compared to the turnout rates reported in the aggregate data analysis. It is important to consider that the turnout rates in the aggregate data were a proportion of all citizens of voting-age population, while the turnout rates for the individual-level data are the proportion of only registered voters who said they voted.

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Race and ethnicity have generated particular interest in the debate over voter ID requirements.³¹ The analysis using the aggregate data shed no light on the association between voter ID requirements and turnout for African-American and Hispanic voters. But in the models using the individual data, some significant relationships emerged for African-American, Hispanic and Asian citizens. For the entire population, the signature, non-photo identification and photo identification requirements all were associated with lower turnout compared to the requirement that voters simply state their names. These correlations translated into reduced probabilities of voting of about 3 to 4 percent for the entire sample, with larger differences for specific subgroups. For example, the predicted probability that Hispanics would vote in states that required non-photo identification was about 10 percentage points lower than in states where Hispanic voters gave their names. The difference was about 6 percent for African-Americans and Asian-Americans, and about 2 percent for white voters.

The model also showed that Hispanic voters were less likely to vote in states that required non-photo identification as opposed to stating one's name. Hispanic voters were 10 percent less likely to vote in non-photo identification states compared to states where voters only had to give their name.

Varying voter identification requirements were associated with lower turnout rates for Asian-American voters as well. Asian-American voters were 8.5 percent less likely to vote in states that required non-photo identification compared to states that require voters to state their names under the maximum requirements, and they were 6.1 percent less likely to vote where non-photo identification was the minimum requirement.

Conclusions of the Statistical Analysis

The statistical analysis found that, as voter identification requirements vary, voter turnout varies as well. This finding emerged from both the aggregate data and the individual-level data, although not always for both the maximum and minimum sets of requirements. The overall relationship between ID requirements and turnout for all registered voters was fairly small, but still statistically significant.

³¹ Incorporating discrete variables for Hispanics, African-Americans, and Asian-Americans into one model carries the implicit assumption that the remaining variables, including education and income, will influence each of these groups in a similar manner in terms of deciding whether to vote. These assumptions are not always born out by the data (see Leighley and Vedlitz, 1999.) To isolate the effects of voter identification and other variables on voter turnout within specific racial and ethnic groups, the sample is divided into sub-samples and the model re-run to calculate the data discussed and shown in Tables 5, 6, and 7 in Appendix C.

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In the aggregate data, the match signature requirement, the provide a non-photo ID requirement, and the photo ID requirement were all correlated with lower turnout compared to requiring that voters state their names.

The signature, non-photo ID, and photo ID requirements were all correlated with lower turnout compared to the requirement that voters simply state their names. That the non-photo identification requirement was the most consistent in terms of statistical significance across the groups is intriguing given the intense debates surrounding photo identification requirements.

Significant questions about the relationship between voter identification requirements and turnout remain unanswered. The data examined in the statistical analysis could not capture the dynamics of how identification requirements might lower turnout, nor could they rule out that other attributes of a state's electoral system might explain the statistically significant correlations that the study found. If ID requirements dampen turnout, is it because individuals are aware of the requirements and stay away from the polls because they cannot or do not want to meet the requirements? Or, do the requirements result in some voters being turned away when they cannot meet the requirements on Election Day, or forced to cast a provisional ballot that is not ultimately counted? The CPS data do not include measures that can answer this question. Knowing more about the "on the ground" experiences of voters concerning identification requirements could guide policy-makers at the state and local level in determining whether and at what point in the electoral cycle a concerted public information campaign might be most effective in helping voters to meet identification requirements. Such knowledge also could help in designing training for election judges to handle questions about, and potential disputes over, voter identification requirements.

Litigation Over Voter ID Requirements

A handful of cases have challenged identification requirements in court in recent years. In general, requirements that voters provide some identifying documentation have been upheld, where photo ID is *not* the only acceptable form. Whether laws requiring photo ID will be upheld is more doubtful. To date, only two cases have considered laws requiring voters to show photo ID (*Common Cause v. Billups* and *Indiana Democratic Party v. Rokita*). Cases challenging the mandatory disclosure of voters' Social Security numbers on privacy grounds have yielded mixed results.

Non-photo identification. For the most part, courts have looked favorably on requirements that voters present some form of identifying documents if the photo identification is not the

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only form accepted. In *Colorado Common Cause v. Davidson*, No. 04CV7709, 2004 WL 2360485, at *1 (Colo. Dist. Ct. Oct. 18, 2004), plaintiffs challenged a law requiring all in-person voters to show identification (not just first-time registrants). The court upheld this requirement against a constitutional challenge. Similarly, in *League of Women Voters v. Blackwell*, 340 F. Supp. 2d 823 (N.D. Ohio 2004), the court rejected a challenge to an Ohio directive requiring first-time voters who registered by mail to provide one of the HAVA-permitted forms of identification, in order to have their provisional ballots counted. Specifically, the directive provided that their provisional ballots would be counted if the voter (a) orally recited his driver's license number or the last four digits of his social security number or (b) returned to the polling place before it closed with some acceptable identification (including reciting those identification numbers). *Id.* This was found to be consistent with HAVA.

Photo ID. Since the 2004 election, two states have adopted laws requiring photo identification at the polls in order to have one's vote counted, without an affidavit exception: Georgia and Indiana.³² Both these requirements were enacted in 2005 and both have been challenged in court. The Georgia law required voters attempting to cast a ballot in person present a valid form of photographic identification. O.C.G.A. § 21-2-417. On October 18, 2005, the District Court granted the plaintiffs' motion for a preliminary injunction, enjoining the application of the new identification requirements on constitutional grounds. In granting the injunction, the court held that plaintiffs' claims under both the Fourteenth Amendment (equal protection) and Twenty-Fourth Amendment (poll tax) had a substantial likelihood of succeeding on the merits at trial (*Common Cause v. Billups*, Prelim. Inj. 96, 104). In January 2006, Georgia enacted a modified version of its photo ID law, which the court has not yet ruled on. In the other state that has enacted a photo ID requirement (Indiana), legal challenges have also been filed. (*Indiana Democratic Party v. Rokita* and *Crawford v. Marion County Election Board*). On April 14, 2006, the district court granted defendants' motion for summary judgment, concluding that plaintiffs had failed to produce evidence showing that the state's ID law would have an adverse impact on voters. Another case of significance, for purposes of photo ID requirements, is *American Civil Liberties Union of Minnesota v. Kiffmeyer*, No. 04-CV-4653, 2004 WL

³² Indiana's law does allow voters without ID to cast provisional ballots, and then to appear before the county board of elections to execute an affidavit saying that they are indigent and unable to obtain the requisite ID without payment of a fee. But in contrast to other states, voters cannot cast a ballot that will be counted by submitting an affidavit at the polls, affirming that they are the registered voter and are otherwise eligible to vote.

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2428690, at *1 (D. Minn. Oct. 28, 2004). In that case, the court enjoined a Minnesota law that allowed the use of tribal photo ID cards, only for an Indian who lived on the reservation. 2004 WL 2428690, at *1. The Court found no rational basis for distinguishing based on whether or not the cardholder lives on the reservation. *Id.* at *1, 3. These decisions indicate that courts are likely to carefully scrutinize the evidence regarding the impact of photo ID requirements.

Privacy. In *Greidinger v. Davis*, 988 F.2d 1344 (4th Cir. 1993), the court struck down on due process grounds a Virginia law requiring disclosure of voters' social security numbers for voter registration. The social security numbers recorded in voter registration lists had been disclosed to the public and political parties that had requested the lists. The court found that the requirement to give the social security number effectively conditioned rights on the consent to an invasion of privacy. It concluded that this public disclosure of the social security numbers was not necessary to achieve the government's interest in preventing fraud. On the other hand, in *McKay v. Thompson*, 226 F.3d 752 (6th Cir. 2000), the court rejected privacy challenges based on both the Constitution and federal statutes, to a Tennessee law requiring social security numbers for voter registration since 1972. 226 F.3d at 755. Second, the NVRA only permits requiring the minimum amount of information necessary to prevent duplicate voter registration and to determine eligibility. The distinction appears to be between the use of Social Security numbers for internal purposes only, which was deemed permissible, and the disclosure of those numbers to the public which was not.

These decisions suggest that the courts will carefully scrutinize the evidence, where states require that voters produce a photo ID in order to cast a regular ballot. The courts have used a balancing test to weigh the legitimate interest in preventing election fraud against the citizen's right to privacy (protecting social security numbers from public disclosure, for example) and the reasonableness of requirements for identity documents. To provide both the clarity and certainty in administration of elections needed to forestall destabilizing challenges to outcomes, these early decisions suggest that best practice may be to limit requirements for voter identification to the minimum needed to prevent duplicate registration and ensure eligibility.

Developments since 2004

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Since the passage of HAVA, with its limited requirements for voter identification, and following the 2004 election, debate over voter ID has taken place in state legislatures across the country. That debate has not been characterized by solid information on the consequences of tightening requirements for voters to identify themselves before being permitted to cast a regular, rather than a provisional, ballot.

Better information might improve the quality of the debate. Answers to the following key questions are not available in a form that might satisfy those on both sides of the argument.

- What is the overall incidence of vote fraud?
- How does fraud take place in the various stage of the process: registration, voting at the polls, absentee voting, or ballot counting?
- What contribution can tighter requirements for voter ID make to reducing vote fraud?
- What would be the other consequences of increasingly demanding requirements for voters to identify themselves? This is the question addressed, within the limits of the available data, in the analysis in this report.

Answering these questions would provide the information needed for more informed judgment in the states as they consider the tradeoffs among the competing goals of ballot integrity, ballot access, and administrative efficiency. The Carter-Baker Commission recognized the tradeoffs when it tied recommendation for national ID to an affirmative effort by government to identify unregistered voters and make it easy for them to register.

State Voter Databases and Voter ID

With the implementation of the HAVA Computerized Statewide Voter Registration List, an application for voter registration for an election for Federal office may not be accepted or processed unless the application includes a driver's license number or last four digits of the Social Security number on the voter registration form. This information can be used to verify the identity of the registrant through interfacing with lists maintained by the Motor Vehicle office and Social Security office. If registrants do not have either a driver's license or Social Security number, the State will assign a unique identifier number to that person.

Some states are wrestling now with these unresolved issues. In New Jersey, for example, pending legislation would require that voters must be able to confirm their registration through a secure access to the Statewide Voter Registration List. It also requires voters to present ID at

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the polls in order to cast a regular ballot if the numbers recorded on the registration have not been verified (or if no verifiable number appears on the registration). It recognizes the HAVA requirement that if the number provided by the voter has not been verified and if the voter does not present ID at the polls, that voter may cast a provisional ballot. The bill does not specify they have to provide ID within 48 hours in order for their vote to count, as is the case with first-time mail-in registrants.

As some states gain experience in this area, the EAC would perform a useful service by making timely recommendations of best practices for all states to consider.

Conclusions

The analysis of voter ID requirements is complex. It takes into account important values associated with an electoral process, such as ballot access and integrity. The continuing effort to understand how voter ID requirements may affect turnout and the integrity of the ballot could benefit from additional factual information, including statistical analyses. Our research includes a statistical study of this kind. It indicated that the level of voter turnout in a state is correlated with the stringency of the voter ID requirement imposed by that state. Additional empirical research of this nature, with additional data collected by or for the EAC, would further illuminate the relationship between stricter voter ID rules and turnout, perhaps explaining if awareness of a strict ID requirement tends to discourage would-be voters from going to the polls. Or, additional research may shed light on whether, if voters did go to the polls, stricter Voter ID requirements will divert more voters into the line for provisional ballots. The consequence of increased reliance on provisional ballots can be longer lines at the polls and confusion, without necessarily a clear demonstration that the security of the ballot is correspondingly increased.³³

The debate over voter ID in the states would be improved by additional research sponsored by the EAC. That might include longitudinal studies of jurisdictions that have changed voter ID requirements, as well as precinct-level analyses that would allow more finely tuned assessment of the correlation between stricter identification requirements and turnouts. Further research could also identify methods to eliminate the need for voters to bring specific identity documents

³³ In this connection, the Brennan Center's response to the Carter-Baker Commission report observes that, "while it might be true that in a close election "a small amount of fraud could make the margin of difference," it is equally true that the rejection of a much larger number of eligible voters could make a much bigger difference in the outcome." *Response to the Report of the 2005 Commission on Federal Election Reform*, The Brennan Center for Justice at NYU School of Law and Spencer Overton, On Behalf Of The National Network on State Election Reform, September 19, 2005

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with them to the polls, while assuring that each voter who casts a ballot is eligible and votes only once.

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FINAL DRAFT

For Review by the Standards Board and Board of Advisors

Report to the
U. S. Election Assistance Commission
On
Best Practices to Improve Voter Identification Requirements
Pursuant to the
HELP AMERICA VOTE ACT OF 2002
Public Law 107-252

May 16, 2006

Submitted by

The Eagleton Institute of Politics, Rutgers, The State University of New Jersey

The Moritz College of Law, The Ohio State University

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FINAL DRAFT

For Review by the Standards Board and Board of Advisors

The Research Team

This research report on Voter Identification Requirements in the 2004 election is part of a broader analysis that also includes a study of Provisional Voting, which has already been submitted to the EAC. Conducting the work was a consortium of The Eagleton Institute of Politics of Rutgers, The State University of New Jersey, and The Moritz College of Law of The Ohio State University.

The Eagleton Institute explores state and national politics through research, education, and public service, linking the study of politics with its day-to-day practice. It focuses attention on how contemporary political systems work, how they change, and how they might work better. Eagleton regularly undertakes projects to enhance political understanding and involvement, often in collaboration with government agencies, the media, non-profit groups, and other academic institutions.

The Moritz College of Law has served the citizens of Ohio and the nation since its establishment in 1891. It has played a leading role in the legal profession through countless contributions made by graduates and faculty. Its contributions to election law have become well known through its Election Law @ Moritz website. *Election Law @ Moritz* illuminates public understanding of election law and its role in our nation's democracy.

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Peer Review Group

A draft of this report and the statistical analysis in its appendix were critiqued by a Peer Review Group. The comments of its members improved the quality of our work. While the Group as a whole and the comments of its members individually contributed generously to the research effort, any errors of fact or weaknesses in inference are the responsibility of the Eagleton-Moritz research team. The members of the Peer Review Group do not necessarily share the views reflected in our recommendations.

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REPORT AND RECOMMENDATIONS TO THE EAC VOTER IDENTIFICATION ISSUES

Report Background

The Help America Vote Act of 2002 (HAVA) (Public Law 107-252) authorizes the United States Election Assistance Commission (EAC) (Sec. 241, 42 USC 15381) to conduct periodic studies of election administration issues. The purpose of these studies is to promote methods for voting and administering elections, including provisional voting, that are convenient, accessible and easy to use; that yield accurate, secure and expeditious voting systems; that afford each registered and eligible voter an equal opportunity to vote and to have that vote counted; and that are efficient.

This study provides information on voter identification practices in the 2004 election. It makes recommendations for best practices to evaluate future proposals for voter ID requirements, including the systematic collection and evaluation of information from the states. The research was conducted by the Eagleton Institute of Politics at Rutgers, the State University of New Jersey, and the Moritz College of Law at the Ohio State University under a contract with the EAC, dated May 24, 2005. The work included a review and legal analysis of state statutes, regulations and litigation concerning voter identification and provisional voting as well as a statistical analysis of the relationship of various requirements for voter identification to turnout in the 2004 election. This report is a companion to a report on Provisional Voting submitted to the EAC on November 28, 2005 under the same contract.

EXECUTIVE SUMMARY AND RECOMMENDATIONS

Background and Methods

This report arrives at a time of considerable ferment over the issue of voter identification. The debate across the nation over requiring voters to produce a specific identification document before being permitted to cast a regular (as opposed to a provisional) ballot, has revealed supporters and opponents in polarized camps.

- Proponents of stricter identification requirements base their case on improving the security of the ballot by reducing opportunities for one kind of vote fraud --multiple voting or voting by those who are not eligible. The proponents argue that their goal is to ensure that only those legally entitled to vote do so, and do so only once at each election.

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- Opponents seek to forestall more stringent identification requirements, such as for government-issued photo ID, in order to ensure broad access to a regular ballot. They fear that some voters --such as, they argue, racial and ethnic minorities, the young, and elderly voters-- may lack convenient access to the required ID documents, or that such voters may be fearful of submitting their ID documents to official scrutiny and thus stay away from the polls.
- Both sides argue that their preferred policy will engender faith in the electoral process among citizens.

This report considers policy issues associated with the voter ID debate and investigates whether empirical study can suggest a way to estimate the effects of different voter ID requirements on turnout, and important first step in assessing tradeoffs between ballot security and ballot access. The aim is to contribute to the effort to raise the quality of the debate over this contentious topic. The tradeoffs between ballot security and ballot access are crucial. A voting system that requires voters to produce an identity document or documents may prevent the ineligible from voting. It may also prevent eligible voters from casting a ballot. If the ID requirement of a ballot protection system blocks ineligible voters from the polls at the cost of preventing eligible voters who lack the required forms of identification, the integrity of the ballot may not have been improved; the harm may be as great as the benefit.

As part of the project's effort to analyze the relationship between Voter ID requirements, turnout, and their policy implications, a statistical analysis was conducted to examine the potential variation in turnout. This statistical study developed a model to illuminate the relationships between voter ID requirements and turnout. This model's findings and limitations suggest avenues for further research and analysis that may assist the EAC and the states as they explore policies to balance the goals of ballot integrity and ballot access.

The statistical analysis describes one possible way to estimate what might be the incremental effect on voters' access to the ballot of an increase in the rigor of voter identification requirements. We do not offer this statistical analysis as the last word, but rather as a preliminary word on the subject. Its findings must be regarded as tentative; the information that might permit greater certainty is simply not available. Indeed, as our recommendations indicate, the next step to improve understanding of the effects of stricter voter identification on turnout and on vote fraud is to collect more information on both topics systematically and regularly.

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Making a statistical estimate of the effect of voting regulations on turnout is difficult. The dynamics of turnout are complex, much studied, and only partially understood. Some agreement exists, however, that three factors that exert substantial influence on voter turnout are:¹ the socioeconomic status of the potential voter; legal requirements to vote; and the political context of the election. By focusing on how voters identify themselves at the polls, this report emphasizes legal requirements. The statistical analysis also considers some of the socioeconomic, racial, and age characteristics of the electorate, as well as the political context in 2004 (such as whether a state was a battleground in the presidential race).

Examining tradeoffs between ballot security and ballot access requires some measure of the effectiveness of voter ID requirements in reducing multiple voting or voting by ineligible voters. The existing evidence on the incidence of vote fraud, especially on the kind of vote fraud that could be reduced by requiring more rigorous voter identification, is not sufficient to evaluate those tradeoffs.² Assessing the effectiveness of voter ID as a way to protect the integrity of the ballot should logically include an estimate of the nature and frequency of vote fraud. This research does not include consideration of vote fraud, nor does it estimate the possible effectiveness of various voter ID regimes to counter attempts at vote fraud. Our analysis also cannot take into account how many potential voters who did not turn out under comparatively stricter voter ID requirements might have been ineligible or eligible to vote.

Despite these qualifications regarding the quality of the available data and the limitations of statistical analysis, however, although it used different statistical methods and two different sets of data on turnout in 2004 election, it points to the same general finding. As discussed at greater length in the appendix to this report, stricter voter identification requirements were correlated with reduced turnout in the models employed.³ As explained below, these models find that a statistically significant relationship exists, even when controlling for other factors (such as whether the election was in a battleground state) that might affect turnout. Without knowing more about the effects of stricter voter ID on reducing multiple voting or voting by ineligible

¹ See, for example, Tom William Rice and Patrick J. Kenney, "Voter Turnout in Presidential Primaries." 1985. Political Behavior, 7: 101-112. Identification requirements are not the only legal restrictions on voting. States also differ, for example, in their registration requirements (including how long before the election registration must take place and the identity documents required register).

² The EAC has contracted with other researchers to study vote fraud issues.

³ Appendix C: Tim Vercellotti, Eagleton Institute of Politics, *Analysis of Effects of Voter Identification Requirements on Turnout*.

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voters, however, the tradeoffs between ballot security and ballot access cannot be assessed fully.

Methodology

The report includes detailed information on the nature of the statutory requirements across the country in 2004 and on the statutes and court decisions that provide the legal context for the voter ID debate. We gathered information on the requirements in effect in the 50 states and the District of Columbia in that year. Based on our interpretation of state statutes, supplemented in some cases by conversations with state election officials, we divided the states' ID requirements into five categories. We believe each category is more rigorous than the one preceding, based on the demands they make on voters.⁴ The categories range from "Stating Name" which we judge to be somewhat less demanding than "Signing Name." "Signature Match" requires poll workers to examine the signature and compare it to a sample, which is slightly more demanding than the voter simply signing. "Present ID" requires voters to offer some documentary evidence of their identity, ranging from a utility bill to a passport. It is more demanding than the previous three categories because it requires that the voter remember to bring this documentation to the polls. (Even a simple ID, such as a utility bill, may not be available to some renters or, say, those in group housing.) We regard a government "Photo ID" as the most rigorous requirement. Such identity documents may not be uniformly and conveniently available to all voters.

For each state, we identified both the "maximum" and "minimum" identification requirements. The term "maximum" refers to the most that voters may be *asked* to do or show at the polling place (putting aside cases in which particular voter's eligibility may be questioned pursuant to a state challenge process). The term "minimum," on the other hand, refers to the most that voters can be *required* to do or show, in order to cast regular ballot (again leaving aside a state challenge process). We have included "maximum" requirements in our analysis, and not simply "minimum" requirements, because simply asking voters to produce particular identifying information may have a deterrent effect, even if voters are ultimately allowed to cast a regular ballot without that identification. For example, in a state where voters are asked to show photo ID at the polling place, but still allowed to vote by completing an affidavit confirming their eligibility, the "maximum" of being asked to show photo ID may deter some voters even though the "minimum" would allow them to vote without photo ID.

⁴ Even the most relaxed provisions for identification at the polls—anything stricter than the honor system used in North Dakota—will impose some burden on particular voters. Harvard Law Review 119:1146

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It is worth emphasizing that, at the time of the 2004 election, there was *no* state that had a "minimum" requirement of showing photo ID – in other words, there was no state that required voters to show photo ID in order to cast a regular ballot. For this reason, our report does not measure the impact of laws, like those recently enacted in Indiana and Georgia, which require voters to show photo ID in order to cast a regular ballot without an affidavit exception.

To examine the potential variation on turnout rates associated with each type of voter ID requirements in effect on Election Day 2004, the statistical analysis drew on two sets of data. These were, first, aggregate turnout data at the county level for each state and, second, the reports of individual voters collected in the November 2004 Current Population Survey by the U. S. Census Bureau. Using two different data sets makes it possible to check the validity of one analysis against the other. It also provides insights not possible using only one of the data sets. The aggregate analysis cannot provide valid estimates on the effects of different ID requirements on particular demographic groups (e.g., the old, the young, African-Americans, the poor, or high school graduates). The Current Population Survey data does permit that kind of analysis, although it has the disadvantage of relying on self-reports by respondents about their registration status and experience in the polling place.

To understand legal issues that have been raised in recent litigation over voter ID requirements, we collected and analyzed the few major cases that have been decided so far on this issue. The decisions so far provide some guidance on the constitutional and other constraints as to voter ID requirements.

Summary of Findings

As voter identification requirements vary, voter turnout varies as well. This finding emerged from both the statistical analysis's aggregate data and the individual-level data, although not always for both the maximum and minimum sets of requirements. The overall relationship between the stringency of ID requirements and turnout was fairly small, but still statistically significant.

In the model used with the aggregate data in the statistical analysis, the match signature requirement, the provide a non-photo ID requirement, and the photo ID requirement were all correlated with lower turnout compared to requiring that voters state their names. With the addition of the registration closing data to the aggregate analysis, photo id is no longer a

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significant predictor of turnout. Signature match and non-photo id remain significant and negative predictors in the model.

The reduction in turnout was not the same for all demographic groups in the citizen voting age population.

The non-photo identification requirement showed the most significant and consistent correlation with reduced turnout. This result may be surprising given the intense debates surrounding photo identification requirements. The effect of photo ID requirements cannot, however, be assessed from the data the statistical analysis examined, since none of the states had laws in 2004 that conditioned voting on presentation of photo ID. Each of the five states that had photo ID as a "maximum" requirement (i.e., the most that voters could be asked to show at the polls) accepted another type of identification or an affidavit as a "minimum" requirement in the 2004 election (i.e., they were allowed to cast a regular ballot with something less than photo ID).

Significant questions about the relationship of voter identification requirements to turnout remain unanswered. The data examined in this project could not capture the dynamics of how identification requirements might lower turnout. If ID requirements dampen turnout, is it because individuals are aware of the requirements and stay away from the polls because they cannot or do not want to meet the requirements? Or, do the requirements result in some voters being turned away when they cannot meet the requirements on Election Day? Other factors that may also be correlated with stricter ID laws – such as less user-friendly voter registration systems – may actually be causing lower turnout. The CPS data do not include the information needed to answer this question. Knowing more about the "on the ground" experiences of voters concerning identification requirements could guide policy-makers at the state and local level in determining whether and at what point in the electoral cycle a concerted public information campaign might be most effective in helping voters to meet identification requirements. Such knowledge also could help in designing training for election judges to handle questions about, and potential disputes over, voter identification requirements.

Our analysis of litigation suggests that the courts will look more strictly at requirements that voters produce a photo ID in order to cast a regular ballot, than at non-photo ID laws. The courts have used a balancing test to weigh the legitimate interest in preventing election fraud against the citizen's right to privacy (protecting social security numbers from public disclosure, for

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example) and the reasonableness of requirements for identity documents. To provide both the clarity and certainty in administration of elections needed to forestall destabilizing challenges to outcomes, a best practice for the states may be to limit requirements for voter identification to the minimum needed to prevent duplicate registration and ensure eligibility.

The current lack of understanding of precisely how voter ID requirements affect turnout could be ameliorated by requiring the collection and reporting of additional data, including the reasons potential voters are required to cast a provisional ballot and the reasons for rejecting provisional ballots during the 2006 and subsequent elections. Also useful would be the results of surveys of voters on their experiences in meeting voter ID requirements and on what type of ballot they cast.⁵ And, of course, more information is needed on the incidence and varieties of vote fraud, but that inquiry is outside the scope of this report.

Recommendations for consideration and action by the EAC

The dynamics of Voter ID requirements –how more rigorous voter ID requirements may affect the decision by potential voters to go or stay away from the polls-- are not perfectly understood. This lack of understanding should be recognized in the policy process in the states. The debate over voter ID in the states would be improved by additional research sponsored by the EAC.

The EAC should consider the following actions to improve understanding of the relationship between voter ID requirements and the two important goals of ensuring ballot access and ensuring ballot integrity.

1. Encourage or sponsor further research to clarify the connection between Voter ID requirements and the number of potential voters actually able to cast a ballot that is actually counted.
2. Recommend as a best practice the publication of a "Voting Impact Statement" by states as they assess their voter ID requirements to protect the integrity of the ballot. The analysis will help ensure that efforts to increase ballot security have a neutral effect on electoral participation by eligible voters. The Voter Impact Statement would estimate the number and demographics of 1) eligible, potential voters that may be kept from the polls

⁵ Arizona held its first election with its new, stricter ID requirements on March 14, 2006. In at least one county (Maricopa) election officials handed a survey to voters that asked if they knew about the voter identification law and if they did, how they found out about it. Edythe Jensen, "New Voter ID Law Goes Smoothly in Chandler," *Arizona Republic*, March 15, 2006. More surveys of this kind can illuminate the dynamics of voter ID and voting in ways that are not possible now because of insufficient data.

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or permitted to cast a provisional ballot by a stricter ID requirement; and 2) and assess the number of ineligible voters who will be prevented from voting by the stricter ID requirements.

3. Encourage or require the states in the 2006 election and beyond, to collect and report reliable, credible information on the relationship between ballot access and ballot security. EAC should publish an analysis of this information to provide a sound factual basis for the states to consider as they estimate the incidence of the kinds of vote fraud that more stringent ID requirements may prevent. The analysis should describe the dynamics of the voter ID process in preserving the security of the ballot. EAC can also use this information to encourage the states to assess the effectiveness of programs to ensure that all eligible voters have required ID and are permitted to vote in future elections. Well-designed longitudinal studies in the states can show the results of changing voter ID requirements on electoral participation over time. The studies should include precinct-level data to provide the fine-grained analysis that can provide a solid foundation for policy.
 - I. Useful information could be supplied by state-sponsored surveys of voters by local election officials. It would make clear why those who cast a provisional ballot were found ineligible to cast a regular ballot. The answers would illuminate the frequency with which ID issues divert voters into the provisional ballot line.
 - II. Surveys to ask voters what they know about the voter id requirements would also provide useful context for evaluating the effect of various voter ID requirements on electoral participation.
 - III. Spot checks by state election officials on how the identification process works at polling places could provide information on how closely actual practice tracks statutory or regulatory requirements. Such reports should be available to the public.
4. Encourage states to examine the time period allowed for voters who cast a provisional ballot because they lacked required ID to return with their identification. In eleven states, voters who had to cast a provisional ballot because they lacked the ID required for a regular ballot were permitted to return later with their ID. Their provision of this ID is the critical step in evaluating the ballots. The length of the period in which the voter may return with ID is important. In setting the time period for return, which now varies among the states from the same day to about two weeks, states should consider three factors:

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the convenience of the voter, the total time allowed to evaluate ballots⁶, and the safe harbor provision in presidential elections.

5. Recommendations to the states from EAC should reflect current judicial trends.

Requirements that voters provide some identifying documentation have been upheld, where photo ID is *not* the only acceptable form. Whether laws requiring photo ID will be upheld is more uncertain.

SUMMARY OF RESEARCH

Background and Approach of the Study

Voter ID requirements are just one set of rules governing voting that may affect turnout. Social scientists have long studied how election rules affect participation in elections. The general view today is that the individual citizen makes the choice of whether to vote in a way similar to other decisions that a rational citizen makes, by comparing costs and benefits. The benefits of voting are fairly stable and hard to specify given the remote probability that any one vote will make a difference in an election. But whatever the benefit as perceived by an individual voter, as the costs of voting (for example, time, hassle, acquisition of information) increase, the likelihood that a citizen will vote decrease. Not all groups in the population calculate the cost of participation in the same way, so that election laws (such as registration or identification requirements) may affect different groups differently.

A short summary of some of the social science literature illustrates what may be a broad consensus that the rules of elections affect turnout, but note the important differences in the details of what groups may be most affected.

- Bowler, Brockington and Donovan in "Election Systems and Voter Turnout: Experiments in the United States". *The Journal of Politics*, 63:3 (August 2001) concluded that electoral systems help shape turnout by altering the benefits perceived by voters. For example, cumulative voting systems have 5% greater turnout than plurality systems
- The effect of registration systems has been the subject of many studies over the last 40 years. Kelley, Ayres, and Bowen in "Registration and Voting: Putting First Things First." *American Political Science Review*. 61:2 (June 1967) found that local variations in the

⁶ Our research on provisional voting reveals that states that provide more than a week to evaluate provisional ballots end up counting substantially more of those ballots than states that provide less than a week.

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rate of voting are most directly tied to variations in the rate of registering to vote, and that the rate of registering to vote in localities is most directly related to the laws and administration of the registration process. They concluded that the decline in voting over the past 80 years was due, in part, to the rise of registration laws.

- Brians and Grofman in "Election Day Registration's Effect on U.S. Voter Turnout." *Social Science Quarterly*. 82:1 (March 2001), found that relaxing registration laws produces higher turnout. In particular, they observed that relaxing registration laws is more likely to promote voter turnout among those with medium levels of income and education, rather than those at the lowest levels. Highton in "Easy Registration and Voter Turnout," *Journal of Politics*. 59:2 (May 1997), concluded similarly that registration laws affect voter turnout, but also observed that easier registration promotes turnout among those in lower socio-economic status.

- Mitchell and Wlezien. "The Impact of Legal Constraints on Voter Registration, Turnout, and the Composition of the American Electorate," *Political Behavior*. 17:2 (June 1995) agreed that easier registration promotes higher turnout, but also concluded that higher turnout from easier registration would be unlikely to change the composition of the electorate. Nagler in "The Effect of Registration Laws and Education on U.S. Voter Turnout." *American Political Science Review*. 85:4 (December 1991) found that registration laws decrease voter turnout by depressing the eligible electorate, but that lower educated people are not disproportionately impacted by these laws. But Rosenstone and Raymond E. Wolfinger in "The Effect of Registration Laws on Voter Turnout." *American Political Science Review*. 72:1 (March 1978) found that while registration laws did affect both voter turnout and the composition of the electorate, the sharpest effect of these restrictions was felt in the South and among the least educated.

- Squire, Wolfinger, and Glass in "Residential Mobility and Voter Turnout." *American Political Science Review*. 81:1 (March 1987) found that people who move constitute a major demographic group affected by registration laws. They estimated that altering laws to facilitate voting by recently moved people could increase turnout by 9%. Highton in "Residential Mobility, Community Mobility, and Voter Turnout." *Political Behavior*. 22:2 (June 2000) also found that people who move have lower turnout than stable residents, and estimated that the decline was more a result of registration laws than a loss of social connections.

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- Highton and Wolfinger in "Estimating the Effects of the National Voter Registration Act of 1993." *Political Behavior*. 20:2 (June 1998) concluded that the Motor Voter laws led to a significant increase in voting; that eliminating voter purges for not voting also increases voting; and that these effects are felt most heavily by the young (under 30) and the mobile (moved within past 2 years). Knack, in "Does 'Motor Voter' Work? Evidence from State-Level Data." *Journal of Politics*., 57:3 (August 1995), also found that motor voter does lead to increased registration and voting, but that other parts of NVRA of 1993, like mail-in registrations, agency-based registrations, and limitations on voter purges had not been as influential two years after the passage of the act.

While voter ID may not have been the subject of as much research as the registration process, establishing the eligibility of a person to vote has long been part of the electoral process. Voters may have to identify themselves twice in the electoral process: when registering to vote and then when casting a ballot. The pressures felt by the voter arising from the need to check ID, even so simple a check as a signature match, can be greater at the polls on Election Day than at the time of registration. Poll workers may feel under pressure when faced with long lines and limited time.

Voter ID requirements on Election Day

This analysis focuses on ID requirements on Election Day, but with an appreciation that the ID requirements at time of registration and on Election Day are inter-related.⁷ The emphasis in this report is on Voter ID requirements on Election Day and afterwards as election judges evaluate provisional ballots. This is the critical period for the electoral system, the time when ballot access and ballot security are in the most sensitive balance.

The report looks at voter ID issues that go beyond the rather narrow identification requirements in HAVA. Much of the current debate in state legislatures over voter ID ranges beyond HAVA to require more rigorous documentation of identity for all would-be voters, not just those who had not registered in person and are casting a ballot for the first time. Current controversies in the states over voter ID seems to have been sparked in part by the HAVA requirements, but goes beyond those requirements, and sets the context for the analysis here.⁸

⁷ As the Carter-Baker Commission noted, photo ID requirements for in-person voting do little to address the problem of fraudulent registration by mail, especially in states that do not require third-party organizations that register voters to verify ID. Commission on Federal Election Reform, pp 46-47.

⁸ Harvard Law Review 119:1127: "Legislators hoping to stiffen their state antifraud laws have taken their cue from identification provisions buried in HAVA."

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We recognize that the previously technical, rather dull subject of voter ID requirements has become fiercely partisan and divisive in many states. The polarization of the debate has raised the stakes over this issue, making dispassionate analysis both more valuable and more rare.⁹ Voter ID is often described as the critical step in protecting the integrity of the ballot, the process to ensure that the potential voter is eligible and, if eligible, is permitted to cast one ballot and one ballot only. Truly protecting the integrity of the ballot, however, requires a perspective that takes in the entire voting process. It demands more than preventing the ineligible from voting, and should also ensure that all those who are eligible and want to vote can cast a ballot that counts. The protection effort must embrace all forms of voting, including absentee ballots, and consider each step in the process from registration through vote counting.

A voting system that requires voters to produce an identity document or documents may prevent the ineligible from voting. It may also prevent the eligible from casting a ballot. If the ID requirements block ineligible voters from the polls at the cost of preventing eligible voters who cannot obtain or have left at home the required forms of identification, the integrity of the ballot may not have been improved; the harm may be as great as the benefit. Ultimately, a normative evaluation of whether a state should adopt a stricter voter ID requirement (and, if so, what particular form that new requirement should take) will weigh value judgments as well as available factual evidence. Nonetheless, this report has proceeded on the premise that increased understanding of the factual evidence relating to the imposition of voter ID requirements, based on available data and statistical analysis of that data, can help inform the policy process.

Assessing the effectiveness of voter ID as a way to protect the integrity of the ballot should logically include an estimate of the nature and frequency of vote fraud. The EAC has commissioned a separate analysis of the incidence of vote fraud. Consequently, this research does not include consideration of vote fraud nor the possible effectiveness of various voter ID regimes to counter attempts at vote fraud. As a result, our study of the possible effects of voter

⁹ "Of the various electoral procedure laws passed in the fifty states since the 2000 and 2004 presidential elections and those still being debated in state legislatures and local media, few arouse more potent partisan feelings than voter identification laws." *Harvard Law Review* 119:1144. John Fund's 2004 book, *Stealing Elections: How Voter Fraud Threaten Our Democracy*, cites (pages 16 – 17) a Rasmussen Research poll that asked respondents if they were more concerned with voting by ineligible participants or with disenfranchisement of eligible voters. Sixty-two percent of Kerry supporters, but only 18 percent of Bush supporters, worried more about *disenfranchisement*; 58 percent of Bush supporters, but only 19 percent of Kerry supporters were more concerned with *voter fraud*.

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ID requirements on turnout cannot take into account how many potential voters who did not turn out under comparatively stricter voter ID requirements might have been ineligible or eligible to vote.

In some states, voters lacking required ID, or who have ID that does not reflect their current address, are able to vote only by casting a provisional ballot.¹⁰ Voter ID requirements that require voters to bring a document to the polls --rather than simply sign their names-- may divert more voters to the provisional ballot. Requiring poll workers to request and check ID, can put stress on the already demanding environment of the polling place. Scrutiny of ID can create lines at the polling places. Further delays can result when voters cast a provisional ballot and fill out the ballot envelope. Voters who cast a provisional ballot because they lack their ID on Election Day, and who then fail to return with the needed document or documents, will have their ballot rejected.¹¹ And, of course, the cost of processing provisional ballots is greater than the cost of regular ballots.

Each of these potential consequences of more elaborate voter identification processes can increase the chance of litigation. Long lines will, at best, discourage voters and at worst make voting seem a hassle, an impression that could keep more citizens (even those with ID) from the polls.

Evaluating the effect of different Voter ID regimes can be most effective when based on clear standards --legal, equitable, practical. The standards outlined here might be described as questions policy-makers should ask about Voter ID requirements. We suggest 7 questions that address important dimensions of the problem.

1. Is the Voter ID system designed on the basis of valid and reliable empirical studies of the incidence of the sorts of vote fraud it is designed to prevent?¹²

¹⁰ For example, the Florida voter ID law adopted after the 2004 election and pre-cleared by the Department of Justice, permits voters who cannot meet the ID requirements to sign an affidavit on the envelope of a provisional ballot, which will be counted if the signature matches that on the voter's registration form.

¹¹ The EAC's Election Day Study found "improper ID," to be the third most common reason for a provisional ballot to be rejected. "Improper ID" was cited by 7 states responding to the survey, compared to 14 mentions for voting in the wrong precinct. *Election Day Study*, Chapter 6, p. 5.

¹² "Often where the battle over voter identification is most heated, real evidence of voter fraud proves scarce: in Georgia, for example, the Secretary of State averred that she had never encountered a single instance of voter impersonation at the polls. State laws might sometimes impose tighter restrictions on in-person voting than on absentee ballots, which yield the greatest incidence of, and provide the easiest avenue for, voter fraud. . ." Harvard Law Review 127:1144 (2006)

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2. How effective is the ID requirement in increasing the security of the ballot? How well can it be coordinated with a statewide voter database?¹³
3. How practical is the requirement? (Can it be administered smoothly by the staff and budget likely to be made available? How much additional training of polling place workers might be required?) Is it simple enough or can it be defined with sufficient clarity that poll workers throughout the state can administer it uniformly and with a minimum of local interpretation made on the fly under the pressure of Election Day?¹⁴
4. How cost-effective is the system? Does it demonstrably increase the security of the ballot affordably, measured in both monetary and other costs? To improve understanding of the non-monetary component of the costs, conducting a voter impact study might be appropriate. The voter impact study would examine, before the adoption of the regulation, the cost of compliance by the voter (such as the cost in time and money of acquiring a photo ID card), any offsetting benefits to voters, and the possible disparate effects of the regulation on various groups of voters.¹⁵ A thorough, objective impact statement that demonstrated the nexus between the identification regime and the integrity of the ballot could provide protection against inevitable legal challenges.
5. If a side effect of the Voter ID regulation is likely to reduce turnout, generally or among particular groups, is it possible to take other steps to ameliorate the adverse consequences?¹⁶
6. Does it comply with the letter and spirit of Voting Rights Act?
7. The seventh question is the most difficult to answer. How neutral is the effect of the Voter ID requirement on the composition of the qualified and eligible electorate? Might it,

¹³ See the final section of this report for a brief overview of possible effects of a statewide voter database on voter identification issues.

¹⁴ In New York, in 2004, disparities in training and voting information were made apparent in a study finding elections officials had wildly varying interpretations of what the state's voter identification requirement actually was. Tova Wang, "Warning Bell in Ohio," December 5, 2005. Website, the Foundation for National Progress.

¹⁵ "Absent clear empirical evidence demonstrating widespread individual voter fraud, legislatures need to fashion narrowly tailored voter identification provisions with an eye toward the inevitable and well-grounded constitutional challenges that will arise in the courts. Only as states grow more adept at administering elections will courts likely demonstrate greater willingness to uphold strict identification requirements." Harvard Law Review 127:1144 (2006)

¹⁶ For example, the Carter-Baker Commission coupled its recommendation for a national voter ID card to a call for an affirmative effort by the states to reach out and register the unregistered, that is, to use the new Voter ID regime as a means to enroll more voters. Similarly, Richard Hasen has suggested combining a national voter ID with universal registration. See his "Beyond the Margin of Litigation: Reforming U.S. Election Administration to Avoid Electoral Meltdown," 62 Washington and Lee Law Review 937 (2005).

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intentionally or unintentionally, reduce the turnout of particular groups of voters or supporters of one party or another without an offsetting decrease in vote fraud?

Voter ID and Turnout

Based on research for this study by the Moritz College of Law, states had one of five types of maximum requirements in place on Election Day 2004. These are shown in Table 1, *Voter ID Requirements*. The five categories: at the polling place, voters were asked to either: state their names (10 states); sign their names (13 states and the District of Columbia); sign their names, to be matched to a signature on file (seven states); provide a form of identification that did not necessarily include a photo (15 states); or provide a photo identification (five states).¹⁷ Using this information made it possible to code the states according to these requirements, and examine the assumption that voter identification requirements would pose an increasingly demanding requirement in this order: stating one's name, signing one's name, matching one's signature to a signature on file, providing a form of identification, and providing a form of photo identification, however, in all "photo ID" states in 2004, voters without photo ID could cast a regular ballot after signing an affidavit concerning their identity and eligibility or provide other forms of ID). The report refers to this set of ID requirements as "maximum," the most rigorous ID the voter can be asked to present at the polling place in order to cast a regular ballot.¹⁸

Election laws in several states offer exceptions to these requirements if potential voters lack the necessary form of identification. Laws in those states set a minimum standard – that is the minimum requirement that a voter may be required to satisfy in order to vote using a regular ballot. States can be categorized based on the minimum requirement for voting with a regular ballot. In 2004 the categories were somewhat different compared to the maximum requirement, in that none of the states required photo identification as a minimum standard for voting with a regular ballot. That is, voters who lacked photo ID would still be allowed to vote in all states, if able to meet another requirement. Four states required voters to swear an affidavit as to their identity (Florida, Indiana, Louisiana, and North Dakota). The five categories for minimum requirements were: state name (12 states), sign name (14 states and the District of Columbia), match one's signature to a signature on file (six states), provide a non-photo identification (14 states), or swear an affidavit (four states). The analysis also examined this array of minimum

¹⁷ Oregon conducts elections entirely by mail. Voters sign their mail-in ballots, and election officials match the signatures to signatures on file. For the purposes of this analysis, Oregon is classified as a state that requires a signature match.

¹⁸ As noted above, our analysis does not consider additional requirements that particular voters may be subjected to as part of an official challenge process, in the event that their eligibility is called into question.

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identification requirements to assess how they correlated with turnout: state name, sign name, match signature, provide non-photo identification, and, given the potential legal consequences for providing false information, swearing an affidavit. As noted above, *no* state had a “minimum” requirement of showing photo ID. This analysis therefore cannot estimate the effect of laws, such as those recently enacted in Indiana and Georgia that require voters to show photo ID in order to cast a regular ballot without an affidavit or other exception.

We recognize the difficulties in summarizing each state's voter ID requirements. The problem is illustrated by the number of footnotes to Table 1 below. The variety of statutory and regulatory details among the states is complex.

Moving beyond the statutes and regulations, we also recognize that the assignment of each state to one category may fail to reflect actual practice at many polling places. As in any system run by fallible humans, the voter ID process is subject to variation in practice.¹⁹ Voters may have been confronted with demands for identification different from the directives in state statutes or regulation. It seems reasonable to conclude, however, that while actual practices may vary, the variance is around each state's legal requirement for ID. The analysis of the effect of state requirements on turnout must be viewed with some caution. We believe that the categories used in this report provide an acceptable level of discrimination among voter identification regimes.

¹⁹ One state election official told us that, “We have 110 election jurisdictions in Illinois, and I have reason to believe [the voter ID requirements] are administered little bit differently in each one. We wish it weren't that way, but it probably is.”

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TABLE 1 – Voter ID Requirements²⁰

State	Maximum Forms of ID Required 2004	Current ID Requirement for First-Time Voters	Current ID Requirements for All Other Voters	Verification Method for Provisional Ballots
Alabama	Provide ID	Provide ID	Provide ID	Address & Registration
Alaska	Provide ID	Provide ID	Provide ID	Signature
Arizona	Provide ID	Gov-issued Photo ID	Gov-issued Photo ID ¹	Address & Registration
Arkansas	Provide ID	Provide ID	Provide ID	Address & Registration
California	Sign Name	Sign Name	Sign Name	Signature
Colorado	Provide ID	Provide ID	Provide ID	Address & Registration
Connecticut	Provide ID	Provide ID	Provide ID	Affidavit
D.C.	Sign Name	Provide ID*	Sign Name	Address & Registration
Delaware	Provide ID	Provide ID	Provide ID	Affidavit
Florida	Photo ID ²	Photo ID	Photo ID	Signature
Georgia	Provide ID	Gov. Issued Photo ID	Gov. Issued Photo ID	Affidavit
Hawaii	Photo ID [^]	Photo ID	Photo ID [^]	Affidavit
Idaho	Sign Name	Provide ID*	Sign Name	EDR
Illinois	Give Name	Provide ID*	Match Sig.	Affidavit
Indiana	Sign Name	Gov. Issued Photo ID	Gov. Issued Photo ID	Bring ID Later
Iowa	Sign Name	Provide ID*	Sign Name	Bring ID Later
Kansas	Sign Name	Sign Name	Sign Name	Bring ID Later
Kentucky	Provide ID	Provide ID	Provide ID	Affidavit
Louisiana	Photo ID	Photo ID	Photo ID [^]	DOB and Address
Maine	Give Name	Provide ID*	Give Name	EDR
Maryland	Sign Name	Provide ID*	Sign Name	Bring ID Later
Mass.	Give Name	Provide ID*	Give Name	Affidavit
Michigan	Sign Name	Provide ID*	Sign Name	Bring ID Later
Minnesota	Sign Name	Provide ID*	Sign Name	EDR
Mississippi	Sign Name	Provide ID*	Sign Name	Affidavit
Missouri	Provide ID	Provide ID*	Provide ID	Address & Registration
Montana	Provide ID	Provide ID*	Provide ID	Bring ID Later
Nebraska	Sign Name	Provide ID*	Sign Name	Affidavit
Nevada	Match Sig.	Provide ID*	Match Sig.	Affidavit
New Jersey	Match Sig.	Provide ID*	Match Sig.	Bring ID Later
New Mexico	Sign Name	Provide ID	Provide ID	Bring ID Later
New York	Match Sig.	Provide ID*	Match Sig.	Affidavit
NH	Give Name	Provide ID	Give Name	EDR
North Carolina	Give Name	Provide ID*	Give Name	Varies
North Dakota	Provide ID	Provide ID	Provide ID	No Registration
Ohio	Match Sig.	Provide ID	Provide ID	Address & Registration
Oklahoma	Sign Name	Provide ID*	Sign Name	Address & Registration
Oregon	Match Sig.	Provide ID*	Match Sig.	Signature
Penn.	Match Sig.	Provide ID ⁴	Match Sig.	Address & Registration
Rhode Island	Give Name	Provide ID*	Give Name	Address & Registration

²⁰ See Appendix 1 for a more detailed summary, including citations and statutory language, of the identification requirements in each state.

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South Carolina	Photo ID ^b	Photo ID	Photo ID [^]	Address & Registration
South Dakota	Photo ID ^b	Photo ID	Photo ID [^]	Affidavit
Tennessee	Provide ID	Provide ID ⁷	Provide ID	Affidavit
Texas	Provide ID	Provide ID ^b	Provide ID	Bring ID Later
Utah	Give Name	Provide ID	Give Name	Bring ID Later
Vermont	Give Name	Provide ID	Give Name	Affidavit
Virginia	Provide ID	Provide ID	Provide ID	Affidavit
Washington	Sign Name	Provide ID	Provide ID	Address & Registration
West Virginia	Match Sig.	Provide ID	Match Sig.	Address & Registration
Wisconsin	Give Name	Provide ID	Give Name	Bring ID Later
Wyoming	Give Name	Provide ID	Give Name	Affidavit

* States applies only HAVA's ID requirement, applicable to first-time voters who registered by mail and did not provide applicable ID at the time of registration.

¹ Arizona voters who lack a photo ID may present 2 forms of ID with no photograph.

² Florida required a photo ID in 2004, but voters without that credential could sign an affidavit concerning their identity and eligibility and cast a regular ballot. Florida subsequently changed its law to require that voters present photo ID to cast a regular ballot, though voters without photo ID may still cast a provisional ballot by signing an affidavit, which ballot should ordinarily be counted.

³ Louisiana required a photo ID in 2004. Voters without that credential could sign an affidavit concerning their identity and eligibility and cast a regular ballot.

⁴ Pennsylvania requires ID of all first-time voters, whether they registered by mail or in-person.

⁵ Voters lacking a photo ID could vote by providing another form of ID in 2004.

⁶ Voters lacking a photo ID could vote by providing another form of ID in 2004.

⁷ Tennessee voters must provide signature and address. In counties without computerized lists, the signature is compared to the registration card. In counties with computerized lists, the signature is compared to a signature on ID presented with the registration.

⁸ Texas voters must present a current registration certificate. Those without a certificate can vote provisionally after completing an affidavit.

Relationship of Voter ID requirements to Turnout

The statistical analysis examined the potential variation in turnout rates based on the type of voter identification required in each state on Election Day 2004 using two sets of data: aggregate turnout data at the county level for each state, as compiled by the Eagleton Institute of Politics, and individual-level survey data included in the November 2004 Current Population Survey conducted by the U.S. Census Bureau.

The statistical analysis examined turnout among U.S. citizens of voting age in both the aggregate and the individual-level data. Determining citizenship status in the individual-level data simply involved restricting the analyses to individuals who identified themselves as citizens in the November 2004 Current Population Survey. (Those who said they were not citizens did not have the opportunity to answer the supplemental voting questions contained in the Current Population Survey.)

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Findings of the statistical analysis

The analysis looked at the voter identification requirements in two ways, as a continuous variable and as a series of discrete variables. As a continuous variable the maximum voter identification requirements are ranked according to how demanding they were judged to be, with photo ID as the most demanding requirement. As discrete variables, the statistical analysis assume that stating name is the least demanding ID requirement and compare each other requirement to it.

The analysis treating the requirements as a continuous variable offers some statistical support for the premise that as the level of required proof increases, turnout declines. Averaging across counties in each state, statewide turnout is negatively correlated with maximum voter identification requirements ($r = -.30, p < .05$). In considering the array of minimum requirements, with affidavit as the most demanding requirement, however, the correlation between voter identification and turnout is negative, but it is not statistically significant ($r = -.20, p = .16$). This suggests that the relationship between turnout rates and minimum requirements may not be linear. Breaking down the turnout rates by type of requirement reveals in greater detail the relationship between voter identification requirements and voter turnout.

Table 2 – Variation in 2004 State Turnout Based on Voter Identification Requirements

Maximum Requirement		Minimum Requirement	
Voter Identification Required in the States	Mean Voter Turnout for States in that Category	Voter Identification Required in the States	Mean Voter Turnout for States in that Category
State Name	64.2 %	State Name	63.0 %
Sign Name	61.1 %	Sign Name	60.4 %
Match Signature	60.9 %	Match Signature	61.7 %
Provide Non-Photo ID	59.3 %	Provide Non-Photo ID	59.0 %
Provide Photo ID	58.1 %	Swear Affidavit	60.1 %
<i>Average Turnout (All States)</i>	60.9 %		

This table displays the mean turnout using the aggregate county level data for each state in 2004.

The aggregate data show that 60.9 percent of the estimated citizen voting age population voted in 2004. Differences in voter turnout at the state level in 2004 varied based on voter identification requirements. Taking into account the maximum requirements, an average of 64.6 percent of the voting age population turned out in states that required voters to state their names, compared to 58.1 percent in states that required photo identification. A similar trend

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emerged when considering minimum requirements. Sixty-three percent of the voting age population turned out in states requiring voters to state their names, compared to 60.1 percent in states that required an affidavit from voters. Given the lack of a clear, consistent linear relationship between turnout and minimum identification requirements, however, we opted to treat the voter identification requirements as a series of dichotomous variables in subsequent analyses.²¹

Voter identification requirements are just one factor that may affect voter turnout. Multivariate models that take into account other predictors of turnout can paint a more complete picture of the relationship between voter identification requirements and turnout. This analysis estimated the effects of voter identification requirements in multivariate models that also took into account the electoral context in 2004 and demographic characteristics of the population in each county. While the model takes account of several important variables, statistical models do not capture all the messiness of the real world. It is a simplification of a complex reality, and its results should be treated with appropriate caution.

The model also took into account such variables as:

- Was the county in a presidential battleground state?
- Was the county was in a state with a competitive race for governor and/or the U.S. Senate?
- Percentage of the voting-age population in each county that was Hispanic or African-American²²
- Percentage of county residents age 65 and older
- Percentage of county residents below the poverty line

Another contextual factor to consider is voter registration requirements, such as the deadline for registration. As states set the deadline farther away from Election Day, the task of remembering to register to vote becomes more challenging. Thus our model takes into account the number of days between each state's registration deadline and the election.

²¹ The voter identification requirements are coded as a series of dummy variables, coding each variable as one if the requirement existed in a given state, and zero otherwise. This yielded five dichotomous variables for maximum requirements (state name, sign name, match signature, non-photo identification, or photo identification), and five dichotomous variables for minimum requirements (state name, sign name, match signature, non-photo identification, or providing an affidavit). Omitted is the variable for stating one's name so that it could serve as the reference category in comparison with the other four identification requirements in each of the statistical analyses.

²² The U.S. Census projections for 2003 provided the data for the percentage of the voting-age population in each county that was Hispanic or African-American and for the percentage of county residents age 65 and older.

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The dependent variable in each model was voter turnout at the county level, with turnout calculated as the percentage of the citizen voting-age population that voted in the 2004 election.

The results of this modeling suggest that voter identification requirements such as signature matching, a non-photo ID or a photo ID are associated with lower turnout than in states that required voters to simply state their name, holding constant the electoral context and demographic variables.

Contextual factors, such as whether the county was in a battleground state or whether that state had a competitive race for governor and/or U.S. Senate, were associated with increased voter turnout. The time between the closing date for registration and the election was correlated with a slight negative effect on turnout. As the percentage of Hispanics in the county's population increased, turnout declined. The percentage of senior citizens in the county and household median income were associated with higher turnout. The percentage of African-Americans in the county did not have a significant effect in the model. The percentage of senior citizens in the county and household median income showed a positive correlation with turnout. In this aggregate model, the percentage of African-Americans in the county was not associated with a significant difference in turnout.

The relationship of the minimum voter identification requirements to turnout was not demonstrated. None of the dummy variables for voter identification requirements were statistically significant. Being a battleground state and having a competitive statewide race were significant and positive, as was the percentage of senior citizens in the county and household median income. The percentage of Hispanics in the county's population continued to be associated with reduced turnout, as was the number of days between the closing date for registration and the election.²³

Analysis of the aggregate data at the county level generates some support for the hypothesis that stricter identification requirements are correlated with lower turnout. For the maximum

²³ This test incorporated a series of interactions between the maximum and minimum voter identification requirements and the percentage of African-Americans and Hispanics living in the counties. In each case the interactions did not improve the fit of the models to the data. See tables A-1 and A-2 in the appendix of Vercellotti's paper in the appendices.

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requirements, a signature match, non-photo identification or photo identification were correlated with lower turnout in 2004, compared to requiring that voters simply state their names.

Aggregate data, however, cannot fully capture the individual demographic factors that may figure into the decision to turn out to vote.²⁴ Voter identification requirements could have a relationship to the turnout of particular groups of voters, in ways that county-level aggregate data on turnout would not capture. To explore the effects of voter identification requirements on turnout more completely, it is important to examine individual-level data as well.

Individual-level Analysis

Individual-level turnout data exists in the November 2004 Current Population Survey conducted by the U.S. Census Bureau. The Census Bureau conducts the CPS monthly to measure unemployment and other workforce data, but the bureau adds a battery of voter participation questions to the November survey in even-numbered years to coincide with either a presidential or midterm Congressional election.

One of the of the CPS is the sheer size of the sample. The survey's Voting and Registration Supplement consisted of interviews, either by telephone or in person, with 96,452 respondents.²⁵ The large sample size permits analyses of smaller groups, such as Black or Hispanic voters or voters with less than a high school education. The statistical analysis in relying on the CPS is based on reports from *self-described* registered voters. Omitted are those who said they were not registered to vote, as are those who said they cast absentee ballots because the identification requirements for absentee ballots may differ from those required when one votes in person. Eliminated from the sample are respondents who said they were not U.S. citizens; the questionnaire design skipped those individuals past the voter registration and turnout questions in the survey. In addition to the voter identification requirements, the models include other socioeconomic, demographic, and political environment factors that might have

²⁴ For example, previous research has found that education is a powerful determinant of turnout (Wolfinger and Rosenstone 1980, but see also Nagler 1991).²⁴ Married people also are more likely to vote than those who are not married (Alvarez and Ansolabehere 2002; Alvarez, Nagler and Wilson 2004; Fisher, Kenny, and Morton 1993).

²⁵ It is important to note that the Census Bureau allows respondents to answer on behalf of themselves and others in the household during the interview. While proxy reporting of voter turnout raises the possibility of inaccurate reports concerning whether another member of the household voted, follow-up interviews with those for whom a proxy report had been given in the November 1984 CPS showed 99 percent agreement between the proxy report and the information given by the follow-up respondent (U.S. Census Bureau 1990).

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influenced turnout in 2004.²⁶ The dependent variable in these analyses is whether a respondent said he or she voted in the November 2004 election.²⁷

In the model, three of the voter identification requirements have a statistically significant correlation with whether survey respondents said they had voted in 2004. That is, compared to states that require voters only to state their names, the requirement to sign one's name, provide a non-photo ID, or photo ID in the maximum requirements or affidavit in the minimum is associated with lower turnout.

Of the other state factors, only the competitiveness of the presidential race showed a significant, correlation with increased turnout. In terms of demographic influences, African-American voters were more likely than white voters or other voters to say they had cast a ballot, while Asian-Americans were less likely than white or other voters to say they had turned out. Hispanic voters were not statistically different from white or other voters in terms of reported turnout. Consistent with previous research, income, and marital status all were positive predictors of voting. Women also were more likely to say they voted than men. Among the age categories, those ages 45 to 64 and 65 and older were more likely than those ages 18 to 24 to say they voted. Respondents who had earned a high school diploma, attended some college, graduated from college or attended graduate school were all more likely to say they voted than those who had not finished high school.

While the probit models provide statistical evidence for the relationship of voter identification requirements and other variables to turnout, probit coefficients do not lend themselves to intuitive interpretation.²⁸ Table 3 below shows predicted probabilities (calculated from the probit coefficients) of voting for each level of voter identification requirements while holding all other independent variables in the models at their means.²⁹

²⁶ The models are estimated using probit analysis, which calculates the effects of independent variables on the probability that an event occurred – in this case whether a respondent said he or she voted and using robust standard errors to control for correlated error terms for observations from within the same state.

²⁷ The U.S. Census Bureau reported, based on the November 2004 CPS, that 89 percent of those who identified themselves as registered voters said they voted in 2004 (U.S. Census Bureau 2005). Previous research has shown that, generally speaking, some survey respondents overstate their incidence of voting. Researchers speculate that over-reports may be due to the social desirability that accompanies saying one has done his or her civic duty, or a reluctance to appear outside the mainstream of American political culture (U.S. Census Bureau 1990). It is also possible that voting is an indication of civic engagement that predisposes voters to agree to complete surveys at a higher rate than non-voters (Flanigan and Zingale 2002). Hence the voter turnout rates reported in the CPS tend to be up to 10 percentage points higher than the actual turnout rate for the nation (Flanigan and Zingale 2002). Even with this caveat, however, the CPS serves as a widely accepted source of data on voting behavior.

²⁸ A probit model is a popular specification of a generalized linear regression model, using the probit link function.

²⁹ In the case of dichotomous independent variables, holding them at their mean amounted to holding them at the percentage of the sample that was coded 1 for the variable (Long 1997).

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	Maximum requirement	Minimum requirement
State name	91.7%	91.5%
Sign name	89.9%	90.2%
Match signature	Not significant	Not significant
Non-photo ID	89.0%	89.0%
Photo ID	88.8%	----
Affidavit	----	87.5%
Total difference from “state name” to “photo ID” or “affidavit”	2.9%	4.0%
N	54,973	
<p>Figures represent the predicted probability of registered voters saying they voted as the identification requirement varies stating one's name to providing photo identification or an affidavit, with all other variables held constant. N.S. = nonsignificant coefficient in the probit model.</p> <p>Data source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2004.</p>		

Taking into account that signature matches were not a predictor of turnout, the differences in predicted probability decline from stating one's name to providing a photo identification or affidavit. Voters in states that required photo identification were 2.7 percent less likely to vote than voters in states where individuals had to give their names.³⁰ In terms of the minimum requirement, voters in states that required an affidavit at minimum were 4 percent less likely to turn out than voters in states where they had to give their names.

The differences were more pronounced for those lower in education. Constraining the model to show predicted probabilities only for those with less than a high school diploma, the probability of voting was 5.1 percent lower in states that required photo identification as the maximum requirement and 7 percent lower in states that required an affidavit as the minimum requirement compared to states where stating one's name was the maximum or minimum requirement.

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³⁰ The voter turnout percentages may seem disproportionately high compared to the turnout rates reported in the aggregate data analysis. It is important to consider that the turnout rates in the aggregate data were a proportion of all citizens of voting-age population, while the turnout rates for the individual-level data are the proportion of only registered voters who said they voted.

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Race and ethnicity have generated particular interest in the debate over voter ID requirements.³¹ The analysis using the aggregate data shed no light on the association between voter ID requirements and turnout for African-American and Hispanic voters. But in the models using the individual data, some significant relationships emerged for African-American, Hispanic and Asian citizens. For the entire population, the signature, non-photo identification and photo identification requirements all were associated with lower turnout compared to the requirement that voters simply state their names. These correlations translated into reduced probabilities of voting of about 3 to 4 percent for the entire sample, with larger differences for specific subgroups. For example, the predicted probability that Hispanics would vote in states that required non-photo identification was about 10 percentage points lower than in states where Hispanic voters gave their names. The difference was about 6 percent for African-Americans and Asian-Americans, and about 2 percent for white voters.

The model also showed that Hispanic voters were less likely to vote in states that required non-photo identification as opposed to stating one's name. Hispanic voters were 10 percent less likely to vote in non-photo identification states compared to states where voters only had to give their name.

Varying voter identification requirements were associated with lower turnout rates for Asian-American voters as well. Asian-American voters were 8.5 percent less likely to vote in states that required non-photo identification compared to states that require voters to state their names under the maximum requirements, and they were 6.1 percent less likely to vote where non-photo identification was the minimum requirement.

Conclusions of the Statistical Analysis

The statistical analysis found that, as voter identification requirements vary, voter turnout varies as well. This finding emerged from both the aggregate data and the individual-level data, although not always for both the maximum and minimum sets of requirements. The overall relationship between ID requirements and turnout for all registered voters was fairly small, but still statistically significant.

³¹ Incorporating discrete variables for Hispanics, African-Americans, and Asian-Americans into one model carries the implicit assumption that the remaining variables, including education and income, will influence each of these groups in a similar manner in terms of deciding whether to vote. These assumptions are not always born out by the data (see Leighley and Vedlitz, 1999.) To isolate the effects of voter identification and other variables on voter turnout within specific racial and ethnic groups, the sample is divided into sub-samples and the model re-run to calculate the data discussed and shown in Tables 5, 6, and 7 in Appendix C.

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In the aggregate data, the match signature requirement, the provide a non-photo ID requirement, and the photo ID requirement were all correlated with lower turnout compared to requiring that voters state their names.

The signature, non-photo ID, and photo ID requirements were all correlated with lower turnout compared to the requirement that voters simply state their names. That the non-photo identification requirement was the most consistent in terms of statistical significance across the groups is intriguing given the intense debates surrounding photo identification requirements.

Significant questions about the relationship between voter identification requirements and turnout remain unanswered. The data examined in the statistical analysis could not capture the dynamics of how identification requirements might lower turnout, nor could they rule out that other attributes of a state's electoral system might explain the statistically significant correlations that the study found. If ID requirements dampen turnout, is it because individuals are aware of the requirements and stay away from the polls because they cannot or do not want to meet the requirements? Or, do the requirements result in some voters being turned away when they cannot meet the requirements on Election Day , or forced to cast a provisional ballot that is not ultimately counted? The CPS data do not include measures that can answer this question. Knowing more about the "on the ground" experiences of voters concerning identification requirements could guide policy-makers at the state and local level in determining whether and at what point in the electoral cycle a concerted public information campaign might be most effective in helping voters to meet identification requirements. Such knowledge also could help in designing training for election judges to handle questions about, and potential disputes over, voter identification requirements.

Litigation Over Voter ID Requirements

A handful of cases have challenged identification requirements in court in recent years. In general, requirements that voters provide some identifying documentation have been upheld, where photo ID is *not* the only acceptable form. Whether laws requiring photo ID will be upheld is more doubtful. To date, only two cases have considered laws requiring voters to show photo ID (*Common Cause v. Billups* and *Indiana Democratic Party v. Rokita*).. Cases challenging the mandatory disclosure of voters' Social Security numbers on privacy grounds have yielded mixed results.

Non-photo identification. For the most part, courts have looked favorably on requirements that voters present some form of identifying documents if the photo identification is not the

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only form accepted. In *Colorado Common Cause v. Davidson*, No. 04CV7709, 2004 WL 2360485, at *1 (Colo. Dist. Ct. Oct. 18, 2004), plaintiffs challenged a law requiring all in-person voters to show identification (not just first-time registrants). The court upheld this requirement against a constitutional challenge. Similarly, in *League of Women Voters v. Blackwell*, 340 F. Supp. 2d 823 (N.D. Ohio 2004), the court rejected a challenge to an Ohio directive requiring first-time voters who registered by mail to provide one of the HAVA-permitted forms of identification, in order to have their provisional ballots counted. Specifically, the directive provided that their provisional ballots would be counted if the voter (a) orally recited his driver's license number or the last four digits of his social security number or (b) returned to the polling place before it closed with some acceptable identification (including reciting those identification numbers). *Id.* This was found to be consistent with HAVA.

Photo ID. Since the 2004 election, two states have adopted laws requiring photo identification at the polls in order to have one's vote counted, without an affidavit exception: Georgia and Indiana.³² Both these requirements were enacted in 2005 and both have been challenged in court. The Georgia law required voters attempting to cast a ballot in person present a valid form of photographic identification. O.C.G.A. § 21-2-417. On October 18, 2005, the District Court granted the plaintiffs' motion for a preliminary injunction, enjoining the application of the new identification requirements on constitutional grounds. In granting the injunction, the court held that plaintiffs' claims under both the Fourteenth Amendment (equal protection) and Twenty-Fourth Amendment (poll tax) had a substantial likelihood of succeeding on the merits at trial (*Common Cause v. Billups*, Prelim. Inj. 96, 104). In January 2006, Georgia enacted a modified version of its photo ID law, which the court has not yet ruled on. In the other state that has enacted a photo ID requirement (Indiana), legal challenges have also been filed. (*Indiana Democratic Party v. Rokita* and *Crawford v. Marion County Election Board*). On April 14, 2006, the district court granted defendants' motion for summary judgment, concluding that plaintiffs had failed to produce evidence showing that the state's ID law would have an adverse impact on voters. Another case of significance, for purposes of photo ID requirements, is *American Civil Liberties Union of Minnesota v. Kiffmeyer*, No. 04-CV-4653, 2004 WL

³² Indiana's law does allow voters without ID to cast provisional ballots, and then to appear before the county board of elections to execute an affidavit saying that they are indigent and unable to obtain the requisite ID without payment of a fee. But in contrast to other states, voters cannot cast a ballot that will be counted by submitting an affidavit at the polls, affirming that they are the registered voter and are otherwise eligible to vote.

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2428690, at *1 (D. Minn. Oct. 28, 2004). In that case, the court enjoined a Minnesota law that allowed the use of tribal photo ID cards, only for an Indian who lived on the reservation. 2004 WL 2428690, at *1. The Court found no rational basis for distinguishing based on whether or not the cardholder lives on the reservation. *Id.* at *1, 3. These decisions indicate that courts are likely to carefully scrutinize the evidence regarding the impact of photo ID requirements.

Privacy. In *Greidinger v. Davis*, 988 F.2d 1344 (4th Cir. 1993), the court struck down on due process grounds a Virginia law requiring disclosure of voters' social security numbers for voter registration. The social security numbers recorded in voter registration lists had been disclosed to the public and political parties that had requested the lists. The court found that the requirement to give the social security number effectively conditioned rights on the consent to an invasion of privacy. It concluded that this public disclosure of the social security numbers was not necessary to achieve the government's interest in preventing fraud. On the other hand, in *McKay v. Thompson*, 226 F.3d 752 (6th Cir. 2000), the court rejected privacy challenges based on both the Constitution and federal statutes, to a Tennessee law requiring social security numbers for voter registration since 1972. 226 F.3d at 755. Second, the NVRA only permits requiring the minimum amount of information necessary to prevent duplicate voter registration and to determine eligibility. The distinction appears to be between the use of Social Security numbers for internal purposes only, which was deemed permissible, and the disclosure of those numbers to the public which was not.

These decisions suggest that the courts will carefully scrutinize the evidence, where states require that voters produce a photo ID in order to cast a regular ballot. The courts have used a balancing test to weigh the legitimate interest in preventing election fraud against the citizen's right to privacy (protecting social security numbers from public disclosure, for example) and the reasonableness of requirements for identity documents. To provide both the clarity and certainty in administration of elections needed to forestall destabilizing challenges to outcomes, these early decisions suggest that best practice may be to limit requirements for voter identification to the minimum needed to prevent duplicate registration and ensure eligibility.

Developments since 2004

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Since the passage of HAVA, with its limited requirements for voter identification, and following the 2004 election, debate over voter ID has taken place in state legislatures across the country. That debate has not been characterized by solid information on the consequences of tightening requirements for voters to identify themselves before being permitted to cast a regular, rather than a provisional, ballot.

Better information might improve the quality of the debate. Answers to the following key questions are not available in a form that might satisfy those on both sides of the argument.

- What is the overall incidence of vote fraud?
- How does fraud take place in the various stage of the process: registration, voting at the polls, absentee voting, or ballot counting?
- What contribution can tighter requirements for voter ID make to reducing vote fraud?
- What would be the other consequences of increasingly demanding requirements for voters to identify themselves? This is the question addressed, within the limits of the available data, in the analysis in this report.

Answering these questions would provide the information needed for more informed judgment in the states as they consider the tradeoffs among the competing goals of ballot integrity, ballot access, and administrative efficiency. The Carter-Baker Commission recognized the tradeoffs when it tied recommendation for national ID to an affirmative effort by government to identify unregistered voters and make it easy for them to register.

State Voter Databases and Voter ID

With the implementation of the HAVA Computerized Statewide Voter Registration List, an application for voter registration for an election for Federal office may not be accepted or processed unless the application includes a driver's license number or last four digits of the Social Security number on the voter registration form. This information can be used to verify the identity of the registrant through interfacing with lists maintained by the Motor Vehicle office and Social Security office. If registrants do not have either a driver's license or Social Security number, the State will assign a unique identifier number to that person.

Some states are wrestling now with these unresolved issues. In New Jersey, for example, pending legislation would require that voters must be able to confirm their registration through a secure access to the Statewide Voter Registration List. It also requires voters to present ID at

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the polls in order to cast a regular ballot if the numbers recorded on the registration have not been verified (or if no verifiable number appears on the registration). It recognizes the HAVA requirement that if the number provided by the voter has not been verified and if the voter does not present ID at the polls, that voter may cast a provisional ballot. The bill does not specify they have to provide ID within 48 hours in order for their vote to count, as is the case with first-time mail-in registrants.

As some states gain experience in this area, the EAC would perform a useful service by making timely recommendations of best practices for all states to consider.

Conclusions

The analysis of voter ID requirements is complex. It takes into account important values associated with an electoral process, such as ballot access and integrity. The continuing effort to understand how voter ID requirements may affect turnout and the integrity of the ballot could benefit from additional factual information, including statistical analyses. Our research includes a statistical study of this kind. It indicated that the level of voter turnout in a state is correlated with the stringency of the voter ID requirement imposed by that state. Additional empirical research of this nature, with additional data collected by or for the EAC, would further illuminate the relationship between stricter voter ID rules and turnout, perhaps explaining if awareness of a strict ID requirement tends to discourage would-be voters from going to the polls. Or, additional research may shed light on whether, if voters did go to the polls, stricter Voter ID requirements will divert more voters into the line for provisional ballots. The consequence of increased reliance on provisional ballots can be longer lines at the polls and confusion, without necessarily a clear demonstration that the security of the ballot is correspondingly increased.³³

The debate over voter ID in the states would be improved by additional research sponsored by the EAC. That might include longitudinal studies of jurisdictions that have changed voter ID requirements, as well as precinct-level analyses that would allow more finely tuned assessment of the correlation between stricter identification requirements and turnouts. Further research could also identify methods to eliminate the need for voters to bring specific identity documents

³³ In this connection, the Brennan Center's response to the Carter-Baker Commission report observes that, "while it might be true that in a close election "a small amount of fraud could make the margin of difference," it is equally true that the rejection of a much larger number of eligible voters could make a much bigger difference in the outcome." *Response to the Report of the 2005 Commission on Federal Election Reform*, The Brennan Center for Justice at NYU School of Law and Spencer Overton, On Behalf Of The National Network on State Election Reform, September 19, 2005

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with them to the polls, while assuring that each voter who casts a ballot is eligible and votes only once.

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Report to the
U. S. Election Assistance Commission
on
Best Practices to Improve Provisional Voting
Pursuant to the
HELP AMERICA VOTE ACT OF 2002
Public Law 107-252

May 12, 2006

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FINAL DRAFT

For Review by the Standards Board and Board of Advisors

**Report to the
U. S. Election Assistance Commission**

Best Practices to Improve Provisional Voting

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The Research Team

This research report on Provisional Voting in the 2004 election is part of a broader analysis that also includes a study of Voter Identification Requirements, a report on which is forthcoming. Conducting the work was a consortium of The Eagleton Institute of Politics of Rutgers, The State University of New Jersey, and The Moritz College of Law of The Ohio State University.

The Eagleton Institute explores state and national politics through research, education, and public service, linking the study of politics with its day-to-day practice. It focuses attention on how contemporary political systems work, how they change, and how they might work better. Eagleton regularly undertakes projects to enhance political understanding and involvement, often in collaboration with government agencies, the media, non-profit groups, and other academic institutions.

The Moritz College of Law has served the citizens of Ohio and the nation since its establishment in 1891. It has played a leading role in the legal profession through countless contributions made by graduates and faculty. Its contributions to election law have become well known through its Election Law @ Moritz website. *Election Law @ Moritz* illuminates public understanding of election law and its role in our nation's democracy.

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The Peer Review Group improved the quality of our work by critiquing drafts of our analysis, conclusions and recommendations. While the Group as a whole and the comments of its members individually contributed generously to the research effort, any errors of fact or weaknesses in inference are the responsibility of the Eagleton-Moritz research team. The members of the Peer Review Group do not necessarily share the views reflected in the policy recommendations of the report.

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EXECUTIVE SUMMARY

Background and Methodology

This report to the United States Election Assistance Commission (EAC) presents recommendations for best practices to improve the process of provisional voting. It is based on research conducted by the Eagleton Institute of Politics at Rutgers, the State University of New Jersey, and the Moritz College of Law at Ohio State University under contract to the EAC, dated May 24, 2005.

The Help America Vote Act of 2002 (HAVA, (Public Law 107-252) authorizes the EAC (SEC. 241, 42 USC 15381) to conduct periodic studies of election administration issues. The purpose of these studies is to promote methods for voting and administering elections, including provisional voting, that are convenient, accessible and easy to use; that yield accurate, secure and expeditious voting systems; that afford each registered and eligible voter an equal opportunity to vote and to have that vote counted; and that are efficient. Section 302(a) of HAVA required states to establish provisional balloting procedures by January 2004.¹ The process HAVA outlined left considerable room for variation among the states, arguably including such critical questions as who qualifies as a registered voter eligible to cast a provisional ballot that will be counted and in what jurisdiction (precinct or larger unit) the ballot must be cast in order to be counted.²

The general requirement for provisional voting is that, if a registered voter appears at a polling place to vote in an election for Federal office, but either the potential voter's name does not appear on the official list of eligible voters for the polling place, or an election official asserts that the individual is not eligible to vote, that potential voter must be permitted to cast a provisional ballot. In some states, those who should receive a provisional ballot include, in the words of the EAC's Election Day Survey, "first-time voters who registered by mail without identification and cannot provide identification, as required under HAVA. . ." ³ HAVA also provides that those who vote pursuant to a court order keeping the polls open after the established closing hour shall vote by provisional ballot. Election administrators are required by HAVA to notify individuals of their opportunity to cast a provisional ballot.

¹The Election Center's National Task Force Report on Election Reform in July 2001 had described provisional ballots as providing "voters whose registration status cannot be determined at the polls or verified at the election office the opportunity to vote. The validity of these ballots is determined later, thus ensuring that no eligible voter is turned away and those truly ineligible will not have their ballots counted." It recommended "in the absence of election day registration or other solutions to address registration questions, provisional ballots must be adopted by all jurisdictions." See www.electioncenter.org.

²The 2004 election saw at least a dozen suits filed on the issue of whether votes cast in the wrong precinct but the correct county should be counted. One federal circuit court decided the issue in *Sandusky County Democratic Party v. Blackwell*, 387 F.3d565 (6th Cir. 2004), which held that votes cast outside the correct precinct did not have to be counted. The court relied on the presumption that Congress must be clear in order to alter the state-federal balance; thus Congress, the court concluded would have been clearer had it intended to eliminate state control over polling location (387 F.3d at 578). An alternative argument, that HAVA's definition of "jurisdiction" incorporates the broader definition in the National Voting Rights Act, however, has not been settled by a higher court. But for now states do seem to have discretion in how they define "jurisdiction" for the purpose of counting a provisional ballot.

³The definition of who was entitled to a provisional ballot could differ significantly among the states. In California, for example, the Secretary of State directed counties to provide voters with the option of voting on a provisional paper ballot if they felt uncomfortable casting votes on the paperless e-voting machines. "I don't want a voter to not vote on Election Day because the only option before them is a touch-screen voting machine. I want that voter to have the confidence that he or she can vote on paper and have the confidence that their vote was cast as marked," Secretary Shelley said. See <http://wired.com/news/evote/0,2645,63298,00.html>. (Our analysis revealed no differences in the use of provisional ballots in the counties with these paperless e-voting machines.) In Ohio, long lines at some polling places resulted in legal action directing that voters waiting in line be given provisional ballots to enable them to vote before the polls closed. (Columbus Dispatch, November 3, 2004.)

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1/2 report dedicated to best practices recommendations

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Our research began in late May 2005. It focused on six key questions raised by the EAC.

1. How did the states prepare for the onset of the HAVA provisional ballot requirement? *Not effectively answered*
2. How did this vary between states that had previously had some form of provisional ballot and those that did not? *Hard to determine since no direct prop evidence presented*
3. How did litigation affect implementation? *Litigation on side 1/3*
4. How effective was provisional voting in enfranchising qualified voters? *No definitive answer*
5. Did state and local processes provide for consistent counting of provisional ballots? *No - variable*
6. Did local election officials have a clear understanding of how to implement provisional voting? *No consistent evidence*

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To answer those questions, we:

1. Surveyed 400 local (mostly county) election officials to learn their views about the administration of provisional voting and to gain insights into their experience in the 2004 election.
2. Reviewed the EAC's Election Day Survey, news and other published reports in all 50 states to understand the local background of provisional voting and develop leads for detailed analysis.⁴
3. Analyzed statistically provisional voting data from the 2004 election to determine associations between the use of provisional voting and such variables as states' experience with provisional voting, use of statewide registration databases, counting out-of-precinct ballots, and use of different approaches to voter identification.
4. Collected and reviewed the provisional voting statutes and regulations in all 50 states.
5. Analyzed litigation affecting provisional voting or growing out of disputes over provisional voting in all states.

Our research is intended to provide EAC with a strategy to engage the states in a continuing effort to strengthen the provisional voting process and increase the consistency with which provisional voting is administered, particularly within a state. As EAC and the states move forward to assess and adopt the recommendations made here, provisional voting merits continuing observation and research. The situation is fluid. As states, particularly those states that did not offer a provisional ballot before 2004, gain greater experience with the process and as statewide voter databases are adopted, the provisional voting process will demand further, research-based refinement.

KEY FINDINGS

Variation among the states

In the 2004 election, nationwide about 1.9 million votes, or 1.6% of turnout, were cast as provisional ballots. More than 1.2 million, or just over 63%, were counted. Provisional ballots accounted for a little more than 1% of the final vote tally. These totals obscure the wide variation in provisional voting among the states.⁵

⁴ Attachment 1 provides detailed information on how this study classifies the states according to the characteristics of their provisional voting procedures. It also describes how the data used in the statistical analysis may differ from the data in the Election Day Survey, which became available as our research was concluding.

⁵ HAVA allows the states considerable latitude in how to implement provisional voting, including deciding who beyond the required categories of voters should receive provisional ballots and how to determine which provisional ballots should be counted.

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- Six states accounted for two-thirds of all the provisional ballots cast.⁶
- The percentage of provisional ballots in the total vote varied by a factor of 1,000 -- from a high of 7% in Alaska to Vermont's 0.006%.
- The portion of provisional ballots cast that were counted ranged from 96% in Alaska to 6% in Delaware.
- States with voter registration databases counted, on average, 20% of the provisional ballots cast.
- States without databases counted ballots at more than twice that rate: 44%.⁷
- States that provided more time to evaluate provisional ballots counted a greater proportion of those ballots. Those that provided less than one week counted an average of 35.4% of their ballots, while states that permitted more than 2 weeks, counted 60.8%.

An important source of variation among states was a state's previous experience with provisional voting. ~~The share of provisional ballots in the total vote was six times greater in states that had used provisional ballots before than in states where the provisional ballot was new.~~ In the 25 states that had some experience with provisional voting before HAVA, a higher portion of the total vote was cast as provisional ballots and a greater percentage of the provisional ballots cast were counted than in the 18 new to provisional balloting.⁸

Variation within states

Within states, too, there was little consistency among different jurisdictions. ~~Of the 20 states for which we have county-level provisional ballot data, the rate of counting provisional ballots varied by as much as 90% to 100% among counties in the same state.~~ This suggests that additional factors (including the training of election judges or poll workers) beyond statewide factors, such as experience or the existence of voter registration databases, also influence the use of provisional ballots.

- In Ohio some counties counted provisional ballots not cast in the assigned precinct even though the state's policy was to count only those ballots cast in the correct precinct.
- Some counties in Washington tracked down voters who would otherwise have had their provisional ballots rejected because they had failed to complete part of their registration form, gave them the chance to correct those omissions, and then counted the provisional ballot.

Resources available to administer provisional voting varied considerably among and within states. Differences in demographics and resources result in different experiences with provisional voting. For example, the Election Day Survey found that staffing problems appeared to be particularly acute for jurisdictions in the lowest income and education categories. Small, rural jurisdictions and large, urban jurisdictions tended to report higher rates of an inadequate number of poll workers within polling places or precincts.

- Jurisdictions with lower education and income tend to report more inactive voter registrations, lower turnout, and more provisional ballots cast.

⁶ California, New York, Ohio, Arizona, Washington, and North Carolina. The appearance of Arizona, Washington and North Carolina on this list shows that the number of provisional ballots cast depends on factors other than the size of the population.

⁷ As the Carter-Baker Commission report put it, "provisional ballots were needed half as often in states with unified databases as in states without." Report on the Commission on Federal Election Reform, "Building Confidence in U. S. Elections," September 2005, p. 16.

⁸ See the appendix for our classification of "old" and "new" states and explanation of why the total is less than 50.

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- Jurisdictions with higher levels of income and education reported higher average numbers of poll workers per polling place or precinct and reported lower rates of staffing problems per precinct.

In precincts located in districts where many voters live in poverty and have low levels of income and education, the voting process, in general, may be managed poorly. Provisional ballots cannot be expected to work much better. In these areas, the focus should be on broader measures to improve the overall functionality of struggling voting districts, although improving the management of provisional balloting may help at the margin.

The lessons of litigation

Successful legal challenges highlight areas where provisional voting procedures were wanting. A flurry of litigation occurred around the country in October 2004 concerning the so-called "wrong precinct issue" – whether provisional ballots cast by voters in a precinct other than their designated one would be counted for statewide races. Most courts, including the U.S. Court of Appeals for the Sixth Circuit (the only federal appeals court to rule on the issue), rejected the contention that HAVA requires the counting of these wrong-precinct provisional ballots. This litigation was significant nonetheless.

- First, the Sixth Circuit decision established the precedent that voters have the right to sue in federal court to remedy violations of HAVA.
- Second --and significantly-- the litigation clarified the right of voters to receive provisional ballots, even though the election officials were certain they would not be counted. The decision also defined an ancillary right --the right to be directed to the correct precinct. There voters could cast a regular ballot that would be counted. If they insisted on casting a provisional ballot in the wrong precinct, they would be on notice that it would be a symbolic gesture only.
- Third, these lawsuits prompted election officials to take better care in instructing precinct officials on how to notify voters about the need to go to the correct precinct in order to cast a countable ballot.

States move to improve their processes

Shortly after the 2004 election, several states came to the conclusion that the administration of their provisional voting procedures needed to be improved, and they amended their statutes. The new legislation highlights areas of particular concern to states about their provisional voting process.

- Florida, Indiana, Virginia, and Washington have clarified or extended the timeline to evaluate the ballots.
- Colorado, New Mexico, North Carolina, and Washington have passed legislation focused on improving the efficacy and consistency of the voting and counting process.
- Colorado, Arkansas, and North Dakota took up the issue of counting provisional ballots cast in the wrong precinct.

The wide variation in the implementation of provisional voting among and within states suggests that EAC can help states strengthen their processes. Research-based recommendations for best, or at least better, practices that draw on the experience gained in the 2004 election can be useful in states' efforts to achieve greater consistency in the administration of provisional voting. The important effect of experience on the administration of the provisional ballot process indicates that the states have much they can learn from each other.

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SUMMARY OF RECOMMENDATIONS FOR BEST PRACTICES

State efforts to improve the provisional voting process have been underway since the 2004 election. By recommending best practices, the EAC will offer informed advice while respecting diversity among the states.

Take a quality-improvement approach

Defining what constitutes a successful provisional voting system is difficult. Defining quality requires a broad perspective about how well the system works, how open it is to error recognition and correction, and how well provisional voting processes are connected to the registration and voter identification regimes. A first step is for states to recognize that improving quality begins with seeing the provisional voting process as a system and taking a systems approach to regular evaluation through standardized metrics with explicit goals for performance. EAC can facilitate action by the states by recommending as a best practice that:

- Each state collect data systematically on the provisional voting process to permit evaluation of its voting system and assess changes from one election to the next. The data collected should include: provisional votes cast and counted by county; reasons why provisional ballots were not counted, measures of variance among jurisdictions, and time required to evaluate ballots by jurisdiction

Emphasize the importance of clarity

Above all else, the EAC should emphasize the importance of clarity in the rules by which each state governs provisional voting. As state legislators and election officials prepare for the 2006 election, answers to the questions listed in the recommendation section of this report could be helpful. Among those questions are:

- Does the provisional voting system distribute, collect, record, and tally provisional ballots with sufficient accuracy to be seen as procedurally legitimate by both supporters and opponents of the winning candidate?
- Do the procedural requirements of the system permit cost-efficient operation?
- How great is the variation in the use of provisional voting in counties or equivalent levels of voting jurisdiction within the state? Is the variation great enough to cause concern that the system may not be administered uniformly across the state?

Court decisions suggest areas for action

The court decisions following the 2004 election also suggest procedures for states to incorporate into their procedures for provisional voting. EAC should recommend to the states that they:

- Promulgate clear standards for evaluating provisional ballots, and provide training for the officials who will apply those standards.
- Provide effective materials to be used by local jurisdictions in training poll workers on such procedures as how to locate polling places for potential voters who show up at the wrong place.
- Make clear that the only permissible requirement to obtain a provisional ballot is an affirmation that the voter is registered in the jurisdiction and eligible to vote in an election for federal office. Poll workers need appropriate training to understand their duty to give such voters a provisional ballot.

Assess each stage of the provisional voting process

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Beyond the procedures suggested by court decisions, states should assess each stage of the provisional voting process. They can begin by assessing the utility and clarity of the information for voters on their websites and by considering what information might be added to sample ballots mailed to voters before elections. The better voters understand their rights and obligations, the easier the system will be to manage, and the more legitimate the appearance of the process.

Avoiding error at the polling place will allow more voters to cast a regular ballot and all others who request it to cast a provisional ballot. Our recommendations for best practices to avoid error at the polling place include:

- The layout and staffing of the multi-precinct polling place is important. States should ensure that training materials distributed to every jurisdiction make poll workers familiar with the options available to voters.
- The provisional ballot should be of a design or color sufficiently different from a regular ballot to avoid confusion over counting and include take-away information for the voter on the steps in the ballot evaluation process.
- Because provisional ballots offer a fail-safe, supplies of the ballots at each polling place should be sufficient for all the potential voters likely to need them. Best practice would be for states should provide guidelines (as do Connecticut and Delaware) to estimate the supply of provisional ballots needed at each polling place.

The clarity of criteria for evaluating voter eligibility is critical to a sound process for deciding which of the cast provisional ballots should be counted.

- State statutes or regulations should define a reasonable period for voters who lack the HAVA-specified ID or other information bearing on their eligibility to provide it in order to facilitate the state's ability to verify that the person casting the provisional ballot is the same one who registered. At least 11 states allow voters to provide ID or other information one to 13 days after voting. Kansas allows voters to proffer their ID by electronic means or by mail, as well as in person.
- More provisional voters have their ballots counted in those states that count ballots cast outside the correct precinct. While HAVA arguably leaves this decision up to the states, pointing out the effect of the narrower definition on the portion of ballots counted could be useful to the states in deciding this question. States should be aware, however, of the additional burden placed on the ballot-evaluation process when out-of-precinct ballots are considered. And tradeoffs are involved if out-of-precinct voters are unable to vote for the local offices that might appear on the ballot in their district of residence.
- If a state does require voters to appear at their assigned precinct, where the same polling site serves more than one precinct, a voter's provisional ballot should count so long as the voter cast that ballot at the correct polling site even if at the wrong precinct within that location. While the best practice might be for poll workers to direct the voter to correct precinct poll workers' advice is not always correct, and the voter should be protect against ministerial error.
- Officials should follow a written procedure, and perhaps a checklist, to identify the reason why a provisional ballot is rejected. Colorado's election rules offer particularly clear guidance to the official evaluating a provisional ballot.

In verifying provisional ballots, the time by which election officials must make their eligibility determinations is particularly important in presidential elections because of the need to certify electors to the Electoral College. Our research did not identify an optimum division of the five weeks available.

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- The best practice here is for states to consider the issue and make a careful decision about how to complete all steps in the evaluation of ballots and challenges to those determinations within the five weeks available.

After the election, timely information to voters about the disposition of their provisional ballot can enable voters to determine if they are registered for future elections and, if not, what they need to do to become registered.

- Best practice for the states is to establish mechanisms to ensure that voters casting provisional ballots are informed whether they are now registered for future elections and, if not, what they need to do to become registered.

Final observation

The detailed examination of each stage in the provisional voting process can lay the foundation each state needs to improve its system. Efforts to improve provisional voting may be most effective as part of a broader effort by state and local election officials to strengthen their systems. Collecting and analyzing data about those systems will enable states to identify which aspects of the registration and electoral system are most important in shunting voters into the provisional ballot process. Responsible officials can then look to their registration system, identification requirements or poll worker training as ways to reduce the need for voters to cast their ballots provisionally.

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Provisional Voting in 2004

In the 2004 election, nationwide about 1.9 million votes, or 1.6% of turnout, were cast as provisional ballots. More than 1.2 million or just over 63% were counted. Provisional ballots accounted for a little more than 1% of the final vote tally.

These totals obscure the wide variation in provisional voting among the states.⁹ Six states accounted for two-thirds of all the provisional ballots cast.¹⁰ State by state, the percentage of provisional ballots in the total vote varied by a factor of 1,000 -- from a high of 7% in Alaska to Vermont's 0.006%. The portion of provisional ballots cast that were actually counted also displayed wide variation, ranging from 96% in Alaska to 6% in Delaware. States with voter registration databases counted, on average, 20% of the provisional ballots cast. Those without databases counted provisional ballots at more than twice that rate, 44%.

An important source of variation was a state's previous experience with provisional voting. The share of provisional ballots in the total vote was six times greater in states that had used provisional ballots before than in states where the provisional ballot was new. In the 25 states that had some experience with provisional voting before HAVA, a higher portion of the total vote was cast as provisional ballots and a greater percentage of the provisional ballots cast were counted than in the 18 new to provisional balloting.¹¹

- The percentage of the total vote cast as provisional ballots averaged more than 2% in the 25 experienced states. This was 4 times the rate in states new to provisional voting, which averaged 0.47%.¹²
- The experienced states counted an average of 58% of the provisional ballots cast, nearly double the proportion in the new states, which counted just 33% of cast provisional ballots.
- The combined effect of these two differences was significant. In experienced states 1.53% of the total vote came from counted provisional ballots. In new states, provisional ballots accounted for only 0.23% of the total vote.

Those voting with provisional ballots in experienced states had their ballots counted more frequently than those in the new states. This experience effect is evidence that there is room for improvement in provisional balloting procedures, especially in those states new to the process.¹³ That conclusion gains support from the perspectives of the local election officials revealed in the survey conducted as a part of this research. Local (mostly county level) election officials from "experienced" states were more likely to:

⁹ HAVA allows the states considerable latitude in how to implement provisional voting, including deciding who beyond the required categories of voters should receive provisional ballots and how to determine which provisional ballots should be counted.

¹⁰ California, New York, Ohio, Arizona, Washington, and North Carolina. The appearance of Arizona, Washington and North Carolina on this list shows that the number of provisional ballots cast depends on factors other than the size of the population.

¹¹ See the appendix for our classification of "old" and "new" states and explanation of why the total is less than 50.

¹² To compensate for the wide differences in vote turnout among the 50 states the average figures here are calculated as the mean of the percent cast or counted rather than from the raw numbers of ballots cast or counted.

¹³ Managing the provisional voting process can strain the capacity election administrators. For example, Detroit, counted 123 of the 1,350 provisional ballots cast there in 2004. A recent study concluded that Detroit's "6-day time limit to process provisional ballots was very challenging and unrealistic. To overcome this challenge, *the entire department's employees were mobilized to process provisional ballots.*" (emphasis added.) GAO Report-05-997, "Views of Selected Local Officials on Managing Voter Registration and Ensuring Citizens Can Vote," September 2005.

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- Be prepared to direct voters to their correct precincts with maps;
- Regard provisional voting as easy to implement;
- Report that provisional voting sped up and improved polling place operations
- Conclude that the provisional voting process helped officials maintain accurate registration databases.

Officials from "new" states, on the other hand, were more likely to agree with the statement that provisional voting created unnecessary problems for election officials and poll workers.

If experience with provisional voting does turn out to be a key variable in performance, that is good news. As states gain experience with provisional ballots their management of the process could become more consistent and more effective over subsequent elections. Further information from the EAC on best practices and the need for more consistent management of the election process could sharpen the lessons learned by experience. The EAC can facilitate the exchange of experience among the states and can offer all states information on more effective administration of provisional voting.

note
Concluding optimistically that experience will make all the difference, however, may be unwarranted. Only if the performance of the "new" states was the result of administrative problems stemming from inexperience will improvement be automatic as election officials move along the learning curve. Two other possibilities exist. Our current understanding of how provisional voting worked in 2004 is not sufficient to determine unambiguously which view is correct.

1. "New" states may have a political culture different from "old" states. That is, underlying features of the "new" states political system may be the reason they had not adopted some form of provisional voting before HAVA. The "new" states may strike a different balance among the competing objectives of ballot access, ballot security and practical administration. They may ascribe more responsibility to the individual voter to take such actions as registering early, finding out where the right precinct is, or re-registering after changing address. They may value keeping control at the local level, rather than ceding authority to state or federal directives. The training they offer poll workers about provisional ballots may not be as frequent or effective as in other states. If the inconsistent performance in the "new" states arises out of this kind of political culture, improving effectiveness in the use of the provisional ballots -- as measured by intrastate consistency in administration--- will be harder and take longer to achieve.¹⁴
2. "Old" states may devote fewer resources to updating their registration files or databases because they consider provisional ballots as a reasonable fail safe way for voters with registration problems a way to cast a ballot. The adoption of statewide voter registration databases in compliance with HAVA therefore may reduce the variation in the use of provisional ballots among the states.

Other influences decreasing consistency among the states include:

¹⁴ Despite differing political cultures among states and the latitude HAVA provides states, the statute does, indeed impose some degree of uniformity on issues that Congress thought essential. For example, before HAVA, took effect, "no state gave the voter the right to find out the status of their ballot after the election." Now all offer that opportunity. See Bali and Silver, "The Impact of Politics, Race and Fiscal Strains on State Electoral Reforms after Election 2000," manuscript, Department of Political Science, Michigan State University. Resisting HAVA's mandates through foot-dragging lacks any legitimate foundation in law or policy.

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- The more rigorous the verification requirements, the smaller the percentage of provisional ballots that were counted. Some states verified provisional ballots by comparing the voter's signature to a sample, some matched such identifying data as address, birth date, or social security number, others required voters who lacked ID at the polling place to return later with the ID to evaluate the provisional ballot, and some required provisional voters to execute an affidavit.¹⁵
 - In the 4 states that simply matched signatures, nearly 3.5% of the total turnout consisted of provisional ballots, and just under three-fourths of those ballots (73%) were counted.
 - In the 14 states that required voters to provide such additional information as address or date of birth just over 1.5% of the total turnout consisted of provisional ballots, and 55% of those ballots were counted.
 - In the 14 states that required an affidavit (attesting, for example, that the voter was legally registered and eligible to vote in the jurisdiction) just over one-half of a percent (0.6%) of turnout came from provisional ballots, and less than one-third of those (30%) were counted. (But note that HAVA requires all voters to certify that they are eligible and registered in order to cast a provisional ballot, which is functionally an affidavit. The 14 states described here used an explicit affidavit form.)
 - In the 10 states that required voters to return later with identifying documents just under 1.5% of the total turnout came from provisional ballots, and more than half (52%) of these were counted. Voters apparently found this requirement less onerous than the affidavit, even though it required a separate trip to a government office
- Voter registration databases provided information that reduced the number of provisional ballots counted.¹⁶ In states using provisional voting for the first time, states with registered-voter databases counted only 20% of the ballots that were cast. States without such databases counted more than double that rate (44%). As HAVA's requirement for adoption of statewide databases spreads across the country, this variation among states is likely to narrow. Real-time access to a continually updated, statewide list of registered voters should reduce the number of provisional ballots used and reduce the percentage counted since most of those who receive them will be less likely to be actually registered in the state.
- States that counted out-of-precinct ballots counted 56% of the provisional ballots cast. States that counted ballots cast only in the proper precinct counted an average of 42% of provisional ballots.¹⁷

¹⁵ See Table 2 in Appendix 2 for information on the verification method used in each state.

¹⁶ The Election Day Survey found that states using statewide voter registration databases reported a lower incidence of casting provisional ballots than states without voter registration databases, suggesting that better administration of voter registration rolls might be associated with fewer instances where voters would be required to cast a provisional ballot due to a problem with their voter registration.

¹⁷ The Election Day Survey concluded that : "Jurisdictions with jurisdiction-wide provisional ballot acceptance reported higher rates of provisional ballots cast, 2.09 percent of registration or 4.67 percent of ballots cast in polling places, than those with in-precinct-only acceptance, 0.72 and 1.18 percent, respectively. Predictably, those jurisdictions with more permissive jurisdiction-wide acceptance reported higher rates of counting provisional ballots, 71.50 percent, than other jurisdictions, 52.50 percent."

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- In experienced states, the disparity was even more pronounced: 52% of provisional ballots cast were counted in states requiring in-district ballots, while 70% were counted in those allowing out-of-precinct ballots.
- If all states had counted out-of-precinct ballots, perhaps 290,000 more provisional ballots would have been counted across the country.¹⁸

States that provide a longer the time to evaluate provisional ballots counted a higher proportion of those ballots.¹⁹

- Fourteen states permitted less than one week to evaluate provisional ballots, 15 states permitted between one and two weeks, and 14 states permitted greater than two weeks²⁰.
- Those states that permitted less than one week counted an average of 35.4% of their ballots.
- States that permitted between one and two weeks counted 47.1%.
- States that permitted more than 2 weeks, counted 60.8% of the provisional ballots cast²¹.
- The effect of allowing more time for evaluation is felt most strongly in states where more than 1% of the overall turnout was of provisional ballots. In states where provisional ballots were used most heavily, those that permitted less than one week to evaluate ballots counted 58.6% while those that permitted one to two weeks counted 65.0% of ballots, and those states that permitted greater than three weeks verified the highest proportion of provisional ballots, at 73.8%.

Variation Within States

Not only was there little consistency among states in the use of provisional ballots, there was also little consistency within states. This was true in both new and old states. Of the 20 states for which we have county-level provisional ballot data, the rate of counting provisional ballots varied by as much as 90% to 100% among counties in the same state. This suggests that additional factors beyond statewide factors, such as verification requirements or the time provided for ballot evaluation, also influence the provisional voting process. Reacting to the lack of consistency within states, the Carter-Baker Commission recommended that "states, not counties or municipalities, should establish uniform procedures for the verification and counting of provisional ballots, and that procedure should be applied uniformly throughout the state."²²

Election Line reported that:

¹⁸ This estimate is a rough approximation. States that recognize out-of-precinct ballots counted, on average, 56% of the provisional votes cast. Applying that ratio to the 1.9 million provisional ballots cast nationwide would result in 1.1 million provisional ballots that would have been counted if all states accepted out-of-precinct votes. States that did not recognize out-of-precinct ballots counted 42% of the provisional ballots cast, or about 813,000 ballots, for a difference of about 290,000 votes.

¹⁹ See Appendix ___, Relationship Between Time Allotted to Verify Provisional Ballots and the Level of Ballots that are Verified, David Andersen, The Eagleton Institute of Politics

²⁰ Many thanks to Ben Shepler, of the Moritz College of Law, for assembling complete data on the time requirements states permitted for the counting of provisional ballots.

²¹ 43 states are included in this analysis, including Washington D.C. The 7 election-day registration states are omitted, as is Mississippi, which never provided data on provisional ballots. North Carolina is also omitted from the regressions, as it does not have a statewide policy on how it verifies provisional ballots.

²² Recommendation 2.3.2 of the Report of the Commission on Federal Election Reform, "Building Confidence in U.S. Elections," September 2005, p.16. The report also observed that, "...different procedures for counting provisional ballots within and between states led to legal challenges and political protests. Had the margin of victory for the presidential contest been narrower, the lengthy dispute that followed the 2000 election could have been repeated."

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- In Ohio some counties counted provisional ballots not cast in the assigned precinct even though the state's policy was to count only those ballots cast in the correct precinct.
- Some counties in Washington tracked down voters who would otherwise have had their provisional ballots rejected because they had failed to complete part of their registration form, gave them the chance to correct those omissions, and then counted the provisional ballot. This would probably not have come to light except for the sharp examination caused by the very close election for governor.

Resources available to administer provisional voting varied considerably among and within states. The result is that differences in demographics and resources result in different experiences with provisional voting. For example, the Election Day Survey found that:

- Jurisdictions with lower education and income tend to report more inactive voter registrations, lower turnout, and more provisional ballots cast.
- Jurisdictions with higher levels of income and education reported higher average numbers of poll workers per polling place or precinct and reported lower rates of staffing problems per precinct.
- Staffing problems appeared to be particularly acute for jurisdictions in the lowest income and education categories. Small, rural jurisdictions and large, urban jurisdictions tended to report higher rates of an inadequate number of poll workers within polling places or precincts.
- Predominantly non-Hispanic, Black jurisdictions reported a greater percentage of polling places or precincts with an inadequate number of poll workers. Predominantly non-Hispanic, Native American jurisdictions reported the second highest percentage of staffing problems.

The conclusions to be drawn from these findings are clear. In voting districts with lower education levels, poverty, and inadequately-staffed polling places, the voting process is unlikely to function well. More people will end up casting provisional ballots. That makes the provisional voting process especially important in such districts. But if jurisdictions struggle with regular voting, how well are they likely to do with the more complicated provisional balloting process? In precincts where the voting process, in general, is managed poorly, provisional ballots cannot be expected to work much better. In these areas, the focus should be on broader measures to improve the overall functionality of struggling voting districts, although improving the management of provisional balloting may help at the margin.

Effectiveness of Provisional Voting

The certainty of our conclusions about the effectiveness of provisional voting is limited because of the complexity of the problem and a lack of important information. An ideal assessment of how well provisional ballots worked in 2004 would require knowing the decisions of local officials in 200,000 precincts on how to inform voters about provisional voting; their performance in providing a provisional ballot to those qualified to receive one, and their decisions whether to count a provisional ballot. Information needed about the eligibility or registration status of provisional voters is also not available.

We see no automatic correlation between the quality of a state's voting system and either the number of provisional ballots cast or counted. Low numbers could reflect accurate statewide voting data and good voter education. Or they could suggest that provisional ballots were not

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made easily available. High numbers could be seen as signifying an effective provisional voting system or a weak registration process. But we do know that in 2004 provisional ballots allowed 1.2 million citizens to vote, citizens who would otherwise have been turned away from the polls.

Since we do not know the total number of registered voters who might have voted but could not make a precise, quantitative estimate of the effectiveness of provisional voting impossible. The Cal Tech – MIT Voting Technology Project, however, estimated that 4 – 6 million votes were lost in the 2000 presidential election for the reasons shown in Table 1 below. The estimate is an approximation, but it may provide data good enough for a general assessment of the size of the pool of potential voters who might have been helped by the provisional ballot process.

Estimates of Votes Lost In 2000 Presidential Election

<i>Votes Lost (Millions)</i>	<i>Cause</i>
1.5 – 2	Faulty equipment and confusing ballots
1.5 – 3	Registration mix-ups
<1	Polling place operations
?	Absentee ballot administration

Table 1 Cal Tech – MIT Voting Technology Project Estimates

4 – 6 million votes are lost in presidential elections due to the causes shown in the table. Registration mix-ups (e.g., name not on list) and polling place operations (e.g., directed to wrong precinct) are the causes most likely to be remedied by provisional voting.

The table shows that the universe of voters who could be helped by provisional voting might be 2.5 – 3 million voters. In 2004, about 1.2 million provisional voters were counted. A rough estimate, then, of the effectiveness of provisional voting in 2004, then, might be 40% to 50% (ballots counted/votes lost)²³. Whatever the precise figure, it seems reasonable to conclude that there is considerable room for improvement in the administration of provisional voting.

Legislative Response

Indeed, several states²⁴ came to the conclusion that the administration of their provisional voting procedures needed to be improved and amended their statutes after the 2004 election. State legislation adopted since the election points to particular areas of concern.

²³ Another interpretation of the data should be considered. The Census Bureau's Current Population Survey (CPS) developed the category of "registration mix-ups" to assess the states' registration systems. After each election the CPS asks people if they were registered and if they voted. The CPS gives breakdowns of reasons why people did not vote. Survey responders tend to deflect blame when answering questions about voting. In the narrow context of provisional ballots, 'registration problems' would cover only voters who went to the polls where the determination that they were not registered was wrong or they were registered, but in the wrong precinct. If they were in the wrong precinct, provisional voting can help them in only 17 states. In 2004, only 6.8% of those not voting and registered blamed registration problems, while 6.9% reported so in 2000.

²⁴ Twelve states made statutory or regulatory changes: Arizona, Arkansas, Colorado, Florida, Georgia, Indiana, Louisiana, Montana, New Mexico, North Carolina, Virginia and Wyoming. See Table 4 in Appendix 2.

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Not enough time to examine and count the provisional ballots. Florida, Indiana, Virginia, and Washington all have clarified or extended the timeline to evaluate the ballots. But taking more time can prove a problem, particularly in presidential elections with the looming deadline to certify the vote for the Electoral College.²⁵

Lack of uniform rules for counting ballots and effective training of the election officials in interpreting and applying those rules to determine the validity of ballots. Colorado, New Mexico, North Carolina, and Washington have all passed legislation focused on improving the efficacy and consistency of the voting and counting process.

Litigation

Successful legal challenges to the process highlight areas where provisional voting procedures were wanting. A flurry of litigation occurred around the country in October 2004 concerning the so-called "wrong precinct issue" – whether provisional ballots cast by voters in a precinct other than their designated one would be counted for statewide races. These lawsuits were largely unsuccessful in their stated goal: most courts, including the U.S. Court of Appeals for the Sixth Circuit (the only federal appeals court to rule on the issue), rejected the contention that HAVA requires the counting of these wrong-precinct provisional ballots.

This litigation was significant nonetheless.

- First, the Sixth Circuit decision established the precedent that voters have the right to sue in federal court to remedy violations of HAVA.
- Second --and significantly-- the litigation clarified the right of voters to receive provisional ballots, even though the election officials were certain they would not be counted. The decision also defined an ancillary right --the right to be directed to the correct precinct. There voters could cast a regular ballot that would be counted. If they insisted on casting a provisional ballot in the wrong precinct, they would be on notice that it would be a symbolic gesture only.
- Third, these lawsuits prompted election officials to take better care in instructing precinct officials on how to notify voters about the need to go to the correct precinct in order to cast a countable ballot – although the litigation regrettably came too late to be truly effective in this regard. In many states, on Election Day 2004, the procedures in place for notifying voters about where to go were less than ideal, reflecting less-than-ideal procedures for training poll workers on this point.

There was also pre-election litigation over the question whether voters who had requested an absentee ballot were entitled to cast a provisional ballot. In both cases (one in Colorado and one, decided on Election Day, in Ohio), the federal courts ruled that HAVA requires that these voters receive a provisional ballot. Afterwards, it is for state officials under state law to

²⁵ The resources available to evaluate and count provisional ballots within a tight schedule may not be easily available. The General Accounting Office reports that Detroit, where 1,350 provisional ballots were cast and 123 counted, found the 6-day time frame for processing provisional ballots "very challenging and unrealistic. To overcome this challenge, the *entire department's employees were mobilized to process provisional ballots.*" The report also found that in Los Angeles County, "staff had to prepare duplicate ballots to remove ineligible or invalid contests when voters cast their ballots at the wrong precinct. To overcome this challenge, staffing was increased to prepare the duplicate ballots." In a close, contested election, "duplicate" ballots would doubtless receive long and careful scrutiny." See Appendix 7, GAO, "Views of Selected Local Election Officials on Managing Voter Registration and Ensuring Eligible Citizens Can Vote," September 2005. (GAO Report-05-997)

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determine whether these provisional ballots will be counted, in part by determining if these provisional voters already had voted an absentee ballot (in which case one ballot should be ruled ineligible, in order to avoid double voting). These decisions confirm the basic premise that provisional ballots should be available whenever voters believe they are entitled to them, so that their preferences can be recorded, with a subsequent determination whether these preferences count as valid votes.

RECOMMENDATIONS

Because every provisional ballot counted represents a voter who, if the system had worked perfectly, should have voted by regular ballot, the advent of statewide registration databases is likely to reduce the use of provisional ballots. The one area in which such databases may not make a difference is for those who voted by provisional ballot because they did not bring required identification documents to the polling place. The statewide voter registration database will facilitate verifying that ballot, but the voter will still have to vote provisionally. Beyond that exception, even with statewide registries in every state, provisional voting will remain an important failsafe, and voters should have confidence that the failsafe will operate correctly.

The wide variation in the implementation of provisional voting among and particularly within states suggests that EAC can help states strengthen their processes. Research-based recommendations for best, or at least better, practices based on the experience gained in the 2004 election can be useful in states' efforts to achieve greater consistency in the administration of provisional voting.

Recommendations for Best Practices

Recent legislative activity shows that state efforts to improve the provisional voting process are underway. Those states, as well as others that have not yet begun to correct shortcomings that became apparent in 2004, can benefit from considering the best practices described here. By recommending best practices, the EAC will offer informed advice while respecting diversity among the states. One way to strengthen the recommendations and build a constituency for them would be for EAC to ask its advisory committee members to recommend as best practices procedures that have worked in their states.

Self-evaluation of Provisional Voting –4 Key Questions

The first need to achieve greater consistency within each state is to think about provisional voting systematically. As legislators, election officials, and citizens in the states prepare for the 2006 election, they should ask themselves these questions about their provisional voting systems.

1. Does the provisional voting system distribute, collect, record, and tally provisional ballots with sufficient accuracy to be seen as procedurally legitimate by both supporters and opponents of the winning candidate? Does the tally include all votes cast by properly registered voters who correctly completed the steps required?
2. Is the provisional voting system sufficiently robust to perform well under the pressure of a close election when ballot evaluation will be under scrutiny and litigation looms?
3. Do the procedural requirements of the system permit cost-efficient operation? Are the administrative demands of the system reasonably related to the staff and other resource requirements available?

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4. How great is the variation in the use of provisional voting in counties or equivalent levels of voting jurisdiction within the state? Is the variation great enough to cause concern that the system may not be administered uniformly across the state?

If the answers to these questions leave room for doubt about the effectiveness of the system or some of its parts, the EAC's recommendation of best practices should provide the starting point for a state's effort to improve its provisional voting system.

Best Practices For Each Step In The Process

We examined each step of the provisional voting process to identify specific areas where the states should focus their attention to reduce the inconsistencies noted in our analysis. We offer recommendations in each area appropriate to the responsibilities that HAVA assigns the EAC for the proper functioning of the provisional voting process.

The Importance of Clarity

The EAC should emphasize above all else the importance of clarity in the rules governing every stage of provisional voting. As the Century Foundation's recent report observed, "Close elections increasingly may be settled in part by the evaluating and counting of provisional ballots. . . To avoid post election disputes over provisional ballots—disputes that will diminish public confidence in the accuracy and legitimacy of the result— well in advance of the election, states should establish, announce, and publicize clear statewide standards for every aspect of the provisional ballot process, from who is entitled to receive a provisional ballot to which ones are counted."²⁶

Litigation surrounding the 2004 election resulted in decisions that, if reflected in state statutes or regulations and disseminated in effective training for poll workers, can increase the clarity of provisional ballot procedures, increase predictability, and bolster confidence in the system. By taking the following steps, states can incorporate those court rulings into their procedures.

- ~~Promulgate, ideally by legislation, clear standards for evaluating provisional ballots, and provide training for the officials who will apply those standards.~~ For example, in Washington State, the court determined that an election official's failure in evaluating ballots to do a complete check against all signature records is an error serious enough to warrant recanvassing.²⁷ Clear direction by regulation or statute on what records to use in evaluating ballots could have saved precious time and effort and increased the reliability of the provisional voting system.
- ~~States should provide poll workers standard information resources for the training of poll workers by local jurisdictions.~~ Training materials might include, for example, maps or databases with instruction on how to locate polling places for potential voters who show up at the wrong place. Usable and useful information in the hands of poll workers can protect voters from being penalized by ministerial errors at the polling place.²⁸

²⁶ The Century Foundation, Balancing Access and Integrity, Report of the Working Group on State Implementation of Election Reforms, July 2005.

²⁷ See *Washington State Republican Party v. King County Division of Records*, 103 P3d 725, 727-728 (Wash. 2004)

²⁸ See *Panio v. Sunderland* 824 N.E.2d 488, 490 (NY, 2005) See also Order, *Hawkins v. Blunt*, No.04-4177-CV-C-RED (W.D. Mo. October 12, 2004). While rejecting the notion that all ballots cast in the wrong precinct should be counted, the court ruled that provisional votes cast in the wrong precinct should be thrown out provided that the voter had been directed to the correct precinct. This meant that provisional votes cast in the wrong precinct (and even the

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- State training materials provided to local jurisdictions should make clear that the only permissible requirement to obtain a provisional ballot is an affirmation that the voter is registered in the jurisdiction and eligible to vote in an election for federal office.²⁹ Recent legislation in Arizona indicates that recommendations should emphasize HAVA's requirement that persons appearing at the polling place claiming to be registered voters cannot be denied a ballot because they do not have identification with them. Poll workers may need appropriate training to understand their duty to give such voters a provisional ballot.³⁰

A. Registration and Pre-Election Information for Voters

Providing crisp, clear information to voters before the election is important to the success of the provisional voting process. ~~The better voters understand their rights and obligations, the easier the system will be to manage, and the more legitimate the appearance of the process.~~ States can begin by assessing the utility and clarity of the information for voters on their websites and by considering what information might be added to sample ballots mailed to voters before elections. Best practices in this area would include:

1. If states require identification at the time of registration, the kind of IDs required should be stated precisely and clearly and be publicly and widely available in a form that all voters can understand. For example, "You must bring your driver's license. If you don't have a driver's license, then you must bring an ID card with your photograph on it and this ID card must be issued by a government agency." ³¹
2. The process to re-enfranchise felons should be clear and straightforward. To avoid litigation over the registration status of felons, best practice should be defined as making re-enfranchisement automatic, or no more burdensome than the process required for any new registrant.³²
3. State or county websites for voters should offer full, clear information on boundaries of precincts, location of polling places, requirements for identification, and other necessary guidance that will facilitate registration and the casting of a regular ballot. An 800 number should also be provided. Models are available: the statewide databases in Florida and Michigan provide voters with provisional voting information, registration verification and precinct location information.

B. At the Polling Place

wrong polling place) would count if there were no evidence that the voter had been directed to a different polling place. The court placed a duty upon election officials to make sure the voters were in the correct locations. Note that this question would not arise in a state that counted ballots cast in the wrong polling place but within the correct county.

²⁹ *Sandusky County Democratic Party v. Blackwell*, 387 F.3d 565, 774 (6th Cir. 2004)

³⁰ *The Florida Democratic Party v. Hood*, 342 F. Supp. 2d 1073, 1075-76 (N.D. Fla. 2004). The court explained that provisional voting is designed to correct the situation that occurs when election officials do not have perfect knowledge and when they make incorrect determinations about eligibility (the "fail-safe" notion). Denying voters provisional ballots because of on-the-spot determinations directly contradicts this idea. Even before the cited decision, the Florida Secretary of State's office had determined that any voter who makes the declaration required by federal law is entitled to vote a provisional ballot, even if the voter is in the wrong precinct.

³¹ Websites in 29 states describe, with varying degrees of specificity, the identification voters may need. In 18 states voters can learn something about the precinct in which they should vote. And in 6 states (California, District of Columbia, Kentucky, Michigan, North Carolina, and South Carolina) they can verify their registration on the website.

³² The Century Foundation, op. cit.

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Avoiding error at the polling place will allow more voters to cast a regular ballot and all others who request it to cast a provisional ballot.

1. The layout and staffing of the polling place, particularly the multi-precinct polling place is important. Greeters, maps, and prominently posted voter information about provisional ballots, ID requirements, and related topics can help the potential voters cast their ballot in the right place. States should require poll workers to be familiar with the options and provide the resources needed for them to achieve the knowledge needed to be helpful and effective. Colorado has clear regulations on polling place requirements, including HAVA information and voting demonstration display.³³ Many states require training of poll workers. In some states that requirement is recent: after the 2004 election, New Mexico adopted a requirement for poll workers to attend an "election school."³⁴ A state statutory requirement for training could facilitate uniform instruction of poll workers in those states that do not already provide it.
2. The provisional ballot should be of a design or color sufficiently different from a regular ballot to avoid confusion over counting, as occurred in Washington State. The ballot might include a tear-off leaflet with information for voters such as: "Reasons Why Your Provisional Ballot Might Not Be Counted" on one side and "What to Do if My Provisional Ballot Is Not Counted" on the other.
3. Because provisional ballots offer a fail-safe, supplies of the ballots at each polling place should be sufficient for all the potential voters likely to need them. In 2004, some polling places ran out of ballots, with unknown effects on the opportunity to vote. In Middlesex County, New Jersey, for example, on Election Day the Superior Court ordered the county clerk to assure that sufficient provisional ballots were available at several heavily used polling places, and it authorized the clerk "in the event additional provisional ballots are required . . . to photocopy official provisional ballots."³⁵ At least two states, Connecticut and Delaware, provide guidelines to local election officials on how to estimate the demand for provisional ballots. Connecticut sets the number at 1% of the voters in the district, Delaware at 6%.³⁶ States that do not offer a practical method to guide the supply of provisional ballots at polling places should consider doing so. The guideline should take into account both the number of voters in the district and the number of provisional ballots actually cast in recent elections.
4. To achieve the procedural clarity needed to forestall disputes, states should establish a clear chain of custody for the handling of provisional ballots from production through distribution, collection and, finally, evaluation. A number of states have clear procedures for at least parts of this chain of custody. All states should examine their chain-of-custody requirements for clarity. Illinois includes the potentially beneficial requirement that ballots be transported by bi-partisan teams, which offers the potential to avoid some charges of election fraud.

³³ 8 Colo. Code Regs. § 1505-1, Rule 7.1.

³⁴ 2005 N.M. Laws 270 page no. 4-5.

³⁵ Voting Order, November 2, 2004, Superior Court of New Jersey, Law Division, Middlesex County.

³⁶ Connecticut: "Equal to or not less than 1% of the number of electors who are eligible to vote in any given district, or such other number as the municipal clerk and the registrars agree is sufficient to protect voting rights. Conn. Gen. Stat. Ann. § 9-232j. Delaware: Each County Department of Elections Office is required to provide to each election district a number of provisional ballots equal to 6% of registered voters in that district, with a minimum allocation of 15 ballots. Additional supplies to be delivered when the supply becomes "very low." Del.Code Ann. Tit 15 § 4948(e).

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C. Evaluating Voter Eligibility and Counting Provisional Ballots

The clarity of criteria for evaluating voter eligibility is critical to a sound process for deciding which of the cast provisional ballots should be counted. Public recognition of the validity of those criteria is important to establishing the legitimacy of the system as a whole. The experience in 2004 in North Carolina, Washington, and Ohio underlines the importance of clear criteria. As the Century Foundation report put it, "Whatever procedures the states choose [to determine if a provisional ballot should be counted], the paramount consideration—as with all others concerning provisional voting—is that they be clear and thus not susceptible to post-election manipulation and litigation."³⁷ Nonetheless, the *Panio v. Sutherland*³⁸ decision in New York shows the difficulty of defining the range of administrative errors from which the provisional voters should be held harmless. Even when the standard is "clerical error" judges can differ over what that means exactly. Possibly a state law might be able to clarify a definition by giving examples of clerical errors, but even then the definition is unlikely to be perfect.

1. State statutes or regulations should define a reasonable period for voters who lack the HAVA-specified ID or other information bearing on their eligibility to provide it in order to facilitate the state's ability to verify that the person casting the provisional ballot is the same one who registered. While there may be a concern to ensure that the individual who returns with the ID may not be the same individual who cast the provisional ballot, the spirit of HAVA demands that the opportunity to prove identity be provided after Election Day. A signature match can go far in establishing that the individual who voted and the individual returning later with identification is, in fact, the same person. Encouraging a voter who lacks ID on Election Day to return later to help the verification process by providing proper identification will strengthen the system and increase public confidence in the electoral process. Our data indicate that some voters would prefer to return with ID rather than to sign an affidavit, perhaps because of uncertainty about the legal process involved in the affidavit. At least 11 states allow voters to provide ID or other information one to 13 days after voting. Of particular interest is Kansas, which allows voters to proffer their ID by electronic means or by mail, as well as in person.³⁹
2. More provisional ballots are counted in those states that verify ballots cast outside the correct precinct.⁴⁰ While HAVA arguably leaves this decision up to the states, pointing out the effect of the narrower definition on the portion of ballots counted could be useful to the states in deciding this question. States should be aware, however, of the

³⁷ The Century Foundation, op. cit.

³⁸ 4 N.Y.3d 123, 824 N.E.2d 488 (N.Y. 2005) and Memorandum (LaPlante—Foley) Provisional Ballot Cases by State, July 19, 2005.

³⁹ In Kansas, the voter can provide ID to a County Election Officer any time before the County Board of Canvassers meets to count provisional ballots. KS. ST. 25-1122(d). ID can be presented in person, OR via mail or electronic means. *Id.* The Board must meet either on the Friday or Monday following a Tuesday election. *Id.* at 25-3104. Deadlines in other states are: Alabama -- 5:00 P.M. on the Monday following the election AL ST § 17-10A-2(c),(1) Florida: until 5:00 P.M. on the third day following the election . Fla. Stat. Ann. § 101.048 (adopted after the 2004 election);Georgia—no later than 2 days after the election. GA ST § 21-2-417; 419. Illinois- 2 days to submit additional information 10 Ill. Comp. Stat. Ann. 5/18A-15(d); Indiana—in 2004 the deadline was the close of the polls IN. ST. §. 3-11.7-5-2(a). The time period was extended to 13 days by the adoption of Indiana Code 3-11-8, Section 25, Subsection (l); Maryland—until the meeting of the Election Board; MD ELEC LAW § 11-303. New Jersey— until the close of business on the second day after the election 19:53C-3(l). Nevada— until 5:00 P.M. on the Friday following the election NV ST 293.3085; New Mexico—until 7:00 P.M. on Election Day NM ADC 1.10.22 (B) (H).

⁴⁰ See Andersen, op. cit, pgs. 23 – 24 for an analysis of the significant effect of counting out-of-precinct ballots. The Election Day Survey found that, "Most notably, jurisdictions that permitted jurisdiction-wide acceptance of provisional ballots reported higher rates of provisional ballots being cast, but also reported a much higher incidence of provisional ballots being counted, than other jurisdictions."

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additional burden placed on the ballot-evaluation process when out-of-precinct ballots are considered. And tradeoffs are involved if out-of-precinct voters are unable to vote for the local offices that might appear on the ballot in their district of residence. One option for states is to involve the voters in the decision by pointing out that voters who cast their provisional ballots in the wrong precinct may not be able to participate in the local election. The voter could then decide to go to the correct precinct or vote provisionally for the higher offices at the top of the ticket only.

3. Alternatively, if a state chooses to require voters to appear at their assigned precinct, where the same polling site serves more than one precinct, a voter's provisional ballot should count so long as the voter cast that ballot at the correct polling site even if at the wrong precinct within that location.⁴¹ Ideally the voter could be directed to the correct machine, but poll worker advice will not always be correct. One way to assess the balance of issues here is to consider that, if a voter in a multi-precinct polling place is sent to the wrong machine, the error is probably the poll worker's, and the voter should not be penalized.
4. Officials should follow a written procedure, and perhaps a checklist, to identify the reason why a provisional ballot is rejected (e.g., check the applicable box "unregistered voter"; "lack of signature match" "wrong precinct," etc.) Those forms should be disclosed publicly when completed. Colorado's election rules offer particularly clear guidance to the official evaluating a provisional ballot.⁴²

Colorado Rejection Codes (Any ballot given a rejection code shall not be counted):

RFS	(Rejection federal or state) No federal or state candidates or issues to duplicate.
RNS	(Rejection not signed) Provisional Ballot Affidavit not signed.
RIN	(Rejection incomplete information provided) Required information is incomplete and the designated election official is unable to confirm voter's eligibility.
RNR	(Rejection not registered) Voter did not register by the voter registration deadline or by emergency registration, Colorado voter registration record was not found, or voter was previously cancelled and has not been reinstated pursuant to 1-2-605(10). C.R.S.
REE	(Rejection envelope empty) Provisional ballot envelope is empty.
RAB	(Rejection voter voted absentee) Designated election official has confirmed that voter voted an absentee ballot.
REV	(Rejection based on ballot cast in early voting) Voter voted early.
RIP	(Rejection based on incorrect party) Incorrect Party in Primary Election.
RFE	(Rejection felon not eligible to vote) Individual was convicted of a felony and is either serving a sentence of confinement or detention or is on parole.
RWC	(Rejection elector not registered in county or State of Colorado) Non-county or non-state resident; therefore voter not eligible to vote in the county where the provisional ballot was voted.
RID	(Rejection first time voter has not supplied identification upon registration or thereafter prior to and during time voter voted) First Time Voter who

⁴¹ Chances are administrative error accounts for the voter being directed to the wrong precinct under these circumstances.

⁴² 8 CCR 1505-1, at 26.5.4, adopted August 4, 2005. See also 1-2-509(3) C.R.S.

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registered by mail or through a voter registration drive, is tagged as id deficient, and did not provide id at the time of voting.
RRD (Rejection registration deficient) Voter had deficient or incomplete registration and required information was not provided prior to or at the time of filling in the provisional ballot envelope. Voter's eligibility cannot be established.

D. Verification of Provisional Ballots

1. States that use the information on the provisional ballot to permit voters who have changed their addresses to update their registrations should adopt clear procedures on that process and specify how the new information will be communicated between different Boards of Elections
2. In verifying provisional ballots, the time by which election officials must make their eligibility determinations is particularly important in presidential elections because of the need to certify electors to the Electoral College. States should consider in particular how to divide the time allowed them by the safe-harbor provisions that apply in presidential elections to the certification to the Electoral College. Some part of this five-week period will be consumed by the eligibility evaluation, but states should take care to provide a sufficient period of time as well for challenges. If a state consumes 21 days following the election in the eligibility evaluations, only two weeks will remain for legal challenges to be concluded. Is that sufficient? Or should the state provide the resources needed to complete the eligibility determinations in 10 days or two weeks, leaving three weeks or more for legal challenges in a close election? Our research did not identify an optimum division of the five weeks available. The prudent course here would be to encourage states to consider the issue and then make a careful decision about how to complete all steps in the evaluation of ballots and challenges to those determinations within the five weeks available.

E. Post-election Information for Voters

Timely information to voters about the disposition of their provisional ballot will provide helpful feedback and more important enable voters to determine if they are registered for future elections and, if not, what they need to do to become registered.

1. Establish mechanisms to ensure that voters casting provisional ballots are informed whether they are now registered for future elections and, if not, what they need to do to become registered.

F. State Laws Governing Litigation over Provisional Voting

1. Establish special, streamlined litigation procedures for Election Day complaints that individuals are being denied the right to cast a provisional ballot

Broader Considerations

G. Integrity and the Appearance of Integrity

1. State laws or regulations providing for non-partisan or bi-partisan bodies to make a public determination of the validity of provisional ballots would increase confidence in the system.

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FINAL DRAFT

For Review by the Standards Board and Board of Advisors

2. To improve transparency, state laws or regulations should require the purging process for registration to be public and with an opportunity for voters to correct an erroneous determination that they should be purged.
3. State laws or regulation should require the evaluation process for provisional ballots to be public, while protecting the names of those who voted provisionally.

H. Continuous Assessment of the Provisional Ballot – Process and Performance

Defining what makes for a successful provisional voting system is difficult. The most successful system is probably not the one with the most provisional votes cast (that could indicate problems with the registration system). Nor is the system with the greatest number counted or with the fewest counted necessarily superior because the evaluation process could be flawed.

Defining quality requires a broad perspective about how well the system works, how open it is to error recognition and correction, and how well provisional voting processes are connected to the registration and voter identification regimes. The EAC should consider engaging one of the national quality organizations or processes, such as Six Sigma⁴³ or the Baldrige Quality process⁴⁴ to evaluate the provisional ballot process. Pending such a review, the EAC can recommend that states take the following actions.

1. Recognize that the first step to improving quality is to see the provisional voting process as a system and take a systems approach to regular evaluation through standardized metrics with explicit goals for performance.
2. States should begin by collecting data systematically on the provisional voting process so that they can evaluate their voting system and assess changes from one election to the next. The effort should start in the 2006 election, and the data collected should include:
 - Provisional votes cast and counted by jurisdiction, say counties, with details on why the voter had to vote provisionally (lack of ID, not on list, challenged at polling place, issued absentee ballot, etc) and number of ballots actually counted in each category.
 - Reasons why provisional ballots were not counted, using categories such as those that have been adopted by Colorado, described earlier in this report.
 - Measures of variance among jurisdictions.
 - Number of poll workers trained in administration of provisional voting by polling place
 - Number of jurisdictions posting information on provisional voting in the polling place
 - Time required to evaluate ballots by jurisdiction

⁴³ Six Sigma is a measure of quality that strives for near perfection. Six Sigma is a disciplined, data-driven approach and methodology for eliminating defects (driving towards six standard deviations between the mean and the nearest specification limit) in any process -- from manufacturing to transactional and from product to service.

⁴⁴ The Baldrige Criteria for Performance Excellence provide a systems perspective for understanding performance management. They reflect validated, leading-edge management practices against which an organization can measure itself. With their acceptance nationally and internationally as the model for performance excellence, the Criteria represent a common language for communication among organizations for sharing best practices. The Criteria are also the basis for the Malcolm Baldrige National Quality Award process.

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For Review by the Standards Board and Board of Advisors

Improving understanding of the provisional voting process through analysis of detailed information will enable state and local election officials to strengthen their systems. By collecting and analyzing this data states can identify which aspects of the registration and electoral system are most important in shunting voters into the provisional ballot process. Responsible officials can then look to their registration system, identification requirements or poll worker training as a way to reduce the need for voters to cast their ballots provisionally.

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For Review by the Standards Board and Board of Advisors

ATTACHMENT 1 – Data Sources for Classification of the States

Our research on provisional voting divided the various states into several categories to allow an assessment of how different factors may have influenced the process of casting and counting provisional ballots. This analysis was conducted before the release of the Election Day Study, and the categories we used may differ in some respects from its work. The variables used to analyze a state's use of provisional ballots:

1. New vs. Old (states that used a provisional ballot before the 2004 election)
2. Use of a statewide database of registered voters vs. no use of a statewide database
3. Counting out-of-precinct ballots vs. not counting out-of-precinct ballots
4. Voter identification requirements
5. Method used to verify provisional ballots
6. Levels of provisional ballots cast and counted

We first assigned states within these categories based on classifications done by Electionline.org in its studies. The Electionline data was the only published information available at the time of our research. We reviewed the Electionline data carefully, and, in select cases, updated it with new, detailed information that had become available after its publication. The changes we made are explained below.

--Idaho, Maine, Minnesota, New Hampshire, Wisconsin and Wyoming were excluded from our analysis. They have election-day registration systems, and did not need to use HAVA-compliant provisional ballots.

--North Dakota does not register voters, so it also was excluded from HAVA requirements and did not use provisional voting.

--Mississippi has not reported its provisional voting results and could not be included in our analysis, though it was compliant in 2004.

--Pennsylvania did not report its totals for the Election Day Study, but we obtained information on Pennsylvania and included it in our analysis.

New vs. Old States

We classified states as "new" or "old" based on the 2001 Electionline study of provisional voting,⁴⁵ but condensed its classifications into a single dichotomous variable, new/old with all other cases excluded. The Electionline study divided states into five categories of their use of provisional ballots in the 2000 election:

1. Use of provisional ballots (P)
2. Limited use of provisional ballots (LP)
3. Affidavit ballots (A)
4. No system in place (N)
5. Unnecessary/Not Applicable (U/NA)

We included in the list of "Old States" all states listed as using provisional ballots, limited use of provisional ballots or affidavit ballots. States in all three categories would have been familiar with key aspects of provisional voting. States that had no provisional voting system in place for the 2002 election, and were HAVA compliant in 2004, were listed as "new" states, as 2004 would have been the first year in which they would be offering the option of provisional voting. States that were listed as unnecessary or not applicable were excluded from this study, as they

⁴⁵ This study can be found at: <http://electionline.org/Portals/1/Publications/Provisional%20Voting.pdf>.

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For Review by the Standards Board and Board of Advisors

were exempt from the HAVA regulations in 2004 because they either allowed same-day registration or did not register voters.

Rhode Island is the only state categorized as an old state by Electionline that we moved into the list of new states. Electionline's map shows Rhode Island as a state that used provisional voting in 2000, but in the state description, it is listed as having no system in place. We learned from the Rhode Island Board of Elections that the state had previously permitted potential voters to sign an affidavit if they did not appear on a precinct's list of registered voters, but felt they were registered to vote. Based on the signed affidavit, the election official would then contact a county official to see if the voter was on a more complete registration list. If the voter's name was on the complete list, that voter was permitted to cast a regular ballot. As this process did not grant the voter a provisional ballot, but served as a different type of administrative failsafe, we concluded that Rhode Island's first use of provisional voting was in 2004 and, therefore, classified the state as "new" to the system of provisional balloting.

Old States	New States	HAVA Exempt or NA
Alaska	Connecticut	Idaho
Alabama	Delaware	Maine
Arkansas	Georgia	Minnesota
California	Hawaii	New Hampshire
Colorado	Illinois	North Dakota
DC	Indiana	Wisconsin
Florida	Louisiana	Wyoming
Iowa	Massachusetts	
Kansas	Missouri	
Kentucky	Montana	
Maryland	Nevada	
Michigan	Oklahoma	
Mississippi	Pennsylvania	
Nebraska	Rhode Island	
New Jersey	South Dakota	
New Mexico	Tennessee	
New York	Utah	
North Carolina	Vermont	
Ohio		
Oregon		
South Carolina		
Texas		
Virginia		
Washington		
West Virginia		
26	18	7

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For Review by the Standards Board and Board of Advisors

Statewide List of Registered Voters

The Electionline preview of the 2004 Election⁴⁶ was the starting point for compiling a list of states that had a statewide database of registered voters. That study listed 34 States that did not have their statewide database systems complete, and 16 that did, including the District of Columbia. North Dakota does not register voters, so does not need to compile such a database. Electionline's criterion for concluding that a state had a statewide list was that the state have participation from all jurisdictions in a statewide system. We added Oklahoma to the list of states with statewide databases because we found it had met the Electionline criteria by the 2004 election, albeit too late for inclusion in the Electionline survey.

Out-of-Precinct Ballots

We based our classification of states that allow the counting of ballots cast outside the correct precinct on the data in the 2004 Electionline preview of the 2004 election². States that evaluated ballots cast in a precinct where the voter was not registered were categorized as "out-of-precinct." States that invalidated such ballots were categorized as "In-precinct only."

Out-of-Precinct	In-Precinct Only	HAVA EXEMPT OR NA
Alaska	Alabama	Idaho
Arkansas	Arizona	Maine
California	Colorado	Mississippi
Delaware	Connecticut	New Hampshire
Georgia	District of Columbia	North Dakota
Illinois ⁴⁷	Florida	Wisconsin
Kansas	Hawaii	Wyoming
Louisiana	Indiana	
Maryland	Iowa	
New Mexico	Kentucky	
North Carolina	Massachusetts	
Oregon	Michigan	
Pennsylvania	Missouri	
Rhode Island	Montana	
Utah	Nebraska	
Vermont	Nevada	
Washington	New Jersey	
	New York	
	Ohio	
	Oklahoma	
	South Carolina	
	South Dakota	
	Tennessee	
	Texas	
	Virginia	
	West Virginia	
17	26	7

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⁴⁶ "Election Preview 2004: What's changed, What Hasn't and Why". This study can be found at: <http://electionline.org/Portals/1/Publications/Election.preview.2004.report.final.update.pdf>

⁴⁷ In Illinois, it is not clear that all counties followed this procedure. Some counties may not have counted out-of-precinct ballots.

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For Review by the Standards Board and Board of Advisors

Verification Method

We identified four different ways states assessed provisional ballots to determine if they should be counted: signature match, match voter data, signed affidavits, and bringing back identification later. We gathered information about these verification techniques by checking state websites and consulting journalistic accounts. We consulted state legislation to provide further information where needed.

Table 3
CATEGORIZATION OF STATES -- Ballot Evaluation Methods

Signature Match	Data Match	Affidavit	Return with ID	NA
Alaska	Alabama	Connecticut	Indiana	Idaho
California	Arizona	Delaware	Iowa	Maine
Florida	Arkansas	Georgia	Kansas	Mississippi
Oregon	Colorado	Hawaii	Maryland	Minnesota
	DC	Illinois	Michigan	New Hampshire
	Louisiana	Kentucky	Montana	N. Carolina*
	Missouri	Massachusetts	New Jersey	N. Dakota
	Ohio	Nebraska	New Mexico	Wisconsin
	Oklahoma	Nevada	Texas	Wyoming
	Pennsylvania	New York	Utah	
	Rhode Island	South Dakota		
	S. Carolina	Tennessee		
	Washington	Vermont		
	West Virginia	Virginia		
4	14	14	10	9

* North Carolina lacked clear standards to evaluate provisional ballots and is excluded from this analysis.

FINAL DRAFT

For Review by the Standards Board and Board of Advisors

Data Collection

To assemble our data for analysis, we began by using the data on provisional votes cast and counted reported by Electionline. To increase the accuracy of this data, we surveyed each state's election websites for updated data, and for reported numbers on the county level. We then sent emails to 49 (we excluded Alaska, see below) states and the District of Columbia, requesting updated data on the number of provisional votes cast and counted by county. We received information from 25 states by our cut-off date of August 25, 2005.

Received Updated Data	Did Not Receive Updated Data
California	Alabama
District of Columbia	Alaska ⁴⁸
Florida	Arizona
Hawaii	Arkansas
Indiana	Colorado
Iowa	Connecticut
Kansas	Delaware
Louisiana	Georgia
Maryland ⁴⁹	Idaho
Missouri	Illinois
Montana	Kentucky
Nebraska ⁵⁰	Maine
Nevada	Massachusetts
New Jersey	Michigan
New Mexico	Minnesota
Ohio	Mississippi
Oklahoma	New Hampshire
Oregon	New York
Pennsylvania	North Carolina
Rhode Island	North Dakota
South Dakota	South Carolina
Tennessee	Utah
Texas	Vermont
Virginia	Wisconsin
Washington	Wyoming
West Virginia	
26 States	25 States

⁴⁸ Alaska was not contacted via email, as the state does not have voting districts comparable to counties in other states and could not be matched with comparable census data.

⁴⁹ Maryland reported provisional ballots that were counted per county, but not number cast.

⁵⁰ Nebraska reported an incomplete list of provisional ballots cast and counted by county, but designated counties by number, rather than by name.

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FYI
DeGregorio



U. S. ELECTION ASSISTANCE COMMISSION
OFFICE OF THE EXECUTIVE DIRECTOR
1225 New York Avenue, NW, Suite 1100
Washington, DC. 20005

June 15, 2006

John Weingart, Associate Director
Eagleton Institute of Politics
Rutgers University
191 Ryders Lane
New Brunswick NJ 08901-8557

Dear Mr. Weingart:

During a recent briefing by staff, the EAC discussed and reviewed possible next steps with the provisional voting and voter identification studies as well as the Eagleton contract which is scheduled to conclude on June 30, 2006.

We were in agreement that Eagleton's work on the EAC contract should conclude, as scheduled, by June 30, 2006. In preparation for this conclusion, the EAC requests that the comments and suggestions which were noted during the EAC's recent Board of Advisors and Standards Boards meeting (and were described in Mr. O'Neil's June 8, 2006 letter to Chairman DeGregorio) be included in the final draft report on provisional voting which Eagleton will deliver to the EAC on or about June 30, 2006. The Commissioners have determined that they will take this final draft report and, from it, may develop guidance and best practice recommendations that will be presented to the Board of Advisors and Standards Boards for further review.

The EAC Commissioners have also reviewed and considered next steps with the voter identification draft report which Eagleton has prepared. While the final disposition of the results and findings of this study, on the part of the EAC, are still unclear, the Commissioners have asked that the final draft report of this study also be prepared and submitted to the EAC not later than June 30, 2006.

We look forward to receiving these reports. On behalf of the EAC thank you for the considerable time and energy which the Eagleton/Moritz team has devoted to these critical election issues.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "T. Wilkey".

Thomas R. Wilkey

015599



EAGLETON INSTITUTE OF POLITICS

Paul S. DeGregorio
United States Election Assistance Commission
1225 New York Avenue N.W., Suite - 1100
Washington, DC 20005
Fax: (202) 566-3127

June 8, 2006

Dear Chairman DeGregorio:

Karen Lynn-Dyson relayed the Commission's decision in your meeting of June 1 to take more time to consider how to proceed with the delivery of EAC research reports on provisional voting and voter identification.

The Eagleton-Moritz research team, of course, encourages the Commission's thoughtful consideration of the two reports, but we are mindful of the need to deliver revised documents that respond to the Commission's comments by the close of our contract on June 30th. We believe that if we receive the Commission's final comments on the Provisional Voting report by June 19 we will be able to complete any additional work that the Commission might request and incorporate the results in our final reports before the end of the contract period.

Based on suggestions raised at the meetings, we already plan to supplement the Provisional Voting report with some brief, additional information about the influence of the fail-safe ballot provisions of the National Voting Rights Act on the experience with provisional voting in 2004.

We understand that the Commission must submit the final draft Voter ID report to the same review process by your advisory boards as was followed with the Provisional Voting paper. We understand that step is a prerequisite for wider release. We would appreciate your advice on how to handle this review, given the rapidly approaching end of our contract.

We hope the commission will use both reports, as intended from the outset of this project, as the basis for recommendations for better, if not best, practices to the states. If the Commission cannot decide to issue such recommendations to the states, we hope it will promptly release the reports to provide the states and the broader elections community with this information, analysis and perspective on the issues.

We recognize, based on the reactions at the meetings of the Standards Board and, particularly, the Board of Advisors, that some of the findings, conclusions, and recommendations of the reports will be controversial with some of the Commission's constituencies. But we also believe, based on the comments of the Peer Review Group, the advisors assembled by the Commission, and our response to their critiques, that the reports are grounded on solid research by a well-qualified, nonpartisan team and that the reports will provide new information for the policy process. We believe this information will contribute to achieving the EAC mission of providing helpful information that the states may or may not choose to implement.

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THE STATE UNIVERSITY OF NEW JERSEY
RUTGERS

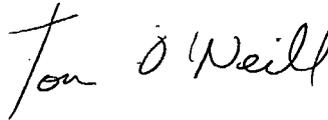
E-mail: eagleton@rci.rutgers.edu
Web: www.eagleton.rutgers.edu

015600

The information in the reports can improve the policy process by raising the level of debate over increasingly volatile issues related to election administration. We believe our reports will prove useful to the states as they complete preparations for the 2006 elections. Moreover, the elections community is aware of this work, and awaits the analysis and conclusions.

We look forward to working with you to conclude this research in a way that will serve the public interest.

Very truly yours,

A handwritten signature in cursive script that reads "Tom O'Neill". The signature is written in dark ink and is positioned above the typed name.

Thomas M. O'Neill
Project Director

109510



EAGLETON INSTITUTE OF POLITICS

FAX COVER SHEET

Date: 6/8/06

To: Paul S. De Gregorio

Fax Number: 202-566-3127

Phone Number: _____

Total Number of Pages (including cover sheet): 3

Comments:

*Conn TW
JC JTH
KLD*

019602

From: John Weingart X 290

191 RYDERS LANE, NEW BRUNSWICK, NJ 08901-8557



EAGLETON INSTITUTE OF POLITICS

Paul S. DeGregorio
United States Election Assistance Commission
1225 New York Avenue N.W., Suite - 1100
Washington, DC 20005
Fax: (202) 566-3127

June 8, 2006

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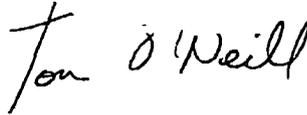
June 8, 2006 letter to Chairman DeGregorio from Thomas O'Neill

page 2

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We look forward to working with you to conclude this research in a way that will serve the public interest.

Very truly yours,



Thomas M. O'Neill
Project Director

015604

August 18, 2005

Dear Commissioners:

At the meeting of the Board of Advisors in Portland, Oregon, our notebooks included an EAC Information Research Update, dated July 18, 2005. The Update indicates that the EAC has awarded a contract to the Eagleton Institute / Moritz College of Law ("Moritz") to conduct research into "Provisional Voting / ID Requirements."

Obviously, the duty of the EAC as outlined in Section 241 to conduct research on election issues is a very important one. That is why it is clearly an absolute necessity that the researchers who are awarded contracts to conduct that research be objective and nonpartisan in their work. It would be inappropriate and potentially very damaging and embarrassing to the EAC (and the Board of Advisors) if this research is conducted by entities that have a preconceived opinion or bias on the issue being researched or are, in fact, advocates on the issue. Any findings or recommendations such biased entities put in their final report would be open to question and could cause great harm.

Unfortunately, hiring the faculty at Moritz to conduct research on provisional balloting and voter identification provisions calls into question whether the research can be conducted in an objective manner and reach conclusions that are not pre-determined by the public and pre-existing views of the researchers. This is crystal clear from an easily-conducted review of the Moritz website.

The Associate Director of the Election Law program at Moritz, Daniel Tokaji, is an outspoken opponent of voter identification requirements and commentator on provisional voting. Here is a brief summary of some of his recent comments, taken from the Moritz website:

It's therefore questionable at best whether an ID requirement is really necessary to combat voting fraud. Supporters of the ID requirement have yet to make a convincing case that existing methods of discouraging and punishing fraud are insufficient. While the anti-fraud benefits of stricter ID laws are dubious, there is evidence that an ID requirement would impose a severe burden on many voters, particularly those of low income....In their present form, the ID bills presently on the table are likely unconstitutional.... (ID and the Right to Vote, April 12, 2005)

"Ohio's election reform is a mixed bag. Establishing a clear rule for provisional ballots is a good idea, but I don't think there's a good reason for refusing to count provisional ballots cast out of precinct, given that a statewide registration database (which should allow for easy verification of eligibility) has to be in place by 2006. It would be much better to move to in-precinct early voting than mail-in absentee voting, but it seems that Ohio doesn't want to spend the money." (Reform Comes to Ohio, May 20, 2005).

015605

"Nevertheless, DOJ seems likely to sign off on this [Arizona's proposition 200 implementing rules], given that they've take the position - quite clearly an erroneous one, in my view - that voters need not even be given a provisional ballot if they lack ID." (Arizona Voter ID, July 18, 2005).

"It remains to be seen, of course, whether DOJ will rigorously enforce Section 5 of the Voting Rights Act, when it comes to practices - like the Georgia ID law - that threaten to result in the denial of minority votes...." (Preclearance, Preclearance, Preclearance, July 20, 2005).

"...I tend to doubt that the preclearance process will prove to be an effective remedy for measures like the Georgia ID law. Even though this law will have a "retrogressive" effect, by serving as a barrier to minority voters' participation...." (The Voting Rights Act, Then and Now, July 31, 2005)

"We should remember that, at the turn of the 20th Century, allegations of "good government" were used by white Democrats in a remarkably successful strategy to suppress the black vote. The result of those very successful efforts was to impose barriers like the literacy test, which excluded African Americans from voting throughout the South for the better part of the century, until after the Voting Rights Act of 1965. If you go back and read some of the documents from the late 1800's and early 1900's, as I've recently been doing, the similarity to the sort of arguments being advanced now in support of photo ID laws is frightening. It is beyond unfortunate to see the same sort of tactics, albeit dressed up in more respectable garb, being employed at the start of the 21st Century." (Vote Suppression, Fraud and Voter ID, August 3, 2005)

In addition to these postings, Dr. Tokaji is acting as an advocate on voter identification issues, having submitted a comment letter to the Department of Justice dated August 18, 2005, along with a number of other professors, urging an objection to a voter identification provision currently before the Department for review under Section 5 of the Voting Rights Act. Obviously, this advocacy is occurring after the EAC awarded this contract and during the pendency of the research work.

The issue here is not whether Dr. Tokaji's opinions are correct or incorrect, or the appropriateness of his submitting a comment letter to the Department of Justice. The point is the strongly held, pre-existing notions about both provisional balloting and voter identification espoused by the Associate Director of Moritz's election law program and his advocacy on these issues. This raises serious concerns about the propriety of Moritz being provided with federal tax dollars to conduct non-partisan and impartial research into such a sensitive and high profile area of election law. We cannot be certain that data collected and conclusions reached by this research project will not be predetermined to comport with the views of Moritz's officials.

015606

I would strongly recommend that this contract be reconsidered by the EAC. Under these circumstances, any report issued by Moritz will be open to serious questions as to its validity and objectivity.

Hans A. von Spakovsky
Counsel to the Assistant Attorney General
Civil Rights Division - Room 5539
U.S. Department of Justice
950 Pennsylvania Avenue
Washington, D.C. 20530

Telephone (202) 305-9750
Facsimile (202) 307-2839

015607

August 19, 2005

Hans:

I'm currently at the Seattle airport awaiting a return flight to D.C., so I apologize if my response below is somewhat incomplete. I think the issue you raise certainly deserves our full consideration, so I will look forward to additional responses and dialogue from others included in this distribution list.

A couple of quick points in response to your concerns (and I am speaking for myself below, and not for the entire commission):

- (1) The RFP that was issued by the EAC pertaining to the research on provisional voting and voter ID requirements was widely advertised (as all our RFP's are). We did so because we wanted to receive a wide range of possible contractors to conduct this important research. This was a competitive RFP process which, if my memory serves me correct, produced a good number of responses from interested entities.
- (2) Carol Paquette assembled a review panel (I'm not sure how many persons were involved in the review panel) to score the responses to this RFP...the submission by the Eagleton Institute included, as a part of their proposal, the Moritz School of Law at Ohio State University as a partner in conducting the legal research required for Eagleton to provide a final report (due in October) to the EAC. The review panel scored the Eagleton submission as best, considering a variety of factors.
- (3) The lead entity in this project is the Eagleton Institute. While the project manager's name from Eagleton escapes me right now, the lead from Moritz is not Dan Tokagi, but Ned Foley, who directs the election law section (or something to that effect) at Moritz. Certainly it is true that Professor Tokagi is contributing to the work product being assemble by Moritz, which consists primarily of reviewing election and administrative codes from all 50 states to ascertain how each state deals with provisional voting and voter ID requirements.
- (4) As is the case with all federal contractors, both Eagleton Institute and Moritz are contractually obligated to produce objective, sound and unbiased research and analysis on this project. While it is certainly prudent to consider the potential bias of any prospective contractor(s), after receiving the recommendation from the review panel and Carol Paquette (at the time, the acting EAC Executive Director), we unanimously agreed among the commissioners that the recommendation was worthy of support. At the time, we were aware, for example, that the Eagleton Institute had been involved last year in some litigation involving provisional ballots. We were also aware, as you point out, of Professor Tokagi's personal views regarding the issue of voter ID and provisional voting. Nevertheless, there was unanimous agreement in supporting the staff (and review panel) recommendation to move forward with the proposal submitted by Eagleton Institute.
- (5) Finally, to ensure that the final workproduct from both Eagleton and Moritz is objective and representative of all view points on these important issues, Eagleton proposed early in the process -- and we enthusiastically agreed -- to the formation of a balanced peer review panel which will review the work, on an on-going basis, of Eagleton and Moritz. All EAC commissioners have had an opportunity to provide names to Eagleton to ensure appropriate political balance on this peer review panel and Eagleton has been responsive to our various suggestions.

By way of summary, let me say that I believe we have an obligation to closely scrutinize the conduct of all of our federal contractors. If things come to light that bring into question the

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objectivity of any of our contractors, I believe the EAC ought to conduct its due diligence and deal with such matters accordingly, including the possibility of contract termination.

I would be happy to conduct such due diligence with regard to this particular contract. However, I must say, with all due respect, that I do not think any breach has occurred, either by Eagleton or Moritz, which would necessitate termination of this contract. I think appropriate checks and balances have been accounted for in this contract, and I believe these checks and balances will ensure an objective and sound final product from Eagleton.

I welcome your continued feedback, Hans.

Kindest regards,

RAY MARTINEZ III
Commissioner
U.S. Election Assistance Commission
1225 New York Avenue, N.W., Suite 1100
Washington, D.C. 20005

015609

August 19, 2005

To Gracia, Ray, Donetta, Tom, Julie, Karen

In his note regarding the Eagleton contract, Hans has raised some of the same concerns I raised from the beginning of any discussions I had regarding this contract with our staff, and at our first formal meeting with Eagleton. In reviewing their work product from time to time, I continue to have concerns about a lack of balanced input and have repeatedly voiced them with staff and with Eagleton. I did this when the initial peer review group was proposed and again during their presentation at our meeting in Pasadena (the outreach slide in their public presentation showed outreach to seven groups, of which only one could be considered conservative-leaning). Now, as I have just had the opportunity to read their July progress report, it appears that Eagleton seems to be going into a larger analysis of the voter fraud issue than was authorized in the contract. My suspicion is that Dan Tokaji is injecting his views into this to dismiss or diminish the concerns some people may have about voter fraud. I could be wrong, but his previous writings lead me to believe otherwise.

I only found one mention of voter fraud in the contract with Eagleton. It is in Section 3.5 regarding provisional voting, where it discusses "minimizing opportunity for voter fraud." Yet, on page 4 of the July progress report from Eagleton, in describing their work plan for the next month it states: "we will expand upon vote fraud research and examine further the relationship between instances of vote fraud and ensuing election reforms." This clearly seems to be going beyond the mandate we gave them as I thought they were going to be looking at voter fraud relating to provisional voting (as the contract calls for), not voter fraud as it relates to election reforms. While voter fraud was never mentioned in the contract regarding the voter ID issue, page 5 of their July report indicates that their narratives "will include an appraisal of the prevalence and nature of vote fraud." In addition to this, page 6 describes a look into the "relationship between voter ID regime and vote fraud."

Voter fraud is clearly an issue that is perceived differently from the Right and from the Left. I have struggled with determining what a clear definition of voter fraud is myself, and therefore want to obtain various perspectives and good analysis on this issue before I formulate a solid conclusion in my mind. It has been my understanding all along that the whole voter fraud/voter intimidation issue is going to be studied by the EAC using a balanced group of consultants--not Eagleton and Moritz, who are likely to focus on just on the number of prosecutions of voter fraud, rather than the complaints made or the fact that many election officials are frustrated that some prosecutors don't take their complaints about voter fraud seriously. I am not convinced at this point that we will get a balanced and objective study from Eagleton/Moritz on voter fraud. I am puzzled on why they seem to be expending a significant portion of their time on this and would want to know if we somehow authorized them to do more research into the voter fraud issue.

On page 7 of their July report Eagleton indicates that communications with the EAC on the Peer Review Group "were not clear or timely." I would like to know what this refers to. Also, I may have missed it, but I do not recall seeing the final list of who is serving as the Peer Review group.

The August 15th copy of the July report that I received from Karen did not include the attachment of the financial report of expenses incurred. I would like to see that attachment.

Outside of our NIST work, this contract represents our largest single outside expenditure of our operational funds. Any single expenditure of \$500,000+ needs to be closely monitored. I, for one, am not going to sign off on any report that appears to have been written from a biased viewpoint, especially one that doesn't appear to be interested in hearing from conservative organizations or right-leaning researchers, or seems to minimize any input from them. I've already had questions

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from congressional staff and others on why we picked Eagleton and Moritz, as they are perceived by some as biased against Republicans. I assured the critics that we have insisted all along on an objective study from Eagleton. An unbalanced or biased study from them will not only hurt my credibility, but also that of the EAC. I'm not suggesting that we stop their work, but I do want Tom and Julie to inform them in no uncertain terms that we will not accept a report that does not seriously consider all viewpoints on provisional voting and the voter ID issue, and that any study or interpretations they present to us reflect a diversity of opinions on these subjects. We also need for staff to determine whether their considerable work into the voter fraud area is authorized in the contract. We should not be paying for and receiving work we did not authorize.

The contract clearly calls for "alternative approaches" on voter ID requirements and "alternatives" on provisional voting. I agreed to support this contract to Eagleton because I was assured that we would receive a variety of approaches from their work, and not just those from a liberal perspective.

Paul DeGregorio
Vice Chairman
US Election Assistance Commission
1225 New York Ave, NW
Suite 1100
Washington, DC 20005
1-866-747-1471 toll-free
202-566-3100
202-566-3127 (FAX)
pdegregorio@eac.gov
www.eac.gov

015611

August 19, 2005

Paul:

I am directing this email only to the commissioners, because I don't think we should air our disagreements among staff until we have at least had a chance to discuss controversial issues with each other in person. It appears from Gracia's email that we will have a chance do so next week in Denver.

In the meantime, I feel compelled to respond to your email regarding Eagleton.

(1) As I stated last night in my email to Hans, we have an on-going responsibility to monitor the expenditure of all our federal funds, including to government contractors who are contractually obligated to deliver unbiased research. However, I will remind you that we did not contract with Eagleton merely to provide a compilation of state laws and procedures. Rather, we contracted with Eagleton (and indirectly with Moritz through Eagleton) to provide both research AND analysis of provisional voting and voter ID. Invariably, the analysis portion of their final product will be from a professional (and institutional) perspective, and will NOT represent any one researcher's personal point of view. If it does, then Eagleton and Moritz risk damaging their credibility not just with the EAC, but with other federal government agencies which undoubtedly contract with their respective institutions on other projects. I doubt seriously that either institution would risk such damage and allow one team member to inject bias into the work. Moreover, the peer review group that is (or has) been assembled by Eagleton is designed to cure any lingering concerns about potential insitutional or personal bias...Eagleton has been responsive to your feedback on this issue, to the point where they have removed all perspective representatives of the advocacy community on the peer review group (because they felt they could not achieve political "balance" from the advocacy groups). If there is some person (or persons) which you would like to see Eagleton include in the review group, it is my understanding that such inclusion is but a mere phone call away.

(2) You will recall that at our meeting last week, I raised the exact same concern about the Eagleton progress report, and asked for clarification from staff regarding the details of this particular work (i.e., fraud) on the part of Eagleton. I expect staff (or us directly) to ask questions of Eagleton (as we would any contractor) and determine if their work in this area is within the scope of work (and contract) we all agreed to. If it isn't then we re-direct them, just as we have done, for example with Kim Brace and EDS.

(3) Finally, I must express my disappointment, Paul, regarding your comments on Professor Tokagi that you chose to include in your email. While I may disagree with Hans on his particular analysis of the perceived personal bias of this contract, at least his allegations regarding Professor Tokagi's potential bias are grounded in fact (and he recited them as such in his email). You, on the other hand, have chosen to accuse Professor Tokagi of manipulating the work on this project based on your "suspicion." With all due respect, that unfortunate accusation borders, in my view, on a breach of professional decorum and I cannot let it go without response.

We clearly have some political issues that are increasingly being injected into nearly every discussion at the EAC table. I have stated both to you and Gracia individually that I believe this trend in part represents a "maturation" of the EAC and I am not uncomfortable with it. However, if we are going to bring accusations of subjectivity and bias to the table, then I will expect that such a filter will be applied across the board to ALL projects undertaken by the EAC, and that such a filter will be based solidly on fact, and not on innuendo, personal hunches or suspicions.

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I send this email, as always, with the highest degree of respect and friendship toward you. And yet, my disappointment is evident in your comments regarding an esteemed and respected member of the legal academic community (and someone whom I regard as a personal friend.)

I look forward to our continued discussion on this matter. And as for the substance of Hans' concern regarding Moritz, I stand by my email which I sent to everyone last night.

Regards,

RAY MARTINEZ III
Commissioner
U.S. Election Assistance Commission
1225 New York Avenue, N.W., Suite 1100
Washington, D.C. 20005

(202) 566-3100 (W)
(202) 566-3127 (FAX)
www.eac.gov

015619



U.S. ELECTION ASSISTANCE COMMISSION
1225 NEW YORK AVENUE, N.W., SUITE 1100
WASHINGTON, D.C. 20005

OFFICE OF THE CHAIRMAN

October 19, 2006

Ralph G. Neas
President, People for the American Way Foundation
2000 M Street, NW
Suite 400
Washington, DC 20036

Via Facsimile Transmission ONLY
202-293-2672

RE: October 18, 2006 Letter

Dear Mr. Neas:

Your letter of October 18, 2006 requests the release of EAC's Voter Fraud and Intimidation Report. I would like to take this opportunity to clarify the purpose and status of this study.

In late 2005, EAC hired two consultants for the purpose of assisting EAC with two things: 1) developing a uniform definition of the phrase voter fraud, and 2) making recommendations on how to further study the existence, prosecution, and means of deterring such voter fraud. In May 2006, a status report on this study was given to the EAC Standards Board and EAC Board of Advisors during their public meetings. During the same week, a working group convened to react to and provide comment on the progress and potential conclusions that could be reached from the work of the two consultants.

The conversation at the working group meeting was lively on the very points that we were trying to accomplish as a part of this study, namely what is voter fraud and how do we pursue studying it. Many of the proposed conclusions that were suggested by the consultants were challenged by the working group members. As such, the consultants were tasked with reviewing the concerns expressed at the working group meeting, conducting additional research as necessary, and providing a draft report to EAC that took into account the working group's concerns and issues.

That draft report is currently being vetted by EAC staff. EAC will release a final report from this study after it has conducted a review of the draft provided by the consultants. However, it is important to remember the purpose of this study -- finding a uniform definition of voter fraud and making recommendations on how to study the existence, prosecution and deterrence of voter fraud -- as it will serve as the basis of the EAC report on this study.

Thank you for your letter. You can be assured that as soon as a final report on the fraud and intimidation study is available, a copy will be made available to the public.

Sincerely,

Paul S. DeGregorio
Chairman

015014



October 18, 2006

Chairman Paul DeGregorio
Commissioner Donetta L. Davidson
Commissioner Gracia M. Hillman
United States Election Assistance Commission
1225 New York Avenue N.W., Suite - 1100
Washington, DC 20005
Fax: (202) 566-3127

Dear Commissioners,

On October 11th, *USA Today* published an article describing the report commissioned by the EAC on voter fraud. We write today to urge the EAC to release this report.

As a 25 year old civil rights and civil liberties organization, People For the American Way Foundation (PFAWF) and our sister organization, People For the American Way (PFAW) have long been dedicated to ensuring the integrity of our elections. In particular in the years since the 2000 election, PFAWF and other principle partners such as the NAACP and the Lawyers' Committee for Civil Rights Under Law, have carried out a program called Election Protection to ensure that all eligible voters are able to vote and have that vote counted as cast.

We know that voter fraud and intimidation occur— we've seen the long lines, the erroneous purges, the misleading flyers and phone calls. And yet there seems to be little attention to these matters on the state and federal level.

Instead, a disproportionate amount of time and energy are spent on measures that purport to curb voter fraud by requiring voters to produce proof of citizenship and identity to vote. In actuality, these measures do little to secure the elections and much to disenfranchise otherwise eligible voters. Indeed we are weeks away from an election where thousands of eligible voters may be disenfranchised by overly restrictive voter identification laws. That presents a real threat to the integrity of our elections and the health of our democracy.

The report that the EAC commissioned from voting experts would make a vitally important contribution to the national discourse on the reality of voter fraud. In light of the numerous claims regarding the prevalence of voter fraud, this report provides a much

015615

needed analysis about the state of our electoral process. While media reports indicate that this tax-payer funded report is final, even if there are outstanding concerns within the EAC, we implore you to move forward with releasing the report as is, and to hold a public hearing to address any potential issues. Again, the importance of the information in this report is paramount and the public deserves such full disclosure. The report should be released immediately so that those who are concerned about ensuring the integrity of elections can benefit from its findings.

Sincerely,



Ralph G. Neas
President, People For the American Way Foundation

Cc: Senate Majority Leader Bill Frist
Senate Minority Leader Harry Reid
Senator Trent Lott, Chair, Senate Rules and Administration
Senator Chris Dodd, Ranking Member, Senate Rules and Administration
House Majority Leader John Boehner
House Minority Leader Nancy Pelosi
Representative Vernon Ehlers, Chair, House Administration
Representative Juanita Millender-McDonald, Ranking Member, House Administration

015016

TRANSMISSION VERIFICATION REPORT

TIME : 10/20/2006 04:55
NAME :
FAX : 2025661389
TEL :
SER. # : IXXXXXXXXXX

DATE, TIME 10/20 04:54
FAX NO./NAME 92281264
DURATION 00:01:06
PAGE(S) 04
RESULT OK
MODE STANDARD
ECM



U.S. ELECTION ASSISTANCE COMMISSION

FACSIMILE TRANSMITTAL SHEET

TO: Senate Majority Leader Bill Frist FROM: Paul DeGregorio, Chairman
COMPANY: U.S. Congress DATE: October 20, 2006
FAX NUMBER: (202) 228-1264 TOTAL NO. OF PAGES, INCLUDING COVER: 4
SENDER'S PHONE NUMBER: (202) 566-3106
RE:

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

Please see the following letter from Ralph Neas, President of People for the American Way Foundation and the responding letter by the EAC. If you have any questions please feel free to contact the EAC @ (202)566-3100.

015617
19510



U.S. ELECTION ASSISTANCE COMMISSION

FACSIMILE TRANSMITTAL SHEET

TO: Senate Majority Leader Bill Frist FROM: Paul DeGregorio, Chairman

COMPANY: U.S. Congress DATE: October 20, 2006

FAX NUMBER: (202) 228-1264 TOTAL NO. OF PAGES, INCLUDING COVER: 4

SENDER'S PHONE NUMBER: (202) 566-3106

RE:

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

Please see the following letter from Ralph Neas, President of People for the American Way Foundation and the responding letter by the EAC. If you have any questions please feel free to contact the EAC @ (202)566-3100.

015616
519510

TRANSMISSION VERIFICATION REPORT

TIME : 10/20/2006 05:04
NAME :
FAX : 2025661389
TEL :
SER.# : **XXXXXXXXXX**

DATE, TIME 10/20 05:03
FAX NO./NAME 92255144
DURATION 00:00:41
PAGE(S) 04
RESULT OK
MODE STANDARD
ECM



U.S. ELECTION ASSISTANCE COMMISSION

FACSIMILE TRANSMITTAL SHEET

TO: Rep. Vernon Ehlers, House Administration
FROM: Paul DeGregorio, Chairman
COMPANY: U.S. Congress
DATE: October 20, 2006
FAX NUMBER: (202) 225-5144
TOTAL NO. OF PAGES, INCLUDING COVER: 4
SENDER'S PHONE NUMBER: (202) 566-3106
RT:

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

Please see the following letter from Ralph Neas, President of People for the American Way Foundation and the responding letter by the EAC. If you have any questions please feel free to contact the EAC @ (202)566-3100.

015619



U. S. ELECTION ASSISTANCE COMMISSION

FACSIMILE TRANSMITTAL SHEET

TO:

FROM:

Rep. Vernon Ehlers, House
Administration

Paul DeGregorio, Chairman

COMPANY:

DATE:

U.S. Congress

October 20, 2006

FAX NUMBER:

TOTAL NO. OF PAGES, INCLUDING COVER:

(202) 225-5144

4

SENDER'S PHONE NUMBER:

(202) 566-3106

RE:

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

Please see the following letter from Ralph Neas, President of People for the American Way Foundation and the responding letter by the EAC. If you have any questions please feel free to contact the EAC @ (202)566-3100.

015620

TRANSMISSION VERIFICATION REPORT

TIME : 10/20/2006 04:57
NAME :
FAX : 2025661389
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DATE, TIME 10/20 04:55
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PAGE(S) 04
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U.S. ELECTION ASSISTANCE COMMISSION

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Senator Chris Dodd, Ranking Member, Senate Rules and Administration	Paul DeGregorio, Chairman
COMPANY:	DATE:
U.S. Congress	October 20, 2006
FAX NUMBER:	TOTAL NO. OF PAGES, INCLUDING COVER:
(202) 224-1083	4
SENDER'S PHONE NUMBER:	
(202) 566-3106	
RE:	

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

Please see the following letter from Ralph Neas, President of People for the American Way Foundation and the responding letter by the EAC. If you have any questions please feel free to call the EAC @ (202) 566-3100.

015621



U. S. ELECTION ASSISTANCE COMMISSION

FACSIMILE TRANSMITTAL SHEET

TO:

FROM:

Senator Chris Dodd, Ranking
Member, Senate Rules and
Administration

Paul DeGregorio, Chairman

COMPANY:

DATE:

U.S. Congress

October 20, 2006

FAX NUMBER:

TOTAL NO. OF PAGES, INCLUDING COVER:

(202) 224-1083

4

SENDER'S PHONE NUMBER:

(202) 566-3106

RE:

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

Please see the following letter from Ralph Neas, President of People for the American Way Foundation and the responding letter by the EAC. If you have any questions please feel free to contact the EAC @ (202)566-3100.

015622

TRANSMISSION VERIFICATION REPORT

TIME : 10/20/2006 04:58
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FAX : 2025661389
TEL :
SER. # : IXXXXXXXXXX

DATE, TIME 10/20 04:57
FAX NO./NAME 92247327
DURATION 00:01:06
PAGE(S) 04
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MODE STANDARD
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U.S. ELECTION ASSISTANCE COMMISSION

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Senate Minority Leader Harry Reid	Paul DeGregorio, Chairman
COMPANY:	DATE:
U.S. Congress	October 20, 2006
FAX NUMBER:	TOTAL NO. OF PAGES, INCLUDING COVER:
(202) 224-7327	4
SENDER'S PHONE NUMBER:	
(202) 566-3106	
RE:	

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

Please see the following letter from Ralph Neas, President of People for the American Way Foundation and the responding letter by the EAC. If you have any questions please feel free to contact the EAC @ (202)566-3100.

015020



U. S. ELECTION ASSISTANCE COMMISSION

FACSIMILE TRANSMITTAL SHEET

TO:

FROM:

Senate Minority Leader Harry Reid

Paul DeGregorio, Chairman

COMPANY:

DATE:

U.S. Congress

October 20, 2006

FAX NUMBER:

TOTAL NO. OF PAGES, INCLUDING COVER:

(202) 224-7327

4

SENDER'S PHONE NUMBER:

(202) 566-3106

RE:

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

Please see the following letter from Ralph Neas, President of People for the American Way Foundation and the responding letter by the EAC. If you have any questions please feel free to contact the EAC @ (202)566-3100.

015024

TRANSMISSION VERIFICATION REPORT

TIME : 10/20/2006 04:59
NAME :
FAX : 2025661389
TEL :
SER.# : XXXXXXXXXX

DATE, TIME 10/20 04:59
FAX NO./NAME 92250704
DURATION 00:00:41
PAGE(S) 04
RESULT OK
MODE STANDARD
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U.S. ELECTION ASSISTANCE COMMISSION

FACSIMILE TRANSMITTAL SHEET

TO: John Boehner, House Majority Leader
FROM: Paul DeGregorio, Chairman
COMPANY: U.S. Congress
DATE: October 20, 2006
FAX NUMBER: (202) 225-0704
TOTAL NO. OF PAGES, INCLUDING COVER: 4
SENDER'S PHONE NUMBER: (202) 566-3106
RE:

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

Please see the following letter from Ralph Neas, President of People for the American Way Foundation and the responding letter by the EAC. If you have any questions please feel free to contact the EAC @ (202)566-3100.

015025



U.S. ELECTION ASSISTANCE COMMISSION

FACSIMILE TRANSMITTAL SHEET

TO:

FROM:

John Boehner, House Majority
Leader

Paul DeGregorio, Chairman

COMPANY:

DATE:

U.S. Congress

October 20, 2006

FAX NUMBER:

TOTAL NO. OF PAGES, INCLUDING COVER:

(202) 225-0704

4

SENDER'S PHONE NUMBER:

(202) 566-3106

RE:

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

Please see the following letter from Ralph Neas, President of People for the American Way Foundation and the responding letter by the EAC. If you have any questions please feel free to contact the EAC @ (202)566-3100.

015626

TRANSMISSION VERIFICATION REPORT

TIME : 10/20/2006 05:01
NAME :
FAX : 2025661389
TEL :
SER.# : XXXXXXXXXXX

DATE, TIME 10/20 05:00
FAX NO./NAME 92257926
DURATION 00:00:38
PAGE(S) 04
RESULT OK
MODE STANDARD
ECM



U.S. ELECTION ASSISTANCE COMMISSION

FACSIMILE TRANSMITTAL SHEET

TO: Rep. Juanita Millender-McDonald,
Ranking Member, House
Administration

FROM: Paul DeGregorio, Chairman

COMPANY: U.S. Congress

DATE: October 20, 2006

FAX NUMBER: (202) 225-7926

TOTAL NO. OF PAGES, INCLUDING COVER: 4

SENDER'S PHONE NUMBER: (202) 566-3106

RE:

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

Please see the following letter from Ralph Neas, President of People for the American Way Foundation and the responding letter by the EAC. If you have any questions please feel free to contact the EAC @ (202)566-3100.

015627



U.S. ELECTION ASSISTANCE COMMISSION

FACSIMILE TRANSMITTAL SHEET

TO:

FROM:

Rep. Juanita Millender-McDonald,
Ranking Member, House
Administration

Paul DeGregorio, Chairman

COMPANY:

DATE:

U.S. Congress

October 20, 2006

FAX NUMBER:

TOTAL NO. OF PAGES, INCLUDING COVER:

(202) 225-7926

4

SENDER'S PHONE NUMBER:

(202) 566-3106

RE:

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

Please see the following letter from Ralph Neas, President of People for the American Way Foundation and the responding letter by the EAC. If you have any questions please feel free to contact the EAC @ (202)566-3100.

015028

TRANSMISSION VERIFICATION REPORT

TIME : 10/20/2006 05:02
NAME :
FAX : 2025661389
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SER.# : XXXXXXXXXX

DATE, TIME 10/20 05:01
FAX NO./NAME 92258259
DURATION 00:00:39
PAGE(S) 04
RESULT OK
MODE STANDARD
ECM



U.S. ELECTION ASSISTANCE COMMISSION

FACSIMILE TRANSMITTAL SHEET

TO: FROM:

Nancy Pelosi, House Minority
Leader

Paul DeGregorio, Chairman

COMPANY: DATE:

U.S. Congress

October 20, 2006

FAX NUMBER: TOTAL NO. OF PAGES, INCLUDING COVER:

(202) 225-8259

4

SENDER'S PHONE NUMBER:

(202) 566-3106

RE:

- URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

Please see the following letter from Ralph Neas, President of People for the American Way Foundation and the responding letter by the EAC. If you have any questions please feel free to contact the EAC @ (202)566-3100.

015028



U.S. ELECTION ASSISTANCE COMMISSION

FACSIMILE TRANSMITTAL SHEET

TO:

FROM:

Nancy Pelosi, House Minority
Leader

Paul DeGregorio, Chairman

COMPANY:

DATE:

U.S. Congress

October 20, 2006

FAX NUMBER:

TOTAL NO. OF PAGES, INCLUDING COVER:

(202) 225-8259

4

SENDER'S PHONE NUMBER:

(202) 566-3106

RE:

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

Please see the following letter from Ralph Neas, President of People for the American Way Foundation and the responding letter by the EAC. If you have any questions please feel free to contact the EAC @ (202)566-3100.

015630

TRANSMISSION VERIFICATION REPORT

TIME : 10/20/2006 05:03
NAME :
FAX : 2025661389
TEL :
SER.# : **XXXXXXXXXX**

DATE, TIME 10/20 05:02
FAX NO./NAME 92242262
DURATION 00:00:31
PAGE(S) 04
RESULT OK
MODE STANDARD
ECM



U.S. ELECTION ASSISTANCE COMMISSION

FACSIMILE TRANSMITTAL SHEET

TO: Senator Trent Lott, Chair, Senate Rules and Administration
FROM: Paul DeGregorio, Chairman
COMPANY: U.S. Congress
DATE: October 20, 2006
FAX NUMBER: (202) 224-2262
TOTAL NO. OF PAGES, INCLUDING COVER: 4
SENDER'S PHONE NUMBER: (202) 566-3106
RE:

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

Please see the following letter from Ralph Neas, President of People for the American Way Foundation and the responding letter by the EAC. If you have any questions please feel free to contact the EAC @ (202)566-3100.

015631



U.S. ELECTION ASSISTANCE COMMISSION

FACSIMILE TRANSMITTAL SHEET

TO:

FROM:

Senator Trent Lott, Chair, Senate
Rules and Administration

Paul DeGregorio, Chairman

COMPANY:

DATE:

U.S. Congress

October 20, 2006

FAX NUMBER:

TOTAL NO. OF PAGES, INCLUDING COVER:

(202) 224-2262

4

SENDER'S PHONE NUMBER:

(202) 566-3106

RE:

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

Please see the following letter from Ralph Neas, President of People for the American Way Foundation and the responding letter by the EAC. If you have any questions please feel free to contact the EAC @ (202)566-3100.

015632



U.S. ELECTION ASSISTANCE COMMISSION

FACSIMILE TRANSMITTAL SHEET

TO:

FROM:

Senator Trent Lott, Chair, Senate
Rules and Administration

Paul DeGregorio, Chairman

COMPANY:

DATE:

U.S. Congress

October 20, 2006

FAX NUMBER:

TOTAL NO. OF PAGES, INCLUDING COVER:

(202) 224-2262

4

SENDER'S PHONE NUMBER:

(202) 566-3106

RE:

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

Please see the following letter from Ralph Neas, President of People for the American Way Foundation and the responding letter by the EAC. If you have any questions please feel free to contact the EAC @ (202)566-3100.

015893

Karen Lynn-Dyson/EAC/GOV
06/23/2005 02:34 PM

To Gracia Hillman/EAC/GOV@EAC, Paul
DeGregorio/EAC/GOV@EAC, Raymundo
Martinez/EAC/GOV@EAC
cc Thomas R. Wilkey/EAC/GOV@EAC, Juliet E.
Thompson/EAC/GOV@EAC
bcc

July 12
Before
930-1030
break (in phone)

Subject Fw: Peer Review Group

Commissioners-

Enclosed please find a preliminary list of Peer Review Group members, whom Eagleton is considering for their Peer Review Group. Tom Wilkey will be bringing this item to you for discussion and input at Monday's Commissioner's meeting.

Eagleton envisions this Peer Review Group as the body that will review the draft analysis that it will prepare on provisional voting and on voter identification. The Group would also provide comment on the development of alternative approaches to provisional voting and voter identification which Eagleton will develop for the EAC.

I have included the e-mail from the Eagleton Project Director, Tom O'Neil, so that you could get a feel for his approach/philosophy to assembling the Group.

Regards-
K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

— Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/23/2005 02:25 PM —



"Tom O'Neil"
[Redacted]
06/22/2005 03:29 PM

To klyndyson@eac.gov
cc
Subject Peer Review Group

Karen,

As you probably recall, one of the features of our proposal was the creation of a Peer Review Group to look over our findings, conclusions and draft reports before we prepare final drafts for the EAC's review. The EAC asked that before recruiting members of the PRG we submit names for EAC's review. The aim, course, is to assemble a panel that is experienced, informed, and balanced.

Attached is a list of potential PRG members drawn from academia, the law, and non-profit organizations with interests in this area. Please look it over.

We may conclude that the PRG should also include two or three former government officials now in academia or related fields. We have a conference call with our partners at Moritz planned for tomorrow or Friday to decide a) if former officials should be included in the PRG and b) if so, who they should be. I'll keep you informed of our thinking as it develops.

Tom

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PROPOSED MEMBERS OF PEER REVIEW GROUP

R. Michael Alvarez, Ph.D.

Professor of Political Science
California Institute of Technology
rma@hss.caltech.edu
626-395-4422

Alvarez has taught political science at Caltech since 1992. He received his B.A. in political science from Carleton College; his M.A. and Ph.D. from Duke University. Alvarez focuses on the study of electoral politics. He has published many articles on electoral behavior and public opinion. Support for his research has come from the National Science Foundation, The IBM Corporation, the Carnegie Corporation, of New York, and the Knight Foundation. Alvarez edits the Analytical Methods for Social Research book series and is on the editorial boards of a number of academic journals. He is Co-Director of the Caltech-MIT Voting Technology Project

Deborah Goldberg, Ph.D

Program Director, Democracy Program
Brennan Center for Justice at NYU School of Law
161 Avenue Of The Americas, 12th Floor
New York, NY 10013
212-998-6730

Goldberg supervises the Democracy Program's litigation, scholarship, and public education. She was the principal author of *Writing Reform: A Guide to Drafting State & Local Campaign Finance Laws*, and was lead counsel to the intervenor in the Supreme Court case *Nixon v. Shrink Missouri Government PAC*. She serves on the Steering Committee of a coalition to restore voting rights to persons with past felony convictions. Goldberg is a graduate of Harvard Law School. Before joining the Brennan Center, she was in private practice. She holds a Ph.D. in philosophy and taught ethics at Columbia University.

Martha E. Kropf, Ph.D.

Assistant Professor of Political Science
University of Missouri-Kansas City
816-235-5948; KropfM@umkc.edu

Kropf has been on the faculty at Missouri since 1999. She received her BA Summa Cum Laude, Phi Beta Kappa from Kansas State University and her PhD in Political Science from American University. Her work concentrates on Research Methods, Urban Politics, American Government, and Political Behavior. Before joining the faculty at Missouri, she was Project Coordinator at the University of Maryland Survey Research Center. She has published recent on undervoting in presidential elections, and on invalidated ballots in the 1996 presidential election, and on the incremental process of election reform in Missouri.

Wade Henderson, Esq.

Executive Director
Leadership Conference on Civil Rights
1629 K Street, NW, 10th Floor
Washington, DC 20006

Wade Henderson is the Executive Director of the LCCR and Counsel to the Leadership Conference on Civil Rights Education Fund (LCCREF), and leads the organizations' work on issues involving nationwide election reform. He is a graduate of Howard University and the Rutgers University School of Law. During its over 50 years of existence, LCCR has worked to redefine civil rights issues in broad and inclusive ways. Today, it includes over 180 national organizations. Previously Henderson served as Washington Bureau Director of the NAACP. He began his career as a legislative counsel of the ACLU.

Kay Maxwell

President
League of Women Voters of the U.S.
1730 M Street NW, Suite 1000

015635

Washington, DC 20036-4508
202-429-1965

Kay J. Maxwell has been a member of the League since 1976. She attended Smith College and earned a B.A. in International Relations from the University of Pennsylvania. She has conducted civic participation training for women leaders in Bosnia, Israel, the West Bank, Rwanda, Kuwait and Jamaica. She has also served as vice president at the International Executive Service Corps (IESC), an international economic development organization. She is a board member of DC Vote, and the New Voters Project.

Tim Storey

Program Principal
Legislative Management Program
National Conference of State Legislatures
7700 East First Place
Denver, CO 80230
303-364-7700
or
444 North Capitol Street, N.W., Suite 515
Washington, D.C. 20001
202-624-5400

Peter G. Veniero, Esq.

Counsel
Sills, Cummis, Epstein and Gross, PC
One Riverfront Plaza
Newark, New Jersey 07102
Tel: 973- 643-7000

Veniero chairs the firm's Appellate Practice Group. He earned his B.A. at Drew University, Phi Beta Kappa, and his J.D. (with honors) at the Duke University School of Law. In 1999, he was appointed a justice of the New Jersey Supreme Court, where he served for 7 years before re-entering private practice. Before his appointment to the Supreme Court, he served as New Jersey's Attorney General, and in that capacity oversaw the state's election laws. He also served as Chief of Staff and Chief Counsel to Governor Christine Todd Whitman.

2 4 E/O 2D 2A 2C 2S
for new State Court.

- Evergreen foundation
- other academics
- inv. costs heavy

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PROPOSED MEMBERS OF PEER REVIEW GROUP.doc

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STATUS OF PEER REVIEW GROUP RECRUITMENT

(As of August 17, 2005)

- B** **R. Michael Alvarez, Ph.D.** YES/CONFIRMED *Neutral*
Professor of Political Science
California Institute of Technology
- B** **Guy-Uriel Charles** YES *Liberal*
Associate Professor, School of Law
University of Minnesota
612-626-9154
- B** **Brad Clark** NO *Conservative*
Professor of Law
George Washington University School of Law
- B** **Pamela Susan Karlan** YES *Left*
Montgomery Professor of Public Interest Law
Stanford Law School
650-725-4851
- CJ** **Martha E. Kropf, Ph.D.** YES/CONFIRMED
Assistant Professor of Political Science
University of Missouri-Kansas City *NWTC info*
816-235-5948; KropfM@umkc.edu *Leans left*
- B** **Daniel H. Lowenstein** YES *Left*
Professor of Law
UCLA
310-825-4841
- B** **John F. Manning** **NO** **NO RESPONSE**
Professor
Harvard Law School
- Julie** **Tim Storey** YES/CONFIRMED *Neutral*
Program Principal
Legislative Management Program
National Conference of State Legislatures
- B** **Peter G. Verniero, Esq.** YES/CONFIRMED
Counsel
Sills, Cummis, Epstein and Gross, PC
(Former NJ Attorney General and Supreme Court Justice) *Mod 60*

Tim O'Rourke

yes

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Cons

Karen Lynn-Dyson/EAC/GOV
09/02/2005 05:42 PM

To Paul DeGregorio/EAC/GOV@EAC, Thomas R.
Wilkey/EAC/GOV@EAC
cc Amie J. Sherrill/EAC/GOV@EAC

bcc

Subject Fw: New Peer Review Group Member

FYI-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

— Forwarded by Karen Lynn-Dyson/EAC/GOV on 09/01/2005 05:41 PM —



"Tom O'Neill"

09/02/2005 04:48 PM

To tokaji.1@osu.edu, ireed@rutgers.edu,
john.weingart@rutgers.edu, foley.33@osu.edu,
rmandel@rci.rutgers.edu, rmandel@rci.rutgers.edu
cc klynndyson@eac.gov

Subject New Peer Review Group Member

Tim O'Rourke, Dean of the Fulton School of Liberal Arts at Salisbury University in Maryland, has agreed to serve on the Peer Review Committee.

Tom O'Neill

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TIMOTHY G. O'ROURKE

Dean of the Fulton School of Liberal Arts
Salisbury University

257 Fulton Hall, 1101 Camden Avenue, Salisbury, MD 21801
Telephone: 410-543-6450/FAX: 410-548-3002

E-MAIL

In July 2002, Timothy G. O'Rourke became the Dean of the Fulton School of Liberal Arts at Salisbury University, a comprehensive public university with nearly 7,000 students located on Maryland's Eastern Shore. The largest of the university's four schools, the Fulton School has about 120 full-time faculty and more than 1,800 undergraduate and graduate majors in ten academic departments and accounts for more than two-fifths of the University's credit hour production.

In the seven years before his arrival at Salisbury, Dr. O'Rourke was at the University of Missouri-St. Louis, where he was the Teresa M. Fischer Professor in Citizenship Education, a position established in 1995 in order to promote the informed participation of youth in community and governmental affairs. The inaugural recipient of this professorship, Dr. O'Rourke held a joint appointment as Professor of Educational Leadership and Professor of Political Science. From 1998 to 2002, he served as Executive Director of Kids Voting Missouri, a program in which nearly 68,000 Missouri elementary and secondary students went to official polling sites and voted alongside their parents in the November 7, 2000 presidential election.



From 1992 to 1995, Dr. O'Rourke was professor and head of Political Science at Clemson University. Prior to that, Dr. O'Rourke was, for 14 years, a faculty member in the University of Virginia's Center for Public Service. From 1985 to 1992, Dr. O'Rourke served as the Executive Director of the Virginia Commission on the Bicentennial of the U.S. Constitution. Commission projects included the national opening of Montpelier, Madison's home (1987); the "Constitution Train" to Philadelphia to mark "Virginia Day" (1987); production of *Worth Fighting For*, an Emmy-Award-winning documentary on the ratification struggle in Virginia (1988); the celebration of the 200th anniversary of the first federal elections (1989); the Virginia visit of Hungarian President Árpád Göncz to mark the "Global Legacy of the Bill of Rights" (1990); and production of *What No Just Government Should Refuse*, an Emmy-nominated documentary on the writing of the Bill of Rights (1991). From 1983 through 1986, Dr. O'Rourke directed "The Virginia Court Days Forums," a series for Virginia public television featuring town meetings on constitutional issues.

Professor O'Rourke is the co-author of *State and Local Government: The Third Century of Federalism* (1988) and author of *The Impact of Reapportionment* (1980), named by *CHOICE* as one of the Outstanding Academic Books of 1980. His articles on the federal Voting Rights Act have appeared in such journals as the *Rutgers Law Journal*, the *Virginia Law Review* and the *Journal of Law & Politics*. He has testified before both U.S. House and Senate committees on various voting issues and has served as an expert witness in voting rights litigation. In addition, he has staffed electoral reform commissions, including the Virginia Beach Mayor's Committee for Reapportionment (1990) and the Charlottesville Citizens' Committee to Study Council Changes (1980-81). During 1996-97, he served as advisor to the St. Peters Charter Commission, which drafted a home rule charter for that city. Dr. O'Rourke's teaching interests include state politics, school law, and voting rights and representation. He is a *Phi Beta Kappa* graduate of the University of Pittsburgh (1970) and holds a Ph.D. in Political Science from Duke University (1977). In 2002, Dr. O'Rourke joined four others in the inaugural Class of Distinguished Alumni recognized by the Tyrone Area School District (PA). Dr. O'Rourke and his wife Judy have five grown children and one grandchild and reside in Quantico, Maryland.

Other Fulton Links:

[Fulton School Home](#) | [For Fulton Faculty and Staff](#) | [Calendar of Events](#)

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Existing Research Analysis

There are many reports and books that describe anecdotes and draw broad conclusions from a large array of incidents. There is little research that is truly systematic or scientific. The most systematic look at fraud is the report written by Lori Minnite. The most systematic look at voter intimidation is the report by Laughlin McDonald. Books written about this subject seem to all have a political bias and a pre-existing agenda that makes them somewhat less valuable.

Researchers agree that measuring something like the incidence of fraud and intimidation in a scientifically legitimate way is extremely difficult from a methodological perspective and would require resources beyond the means of most social and political scientists. As a result, there is much more written on this topic by advocacy groups than social scientists. It is hoped that this gap will be filled in the "second phase" of this EAC project.

Moreover, reports and books make allegations but, perhaps by their nature, have little follow up. As a result, it is difficult to know when something has remained in the stage of being an allegation and gone no further, or progressed to the point of being investigated or prosecuted or in any other way proven to be valid by an independent, neutral entity. This is true, for example, with respect to allegations of voter intimidation by civil rights organizations, and, with respect to fraud, John Fund's frequently cited book. Again, this is something that it is hoped will be addressed in the "second phase" of this EAC project by doing follow up research on allegations made in reports, books and newspaper articles.

Other items of note:

- There is as much evidence, and as much concern, about structural forms of disenfranchisement as about intentional abuse of the system. These include felon disenfranchisement, poor maintenance of databases and identification requirements.
- There is tremendous disagreement about the extent to which polling place fraud, e.g. double voting, intentional felon voting, noncitizen voting, is a serious problem. On balance, more researchers find it to be less of a problem than is commonly described in the political debate, but some reports say it is a major problem, albeit hard to identify.
- There is substantial concern across the board about absentee balloting and the opportunity it presents for fraud.
- Federal law governing election fraud and intimidation is varied and complex and yet may nonetheless be insufficient or subject to too many limitations to be as effective as it might be.

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EAC Voting Fraud-Voter Intimidation Preliminary Research

- Deceptive practices, e.g. targeted flyers and phone calls providing misinformation, were a major problem in 2004.
- Voter intimidation continues to be focused on minority communities, although the American Center for Voting Rights uniquely alleges it is focused on Republicans.

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*Peer Review Group
Summary of Comments
To the Eagleton/Moritz Group
Under Contract to Provide Research Assistance to the EAC*

October 15, 2005

The Peer Review Group (PRG) met by telephone conference on September 21. Those participating included: Michael Alvarez, John C. Harrison, Martha Kropf, Dan Lowenstein, Peter Verniero, Brad Smith, and Tim Storey. This summary also includes additional written remarks submitted by Martha Kropf and additional remarks from a follow-up phone call with Timothy O'Rourke. We are now addressing all the comments including, in some cases, returning to members of the group to seek further elaboration or clarification.

We encouraged the members of the PRG to comment about any aspect of the project. We furnished them with these materials before the meeting.

1. Survey of local (mainly county) officials conducted in June 2005.
2. State-by-state narrative of developments in provisional voting
3. Statistical Analysis of state provisional voting
4. Memorandum on Provisional Voting Litigation
5. Memorandum on Provisional Ballot Litigation by State
6. July Memorandum on Provisional Ballot Litigation by Issue

We suggested that PRG members rank our draft responses to each of the six key questions posed by the EAC along these lines:

- 1- Research supports conclusions well.
- 2- Research supports some conclusions. Specific questions are:
- 3- Research does not support conclusions. Major problems are:

On the Alternatives paper, we asked PRG members to list up to three items they found questionable in light of the research and their own knowledge of provisional voting and election administration and to give us their thoughts on alternative policies that we had not included.

General Suggestions

1. Make transparently clear the meaning of **'old' versus 'new' states**. It is not enough to categorize the states as such, we need to determine why specific states were considered 'old' or 'new' (i.e. clarify what conditions were met by old states).

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2. Be **clear** in our report about the **data that we were unable to obtain** and perhaps speculate on why that data was not available. (For example, do we have the documentation the state election boards gave the localities regarding counting practices? If not, why not? Indicate the states for which it was difficult to obtain data.

3. Prescribe less and **describe more** (tell what voters/administrators have done, not what they should have done or ought to do).

4. Questioned our assumption about public trust – How do we know that decreases in disputes/challenges signify an increase in public trust? We need to explain this assertion.

Specific Review by Area of Analysis/Document

Response to Statistical Review:

- Challenged our emphasis on the number of provisional ballots counted as a percentage of those cast as an indication of success of Provisional Voting. Suggested alternative relationships to consider (PB v. Turnout, PB v. Registered Voters, and PB v. Voting age Population).
- Wanted the inclusion of variation within states among counties (and geographical considerations).
- The report needs to address the quality and validity of the data used in the analysis.
- On Page 8, cautioned using the estimate of 280,000 disenfranchised voters who would have voted if outside precinct voting was permitted.

Response to Question Four:

- Remove the comments in the footnote (p. 1) that offers an alternative way of analyzing the question relating to the possible increase in voter participation as a result of provisional voting because the margin of error in the Census survey does not support a conclusion at this level of significance.
- Address the alternative explanation for why old states may enfranchise more voters than new states (i.e. Kropf 's Failsafe option).
- Include a statistical summary of the relationship between the length of time a state has had PV and the rate at which votes are counted.

Response to Question Five:

- Is it possible to draw any conclusions about the local differences within and among states broken down by county (presumably 20 states worth)?

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- Clarify what is meant by “design” and say how many states have/had provisional ballots that are designed differently and look different. Why is design important?
- Page 17 indicates that states with statewide voter databases end up validating fewer PVs. This is important & should be addressed in more detail.

Response to Question Six:

- On the usefulness of instructions, 98% said the instructions were useful. Make it clear that this represents 98% of the officials who got instruction.
- Is the passive voice the best means to communicate this information (for ex. "Second, objectively how well did the process appear to be managed?")

Response to State Narratives:

- When in doubt about whether we have data to support a sentence it is important to be careful about the language we use (say ‘doing XYZ would have revealed’ as opposed to ‘most of what we know about XYZ revealed’...)
- Clarify for the readers what is meant by "provisional vote/total vote". Does that mean provisional votes cast? Counted? Make it clear right at the beginning of every document?
- Footnote states that do not list poll sites or tell people where to vote with the fact that many cities/counties do have a poll finder.

Election Official Survey

- Clarify how we determined who to include in the sample and how we developed the questions in the survey (was a focus group an initial step?) Why were 3,800 election officials deemed eligible to participate (out of how many? 5,000 or so?)
- Clarify old and new states on pg. 2 in National Survey. Comment on how to assess fraud in provisional voting? What is the relationship between PV and turnout?
- Explore more issues about citizenship (18% non-citizen voting in CA)?
- Appendix A says survey was random, but it’s not. How was the data weighted for small, medium and large counties, and for other issues? Clarify this in the report.

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- Why doesn't the total of new and old states equal 50 (25 and 18) and why does the National Survey of Election Officials have different numbers? Is FL an 'old' state?
- Are the New England states underrepresented in the survey? If so, why?
- Report should offer more information about the response rate.

Alternatives Document

- The importance of clarity in state processes for both administrators and voters needs to be better articulated.
(Better training of poll workers, clarity whether failure to check boxes disqualifies voters, access to better info. at polling locations)
- Cautions the use of definitive statements (such as A-3, perhaps say "This raises the question of...").
- Have other EAC Guidelines been tested in court yet?
- On page 3: the 'tracking number' in # 6 is not feasible. Also, "the information" in # 12 should be changed to "the website and 800 numbers" for clarification.
- Page 6, there were disagreements about # 1 and # 2 of options in Sec. F regarding the installation of a separate body to rule on PV for the integrity process; a motion was made to get rid of them.
- Page 6, Sec. E option # 1 should be eliminated or clarified
- Add to Sec. F a '# 5' requiring states to provide detailed public info. on PV

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EAGLETON INSTITUTE OF POLITICS

*Contract to Provide Research Assistance to The EAC
For the Development of Voluntary Guidance on
Provisional Voting and Voter Identification Procedures*

MONTHLY PROGRESS REPORT
September 2005

For
UNITED STATES ELECTION ASSISTANCE COMMISSION
1225 New York Avenue N.W., Suite - 1100
Washington, DC 20005

September 14, 2005

Prepared by:
Eagleton Institute of Politics
Rutgers, The State University of New Jersey
191 Ryders Lane
New Brunswick, NJ 08901-8557

015847

OUTLINE

- Introduction
- Provisional Voting
 - Task 3.5
- Voter Identification Requirements
 - Task 3.10
 - Task 3.11
- Project Management
 - Task 3.1
- Financial Report

INTRODUCTION

This report describes our progress from September 1 through September 30, 2005. It includes brief descriptions of key tasks; progress made; challenges encountered or anticipated; milestones reached; and projections for work to be completed in the coming month.

We focused in September on refining our Provisional Voting research. This refinement was necessary to prepare a strong final analysis paper and develop alternative approaches to Provisional Voting based on the analysis. An important part of this refinement involved reconciling sometimes conflicting data on Provisional Voting from different sources, including the Election Day Study, which finally became available in September. With a clearer understanding of our data, we began the critical work of selecting alternatives to recommend to the EAC as guidance or best practices responsive to both our research and the needs of the Commission.

Three meetings this month helped us accomplish the necessary refinement. We briefed the EAC on our work on September 6, held the first meeting of the Peer Review Group (PRG) on September 21, and gained the benefit of the EAC's reaction to the September 6 briefing in a conference call on September 30.

The completion of our work on Provisional Voting has been delayed by the time needed to absorb and incorporate the findings of the EAC Election Day Study, to recruit and receive the comments of the PRG, and to receive the Commission's comments on the September 6 briefing. The schedule called for the release of the Election Day Study last spring, the submission of the Preliminary Guidance Document to the EAC's advisory boards in mid-September, and a public hearing on the Guidance Document in late October. We now plan to submit to the EAC a final draft of our report, a preliminary guidance document, and draft

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best practices before the end of October. And we understand that after review of those materials, the EAC will decide whether to issue a guidance document or recommend best practices. Projecting a late November date for those decisions seems reasonable. If the EAC does decide to issue a Guidance Document on Provisional Voting, the time needed for a review by the advisory boards is likely to delay a public hearing until January.

While we have made a good start on the Voter ID sections of our research, most time and resources this month were dedicated to resolving issues involved in Provisional Voting.

This report is divided into 3 sections: Provisional Voting, Voter Identification Requirements, and Project Management. Each section references specific tasks described in paragraph 3 of the contract. The Financial Report will be sent separately by the Rutgers Division of Grant and Contract Accounting.

Please direct questions or comments about this report to Tom O'Neill at:

[REDACTED]

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PROVISIONAL VOTING

Tasks 3.4 – 3.9 in our contract relate to Provisional Voting. Work on the first of these must be complete before proceeding to later tasks. Task 3.4 was completed in August, and Task 3.5 is well underway.

Task 3.5: Analysis and Alternative Approaches. Assess the potential, problems, and challenges of Provisional Voting and develop alternative means to achieve the goals of Provisional Voting.

LEGISLATION, REGULATIONS, AND LITIGATION

The research team at the Moritz College of Law has the lead responsibility for the collection and analysis of legislation, administrative procedures and litigation. This information constitutes the compendium of legislation, administrative regulations, and case law called for under this task. It has provided a base of understanding for the analysis of states' actual experience with Provisional Voting in 2004, for which the Eagleton team has lead responsibility.

Description: The Moritz team has created a 50-state chart to summarize information on Provisional Voting, compiled statutes, case law and administrative procedures regarding Provisional Voting and is near completion with this research.

Progress: We have completed the memorandum outlining Provisional Voting legislative changes since the 2004 election and we are continuing to clarify the laws prior to these changes.

Challenges: The variety in the form and frequency of Provisional Voting legislation from state to state makes creating a snap-shot view across states a challenge.

Work Plan: The analysis of the information, data, and survey results concerning Provisional Voting was completed in September, on schedule. We are now revising it in response to comments by the Peer Review Group (PRG). We are also revising the alternatives document to reflect the critique of the PRG and the guidance from the EAC in response to the September 6 briefing.

PREPARATION FOR AND EXPERIENCE WITH PROVISIONAL VOTING

The Eagleton team has researched and compiled a narrative of each state's experience with Provisional Voting in 2004. The report findings from the survey of 400 local election officials are now complete. The survey results have proven to be instrumental in shaping our

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understanding of actual practice in administering Provisional Voting, including the steps local officials took to prepare for the election.

PROVISIONAL VOTING NARRATIVES

Description: To construct the narratives, a researcher examined newspaper accounts, state websites, and reports from third-party organizations to gather information on the experience with Provisional Voting in the 2004 election. To organize the information derived from this examination, we created an information system that catalogues information about the states (i.e. whether a state was new to Provisional Voting, the percentage of provisional votes counted, the method of notifying voters if their vote was counted, etc.) and combined it with Moritz's collection and analysis of statutes, regulations and litigation.

Progress: We completed a state-by-state narrative of developments in Provisional Voting and distributed it to the EAC and the PRG. This work has been helpful in understanding the context of the data collected on provisional voting from the states.

Challenges: The primary obstacle to constructing the narratives was difficulty in communicating and obtaining necessary information from various state officials. As a result, the narratives underwent several revisions to incorporate up-to-date and reliable information. Now that so many other analyses, including the Election Day Survey, have been released, we were challenged by different interpretations of the same basic facts. But the reconciliation of interpretation and data collection has been invaluable in establishing rigor in our report.

Work Plan: We completed revisions of the narratives incorporating comments from the PRG.

PROVISIONAL VOTING STATISTICAL ANALYSIS

Description: Throughout September the Eagleton research team revised and clarified its statistical analysis, and worked to reconcile the classifications of this analysis (such as states counting only those provisional ballots cast within the proper precinct versus states that counted ballots cast within the proper county) with the classification made in other parts of this study or in other studies (such as the Election Day Study or *Electionline* reports).

Progress: In response to comments from the PRG, we have clarified and sharpened the presentation on the methods used and results achieved in the statistical analysis. We have double checked the classification of variables upon which the study is based and reconciled differences in various areas of the overall study. This effort is nearing completion.

Challenges: The difficulties encountered have been a result of communication delays and time constraints. Overall, these are not problems or hindrances, but simply slow down the process.

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Work Plan: In mid-October we aim to complete a final revision of the statistical analysis and a full reconciliation of all data within the study.

SURVEY OF COUNTY ELECTION OFFICIALS

Description: The Eagleton Center for Public Interest Polling (CPIP) conducted a national survey of county election officials to measure several aspects of Provisional Voting.

Progress: The analysis of the survey results and findings report is complete. As a result of the critique by the PRG, the research team is revising and clarifying the descriptions of the survey design and sample selection process to make the research methods more transparent.

Work Plan: We used the information from the survey in drafting the analysis and alternatives document required under Task 3.5. We will include necessary clarifications regarding survey design and sample selection in the final analysis and alternatives document.

Peer Review Group

Most members of the PRG met by telephone conference on September 21 to comment on all the research described above. Participating in the meeting were Michael Alvarez, Martha Kropf, Dan Lowenstein, Peter Verniero, Brad Smith, and Tim Storey. Timothy O'Rourke contributed his comments separately. The group provided a detailed critique of our approach, methods, and conclusions, and we are now revising each document in response to the comments and suggestions. It praised the quality of the work and the rigor of much of the analysis. A summary of the suggestions from the members of the PRG is attached to this report.

Challenges and Work Plan

Making arrangements for review of drafts by the PRG and by the EAC has taken longer than anticipated by the Work Plan. The schedule called for all research and analysis to have been completed and incorporated into a Draft Preliminary Guidance Document by mid September. The review process by the EAC and PRG took longer than contemplated by the Work Plan. And we now understand that the EAC will make a separate decision --that will require additional time-- whether to issue a Guidance Document or recommendations for best practices. It has not, therefore, been possible to schedule a public hearing or arrange for review of our work by the EAC's advisory boards, as called for in the Work Plan. We now aim to complete our reports and recommendations for guidance by the end of October, and to then await a response from the EAC before scheduling submission to the advisory boards or making arrangements for a hearing.

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VOTER IDENTIFICATION REQUIREMENTS

The contract lists 7 tasks (3.10 – 3.16) related to Voter Identification Requirements. The research on Voter ID requirements is proceeding concurrently with our work on the experience of Provisional Voting, and is becoming the principal focus of our research.

Task 3.10: Legislation, regulations, and litigation

The research team at the Moritz College of Law has the lead responsibility for the collection and analysis of legislation, administrative procedures and litigation with regard to Voter Identification Requirements. This collection of material is nearing completion. It will constitute the compendium of legislation, administrative regulations, and case law called for under this task.

Description: The Moritz team has compiled statutes on Voter Identification, and will provide a summarized analysis of this research to the project team for review.

Progress: The 50 State (plus the District of Columbia) chart has been completed, the voter identification statutes have been collected for all states and D.C., and summaries of the existing voter identification statutes have been written for all states and D.C.

Challenges: Identifying the relevant statutes has been challenging because of the different terminology used from state to state to codify voter identification issues, and because many states have scattered election law provisions throughout their codes. This variety from state to state makes creating a snap-shot view across states a challenge.

Work Plan: Analysis of voter identification data will begin now.

SUPPLEMENTS TO LEGAL ANALYSIS

To supplement the legal analysis, the Eagleton team is undertaking two research efforts: First, compiling information on the debate over voter ID in the states; and second, estimating the effect on turnout of different voter ID regimes. Tracking the continuing political debate over voter identification reveals that the relatively narrow HAVA requirements for voter identification have apparently sparked in many states a broader concern and a sharp political debate over rigorous identification requirements for all voters. The research follows these developments both to monitor possible secondary effects of HAVA on voter ID, and to provide a rich collection of alternative approaches for consideration.

Individual narratives for the states with significant activity in voter ID will provide a resource for understanding the wide range of experience in the 2004 election. The narratives will include an appraisal of the prevalence and nature of vote fraud, a focus of the concern with increasing the rigor of voter ID requirements. We understand that the EAC has issued a

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research contract that will focus on vote fraud and vote suppression. Our research in this area will be limited to developing an understanding of the tradeoffs between ballot security and access to the ballot. We have completed the basic database on voter identification issues has been completed, and the next key step will be drafting the first narratives.

VOTER ID AND TURNOUT ANALYSIS

The second supplemental analysis will provide objective information on a contentious feature of the debate over voter ID in the states: the effects of more rigorous voter ID regimes on voter turnout and the relationship between the voter ID regime and vote fraud. As part of this effort, Eagleton is undertaking a statistical analysis to gauge the effect of a state's voter ID regime on turnout, especially turnout by minority and elderly voters.

Description: We have created a database and gathered statistics on the effects of state-level voter identification requirements on voter turnout at the county-level in the 2004 election.

Progress: The collection of data for the Voter ID-Turnout analysis is complete. The assembled database contains population demographic data, voter registration data and voter turnout data from all 50 states, 3113 Counties, and the District of Columbia. We have also utilized exit poll data collected on Election Day 2004 as a resource for understanding the demographics of voter turnout.

Challenges: The analysis of these data has been postponed until the data reconciliation of Provisional Voting is complete. The main challenge now is an issue of time management. As a result of the extensive revision and data reconciliation efforts aimed at the Provisional Voting section of our work VID has been temporarily placed on hold.

Work Plan: The analysis of the impact that voter identification requirements have upon voter turnout should be completed by early November.

015654

PROJECT MANAGEMENT

PEER REVIEW GROUP

Description: A feature of our proposal was the creation of a PRG. It reviews our research and methodology and provides valuable feedback and suggestions for the direction of our work.

Progress: The research team held its first conference call with PRG members on September 19, 2005. The research team will hold a workshop meeting on October 19, 2005 to address the PRG's comments.

Challenges: To date we still have not heard back from two PRG Members.

Projections: Revisions and clarifications to our reports on Provisional Voting will be resolved by the end of October. We will need to schedule a second conference call to review our research with regard to Voter Identification Requirements in late November. As noted earlier, a summary of the comments we have received from the PRG is attached to this report.

COORDINATION AND INFORMATION MANAGEMENT

Collecting and merging information and data from myriad sources is a demanding requirement of this research. We have developed two principal mechanisms to facilitate the analysis of the material collected or created in the project: an information system and an internal website for easy access to drafts and reports.

INFORMATION SYSTEM

Description: The statutory data and reports prepared by the Moritz College of Law is being merged with the political and procedural data and analysis prepared by the Eagleton Institute of Politics to provide a cohesive final product to the EAC, which will include a compendium of case law and statutes regarding Provisional Voting and voter identification.

Progress: At this point in the research process, many documents are complete after a lengthy process of circulating drafts among team members. We have reorganized our system by separating final drafts from earlier versions of documents, discarding dated files contained in the Information System, and updating the system as a whole.

Projections: The entire project team continues to use the Information System which contains the above referenced research, in working toward the preparation for our final reports to the EAC.

INTRANET

015055

Description: All project team members have signed on to the Intranet site. The Intranet facilitates the exchange of information and collaboration among project participants.

Progress: Project team members regularly post drafts, completed materials and spreadsheets online for internal review. The intranet has helped team members and serves as an internal website with announcements and important documents readily available to all team members.

FINANCIAL REPORT

The financial reporting for this project is supervised and prepared by the Division of Grant and Contract Accounting (DGCA) at Rutgers. Financial reporting on grant accounts is limited to actual expenses that have been incurred during the reporting period. Our contact at DGCA is: Constance Bornheimer, (732) 932-0165, EXT. 2235.

A detail of expenses incurred from project September 1- September 30, 2005, will be sent under separate cover to: Ms. Dianna Scott, Administrative Officer at the EAC.

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Then discuss

Job Description

U.S. Election Assistance Commission (EAC) Voter Fraud and Voter Intimidation Project Consultant

The U.S. Election Assistance Commission (EAC) seeks to identify a senior-level project consultant to develop various project activities and studies related to U.S. election voter fraud and voter intimidation. *APR 16 2005*

The consultant must have knowledge of voter fraud and intimidation along with an understanding of the complexities, nuances and challenges which surround the topics. The EAC is particularly interested in candidates with experience in elections, with public policy and the law. The consultant must be able to demonstrate an ability to approach the issues of voter fraud and intimidation in a balanced, nonpartisan fashion.

This consultant, whose contract would run for the period June-November, 2005, would be responsible for:

- Identifying and convening a working group of key individuals and organizations knowledgeable about the topics of voter fraud and intimidation;
- Developing a project scope of work and a project work plan related to voter fraud and intimidation;
- Authoring a report summarizing the key findings of this preliminary study of voter fraud and intimidation. The report will also include suggestions for specific activities the EAC may undertake around these topics. *APR 16 2005*

research
From this initial research and exploration of these topics the consultant may be retained to help oversee research projects and contracts EAC may develop on the topics of voter fraud and intimidation.

EAC's consultant fees are competitive and are awarded based on the candidate's relevant background and experience.

C15057

STATUS OF PEER REVIEW GROUP RECRUITMENT

(As of August 17, 2005)

R. Michael Alvarez, Ph.D.

Professor of Political Science
California Institute of Technology
Name not found on opensecrets.org or fec.gov
Professional bio attached

YES/CONFIRMED

Conny McCormick

*Dem. (not because)
Jennifer Collins-Fisher
all*

Guy-Uriel Charles

Associate Professor, School of Law
University of Minnesota
612-626-9154
Name not found on opensecrets.org or fec.gov
Bio attached

YES*

Brad Clark

Professor of Law
George Washington University School of Law
Name not found in opensecrets.org or fec.gov
Bio attached

NO

Pamela Susan Karlan

Montgomery Professor of Public Interest Law
Stanford Law School
650-725-4851
Name not found on opensecrets.org or fec.gov
Bio attached

YES

Martha E. Kropf, Ph.D.

Assistant Professor of Political Science
University of Missouri-Kansas City
816-235-5948; KropfM@umkc.edu
Name not found on opensecrets.org or fec.gov
CV attached (member of NWPC – issue info attached)

YES/CONFIRMED

Daniel H. Lowenstein

Professor of Law
UCLA
310-825-4841
Name not found on opensecrets.org or fec.gov
Bio attached

YES

John F. Manning

Professor
Harvard Law School
Contributed \$500 to NRCC in 2002 as per opensecrets.org and fec.gov
Bio attached

NO RESPONSE

015658

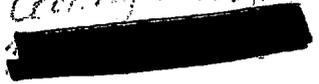
Prober & Montgomery - Poli Sci Univ of MO

Tim Storey
Program Principal
Legislative Management Program
National Conference of State Legislatures
Possible contribution of \$250 to Kerry camp. In 2004 (not sure if same person)
No bio found

*Bipartisan
Org. bio requested*

YES/CONFIRMED

NGSL for Bio
NATALEE O'Donnell
Leg. Mgmt Program



Peter G. Verniero, Esq.
Counsel
Sills, Cummis, Epstein and Gross, PC
(Former NJ Attorney General and Supreme Court Justice)
Name not found on opensecrets.org or fec.gov
Bio attached

YES/CONFIRMED

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PEER REVIEW INFO - PRODU. UBTINER
ID REQUIREMENTS

01/15/10

Biographical Sketch

R. Michael Alvarez, Ph.D.
Professor of Political Science
Division of the Humanities and Social Sciences
California Institute of Technology
rma@hss.caltech.edu
<http://www.hss.caltech.edu/rma/home.html>
626-395-4422

R. Michael Alvarez was selected by *Scientific American* magazine to be on the 2004 "Scientific American 50" for his outstanding scientific and technological contributions to help improve the U.S. voting system. He has taught political science at Caltech since December 1992. He received his B.A. in political science in 1986 from Carleton College; he received his M.A. and Ph.D. from Duke University in 1990 and 1992, respectively. Alvarez was named an Associate Professor in April 1995, received tenure in June 1997, and was promoted to Professor in March 2002. Alvarez has focused most of his research and teaching on the study of electoral politics in the United States. His first book, *Information and Elections*, was published in the spring of 1997: This project examined the question of how much American voters know about presidential candidates and how they obtain that information. His second book, *Hard Choices, Easy Answers* (with John Brehm), is a study of American public opinion about divisive social and political issues. His recent book (published January 2004), *Point, Click, and Vote: The Future of Internet Voting* (with Thad E. Hall), published by Brookings Institution Press, examines the controversies swirling around the Internet voting in the United States. He has also published many articles on electoral behavior and public opinion in the United States and other advanced industrial democratic nations.

Alvarez has received a number of honors and grants for his work. He was named the "Emerging Scholar" by the American Political Science Association's Voting Behavior and Public Opinion Section in 2002. He was a John M. Olin Faculty Fellow (1994-95) as well as a John Randolph Haynes and Dora Haynes Faculty Fellow (1994, 1997, 1999, 2002). Alvarez received the Sprague Award with John Brehm for their work on public opinion, and the Durr Award with Jonathan Nagler for their work on modeling elections. Also, Alvarez has received financial support for his research from the National Science Foundation, The IBM Corporation, the Carnegie Corporation of New York, and the Knight Foundation. Alvarez edits the Analytical Methods for Social Research book series and is on the editorial boards of a number of academic journals: American Journal of Political Science, American Politics Quarterly, Election Law Journal, Political Behavior, The Journal of Politics and Political Research Quarterly. He was the editor of *The Political Methodologist*, 1993-96.

Professor Alvarez is Co-Director of the Caltech-MIT Voting Technology Project, researching technological solutions to electoral problems, and is the Principal Investigator of the "Secure Electronic Registration and Voting Experiment" Evaluation. He has been an expert witness in a series of recent court cases, including California's defense of the blanket primary (California Democratic Party v. Jones), Bradley v. Compton, and Cano v. Davis. He has testified before a number of organizations, including the U.S. Senate. He was an outside consultant for Knight Ridder on their 2000 Hispanic Voter Poll, and in 2004 is a consultant to Greenberg, Quinlan, Rosner Research Inc. in their research on the Hispanic electorate. Alvarez is a frequent guest on Pasadena's National Public Radio affiliate, KPCC-FM, and writes opinion pieces for local newspapers. He has been interviewed for National Public Radio, Jim Lehrer's NewsHour, CNN, ABC, NBC News, and for many state, national and international newspapers.

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Professor of Law

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Telephone: (202) 994-2073
Fax: (202) 994-5654

Education: B.A., Florida State University; J.D., Columbia University

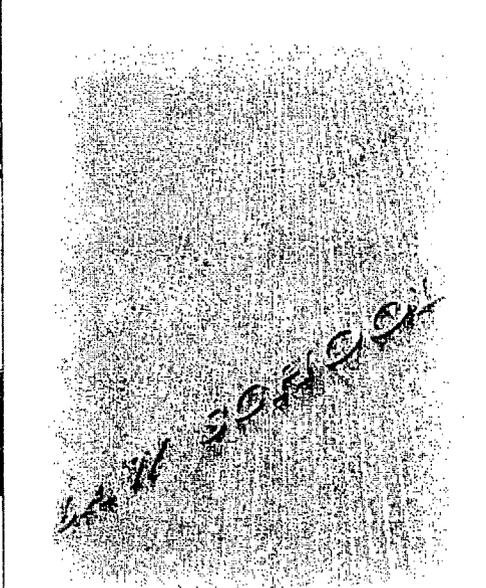
Biographical sketch: Before coming to the Law School in 1993, Professor Clark spent several years practicing law in the Washington, D.C., office of Gibson, Dunn & Crutcher, where he specialized in appellate litigation. Previously, Professor Clark served as an attorney adviser in the Department of Justice's Office of Legal Counsel, where he provided legal advice to the president, the attorney general, and the heads of executive departments. Professor Clark also served as a law clerk to Judge Robert H. Bork of the U.S. Court of Appeals for the D.C. Circuit and to Supreme Court Justice Antonin Scalia. Professor Clark teaches and writes in the areas of civil procedure, constitutional law, and federal courts.

Current Semester Courses: Civil Procedure I, Law Review

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FAQULT

Pamela S. Karlan

Kenneth and Harle Montgomery Professor of Public Interest Law

karlan@stanford.edu
650/725-4851

Education

- BA, Yale, 1980
- MA, Yale, 1984
- JD, Yale, 1984

Employment History

- Clerk to Judge Abraham D. Sofaer, U.S. District Court, Southern District of New York, 1984-85; to Justice Harry A. Blackmun, U.S. Supreme Court, 1985-86
- Assistant Counsel, NAACP Legal Defense & Educational Fund, 1986-88; Cooperating Attorney, 1988-^{Nixon}
- Associate Professor, U. of Virginia, 1988-93; Professor, 1994-98
- Visiting associate Professor, Yale, 1992; NYU 1993
- Visiting Professor, Harvard, 1994-95; Stanford 1996; U. of Virginia, 2002
- Joined the Stanford faculty in 1998; Academic Associate Dean, 1999-2000; Montgomery Professor, 1999-
- Commissioner, California State Fair Political Practices Commission, 2003—

Professional Affiliations

- Member, American Law Institute
- Cooperating Attorney, NAACP Legal Defense & Educational Fund
- Commissioner, California Fair Political Practices Commission

Honors and Awards

- University of Virginia All-University Outstanding Teaching Award, 1995-96
- State Council on Higher Education in Virginia

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Outstanding Faculty Award, 1997

- The Public Sector 45, *American Lawyer*, 199
- John Bingham Hurlbut Award for Excellence Teaching, Stanford, 2002

Principal Subjects

- Constitutional law
- Constitutional litigation
- Civil rights and antidiscrimination law
- Legal regulation of the political process
- The Supreme Court

Courses

- Constitutional Law I
- Constitutional Litigation
- Supreme Court Litigation Clinic
- Supreme Court Term

Curriculum Vitae

Selected Publications

- The Law of Democracy: Legal Structure of th Political Process, rev. 2d. ed. 2002 (with Samuel Issacharoff and Richard H. Pildes)
- Civil Rights Actions: Enforcing the Constitutic 2000 (with John C. Jeffries, Jr., Peter W. Low and George A. Rutherglen)
- "Easing the Spring: Strict Scrutiny and Affirmative Action After the Redistricting Cases," 43 Wm. & Mary L. Rev. 1569 (2002) (Cutler Lecture)

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Dr. Martha E. Kropf

Department of Political Science
University of Missouri-Kansas City
213 Haag Hall, 5100 Rockhill Road, Kansas City, MO 64110
(816) 235-5948; KropfM@umkc.edu

- Appointment** University of Missouri-Kansas City, Assistant Professor of Political Science (Research Methods, Urban Politics, American Government, Political Behavior) August 1999-present.
- Education**
- American University**
Ph.D., Political Science, May 1998
Fields: American Government, Policy Analysis, and Public Economics
Dissertation: "Viewers Like You: Community Norms and Contributions to Public Broadcasting"
- Kansas State University**
B.A. in Journalism and Political Science
Graduated in May 1991, Summa Cum Laude, Phi Beta Kappa
- Inter-University Consortium for Political and Social Research**, Statistics Classes, June/July 2000. Classes: "Maximum Likelihood Estimation" and "Scaling and Dimensional Analysis"
- Past Employment**
- Project Coordinator, University of Maryland Survey Research Center
May 1997-July 1999
- Worked with all aspects of survey research, specializing in questionnaire design
 - Worked directly with clients to design survey instruments
 - Ensured that surveys were completed on schedule and within budget
 - Coordinated projects for clients such as the Harvard School of Public Health, the Maryland Department of Public Health, and the Prince George's County, MD Public Schools
- Classes Taught**
- PS 302: Political Research and Analysis
PS 305: Survey Research and Analysis (Service Learning class)
PS 309: Public Opinion and Voting Behavior
PS 315: Public Policy
PS 438: Urban Politics
PS 505: Scope and Methods of Political Science (graduate level methodology)
PS 524: Urban Politics (graduate level)
- Publications**
- Articles**
- Kropf, Martha and Johnny Blair. "Testing Theories of Survey Cooperation: Incentives, Self-Interest and Norms of Cooperation." Forthcoming. *Evaluation Review*.
- Knack, Stephen and Martha Kropf. 2003. "Roll Off at the Top of the Ballot: Intentional Undervoting in American Presidential Elections." *Politics & Policy* 31(4): 575-594.
- Kropf, Martha and Stephen Knack. 2003. "Viewers Like You: Community Norms and Contributions to Public Broadcasting." *Political Research Quarterly* 56(2): 187-195.
- Knack, Stephen and Martha Kropf. 2003. "Invalidated Ballots in the 1996 Presidential Election: A County-Level Analysis." *Journal of Politics*. 65(3): 881-897.

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Publications

Articles, continued

- Kropf, Martha, E. Terrence Jones, Matt McLaughlin and Dale Neuman. 2003. "The 2002 Missouri Senate Race." *PS Online*, <http://www.apsanet.org/PS/july03/kropf.pdf>. Abstract reprinted in *PS: Political Science and Politics*, July 2003: 407.
- Knack, Stephen and Martha Kropf. 2002. "Who Uses Inferior Voting Technology?" *PS: Political Science and Politics*. September: 541-548.
- Kropf, Martha E. and John A. Boiney. 2001. "The Electoral Glass Ceiling: Gender, Viability and the News in U.S. Senate Campaigns." *Women & Politics*, Vol. 23(1/2): 81-105; reprinted in *Women and Congress: Running, Winning and Ruling*, edited by Karen O'Connor, 2001, New York: The Haworth Press, pp. 79-103.
- Jones, Terrence E., Martha Kropf, Dale Neuman, Maureen Gilbride and Chris Elkin "The Presidential Primaries in Missouri." *PS Online*, <http://www.apsanet.org/PS/june01/jones.cfm> June 2001. Abstract reprinted in *PS: Political Science and Politics*, June 2001, p.271.
- Kropf, Martha E., Anthony Simones, E. Terrence Jones, Dale Neuman, Allison Hayes and Maureen Gilbride Mears). "The 2000 Missouri Senate Race." *PS Online*, <http://www.apsanet.org/PS/june01/kropf.cfm> June 2001. Abstract reprinted in *PS: Political Science and Politics*, September 2001, p. 600.
- Knack, Stephen and Martha Kropf. 1998. "For Shame! The Effect of the Community Cooperation Context on the Probability of Voting." *Political Psychology* 1998(19): 585-599.
- Dolan, Julie, Marni Ezra, Martha Kropf and Karen O'Connor. 1997. "The Future of Our Discipline: The Status of Doctoral Students in Political Science." *PS: Political Science and Politics* 1997(XXX): 751-756.
- Blendon, Robert J., John T. Young, Marie C. McCormick Martha Kropf and Johnny Blair "Americans' Views on Children's Health." *Journal of the American Medical Association*, December 23/December 30, 1998, pp. 2122-2127.

Book Chapters

- Knack, Stephen and Martha Kropf. "The Use of Inferior Voting Technology: The Election Reform Myth" in *The Florida President Recount Controversy and Election Reform in the U.S.*, edited by Henry Brady and Bernard Grofman. (Forthcoming, N.D., Cambridge University Press.)
- Kropf, Martha. "Dogs and Dead People: Incremental Election Reform in Missouri." In *Election Reform: Politics and Policy*, edited by Daniel J. Palazzolo and James W. Ceaser, (Forthcoming, 2004, Lexington Books).
- Kropf, Martha. "Question Wording and Context Matters" forthcoming, *The Encyclopedia of Public Opinion Research* (forthcoming, Fall 2004, ABC-CLIO).
- Kropf, Martha. "Methods of Collecting Survey Data," forthcoming, *The Encyclopedia of Public Opinion Research* (forthcoming, Fall 2004, ABC-CLIO).

Book Chapters, continued...

Kropf, Martha and Stephen Knack. 2004. "Balancing Competing Interests: Voting Equipment in the 1996 Presidential Election." in *Counting Votes: Lessons from the 2000 Presidential Election in Florida*, edited by Robert P. Watson, (University of Florida Press).

Kropf, Martha, E. Terrence Jones, Matt McLaughlin and Dale Neuman. 2004. "Battle for the Bases: The 2002 Missouri Senate Race." In *The Last Hurrah: Soft Money and Issue Advocacy in the 2002 Congressional Election*, edited by David Magleby and Quin Monson, Brookings Institution Press.

Kropf, Martha E. 2003. "Talent Defeats Carnahan in the Show-Me State." In *The Roads to Congress 2002*, edited by Sunil Ahuja and Robert Dewhurst, BookMasters, Inc.

Robinson, John P. and Martha Kropf. 1999. "Specialized Political Attitude Scales." Appendix to Chapter 1 of *Measures of Political Attitudes*, edited by John P. Robinson, Phillip R. Shaver, and Lawrence S. Wrightsman, The Academic Press.

**Publications
In Progress**

Articles Under Review

Kropf, Martha, Janine Parry, Jay Barth and E. Terrence Jones. "Pursuing the Early Voter: Which Bird Gets the Worm?" Revise and resubmit.

Kimball, David and Martha Kropf. "Ballot Design and Unrecorded Votes in the 2002 Midterm Election." Under review.

Kropf, Martha and Stephen Knack. "Technological Trade-offs: The Effects of Second Chance Technology on the Probability of Voting." Under review.

Parry, Janine, Jay Barth, Martha Kropf and E. Terrence Jones. "Mobilizing Voters: A Dynamic Model of Campaign Effects." Under review.

Book in Progress:

Viewers Like You: Community Norms and Contributions to Public Broadcasting.

Book Reviews

Kropf, Martha. 2003. Book review of *Mediated Politics: Communication in the Future of Democracy*, Edited by W. Lance Bennett and Robert M. Entman. *Journal of Politics*, 65(3): 940-942.

Kropf, Martha. 1999. Book Review of *Reflections on Statistics: Learning, Teaching and Assessment in Grades K-12*, Edited by Susanne P. Lajoie. *Journal of Official Statistics*. 15(3): 466-468.

**Monographs/
Grant Reports**

Jones, E. Terrence, Martha Kropf, Matt McLaughlin and Dale Neuman. 2003. "The Missouri Senate Race." In *The Last Hurrah: Soft Money and Issue Advocacy in the 2002 Congressional Elections*, edited by David B. Magleby and J. Quin Monson. Report of a Grant Funded by the Pew Charitable Trusts, Center for the Study of Elections and Democracy: Brigham Young University.

Kimball, David and Martha Kropf. 2002. "Federal Election Reform Bill Will Require Action by Missouri." Missouri Legislative Academy Issue Brief, #02-02.

Kropf Vitae, page 4 of 9
Monographs, continued...

Kropf, Martha, Jennifer Wilding and Valley Renshaw. 2002. "Kansas City Consensus Issue Identification Survey." Grant Report to Center for the City, University of Missouri Kansas City and Kansas City Consensus.

Kropf, Martha and Johnny Blair. "There's No Place Like Home: Using Time Diary Data to Predict Respondent Availability." *2000 Proceedings of the American Statistical Association: Section on Survey Research Methods*, Alexandria, VA.

Kropf, Martha, Anthony Simones, E. Terrence Jones, Dale Neuman, Allison Hayes, and Maureen Gilbride Mears. 2001. "The 2000 Missouri Senate Race," in *Soft Money and Issue Advocacy in the 2000 Congressional Elections*, edited by David B. Magleby. Report of a Grant Funded by the Pew Charitable Trusts, Center for the Study of Elections and Democracy: Brigham Young University.

Jones, E. Terrence, Martha Kropf and Dale Neuman. 2001. "The Presidential Primaries in Missouri," in *Getting Inside the Outside Campaign: Issue Advocacy in the 2000 Presidential Primaries*, edited by David B. Magleby. Report of a Grant Funded by the Pew Charitable Trusts, Center for the Study of Elections and Democracy: Brigham Young University.

Kropf, Martha, Johnny Blair and Julie Scheib. "The Effect of Alternative Incentives on Cooperation and Refusal Conversion in a Telephone Survey." *Proceedings of the 1999 American Association for Public Opinion Research Meeting*.

Kaplan, Lori and Martha Kropf. *National Public Radio, 1999 Field Guide to Giving*, NPR Office of Strategic Planning and Audience Research.

Biographies for *The Encyclopedia of Women in American Politics*, (Oryx Press, 1999).

**Grants/
Contracts**

"Issue Advocacy and Soft Money in the 2004 Presidential Election in Missouri." Center for the Study of Elections and Democracy, Brigham Young University. Award: \$8,450. (May 2004-February 2005). This award funds research concerning campaign activity in the presidential race in Missouri.

"Public Opinion Toward the Library in the Community." Kansas City, Missouri Public Library. Contract: \$6,372. (January 2004-June 2004). This grant/contract funds the survey conducted by my class, "Survey Research and Analysis," which is a service learning class at UMKC.

"Explaining Unrecorded Votes in Elections." University of Missouri System Research Board Grant, Requested \$48,468, Awarded \$38,468 (with David Kimball).

"Issue Advocacy and Soft Money in the 2002 Missouri Senate Election." Center for the Study of Elections and Democracy, Brigham Young University. Award: \$4400. (August 2002-February 2003). This award funds research concerning campaign activity in the Carnahan/Talent Senate race (with Dale A. Neuman).

"Voting and the Media: A New Look at Public Journalism." University of Missouri-Kansas City Faculty Research Grant, Award: \$6,000. (December 2001-January 2003).

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Kropf Vitae, page 5 of 9

Grants/Contracts, continued...

"Kansas City Consensus Issue Identification Survey." University of Missouri-Kansas City, Center for the City, Faculty Knowledge Fund, Award: \$5,815. (January 2002-May 2002). This award provided the funding for a survey conducted by my class "Survey Research and Analysis" for the Kansas City Consensus, a policy research and advocacy group.

"Invalidated Ballots in the 1996 Presidential Election: A County-Level Analysis." University of Missouri-Kansas City Research Incentive Fund, Award: \$350. (April 2001). This award allowed me to purchase data for the voting equipment project.

"Issue Advocacy and Soft Money in the 2000 Missouri Senate and Presidential Elections." Center for the Study of Elections and Democracy and the Pew Charitable Trust Fund, \$13,500, 1999-2000 (with Dale A. Neuman). This award funded research concerning issue advocacy and soft money spending in the 2000 Missouri Senate and presidential elections.

"Viewers Like You: Community Norms and Contributions to Public Broadcasting, Part II." Aspen Institution Nonprofit Sector Research Fund, Dissertation Grant, Award: \$5,915, January 1997-September 1997. (Grant #96-2-NSRF-06).

Pending Grant Applications

"Ballot Design and Unrecorded Votes." (With David Kimball).

- Application submitted to Smith Richardson Foundation Domestic Public Policy Research Fellowship Program, June 2004 (\$60,000).
- Letter of Inquiry submitted to Carnegie Corporation of New York, July 2004.
- Application submitted to National Science Foundation, August 2004.

Conferences

Presentations

"Going Negative in Competitive U.S. Senate Elections: Who Notices and So What?" Paper prepared for presentation at the 100th Annual Meeting of the American Political Science Association, September 2-5, 2004, Chicago, IL (with E. Terrence Jones, Jay Barth and Janine Parry).

"Giving People What They Want: Is Synchronicity Between Desired Political Communication and Campaign Activity Important in Shaping Voter Turnout?" Paper prepared for presentation at the 27th Scientific Meeting of the International Society of Political Psychologists, July 2004, Lund, Sweden (with Jay Barth, E. Terrence Jones and Janine Parry).

"Ballot Design and Unrecorded Votes in the 2002 Midterm Election." Paper prepared for presentation at the 2004 American Association for Public Opinion Research Meeting, May 13-16, 2004, Phoenix, AZ (with David Kimball).

"Public Opinion Toward the Library in the Community." Paper prepared for presentation at the 2004 American Association for Public Opinion Research Conference, May 13-16, 2004, Phoenix, AZ (with Linda Babcock, Brian Barton, Michael Joyce, Jennifer Lyon and Mendel Martin).

"Early and Absentee Voting and Unrecorded Votes in the 2002 Midterm Election." Paper prepared for presentation at the 2004 Midwest Political Science Association Meeting, April 15-18, 2004, Chicago, IL (with David Kimball).

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Conference Presentations, continued...

- "Floating Voters in Competitive U.S. Senate Elections: The 2002 Arkansas and Missouri Contests." Paper presented at the 2004 Western Political Science Association Meeting, March 11-13, 2004, Portland, OR (with E. Terrence Jones, Janine Parry and Jay Barth).
- "Mobilizing Voters: A Dynamic Model of Campaign Effects." Paper prepared for Presentation at the 2003 Southern Political Science Association Meeting, January 8-11, 2004, New Orleans, LA (with Janine Parry, Jay Barth and E. Terrence Jones).
- "Pursuing the Early Voter: Which Bird Gets the Worm?" Paper prepared for Presentation at the 2003 Northeastern Political Science Association Meeting, November 7-9, 2003, Philadelphia, PA (with Janine Parry, Jay Barth and E. Terrence Jones).
- "Ballot Design and Unrecorded Votes in the 2002 Midterm Election." Paper prepared for Presentation at the 99th Annual American Political Science Association Meeting, August 28-31, 2003, Philadelphia, PA (with David Kimball.)
- "Dogs and Dead People: Incremental Election Reform in Missouri." Paper prepared for the Conference on Election Reform: Politics and Policy, May 29, 2003, Washington, DC.
- "The 2002 Missouri Senate Race." Paper presented at the 2003 Midwest Political Science Association Meeting, April 3-6, 2003, Chicago, IL (with E. Terrence Jones, Matt McLaughlin and Dale Neuman).
- "The Effect of Second Chance Technology on the Probability of Voting." Paper presented at the 2003 Midwest Political Science Association Meeting, April 3-6, 2003, Chicago, IL (with Stephen Knack).
- "Missouri's Legacy: Jean Carnahan and Her Run for Senate." Paper presented at the 2002 Southern Political Science Association Meeting, November 6-9, 2002, Savannah, GA.
- "Challenges of Survey Research: An Active Learning Experience." Poster presented at the 57th Annual American Association for Public Opinion Research Meeting, May 16-19, 2002, St. Pete's Beach, FL (with Kadie Bangura, Joel Blevins, Janette Henson, Brooke Hawkins and Tracy Rogers).
- "Communicating Civic Norms of Cooperation: The Case of PBS." Paper presented at the 60th Annual Midwest Political Science Association Meeting, April 25-28, 2002, Chicago, IL.
- "Invalidated Ballots in the 1996 Presidential Election: A County-Level Analysis." Paper presented at the 2001 Southern Political Science Association Meeting, November 7-11, 2001 (with Stephen Knack). Also presented at the 2002 Public Choice Society Meeting, March 21-24, 2002, San Diego, CA.
- "The Missouri Senate Election." Paper presented at the 2001 American Political Science Association, August 30-September 2, 2001, San Francisco, CA (with Anthony Simones, E. Terrence Jones, Dale Neuman, Allison Hayes, and Maureen Gilbride Mears).
- "Voting and the Media: A New Look at Public Journalism." Paper presented at the 2001 Midwest Political Science Association. April 18-22, 2001, Chicago, IL.

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Conference Presentations, continued...

- "Who Uses Inferior Voting Technology?" Paper presented at the 2001 Public Choice Society Meeting, March 9-11, 2001, San Antonio, TX (with Stephen Knack).
- "The Missouri Primary." Paper presented at the American Political Science Meeting, Washington, DC, August 31-September 2, 2000 (with E. Terrence Jones and Dale Neuman, with Sam Dreiling and Maureen Gilbride Mears).
- "Won't You Be My Neighbor? Community Norms and Contributions to Public Broadcasting." Paper presented at the 2000 American Political Science Meeting, Washington, DC, August 31-September 2, 2000.
- "Viewers Like You: Community Norms and Contributions to Public Broadcasting—A Survey of PBS Viewers." Paper presented at Public Broadcasting and the Public Interest Conference, University of Maine, Portland, Maine, June 15-18, 2000.
- "The Federal Radio Act of 1927: The Role of the Radio Industry in the Origins of Broadcast Regulation." Paper presented at the International Communication Association Meeting, Acapulco, Mexico, June 1-5, 2000.
- "There's No Place Like Home: Using Time Diary Data to Predict Respondent Availability." Paper presented at the Joint Session of the American Association for Public Opinion Research and the International Field Directors and Technologies Conference, Portland, Oregon. May 20, 2000 (with Johnny Blair and Jane Joseph).
- "The Effect of Incentives on Cooperation, Refusal Conversion and Home Recorder Contacts in Telephone Surveys." Paper presented at the Joint Session of the American Association for Public Opinion Research and the International Field Directors and Technologies Conference, St. Petersburg, FL. May 16, 1999 (with Julie Scheib and Johnny Blair).
- "Modeling Respondent Availability Using Time Diary Data." Paper presented at the 1998 Field Technology Conference, St. Louis, MO, April 18-20, 1998 (with Johnny Blair and Yun Chiao Kang).
- "Viewers Like You: Community Norms and Contributions to Public Broadcasting." Paper presented at the 1997 Association for Research on Nonprofit Organizations and Voluntary Action Annual Conference. December 4-6, 1997, Indianapolis, IN; also presented at the 1997 Southern Political Science Meeting, November 5-8, 1997, Norfolk, VA.
- "Viewers Like You: Community Norms and Contributions to Public Broadcasting." Paper presented at the 1997 American Political Science Association Meeting, August 28-31, 1997, Washington, DC (with Stephen Knack).
- "An Apple for the Teacher: Teaching Students to be Professors." Paper presented at the 1997 American Political Science Association Meeting, August 28-31, 1997, Washington, DC (with Julie Dolan, Marni Ezra and Karen O'Connor).
- "Coming into the Profession: The Professionalization and Socialization of Graduate Students in Political Science." Paper presented at the 1996 Northeast Political Science Association Meeting, November 14-16, 1996, Boston, MA (with Julie Dolan, Marni Ezra and Karen O'Connor).

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Conference Presentations, continued...

"Overworked, Overwrought and Underpaid: Teaching Students to Teach." Paper presented at the 68th Annual Southern Political Science Meeting, November 6-9, 1996, Atlanta, GA (with Julie Dolan, Marni Ezra and Karen O'Connor).

"Why Do People Contribute to Public Broadcasting?" Paper presented at the 1996 Public Choice Society Meeting, April 12-14, 1996, Houston, TX (with Stephen Knack).

"The Electoral Glass Ceiling: The Effect of Media on Women Senate Candidates." Paper presented at the 54th Annual Midwest Political Science Association Meeting, April 18-20, 1996, Chicago, IL (Co-author: John A. Boiney).

Other
Conference
Participation

Chair and Discussant, "U.S. Senate Campaigns and Elections." Annual Midwest Political Science Association Meeting, April 16, 2004.

Chair and Discussant, "Mandates and State Violence." 60th Annual Midwest Political Science Association Meeting, April 28, 2002.

Roundtable on "Soft Money and Issue Advocacy in the 2000 Elections." 2001 Western Political Science Association Meeting, March 15-17, 2001.

Discussant, "Structural Influences on Voter Turnout," 58th Annual Midwest Political Science Association Meeting, April 27-30, 2000.

Discussant, "Social Capital and Political Participation: National, Subnational and Cross-National Perspectives," 57th Annual Midwest Political Science Association Meeting, April 15-17, 1999.

Expert
Testimony

Offered Affidavit in *Working Families, et. al v. New York City Board of Elections* on behalf of the plaintiff (asked to participate by the Brennan Center for Justice, who was representing the plaintiff). (Summer 2003; case settled out of court. The NYC Board of Elections disabled the sensor latches on lever voting machines. The plaintiffs asked the Election Board to reconnect them.)

Offered Affidavit and Deposition in *Stewart v. Blackwell*, Ohio, on behalf of the plaintiffs, represented by the ACLU. (Fall 2003-present. In this lawsuit, the plaintiffs are asking the state and four counties to stop using punchcard ballots and optical scan voting equipment with central count ballots.)

Testified before the Blunt Commission on Electoral Reform, January 12, 2001, Hearings held at the University of Missouri-Kansas City

*Special Note: My colleague Stephen Knack testified before two United States Congressional Committees about our paper, "Who Uses Inferior Voting Technology?" (Committee on Rules and Administration, Hearing on Election Reform, and Committee on Governmental Affairs, Hearing on Federal Election Practices and Procedures).

Professional
Memberships

American Association for Public Opinion Research
American Political Science Association
Midwest Political Science Association
Southern Political Science Association
Midwest Association for Public Opinion Research

015672

- Honors** University of Missouri-Kansas City Faculty Scholar Award, 2004
University of Missouri System New Faculty Teaching Scholar, 2001-2002
Meriwether Lewis Fellow, University of Missouri-Kansas City, May 2001
Selected for New Faculty Tour (University of Missouri System), 2000
American University Award for Outstanding Scholarship at the Graduate Level (1998)
American University School of Public Affairs Award for Outstanding Scholarship at the Graduate Level (1998)
American University Dissertation Fellowship (1996)
American University Dean's Scholar (1993-1996)
Phi Beta Kappa, Pi Sigma Alpha, Mortar Board National Honor Society, Order of Omega
- Professional Service** Reviewer for *Journal of Politics*, *American Politics Review*, *Social Sciences Quarterly*, *American Journal of Political Science*, *Political Research Quarterly* and *State and Local Government Review*
Reviewer for Lynne Rienner Publications
Reviewer for University of Missouri System Research Board Grants
- University Service** Students in the City Steering Committee (Service Learning guidance), October 2003-present (Helped Select Service Learning Faculty Fellows for 2004).
Selection Committee, Center for the City Faculty Knowledge Fund Grants, 2002-2003
Search Committee, Research Director Joint Hire, College of Arts and Sciences and Center for the City, December 2002-May 2003.
Search Committee, Dean of the College of Arts and Sciences, October 2001-March 2002.
UMKC Faculty Council on Urban Affairs, May 2001-present.
University of Missouri System New Faculty Teaching Scholar, 2001-2002.
University Honors and Awards Advisory Board, 2002-present.
(Soros Scholarship and Truman Scholarship Selection Committees)
- Community Involvement** Regular interviews/appearances in/on local and national media outlets (KCUR-FM, *Kansas City Star*, *The Washington Post*).

"Public Opinion Toward the Library in the Community." Survey conducted for the Kansas City Public Library as a part of my Survey Research and Analysis Class, Spring 2004.

Data Analysis for "By the People." National deliberative democracy experiment held in various locations around the nation. Organized data entry and conducted data analysis for KCPT-TV, Kansas City's PBS affiliate, January 2004.

Mid-America Regional Council Public Managers' Workshops. Helped organize and lead "Political Characteristics of Metropolitan Kansas City." November 2003.

"Issue Identification Survey." Conducted for Kansas City Consensus as a part of my Survey Research and Analysis Class. Spring 2002.
- Community Activities** Member, Central United Methodist Church. (on the Church and Society Committee).
National Women's Political Caucus.
Block Captain, 5700 of Harrison Street, Kansas City, MO
- Family** Husband: John Szmer
Daughter: Gwendolyn Margaret Szmer, born September 26, 2003

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National Women's Political Caucus
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WOMEN WIN!

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ISSUES

Equal Rights Amendment

Equal Rights Amendment

An amendment to guarantee equal rights to women has still never been ratified and added to the U.S. Constitution, even though it was first introduced in 1923. The Equal Rights Amendme passed Congress in 1972 but lapsed in 1982 when it fell three states short of ratification.

Where we stand: The National Women's Political Caucus supports the adoption of the Equa Rights Amendment to the United States Constitution. [more...](#)

Health Care for Women

Long-Term Care Insurance

Long-term care is required for many Americans with permanent disabilities and illnesses. Assisted living, whether at home or in a nursing home,...

Where we stand: The National Women's Political Caucus supports long-term care insurance for women. [more...](#)

Equality of Insurance Benefits

A majority of insurance companies do not provide coverage for essential services, such as contraceptive drugs and devices. Contraceptives are a...

Where we stand: The National Women's Political Caucus supports mandatory coverage of family planning, including contraceptive drugs and devices. [more...](#)

Prescription Drug Coverage by Medicare

In December of 2003 Congress passed a law creating a Medicare prescription drug discount card, allowing those eligible for Medicare to receive...

Where we stand: The National Women's Political Caucus supports full coverage of prescription drugs by Medicare. [more...](#)

Judicial Appointments

Pro-Choice Judicial Nominees

In January of 1973 the Supreme Court legalized abortion, giving women the right to choose. The right to choose has been attacked recently,...

Where we stand: The National Women's Poltical Caucus supports pro-choice judicial nominees who will uphold Roe v. Wade and continue to give women the right to choose. [more...](#)

Reproductive Choice

Mandatory Waiting Periods for Abortions

015675

Mandatory waiting periods require women seeking abortions to wait for a period of time before the procedure may be performed. Generally, a...

Where we stand: The National Women's Political Caucus supports a woman's access to abortions without unnecessary hassle and delay. more...

International Human Rights for Women

Women are often the target of human rights violations specifically because they are women. Violence and sexual abuse in the home is still...

Where we stand: The National Women's Political Caucus supports human rights for all women across the globe, so that women may live in a free society. more...

RU486

In 2000, the Food and Drug Administration approved RU486, more commonly known as the abortion pill. RU486 is a non-surgical pill that enables...

Where we stand: The National Women's Political Caucus supports availability of RU486 and emergency contraception. The NWPC does not support pharmacists who determine who can and cannot receive them. more...

Violence Against Women Act

Violence Against Women Act Reauthorization 2005

The Violence Against Women Act (VAWA) of 2000 expires in 2005 and the remarkable gains we've made in ending domestic and sexual violence could come to a halt if Congress does not act quickly.

Where we stand: The National Women's Political Caucus supports the reauthorization and funding of the Violence Against Women Act. more...

Women and Education

Sex Education

Sex education provides accurate information on healthy relationships, peer pressure, contraception and abstinence in order for youth to use...

Where we stand: The National Women's Political Caucus supports comprehensive sex education that allows youth to know all of their options and make informed decisions. more..

Equal Pay

The Equal Pay Act of 1963 worked to end the pay differential that exists between men and women. The act made it illegal for employers to pay...

Where we stand: The National Women's Political Caucus supports equal pay for everyone, regardless of sex or race. more...

Women and Politics

Campaign Finance Reform

The total cost of the presidential and congressional campaigns in 2004 was just under \$4 billion dollars, up almost \$1 billion from 2000. In...

015676

Where we stand: The National Women's Political Caucus supports campaign finance reform that levels the playing field for candidates to run for office. [more...](#)

Working Families

Family Leave Act

The Family Leave Act mandated that an employer must allow an employee to take off up to 11 weeks of unpaid leave in a year in order to care for...

Where we stand: The National Women's Political Caucus supports the Family Leave Act and would like to see an expansion of its coverage. [more...](#)

A Living Wage

A living wage would increase the income of low wage earners so that they may be able to support their family without additional government...

Where we stand: The National Women's Political Caucus supports the adoption of a national living wage. [more...](#)

National Women's Political Caucus ·
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**Daniel Hays Lowenstein
Biography****Bibliography | Courses**

Daniel Hays Lowenstein
Professor of Law
Born New York, New York, 1943

A.B. Yale, 1964
LL.B. Harvard, 1967
UCLA Law faculty since 1979
lowenste@law.ucla.edu

Daniel Lowenstein teaches *Election Law, Statutory Interpretation & Legislative Process, Political Theory, and Law & Literature*. A leading expert on election law, he has represented members of the House of Representatives in litigation regarding reapportionment and the constitutionality of term limits. He is a member of the Board of Directors of the award-winning theatre troupe Interact and regularly brings the company to the School of Law to perform plays with legal themes, such as Sophocles' *Antigone*, Ibsen's *Rosmerholm*, and Wouk's *The Caine Mutiny Court Martial*.

Professor Lowenstein worked as a staff attorney at California Rural Legal Assistance for two and one-half years. While working for California's Secretary of State, Edmund G. Brown Jr. in 1971, he specialized in election law, and was the main drafter of the *Political Reform Act*, an initiative statute that California voters approved in 1974, thereby creating a new Fair Political Practices Commission. Governor Brown appointed Professor Lowenstein as first chairman of the Commission. He has served on the national governing board of Common Cause and has been a board member and a vice president of Americans for Nonsmokers' Rights.

Professor Lowenstein's textbook, *Election Law* (1995), appears to be the first text on American election law since 1877. He has written on such topics as campaign finance, redistricting, bribery, initiative elections, political parties, commercial speech, and *The Merchant of Venice*.

For information on Interact, click on:

<http://www.interactla.org/>

Professor Lowenstein represented certain plaintiffs in California ProLife Council PAC v. Scully, challenging California regulations of slate mail. For a pdf file containing the March 1, 2001, order of U.S. District Judge Lawrence K. Karlton declaring these regulations unconstitutional, use the following link:
<http://www.law.ucla.edu/faculty/bios/lowenste/slatemallover.pdf>

Read Professor Lowenstein's 10/02/2003 Daily Journal article: "[Valid Ballot - Panel Exploited Precedent to Rationalize Postponement of Recall Vote](#)".

015678

Harvard Law School**John F. Manning****Professor of Law**

Office: Griswold Hall 301
Assistant: Margaret Flynn 496-5487
Phone: (617) 495-5547
Email: jmanning@law.harvard.edu

Research Interests

- Administrative Law
- Federal Courts
- Separation of Powers
- Statutory Interpretation

Education

- Harvard College A.B. Summa Cum Laude 1982, History
- Harvard Law School J.D. Magna Cum Laude 1985

Appointments

- Professor of Law, 2004

Representative Publications

- Manning, John F. "The Eleventh Amendment and the Interpretation of Precise Constitutional Texts," 113 *Yale Law Journal* (2004).
- Manning, John F. "The Absurdity Doctrine," 116 *Harvard Law Review* 2387 (2003).
- Manning, John F. "Textualism and the Equity of the Statute," 101 *Columbia Law Review* 1 (2001).
- Manning, John F. "The Nondelegation Doctrine as a Canon of Avoidance," 2000 *Supreme Court Review* 223 (2000).
- Manning, John F. "Constitutional Structure and Judicial Deference to Agency Interpretations of Agency Rules," 96 *Columbia Law Review* 612 (1996).

Bibliography

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BROCKTON, MA 02302

NATIONAL REPUBLICAN CONGRESSIONAL COMMITTEE CONTRIBUTIONS

11/11/2002 500.00 22992974691

MANNING, JOHN F.
DORCHESTER, MA 02125
UMASS/SOCIAL WORKER

LYNCH, STEPHEN F
VIA STEPHEN F. LYNCH FOR CONGRESS COMMITTEE

03/26/2002 (DEM) 250.00 22990614443

Total Contributions: 750.00

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MANNING, JOHN F DORCHESTER,MA 02125	UMASS/SOCIAL WORKER	3/26/2002	\$250	Lynch, Stephen F

015682

DR. RONALD D. MICHAELSON

Residence

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Personal

[REDACTED]

Marital Status - Married with 2 children

U.S. Citizen

Education

Bachelor of Arts, Wheaton College, Wheaton, IL 1963

M.A. in Political Science, Northwestern University, Chicago, IL 1965

Ph.D. in Government, Southern Illinois University, Carbondale, IL 1970

Professional Experience

Political Consultant, June, 2003 to present

Current clients include the Sangamon County Clerk, the Chicago Board of Election Commissioners and Strategic Marketing and Mailing, Champaign, IL

**Visiting Professor of Political Studies – University of Illinois at Springfield,
January 2005 to present**

015683

Executive Director/Illinois State Board of Elections

March, 1976 to May, 2003. The Executive Director has complete administrative and supervisory responsibility for the day-to-day operations of the entire agency which includes a staff of 65 and a budget of approximately \$9 million.

Director of Administration/Illinois State Board of Elections

September, 1974 to March, 1976. The Director of Administration had line responsibility for all administrative affairs and policies of the Board, including budget preparation and fiscal control, personnel, systems and procedures, and office management.

Assistant to the Vice President of Academic Affairs and Assistant Professor of Public Affairs/Sangamon State University, Springfield.

February, 1973 to September, 1974. This position included involvement with several key academic issues such as tenure, faculty recruitment, budgeting, grants and contracts as well as a 12-hour teaching load.

Assistant to the Governor/Illinois Governor Richard B. Ogilvie

January, 1969 to January, 1973. This position included policy development work in a number of substantive areas as well as legislative relations, speech writing, and a variety of other administrative and management duties.

PUBLICATIONS

1. "The Politics of Gubernatorial Endorsements in Illinois: An Empirical Analysis," Public Affairs Bulletin, (Carbondale: Public Affairs Research Bureau, Southern Illinois University, January-February, 1971, Volume IV, Number 1).

015684

2. "The Illinois Executive and Urban Problems," The State and the Urban Crisis, (Urbana: Institute of Government and Public Affairs, University of Illinois, 1970), pp. 27-35.

3. "An Analysis of the Chief Executive: How a Governor Spends His Time," Public Affairs Bulletin, (Carbondale: Public Affairs Research Bureau, Southern Illinois University, September-October, 1971, Volume IV, Number 4).

4. "Positive Politics," HIS Magazine, (Inter-Varsity Press, Downers Grove, Illinois) May, 1972.

5. "Positive Politics," Church Herald (Reformed Church), Fall, 1972.

6. "Positive Politics," CBMC Contract (Christian Business Men's Committee, Chicago), August, 1972.

7. "Positive Politics," Vital Christianity, (Assembly of God), October, 1972.

8. "An Analysis of the Chief Executive: How a Governor Uses His Time," State Government, XLV, Summer, 1972, pp. 153-160.

9. "Are You Ready to Vote?" Eternity Magazine, (Philadelphia), September, 1972, pp. 22-24, 60-61.

10. "Are You Ready to Vote?" Christianity Applied, October, 1974.

015685

11. "Gubernatorial Staffing-Problems and Issues: The Ogilvie Experience," Center for Governmental Studies, Northern Illinois University, February, 1974.
12. "Money in Politics: Campaign Finance Reform in Illinois," Issues in Illinois Policy (Springfield: Illinois Legislative Studies Center, Sangamon State University, November, 1974), pp. 55-76.
13. "The Politics of Morality" Eternity Magazine, (Philadelphia), May, 1976, pp.15-18.
14. "State Board of Elections," Illinois Issues, March, 1977, p. 14, 16-17.
15. "Consolidation of Elections," Illinois Elections, (Springfield: Illinois Issues, Sangamon State University), 1979, pp.70-74.
16. "Volunteer Deputy Registrars," in Voter Registration in the States, Washington: National Center for Policy Alternatives, pp. 55-69, 1985.
17. "PAC Man Cometh in Illinois," Illinois Issues, (Springfield: Sangamon State University), May, 1987, pp.10-12.
18. "PAC Man Cometh in Illinois," Comparative State Politics Newsletter (Springfield: Sangamon State University), June, 1987, Volume 8, No.3, pp. 18-22.
19. "Campaign Finance Reform," COGEL Guardian, April, 1988, pp.3-4.

015686

20. "1989 Campaign Finance Update: Legislation and Litigation," Citizens Research Foundation, Los Angeles, 1990.

21. "Financing Political Campaigns," COGEL Guardian, December 1991.

22. "1991 Campaign Finance Update: Legislation and Litigation," Citizens Research Foundation, Los Angeles, 1992.

23. "Election Legislation, 1992-93," in The Book of the States, Volume 30, Council of State Governments, Lexington, KY 1990, pp. 204-226.

24. "Financing State and Local Elections: Recent Developments," in The Book of the States, Volume 30, Council of State Governments, Lexington, KY, 1994, pp. 227-228.

25. "1992 Campaign Finance Update: Legislation and Litigation in the 50 States, the District of Columbia, and the Federal Government,@ The Council of State Governments.

26. "The State of the States in 1991," COGEL Guardian, Volume 12, No. 6, December 1991, pp. 1, 34.

27. "The State of the States in 1991: Financing Political Campaigns," Lexington, KY: The Council of State Governments, 1991.

28. "The State of the States in 1992: Financing Political Campaigns," COGEL Guardian, Volume 14, No. 1, February 1993, pp.4-6.

015697

29. "The State of the States in 1993: Financing Political Campaigns," COGEL Guardian, Volume 14, No. 6, December 1993, pp. 1, 3-4.

30. "1993 Campaign Finance Update: Legislation and Litigation in the 50 states, the District of Columbia, and the Federal Government," The Council of State Governments.

31. "1994 Campaign Finance Update: Legislation and Litigation in the 50 states, the District of Columbia, and the Federal Government," The Council of State Governments.

32. "1995 Campaign Finance Update: Legislation and Litigation in the 50 states, the District of Columbia, and the Federal Government," The Council of State Governments.

33. "1996 Campaign Finance Update: Legislation and Litigation in the 50 states, the District of Columbia, and the Federal Government," The Council of State Governments.

34. "1997 Campaign Finance Update: Legislation and Litigation in the 50 states, the District of Columbia, and the Federal Government," The Council of State Governments.

35. "1998 Campaign Finance Update: Legislation and Litigation in the 50 states, the District of Columbia, and the Federal Government," The Council of State Governments.

36. "1999 Campaign Finance Update: Legislation and Litigation in the 50 states, the District of Columbia, and the Federal Government," The Council of State Governments.

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37. "2000 Campaign Finance Update: Legislation and Litigation in the 50 states, the District of Columbia, and the Federal Government," The Council of State Governments.

38. "Campaign Finance Activity in the States: Where the Action Is," Public Integrity, Vol. III, No. I, Winter 2001.

39. "2001 Campaign Finance Update: Legislation and Litigation in the 50 states, the District of Columbia, and the Federal Government," The Council of State Governments.

40. "2002 Campaign Finance Update: Legislation and Litigation in the 50 states, the District of Columbia, and the Federal Government," The Council of State Governments.

41. "Trends in State Campaign Financing," The Book of the States, 2003, Vol.35, The Council of State Governments.

Teaching Appointments

Adjunct Professor of Public Affairs at University of Illinois at Springfield, teaching courses in the areas of political studies and public affairs. Began in 1970.

Visiting Professor at Wheaton College (Illinois), teaching courses on an available basis in the political science department. Not a current appointment.

Professional Associations

015629

1. Advisory Committee of the Federal Election Commission - past member.
2. Council on Governmental Ethics Laws - Member and past National Chairman.
3. American Society for Public Administration - Member and Past President of the Central Illinois Chapter.
4. International Foundation for Electoral System - Current participant in international electoral exchanges. Member of an official U.S. delegation to observe the electoral process in the Soviet Union, March, 1990.
5. The Election Center - member of its Professional Education Committee.

Awards

Election to the Springfield Sports Hall of Fame, May 2000.

015620

DR. RONALD D. MICHAELSON

Residence

[REDACTED]
[REDACTED]
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[REDACTED]

Personal

[REDACTED]

Marital Status - Married with 2 children

U.S. Citizen

Education

Bachelor of Arts, Wheaton College, Wheaton, IL 1963

M.A. in Political Science, Northwestern University, Chicago, IL 1965

Ph.D. in Government, Southern Illinois University, Carbondale, IL 1970

Professional Experience

Political Consultant, June, 2003 to present

Current clients include the Sangamon County Clerk, the Chicago Board of Election Commissioners and Strategic Marketing and Mailing, Champaign, IL

**Visiting Professor of Political Studies – University of Illinois at Springfield,
January 2005 to present**

015891

Executive Director/Illinois State Board of Elections

March, 1976 to May, 2003. The Executive Director has complete administrative and supervisory responsibility for the day-to-day operations of the entire agency which includes a staff of 65 and a budget of approximately \$9 million.

Director of Administration/Illinois State Board of Elections

September, 1974 to March, 1976. The Director of Administration had line responsibility for all administrative affairs and policies of the Board, including budget preparation and fiscal control, personnel, systems and procedures, and office management.

Assistant to the Vice President of Academic Affairs and Assistant Professor of Public Affairs/Sangamon State University, Springfield.

February, 1973 to September, 1974. This position included involvement with several key academic issues such as tenure, faculty recruitment, budgeting, grants and contracts as well as a 12-hour teaching load.

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January, 1969 to January, 1973. This position included policy development work in a number of substantive areas as well as legislative relations, speech writing, and a variety of other administrative and management duties.

PUBLICATIONS

1. "The Politics of Gubernatorial Endorsements in Illinois: An Empirical Analysis," Public Affairs Bulletin, (Carbondale: Public Affairs Research Bureau, Southern Illinois University, January-February, 1971, Volume IV, Number 1).

015692

2. "The Illinois Executive and Urban Problems," The State and the Urban Crisis, (Urbana: Institute of Government and Public Affairs, University of Illinois, 1970), pp. 27-35.

3. "An Analysis of the Chief Executive: How a Governor Spends His Time," Public Affairs Bulletin, (Carbondale: Public Affairs Research Bureau, Southern Illinois University, September-October, 1971, Volume IV, Number 4).

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5. "Positive Politics," Church Herald (Reformed Church), Fall, 1972.

6. "Positive Politics," CBMC Contract (Christian Business Men's Committee, Chicago), August, 1972.

7. "Positive Politics," Vital Christianity, (Assembly of God), October, 1972.

8. "An Analysis of the Chief Executive: How a Governor Uses His Time," State Government, XLV, Summer, 1972, pp. 153-160.

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10. "Are You Ready to Vote?" Christianity Applied, October, 1974.

015693

11. "Gubernatorial Staffing-Problems and Issues: The Ogilvie Experience," Center for Governmental Studies, Northern Illinois University, February, 1974.

12. "Money in Politics: Campaign Finance Reform in Illinois," Issues in Illinois Policy (Springfield: Illinois Legislative Studies Center, Sangamon State University, November, 1974), pp. 55-76.

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15. "Consolidation of Elections," Illinois Elections, (Springfield: Illinois Issues, Sangamon State University), 1979, pp.70-74.

16. "Volunteer Deputy Registrars," in Voter Registration in the States, Washington: National Center for Policy Alternatives, pp. 55-69, 1985.

17. "PAC Man Cometh in Illinois," Illinois Issues, (Springfield: Sangamon State University), May, 1987, pp.10-12.

18. "PAC Man Cometh in Illinois," Comparative State Politics Newsletter (Springfield: Sangamon State University), June, 1987, Volume 8, No.3, pp. 18-22.

19. "Campaign Finance Reform," COGEL Guardian, April, 1988, pp.3-4.

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20. "1989 Campaign Finance Update: Legislation and Litigation," Citizens Research Foundation, Los Angeles, 1990.

21. "Financing Political Campaigns," COGEL Guardian, December 1991.

22. "1991 Campaign Finance Update: Legislation and Litigation," Citizens Research Foundation, Los Angeles, 1992.

23. "Election Legislation, 1992-93," in The Book of the States, Volume 30, Council of State Governments, Lexington, KY 1990, pp. 204-226.

24. "Financing State and Local Elections: Recent Developments," in The Book of the States, Volume 30, Council of State Governments, Lexington, KY, 1994, pp. 227-228.

25. "1992 Campaign Finance Update: Legislation and Litigation in the 50 States, the District of Columbia, and the Federal Government,@ The Council of State Governments.

26. "The State of the States in 1991," COGEL Guardian, Volume 12, No. 6, December 1991, pp. 1, 34.

27. "The State of the States in 1991: Financing Political Campaigns," Lexington, KY: The Council of State Governments, 1991.

28. "The State of the States in 1992: Financing Political Campaigns," COGEL Guardian, Volume 14, No. 1, February 1993, pp.4-6.

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29. "The State of the States in 1993: Financing Political Campaigns," COGEL Guardian, Volume 14, No. 6, December 1993, pp. 1, 3-4.

30. "1993 Campaign Finance Update: Legislation and Litigation in the 50 states, the District of Columbia, and the Federal Government," The Council of State Governments.

31. "1994 Campaign Finance Update: Legislation and Litigation in the 50 states, the District of Columbia, and the Federal Government," The Council of State Governments.

32. "1995 Campaign Finance Update: Legislation and Litigation in the 50 states, the District of Columbia, and the Federal Government," The Council of State Governments.

33. "1996 Campaign Finance Update: Legislation and Litigation in the 50 states, the District of Columbia, and the Federal Government," The Council of State Governments.

34. "1997 Campaign Finance Update: Legislation and Litigation in the 50 states, the District of Columbia, and the Federal Government," The Council of State Governments.

35. "1998 Campaign Finance Update: Legislation and Litigation in the 50 states, the District of Columbia, and the Federal Government," The Council of State Governments.

36. "1999 Campaign Finance Update: Legislation and Litigation in the 50 states, the District of Columbia, and the Federal Government," The Council of State Governments.

015696

37. "2000 Campaign Finance Update: Legislation and Litigation in the 50 states, the District of Columbia, and the Federal Government," The Council of State Governments.

38. "Campaign Finance Activity in the States: Where the Action Is," Public Integrity, Vol. III, No. I, Winter 2001.

39. "2001 Campaign Finance Update: Legislation and Litigation in the 50 states, the District of Columbia, and the Federal Government," The Council of State Governments.

40. "2002 Campaign Finance Update: Legislation and Litigation in the 50 states, the District of Columbia, and the Federal Government," The Council of State Governments.

41. "Trends in State Campaign Financing," The Book of the States, 2003, Vol.35, The Council of State Governments.

Teaching Appointments

Adjunct Professor of Public Affairs at University of Illinois at Springfield, teaching courses in the areas of political studies and public affairs. Began in 1970.

Visiting Professor at Wheaton College (Illinois), teaching courses on an available basis in the political science department. Not a current appointment.

Professional Associations

015097

1. Advisory Committee of the Federal Election Commission - past member.
2. Council on Governmental Ethics Laws - Member and past National Chairman.
3. American Society for Public Administration - Member and Past President of the Central Illinois Chapter.
4. International Foundation for Electoral System - Current participant in international electoral exchanges. Member of an official U.S. delegation to observe the electoral process in the Soviet Union, March, 1990.
5. The Election Center - member of its Professional Education Committee.

Awards

Election to the Springfield Sports Hall of Fame, May 2000.

015698

ABIGAIL THERNSTROM
VICE-CHAIR

Senior Fellow, Manhattan Institute
New York City, New York

Abigail Thernstrom is a Senior Fellow at the Manhattan Institute in New York, a member of the Massachusetts State Board of Education, and a commissioner on the United States Commission on Civil Rights. She received her Ph.D. from the Department of Government, Harvard University, in 1975.

Thernstrom and her husband, Harvard historian Stephan Thernstrom, are the co-authors of America in Black and White: One Nation, Indivisible (Simon & Schuster), which the New York Times Book Review, in its annual end-of-the-year issue, named as one of the notable books of 1997. They are currently working on a new book: Getting the Answers Right: The Racial Gap in Academic Achievement and How to Close It.

They are also the editors of a forthcoming volume, Beyond the Color Line: New Perspectives on Race and Ethnicity, and their lengthy review of William G. Bowen and Derek Bok's much-noticed book, The Shape of the River, appeared in the June 1999 issue of the UCLA Law Review.

Abigail Thernstrom's 1987 work, Whose Votes Count? Affirmative Action and Minority Voting Rights (Harvard University Press) won four awards, including the American Bar Association's Certificate of Merit, and the Anisfield-Wolf prize for the best book on race and ethnicity. It was named the best policy studies book of that year by the Policy Studies Organization (an affiliate of the American Political Science Association), and won the Benchmark Book Award from the Center for Judicial Studies.

Her frequent media appearances have included Fox News Sunday, Good Morning America, the Jim Lehrer News Hour, Both Sides with Jesse Jackson, and Black Entertainment Television. For some years, she was a stringer for The Economist, and continues to write frequently for a variety of journals and newspapers, including, Commentary, The Wall Street Journal, The New York Times, The Washington Post, and The Public Interest.

She serves on several boards: the Center for Equal Opportunity, and the Institute for Justice, among others. From 1992 to 1997 she was a member of the Aspen Institute's Domestic Strategy Group.

President Clinton chose her as one of three authors to participate in his first "town meeting" on race in Akron, Ohio, on December 3, 1997, and she was part of a small group that met with the President again in the Oval Office on December 19th.

015699

John Samples

Director, Center for Representative Government

John Samples directs Cato's Center for Representative Government, which studies campaign finance regulation, delegation of legislative authority, term limits, and the political culture of limited government and the civic virtues necessary for liberty. He is an adjunct professor at Johns Hopkins University. Prior to joining Cato, Samples served eight years as director of Georgetown University Press, and before that, as vice president of the Twentieth Century Fund. He has published scholarly articles in *Society*, *History of Political Thought*, and *Telos*. Samples has also been featured in mainstream publications like *USA Today*, the *New York Times*, and the *Los Angeles Times*. He has appeared on NPR, Fox News Channel, and MSNBC. Samples received his Ph.D. in political science from Rutgers University.

Media Contact: 202-789-5200

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Speaking Topics

- Campaign Finance
- Congress
- Elections
- Election Law
- Enumerated Powers
- Federalism
- Politics and Political Parties
- Presidency
- Public Opinion
- Separation of Powers
- Term Limits
- 1st Amendment (free speech, church and state)
- 10th Amendment (enumerated powers)

Selected Media Appearances

Audio of Tom Palmer and John Samples at James Madison University. [Windows Media]

John Samples discusses campaign finance on MSBC's *Barnicle*. [Real Media]

Books

The Republican Revolution 10 Years Later: Smaller Government or Business as Usual? edited by Chris Edwards and John Samples (2005).

Welfare For Politicians? Taxpayer Financing of Campaigns, edited by John Samples (2005).

James Madison and the Future of Limited Government, edited by John Samples (2002).

015700

Studies

"The Failures of Taxpayer Financing of Presidential Campaigns," Cato Policy Analysis no. 500, November 25, 2003.

"Election 2002 and the Problems of American Democracy," by John Samples and Patrick Basham, Cato Policy Analysis no. 451, September 5, 2002.

"Government Financing of Campaigns: Public Choice and Public Values," Cato Policy Analysis no. 448, August 26, 2002.

"Election Reform, Federalism, and the Obligations of Voters," Cato Policy Analysis no. 417, October 23, 2001.

"More Government For All: How Taxpayers Subsidize Anti-Tax Cut Advocacy," Cato Policy Analysis, July 10, 2001.

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Opinion and Commentary

"Mr. Smith Leaves Washington," *American Spectator (Online)*, August 24, 2005

"Happy Days," *Spectator.org*, June 9, 2005

"Your Blog Will Be Investigated Soon," *American Spectator*, May 10, 2005

"Playing the Irony Card," *Washington Times*, May 5, 2005

"Dial Down Corruption Fears: Media will expose lawmakers whose relatives don't deserve pay," *USA Today*, April 19, 2005

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015701

John C. Fortier

Research Fellow

[Print](#) [Mail](#)
 



Fortier studies politics, the presidency, continuity of government, elections, the electoral college, election reform, and presidential succession and disability. He is the executive director of the Continuity of Government Commission, and is a weekly columnist for The Hill.

Professional Experience

- Executive director, Continuity of Government Commission, 2002-present
- Project manager, Transition to Governing Project, AEI, 1998-2003
- Member, Presidency Research Career Service Award Committee, American Political Science Association, 2004
- Participant, National Election Initiative, Constitution Project, 2001-2002
- Teaching positions at University of Pennsylvania, 2004-2005; University of Delaware, 1995-1996; Boston College, 1992-1994; Harvard University, 1993
- Research associate, Worcester Municipal Research Bureau, 1997-1998

Education

Ph.D., Boston College
B.A., Georgetown University

Articles and Short Publications

Black Legislators' New Era

Senate Not Likely to Shift

Bush Has Lost Control of the Agenda

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Books

After the People Vote

Events

How Is Bush Governing in His Second Term?

Torture for Intelligence in the Post-9/11 World

How Would Each Candidate Govern?

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Speaking Engagements

Ensuring the Continuity of the United States Government

015702

Bradley A. Smith

Professor of Law

B.A., cum laude, Kalamazoo College, 1980

J.D., cum laude, Harvard Law School, 1990



One of the nation's leading authorities on Election Law and Campaign Finance, Professor Smith returns to Capital after five years in Washington, D.C., where he served as Commissioner, Vice Chairman, and Chairman of the Federal Election Commission (FEC). Nominated by President Clinton in February of 2000 to fill a Republican-designated seat on the Commission, Professor Smith was confirmed by the Senate in May of 2000 and took his seat the following month. Prior to his nomination, Smith had become a fixture in the national discussion on campaign finance, and was called "the most sought after witness" when Congress considered campaign finance issues. His writings have appeared in such academic journals as the Yale Law Journal, Georgetown Law Journal, and Pennsylvania Law Review, and in popular publications such as the Wall Street Journal, USA Today, and National Review. In 2001, Princeton University Press published his book, "Unfree Speech: The Folly of Campaign Finance Reform," which was praised by syndicated columnist George Will as "the year's most important book on governance." The Times of London called it "a much needed dose of realism which has relevance far beyond America," and Publishers Weekly described it as "a marvelous contrarian view: moderate in tone, elegant in language, clever in argument." Named FEC Chairman in January 2004, Professor Smith oversaw implementation of the McCain-Feingold campaign finance bill, and successfully fought to increase due process protections for defendants in FEC enforcement actions. Professor Smith has spoken at over 30 of the nation's law schools, including Harvard, Yale, Columbia, Stanford, Chicago, Michigan, and NYU. His many media credits include national appearances on ABC, NBC, PBS, Fox, CNBC, MSNBC, C-Span, and Bloomberg Media, including such programs as *Hardball* with Chris Matthews, and the *O'Reilly Factor*. He has also appeared on numerous local and national radio programs, and made television appearances in Great Britain, Japan, and Canada.

Prior to joining Capital's faculty in 1993, he served as United States Vice Consul in Ecuador, and worked as an attorney for the law firm of Vorys, Sater, Seymour and Pease. He has also taught law at George Mason University. Professor Smith was the first Director of Capital's summer study abroad program in Greece, and from 1994 to 2000 served as co-Director of Capital's National Moot Court team with Professor Jeffrey Ferriell, winning six regional championships in the National Appellate Advocacy Competition or National Moot Court Competition. His teaching has included Election Law, Civil Procedure, Law & Economics, Jurisprudence, and Administrative Law.

[[View Publications](#)]

E-mail Professor Bradley A. Smith at bsmith@law.capital.edu.

015703

Nelson Lund, Patrick Henry Professor of Constitutional Law and 2nd Amendment
B.A., St. John's College; M.A., Catholic University; A.M. and Ph.D., Harvard
University; J.D. University of Chicago



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Subject(s) Taught:

Constitutional Law, Legislation

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PATRICK HENRY PROFESSOR OF CONSTITUTIONAL LAW AND THE SECOND AMENDMENT NELSON LUND has written widely in the field of constitutional law, including articles on constitutional interpretation, federalism, separation of powers, the Second Amendment, the Commerce Clause, the Speech or Debate Clause, the Equal Protection Clause, and the Uniformity Clause. In addition, he has published articles in the fields of employment discrimination and civil rights, the legal regulation of medical ethics, and the application of economic analysis to legal institutions and legal ethics.

Professor Lund left the faculty of the University of Chicago to attend its law school, where he served as executive editor of the *University of Chicago Law Review* and chapter chairman of the Federalist Society for Law and Public Policy Studies. After law school, he held positions at the United States Department of Justice in the Office of the Solicitor General and the Office of Legal Counsel. He also served as a law clerk to the Honorable Patrick E. Higginbotham of the United States Court of Appeals for the Fifth Circuit and to the Honorable Sandra Day O'Connor of the United States Supreme Court. Following his clerkship with Justice O'Connor, Professor Lund served in the White House as associate counsel to the president from 1989 to 1992.

Since joining the faculty at George Mason, Professor Lund has taught Constitutional Law, Legislation, Federal Election Law, Employment Discrimination, State and Local Government, and seminars on the Second Amendment and on a variety of topics in Jurisprudence.

015704

ABIGAIL THERNSTROM
VICE-CHAIR

Senior Fellow, Manhattan Institute
New York City, New York
POLITICAL AFFILIATION: REPUBLICAN

Abigail Thernstrom is a Senior Fellow at the Manhattan Institute in New York, a member of the Massachusetts State Board of Education, and a commissioner on the United States Commission on Civil Rights. She received her Ph.D. from the Department of Government, Harvard University, in 1975.

Thernstrom and her husband, Harvard historian Stephan Thernstrom, are the co-authors of America in Black and White: One Nation, Indivisible (Simon & Schuster), which the New York Times Book Review, in its annual end-of-the-year issue, named as one of the notable books of 1997. They are currently working on a new book: Getting the Answers Right: The Racial Gap in Academic Achievement and How to Close It.

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President Clinton chose her as one of three authors to participate in his first "town meeting" on race in Akron, Ohio, on December 3, 1997, and she was part of a small group that met with the President again in the Oval Office on December 19th.

015705

John Samples

Director, Center for Representative Government

John Samples directs Cato's Center for Representative Government, which studies campaign finance regulation, delegation of legislative authority, term limits, and the political culture of limited government and the civic virtues necessary for liberty. He is an adjunct professor at Johns Hopkins University. Prior to joining Cato, Samples served eight years as director of Georgetown University Press, and before that, as vice president of the Twentieth Century Fund. He has published scholarly articles in *Society*, *History of Political Thought*, and *Telos*. Samples has also been featured in mainstream publications like *USA Today*, the *New York Times*, and the *Los Angeles Times*. He has appeared on NPR, Fox News Channel, and MSNBC. Samples received his Ph.D. in political science from Rutgers University.

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"Your Blog Will Be Investigated Soon," *American Spectator*, May 10, 2005

"Playing the Irony Card," *Washington Times*, May 5, 2005

"Dial Down Corruption Fears: Media will expose lawmakers whose relatives don't deserve pay," *USA Today*, April 19, 2005

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015707

John C. Fortier

Research Fellow

Print Mail
 



Fortier studies politics, the presidency, continuity of government, elections, the electoral college, election reform, and presidential succession and disability. He is the executive director of the Continuity of Government Commission, and is a weekly columnist for The Hill.

Professional Experience

- Executive director, Continuity of Government Commission, 2002-present
- Project manager, Transition to Governing Project, AEI, 1998-2003
- Member, Presidency Research Career Service Award Committee, American Political Science Association, 2004
- Participant, National Election Initiative, Constitution Project, 2001-2002
- Teaching positions at University of Pennsylvania, 2004-2005; University of Delaware, 1995-1996; Boston College, 1992-1994; Harvard University, 1993
- Research associate, Worcester Municipal Research Bureau, 1997-1998

Education

Ph.D., Boston College
B.A., Georgetown University

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Books

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How Is Bush Governing in His Second Term?

Torture for Intelligence in the Post-9/11 World

How Would Each Candidate Govern?

[List All]

Speaking Engagements

Ensuring the Continuity of the United States Government

015708

Bradley A. Smith
Professor of Law
B.A., cum laude, Kalamazoo College, 1980
J.D., cum laude, Harvard Law School, 1990



One of the nation's leading authorities on Election Law and Campaign Finance, Professor Smith returns to Capital after five years in Washington, D.C., where he served as Commissioner, Vice Chairman, and Chairman of the Federal Election Commission (FEC). Nominated by President Clinton in February of 2000 to fill a Republican-designated seat on the Commission, Professor Smith was confirmed by the Senate in May of 2000 and took his seat the following month. Prior to his nomination, Smith had become a fixture in the national discussion on campaign finance, and was called "the most sought after witness" when Congress considered campaign finance issues. His writings have appeared in such academic journals as the *Yale Law Journal*, *Georgetown Law Journal*, and *Pennsylvania Law Review*, and in popular publications such as the *Wall Street Journal*, *USA Today*, and *National Review*. In 2001, Princeton University Press published his book, "Unfree Speech: The Folly of Campaign Finance Reform," which was praised by syndicated columnist George Will as "the year's most important book on governance." The *Times of London* called it "a much needed dose of realism which has relevance far beyond America," and *Publishers Weekly* described it as "a marvelous contrarian view: moderate in tone, elegant in language, clever in argument." Named FEC Chairman in January 2004, Professor Smith oversaw implementation of the McCain-Feingold campaign finance bill, and successfully fought to increase due process protections for defendants in FEC enforcement actions. Professor Smith has spoken at over 30 of the nation's law schools, including Harvard, Yale, Columbia, Stanford, Chicago, Michigan, and NYU. His many media credits include national appearances on ABC, NBC, PBS, Fox, CNBC, MSNBC, C-Span, and Bloomberg Media, including such programs as *Hardball* with Chris Matthews, and the *O'Reilly Factor*. He has also appeared on numerous local and national radio programs, and made television appearances in Great Britain, Japan, and Canada.

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[[View Publications](#)]

E-mail Professor Bradley A. Smith at bsmith@law.capital.edu.

015709

Nelson Lund, Patrick Henry Professor of Constitutional Law and 2nd Amendment
B.A., St. John's College; M.A., Catholic University; A.M. and Ph.D., Harvard
University; J.D. University of Chicago

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Since joining the faculty at George Mason, Professor Lund has taught Constitutional Law, Legislation, Federal Election Law, Employment Discrimination, State and Local Government, and seminars on the Second Amendment and on a variety of topics in Jurisprudence.

015710

Congressional Representation of Black Interests: Recognizing the Importance of Stability (with Vincent Hutchings & Harwood McClerking) 66 J. of Pol. (2004)

Racial Identity and Political Association: Why the Racial Gerrymandering Cases Violate the Associational Rights of Voters of Color, 91Cal. L. Rev. 1209 (received First Honorable Mention at the AALS Scholarly Paper Competition January 2003)

Mixing Metaphors: Voting, Dollars, and Campaign Finance Reform (book review) 2 Elec. L. J. 271 (2003)

Constitutional Pluralism & Democratic Politics: Reflections on the Interpretive Approach of Baker v. Carr, C. L. Rev. 1103 (2002)

The Electoral College, The Right to Vote and Our Federalism: A Comment on a Lasting Institution, (with L Fuentes-Rohwer) 29 Fla. St. U. L. Rev. 879 (2001) (symposium)

Challenges to Racial Redistricting in the New Millennium: Hunt v. Cromartie as a Case Study (with Luis Fuentes-Rohwer) 58 Wash. & Lee L. Rev. 227 (2001)

Fourth Amendment Accommodations, (Un)Compelling Public Needs, and the Fiction of Consent 2 Mich. J. Race & L. 461 (1997)

Non-Academic Publications

Should Single-Member Districting be Held Unconstitutional, February 5, 2004 Findlaw.com

Why the Federal Election Commission Should not Limit Contributions to Political Issue Organizations, April 2004 Findlaw.com

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Guy-Uriel E. Charles

Russell M. and Elizabeth M. Bennett Associate Professor of Law
Faculty Affiliate, Center for the Study of Political Psychology, University of Minnesota
Senior Fellow in Law in Politics, Institute for Race and Poverty,
University of Minnesota Law School
Spring Arbor University, B.A. cum laude
University of Michigan Law School, J.D.

Guy-Uriel E. Charles joined the University of Minnesota in the Fall of 2000. He clerked for The Honorable Damon J. Keith of the United States Court of Appeals for the Sixth Circuit and has taught as an Adjunct Professor at the University of Toledo School of Law prior to joining the University of Minnesota. He was Editor-in-Chief of the *Michigan Journal of Race & Law*.

Professor Charles teaches and writes in the areas of constitutional law, civil procedure, election law, law and politics, and race. His articles have appeared in *Constitutional Commentary*, *The Michigan Law Review*, *The Michigan Journal of Race and Law*, *The Georgetown Law Journal*, the *Journal of Politics*, the *California Law Review*, *The North Carolina Law Review*, among many others. He was the Stanley V. Kinyon Teacher of the Year 2002-2003 at the University of Minnesota Law School.

He was a member of the National Research Commission on Elections and Voting and the Century Four Working Group on Election Reform.

In the Spring of 2005, he will be the James S. Carpentier Visiting Professor of Law, at Columbia University of Law.

He is a frequent television, print, and radio commentator on issues relating to constitutional law, election law, campaign finance, redistricting, politics, and race.

WORKS-IN-PROGRESS

Race, Representation, and Redistricting

Reexamining Section 5 of the Voting Rights Act (with Prof. Luis Fuentes-Rohwer)

FORTHCOMING PUBLICATIONS

Regulating Section 527 Organizations (with Prof. Gregg Polsky) (forthcoming *George Washington Law Review*)

PUBLICATIONS

Colored Speech: Crossburnings, Epistemics, and the Triumph of the Critics?, 93 *Geo. L. J.* 575 (2005)

Judging the Law of Politics, 103 *Mich. L. Rev.* 1099 (2005)

Law, Politics, and Judicial Review, 31 *J. Legis.* 17 (2004)

In Defense of Deference, 21 *Const. Comment.* 133 (2004) (with Luis-Fuentes-Rohwer) (symposium)

Colorblindness from the Original Position, 78 *Tul. L. Rev.* 2009 (2004) (symposium)



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015712



November 27, 2006

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Commissioner Donetta L. Davidson
Commissioner Gracia M. Hillman
United States Election Assistance Commission
1225 New York Avenue N.W., Suite - 1100
Washington, DC 20005
Fax: (202) 566-3127

Dear Commissioners:

Last month, People For the American Way launched a petition drive asking the Election Assistance Commission to release a report written months ago that reportedly pokes holes in the widespread myth that voter fraud is rampant in America. Allegations of voter fraud have led to restrictive voting requirements that we know disenfranchise eligible voters.

EAC Chairman Paul S. DeGregorio denied our request to make the taxpayer-funded findings available to the public in time for the mid-term elections earlier this month.

Over 12,000 People For the American Way members and activists across the country have signed our petition asking that the report be made available to the public. Any information that can help make our elections fair and open should be made available to the public. We need to solve the problems in our electoral system, not create new and unnecessary barriers to voting.

Sincerely,

A handwritten signature in black ink, appearing to read "Elliot Minberg".

Elliot Minberg
Legal Director, People For the American Way

015713



November 27, 2006

Dear EAC Commissioners,

The report commissioned by the EAC and drafted by voting experts must be released to the public - with public hearings to follow.

In light of the disenfranchising legislation that is being passed to fix a problem that the report's researchers apparently found insignificant, it is unconscionable and undemocratic for you to keep these findings from the public.

01571*

015715

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Marie	Wakefield				AE	
Edward	Cullinane				AK	
Mary	Cullinane				AK	
George	Gilson				AK	
Brian	Hutton				AK	
Regina	Levy				AK	
Thomas	Macchia				AK	
Jackson	Steele				AK	
AL	Sundquist				AK	
doug	blankensop				AK	
Kathy	Ferrell				AK	
Dave	Lacey				AK	
Laurel	McLaughlin				AK	
marlo	miller				AK	
Consuelo	Goldman				AK	
Marsha	Buck				AK	
Joan	Murray				AK	
Robert	Thompson				AK	
Lana	Monteiro				AK	
Mary	Purvis				AK	
Terry	Lamb				AL	
Curtis	Parris				AL	
ernest	burson				AL	
c richey	martin				AL	
Joan	Banks				AL	
HAROLD	PRICE				AL	
Kay	Smith				AL	
Dr. Jeanne M.	Weaver				AL	
Eva	Norton				AL	
Francine	Hasenbein				AL	
Guy	King				AL	
Brenda	Shreve				AL	
Noel M.	Beck				AL	
Jonathan	Mitchell				AL	
Joseph	Aqua				AL	
Paul	Diamond				AL	
Edwin	Rudd				AL	
Lynn	Rudd				AL	
Russell	Shackelford				AL	
Sherry	Broyles				AL	
Cathy	Lamberth				AL	
Dan	Thompson				AL	
Scott W	Beckett				AL	
Elizabeth	Lee				AL	
Karen	Spradlin				AL	
Kaye	Maxwell				AL	
Mary	Trapp				AL	
Barbara	Bassett				AL	
Vivian	Beckerle				AL	
thomas	boyles				AL	
Jamison	Dupree				AL	
Christa	Jones				AL	
Amy	Smith				AL	
Cheryl	Viering				AL	
Jean	Harris				AL	
Tom	Moore				AL	

015710
State ZIP

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Laura	Parenteau				AL	
Chris	McNulty				AL	
Tom	DeWille				AL	
Jonathan	Harwell				AL	
Bennie	Jackson				AL	
doris	davis				AL	
Char	Wallace				AL	
Betty	Thompson				AL	
Melissa	Hegwood				AL	
Dennis	Yates				AL	
Rodney	Jensen				AR	
Jamie	Bridgers				AR	
sharon	knittel				AR	
Lee & Charlott	Terbot				AR	
Alf	Covey				AR	
Tracey	Ahring				AR	
David	Offutt				AR	
Nancy	Saunders				AR	
delnita	Foust				AR	
Thomas	Brown				AR	
Thomas M.	Brown				AR	
Douglas	Johnson				AR	
Barbara	Fitzpatrick				AR	
Roger	Henry				AR	
Jerry	Meredith				AR	
Wanda	Stephens				AR	
Martha	Ward				AR	
Scott	Winters				AR	
Thomas	Riley				AR	
Helen	Hoeffler				AR	
Ruth	Cooksey				AR	
Stephen	Guthrie				AR	
Patricia	Hearn				AR	
Janet	Bartos				AR	
Annette	Blanchard				AR	
Melba	Collins				AR	
John	McCoy				AR	
Phyllis	Thomas				AR	
Peggy	Vining				AR	
Jean	Zirger				AR	
marcia	wallace				AR	
Ronald	Sitton				AR	
Scott	Cother				AR	
Anne and Cha	Ellis				AR	
Karen	Idlet				AR	
Charlene	Shumate				AR	
James	Greig				AR	
Larry	Busby				AR	
Peter	Reed				AR	
Bob	Scott				AR	
deanna	ray				AR	
RoxAnna	Burkhart				AR	
Larry	LeDuc				AR	
George	Kearney				AZ	
Vic	Lopez				AZ	
Barbara	Njos				AZ	

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Katherine	Hagstrum				AZ	
pamela	murphy				AZ	
Mary Carol	Joy				AZ	
Carl	Chestnut				AZ	
Patricia	George				AZ	
harold	haskin				AZ	
J. Nolan	Lewis				AZ	
Stephen	Allen				AZ	
Neil	Cohen				AZ	
Robert	Cote				AZ	
Joy	McClain				AZ	
Danny	Ruppert				AZ	
Tracey	Sherman-Gin				AZ	
Leticia	Summers				AZ	
Sandra	Woien				AZ	
Jerri	Bedell				AZ	
Ann	Johnson				AZ	
Beverly	Smith				AZ	
Melinda	Watson				AZ	
Bryan	Cooperrider				AZ	
Elizabeth	Elgin				AZ	
Vicki	Green				AZ	
Amparo	Grigera				AZ	
Susan	Merkli				AZ	
sue	singer				AZ	
Carolyn	Tysor				AZ	
Bret	Belko				AZ	
Doris	Maley				AZ	
Richard	Maley				AZ	
Murray R	Susser				AZ	
John & Sandy	Zinn				AZ	
C. Nichole	Katz				AZ	
Lois	Lorenzl				AZ	
John	Schillaci				AZ	
Joy	Bartholomew				AZ	
Marty	Bonillas				AZ	
Barbara	Delahoyde				AZ	
Stan	Delahoyde				AZ	
Patty	Diana				AZ	
Nathan	Forkner				AZ	
Beth	Hoffman				AZ	
John	Mulkey				AZ	
william k	Noble jr.				AZ	
Timothy	Rowe				AZ	
pat	schiro				AZ	
Jeanette	Weis				AZ	
Yvonne	Michaels				AZ	
Yvonne	Michaelsz				AZ	
Jerome	Decker				AZ	
Roy	Gregory				AZ	
Pedro	Ampuero				AZ	
Pedro J	Ampuero				AZ	
Paula J	Diverde				AZ	
Gary	Mayo				AZ	
Judith	Soady-Mayo				AZ	
Ronald	Walters				AZ	

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Anne	Favor				AZ	
James	Woodbrey				AZ	
Stephan	Atlee				AZ	
Alexandria	Lupu				AZ	
Elizabeth	Mondschein				AZ	
Roxanne	Kearns				AZ	
Susan	Swiggers				AZ	
Annette	Ayers				AZ	
Dennis	Boe				AZ	
Terri	Flores				AZ	
marlene	keller				AZ	
Jeannine	Kuropatkin				AZ	
Jeanne	Lehnert				AZ	
James	Orcutt				AZ	
Rebecca	Schneider				AZ	
Nancy	Solano				AZ	
Barbara	Soroka				AZ	
Frank	Wyse				AZ	
Elizabeth	Light				AZ	
Don	Booth				AZ	
Paul	Espinosa				AZ	
James	Martindale				AZ	
Leslie	Luce				AZ	
Michael	Melis				AZ	
eithne	barton				AZ	
Elias	Batchelder				AZ	
Chad	Belville				AZ	
Jeane	Bendorf				AZ	
Mary Ann	Bertels				AZ	
KELLY	DAMON				AZ	
John	FANCHER				AZ	
Robert	Fritz				AZ	
Geralee	Gray				AZ	
Leonard	Hawke				AZ	
Layne	Horwitz				AZ	
Terence	Hughes				AZ	
Howard	Israel				AZ	
Laraine	Kaizer				AZ	
Peter	Kuttner				AZ	
Beth	Leibick				AZ	
Harry	Levey				AZ	
Patricia	Madsen				AZ	
MARILYN	McCROSSEN				AZ	
Cindy	Mellott				AZ	
Peter	Newton				AZ	
Dominic	Novielli				AZ	
Meera	Paskal				AZ	
Anthony	Perez				AZ	
Dianne	Post				AZ	
Kevin	Poulsen				AZ	
Laura	Reagan				AZ	
Jan	Reiter				AZ	
Robert	Ritchey				AZ	
Dane	Roewade				AZ	
John	Rogers				AZ	
Denise	Romesburg				AZ	

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Sheila Mary	Ryan				AZ	
Jeanne	Saint-Amour				AZ	
Michael	Shelby				AZ	
Mike	Shiple				AZ	
Gregory	Shrader				AZ	
terry	swann				AZ	
Peter	Taylor				AZ	
Michael	Thompson				AZ	
Paul	Tranby				AZ	
John	Trummer				AZ	
Carolyn	w				AZ	
Steven	Wedell				AZ	
Louis	Wefers				AZ	
Carolyn	Woolf				AZ	
william	Orovan				AZ	
elizabeth	hourican				AZ	
Ellen	Imbody				AZ	
Thatcher	Bohrman				AZ	
Paula	Burroughs				AZ	
Ethan	Davis				AZ	
Judy	Grawey				AZ	
Gwen	Janes				AZ	
Irene	Martin				AZ	
Lou	Montiel				AZ	
David	Perlin				AZ	
Barbara	Walrafen				AZ	
Sally	Whitney				AZ	
Jack M.	Wolter				AZ	
Mary	Wolter				AZ	
Barry	D'Orazio				AZ	
Karen	D'Orazio				AZ	
lillian	hotten				AZ	
James	Kimes				AZ	
Cal	Nigh				AZ	
Eva	Vangi-Stern				AZ	
mike	antone				AZ	
Roger	Beck				AZ	
Thierry	Deshayes				AZ	
Andrea	Fine				AZ	
Vanessa	Goldberg				AZ	
Dennis	Hughes				AZ	
Kalmon	Kaufer				AZ	
WOLFGANG	LEMME				AZ	
Jeff	Lyon				AZ	
Carlos	Marquez				AZ	
Mary T.	Metros				AZ	
Henri	Pol				AZ	
Francis	scalzi				AZ	
gail	sikes				AZ	
Joel	Sinclair				AZ	
BARRY	SINGER				AZ	
Fran	Sloan				AZ	
Reed	Stahl				AZ	
Myna	Stroth				AZ	
Amy	Tropp				AZ	
ray	UNKS				AZ	

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Nancy	Whitley				AZ	
joye	winston				AZ	
Neil	Woodward				AZ	
Diane	Dabcevcih				AZ	
Margaret	Anderson				AZ	
chris	armstrong				AZ	
Jeanne	Baggs				AZ	
Dove	Danu				AZ	
gahllin	deriel				AZ	
Gail	Kennedy				AZ	
S.B.	McClary				AZ	
Vito	Pantaleo				AZ	
Rolf	Reinfried				AZ	
Judith	Robinson				AZ	
Linda	Schermer				AZ	
Dan	Schlossman				AZ	
Marvel	Stalcup				AZ	
Marianne	Grill				AZ	
Shell	Lavender				AZ	
John	Andrews				AZ	
Nancy	Dammann				AZ	
Barb	Dennie				AZ	
Patty	Diliberto				AZ	
Patricia	Fowler				AZ	
David	Gluck				AZ	
Gary	Himler				AZ	
Norman	Jenkins				AZ	
Dennis	Jensen				AZ	
Faith	Leeper				AZ	
Shirley	McAllister				AZ	
Dorothy	McDaniel				AZ	
Elaine	McPeak				AZ	
Carolyn	Modeen				AZ	
Lee	Ormsbee				AZ	
Edna	Trwick				AZ	
JoAnn	Ulsas				AZ	
Barbara	Walls				AZ	
Jane	Charette				AZ	
Ardella	Enoch				AZ	
Edward K	Horton				AZ	
Paul	Kandell				AZ	
milton	marshall				AZ	
violet	martin				AZ	
edward	rose				AZ	
Joan/Tom	Spittler				AZ	
William	Donat				AZ	
John	Dorch				AZ	
William	Erlenbach				AZ	
Paul	Felice				AZ	
Jean	Hayes				AZ	
Roman	Kent				AZ	
Kenneth	Monefeldt				AZ	
William	Wootten				AZ	
Dorothy	Cohen				AZ	
Robert	Conway				AZ	
Toni	Dockery				AZ	

015721

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Francis	Fanning				AZ	
Art	Felsing				AZ	
Marta	Herrero				AZ	
Ron	Jackson				AZ	
Matthew	Korbeck				AZ	
Clare	Kronmeyer				AZ	
Maureen	Olmsted				AZ	
David	Saar				AZ	
bill	webb				AZ	
Debra	Wingo				AZ	
Helene	Forcier				AZ	
BONNIE	DILLER				AZ	
lynette	allen				AZ	
Stewart	Baron				AZ	
Patricia	Bauerle				AZ	
Frank	Bergen				AZ	
Robert	Bernstein				AZ	
Irma	Bonilla				AZ	
robert	brown				AZ	
Allison	Browning				AZ	
William P	Bryan				AZ	
Barbara	Cain				AZ	
Liana	Carbon				AZ	
Rebecca	Carroll				AZ	
T. Stephen	Cody				AZ	
susan	cooper				AZ	
Kirsten	Cummins				AZ	
Gerald	Dalder				AZ	
Therese	de Vet				AZ	
Randolph	Decker				AZ	
Roy	Emrick				AZ	
Pamela	Ensign				AZ	
Eloisa	Fasseur				AZ	
Miriam	Furst				AZ	
James	Gilland				AZ	
barbara	goodman				AZ	
Judy	Goosherst				AZ	
Logan	Graf				AZ	
Cissy Ann	Graham				AZ	
Helen	Greer				AZ	
Larry	Grove				AZ	
Juan	Guerrero				AZ	
Taza	Guthrie				AZ	
Lynda	Hendrell				AZ	
David	Hoffman				AZ	
Dr. Kevin	Horstman				AZ	
Josephine	Jennings				AZ	
Chris	Jeter				AZ	
Kim	Johnson				AZ	
Cynthia	Jordan				AZ	
Michael	Keller				AZ	
Joanne	Kerrihard				AZ	
Louise	Kligman				AZ	
Judith	Kramer				AZ	
Valerie	Kravette				AZ	
Erika	Kreider				AZ	

015722

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Josh	Leonard				AZ	
Stephanie	Lippel				AZ	
Lianda	Ludwig				AZ	
Karen	Lustig				AZ	
Dan	McMahon				AZ	
Nathaniel	McMullen				AZ	
Katie	Mike				AZ	
Victoria	Milne				AZ	
Joan	Mueller				AZ	
Mike	Mullarkey				AZ	
Shirley	Muney				AZ	
Anne M.	Murray, Ph.D.				AZ	
Carl	Noggle				AZ	
Elizabeth	OLeary				AZ	
Ryan	Paul				AZ	
Susan	Pearce				AZ	
John	Pepper				AZ	
maria	perry				AZ	
Lorie	Pettigrew				AZ	
Michael	Prete				AZ	
Ron	Richards				AZ	
Judy	Roman				AZ	
F.	Sapio				AZ	
Carl F.	Schroer				AZ	
Carl F. and Ro	Schroer				AZ	
betty	schuessler				AZ	
Shirley	Silverman				AZ	
Herrick	Silvia				AZ	
Eleanor	Snyder				AZ	
Sandra	Spangler				AZ	
Albert	Sterman				AZ	
Sandra	Stock				AZ	
Korinne	Taylor				AZ	
Eric	Thu				AZ	
Adam	Ussishkin				AZ	
Absalom	Valenzuela				AZ	
John	Walker				AZ	
Anne	Ward				AZ	
Merry	Warner				AZ	
Melissa	Weber				AZ	
Andrew	Wedel				AZ	
Tim	Wernette				AZ	
Jerry	Wharton				AZ	
Caitlin	Williams				AZ	
Michael	Yard				AZ	
Sharon	Robison				AZ	
Merry	Spradling				AZ	
doris	Cassidy				AZ	
Bobbie	O'Neill				AZ	
Maneesh	Pangasa				AZ	
Francis	Wilson				CA	
Jeanne	Gray				CA	
Karen	Dauphin				CA	
Liliane	Farb				CA	
Eric	Gersh				CA	
Carol	Kohler				CA	

015723

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Jess	Thomas				CA	
Michael	Greenspun				CA	
jacki	anderson				CA	
nina	arnelli				CA	
Pablo	Arriola				CA	
Andrea	Carlise				CA	
Jessica	Carter				CA	
Allan	Chen				CA	
Alex	Helperin				CA	
Anna	Keim				CA	
Lily	Leung				CA	
Nils	Ohlson				CA	
Karen	Pare				CA	
Keith	Roberts				CA	
Julie	Rufo				CA	
Thomas N.	Stevens				CA	
Lucy	Cole				CA	
Pat	Pollastrini				CA	
Hugh	Caley				CA	
Delia	Carroll				CA	
Lowell	Finley				CA	
Rhoda	Slanger				CA	
Bill	Oliveau				CA	
Sidra	Stone				CA	
Alan	Taeger				CA	
Erif	Thunen				CA	
Beverly	Witchner				CA	
T. Fuller	Dean				CA	
Cheryl	Anderson				CA	
Lauri	Fiedler				CA	
J Morgan	Kousser				CA	
Beverly	McNeilly				CA	
Ralph	Fish				CA	
Rod	Foster				CA	
Albert	Milo				CA	
Albert	Milo				CA	
CHARLES	SAUCER				CA	
Jacquelyn	Beerman				CA	
Rhonda	Ross-Brooks				CA	
ryan	mckenzie				CA	
Allan	Sederstrom				CA	
Jill	Beckett				CA	
heather	sties				CA	
Guy	Zahller				CA	
Allene	Linden Swiencko				CA	
Judith	Little				CA	
Karen	Carson				CA	
Richard	Kinz				CA	
Bert	Bender				CA	
Ernest	Goitein				CA	
Beth	Mirsky				CA	
Susan	Whitaker				CA	
Jeanne	Fillbrandt				CA	
Etta	Robin				CA	
Robin	Vosburg				CA	
Nathan	Wallace				CA	

015724

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
William	Edwards				CA	
William	Edwards				CA	
margaret	draper				CA	
Gene	Kalland				CA	
Katy	Moon				CA	
Max	Bollock				CA	
John	Farbstein				CA	
Beth	Masck				CA	
Heather	Reynolds				CA	
Joan	Sadler				CA	
joan	sdler				CA	
Randy	Gordon				CA	
Josh	Reilly				CA	
Todd	Snyder				CA	
Maris	Arnold				CA	
Ann	Basart				CA	
Ingrid	Behrsin				CA	
Judy	Bertelsen				CA	
Kurt	Bigler				CA	
Sandra	Blair				CA	
Ron	Bogley				CA	
Abigail	Booraem				CA	
Patrick	Boyd				CA	
Blaine	Brende				CA	
Mary Jane	Brimhall				CA	
Jamie	Brown				CA	
Benjamin	Burch				CA	
Vincent	Casalaina				CA	
Julia	Cato				CA	
Eileen	Cohen				CA	
Jill	Cohen				CA	
Leonard	Conly				CA	
Julia	Craig				CA	
theodora	Crawford				CA	
Rhoda	Curtis				CA	
marc	davis				CA	
Owen	Davis				CA	
David	Dresser				CA	
bita	edwards				CA	
Randy	Fingland				CA	
Anne-Lise	Francois				CA	
Steve	Gere				CA	
Robert	Godes				CA	
sheila	goldmacher				CA	
Alberto	Gonzalez				CA	
Abigail	Grafton				CA	
Caryn	Graves				CA	
Norma J F	Harrison				CA	
Janice	Haugan				CA	
Danny	Herrera				CA	
Joel	Hildebrandt				CA	
winona	holl				CA	
Patty	Holton				CA	
Scott	Hutson				CA	
Stephen	Kane, D.D.S.				CA	
Joanna	Katz				CA	

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Ken	Knabb				CA	
Marc	Krizack				CA	
Susan	Lea				CA	
B.	Lewis				CA	
Lisa	Lewis				CA	
Pamela Anne	Lowry				CA	
marianne	metallo				CA	
Shanti	Morell-Hart				CA	
Kris	Muller				CA	
David	Mundstock				CA	
Lia	Munoz				CA	
Paul "Pablo"	Nelson				CA	
Julie	Owen				CA	
David	Parsons				CA	
Robert	Perlmutter				CA	
Karma	Pippin				CA	
Dr. RL	Richards				CA	
Kim	Richards				CA	
Robert	Roden				CA	
Judith	Rosenberg				CA	
Lucy	Sells				CA	
Margaret	Sequeira				CA	
Judy	Shelton				CA	
Noemi	Sicherman				CA	
David	Skolnick				CA	
Mary	Slater				CA	
sally	sommer				CA	
PhoeBe ANNE	sorgen				CA	
Zelma	Soriano				CA	
Bobbie	Steinhart				CA	
Larry	Steinhart				CA	
Marcia	Tanner				CA	
Jennifer	Tayloe				CA	
Belinda	Taylor				CA	
Chris	Vaeth				CA	
Ricardo	Valencia				CA	
J	Vincent				CA	
Maria	Watt				CA	
Brenda	White				CA	
Harry	Wiener				CA	
Cheryl	Wozniak				CA	
Tse-Sung	Wu				CA	
Chelsea Quinr	Yarbro				CA	
Louis	Priven				CA	
Jean	Anderson				CA	
Elizabeth	Cornell				CA	
christopher	drozd				CA	
jon	grutman				CA	
Ira	Lee				CA	
Ellie	Leichter				CA	
Richard	Lorenzana				CA	
Chris	Taaffe				CA	
Charles M. and	Weisenberg				CA	
r	wright				CA	
Mary	Baker				CA	
Ken	Koerner				CA	

015725

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Michael	Costello				CA	
Sheila Swan	Laufer				CA	
Cynthia	Wood				CA	
The Rev. Dr. A	Nagy				CA	
Robert	Yelland				CA	
Ascencia	Cuerdo				CA	
Harriet	Ewards				CA	
Scott	MacLeod				CA	
Randy	Cookston				CA	
Guy	Jara				CA	
valorie	hafner				CA	
Cathe	Romano				CA	
deirdre	brownell				CA	
R.M.	Carreon				CA	
Ryan	Davis				CA	
Daniel	Dumont				CA	
willow	hale				CA	
Debbie	McGougan				CA	
Bradley	Rabuchin				CA	
Robert	Spina				CA	
Wendelin	Thompson				CA	
Cassandra	Baleix				CA	
Carolyn	Crow				CA	
Debra	Singer				CA	
Michael	Adler				CA	
Connie	Zweig				CA	
ford	bauman				CA	
Janet	Larson				CA	
S.E.	Hardy				CA	
Dan	Field				CA	
Lynne	Harkins				CA	
Jacqueline	Carrigan				CA	
Helen	Athey				CA	
Nancy	Fomenko				CA	
Maryjane	Genco				CA	
Eli	Hruska				CA	
Gary	Sanchez				CA	
Howard	Tu				CA	
Jill	Zahner				CA	
John & Jan	Austin				CA	
Julie	Sanford				CA	
roxanne	sims				CA	
Ellin	Barret				CA	
Arthur	Alenik				CA	
greg	chambers				CA	
Christian	Dreyfus				CA	
peri	fleisher				CA	
Celine	Grenier				CA	
Marilee	Werfhorst				CA	
NANCE	O				CA	
Lynette	Chasen				CA	
Sherwin	Chasen				CA	
Nancy	Kay				CA	
Sienna	Lea				CA	
Linda	Lewi				CA	
Debbie	Lindermuth				CA	

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Stephen	Mallory				CA	
CATHY	MILLER				CA	
mary	oren				CA	
Guy	Russo				CA	
Ken	Simpkins				CA	
JOHN	WOODS				CA	
Sandra	Blackburn				CA	
Maureen	Girard				CA	
Chris	Love				CA	
Ann	Rudd				CA	
Russell	Thomson				CA	
Jim & Suzi	Bakker				CA	
sylvia	jones				CA	
Janet	Little				CA	
James	H.				CA	
Julie	Bass				CA	
Allan	Cohen				CA	
Gary	Cotton				CA	
caryn	goldman				CA	
Stephen	Tyler				CA	
Pamela	Conley				CA	
roni	love				CA	
Mary Ann	Tipton				CA	
David	Gerke				CA	
GERALD	HARPER				CA	
Harron	Kelner				CA	
Mark	Kernes				CA	
Bruce	Meservey				CA	
Randy	Sotelo				CA	
Darrol	Butler				CA	
Margaret, Rob	Hein				CA	
Carole	Oles				CA	
Ruth	Rippner				CA	
LeeAnn	Taylor				CA	
Carol Jean	Thatcher				CA	
Gloria	Olquin-Henson				CA	
Julia	Piedad				CA	
Kathryn	Radinovsky				CA	
Martha	Rothhaar				CA	
Barry	Smith				CA	
Marc	Maloney				CA	
Bernard	Waxstein				CA	
Muriel	Christen				CA	
Sophia	Herron				CA	
Stephen	Huie				CA	
Frank	Pirola				CA	
Greg	Regaignon				CA	
ethan	reilly				CA	
Steven	Sell				CA	
Kenneth	Stahl				CA	
Donna	Whinnery				CA	
J. Fairchild	Williams				CA	
Robert	Wolf				CA	
James	Evans				CA	
Dominick J.	Di Noto				CA	
June	Dean				CA	

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Stan	Dean				CA	
Barbara	Ross				CA	
Beverly	Atchison				CA	
Camilla	Bonnicksen				CA	
Elizabeth	Copp-Phelan				CA	
ali	desiderio				CA	
James	Joy				CA	
Gregory	Maier				CA	
william	maier				CA	
Rick	Mitchell				CA	
h	shukla				CA	
Lynne D	White				CA	
Sean	Buchanan				CA	
Sue	Cannon				CA	
James	Coon				CA	
Jean	Coon				CA	
Petra	Gampper				CA	
Gary	Oswald				CA	
diane	Soash				CA	
June	Swan				CA	
david	noller				CA	
Fernando	Parra				CA	
Meghan	Tracy				CA	
Deborah	Leonard				CA	
Linda	Russell				CA	
Patricia	Waters				CA	
Elizabeth	Yeager				CA	
james	clement				CA	
Patricia	Black				CA	
S.	Perry				CA	
LARA	EMBRY				CA	
Annie	Lloyd				CA	
Larry	Powell				CA	
Kenneth	Shelton				CA	
Edward	Sucheki				CA	
kathy	taus				CA	
Sarah	Flick				CA	
Elsie	Hasling				CA	
Deborah	Hirt				CA	
David	Markowitz				CA	
Lydia	Morales				CA	
Saundra	Nelson				CA	
Patricia	Rovegno				CA	
Robert & Virgil	Sorich				CA	
David	Brown				CA	
Richard	Brown				CA	
Jane	Freij				CA	
Barbara	cohen				CA	
Tanya	Kocian				CA	
michael	triesch				CA	
Bonnie	Epstein				CA	
Eloise	McTigue				CA	
kathleens	somers				CA	
dennis	stefani				CA	
Mike	Adams				CA	
Margaret	Collison				CA	

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Karen J	Fowler				CA	
Nancy	Hiestand				CA	
Ronald	Johnson				CA	
Patricia	Kahn				CA	
George	Kaysen				CA	
Ken	Kirsch				CA	
Peggy	Manfredi				CA	
Edie	Marshall				CA	
Jeanine	McElwain				CA	
C Jane	McKendry				CA	
Jeannie	McKendry				CA	
Robert	Meese				CA	
Jack	Milton				CA	
Ellen	Moriarty				CA	
Kevin	O'Connor				CA	
James	Olson-Lee				CA	
Maria	Rodriguez				CA	
Joan	Sallee				CA	
Nicole	Slaton				CA	
Jimmy	Spearow				CA	
Dan	Troy				CA	
Donatella	Zona				CA	
Robert	Abney				CA	
Lois	Case				CA	
Pat	Launer				CA	
Sarah	Lifton				CA	
John	Pryor				CA	
Warren	Davis				CA	
jeffrey	peterson				CA	
Melanie	Caruso				CA	
Jason	Varvas				CA	
Patricia	Abdullah				CA	
sabrina	castro				CA	
Tom	Crosby				CA	
JOEL	MEJIA				CA	
Chuck	Garner				CA	
Lezlie	Lopez				CA	
Eileen	Barr				CA	
Elizabeth	Schmitt				CA	
gail	jollie				CA	
Jennifer	Syler				CA	
Doris	Wascher				CA	
Shannon	Waters				CA	
Alberto	Ley				CA	
Leslie	Devlin				CA	
Patrick	Ford				CA	
Janice	Foss				CA	
Andrea	Ganz				CA	
Pamela	Gilkison				CA	
Linda	Grant				CA	
Melody	Haworth				CA	
Rose	Lernberg				CA	
Toni	Mayer				CA	
James	Oerther				CA	
jane	purinton				CA	
Yvonne	Steffen				CA	

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Sheila	Tarbet	[REDACTED]		[REDACTED]	CA	[REDACTED]
Natalie	Zarchin	[REDACTED]		[REDACTED]	CA	[REDACTED]
Martha	Lovette	[REDACTED]		[REDACTED]	CA	[REDACTED]
Ellen	Sander	[REDACTED]		[REDACTED]	CA	[REDACTED]
Lila	Pervier	[REDACTED]		[REDACTED]	CA	[REDACTED]
Damon	Gage	[REDACTED]		[REDACTED]	CA	[REDACTED]
Stephanie	Wellemeier	[REDACTED]		[REDACTED]	CA	[REDACTED]
Vickie	Gomez	[REDACTED]		[REDACTED]	CA	[REDACTED]
Patricia	katz	[REDACTED]		[REDACTED]	CA	[REDACTED]
Nick	Tallen	[REDACTED]		[REDACTED]	CA	[REDACTED]
PAMELA	WHITE	[REDACTED]		[REDACTED]	CA	[REDACTED]
Meredith	Bell	[REDACTED]		[REDACTED]	CA	[REDACTED]
Lara	Miranda	[REDACTED]		[REDACTED]	CA	[REDACTED]
Nancy	Patumanoan	[REDACTED]		[REDACTED]	CA	[REDACTED]
Michele	Checchia	[REDACTED]		[REDACTED]	CA	[REDACTED]
Vincent	Dee	[REDACTED]		[REDACTED]	CA	[REDACTED]
Mi	Shapiro	[REDACTED]		[REDACTED]	CA	[REDACTED]
Michaele	Shapiro	[REDACTED]		[REDACTED]	CA	[REDACTED]
Suzanne	Bianqui	[REDACTED]		[REDACTED]	CA	[REDACTED]
Saul	Kay	[REDACTED]		[REDACTED]	CA	[REDACTED]
Jo Ellen	Legendre	[REDACTED]		[REDACTED]	CA	[REDACTED]
Marta	Russell	[REDACTED]		[REDACTED]	CA	[REDACTED]
Michael	Tullius	[REDACTED]		[REDACTED]	CA	[REDACTED]
Gene	Winokur	[REDACTED]		[REDACTED]	CA	[REDACTED]
Bob	Leaming	[REDACTED]		[REDACTED]	CA	[REDACTED]
Deanna	McHose	[REDACTED]		[REDACTED]	CA	[REDACTED]
Mike	Cox	[REDACTED]		[REDACTED]	CA	[REDACTED]
Daniel	Doble	[REDACTED]		[REDACTED]	CA	[REDACTED]
Laura	Hennings	[REDACTED]		[REDACTED]	CA	[REDACTED]
Eunice	Noack	[REDACTED]		[REDACTED]	CA	[REDACTED]
Don	Pilgrim	[REDACTED]		[REDACTED]	CA	[REDACTED]
Justine	Shaw	[REDACTED]		[REDACTED]	CA	[REDACTED]
June	Engstrom	[REDACTED]		[REDACTED]	CA	[REDACTED]
Greg	Wiley	[REDACTED]		[REDACTED]	CA	[REDACTED]
Emily	Bender	[REDACTED]		[REDACTED]	CA	[REDACTED]
fredi	bloom	[REDACTED]		[REDACTED]	CA	[REDACTED]
Alice	Carlston	[REDACTED]		[REDACTED]	CA	[REDACTED]
Raymond	Larsen	[REDACTED]		[REDACTED]	CA	[REDACTED]
Esther	Riley	[REDACTED]		[REDACTED]	CA	[REDACTED]
Mark	Walters	[REDACTED]		[REDACTED]	CA	[REDACTED]
Myron	Walters	[REDACTED]		[REDACTED]	CA	[REDACTED]
David	Griffith	[REDACTED]		[REDACTED]	CA	[REDACTED]
Patty	Nyquist	[REDACTED]		[REDACTED]	CA	[REDACTED]
Shirley	Ashburn	[REDACTED]		[REDACTED]	CA	[REDACTED]
Amy	Karcher	[REDACTED]		[REDACTED]	CA	[REDACTED]
Marilyn	Flint	[REDACTED]		[REDACTED]	CA	[REDACTED]
carol	Lawrence	[REDACTED]		[REDACTED]	CA	[REDACTED]
Virginia	Macy	[REDACTED]		[REDACTED]	CA	[REDACTED]
Frank	Mansell	[REDACTED]		[REDACTED]	CA	[REDACTED]
William	Mobley	[REDACTED]		[REDACTED]	CA	[REDACTED]
Nicole	Tostevin	[REDACTED]		[REDACTED]	CA	[REDACTED]
Michael	Futch	[REDACTED]		[REDACTED]	CA	[REDACTED]
Robert	Zoglin	[REDACTED]		[REDACTED]	CA	[REDACTED]
Tom	Reed	[REDACTED]		[REDACTED]	CA	[REDACTED]
Adrienne	Ross	[REDACTED]		[REDACTED]	CA	[REDACTED]
Gene	Ulmer	[REDACTED]		[REDACTED]	CA	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Jeanine	Borland Mann				CA	
Gail	Cohan				CA	
Lolli	Freedman				CA	
margaret	keane				CA	
Tiffany	Rechsteiner				CA	
Dottie	Schaefer				CA	
GEOFF	LEAVELL				CA	
Charlotte	Pirch				CA	
Lloyd	Reynolds				CA	
Paul	DuPratt				CA	
Elena	Berman				CA	
Marilyn	Campbell				CA	
Rex	Green				CA	
Valerie	Heath-Benjamin				CA	
Irene	Helm				CA	
Mary Geissler	Lanzone				CA	
Michael	Mitsuda				CA	
Dave	Neklason				CA	
Karen	Neklason				CA	
V Diane	Corbin				CA	
Jill	Fields				CA	
Austin	Frost				CA	
Charles L.	Krugman				CA	
Rena	Magana				CA	
Victor	Magana				CA	
Barbara	Brooks				CA	
Randa	Eaves				CA	
Tom	LaLonde				CA	
Phyllis	Pivar				CA	
Janine	White				CA	
David	Rippner				CA	
Miles	Babcock				CA	
Ann Kristine	Hellgren				CA	
Chris	Weaver				CA	
Rebecca	Criss				CA	
M.N.	Johnson				CA	
Robert	Neuman				CA	
Melissa	Runnels				CA	
Miriam	Stryzik				CA	
Patty	Thompson				CA	
Bill	Weisman				CA	
Maurice	Cayem				CA	
Rose	Gernon				CA	
craig	helberg				CA	
myrna	seto				CA	
David	Follman				CA	
May	Goldberg				CA	
Tonia	Jauch				CA	
florence	klein				CA	
John	Rose				CA	
Marty	Shapiro				CA	
Derek	Bunyan				CA	
James	Hughart				CA	
joyce	banzhaf				CA	
Ames	Gilbert				CA	
Frederick	Harriman				CA	

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Jeffrey	Jimerfield	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Eric	Malone	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Wendy	Zukas	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Johann	Frey	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Robert	Krinsky	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Robert	Cotner	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Anna	Hines	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Jeffrey	Schultz	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Mitchell	Gordon	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Gary	Williams	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Edward L.	Garwin	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
maureen	perron	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
MARY	TROOP	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Elizabeth	Zographos	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Shirley	Mills	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Robert	Hunt	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
VinCent	pruden	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Karin	Anderson	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Helen	Cochems	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Christina	Easiley	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Roy	Entin	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Jan	Goodrich-MacM	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Lori	Kirstein	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Catherine	Loeffler	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Jessie	Kainz	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Don	Marshall	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Joann	Shook	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Curtis	Thomson	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Allyn	Meyer	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Lloyd	Midyett	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Rita	Hays	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Sheila L	Smith	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Denise	DiPasquale	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Neil	Gretsky	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Dency	Nelson	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Mark	Seifert	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Nancy	Kops	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Steven	Price	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
charles	robinson	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Dale	Reynolds	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Robert	Hammerquist	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Rosemary	Hall	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Erica	Brewer	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Lisa	Cooper-Keil	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Julie	Ford	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Tom	Fray	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Janine	Joslin	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Harvey	Levin	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Therese Ballet	Lynn	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Ken	Maloney	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
mark	nelson	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Vern	Nelson	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Daniel	Whitesell	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Albert	Withers	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Richard	Cardella	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Kenneth	Hutchinson-Sure	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Marcia	Krull				CA	
clark	shelby				CA	
Mary B.	Franklin				CA	
Mary	Blyth-Cloud				CA	
Mildred	Lewis				CA	
Marguerita	Lightfoot				CA	
David	Brast				CA	
Elaine	Booth				CA	
Felicity	Figueroa				CA	
David	Fuelling				CA	
Vincent S.	Guadagnino				CA	
Julia	Hoigaard				CA	
Judy	Kaufman				CA	
Kimberly	Knapp				CA	
Ellen	McGuire				CA	
David	Smith				CA	
Angelo	Vassos				CA	
Marilyn	Vassos				CA	
James	Ward				CA	
Elia	Boggia				CA	
Michael	Charren				CA	
Judith	Oechel				CA	
Walter	Oechel				CA	
Ian	Penney				CA	
geri	todd				CA	
Philip	Farrocco				CA	
Donald	Goldmacher				CA	
John	McNally				CA	
Michelle	Peticolas				CA	
Patrik	Rousselot				CA	
Stephen	Whitney				CA	
geraldine	caldarola				CA	
John	Davis				CA	
Ivan	Huber				CA	
Sylvia	Lubow				CA	
rita	hart				CA	
Danny	Schulman				CA	
Marc	Silverman				CA	
Stephen	Priest				CA	
Peter	Robinson				CA	
Dennis	Larkins				CA	
cynthia	rutherford				CA	
Carol	Changus				CA	
Celia	Dejong				CA	
michelle	diaz				CA	
Herb	Joseph				CA	
Brent	Larsen				CA	
Michael	Sussna				CA	
Clare	Zimmerman				CA	
Karin	Hoffman				CA	
KATE	JOHNSON				CA	
Louise	Clark				CA	
June	Derne				CA	
maria	espinosa				CA	
Elizabeth	Ferree				CA	
Hollis & Kathryn	Hardy				CA	

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Inez	Hiller				CA	
Jacob	Cherub				CA	
Cheryl	Procaccini				CA	
Lillian	Reiter				CA	
Stephen	Groth				CA	
HARRY	BLANK				CA	
JOY	BLANK				CA	
L. Eleanor	Finney				CA	
Sheryl	Sutterfield				CA	
Marvin	Pill				CA	
Judy	Curry				CA	
Dean	Inada				CA	
Tom	McKenna				CA	
Tom	Plaisance				CA	
Linda	Wohlgemuth				CA	
Max and Sue	Aby				CA	
Doonna	Spellman				CA	
lee	bailey				CA	
John	Graham				CA	
Maria	Raphael				CA	
Janiece	Adams				CA	
James	Babb				CA	
Johanna	Harman				CA	
Libbe	Madsen				CA	
Terry	Williams				CA	
William	Welsch				CA	
Thomas	Cluster				CA	
Herman	Osorio				CA	
Jane	campbell				CA	
Nancy	Droese				CA	
Margaret	Brooks				CA	
Frederick	Cliver				CA	
Virginia	DeMoss				CA	
Rev. Dr. Iris	Frelander				CA	
Edric	Guise				CA	
bev	kelly, ph.d.				CA	
Katherine	Mack				CA	
Elizabeth	McDargh				CA	
Don	McKelvey				CA	
Scott	McLean				CA	
Jordana	Nichols				CA	
Michael	Pukish				CA	
Naomi	Steinfeld				CA	
Barbara	Wolfe				CA	
Tracey	Young				CA	
Wanda	Schwall				CA	
jeff	abrams				CA	
Geoff	ball				CA	
Elaine	Erickson				CA	
Lauri	Steel				CA	
Steve	Kirsch				CA	
Ruth	Rosenblum				CA	
Jill M.	Stone				CA	
jon	schell				CA	
David	Auslender				CA	
Amanda	Baker				CA	

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
David	Ballard				CA	
Lynne	Banta				CA	
Kara	Barton				CA	
Diane	Berliner				CA	
Sean	Biggins				CA	
Marylin	Bitner				CA	
madaline	blau				CA	
Peter	Bodlaender				CA	
Alex	Boling				CA	
George	Boujie				CA	
Gene	Brault				CA	
Pearl	Brickman				CA	
Murray	Brill				CA	
Murray	Brill				CA	
Charles	c				CA	
Richard	Chogyoji				CA	
Lynn	Cicalo				CA	
James	Cirile				CA	
bernadette	colomine				CA	
David	Craven				CA	
Robert	Dallmeyer				CA	
Scott	Davis				CA	
Al	Drutz				CA	
Jamison	Dufour				CA	
Richard	Edelson				CA	
Andrew	Eickmeier				CA	
Steve	Elkins				CA	
Cathy	Escarcega				CA	
Michael W	Evans				CA	
Leon	Fainstadt				CA	
Nancy	Felixson				CA	
Brenda	Fies				CA	
Nancy	Fincher				CA	
Jonathan	Flier				CA	
Paula	Franceschi				CA	
Charles	Gaiennie				CA	
Kay	Gallin				CA	
Raul	Garcia				CA	
Stephen	Gatta				CA	
robin	gibson				CA	
Nancy	Girten				CA	
Simon	Glickman				CA	
Beverly J.	Goldrup				CA	
Sandra	Graham-Howard				CA	
Karen	Greene				CA	
Trip	Harting				CA	
Karen	Harwitt				CA	
Lyle	Henry				CA	
Elizabeth	Hogan				CA	
Howard H.	Holmes				CA	
Margaret	Honda				CA	
Jeff	Horne				CA	
Alvaro	Huerta				CA	
Anthony	Huljev				CA	
j	Hynd				CA	
Dean	Jacobson				CA	

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Doris	Jacobson	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Denise	Jenkins	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Brenda	Johnson	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
scott	Johnson	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Julia	Jones	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Kian	Kaeni	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
HARRY	Kasinowtz	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Anne	Kelly	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Nicolas	Kinnan	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Julie	Klabin	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Marie	Kobler	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
chrissa	kobrin	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
John Kevin	Laffey	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Bernard	LaFianza	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Cynthia	Lamontagne	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Eric	Lapointe	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Eugene	Lee	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Donald	Lerma	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Alita and Leon	Letwin	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Betsy	Ling	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
janet	maker	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Kate	Maisbury	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
BIANCA	MANNARA	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
J.	Marder	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Robert	Mason	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Andrea	Mazon	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Edwin	McCready	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Erin	McMorrow	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
George	McPhatter	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Lee	Mentley	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Evalyn	Michaelson	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Carly	Miller	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Beth	Milstein	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
David	Minor	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Ginger	Mira	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Douglas	Mirell	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
benjamin	morpurgo	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Karen	Morris	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Craig	Moseley	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
R.A.	Muir	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
sheri	myers	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Carol	Newton	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Sandra	Newton	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Mark	Nockels	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Nancy	Norris	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Carlos	Nunez	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Ivan	O'Neill	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Kenneth	Page	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
JOSEPHINE	PARTIDA	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
donna	perlmutter	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Jean	Phinney	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Noemi	Pollack	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
charles	proser	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Sarah	Rath	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Zhita	Rea	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Mark	Reback	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Alicia	Reiley	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Brent	Riggs	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Charles	Robinson	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Mary	Rocco	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Dr. Joan	Rodman	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Betty	Rosen Ziff	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Ken	Roth	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Arnie	Rotkin	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Noelle	Royer	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Brady	Rubin	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Joseph	Sacks	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Rev. Dr. Edwa	Salm	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Barry	Saltzman	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Tom	Sanchez	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
John	Sarley	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Eva	Scherb	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Tammy	Schwolsky	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Pamela	Selwyn	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Alfred & Mary	Shore	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Lauren	Simon	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Rachel	Singer	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
River	Skybetter	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Jan	Solomita	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Jodi	Stanford	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
NANCY	STEINER	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Kerstin	Stempel	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
eric	stockel	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
James	Suthers	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Cynthia	Szigeti	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Ethel	Tankenson	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Joanne	Thomas	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Daniel	Tiarks	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Anike	Tourse	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Joanne	Travis	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Craig	Tyron	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Ariel	Van Zandweghe	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Ginger	Varney	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Frederick	Wenzlaff	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Mindi	White	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Stephanie	White	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Connie	Wilson	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Mary Ann	Wilson	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Howard	Woo	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
DALLAS	WRIGHT	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Charles	Wyle	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Chris	Young	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Sydney	Zapiec	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Stephanie	Zhong	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Cynthia	Biasca	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Ted	Cocheu	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Margaret E.	Ford	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Kristine	Lamendola	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Cinda	Lutts	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Gina	Miano	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Cherri L	Nelson	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Albert	Stewart	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Anne	Stewart				CA	
Robin Sager	Whitney				CA	
Paula	Cavallaro				CA	
Alice	Gold				CA	
Patricia	Grimes				CA	
Alan and Mrs.	Holz				CA	
Sarah	Dixon				CA	
E. Barry	Haldeman				CA	
Gary	Hoffman				CA	
Nancy R	Holmes				CA	
Bill	Barger				CA	
Bill	Barger				CA	
Rosemary	Graham-Gardne				CA	
Hyim	Levy				CA	
Joyce	Levy				CA	
Terri	McCaul				CA	
William	McGill				CA	
Barry	Seymour				CA	
Ruth	Stroud				CA	
Joseph	Holder				CA	
Paula	Barrett				CA	
Barbara	Gross				CA	
Daniel	kopels				CA	
Barbara	Majoy				CA	
Jeffrey	Ross				CA	
Diane	Soler				CA	
joyce	stein				CA	
Fujiko	Yamashita				CA	
Andrew	Coile				CA	
Josh	Evans				CA	
Regina	DeFalco Lippert				CA	
Mitch	Parkinen				CA	
Nancy	Correll				CA	
Nora	Golub				CA	
Stephen	Hall				CA	
leslie	quinn				CA	
Lori	Bloom				CA	
grail	dawson				CA	
Raven	Deerwater				CA	
gail	deutsch				CA	
jovan	jelic				CA	
Cheri	Langlois				CA	
Dale	LeFevre				CA	
Felicia	Butler				CA	
Jack	Fuller				CA	
Mike	Jensen				CA	
Robert	Kent				CA	
David	Perkins				CA	
Lori	Smullin				CA	
Joshua	Zucker				CA	
hannah	sowerwine				CA	
Sharon	Darby				CA	
LaVerne	Uhte				CA	
John	August				CA	
June	Berry				CA	
Kathleen	Burgy				CA	

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Doris	Clark				CA	
Janet	Conley				CA	
Thais	Crowell				CA	
William	Devliin				CA	
William	Dewey				CA	
Catherine	Dow				CA	
David	Dow				CA	
Susan	Falkenrath				CA	
Corey	Fischer				CA	
China	Galland				CA	
Claudia	Giuliani				CA	
zoe	goorman				CA	
Bonnie	Gray				CA	
Phyllis	Hamilton				CA	
Heather	Hawkins, Ph.D.				CA	
Dennis	Heinzig				CA	
Lou	Hexter				CA	
Wendy	Hochstetter				CA	
Scott	Holt				CA	
josh	knox				CA	
Robert	Knox				CA	
Mary	Lindauer				CA	
Anni	Long				CA	
Jean	Miller				CA	
Elizabeth	Moody				CA	
Charlotte	Osborn				CA	
Sheryl	Patton				CA	
Eve	Pell				CA	
Hollis	Polk				CA	
Susan	Reynolds				CA	
May	Rubin				CA	
Evelyn	Shrieve				CA	
Ralph	Silverman				CA	
G. Mark	Spitalny				CA	
Chris	Strodder				CA	
Rose	Taylor				CA	
William	Usher				CA	
Julia	Zaslow				CA	
Nat	Chlids				CA	
Maria	Royce				CA	
Leonard	Yorke				CA	
marylou	cantarella				CA	
Christine	Etana				CA	
Michael	Newman				CA	
Dave	Bermann				CA	
Alexander	Brittain				CA	
Shirley	Denney				CA	
Ryan	Gurney				CA	
Claudia	Parks				CA	
Leda	Slattery				CA	
Susan	Dobay				CA	
Susan and En	Dobay				CA	
robert	Buelteman				CA	
Steve	Hernandez				CA	
Philip	O'Connell				CA	
Kathreen	Arscott				CA	

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Mary Leah	Plante				CA	
Arlen	Grossman				CA	
Julie	Pizzo				CA	
Michael	Reveles				CA	
Marian	Hallin				CA	
Michele	Eason				CA	
francis	glebas				CA	
Chris	Hogan				CA	
Cindy	Stern				CA	
Jillian	Elliott				CA	
Joseph	Tieger				CA	
Lanel	Hargreaves				CA	
Martin	Smallen				CA	
John	Senuta				CA	
Emilly	Young				CA	
Sonia	Dinger				CA	
Karen	Almgren				CA	
Ruth	Clifford				CA	
Jana	Gold				CA	
Howard	Guss				CA	
Luba	Kaplun				CA	
Deanna	Knickerbocker				CA	
Julie	Lovins				CA	
Joan	MacDonald				CA	
Wallace	MacDonald				CA	
Alice Anne	Martineau				CA	
Ivan	Olsen				CA	
Tracy	Weatherby				CA	
Greg	Yost				CA	
Loreen	Eliason				CA	
Deborah	Donahower				CA	
Russ	Hagan				CA	
Sharon	Parham				CA	
Monty	Sander				CA	
Deborah	Thibodaux				CA	
Dale	Weide				CA	
Shera	Banbury				CA	
Ted	Beedy				CA	
Stephen	Greenberg				CA	
Edith	Lobb				CA	
Paula	Orloff				CA	
Shari	Phillips				CA	
Robin	Robintree				CA	
Joy	Hurst				CA	
Paul	Blakelock				CA	
Marty	Powell				CA	
Diane	Blair				CA	
Jeri	Maly				CA	
Sheila	Marsh				CA	
Geoffrey	Rickner				CA	
Carole	Chimarusti				CA	
Sheila	Moore				CA	
diane	nadelle				CA	
Lorayne	Ray				CA	
Hope	Alexander-Willis				CA	
Maxine	Arnold				CA	

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Diana	Dee	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Amy	Morris	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
julie	santoro	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Ilene	Savitt	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
JOEL	THAMES	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Sheila	Winston	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Diana	Malley	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
michael	boshears	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Samuel	Pinneau	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Carol	Prager	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Dorri and Flore	Raskin	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
VIRGINIA	LANE	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
David	Freiberg	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Joyce W	Lowry	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Thomas	Ray	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Andrew	Shelton	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Russell	Stockard Jr.	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Malcolm & Cal	Faust	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Norma	Armon	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Peter	Bank	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Jon	Barrilleaux	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Norman	Bearrentine	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Linda	Beaton	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Elise	Bell	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Christine	Berger	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
June	Brumer	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Lawrence	Bryer	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Kenneth	Butcher	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Scott	Campbell	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Michael	Cohen	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
margaret	copi	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
james	cox	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Amy	Dewey	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Jeanne V.	Diller	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Martin	Dreyfuss	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Glenda	Dunmore	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Jeanne	Ellgar	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Rita	Ferreira	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Barry	Finnerty	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Jeanne	Fogler	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Stephanie	Fox	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Chet	Gardiner	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Attica	Georges	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Gregory	German	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Deanna	Gianopoulos	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Ayesha	Gill	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
kristine	gillespie	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
steve	gilmartin	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Jeannette	Glynn	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Jon	Golding	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Marc	Gonzalez	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Adele	Grunberg	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
alex	guevara	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Heather	Hanly	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Kathe	Haskell	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Phyllis	Heft	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Christian	Heinold				CA	
Eric	Howe				CA	
Hildur	Kehoe				CA	
Sabrina	Klein				CA	
Janet	Kobren				CA	
Gary	Kukus				CA	
Jana	Lane				CA	
charles	lawrence				CA	
vibeka	lyman				CA	
Maria-Laura	mancianti				CA	
Lynda	McBroom				CA	
Nancy	McFarland				CA	
genevieve	mcguffin				CA	
jim	meredith				CA	
Louis	Michel				CA	
Michael	Norton				CA	
Frank	Olivier				CA	
Jessica	Parker				CA	
Anthony	Pasqua				CA	
Raj	Patel				CA	
Ben	Riddell				CA	
Ben	Riddell				CA	
Hadas	Rin				CA	
tanya	russell				CA	
Dana	Saks				CA	
Lewis	Santer				CA	
Robert	Schwentker				CA	
Jenifer	Shields				CA	
Rona	Siddiqui				CA	
Anthony	Signorino				CA	
Adam	Silber-Becknell				CA	
alex	smith				CA	
linda	Spangler				CA	
Joshua	Sperry				CA	
Harvey	Steinhaus				CA	
Fumi	Sugihara				CA	
Jasmin	Thana				CA	
Gary	Titus				CA	
Randy	Vogel				CA	
Laura	Wells				CA	
Katherine	Westerhout				CA	
Jessica	Wickens				CA	
Jan	Wilson				CA	
Leslie	Wilson				CA	
Candice	Wright				CA	
gertrude	young				CA	
Joan	Zawaski				CA	
Margot	Geiger				CA	
jacqueline	Holmes				CA	
Doret	Kollerer				CA	
Elise	Sokolay				CA	
Andrew	Skerness				CA	
Kathryn	Shore				CA	
1stSgt John	Farritor				CA	
Jim and Sharle	Hamilton				CA	
Otto	Hunt				CA	

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
William	Roecker				CA	
Richard	Terry				CA	
Susan	Broidy				CA	
Jeffrey	Sherman				CA	
daniel	turbeville				CA	
NANCY	VERNAND				CA	
Christopher	Lish				CA	
Michael	Tannar				CA	
Ronald	Wall				CA	
Rollie	Bland				CA	
Ka	Higgins				CA	
Dominique	Sanchez				CA	
Arnold	Seidler				CA	
Dean	Weinstein				CA	
Greg	Koby				CA	
Brenda	Clark				CA	
Ned	Roberts				CA	
Bruce	Harmon				CA	
William	Foreman				CA	
Natalie	Kessler				CA	
JOSEPH	REEL				CA	
Dave	Whipple				CA	
Beatriz	Ferguson				CA	
evan	hurd				CA	
Marvin	Kaphan				CA	
Marvin	Kaphan				CA	
Linda	Novack				CA	
William	Perkins				CA	
Eugene	Archibald				CA	
Stephanie	Nale				CA	
miriam	silverman				CA	
Lois	Stuart				CA	
Susan	Swanson				CA	
herb	bromberg				CA	
Richard	Burg				CA	
Louise	Escoe				CA	
Betty	Rutherford				CA	
Dorea	Smith				CA	
Patricia	Colognesi				CA	
Dennis	Grau				CA	
Grace	Jablow				CA	
David	Marlow				CA	
Eloise B.	Peterson				CA	
MARYELLEN	REDISH				CA	
James E.	Snodgrass				CA	
Esther	Blumenthal-Shea				CA	
Howard	Cohen				CA	
Michael	Eager				CA	
peggy	fender				CA	
jim	fox				CA	
Ivan	Gendzel				CA	
Elfrid	Gioumouis				CA	
Arthur	Grantz				CA	
R Michael	Harman				CA	
JOHN	HEALY				CA	
Arthur	Keller				CA	

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Nevin	Lantz				CA	
Thomas	Lewis				CA	
Frank	Matyskiela				CA	
Maya	Moiseyev				CA	
Edmund	Monberg				CA	
Barbara	Oceanlight				CA	
Robert	Roth				CA	
Jan	Rubens				CA	
Gary	Sanders				CA	
Walter	Sedriks				CA	
James	Sheats				CA	
William	Van Orsdol				CA	
Carol	Vesecky				CA	
Joel	Waldman				CA	
Joanna	Westerfeld				CA	
jane	zimmerman				CA	
Julie	Hernandez				CA	
Glynnis	Campbell				CA	
Pamela	Gibberman				CA	
Ralph	Cooper, D.V.M.				CA	
Marna	Cornell				CA	
Gale	Hurd				CA	
Jocelyn	Keene				CA	
Rodanthi	Kitridou				CA	
Constance	Komoroski				CA	
Samantha	Lau				CA	
magda	manigque				CA	
Judith	McAdoo				CA	
jeffrey	smith				CA	
Frieda	Stahl				CA	
Ellen	Stein				CA	
Harriet	Whelan				CA	
charlie	lawrence				CA	
Alexandra	Appel				CA	
Belle	Ganapoler				CA	
Mark	Walker				CA	
Beni	Diaz				CA	
Arnaud	Lambert				CA	
charlotte	painter				CA	
Nancy	Slanger				CA	
Jonathan	Stracy				CA	
Esther	Wagner				CA	
Don	Dier				CA	
Jo	Patton				CA	
Cecilia	Nelson				CA	
Allan	Blackman				CA	
Ken	Bauer				CA	
Anna	Ciacchella				CA	
Kathleen	Clark				CA	
Ilene	Linszen				CA	
Rhonda	Ryan				CA	
Daniel	Safran				CA	
Harriet	Anderson				CA	
Walter	Bolling				CA	
Diane J	Hansen				CA	
Daniel	Maslana				CA	

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Robin	Miller				CA	
Susan	Quickel				CA	
Diane	Cochran				CA	
Lisa	Olson				CA	
Christopher	Johnson				CA	
Lisa	Quinn				CA	
Marjorie A.	Brady				CA	
dave	geare				CA	
David	Kastanis				CA	
Ann	Willard				CA	
Ann	Willard				CA	
Winfield	Carson				CA	
Dorothy	Gesick				CA	
Kristin	Hurley				CA	
Gary	Johnson				CA	
Judy	Ki				CA	
chelan	riebe				CA	
Martha	Sullivan				CA	
Stephanie	Mitchell				CA	
Robert M.	Jones				CA	
Nancy	Dion				CA	
Dennis	Ledden				CA	
Barbara	Farren				CA	
Sheila	Hoff				CA	
Herbert	Remstein				CA	
Arthur	Wertheim				CA	
Arlene	Zimmer				CA	
Nancy	Malone				CA	
Gretchen	Davisson				CA	
Catherine	Pagni				CA	
Ronald	Taylor				CA	
Steven	Cahill				CA	
Jane	Affonso				CA	
Mary Jo	Cittadino				CA	
Judith	Neiger				CA	
Harry	Squires				CA	
Stuart	Watson				CA	
P	Webster				CA	
Bill	Baker				CA	
Elizabeth	Barbour				CA	
Carol	Cross				CA	
E Wallace	Esler				CA	
gary	fabian				CA	
Charles	Fisher				CA	
Nancy	Goodban				CA	
George	Laakso				CA	
Curt	Luck				CA	
William	Milton				CA	
tony	Mrsich				CA	
Steven W	Russell				CA	
Patrick	Weston				CA	
Tara	Athan				CA	
George	Berta				CA	
Peter	Flanagan				CA	
Lorena	Wolfe				CA	
Deborah	Asch				CA	

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Mark	Berger				CA	
Francisco	Diaz				CA	
Sarah	Houghton				CA	
David	Kalins				CA	
Jacqueline	Lasahn				CA	
Jean	Mock				CA	
Lilia	Rangel				CA	
Jennifer	Rastegar				CA	
Stephen	Shea				CA	
Kathryn	Sibley				CA	
Rudy	Zeller				CA	
Shirley	Dalton				CA	
Laurel	Beyrer				CA	
John	Fay Jr.				CA	
Mary	Holley				CA	
Norma	Monge				CA	
Shayne	Munger				CA	
Norman	Morin				CA	
Elaine	Cook				CA	
Fred	Flanagan				CA	
Matthew	Parkhurst				CA	
Shawn	Toumodge				CA	
Charles & Aich	Bates				CA	
Lawrence	Solorio				CA	
Dee	Warenycia				CA	
Paul	Warenycia				CA	
Evan	Wilson				CA	
David	Eastwood				CA	
S.	Peters				CA	
Eileen	Alderette				CA	
david	anderson				CA	
Lynda	Austin				CA	
Jerry	Betro				CA	
grace	cooper				CA	
Robert	Finnegan				CA	
Christine	Gary				CA	
Stephanie	Glavin				CA	
Gus	Guichard				CA	
Christine	Hamel				CA	
Randall	Hartley				CA	
James	Israel				CA	
Ereck	Johan				CA	
Melody	Klein				CA	
John	Liberty				CA	
KGB	Marshall				CA	
WILLIAM	MC CARTER				CA	
Shelley	McEwan				CA	
sommes	mccgregor				CA	
Kari	Millette				CA	
Kenneth	Nahigian				CA	
Cynthia	Neuman				CA	
Marcia	Parlante				CA	
Judith	Poxon				CA	
catherine and	ramirez				CA	
Sue	Robbins				CA	
Gail	Ryall				CA	

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Joel	Ryan	[REDACTED]		[REDACTED]	CA	[REDACTED]
Pamela	Smith	[REDACTED]		[REDACTED]	CA	[REDACTED]
Wendy	Stultz	[REDACTED]		[REDACTED]	CA	[REDACTED]
Shirley	Sykes	[REDACTED]		[REDACTED]	CA	[REDACTED]
Terelle	Terry	[REDACTED]		[REDACTED]	CA	[REDACTED]
Thais	Thomas	[REDACTED]		[REDACTED]	CA	[REDACTED]
Tony	Vetrano	[REDACTED]		[REDACTED]	CA	[REDACTED]
Jacob	Wegelin	[REDACTED]		[REDACTED]	CA	[REDACTED]
Mary Ann	Wilhelm	[REDACTED]		[REDACTED]	CA	[REDACTED]
Bob	Wilson	[REDACTED]		[REDACTED]	CA	[REDACTED]
Janet	Wolf-Eshe	[REDACTED]		[REDACTED]	CA	[REDACTED]
Susan	Hubbard	[REDACTED]		[REDACTED]	CA	[REDACTED]
Irene	Merrill	[REDACTED]		[REDACTED]	CA	[REDACTED]
Michael	Adler	[REDACTED]		[REDACTED]	CA	[REDACTED]
Brina-Rae	Schuchman	[REDACTED]		[REDACTED]	CA	[REDACTED]
Nicola	Griffin	[REDACTED]		[REDACTED]	CA	[REDACTED]
Chuck	Alderete	[REDACTED]		[REDACTED]	CA	[REDACTED]
MARY	SHIMER	[REDACTED]		[REDACTED]	CA	[REDACTED]
Annie	Fox	[REDACTED]		[REDACTED]	CA	[REDACTED]
David	Fox	[REDACTED]		[REDACTED]	CA	[REDACTED]
Michael	Lerner	[REDACTED]		[REDACTED]	CA	[REDACTED]
Arlan	Wareham	[REDACTED]		[REDACTED]	CA	[REDACTED]
Dana	Callen	[REDACTED]		[REDACTED]	CA	[REDACTED]
joe	hayes	[REDACTED]		[REDACTED]	CA	[REDACTED]
michele	bacigalupi	[REDACTED]		[REDACTED]	CA	[REDACTED]
Carol	Barrett	[REDACTED]		[REDACTED]	CA	[REDACTED]
Julie	Gilbert	[REDACTED]		[REDACTED]	CA	[REDACTED]
Andrew	Osborne-Smith	[REDACTED]		[REDACTED]	CA	[REDACTED]
Lois	Gregory	[REDACTED]		[REDACTED]	CA	[REDACTED]
John H.	Anderson	[REDACTED]		[REDACTED]	CA	[REDACTED]
barbara	aries	[REDACTED]		[REDACTED]	CA	[REDACTED]
Kathleen	Autote	[REDACTED]		[REDACTED]	CA	[REDACTED]
William	Babcock	[REDACTED]		[REDACTED]	CA	[REDACTED]
john	barnard	[REDACTED]		[REDACTED]	CA	[REDACTED]
Robert	Bates	[REDACTED]		[REDACTED]	CA	[REDACTED]
Darcy	Bergh	[REDACTED]		[REDACTED]	CA	[REDACTED]
Mark	Bolin	[REDACTED]		[REDACTED]	CA	[REDACTED]
karen	bowling	[REDACTED]		[REDACTED]	CA	[REDACTED]
Joel	Brown	[REDACTED]		[REDACTED]	CA	[REDACTED]
Reginald	Campbell	[REDACTED]		[REDACTED]	CA	[REDACTED]
Maximillian	Carper	[REDACTED]		[REDACTED]	CA	[REDACTED]
John	Cavanaugh	[REDACTED]		[REDACTED]	CA	[REDACTED]
Robert	Cerello	[REDACTED]		[REDACTED]	CA	[REDACTED]
David	Chester	[REDACTED]		[REDACTED]	CA	[REDACTED]
David	Childs	[REDACTED]		[REDACTED]	CA	[REDACTED]
Suzan	Clausen	[REDACTED]		[REDACTED]	CA	[REDACTED]
Don	Coffey	[REDACTED]		[REDACTED]	CA	[REDACTED]
Mark	Conlan	[REDACTED]		[REDACTED]	CA	[REDACTED]
Richard	DiMatteo	[REDACTED]		[REDACTED]	CA	[REDACTED]
David	Downing	[REDACTED]		[REDACTED]	CA	[REDACTED]
Irene	Dunny	[REDACTED]		[REDACTED]	CA	[REDACTED]
Cheryl	Ede	[REDACTED]		[REDACTED]	CA	[REDACTED]
Jim	Fischer	[REDACTED]		[REDACTED]	CA	[REDACTED]
David	Foster	[REDACTED]		[REDACTED]	CA	[REDACTED]
Sherrie	Frank	[REDACTED]		[REDACTED]	CA	[REDACTED]
Jessica	Friis	[REDACTED]		[REDACTED]	CA	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
patricia	gaber	[REDACTED]		[REDACTED]	CA	[REDACTED]
Adam	Gage	[REDACTED]		[REDACTED]	CA	[REDACTED]
Diane	Gage	[REDACTED]		[REDACTED]	CA	[REDACTED]
paula	garner	[REDACTED]		[REDACTED]	CA	[REDACTED]
Suzanne	Ghelardi	[REDACTED]		[REDACTED]	CA	[REDACTED]
carol	goldstein	[REDACTED]		[REDACTED]	CA	[REDACTED]
Christopher	Gomez	[REDACTED]		[REDACTED]	CA	[REDACTED]
Paul	Gordon	[REDACTED]		[REDACTED]	CA	[REDACTED]
Patricia	Gracian	[REDACTED]		[REDACTED]	CA	[REDACTED]
Rev. Darrell	Grant	[REDACTED]		[REDACTED]	CA	[REDACTED]
Daniel	Grodner	[REDACTED]		[REDACTED]	CA	[REDACTED]
Michael	Guttormson	[REDACTED]		[REDACTED]	CA	[REDACTED]
Susan	Hammons Mautr	[REDACTED]		[REDACTED]	CA	[REDACTED]
Seymour	Hanan	[REDACTED]		[REDACTED]	CA	[REDACTED]
margarita	haugaard	[REDACTED]		[REDACTED]	CA	[REDACTED]
Linda	Henning	[REDACTED]		[REDACTED]	CA	[REDACTED]
Phil	Hurley	[REDACTED]		[REDACTED]	CA	[REDACTED]
Crawford	Irvine	[REDACTED]		[REDACTED]	CA	[REDACTED]
Debra	King	[REDACTED]		[REDACTED]	CA	[REDACTED]
Mary Beth	Lazzaro	[REDACTED]		[REDACTED]	CA	[REDACTED]
Wayne	Lovett	[REDACTED]		[REDACTED]	CA	[REDACTED]
Joshua	Ludtke	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Mary-Carol	Madison	[REDACTED]		[REDACTED]	CA	[REDACTED]
Annette	Maggiora	[REDACTED]		[REDACTED]	CA	[REDACTED]
claire	mallery	[REDACTED]		[REDACTED]	CA	[REDACTED]
joseph	mayer	[REDACTED]		[REDACTED]	CA	[REDACTED]
Jacqueline	McElveny	[REDACTED]		[REDACTED]	CA	[REDACTED]
Dave	McIntosh	[REDACTED]		[REDACTED]	CA	[REDACTED]
Katherine	Miller	[REDACTED]		[REDACTED]	CA	[REDACTED]
paul	mills	[REDACTED]		[REDACTED]	CA	[REDACTED]
Bill	Modisette	[REDACTED]		[REDACTED]	CA	[REDACTED]
Dana	Monroe	[REDACTED]		[REDACTED]	CA	[REDACTED]
Patty	Mooney	[REDACTED]		[REDACTED]	CA	[REDACTED]
Deborah	Ogburn	[REDACTED]		[REDACTED]	CA	[REDACTED]
Jim	Parker	[REDACTED]		[REDACTED]	CA	[REDACTED]
Scott	Primack	[REDACTED]		[REDACTED]	CA	[REDACTED]
Sue	Quinn	[REDACTED]		[REDACTED]	CA	[REDACTED]
Jack	Robertson	[REDACTED]		[REDACTED]	CA	[REDACTED]
Veronica	Roeser	[REDACTED]		[REDACTED]	CA	[REDACTED]
Val	Sanfilippo	[REDACTED]		[REDACTED]	CA	[REDACTED]
Alisa	Shorago	[REDACTED]		[REDACTED]	CA	[REDACTED]
Joseph	Shulman	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Douglas	Silvera	[REDACTED]		[REDACTED]	CA	[REDACTED]
Bruce	Sims	[REDACTED]		[REDACTED]	CA	[REDACTED]
Virginia	Smith	[REDACTED]		[REDACTED]	CA	[REDACTED]
Lynne	St. John	[REDACTED]		[REDACTED]	CA	[REDACTED]
Griff	Stone	[REDACTED]		[REDACTED]	CA	[REDACTED]
Frances	Tessmer	[REDACTED]		[REDACTED]	CA	[REDACTED]
Jack	Tex	[REDACTED]		[REDACTED]	CA	[REDACTED]
John (Jack)	Tex	[REDACTED]		[REDACTED]	CA	[REDACTED]
Will	Toperoff	[REDACTED]		[REDACTED]	CA	[REDACTED]
Jack	Tripp	[REDACTED]		[REDACTED]	CA	[REDACTED]
Stefani	Walens	[REDACTED]		[REDACTED]	CA	[REDACTED]
john	wesley	[REDACTED]		[REDACTED]	CA	[REDACTED]
Roberta	Whitby	[REDACTED]		[REDACTED]	CA	[REDACTED]
Charles	Williams	[REDACTED]		[REDACTED]	CA	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Elizabeth	Yarberry				CA	
Emily	Zinda				CA	
Judith	Langhans				CA	
Larry	Granader				CA	
William	Alexander				CA	
Kirsten	Anderson				CA	
Mark	Angstman				CA	
Lucille	Arneson				CA	
Diane	Aubry				CA	
Ron	Avila				CA	
Neil	Bachers				CA	
Barbara	Baer				CA	
Charmaine P.	Bailey				CA	
Anthony	Bardo				CA	
Ethan	Bindernagel				CA	
David	Black				CA	
Jose Ricardo	Bondoc				CA	
Gary	Boren				CA	
Don	Brenneman				CA	
allen	brown				CA	
Daniel	Browneye				CA	
Phillip	Bryan				CA	
Cynthia	Byrd				CA	
Dennis	Cabuco				CA	
Charles	Calhoun				CA	
Carol	Chandler				CA	
Jeffrey	Cheifetz				CA	
eric	chesmar				CA	
deborah	clearwaters				CA	
Susan	Coliver				CA	
Robert	Cook				CA	
Ian	Cree				CA	
Steve	Crow				CA	
Valina	Cutler				CA	
Melissa	Davis				CA	
Ann	Dawson				CA	
Carolyn	Deevy				CA	
Jennifer	Deming				CA	
Heidi-lyn	Depper				CA	
Donald	Dodge				CA	
Gloria	Donohue				CA	
Paul	Downer				CA	
Teresa	Durling				CA	
James	Dyer				CA	
Nancy	Edmonson				CA	
Lewis	Ellingham				CA	
Stephen	Evans				CA	
Jo	Falcon				CA	
Duncan	Fankboner				CA	
Tom	Formaro				CA	
Allen	Foster				CA	
debbie	frank				CA	
John	Frank				CA	
Francia	Friendlich				CA	
Candace	Gadsby				CA	
Stuart	Gaffney				CA	

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Jeff	Gallegos	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Kimberly	Garrison	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
megan	gilbert	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Rado	Gregorich	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Rev. Rosemar	Gross	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
James	Hass	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Loie	Hayward	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Alison	Heath	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
David	Hodgson	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Charles	Hsu	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Sid	Huff	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Jeffrey	Hurwitz	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Linda	Imber	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Peter	Jacques	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
David	James	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Barbara	Jaspersen	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
marc	jondall	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Julie	Jumonville	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Margo	Kieser	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Jeff	Kline	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
marjorie	knettle	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Beth	Korn	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Nancy	Kramer	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Stuart	Kremsky	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Maggie	Kuo	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
gillian	ladd	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Ravi	Lau	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Llia	Lawrence	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
A.	Lenzer	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Roger	Levin	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Cheryl	Lewis	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
michael	lim	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
paul	loper	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
John	Lowell	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Richard	Lyons	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Larry	Magee	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
david	manley	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Josephine	Manuele	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Nicole	Maron	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Lisa	Martinez	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
michael	mascioli	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Kurt	Mason	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Ari	Meyer	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
holly	millar	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Alan	Mirviss	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Michale	Missasi	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Rose Mary	Mitchell	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Jean	Mont-Eton	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
William	Munce	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Steve	Mundschau	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Brendan	Murphy	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Krista	Nordstrom	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
d michael	nowacki	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Kayo	Okawa	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Lori	Orson	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Robert	Pederson	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Jon	Perry				CA	
MJ	Pramik				CA	
Carol	Rakay				CA	
Catherine	Regan				CA	
John	Rockwell				CA	
Brian	Rogers				CA	
David	Romano				CA	
Rosalind	Romney				CA	
Meg	Rosenfeld				CA	
wilson	ross				CA	
Elizabeth	Rotter				CA	
James	Rudoff				CA	
Michael	Russell				CA	
Roland	Salvato				CA	
Suzanne	Sargentini				CA	
Edie	Schaffer				CA	
Erik	Schnabel				CA	
Susan	Schneider				CA	
Kevin	Sharps				CA	
Brian	Skaggs				CA	
Kathleen	Smidt				CA	
Jim	Soper				CA	
Karla	Spaulding				CA	
Nila	Staudt				CA	
Chuck	Stegman				CA	
Shannon	Stewart				CA	
Kayla	Strassfeld				CA	
Jeanine	Strobel				CA	
David	Sutter				CA	
Joseph	Sutton				CA	
Anneke	Swinehart				CA	
Judith	Teichman				CA	
Erik	Terreri				CA	
Britton	Trimmer				CA	
Vinh	Truong				CA	
Victor	Valdiviezo				CA	
Judy	van Soldt				CA	
Demian	Weekley				CA	
Linda	Weiner				CA	
Jonathan	Weinstock				CA	
Elisa	Welch				CA	
Susan	Wels				CA	
Randy	Wilkinson				CA	
Austin	Willacy				CA	
Jennifer	Willis				CA	
Tessa	Wilson				CA	
David	Wolf				CA	
Peter	Wong				CA	
Brian	Wood				CA	
Rose-Vincent	Lyon				CA	
Manny	Gonzalez				CA	
Mary	Armstrong				CA	
Lisa	Bail				CA	
Jeanne	Barber				CA	
Mark	Bishop				CA	
Dan	Brook				CA	

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Mitzi	Buchanan	[REDACTED]		[REDACTED]	CA	[REDACTED]
Allan	Campbell	[REDACTED]		[REDACTED]	CA	[REDACTED]
Heather	Cavanagh	[REDACTED]		[REDACTED]	CA	[REDACTED]
Leonard B	Chandler	[REDACTED]		[REDACTED]	CA	[REDACTED]
Joan	Chatman	[REDACTED]		[REDACTED]	CA	[REDACTED]
Vernon	Chatman	[REDACTED]		[REDACTED]	CA	[REDACTED]
David	Cohen	[REDACTED]		[REDACTED]	CA	[REDACTED]
Ronnel	Corre	[REDACTED]		[REDACTED]	CA	[REDACTED]
Gigi Regina	Cox	[REDACTED]		[REDACTED]	CA	[REDACTED]
Mark	Cressman	[REDACTED]		[REDACTED]	CA	[REDACTED]
Sharon	Crocker	[REDACTED]		[REDACTED]	CA	[REDACTED]
CW	Curtis	[REDACTED]		[REDACTED]	CA	[REDACTED]
Sandra & Burt	Epstein	[REDACTED]		[REDACTED]	CA	[REDACTED]
Ted	Fishman	[REDACTED]		[REDACTED]	CA	[REDACTED]
Stan	Fitzgerald	[REDACTED]		[REDACTED]	CA	[REDACTED]
Ellen	Goldman	[REDACTED]		[REDACTED]	CA	[REDACTED]
Carmella	Granado	[REDACTED]		[REDACTED]	CA	[REDACTED]
Norbeth	Granado	[REDACTED]		[REDACTED]	CA	[REDACTED]
Diana	Harper	[REDACTED]		[REDACTED]	CA	[REDACTED]
Wendy	Irwin	[REDACTED]		[REDACTED]	CA	[REDACTED]
Arthur	Jackson	[REDACTED]		[REDACTED]	CA	[REDACTED]
Ronnie	Jacobson	[REDACTED]		[REDACTED]	CA	[REDACTED]
Christine	Jeffries	[REDACTED]		[REDACTED]	CA	[REDACTED]
Charlie	Jensen	[REDACTED]		[REDACTED]	CA	[REDACTED]
Bob	Johnson	[REDACTED]		[REDACTED]	CA	[REDACTED]
Julie	Kane	[REDACTED]		[REDACTED]	CA	[REDACTED]
Diane	Kauffman	[REDACTED]		[REDACTED]	CA	[REDACTED]
Jennifer	Keltner	[REDACTED]		[REDACTED]	CA	[REDACTED]
cathy	kozak	[REDACTED]		[REDACTED]	CA	[REDACTED]
Dennis	Macaulay	[REDACTED]		[REDACTED]	CA	[REDACTED]
Dan	Martinez	[REDACTED]		[REDACTED]	CA	[REDACTED]
Tara	McNulty	[REDACTED]		[REDACTED]	CA	[REDACTED]
jennifer	meegan	[REDACTED]		[REDACTED]	CA	[REDACTED]
Laurence	Mirels	[REDACTED]		[REDACTED]	CA	[REDACTED]
Mieke	Pagan	[REDACTED]		[REDACTED]	CA	[REDACTED]
doug	pearl	[REDACTED]		[REDACTED]	CA	[REDACTED]
Mary Kay	Raferly	[REDACTED]		[REDACTED]	CA	[REDACTED]
Merralee	Retallick	[REDACTED]		[REDACTED]	CA	[REDACTED]
Josephine	Riordan	[REDACTED]		[REDACTED]	CA	[REDACTED]
Margaret Chris	Robinett	[REDACTED]		[REDACTED]	CA	[REDACTED]
bill	roden	[REDACTED]		[REDACTED]	CA	[REDACTED]
Dalia and Edw	Smith	[REDACTED]		[REDACTED]	CA	[REDACTED]
Mrs.Linda M	Toma	[REDACTED]		[REDACTED]	CA	[REDACTED]
Sheila	Blades	[REDACTED]		[REDACTED]	CA	[REDACTED]
Meredith	Riekse	[REDACTED]		[REDACTED]	CA	[REDACTED]
Laurie S.	Seymour	[REDACTED]		[REDACTED]	CA	[REDACTED]
Jon	Bazinet	[REDACTED]		[REDACTED]	CA	[REDACTED]
Rachael	Bradshaw	[REDACTED]		[REDACTED]	CA	[REDACTED]
valerie	perez-ibardolasa	[REDACTED]		[REDACTED]	CA	[REDACTED]
Eduardo	vega	[REDACTED]		[REDACTED]	CA	[REDACTED]
Blake	Wu	[REDACTED]		[REDACTED]	CA	[REDACTED]
Joann	Kersten	[REDACTED]		[REDACTED]	CA	[REDACTED]
g	bilwin	[REDACTED]		[REDACTED]	CA	[REDACTED]
Graydon	Funke MD	[REDACTED]		[REDACTED]	CA	[REDACTED]
Russell	Hodin	[REDACTED]		[REDACTED]	CA	[REDACTED]
Maria	Jackson	[REDACTED]		[REDACTED]	CA	[REDACTED]

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Gary	Jollie				CA	
Shelley	Thomas				CA	
Rick	Barrelier				CA	
K.R.	Bartlett				CA	
Mark	Cappetta				CA	
David	Cary				CA	
Greg	Harris				CA	
Siva	Heiman				CA	
Michael	McDaniel				CA	
Mary	Petrosky				CA	
Ann	Rounds				CA	
jennifer	saffo				CA	
Loren	Szper				CA	
Marge	Weimer				CA	
Bill	Burmester				CA	
Craig	Antrim				CA	
Allene	Butler				CA	
Beverly	Cohen				CA	
John	Finley				CA	
HELEN	JASKOSKI				CA	
Fran	Roberts				CA	
Julia	Scoville				CA	
Lisa	Wilson				CA	
John	Boeschen				CA	
Elizabeth	Ferris				CA	
Kenn	Gartner				CA	
Howard	Hill				CA	
Dan	Holeman				CA	
MJ	Mamet				CA	
Rob	MORRISON				CA	
shannon	myers				CA	
David	Osterloh				CA	
Todd	Ourston				CA	
Joan	Peterson				CA	
Judy	Schriebman				CA	
Marilena	Silbey				CA	
Shelley	Sweet				CA	
Corinne	Van Houten				CA	
m	Altomare				CA	
Jeanne	Alvin				CA	
Vince	Cukrov				CA	
carolyn	cline				CA	
Annna	Forester				CA	
James	Silver				CA	
Dennis	Allen				CA	
Lisl	Auf der Heide				CA	
Karin	Carter				CA	
Richard	Dovgin				CA	
george	eagleton				CA	
nell	eakin				CA	
Claude	Garcicelay				CA	
Steve and Kris	Giddings				CA	
Gina	Gonzales				CA	
Deborah	Gordon				CA	
STAR	HARTHERN				CA	
Eugenia	Hoyne				CA	

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Norma	Kutzer	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Daniel	Leahy	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Barbara	Lindemann	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
caroline	macDougall	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Gregory	Mohr	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Jennifer	Muhlethaler	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Stanley	Naftaly	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Marian	Nephew	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Susan A	Neufeldt	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Landon	Neustadt	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
scott	pearson	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Laura	Rasmussen	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Damaris	Richards	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Hawley	Roddick	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Marcia	Sherman	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
james	shields	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Susan	Shields	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Rose	Shuman	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Christina	Toma	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Gil	Varon	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
susan	zalon	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Joseph	Acanfora	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Shirley	Johnson	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Lisa	Kealhofer	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Lisa	Martin	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
david	stahl	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Judy	Wellander	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Cynthia	Adams	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Colleen	Brokaw	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Eva	Brunner	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Leon	Bumanglag	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Liz	Camarie	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Steven	Cervine	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Iris	Close	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Barbara	Conner	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
C	Cruz	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Mia	Duquet	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Jessica	Evans	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Carolyn Brigit	Flynn	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Mitchell	Goldstein	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Lisa	Graham	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Caryle	Hirshberg	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Carla	Holt	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Carolyn T. Isra	Israel	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Keith	Kellogg	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Lesley	Lathrop	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
lynda	leigh	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Emily	Levy	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Steve	Lustgarden	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
margaret	margulies	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Dale	Matlock	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Bonnie	Moore	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Anna	Paganelli	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Jacob	Pollock	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
Patricia	Rain	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]
billy	rainbow	[REDACTED]	[REDACTED]	[REDACTED]	CA	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Rachel	Rosner				CA	
Alan	Savat				CA	
Gina	Tassone				CA	
Katherine	Thanas				CA	
John	Thomas				CA	
Richard	Vittitow				CA	
Matthew	Werner				CA	
Patricia	Zylius				CA	
Deborah	Murphy				CA	
Rachel M	Hervey PHN				CA	
Anne	McMahon				CA	
Andrea	Bonnett				CA	
carl	samuelson				CA	
george	madarasz				CA	
Catherine	Albers				CA	
James	Anderson				CA	
DEBORAH	FALLENDER				CA	
David	Gardner				CA	
E	Havrilesky				CA	
Roth	Herrlinger				CA	
Marilyn	Judson				CA	
Harriet	Kossove				CA	
Caroline	Lagerfelt				CA	
Michael	Lamb				CA	
Connie	Lemke				CA	
Michele	Martin				CA	
michael	meranze				CA	
jerry	persky				CA	
Maria	Ramirez				CA	
David	Reilly				CA	
Ann	Reiniger				CA	
P. D.	Rich				CA	
Susan	Shaughnessy				CA	
Fred	Sokolow				CA	
Bill	Walter				CA	
Alan	Wittert				CA	
Alissa	Wyffels				CA	
David	Wyffels				CA	
Gary	Alderette				CA	
Muiz	Brinkerhoff				CA	
Martha	Carpenter				CA	
David	Cayford				CA	
Anne	Colby				CA	
anne	exton				CA	
Doug	Faxon				CA	
Matthew	Gollub				CA	
Armando	Gomez				CA	
Rosemary H.	Hayes				CA	
Elizabeth	Jacobson				CA	
(The Rev.) Alla	Jones				CA	
mark	jones				CA	
Daniel	Lambert				CA	
Ellen	Lewis				CA	
Sherry	Maddox				CA	
William	Manners				CA	
Tanya	Mayo				CA	

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Stephan	McMahan				CA	
Marvin	Pederson				CA	
Diana	Peterlin				CA	
Alan	Phillips				CA	
Sheila	Robinson				CA	
David	Schneider				CA	
Ernest	Smith				CA	
jane	sorensen				CA	
Judith	Weber				CA	
Mary	West				CA	
Marlayne	Williams				CA	
Sonja	Malmuth				CA	
Anne	Bossange				CA	
Henry	Kaplan				CA	
Nancy	MacMorran				CA	
Michael	Schaffer				CA	
Scott	McClung				CA	
Ilena	Andrews				CA	
barry	brukoff				CA	
eva	wilkins				CA	
Sharon	Butterfield				CA	
James	Stewart				CA	
henry	powell				CA	
Berj	Amir				CA	
Evelyn	Bishop				CA	
Mattie	Bosch				CA	
Jared	Dreyfus				CA	
Frank	Ferris				CA	
Virginia	Harris				CA	
Charles	Lavine				CA	
Marcia	Little				CA	
Sunshine	Psota				CA	
Elisabeth	Sherman				CA	
Tara	Treasurefield				CA	
Susan	West				CA	
Carey Caccav	Wheaton				CA	
James	Wheaton				CA	
Timothy	Gaffney				CA	
taylor	milsal				CA	
Lee	Seiden				CA	
Kathleen	Weaver				CA	
Philip	Allegro				CA	
Jay	Beeber				CA	
Holly	Brown				CA	
Wanda	Bryant				CA	
Linda	Campanelli				CA	
Lee	Frank				CA	
Norman	Gan				CA	
Harry	Gittelson				CA	
caroline	good				CA	
Michael	Hathaway				CA	
Bernard	Hyland				CA	
Sheldon	Kadish				CA	
esther	levy				CA	
Donald	Dolan				CA	
Michael	Picco				CA	

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Michael	Tuma				CA	
Mark	Pelekakis				CA	
W. Joyce	Coger				CA	
Mark	Lichtenberger				CA	
Patsy	Lowe				CA	
Julie	Wardzinski				CA	
Gary	Hermes				CA	
Suzanne	Mackey				CA	
Gale	Mead				CA	
Jan	Mosgofian				CA	
Mary	Phillips				CA	
Karen	Sanders				CA	
jl	janes				CA	
Shena	Kieval				CA	
Marianne	mejia				CA	
Bob	Rowe				CA	
Amber	Sumrall				CA	
Vanessa	Jimenez				CA	
Toni	Lutes				CA	
TOni	Barca				CA	
Karen	Jenne				CA	
Kathryn	Langeder				CA	
Ellin	Lieberman				CA	
Doreen	Martin				CA	
Elizabeth	McHugh				CA	
Robert	Ray				CA	
Edward	Bergtholdt				CA	
Katherine	McAlister				CA	
Eleanor	Norris				CA	
Hammad	Ahmed				CA	
George	Fredrickson				CA	
Hester	Gelber				CA	
Mary	Gill				CA	
James	Harris				CA	
Barbara	Hultgren				CA	
Zoe	Levitt				CA	
Dorothy	Newmeyer				CA	
Christopher	Olin				CA	
Kathleen	Yanakis				CA	
Gerald	Ascencio				CA	
abbe	blum				CA	
Cynthia	Dobbs				CA	
camille	norton				CA	
Brian	Webster				CA	
Seth	Friedman				CA	
Kim	Glazer				CA	
Ursula	Holloman				CA	
Nancy	Knipe				CA	
June	Kos				CA	
deborah	lakeman				CA	
Carol	Leifer				CA	
marc	norelli				CA	
Nina	Smith				CA	
Donn	Swaby				CA	
norman	toback				CA	
James	Ricklef				CA	

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Vernetta	Hulls				CA	
Frank	Hoppe				CA	
Sanjay	Aiyagari				CA	
A	Bonvouloir				CA	
Michael	Glass				CA	
Susan	Gonzalez				CA	
George	Grover				CA	
Max	Kaehn				CA	
Lonnetta	Kisselman				CA	
Christine	Meredith				CA	
Janice	Nickel				CA	
Judith	Pogue				CA	
Bruce	Richman				CA	
Melanie	Schrader				CA	
Joshua	Schwartz				CA	
Paul S.	Strauss				CA	
Thomas	Vanni				CA	
Michael	Webb				CA	
Patrick	Williams				CA	
Nancy	Dwyer				CA	
Jerry	Oliver				CA	
james	king				CA	
Marshall	Burns				CA	
Farrell	Entesari				CA	
Terri	Barmore				CA	
David	Evans				CA	
Maxine	Ewig				CA	
Kathleen and	Katz				CA	
Brigit	Slind				CA	
DeBorah	Filipelli				CA	
Dr. Erany	Barrow-Pryor				CA	
Peter	Curtin				CA	
Elaine	Herzog				CA	
Jarvis	Streeter				CA	
Teveia	Barnes				CA	
Perry	Lloyd				CA	
Ronald	Barbarita				CA	
Bess	Scher				CA	
Miriam	Landman				CA	
Lucy	Meckler				CA	
Dorothy	Reik				CA	
George	Willig				CA	
James R	Dawson				CA	
julie	dawson				CA	
Jackie	Decker				CA	
Deanne	Fitzgerald				CA	
Wayne	Flottman				CA	
Joseph	Skelley				CA	
David	Winter				CA	
Carl	Hassell				CA	
Dennis	Maddix				CA	
Van	Puckett				CA	
Robert	Serrato				CA	
Robert	Frye				CA	
Robert	Cushman				CA	
A,my	Schutz				CA	

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Maree	Cheatham				CA	
Jim	Myers				CA	
Carol	Wilson				CA	
Patrick	McGinnis				CA	
elizabeth	Harmon				CA	
Mary	Misseldine				CA	
Terry	Poplawski				CA	
Conie	Remick				CA	
Stephen	Snyder				CA	
Todd	Benson				CA	
Patricia	Leal				CA	
irma	hall				CA	
Gail	Orozco				CA	
Lisa	Virmigle				CA	
Willard	Wheeler				CA	
Karen	Connelly				CA	
William	Drake				CA	
John	Gomez				CA	
Isaac	Lieberman				CA	
Sharon	Ruxton				CA	
Mitch	Gurney				CA	
karen	skuris				CA	
Dudley & Cand	Campbell				CA	
Miriam	Schneider				CA	
maja	silberberg				CA	
Peter T.	Taylor				CA	
Thomas	Brown				CA	
Mark A.	Giordani				CA	
Ruben	Gomez				CA	
jane	gordon				CA	
David	Jones				CA	
rick	Parks				CA	
Michael	van Atta				CA	
Robin	Angelini				CA	
Karra	Bikson				CA	
Angeline	Bray				CA	
Bonnie	Diller				CA	
Marian	Katz				CA	
Linda	Lucks				CA	
blue	mcright				CA	
Leslie	Pope				CA	
carol	Royce-Wilder				CA	
ralph	smith				CA	
Ivan	Victor				CA	
Rev. Manuel	Beltran				CA	
Gil	Carbajal				CA	
Diana	Dominguez				CA	
Robert	Fields				CA	
Lee	Harrison				CA	
Janet	Schwabe				CA	
Leonard	weber				CA	
Dawn Marie	White				CA	
David P.	Adalian, Jr.				CA	
Francis	Hagan				CA	
Vivian	Henderson				CA	
Anne	Beverdorf				CA	

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Frank	Bonillo				CA	
Alexandra	Johnson				CA	
Russell	Johnson				CA	
Duncan	McGivray				CA	
Con rad	Nagel				CA	
Terry	Blount				CA	
John	Hays				CA	
Jack	Monaco				CA	
Ari	Cohn				CA	
michelle	cook				CA	
Carol	Di Maggio				CA	
Jana	Dorin				CA	
Joan	Friedman				CA	
Mitchell	Friedman				CA	
Melissa	Hilal				CA	
Carolyn	Knoll				CA	
Kimberly	Lehmkuhl				CA	
Kathryn G.	Nelson				CA	
Beverly	Scaff				CA	
Mike	Scott				CA	
Harry	Shaner				CA	
Frances M.	Tittmann				CA	
Jane	Vinson				CA	
William	Grafft				CA	
Mr. Michael C.	& Dr. Richard B.				CA	
Lynda	Marin				CA	
Walt	Oicie				CA	
Manuel	Mora				CA	
Anna	Repetto				CA	
Benjamin	Holmes				CA	
Ron	Hansel				CA	
Cynthia	Peters				CA	
David	Watson				CA	
Tom	Crosthwaite				CA	
Julie	Ercolono				CA	
Aileen	Feinstein				CA	
David	French				CA	
CHRISTINE	ROWE				CA	
Christopher	Simmons				CA	
Anne	Stendel Thomas				CA	
Terrell	Freemon IV				CA	
William	Hayes				CA	
Judith	Kory				CA	
Mike	Oh				CA	
Keith	Relkin				CA	
AnnMarie	Roberts				CA	
Michael	Saltzman				CA	
Derrick	Sanders				CA	
Sean	Sardari, CPE				CA	
Sanford	Stein				CA	
Gary	Wallen				CA	
Helaine	Depp				CA	
Everett	Burdan				CA	
Peggy	Albrecht				CA	
David	Hind				CA	
Marguerite	Lambert				CA	

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Anne	Mourning	[REDACTED]	[REDACTED]	[REDACTED]	CO	[REDACTED]
Scott	Newman	[REDACTED]	[REDACTED]	[REDACTED]	CO	[REDACTED]
Bertie	OBrian	[REDACTED]	[REDACTED]	[REDACTED]	CO	[REDACTED]
Amy	Ortiz	[REDACTED]	[REDACTED]	[REDACTED]	CO	[REDACTED]
Arnold	Schultz, Ph.D.	[REDACTED]	[REDACTED]	[REDACTED]	CO	[REDACTED]
Elizabeth	Shelleda	[REDACTED]	[REDACTED]	[REDACTED]	CO	[REDACTED]
Elizabeth G.	Clark	[REDACTED]	[REDACTED]	[REDACTED]	CO	[REDACTED]
Charlotte	Wilson	[REDACTED]	[REDACTED]	[REDACTED]	CO	[REDACTED]
Andrea	Earley Coen	[REDACTED]	[REDACTED]	[REDACTED]	CO	[REDACTED]
Les	Gray	[REDACTED]	[REDACTED]	[REDACTED]	CO	[REDACTED]
Jessie	Martinez	[REDACTED]	[REDACTED]	[REDACTED]	CO	[REDACTED]
Andrew	Zeiler	[REDACTED]	[REDACTED]	[REDACTED]	CO	[REDACTED]
Christopher	Aamot	[REDACTED]	[REDACTED]	[REDACTED]	CO	[REDACTED]
Carolyn	Anewich	[REDACTED]	[REDACTED]	[REDACTED]	CO	[REDACTED]
Elizabeth	Asnicar	[REDACTED]	[REDACTED]	[REDACTED]	CO	[REDACTED]
Dan	Audette	[REDACTED]	[REDACTED]	[REDACTED]	CO	[REDACTED]
Yvonne	Barrett	[REDACTED]	[REDACTED]	[REDACTED]	CO	[REDACTED]
Barbara	Bennett	[REDACTED]	[REDACTED]	[REDACTED]	CO	[REDACTED]
Donna	Bonetti	[REDACTED]	[REDACTED]	[REDACTED]	CO	[REDACTED]
Greg	Brooks	[REDACTED]	[REDACTED]	[REDACTED]	CO	[REDACTED]
Jolena	Brusha	[REDACTED]	[REDACTED]	[REDACTED]	CO	[REDACTED]
Doug	Carmichael	[REDACTED]	[REDACTED]	[REDACTED]	CO	[REDACTED]
Angela	Case	[REDACTED]	[REDACTED]	[REDACTED]	CO	[REDACTED]
Kim	Cohen	[REDACTED]	[REDACTED]	[REDACTED]	CO	[REDACTED]
Cathy	Comstock	[REDACTED]	[REDACTED]	[REDACTED]	CO	[REDACTED]
Tom	Daly	[REDACTED]	[REDACTED]	[REDACTED]	CO	[REDACTED]
alexey	davies	[REDACTED]	[REDACTED]	[REDACTED]	CO	[REDACTED]
K	Dumas	[REDACTED]	[REDACTED]	[REDACTED]	CO	[REDACTED]
Judy	Feland	[REDACTED]	[REDACTED]	[REDACTED]	CO	[REDACTED]
Arthur	Figel	[REDACTED]	[REDACTED]	[REDACTED]	CO	[REDACTED]
Doreen	Fitzgerald	[REDACTED]	[REDACTED]	[REDACTED]	CO	[REDACTED]
Lon	Goldstein	[REDACTED]	[REDACTED]	[REDACTED]	CO	[REDACTED]
Edmond	Greenberg	[REDACTED]	[REDACTED]	[REDACTED]	CO	[REDACTED]
adrienne	harber	[REDACTED]	[REDACTED]	[REDACTED]	CO	[REDACTED]
Michiko	Hester	[REDACTED]	[REDACTED]	[REDACTED]	CO	[REDACTED]
Harry	Holland	[REDACTED]	[REDACTED]	[REDACTED]	CO	[REDACTED]
Margit	Johansson	[REDACTED]	[REDACTED]	[REDACTED]	CO	[REDACTED]
Karin	Kilpatric	[REDACTED]	[REDACTED]	[REDACTED]	CO	[REDACTED]
Brian	Klocke	[REDACTED]	[REDACTED]	[REDACTED]	CO	[REDACTED]
Kathy	Krassa	[REDACTED]	[REDACTED]	[REDACTED]	CO	[REDACTED]
Cary	Lacklen	[REDACTED]	[REDACTED]	[REDACTED]	CO	[REDACTED]
Rich	Lathrop	[REDACTED]	[REDACTED]	[REDACTED]	CO	[REDACTED]
Ursula	Lindqvist	[REDACTED]	[REDACTED]	[REDACTED]	CO	[REDACTED]
Elena	Longoria	[REDACTED]	[REDACTED]	[REDACTED]	CO	[REDACTED]
Karen	Lorimer	[REDACTED]	[REDACTED]	[REDACTED]	CO	[REDACTED]
L. Peter	Macomber	[REDACTED]	[REDACTED]	[REDACTED]	CO	[REDACTED]
Jillian	Mariani	[REDACTED]	[REDACTED]	[REDACTED]	CO	[REDACTED]
ALAN	MELAMED	[REDACTED]	[REDACTED]	[REDACTED]	CO	[REDACTED]
Donald	Miller	[REDACTED]	[REDACTED]	[REDACTED]	CO	[REDACTED]
Billie	Morrow	[REDACTED]	[REDACTED]	[REDACTED]	CO	[REDACTED]
Robert	Mortimer	[REDACTED]	[REDACTED]	[REDACTED]	CO	[REDACTED]
Barbara	Mueser	[REDACTED]	[REDACTED]	[REDACTED]	CO	[REDACTED]
Kate	Paradis	[REDACTED]	[REDACTED]	[REDACTED]	CO	[REDACTED]
Katrielle	Parnes	[REDACTED]	[REDACTED]	[REDACTED]	CO	[REDACTED]
Nancy	Pettingill	[REDACTED]	[REDACTED]	[REDACTED]	CO	[REDACTED]
Candice	Powers	[REDACTED]	[REDACTED]	[REDACTED]	CO	[REDACTED]

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
DR	Rogers				CO	
Jeff	Scott				CO	
Roberta	Smith				CO	
Barbara	Stehlik				CO	
Richard	Stehlik				CO	
Edwin	Stein				CO	
Cheryl	Stevenson				CO	
Cara	Stiles				CO	
Michael	Strauss				CO	
terry	stuart				CO	
David	Thibodeaux				CO	
Philip	Tobias				CO	
Bruce	Vaughn				CO	
Elizabeth	Walker				CO	
Roland	Waters				CO	
Greg	Abernathy				CO	
Grega	Abernathy				CO	
Benjamin	Friendly				CO	
Norbert	Juenemann				CO	
Thomas	Lightner				CO	
Susan	Maxwell				CO	
Sue	Mitrovic				CO	
Richard	Drabek				CO	
CHARLES	TERRILL				CO	
A	Biggs				CO	
Elsie	Luallen				CO	
John	McMahon				CO	
maria christina	angle				CO	
Timandra	Davenport				CO	
joe	giacalone				CO	
giacalone	joe				CO	
Robert	Trester				CO	
Virginia	Bjorgum				CO	
Mary	Lutzow				CO	
William	Allen				CO	
Christopher	Chalfant				CO	
Alexis	Fecteau				CO	
james	gibbons				CO	
Tim	Hibbs				CO	
Jack	Hunter				CO	
Robyn	Kern				CO	
Catherine	Kleinsmith				CO	
Peg	LeClair				CO	
Mark	Lewis				CO	
TIMOTHY	LOVATO				CO	
Brian	Lund				CO	
Rebecca	Operhall				CO	
Rose	Pacheco				CO	
Jo	Pelkey				CO	
Claudia	Szabo				CO	
Jeremy	Van Hoy				CO	
Frank	Volz				CO	
Claire	White				CO	
Cheryl	Yeats				CO	
Virginia	Lippert				CO	
Vicki	McDonough				CO	

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Darlene	Mendoza				CO	
Charles	Watts				CO	
Christina	Bammes				CO	
Daniel	Erickson				CO	
James	Blevins				CO	
Cynthia	Jackson				CO	
Leanna	Bradbury				CO	
Jan Dharma	Kimball				CO	
Chs	Richards				CO	
Scott	Alberts				CO	
Stephen	Allen				CO	
Linda	Barlow				CO	
chuck	bates				CO	
Candace	Beatty				CO	
Linda	Boden				CO	
TRACY	BUCHNER				CO	
Ronald	Buckles				CO	
barbara	caley				CO	
Keith	Campbell				CO	
Keith & Lindsa	Campbell				CO	
Becky	DiBattista				CO	
Carol	Emrick				CO	
Frances	FrainAguirre				CO	
Velvia	Garner				CO	
Sarah	Gill				CO	
Tacklon	Grayson				CO	
Krista	Grothoff				CO	
Troy	Halouska				CO	
Laura	Harper				CO	
JILL M	JANDA				CO	
Frances	Jenner				CO	
Lori	Jervis				CO	
Nita	Johnson				CO	
Meredith	Jones				CO	
Gail	Kamlay				CO	
Karen	Kilde				CO	
Tamm	Kilgore				CO	
SUZANNE	KOEHLER				CO	
laurie	kubitz				CO	
laurie	kubitz-maness				CO	
Michelle	Letellier				CO	
rebecca	Iewin				CO	
Brett	Lewis				CO	
Tracy	M				CO	
Kenneth	Malkin				CO	
bjoern	mannsfeld				CO	
Tom	McClure				CO	
Brett	McCutcheon				CO	
Dawn	McKinnis				CO	
Donald	Miller				CO	
Lee	Patton				CO	
Joshua	Rigler				CO	
Andrew	Ross				CO	
Celeste	Rossmiller				CO	
mark	rush				CO	
Amy	Russell				CO	

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Helen	Russo				CO	
Jamie	Sarche				CO	
Thomas	Sarmo				CO	
John	Scott				CO	
Stephanie	Simons				CO	
Karen	Snell				CO	
Tricia	Stevens				CO	
Lewis	Thompson				CO	
michael	Thompson				CO	
Ken	Truhan				CO	
Ron	Valladao				CO	
Jesse	Williams				CO	
Nancy	Zeilig				CO	
Sandra M.	Zwingelberg				CO	
Leonard	Cain				CO	
Dr. Ed	Angus				CO	
barbara	benson				CO	
Eileen	Dawson				CO	
Frederick & Al	Herbine				CO	
Gary	Lewin				CO	
angie	sell				CO	
Heather	Snow				CO	
Timothy	Wheeler				CO	
Katherine	Bauer				CO	
Steven	Saeger				CO	
J. Michael	Caruso				CO	
Kimberly	George				CO	
Katherine	Keck				CO	
Nicholas	Lubofsky				CO	
keith	boggs				CO	
Jeff	Brack				CO	
Arthur	McKenzie				CO	
Jimmy	Stanley				CO	
Susan	Armitage				CO	
Judith	Elliot				CO	
Lara	DeCaro				CO	
Diane	Eagle				CO	
Lynda	Lillywhite				CO	
Karen	Schiller				CO	
Jerry	Atkins				CO	
Lynn	Alldrin				CO	
chairel	babby				CO	
Alice	Bradie				CO	
Ellen	Brinks				CO	
Ken	Bublitz				CO	
Christy	Eylar				CO	
T.	Grant				CO	
Eric	Hamrick				CO	
Sonia	ImMasche				CO	
K Michael	Jameson				CO	
Mohammad	Kalantari				CO	
Philip	Koster				CO	
Jamie	Leatherwood				CO	
John	Leisenring				CO	
Joseph	Nemeth				CO	
Judy	Rydburg				CO	

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Hugh	Sanborn				CO	
Kristofer	Terry				CO	
Sue	Veness				CO	
Patti	Wermeling				CO	
Sarah	Wallingford				CO	
Barbara	Rutstein				CO	
Claire	Carren				CO	
Jan	Peterson				CO	
Brian	Hull				CO	
Kathryn	Flueck				CO	
Jennifer	Gillespie				CO	
Lynn	Hirshman				CO	
David	King				CO	
Cynthia	Small				CO	
linda	sollars				CO	
Greg	Steuck				CO	
Eric	Tauer				CO	
Julie	Young				CO	
Jodie	MacTavish				CO	
Eric	Rechel				CO	
Willy	Rensenbrink				CO	
Hal	Roesler				CO	
Jeptha	Sheene				CO	
William	Solawetz				CO	
Jack	Dinkmeyer				CO	
Kristen	Anderson				CO	
Jan	Conklin				CO	
Deborah	Kauffman				CO	
Doniver	Peterson				CO	
Benjamin	Staub				CO	
Jeffrey	Stella				CO	
Amy	Greenfield				CO	
Don	Seastrum				CO	
Carole	DelTurco				CO	
Howard	Kisling				CO	
Douglas	Kretzmann				CO	
Tobin	Warren				CO	
Mike	Muniz				CO	
Paul	Wigton				CO	
Amanda	Birmingham				CO	
Frederick	Chard				CO	
Jan	Lund				CO	
Susan	Pringle				CO	
Christopher	Blatto				CO	
William	Call				CO	
Sharon	Chung				CO	
Kirby	Cole				CO	
Clyde	Duran				CO	
A	Ko				CO	
Jan	Kochmeister				CO	
joel	Leventhal				CO	
Linda	Mulligan				CO	
Scott	Norris				CO	
Stephanie K	Pedersen				CO	
Donna	Plutschuck				CO	
Linda	Sparks				CO	

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Michael	Waldron				CO	
Dorothy	Russell				CO	
James	Antonio				CO	
Julio	Berlingeri				CO	
lewis	bloom				CO	
Martha	Brummett				CO	
Jeff	Darden				CO	
Martin	Elmore				CO	
Jane	Lauer				CO	
Rebecca	Louden				CO	
Michael	McGinn				CO	
Lawrence	Meyers				CO	
Eugene	Romanski				CO	
Richard	Smith				CO	
Carolyn	Bergman				CO	
Felice	Sage				CO	
Robert	Bein				CO	
Felice	Cohen				CO	
Jeff	Custer				CO	
deb	federin				CO	
Maryann	Foster				CO	
Rick	Karcich				CO	
Anita	Lynch				CO	
Marilyn	Stinson				CO	
Kaye	Dunham				CO	
Georgia	Christensen				CO	
Gerry	Christensen				CO	
Lawrence	Crowley				CO	
Mark	Dornblaser				CO	
Dana	Engel				CO	
Tracy	Kessner				CO	
AMY	KOHUT				CO	
Keith	Robinson				CO	
Donnie	Shelton				CO	
Rex	Morriss				CO	
Stephen	Perelson				CO	
angie	bullard				CO	
Regina	Sowell				CO	
Rose	Dotson				CO	
Lisa	Temam				CO	
Suzanne	Duarte				CO	
Mark	Morrison				CO	
Terry M	Granger				CO	
Nance	White				CO	
Tom	Bleuer				CO	
Jonathan	Sirotek				CO	
Gary	Granat				CO	
Celeste	Frazier				CO	
Veronica	Bergeron				CO	
Christina	Lauritsen				CO	
Joanne	Turner				CO	
Jennifer	Armour				CO	
allison	berry				CO	
Frances	Barber				CO	
glen	burke				CO	
John I.	Clark				CO	

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Julia Marie	Gillett				CO	
James	Ross				CO	
felice	Iarsen				CO	
LaVonna	Lathrop				CO	
Jennifer	Beverage				CO	
T	Gregory				CO	
Agustin	Goba				CO	
Laura	Harris				CO	
Kerrie	Moreau				CO	
Jennifer	Vaughan				CO	
Wesley E.	Duran				CO	
Heather	Morton				CO	
Peter	Shultz				CO	
Lisa	Siconolfi				CO	
Craig	Dawson				CO	
Sue	Koenig				CO	
Susan	Stantejsky				CO	
Ann M. L.	Johnson				CO	
Stanley	Fuhrman				CT	
Philip	Bradford				CT	
Paul	Kramer				CT	
Irving	Leskowitz				CT	
Frieda	Marcus				CT	
Janet	Ettele				CT	
JoAnne	Taylor				CT	
John	Gingolaski				CT	
Alan	Brown				CT	
Michelle	Ferrara				CT	
Jennifer	Nodine				CT	
Susan	Burke				CT	
Jennifer	Ferrara				CT	
DAVID	FISH				CT	
Joseph	Garbus				CT	
David	Loughlin				CT	
Jamey	Bell				CT	
Dwight	Thurston				CT	
Robert	Whyte				CT	
mel	hathorn				CT	
Jerome	Bibuld				CT	
John	Sheeran				CT	
Calvin	Hilliard				CT	
Cynthia	Hall				CT	
Roger	Hall				CT	
Maureen	McKeon				CT	
Ilene	Coman				CT	
Suzanne and	Golembieski				CT	
Timothy	Alstrum				CT	
john	bacon				CT	
Bette	Daraskevich				CT	
Barbara	Contois				CT	
Dorothy	Dankanyin				CT	
JOHN	HOLLAND				CT	
Philip	Bednarski				CT	
Helen E.	Bepko				CT	
Ted	Collins				CT	

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Elizabeth (Bet)	Reis				CT	
patricia ann	jasko				CT	
T	Gargiulo				CT	
Lynn	Giacomo				CT	
Theo	Sable				CT	
Heather	Allore				CT	
michael	richter				CT	
william	russell				CT	
Linda	Cave				CT	
dave and char	depalma				CT	
Tamberlaine	Harris				CT	
Clifford	Slayman				CT	
Gregory	Tignor				CT	
Wallace	Many				CT	
Margaret	Spencer				CT	
Mitch	Stephenson				CT	
Myrna	Watanabe				CT	
John	Peck				CT	
Thomas	Sanders				CT	
Judith	Bachand				CT	
William	Bacon				CT	
cecily	Baran				CT	
Paul R.	Petrie				CT	
Edward	Raff				CT	
Gerald	Case				CT	
Eleanore	Kepler				CT	
Clark	Peters				CT	
June	Pinkin				CT	
miriam	kurland				CT	
L. Kent	Bendall				CT	
Ann	Getty				CT	
Ann	Getty				CT	
steve	heitner				CT	
Zazu	Gray				CT	
Joan	Lane				CT	
THOMAS	HEIDEN				CT	
Robert	Farwell				CT	
Sandra C	Farwell				CT	
Eric	Blomstrom				CT	
Joanne	DiPlacido				CT	
Christopher	Lyon				CT	
Maxine	Stomber				CT	
madaline	winkles				CT	
Jessica	Anschutz				CT	
jennifer	botwick				CT	
Virginia	Chapman				CT	
Priscilla	Dannies				CT	
j	e				CT	
Jane	Jervis				CT	
Barbara	Morrissey				CT	
Barbara	Morrissey				CT	
Tobin	Nellhaus				CT	
Sarah	Saiano				CT	
Christine	Slaughter				CT	
John	Strauss				CT	
Karen	Unger				CT	

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Thaddeus	Watulak				CT	
Melissa	Weiner				CT	
Stephen & Rol	Newberg				CT	
Dana	Astmann				CT	
marilina	imperati				CT	
Jennifer	Dominick				CT	
Elizabeth	Hilts				CT	
Linda	Tesser				CT	
Mary	Hansen				CT	
Barbara	Murphy				CT	
Judy	Ryder				CT	
John	Curotto				CT	
sandy.	grekas				CT	
Lynne	Sewell				CT	
Polly	Memhard				CT	
Ken	Sawyer				CT	
Christian	Morrison				CT	
Katherine	Jacobson				CT	
Jacqueline	Janes				CT	
Elizabeth	MacKay				CT	
Linda	Gordon				CT	
Paul	Gordon				CT	
Linda J	Arden				CT	
Evelyn	Avoglia				CT	
Ann	Galloway				CT	
Robert	Kiernan				CT	
Marguerite	Laurent				CT	
debra	pollack				CT	
Jonathan	Rosenbaum				CT	
lisa	rosenfeld				CT	
Barbara	Rosenthal				CT	
Paul J.	Schulkind				CT	
james	wiker				CT	
john	marrin				CT	
Dr	Gilliland-McEner				CT	
Edward	Goodwin				CT	
Diane	McKenna				CT	
Amy	Olver				CT	
robert	fuld				CT	
Stephanie	Donaldson				CT	
Jon	Garvey				CT	
Helen F	Gray				CT	
Joshua	Angelus				CT	
James	Guerrera				CT	
Claire	Katz				CT	
Peter	Krause				CT	
Ronice	Gilchrist				CT	
Joyce	Madura				CT	
Jerry	Morgan				CT	
Louis	Petrillo				CT	
Belinda	Jones				CT	
Deirdre	Doran				CT	
Ellen	McCormick				CT	
Sian	Nimkoff				CT	
John	Collins				CT	
Susan	Grady				CT	

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Sharon	Zohar				CT	
Steven	Gottschalk				CT	
Stephanie	Kranes				CT	
Diana	Perkins				CT	
Daniel	DeLuca				CT	
Andrew	Strother				CT	
Robert	Lane				CT	
Illegal Immigra	who wants to co				DC	
Lawrence	Albert				DC	
Tim	Anderegg				DC	
Bronwyn	Bedient				DC	
Elaine	Bevilacqua				DC	
Matthew	Blackwelder				DC	
Peter	Bock				DC	
Most Rev Cha	Braun DD				DC	
Elizabeth	Bukey				DC	
Liz	Burke				DC	
Jenefer	Ellingston				DC	
Darryl	Fagin				DC	
Marc A	Ferrara				DC	
Leslie	Feuille				DC	
Helen	French				DC	
Robert	Goodspeed				DC	
David	Halpern				DC	
Steve	Kaufman				DC	
Robin	King				DC	
Ronald	Lee				DC	
Jenny	Levy				DC	
Lawrence	Lin				DC	
Joanna	London				DC	
Zachary	Meyer				DC	
Nancy	Moore				DC	
Michael	Morgan				DC	
David	Parker				DC	
margaret	pfeiffer				DC	
Alex	Radin				DC	
Michael	Roehm				DC	
Milton	Roney				DC	
Willie	Schatz				DC	
Carole	Segal				DC	
William H.	Simons				DC	
Jeannette	Smyth				DC	
Susan	Teitelman				DC	
Ashutosh	Upreti				DC	
Douglas	Vaughn				DC	
Daniel	Vice				DC	
Edward	White				DC	
Susan	Williams				DC	
willie	davis				DC	
Margot	Friedman				DC	
Mary	Bateman				DE	
Ken	Reynolds				DE	
Nicole	Turner				DE	
ellen	karel				DE	
denise	garrett				DE	
Stephanie	Fogel				DE	

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Maggie	Kettlewood				DE	
Messrs. Corey	Marshall-Steele				DE	
Jennifer	Dondero				DE	
Allan	Carlsen				DE	
Gracin	Dorsey				DE	
Robin	Elliott				DE	
Stephen	Fols				DE	
Mary-Lee	Lutz				DE	
David	Bergman				DE	
Allen	Alexander				DE	
Mark	Fischer				DE	
Louisa	Frost				DE	
Coralie	Pryde				DE	
Dorothy	Satterfield				DE	
elizabeth	siftar				DE	
Ken	Sutton				DE	
Tennyson	Wellman				DE	
Grant	Youngblood				DE	
Janice	Goldberg				DE	
Marcia	Glick				FL	
Rainah	Goldfeather				FL	
Sally	Rist				FL	
Sarah	Cornett				FL	
Debra	Haley				FL	
Sheldon A	Maskin				FL	
Lois	Swoboda				FL	
mark	inda				FL	
Linda	Kalter				FL	
Lloyd	Barnes				FL	
Katherine	Daye				FL	
Donald	Goodman				FL	
burriss	millstone				FL	
gregory	wolfe				FL	
Jean E	Bauer				FL	
Marilyn	Day				FL	
Jean	Weeks				FL	
gilbert	bachman				FL	
Jane	Bendell				FL	
Laurie	Bendell				FL	
Phyllis	Berger				FL	
Robert R	Besser				FL	
Andres	Brandi				FL	
Christopher	Brandi				FL	
Nancy	Brandi				FL	
Carol	Ezring				FL	
linda	Greenberg				FL	
wendy	gruby				FL	
David	Lasdon				FL	
Mac	Loder				FL	
Marc	Loder				FL	
Anne V.	Marks				FL	
HY	Perlstein				FL	
PHYLLIS	ROTHMAN				FL	
Marjorie	Satler				FL	
judy	sontag				FL	
Marilyn	Weigensberg				FL	

First Name	Last Name	Address Line 1	Address Line 2	City	State	Zip
ari	zisman				FL	
Joan	Looney				FL	
Ruth	Aptaker				FL	
Joan	Balfour				FL	
Irv	Frank				FL	
JERRY	SIMELSON				FL	
Ann	Stern				FL	
Herbert Z.	Weiner				FL	
chuck	chambers				FL	
Eleanor	Diesing				FL	
Mary	Duda				FL	
william	duda				FL	
Liza	Gorin				FL	
Herman	Koster				FL	
sally	mcdonald				FL	
Emmett J.	Murphy				FL	
Michael	Radell				FL	
Dorothy	Werner				FL	
Kathryn	Bailey				FL	
Nick	Polefrone				FL	
Judith	Kraft				FL	
J.B.	Slaughter				FL	
Suzanne	Leichtling				FL	
Mary Beth	Lundgren				FL	
Theodore	Lundgren				FL	
Sharon	Rosenberg				FL	
Susan	Scott				FL	
Norma	Thornton				FL	
merrill	kramer				FL	
Jacquelynn	Maruffo				FL	
Kevin	McVan				FL	
Wendy	Pressoir				FL	
Roger	Ulrich				FL	
William	Fleming				FL	
kevin	guffey				FL	
Jeff	Willis				FL	
Craig	Williams				FL	
Donald	Loftus				FL	
Rhonda	Mayorga				FL	
thomas	hagan				FL	
Kenneth	Kazmerski				FL	
barbara	trede				FL	
leah	miller				FL	
Muriel	Rosenholtz				FL	
Anthea	Ver Ploeg				FL	
adriana	de welde				FL	
Joseph	Hoyt				FL	
Dolores	Longo				FL	
Virginia	Miller				FL	
Jeanne	Albertus				FL	
Joel & Laurie	Berger				FL	
CHARLOTTE	KAPLAN				FL	
beach	campbell				FL	
Harley	Weiss				FL	
Doug	Kirby				FL	
Alan	Meerow				FL	

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
P. A.	Wagner				FL	
Larry	Woodruff				FL	
Denise	Prescott				FL	
Irving	Marsden				FL	
Amy	Discepolo				FL	
Sylvia	Fleischmann				FL	
Seymour	Friedman				FL	
marion	Gayle				FL	
Muriel	Mele				FL	
Ruth	Mintz				FL	
Roxanne	Nadolsky				FL	
Allan	Taylor				FL	
Charles	Thatcher				FL	
Richard	Bannister				FL	
Henry	Georget				FL	
J S	Wright				FL	
Delight	TePaske				FL	
James	Tillis				FL	
John	Smith				FL	
Joseph	Delgado				FL	
Lisa	Ferry				FL	
Mark	Finkelstein				FL	
John	Kelly				FL	
RAY	KEMPNER				FL	
MARSHA	MIRON				FL	
Sumner	Peirce				FL	
RICHARD	S. TAYLOR				FL	
Curt	Valmy				FL	
Ellen	Vignola				FL	
John	Wilson				FL	
George	Bishopric				FL	
Emily	Palmer				FL	
Sylvia	Richey				FL	
Vilma	Levy				FL	
shannon	martinez				FL	
sheila	franklin				FL	
Stephen	McClasky				FL	
Rochelle	Lustig				FL	
Burt	Rand				FL	
Loren	Wieland				FL	
Leslie	Morsch				FL	
Michael	Duffey				FL	
Richard	Angorn				FL	
H Elise	Asaro				FL	
Pierce R.	Butler				FL	
Arthur	Dauer				FL	
Arthur	Dauer				FL	
Joyce	Dewsbury				FL	
margaret	gervais				FL	
Jeffrey	Harman				FL	
Jennifer	Heavilin				FL	
Stephanie	Kelley				FL	
Mark	Mayfield				FL	
Wayne	McCoy				FL	
Elizabeth	Scrivener				FL	
jennifer	wollheim				FL	

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Marjorie	Myers				FL	
Judith	Rice				FL	
Anita	Brown				FL	
Karl	Hilgert				FL	
Lawrence J	Lemer				FL	
Jason	Cook				FL	
Jacqueline	Mirkin				FL	
Don	Sankovitch				FL	
Fe	Ripka				FL	
Larry	Campbell				FL	
Lys	Burden				FL	
Saroj	Earl				FL	
John	Heagney				FL	
Robert	Serenbetz				FL	
Paulina	Aguilera				FL	
Sherry	Collins				FL	
Victoria and Al	Eichner				FL	
Abby L	Frank				FL	
carmen	ledesma				FL	
Theresa L.	Lianzi				FL	
Marjorie	Michelly				FL	
yvonne	spector				FL	
tony	wall				FL	
Mary	Gregory				FL	
George	Harbin				FL	
Joyce	Wallis				FL	
George V.	Williams				FL	
Nancy	Kronenfeld				FL	
Kenneth	Ratcliff				FL	
Simon	Pristoop				FL	
Leslie	Telesca				FL	
Bone	Packer				FL	
Amelia	Campbell				FL	
Jessica	Carr				FL	
Donald	Carter				FL	
Paula	Dodson				FL	
Robert	Dunbar				FL	
Chuck	Hamblen				FL	
Gerard	Langlois				FL	
Lisa	Nagle				FL	
David	Niskanen				FL	
scott	ruppert				FL	
Kristin	Samuelson				FL	
Arthur	Teige				FL	
Gina	Weston				FL	
Regina	Weston				FL	
Bruce	Ross				FL	
Bruce	Ross				FL	
Denis	Coughlin				FL	
Merrilyn	Karrels				FL	
MR & MRS JA	PAPANDREA				FL	
Dennis	Hudson				FL	
Alan	Mineo				FL	
anthony	felix				FL	
Harold	Lazar				FL	
Thomas C	Taffinder				FL	

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
David	Silvey				FL	
Robert	Struwe				FL	
Gregory	Esteve				FL	
heather	brassner				FL	
Robert	Carter				FL	
Michael	Colagiacom				FL	
Joseph	Daraio				FL	
Didi	Kelley				FL	
Tracey	LoCastro				FL	
alma	shor				FL	
Lorraine	Stone				FL	
Carolyn	Walsh				FL	
PAUL	DELONG				FL	
Albert	Eskenazi				FL	
John	King				FL	
C.	Landers				FL	
Jerome	Leviten				FL	
Marilyn	Signer				FL	
Richard	Smith				FL	
Paul J	Weitzenkorn				FL	
Michael	Wright				FL	
Elaine	Howes				FL	
Bill	Rosenthal				FL	
Jean	Beleck				FL	
Teresa	Blankenship				FL	
Barbara	Bates				FL	
Allan	Richardson				FL	
Don	Rose				FL	
Pat	Rose				FL	
GARY	COOPER				FL	
Howard	Smith				FL	
William	Bracken				FL	
David	Jones				FL	
James	Kirby				FL	
David	Gorton				FL	
Martin	Tucker				FL	
Tom	Walker				FL	
janice	kisner				FL	
Cheryl	McClish				FL	
Edd	Sinnett				FL	
Susan	Zorn				FL	
Michael	Galuska				FL	
barry	parsons				FL	
Christine	Gillen				FL	
C arla	Lamarr				FL	
Carla	Lamarr				FL	
Sophia	Letourneau				FL	
Douglas	Parker				FL	
Gail	Dolly				FL	
Maria	Blanco				FL	
Barbara	Geier				FL	
Michael	Nash				FL	
Gloria J.	O'Reilly				FL	
Roberta	Richardson				FL	
Claire	Sliptchuik				FL	
Ronald	Withrow				FL	

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Ray	DiZefalo	[REDACTED]	[REDACTED]	Melbourne Beach	FL	[REDACTED]
Dr. Peter C. &	Wolff	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Jean	Wolff	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
ellen	allen	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Jinny	Lee	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
cheryl	adams	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
melissa	hoagland	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Nicholas	Stephan	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Dale	Andree	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Joan	Bernheimer	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Viviana	Bianchi	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Melinda	Bogardus	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Mel	Brady	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Peter	Bromer	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Coralie	Carraway	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Kermit	Carraway	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Dennis	Caserta	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Richard	Chang	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Marla	Chasse	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Barbara	Collins	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Evelia	Correa	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Roberto	Correa	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Irlisse	Couvertier	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Elena	Finkelstein	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Imelda	Fischer	1240-SW-57th Ave	[REDACTED]	[REDACTED]	FL	[REDACTED]
karen	fisher	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Richard	Kramer	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Juan	Marchini	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Michael	McClennen	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Judith	McKnight	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Coky	Michel	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Paul	Michel	276-SW-96 Ave	[REDACTED]	[REDACTED]	FL	[REDACTED]
Armando	Navarro	2608-SW-100 Ave	[REDACTED]	[REDACTED]	FL	[REDACTED]
ROBERT	O'LEARY	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Christopher	Radney	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Andrea	Scarcella	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
janet	schachner	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Summer	Scobell	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Shane	Smith	6840-SW-91 Ave	[REDACTED]	[REDACTED]	FL	[REDACTED]
Ann	Stetser	2000-NW-North River Drive	[REDACTED]	[REDACTED]	FL	[REDACTED]
Aimee	Tecla	6400-SW-56 St	[REDACTED]	[REDACTED]	FL	[REDACTED]
Pamela	Vogel	4050-Edgewood Lakes	[REDACTED]	[REDACTED]	FL	[REDACTED]
William	Walker	10541-SW-99 St	[REDACTED]	[REDACTED]	FL	[REDACTED]
Tia	Williams	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Frederick	Woodbridge	8700-SW-130th Ave	[REDACTED]	[REDACTED]	FL	[REDACTED]
Rema	Comras	1735-1st Ave	[REDACTED]	[REDACTED]	FL	[REDACTED]
Esther	DiLeo	4225 West Ave	[REDACTED]	[REDACTED]	FL	[REDACTED]
Nancy	Gross	2004 Collins Avenue	[REDACTED]	[REDACTED]	FL	[REDACTED]
BETTY	KING	1033-ROYAL PALM AVE	[REDACTED]	[REDACTED]	FL	[REDACTED]
Tim	Crutchfield	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Shari	Lerer	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Kathleen	Jenkins	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Clara	Roberts	5076-Medford Ave	[REDACTED]	[REDACTED]	FL	[REDACTED]
deborah	cara-beebe	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Louise Mae	Auerhahn	2004-Dunhill Dr	[REDACTED]	[REDACTED]	FL	[REDACTED]
GEORGE	BOOKER	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
William	Macaulay				FL	
Gloria J	O'Reilly			Melbourne	FL	
Brent	Billman				FL	
Sandra	Darrall				FL	
Fred	Cacchione				FL	
William	Cimino			Naples	FL	
ANTHONY	FLANNERY				FL	
Marlene	Gargan				FL	
Nancy	Nodell				FL	
John	Riccio				FL	
Robert	Coleman				FL	
vivian and john	drean				FL	
Cynthia	Folit				FL	
Daniel	Hunt				FL	
Nellie	Robinson				FL	
Will	Fridy				FL	
Edwin	Fox				FL	
Gary	George				FL	
Gary	Howland				FL	
Ron	Bloom			Miami Beach	FL	
Kimona	Ryan			Miami Beach	FL	
Matthew	West				FL	
Jay	Vann				FL	
John	Adomato III				FL	
Gilbert	Garcia				FL	
Charles H.	Lowstetter				FL	
Allen	Naismith				FL	
Sue	Lyon				FL	
Cynthia	Merkey				FL	
Vincent	Petta				FL	
maribeth	schonberg				FL	
james	urell				FL	
Oliver	Edwards				FL	
Stephanie	Sims				FL	
Nancy	Ricker				FL	
Robert	Robbins				FL	
Robert	Turner				FL	
Jeffry	Belnap				FL	
David	Cooper				FL	
Julia	Davis				FL	
Jack	Dixon				FL	
Ray	Giroux				FL	
Steven	Goodman				FL	
Jane	Jessee				FL	
William	Leavy Jr.				FL	
Gregory	Lizotte				FL	
Ronnie and Ju	Moseley				FL	
Adam	Nehr				FL	
Rusty	Okoniewski				FL	
Don	Parker				FL	
Guy	Salsburg				FL	
dimas	sanchez				FL	
Patrick	Shea				FL	
John	Shelley				FL	
Vicki	Warner				FL	
Israel J.	Barzak				FL	

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Janet	heyden	[REDACTED]		[REDACTED]	FL	[REDACTED]
John	lacroix	[REDACTED]		[REDACTED]	FL	[REDACTED]
Ed	Logan	[REDACTED]		[REDACTED]	FL	[REDACTED]
John & Beatrice	Mc Keown	[REDACTED]		[REDACTED]	FL	[REDACTED]
Dr. Carol L.	Nak	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Donna	Smith	[REDACTED]		[REDACTED]	FL	[REDACTED]
Alice	Leamy	[REDACTED]		[REDACTED]	FL	[REDACTED]
Ginny	Schneider	[REDACTED]		[REDACTED]	FL	[REDACTED]
Lorrie	Sears	[REDACTED]		[REDACTED]	FL	[REDACTED]
charlotte	green	[REDACTED]		[REDACTED]	FL	[REDACTED]
Amy	Steinrich	[REDACTED]		[REDACTED]	FL	[REDACTED]
Richard	Werber	[REDACTED]		[REDACTED]	FL	[REDACTED]
Harry B	Bernhard	[REDACTED]		[REDACTED]	FL	[REDACTED]
James	Holder	[REDACTED]		[REDACTED]	FL	[REDACTED]
paul	lakind	[REDACTED]		[REDACTED]	FL	[REDACTED]
Michael	Winer	[REDACTED]		[REDACTED]	FL	[REDACTED]
Jerry	Goldin	[REDACTED]		[REDACTED]	FL	[REDACTED]
Marcy	Morris	[REDACTED]		[REDACTED]	FL	[REDACTED]
Janet	Sears	[REDACTED]		[REDACTED]	FL	[REDACTED]
Luis	Barrera	[REDACTED]		[REDACTED]	FL	[REDACTED]
Philip	Blaustein	[REDACTED]		[REDACTED]	FL	[REDACTED]
Mark	Harrison	[REDACTED]		[REDACTED]	FL	[REDACTED]
Laurence	Coleman	[REDACTED]		[REDACTED]	FL	[REDACTED]
Lourdes	Donikian	[REDACTED]		[REDACTED]	FL	[REDACTED]
Jennifer	Adkins	[REDACTED]		[REDACTED]	FL	[REDACTED]
Bill	Clarke	[REDACTED]		[REDACTED]	FL	[REDACTED]
Judith	Coe	[REDACTED]		[REDACTED]	FL	[REDACTED]
Lillie	Edwards	[REDACTED]		[REDACTED]	FL	[REDACTED]
Donald	Freeman	[REDACTED]		[REDACTED]	FL	[REDACTED]
Stephan	Hall	[REDACTED]		[REDACTED]	FL	[REDACTED]
Charles	Hughes	[REDACTED]		[REDACTED]	FL	[REDACTED]
Arica	King	[REDACTED]		[REDACTED]	FL	[REDACTED]
Elvin	McCorvey	[REDACTED]		[REDACTED]	FL	[REDACTED]
Michael	White	[REDACTED]		[REDACTED]	FL	[REDACTED]
Diane	Beaty	[REDACTED]		[REDACTED]	FL	[REDACTED]
Helena	Laurent	[REDACTED]		[REDACTED]	FL	[REDACTED]
Robert	Rumans	[REDACTED]		[REDACTED]	FL	[REDACTED]
David	Brod	[REDACTED]		[REDACTED]	FL	[REDACTED]
Heidi	OMara	[REDACTED]		[REDACTED]	FL	[REDACTED]
Sylvia	Cuolahan	[REDACTED]		[REDACTED]	FL	[REDACTED]
Michael	Easler	[REDACTED]		[REDACTED]	FL	[REDACTED]
Robert	Louttit	[REDACTED]		[REDACTED]	FL	[REDACTED]
eleanor	mcandrews	[REDACTED]		[REDACTED]	FL	[REDACTED]
William	Kerr	[REDACTED]		[REDACTED]	FL	[REDACTED]
Dave	Blessing	[REDACTED]		[REDACTED]	FL	[REDACTED]
Laura	chilkott	[REDACTED]		[REDACTED]	FL	[REDACTED]
Anthony	Pasco	[REDACTED]		[REDACTED]	FL	[REDACTED]
Mario	Giaccone	[REDACTED]		[REDACTED]	FL	[REDACTED]
Michael	Gerber	[REDACTED]		[REDACTED]	FL	[REDACTED]
cynthia	DiSanto	[REDACTED]		[REDACTED]	FL	[REDACTED]
William O.	Jenkins	[REDACTED]		[REDACTED]	FL	[REDACTED]
Tom	Thorne	[REDACTED]		[REDACTED]	FL	[REDACTED]
Rose	Perillo	[REDACTED]		[REDACTED]	FL	[REDACTED]
Joseph	Johns	[REDACTED]		[REDACTED]	FL	[REDACTED]
Si & Cathy	Lane	[REDACTED]		[REDACTED]	FL	[REDACTED]
Barry	Berger	[REDACTED]		[REDACTED]	FL	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Barry	Berger				FL	
Charles	Faulds				FL	
Bret	Bennett				FL	
Noelle	Britt				FL	
leigh	Emerson-Smith				FL	
Estelle	Denslow				FL	
Claire	Stiles				FL	
Malisa	Jernigan				FL	
aaron	proulx				FL	
Anne	Ritter				FL	
Lorelle	Anderson				FL	
Andrew	Dier				FL	
Elliot	Aronin				FL	
Dennis	Blanchard				FL	
carol	bledsoe				FL	
Beverly	Boardman				FL	
DONALD	CLOUD				FL	
Joe	Detaranto				FL	
Delores	Fuller				FL	
Donald	Gongaware				FL	
Irene	Gorman				FL	
Max and Han	HONEYMAN				FL	
Andrew	Hryniewicz				FL	
Melinda	Hupp				FL	
Carlyne	Jacob				FL	
Valerie S.	Kelley				FL	
Erwin	Lesser				FL	
Sima	Lesser				FL	
Ilse	Moon				FL	
jesse	mullins				FL	
Lois	Page				FL	
Susan	Redfield				FL	
Terry	Smith				FL	
Joanie	Stewart				FL	
Peggyann	Strmel				FL	
Bert	Taylor				FL	
Gary	thorne				FL	
bill	ellis				FL	
Debra	Hendrix				FL	
Toni	Van Pelt				FL	
Diane	Jacobs				FL	
Patricia	Puzzo				FL	
Kathryn	Grave				FL	
Elizabeth	Cross				FL	
Patti	Constantino				FL	
Tricia	constantino				FL	
Lee	Earl				FL	
Franklin	Ruzicka				FL	
Judith	Martinez				FL	
rick	nale				FL	
Nancy	Baird				FL	
Christine	Cass				FL	
Suanne	Roush				FL	
Harvey	Carr				FL	
Mary	Lawrence				FL	
Renee	Mintz				FL	

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Linda	Groom	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Mary Carole	Battle	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Allan	Brockway	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Mary	Bucca	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Timothy	Carr	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Sharon	Crane	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
JOANNA	EPPS	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Colin	Fiske	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
lisa	fletcher	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Allan	Greene	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Curtis	Hinckley	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Christi	Palmeri	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Bethany	Peabody	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Elizabeth	Reynolds	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Marlaine	Stoor	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Eldon	Wedlock	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Pam	arthur	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Dorothy	Chidester	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
ROBERTA	GOLDBERG	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Paula	Polsyn	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
LAURA	RICHMAN	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
ann	wactlar	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Joseph	Moye'	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Doug	Alderson	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Rhea	Baisden	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Ana-Lia	Duchowney	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Rob	Floyd	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Debbie	french	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Neville	McJunkin	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Kristin	Parker	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Lorilyne	Pinkerton	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Peter	Reed	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Barbara	Roberts	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Laureatte	Scott	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
alan	strowd	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Donna Cay	Tharpe	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Ralph	Turner	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Claire	Walker	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Helen	Goldenberg	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Gabrielle	Ayala	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Rex	Bennett	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Todd	Brown	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Satora	Butler	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Ron	Campbell	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Charlie	Day	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Kimberly	Feeney	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Laura	Franks	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Cheryl	Hall	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
James L	Heddon	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
DEBRA	HUNT	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Melissa	Judge	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Andrew	Karpay	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Kaye	Manning	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
robin	milcowitz	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
DAVID	NAVARRÉ	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Billie Jo	Shaw	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Scott	Simons	[REDACTED]		[REDACTED]	FL	[REDACTED]
ann	spillane	[REDACTED]		[REDACTED]	FL	[REDACTED]
Frank	Starr	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Donald	Hoover	[REDACTED]		[REDACTED]	FL	[REDACTED]
shirley	Copperman	[REDACTED]		[REDACTED]	FL	[REDACTED]
Heather	Murray	[REDACTED]		[REDACTED]	FL	[REDACTED]
REGINA	WEISS	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
H.D.	Frotscher	[REDACTED]		[REDACTED]	FL	[REDACTED]
martin	kutnyak	[REDACTED]		[REDACTED]	FL	[REDACTED]
Milton	Farrow	[REDACTED]		[REDACTED]	FL	[REDACTED]
William	Ragsdale	[REDACTED]		[REDACTED]	FL	[REDACTED]
Frances	Capasso	[REDACTED]		[REDACTED]	FL	[REDACTED]
Dawn	Hale	[REDACTED]		[REDACTED]	FL	[REDACTED]
Richard	Block	[REDACTED]		[REDACTED]	FL	[REDACTED]
Joan	Goldschmidt	[REDACTED]		[REDACTED]	FL	[REDACTED]
Robert	Goldschmidt	[REDACTED]		[REDACTED]	FL	[REDACTED]
James	Anderson	[REDACTED]		[REDACTED]	FL	[REDACTED]
Diane	Sadow	[REDACTED]		[REDACTED]	FL	[REDACTED]
Lisa	Goswick	[REDACTED]		[REDACTED]	FL	[REDACTED]
Alice	Hornback	[REDACTED]		[REDACTED]	FL	[REDACTED]
daryl	patrick	[REDACTED]		[REDACTED]	FL	[REDACTED]
Leo	Coyle	[REDACTED]		[REDACTED]	FL	[REDACTED]
Dave	King	[REDACTED]		[REDACTED]	FL	[REDACTED]
BJ	Sucidlo	[REDACTED]		[REDACTED]	FL	[REDACTED]
David	Cowan	[REDACTED]		[REDACTED]	FL	[REDACTED]
Arthur	Daniels	[REDACTED]		[REDACTED]	FL	[REDACTED]
Robert	Shaw	[REDACTED]		[REDACTED]	FL	[REDACTED]
Barry	Benjamin	[REDACTED]		[REDACTED]	FL	[REDACTED]
Jerome	Davidow	[REDACTED]		[REDACTED]	FL	[REDACTED]
Jessica	Mesick	[REDACTED]		[REDACTED]	FL	[REDACTED]
pasquale	stellato	[REDACTED]		[REDACTED]	FL	[REDACTED]
Jack	Keim	[REDACTED]		[REDACTED]	FL	[REDACTED]
David	Ferebee	[REDACTED]		[REDACTED]	FL	[REDACTED]
Richard	Kamarer	[REDACTED]		[REDACTED]	FL	[REDACTED]
Esther	Liptak	[REDACTED]		[REDACTED]	FL	[REDACTED]
Joline	Rivard	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
deborah	urbach	[REDACTED]		[REDACTED]	FL	[REDACTED]
Robert	Gilliam	[REDACTED]		[REDACTED]	FL	[REDACTED]
Hugh	McKenzie	[REDACTED]		[REDACTED]	FL	[REDACTED]
James	Reid	[REDACTED]		[REDACTED]	FL	[REDACTED]
Robert	Sicolo	[REDACTED]	[REDACTED]	[REDACTED]	FL	[REDACTED]
Carol	Lahy	[REDACTED]		[REDACTED]	FL	[REDACTED]
K	Katherine	[REDACTED]		[REDACTED]	FL	[REDACTED]
chris	helmstetter	[REDACTED]		[REDACTED]	FL	[REDACTED]
Julius	Ophar	[REDACTED]		[REDACTED]	FL	[REDACTED]
James	Stone	[REDACTED]		[REDACTED]	FM	[REDACTED]
Sharyn	Scull	[REDACTED]		[REDACTED]	FM	[REDACTED]
Dennis	Mayer	[REDACTED]		[REDACTED]	FM	[REDACTED]
Bob	Yarling	[REDACTED]		[REDACTED]	GA	[REDACTED]
Earl	Putnal	[REDACTED]		[REDACTED]	GA	[REDACTED]
Adrienne	Alexander	[REDACTED]		[REDACTED]	GA	[REDACTED]
Bruce	Langston	[REDACTED]		[REDACTED]	GA	[REDACTED]
Adele	Kushner	[REDACTED]		[REDACTED]	GA	[REDACTED]
David	Alper	[REDACTED]		[REDACTED]	GA	[REDACTED]
Mary	Berry	[REDACTED]		[REDACTED]	GA	[REDACTED]
Scott	Brandis	[REDACTED]		[REDACTED]	GA	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Steven	Grossvogel				GA	
Jason	Jones				GA	
Elizabeth	Kraft				GA	
Jason	Mosser				GA	
tony	brown				GA	
miles	alexander				GA	
Calvin	Ashmore				GA	
sara	bedrosian				GA	
Susan	Bertonaschi				GA	
Emmet	Bondurant				GA	
Elizabeth W.	Brown				GA	
Becca	Callum-Penso				GA	
Carole	Carley				GA	
Jason	Carter				GA	
Francis M	Cox IV				GA	
Lynn	Davis				GA	
Robert Paul	Dean				GA	
tom	ferguson				GA	
Chris	Giovinazzo				GA	
Max	Green				GA	
Lloyd	Hall, attorney at				GA	
Stephanie	Hoeflin				GA	
WeZ	Ireland				GA	
AJ	Jones				GA	
keith	kaylor				GA	
Mollie	Lakin-Hayes				GA	
Lyle	Leslie				GA	
Lyle	Leslie				GA	
Kenneth	Lippe				GA	
Richard	Long				GA	
Jennifer	Meares				GA	
Jason	Metzger				GA	
Dennis	Millay				GA	
Jean	Miller				GA	
Kelly	Morgan				GA	
Cheniqua	Morrow				GA	
Louis	Myer				GA	
George	Norman				GA	
Lindsay	Oehmen				GA	
Jennifer	Owens				GA	
Priscilla	Padron				GA	
Philip	PalMER				GA	
James	Potter				GA	
Cassandra	Reynolds				GA	
Ira	Rogers				GA	
Deborah	Rush				GA	
Lenore	Satterfield				GA	
david	Swartwood				GA	
Carolyn	Taylor				GA	
Robert	Van Keuren				GA	
Dale	Youngkin				GA	
Elizabeth	Eisner				GA	
Amanda	Lang				GA	
Randall	Lowe				GA	
Robert	Nesbit				GA	
ronald	smith				GA	

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Irene	Bolden	[REDACTED]		[REDACTED]	GA	[REDACTED]
Edward	Haskins	[REDACTED]		[REDACTED]	GA	[REDACTED]
William	Picou	[REDACTED]		[REDACTED]	GA	[REDACTED]
Rosemary	Woodel	[REDACTED]		[REDACTED]	GA	[REDACTED]
mary	beardslee	[REDACTED]		[REDACTED]	GA	[REDACTED]
Robin	Moore	[REDACTED]		[REDACTED]	GA	[REDACTED]
Earl	Smith	[REDACTED]		[REDACTED]	GA	[REDACTED]
Paul	Smith	[REDACTED]		[REDACTED]	GA	[REDACTED]
Kat	Gilmore	[REDACTED]		[REDACTED]	GA	[REDACTED]
Ralph	Gilmore	[REDACTED]		[REDACTED]	GA	[REDACTED]
Bobby	Williamson	[REDACTED]		[REDACTED]	GA	[REDACTED]
Susan	Yark	[REDACTED]		[REDACTED]	GA	[REDACTED]
Leza	Young	[REDACTED]		[REDACTED]	GA	[REDACTED]
Jane	Nelson	[REDACTED]		[REDACTED]	GA	[REDACTED]
Gerald and Lo	Blume	[REDACTED]		[REDACTED]	GA	[REDACTED]
Jonathan	Davis	[REDACTED]		[REDACTED]	GA	[REDACTED]
ERNEST	KIGHT	[REDACTED]		[REDACTED]	GA	[REDACTED]
Jeremy	Goolsby	[REDACTED]		[REDACTED]	GA	[REDACTED]
Helen	Halton	[REDACTED]		[REDACTED]	GA	[REDACTED]
Madison	Hinesley	[REDACTED]		[REDACTED]	GA	[REDACTED]
Arturo	Araya	[REDACTED]		[REDACTED]	GA	[REDACTED]
John	Burgess	[REDACTED]		[REDACTED]	GA	[REDACTED]
Mary	Martell	[REDACTED]		[REDACTED]	GA	[REDACTED]
Tom	Lamb	[REDACTED]		[REDACTED]	GA	[REDACTED]
Paul	Von Ward	[REDACTED]		[REDACTED]	GA	[REDACTED]
Gary	Holland	[REDACTED]		[REDACTED]	GA	[REDACTED]
Zachary	Anderson	[REDACTED]		[REDACTED]	GA	[REDACTED]
Cynthia	Armistead	[REDACTED]	[REDACTED]	[REDACTED]	GA	[REDACTED]
Linda	Bell	[REDACTED]		[REDACTED]	GA	[REDACTED]
Michael	Bellesiles	[REDACTED]		[REDACTED]	GA	[REDACTED]
Allen	Bohnert	[REDACTED]		[REDACTED]	GA	[REDACTED]
David	Brewington	[REDACTED]		[REDACTED]	GA	[REDACTED]
Anita	Brown	[REDACTED]		[REDACTED]	GA	[REDACTED]
Sharon	Burdick	[REDACTED]		[REDACTED]	GA	[REDACTED]
Mary Jo	Duncanson	[REDACTED]		[REDACTED]	GA	[REDACTED]
Harley	Gould	[REDACTED]		[REDACTED]	GA	[REDACTED]
Brannon	Gullatt	[REDACTED]		[REDACTED]	GA	[REDACTED]
Holly	Hill	[REDACTED]		[REDACTED]	GA	[REDACTED]
Caroline	Kelly	[REDACTED]		[REDACTED]	GA	[REDACTED]
Leslie	LaConte	[REDACTED]		[REDACTED]	GA	[REDACTED]
Kiersten	Lurer	[REDACTED]		[REDACTED]	GA	[REDACTED]
Sally	MacEwen	[REDACTED]		[REDACTED]	GA	[REDACTED]
Robert C.	Manning, Jr.	[REDACTED]		[REDACTED]	GA	[REDACTED]
Jacqueline	Mohalley Snede	[REDACTED]		[REDACTED]	GA	[REDACTED]
Brenton	Noel	[REDACTED]	[REDACTED]	[REDACTED]	GA	[REDACTED]
Tonia	Poteat	[REDACTED]		[REDACTED]	GA	[REDACTED]
Jada	Tidwell	[REDACTED]		[REDACTED]	GA	[REDACTED]
Monoka	Venters	[REDACTED]		[REDACTED]	GA	[REDACTED]
Frances	Walters	[REDACTED]		[REDACTED]	GA	[REDACTED]
Sara	Weigle	[REDACTED]		[REDACTED]	GA	[REDACTED]
William	Hannah	[REDACTED]		[REDACTED]	GA	[REDACTED]
Phillip	Wood	[REDACTED]		[REDACTED]	GA	[REDACTED]
Andy	Lynn	[REDACTED]	[REDACTED]	[REDACTED]	GA	[REDACTED]
Jeff	Henkels	[REDACTED]		[REDACTED]	GA	[REDACTED]
Nehemiah	Harden	[REDACTED]		[REDACTED]	GA	[REDACTED]
Michelle	James	[REDACTED]		[REDACTED]	GA	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
James	Rivers	[REDACTED]	[REDACTED]	[REDACTED]	GA	[REDACTED]
Helen	Crossan	[REDACTED]	[REDACTED]	[REDACTED]	GA	[REDACTED]
franklin	dayton	[REDACTED]	[REDACTED]	[REDACTED]	GA	[REDACTED]
Gabriel	Shippy	[REDACTED]	[REDACTED]	[REDACTED]	GA	[REDACTED]
Jana	Cleveland	[REDACTED]	[REDACTED]	[REDACTED]	GA	[REDACTED]
Rachel	Schneider	[REDACTED]	[REDACTED]	[REDACTED]	GA	[REDACTED]
Alex	Weissman	[REDACTED]	[REDACTED]	[REDACTED]	GA	[REDACTED]
Jennifer	Flory	[REDACTED]	[REDACTED]	[REDACTED]	GA	[REDACTED]
Lee	Howell	[REDACTED]	[REDACTED]	[REDACTED]	GA	[REDACTED]
Chris	Jones	[REDACTED]	[REDACTED]	[REDACTED]	GA	[REDACTED]
Karl	Clarke	[REDACTED]	[REDACTED]	[REDACTED]	GA	[REDACTED]
Tracie	Costantino	[REDACTED]	[REDACTED]	[REDACTED]	GA	[REDACTED]
Dolores	Sommers	[REDACTED]	[REDACTED]	[REDACTED]	GA	[REDACTED]
Lisa	Decker	[REDACTED]	[REDACTED]	[REDACTED]	GA	[REDACTED]
PAMELA	LIGON	[REDACTED]	[REDACTED]	[REDACTED]	GA	[REDACTED]
Benjamin	Sanders	[REDACTED]	[REDACTED]	[REDACTED]	GA	[REDACTED]
Beth	Tuszynski	[REDACTED]	[REDACTED]	[REDACTED]	GA	[REDACTED]
Onyaka	Johnson	[REDACTED]	[REDACTED]	[REDACTED]	GA	[REDACTED]
jim	randolph	[REDACTED]	[REDACTED]	[REDACTED]	GA	[REDACTED]
Tara	Holman	[REDACTED]	[REDACTED]	[REDACTED]	GA	[REDACTED]
Donna	McGhee	[REDACTED]	[REDACTED]	[REDACTED]	GA	[REDACTED]
Tairra	Pamplin	[REDACTED]	[REDACTED]	[REDACTED]	GA	[REDACTED]
Kjevin	Schilbrack	[REDACTED]	[REDACTED]	[REDACTED]	GA	[REDACTED]
Kathy	Vinson	[REDACTED]	[REDACTED]	[REDACTED]	GA	[REDACTED]
Lorie	Aselin	[REDACTED]	[REDACTED]	[REDACTED]	GA	[REDACTED]
David	Berkner	[REDACTED]	[REDACTED]	[REDACTED]	GA	[REDACTED]
Tom	Bound	[REDACTED]	[REDACTED]	[REDACTED]	GA	[REDACTED]
John	Krzymski	[REDACTED]	[REDACTED]	[REDACTED]	GA	[REDACTED]
Julius	Martinek	[REDACTED]	[REDACTED]	[REDACTED]	GA	[REDACTED]
richard	silverstone	[REDACTED]	[REDACTED]	[REDACTED]	GA	[REDACTED]
Lisa	Smith	[REDACTED]	[REDACTED]	[REDACTED]	GA	[REDACTED]
Stephanie	Wakelin	[REDACTED]	[REDACTED]	[REDACTED]	GA	[REDACTED]
Briley	Edwards	[REDACTED]	[REDACTED]	[REDACTED]	GA	[REDACTED]
Elizabeth	Patsis	[REDACTED]	[REDACTED]	[REDACTED]	GA	[REDACTED]
JOHN	PATIS	[REDACTED]	[REDACTED]	[REDACTED]	GA	[REDACTED]
Katherine	Hohn	[REDACTED]	[REDACTED]	[REDACTED]	GA	[REDACTED]
Charles	Caldwell	[REDACTED]	[REDACTED]	[REDACTED]	GA	[REDACTED]
Donald	Dukes	[REDACTED]	[REDACTED]	[REDACTED]	GA	[REDACTED]
bessie	shavers	[REDACTED]	[REDACTED]	[REDACTED]	GA	[REDACTED]
Bruce	Wheeler	[REDACTED]	[REDACTED]	[REDACTED]	GA	[REDACTED]
Marguerite	fortino	[REDACTED]	[REDACTED]	[REDACTED]	GA	[REDACTED]
Jennifer	Corry	[REDACTED]	[REDACTED]	[REDACTED]	GA	[REDACTED]
BRENT	JACOBS	[REDACTED]	[REDACTED]	[REDACTED]	GA	[REDACTED]
Anne	Lewinson	[REDACTED]	[REDACTED]	[REDACTED]	GA	[REDACTED]
Amy	Weaver	[REDACTED]	[REDACTED]	[REDACTED]	GA	[REDACTED]
Kristin	Riall	[REDACTED]	[REDACTED]	[REDACTED]	GA	[REDACTED]
Aaron	Danneman	[REDACTED]	[REDACTED]	[REDACTED]	GA	[REDACTED]
Taryn	Howard	[REDACTED]	[REDACTED]	[REDACTED]	GA	[REDACTED]
Claire	Malloy	[REDACTED]	[REDACTED]	[REDACTED]	GA	[REDACTED]
Linda	Reif	[REDACTED]	[REDACTED]	[REDACTED]	GA	[REDACTED]
Lawrence	Smith, BA	[REDACTED]	[REDACTED]	[REDACTED]	GA	[REDACTED]
Rebecca	Young	[REDACTED]	[REDACTED]	[REDACTED]	GA	[REDACTED]
Cecile	Adams	[REDACTED]	[REDACTED]	[REDACTED]	GA	[REDACTED]
Chris	Carr	[REDACTED]	[REDACTED]	[REDACTED]	GA	[REDACTED]
Jane	Rago	[REDACTED]	[REDACTED]	[REDACTED]	GA	[REDACTED]
Stephen	Yelich	[REDACTED]	[REDACTED]	[REDACTED]	GA	[REDACTED]

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Bob	Rasey	[REDACTED]		[REDACTED]	GA	[REDACTED]
David	Wilkes	[REDACTED]		[REDACTED]	GA	[REDACTED]
John	Bullabaugh	[REDACTED]		[REDACTED]	GA	[REDACTED]
Barry L.	Homan	[REDACTED]		[REDACTED]	GA	[REDACTED]
Reba	Stone	[REDACTED]		[REDACTED]	GA	[REDACTED]
Forrest	Palmer	[REDACTED]		[REDACTED]	GA	[REDACTED]
Terry	Gilbreath	[REDACTED]		[REDACTED]	GA	[REDACTED]
Ed	DeLeon	[REDACTED]		[REDACTED]	GA	[REDACTED]
Louis	Erbs	[REDACTED]		[REDACTED]	GA	[REDACTED]
Joseph	Kohler	[REDACTED]		[REDACTED]	GA	[REDACTED]
Ronald	Thomas	[REDACTED]		[REDACTED]	GA	[REDACTED]
Robert	Turner	[REDACTED]		[REDACTED]	GA	[REDACTED]
Will & Betsy	Strong	[REDACTED]		[REDACTED]	GA	[REDACTED]
William	Strong	[REDACTED]		[REDACTED]	GA	[REDACTED]
Shelly	Eigen	[REDACTED]		[REDACTED]	GA	[REDACTED]
arthur	alper	[REDACTED]		[REDACTED]	GA	[REDACTED]
Carolyn	Andrews	[REDACTED]		[REDACTED]	GA	[REDACTED]
Marsha	Black	[REDACTED]		[REDACTED]	GA	[REDACTED]
Dan	Matthews	[REDACTED]		[REDACTED]	GA	[REDACTED]
Emily	Cosby	[REDACTED]		[REDACTED]	GA	[REDACTED]
Jim	Battles	[REDACTED]		[REDACTED]	GA	[REDACTED]
Robert	Arnold	[REDACTED]		[REDACTED]	GA	[REDACTED]
Steve	Hayes	[REDACTED]		[REDACTED]	GA	[REDACTED]
Brooke	Rutledge	[REDACTED]		[REDACTED]	GA	[REDACTED]
Sherry	Lewis	[REDACTED]		[REDACTED]	GA	[REDACTED]
r3	Roger W.1	[REDACTED]		[REDACTED]	GA	[REDACTED]
Christopher	Richardson	[REDACTED]		[REDACTED]	HI	[REDACTED]
Renee	Beauvais	[REDACTED]		[REDACTED]	HI	[REDACTED]
Darlyne	Burns	[REDACTED]		[REDACTED]	HI	[REDACTED]
Shay	Chan Hodges	[REDACTED]		[REDACTED]	HI	[REDACTED]
Michele	Nihipali	[REDACTED]		[REDACTED]	HI	[REDACTED]
David	Gafford	[REDACTED]		[REDACTED]	HI	[REDACTED]
Randal	McEndree	[REDACTED]		[REDACTED]	HI	[REDACTED]
shannon	rudolph	[REDACTED]		[REDACTED]	HI	[REDACTED]
Mietek	Mandelman	[REDACTED]		[REDACTED]	HI	[REDACTED]
Jonathan	Boyne	[REDACTED]		[REDACTED]	HI	[REDACTED]
Robert	Brewer	[REDACTED]	[REDACTED]	[REDACTED]	HI	[REDACTED]
Stephen	Carl	[REDACTED]		[REDACTED]	HI	[REDACTED]
Kenneth	Cohen	[REDACTED]		[REDACTED]	HI	[REDACTED]
Dorothy	Cornell	[REDACTED]		[REDACTED]	HI	[REDACTED]
Sheri	Fong	[REDACTED]		[REDACTED]	HI	[REDACTED]
Carol	Hartley	[REDACTED]		[REDACTED]	HI	[REDACTED]
Morgan	Jones	[REDACTED]		[REDACTED]	HI	[REDACTED]
Van	Law	[REDACTED]		[REDACTED]	HI	[REDACTED]
Chris	Peterson	[REDACTED]		[REDACTED]	HI	[REDACTED]
Robert	Schacht	[REDACTED]		[REDACTED]	HI	[REDACTED]
Denise	Snyder	[REDACTED]		[REDACTED]	HI	[REDACTED]
Jan	Soares	[REDACTED]		[REDACTED]	HI	[REDACTED]
Steve	Stoddard	[REDACTED]	[REDACTED]	[REDACTED]	HI	[REDACTED]
Suzanne	Vincent	[REDACTED]	[REDACTED]	[REDACTED]	HI	[REDACTED]
Pat	Weeks	[REDACTED]		[REDACTED]	HI	[REDACTED]
John	Williamson	[REDACTED]		[REDACTED]	HI	[REDACTED]
Carol	Kleppin	[REDACTED]		[REDACTED]	HI	[REDACTED]
Kristina	Dyer	[REDACTED]		[REDACTED]	HI	[REDACTED]
Peter	Ehrhorn	[REDACTED]		[REDACTED]	HI	[REDACTED]
D	McGuire	[REDACTED]		[REDACTED]	HI	[REDACTED]

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Kathleen	McGuire	[REDACTED]		[REDACTED]	HI	[REDACTED]
Thomas	Tizard	[REDACTED]		[REDACTED]	HI	[REDACTED]
linda	von Geldern	[REDACTED]		[REDACTED]	HI	[REDACTED]
Douglas	Hankins	[REDACTED]		[REDACTED]	HI	[REDACTED]
Carole	Nervig	[REDACTED]		[REDACTED]	HI	[REDACTED]
Erika	Stuart	[REDACTED]		[REDACTED]	HI	[REDACTED]
James D	Brown	[REDACTED]		[REDACTED]	HI	[REDACTED]
James D	Brown	[REDACTED]		[REDACTED]	HI	[REDACTED]
Esther	Cup Choy	[REDACTED]	[REDACTED]	[REDACTED]	HI	[REDACTED]
Richard	Pedersen	[REDACTED]		[REDACTED]	HI	[REDACTED]
Toni	Schattauer	[REDACTED]	[REDACTED]	[REDACTED]	HI	[REDACTED]
Joseph	Savino	[REDACTED]		[REDACTED]	HI	[REDACTED]
Randy	wolfshagen	[REDACTED]		[REDACTED]	HI	[REDACTED]
Mike	Moran	[REDACTED]		[REDACTED]	HI	[REDACTED]
Kathleen	Rouiller	[REDACTED]		[REDACTED]	HI	[REDACTED]
Marita	Strong	[REDACTED]		[REDACTED]	HI	[REDACTED]
Dr. Natalie & M	Tyler	[REDACTED]		[REDACTED]	HI	[REDACTED]
stephen	wheat	[REDACTED]		[REDACTED]	HI	[REDACTED]
Carissa	Williams	[REDACTED]		[REDACTED]	HI	[REDACTED]
Bonnie	McFadden	[REDACTED]		[REDACTED]	HI	[REDACTED]
George	Atta	[REDACTED]		[REDACTED]	HI	[REDACTED]
Mildred	Cort	[REDACTED]		[REDACTED]	HI	[REDACTED]
Janis	Todhunter	[REDACTED]		[REDACTED]	HI	[REDACTED]
Kaitlyn	McKee	[REDACTED]		[REDACTED]	HI	[REDACTED]
Michael	Swerdlow	[REDACTED]		[REDACTED]	HI	[REDACTED]
Michelle	Macalino	[REDACTED]		[REDACTED]	HI	[REDACTED]
bruce allen	mann	[REDACTED]		[REDACTED]	HI	[REDACTED]
Gay	Barfield, Ph.D., L	[REDACTED]		[REDACTED]	HI	[REDACTED]
Amber	Richtsmeier	[REDACTED]		[REDACTED]	IA	[REDACTED]
Duane	Richtsmeier	[REDACTED]		[REDACTED]	IA	[REDACTED]
D. Lee	Alekel	[REDACTED]		[REDACTED]	IA	[REDACTED]
Nancy	Bowers	[REDACTED]		[REDACTED]	IA	[REDACTED]
Laura	Hanson	[REDACTED]		[REDACTED]	IA	[REDACTED]
James H	Jorgensen	[REDACTED]		[REDACTED]	IA	[REDACTED]
Erwin	Klaas	[REDACTED]		[REDACTED]	IA	[REDACTED]
Alissa	Stoehr	[REDACTED]		[REDACTED]	IA	[REDACTED]
Roberta	Vann	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
Timothy	Foley	[REDACTED]		[REDACTED]	IA	[REDACTED]
Ron	Rubek	[REDACTED]		[REDACTED]	IA	[REDACTED]
Lawrence	Schlatter	[REDACTED]		[REDACTED]	IA	[REDACTED]
Linda	Mangler	[REDACTED]		[REDACTED]	IA	[REDACTED]
David	Banfield	[REDACTED]		[REDACTED]	IA	[REDACTED]
Dennis	Feltz	[REDACTED]		[REDACTED]	IA	[REDACTED]
Rachel	Heuertz	[REDACTED]		[REDACTED]	IA	[REDACTED]
Paul	Volk	[REDACTED]		[REDACTED]	IA	[REDACTED]
Michael	Johnson	[REDACTED]		[REDACTED]	IA	[REDACTED]
Ed	Roth	[REDACTED]		[REDACTED]	IA	[REDACTED]
Carolyn	Schmidt	[REDACTED]		[REDACTED]	IA	[REDACTED]
Joseph	Posada	[REDACTED]		[REDACTED]	IA	[REDACTED]
Neil	Daniels	[REDACTED]		[REDACTED]	IA	[REDACTED]
Rachel	Graber	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
Jarvis	Jones	[REDACTED]		[REDACTED]	IA	[REDACTED]
Tom and Maril	Kelly	[REDACTED]		[REDACTED]	IA	[REDACTED]
Marti	Nerenstone	[REDACTED]		[REDACTED]	IA	[REDACTED]
Sara	Bushek	[REDACTED]		[REDACTED]	IA	[REDACTED]
Richard	Jirus	[REDACTED]		[REDACTED]	IA	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
James	Miller	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
Philip	Herbert	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
David	Cavagnaro	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
Terry	Czeck	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
Mary	Lewis	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
Ronald	Schulze	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
Bruce	Carr	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
Bonnie	Gusland	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
Juliana	Hale	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
Mary	Hamilton	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
Craig	Holstegge	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
David	Hunsley	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
Lee	Jolliffe	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
linda	powers	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
ERICH	RIESENBERG	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
Judith	Veeder	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
S Margaret M	Meicher	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
Andrew	Slade	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
Cynthia	Ballou	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
Lane	Bettis	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
Patrick	Bosold	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
Frances	Burmeister	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
Richard	Burmeister	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
Colette	Guay-Brezner	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
Tony	Hallen	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
Robert D	Klauber	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
Denyce	Rusch	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
Judy	Stevens	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
Gwen Z.	Brown	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
Lyle	Brown	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
Nancy	Roberts	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
beth	Jones	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
Mary	Hidlebaugh	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
Anthony	Birnbaum	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
Michael	Carberry	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
Sue	Christiansen	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
Maria	Conzemius	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
Andy	Douglas	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
Evan	Fales	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
Ishi	Fales	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
ed	flaherty	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
Jean	Hagen	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
Garry	Klein	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
Rosemary	Kueny	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
Luke	McCall	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
Mary	Prizler	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
Sage	River	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
Mark	Signs	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
Rodney	Strampe	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
Nancy	Adams-Cogan	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
Jerry	Kearns	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
Toni	Pralle	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
Arthur	Fisher	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
Barbara	Thomson	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
Beryl	Shahan	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
peter	mcguinness	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
MaryAnn	Schwering	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
Dennis	Pickering	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
Olive	Wilson	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
Kenneth E.	Sabers	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
Phyllis	Jolin	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
Mark	Graber	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
Hetty	Hall	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
Caro	Kubik	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
Carma	Bisinger	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
Jean	Huffey	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
D	Waters	[REDACTED]	[REDACTED]	[REDACTED]	IA	[REDACTED]
CEDRIC	WARD	[REDACTED]	[REDACTED]	[REDACTED]	ID	[REDACTED]
Ann	Barnes	[REDACTED]	[REDACTED]	[REDACTED]	ID	[REDACTED]
Marylou	Brownson	[REDACTED]	[REDACTED]	[REDACTED]	ID	[REDACTED]
Leslee	Doner	[REDACTED]	[REDACTED]	[REDACTED]	ID	[REDACTED]
Gary	Hall	[REDACTED]	[REDACTED]	[REDACTED]	ID	[REDACTED]
Beverly	McCormick	[REDACTED]	[REDACTED]	[REDACTED]	ID	[REDACTED]
David	Proctor	[REDACTED]	[REDACTED]	[REDACTED]	ID	[REDACTED]
Jennifer	Walt	[REDACTED]	[REDACTED]	[REDACTED]	ID	[REDACTED]
Holly	Walund	[REDACTED]	[REDACTED]	[REDACTED]	ID	[REDACTED]
Lauren	Pacheco-Theard	[REDACTED]	[REDACTED]	[REDACTED]	ID	[REDACTED]
Rena	Pacheco-Theard	[REDACTED]	[REDACTED]	[REDACTED]	ID	[REDACTED]
Connie	Cunningham	[REDACTED]	[REDACTED]	[REDACTED]	ID	[REDACTED]
Tom	Nagle	[REDACTED]	[REDACTED]	[REDACTED]	ID	[REDACTED]
Katherine	Noble	[REDACTED]	[REDACTED]	[REDACTED]	ID	[REDACTED]
KRisti	Appelhans	[REDACTED]	[REDACTED]	[REDACTED]	ID	[REDACTED]
George	Redden	[REDACTED]	[REDACTED]	[REDACTED]	ID	[REDACTED]
Kathryn	Reynolds	[REDACTED]	[REDACTED]	[REDACTED]	ID	[REDACTED]
Bonnie	Schonefeld	[REDACTED]	[REDACTED]	[REDACTED]	ID	[REDACTED]
colleen	Mahoney	[REDACTED]	[REDACTED]	[REDACTED]	ID	[REDACTED]
Jean and Bob	Roberts	[REDACTED]	[REDACTED]	[REDACTED]	ID	[REDACTED]
Anita	Rognas	[REDACTED]	[REDACTED]	[REDACTED]	ID	[REDACTED]
Irene	Kimber	[REDACTED]	[REDACTED]	[REDACTED]	ID	[REDACTED]
Ellen & Tom	Glaccum	[REDACTED]	[REDACTED]	[REDACTED]	ID	[REDACTED]
Amber	McCormick	[REDACTED]	[REDACTED]	[REDACTED]	ID	[REDACTED]
Jason	Engle	[REDACTED]	[REDACTED]	[REDACTED]	ID	[REDACTED]
William	White	[REDACTED]	[REDACTED]	[REDACTED]	ID	[REDACTED]
Elizabeth	Heroldt	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Edward	Shafer	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Harry	Hazelton	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Br. Michael	Gosch	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Justin	Synnestvedt	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
maryellen	sullivan	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Beverly	Beckman-Banks	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
erik	estrada	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Charles	Rogers	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Daryl	Ross	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Josephine Ma	Thane	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Morissa	Jensen	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Marion	McNamara	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Janet	Reilly	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
George	Ripplinger	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Lawrence	Stepp	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Elena	Bantista	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Jennifer	Dodson	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Jessica	Heiden	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Genevieve	Horan			Bloomington	IL	61704
Alison	Smith			Chicago	IL	60646
Mary	Sims			Ealingbrook	IL	60140
linda	artl			Chicago	IL	60609
Susan	Osada			Chicago	IL	60618
Carol	McCrary			Chicago	IL	60640
Nicholas	Pribble			Chicago	IL	60620
Shane	Smith			Chicago	IL	60620
Mitchell	Williams			Chicago	IL	60640
Don	Doty			Chicago	IL	60640
Antoinette	Monfort			Chicago	IL	60640
John	Schaefer			Chicago	IL	60626
Nayeem	Aslam			Chicago	IL	60640
Justin	Lynch			Chicago	IL	60640
Mary	Baechle			Chicago	IL	60640
Jean	Sturgell			Chicago	IL	60640
Charles	Byrne			Chicago	IL	60640
Donald	Cohen			Chicago	IL	60640
James J	Hare			Chicago	IL	60640
Stuart	Laird			Chicago	IL	60640
Richard	Phillips			Chicago	IL	60640
Alisa	Shepko			Chicago	IL	60640
Deborah	Anthony			Chicago	IL	60640
susan	seigle			Chicago	IL	60640
David	Arms			Chicago	IL	60640
John	Atwood			Chicago	IL	60640
sijisfredo	aviles			Chicago	IL	60640
yuval	awazu			Chicago	IL	60640
Frank	Baiocchi			Chicago	IL	60640
John	Baldwin			Chicago	IL	60640
Sharon	Barrett			Chicago	IL	60640
Florinda	Bayod			Chicago	IL	60640
harry	binder			Chicago	IL	60640
Roy	Boyd			Chicago	IL	60640
Beth	Braun			Chicago	IL	60640
jeff	brown			Chicago	IL	60640
Ken	Brown			Chicago	IL	60640
Jean	Callahan			Chicago	IL	60640
Barbara	Carney			Chicago	IL	60640
Malcolm	Casadaban			Chicago	IL	60640
Marlene	Chamberlain			Chicago	IL	60640
Ronald	Chénnault			Chicago	IL	60640
Neil	Chudgar			Chicago	IL	60640
Robin	Cook			Chicago	IL	60640
Natalie	Cornell			Chicago	IL	60640
Carrie	Cox			Chicago	IL	60640
Meg	Cox			Chicago	IL	60640
Andy	Cross			Chicago	IL	60640
James	Crowley			Chicago	IL	60640
Natalie	Daniels			Chicago	IL	60640
Pete	DeRe			Chicago	IL	60640
Phyllis	Dickstein			Chicago	IL	60640
John	DiMucci			Chicago	IL	60640
Daniel	Durbin			Chicago	IL	60640
Cynthia	Elliott			Chicago	IL	60640
Nancy	Engelsberg			Chicago	IL	60640

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Cameron	Estes				IL	
Irene	Ferguson				IL	
Dan	Fiedler				IL	
Susan	Fincke				IL	
glennvester	garrett				IL	
Ellen	Garza				IL	
Stacie	Geary				IL	
Stephen	Gliva				IL	
JUDITH	Goldman				IL	
Ed	Gould				IL	
Gordon P	Grant				IL	
Sandra B	Grear				IL	
Julie	Greene				IL	
Whitney	Greer				IL	
Caryn	Greiman				IL	
Avi	Handelsman				IL	
Patricia	Hanrahan				IL	
Kevin	Havener				IL	
Carole	Heiman Kezios				IL	
Thomas	Henkey				IL	
Caroline	Herzenberg				IL	
kate	Hill				IL	
Jennifer	Horne				IL	
theodore	Jackanicz				IL	
thomas	jansson				IL	
Phyllis	Judelson				IL	
Maria	Kanaan				IL	
Richard	Kanter				IL	
James	Kautz				IL	
Kerry	Kavanaugh				IL	
Carolyn	Kay				IL	
Emily	Kneer				IL	
Jennifer	Kooy				IL	
Stephen	Kordich				IL	
DAVID	LARIOS				IL	
Timothy	Lee				IL	
Deborah	Lewis				IL	
Micah	Lindley				IL	
Barry	Love				IL	
Amanda	Lyon				IL	
Anita	Malinski				IL	
Michael	Maltenfort				IL	
Marilyn	Martin				IL	
Christopher	Mastin				IL	
Susan	McCormick				IL	
Denise	McIntosh				IL	
jill	mclaughlin				IL	
Jennifer	McMeel				IL	
andy	mcsheffery				IL	
liz	medoff				IL	
Shari	Melde				IL	
Josue	Melendez				IL	
Brent	Mesick				IL	
Kathleen	Monahan				IL	
Matthew	Monahan				IL	
Patricia	Monahan				IL	

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Marion	Morgan	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Maureen	Mullally	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Mark	Nabong	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
D.	Nelsen	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Ann	Nelson	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Michael	Neuhaus	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Sharlene	Newman	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Eric	Oakland	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Carole	O'Connell	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Ortega	Oliver	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Paul	Oostenbrug	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Mary	Parish	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Susan S.	Pastin	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Elaine	Pawlak	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Robert	Petersen	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Dennis	Prieve	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
dakota	prosch	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
cynthia	raskin	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Gregory	Ray	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Elce	Redmond	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Norma	Rolfson	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Barbara	Rose	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Tom	Rossen	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Darrell	Rupiper	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Manuel	Sanchez	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Tony	Sanfratello	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Marsha	Santelli	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Zdravka	Schler-Brasovan	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Joy	Schochet	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Daniel	Schulman	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Robert	Schultz	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Alec	Scott-Deforest	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
David	Seabaugh	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Wenndi	Seay-Crump	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Randall	Sherman, Secre	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Natasha	Shpiller	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Ronald	Shuman	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Rick	Simkin	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Alexandra	Sipiora	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
LaToya	Smith	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Marsahll	Sorkin	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Whit	Spurgeon	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Burton	Steck	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Gretchen	Steele	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Ellen	Stone	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
John	Teichen	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
G.	Trubow	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Corbin	Via	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Norman	Wald	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Margaret	Walker	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Chris	Wate	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
James	Wate	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Dana	Weiner	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Holly	Wells	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Mary	Wheeler	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Janet	WHITCOMB				IL	
Eric C	Williams				IL	
Alex	Wing				IL	
Joe	Wolfe				IL	
Art	Wulf				IL	
Therese	Yee				IL	
Arlene	Zide				IL	
Benjamin	Zoltak				IL	
Bob	Zuley				IL	
Maggie	Lakota-Ryan				IL	
Martin	Powers				IL	
Lucille	Webb				IL	
Edie	Feiste				IL	
Michael	Armour				IL	
Brian	Deason				IL	
Dean & Nams	Mindock				IL	
Fr. Jim	Hoffman OFM				IL	
Gerald	Barnett				IL	
Michaeline	Hade				IL	
Ron	Habegger				IL	
Ashley	Kendrick				IL	
David	Matteson				IL	
William	Preston				IL	
Catherine	Critz				IL	
Amy	Deweese				IL	
John Andrew	Koch				IL	
Patricia	Cronin				IL	
patricia	matz				IL	
Rob	Cook				IL	
Barbara	Minich				IL	
Scott	Kane				IL	
deb	klein				IL	
Renee	Miller				IL	
Nancy	Adams				IL	
Gary	Grice				IL	
Doris	McGinness				IL	
roger	golden				IL	
Genevieve	West				IL	
Carol	Lapetino				IL	
Natalia	Meshkov				IL	
Madonna	Pence				IL	
David	Schulz				IL	
George S.	Stanford				IL	
Michelle	Oxman				IL	
red	lewis				IL	
Steve	Matz				IL	
Jahna	Schadt				IL	
Patrick	Reese				IL	
Gail	Schlesinger				IL	
Russell	Westerberg Jr				IL	
Michael	Nolan				IL	
Jean	Jedd				IL	
Jeffrey	Jedd				IL	
Sonia	Ness				IL	
Michael	Nolan				IL	
Karen	Hays				IL	

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
John	Lewis	[REDACTED]		[REDACTED]	IL	[REDACTED]
Richard	Hildreth	[REDACTED]		[REDACTED]	IL	[REDACTED]
Leah	McFall	[REDACTED]		[REDACTED]	IL	[REDACTED]
Paula	Bargiel	[REDACTED]		[REDACTED]	IL	[REDACTED]
Hillary	Bean	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Jeremy	Bloomfield	[REDACTED]		[REDACTED]	IL	[REDACTED]
H. Kurt	Brandenburg	[REDACTED]		[REDACTED]	IL	[REDACTED]
Nancy	Bruski	[REDACTED]		[REDACTED]	IL	[REDACTED]
Liane	Casten	[REDACTED]		[REDACTED]	IL	[REDACTED]
DOUGLAS	COLE	[REDACTED]		[REDACTED]	IL	[REDACTED]
Ruth	Eckhouse	[REDACTED]		[REDACTED]	IL	[REDACTED]
Rich	Eide	[REDACTED]		[REDACTED]	IL	[REDACTED]
Elissa	Fineman	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Don	Gold	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
marge	goldman	[REDACTED]		[REDACTED]	IL	[REDACTED]
Gale	Grossman	[REDACTED]		[REDACTED]	IL	[REDACTED]
Robert	Handelsman	[REDACTED]		[REDACTED]	IL	[REDACTED]
Dan	Hogan	[REDACTED]		[REDACTED]	IL	[REDACTED]
Craig	McClure	[REDACTED]		[REDACTED]	IL	[REDACTED]
trudy	mee	[REDACTED]		[REDACTED]	IL	[REDACTED]
Charles	Moore	[REDACTED]		[REDACTED]	IL	[REDACTED]
Susan	Morris	[REDACTED]		[REDACTED]	IL	[REDACTED]
Peter	Orlinsky	[REDACTED]		[REDACTED]	IL	[REDACTED]
David	Posner	[REDACTED]		[REDACTED]	IL	[REDACTED]
Benjamin	Rooks	[REDACTED]		[REDACTED]	IL	[REDACTED]
margo	scott	[REDACTED]		[REDACTED]	IL	[REDACTED]
Ariana	Strandburg-Pesk	[REDACTED]		[REDACTED]	IL	[REDACTED]
diane	thodos	[REDACTED]		[REDACTED]	IL	[REDACTED]
John	Ketterson	[REDACTED]		[REDACTED]	IL	[REDACTED]
Kenneth	Petrich	[REDACTED]		[REDACTED]	IL	[REDACTED]
Joseph	Balkis	[REDACTED]		[REDACTED]	IL	[REDACTED]
Patricia	Brennan	[REDACTED]		[REDACTED]	IL	[REDACTED]
Jo	Cox	[REDACTED]		[REDACTED]	IL	[REDACTED]
Linda	Cooley	[REDACTED]		[REDACTED]	IL	[REDACTED]
SERNA	HAHN	[REDACTED]		[REDACTED]	IL	[REDACTED]
Joan	Sanders	[REDACTED]		[REDACTED]	IL	[REDACTED]
Mark	Stojak	[REDACTED]		[REDACTED]	IL	[REDACTED]
jane	mcnew	[REDACTED]		[REDACTED]	IL	[REDACTED]
Clark	Andelin	[REDACTED]		[REDACTED]	IL	[REDACTED]
Irene	Mungen	[REDACTED]		[REDACTED]	IL	[REDACTED]
Sydney	Brady	[REDACTED]		[REDACTED]	IL	[REDACTED]
norman	hickenbottom	[REDACTED]		[REDACTED]	IL	[REDACTED]
Mary Jean	Bankmann	[REDACTED]		[REDACTED]	IL	[REDACTED]
Joni	Peters	[REDACTED]		[REDACTED]	IL	[REDACTED]
Walter	Bruun	[REDACTED]		[REDACTED]	IL	[REDACTED]
Sally	Domont	[REDACTED]		[REDACTED]	IL	[REDACTED]
Joy	Malkus	[REDACTED]		[REDACTED]	IL	[REDACTED]
Kathryn	Hall	[REDACTED]		[REDACTED]	IL	[REDACTED]
Paul	Lukas	[REDACTED]		[REDACTED]	IL	[REDACTED]
Timothy	Murphy	[REDACTED]		[REDACTED]	IL	[REDACTED]
Rog	O'Brien	[REDACTED]		[REDACTED]	IL	[REDACTED]
RICHARD	ROSENBERG	[REDACTED]		[REDACTED]	IL	[REDACTED]
Margery	Shurman	[REDACTED]		[REDACTED]	IL	[REDACTED]
Kay	Trevarthen	[REDACTED]		[REDACTED]	IL	[REDACTED]
Carolyn	Weinstein	[REDACTED]		[REDACTED]	IL	[REDACTED]
Ronald	Goede Sr.	[REDACTED]		[REDACTED]	IL	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Ronda	Richardson	[REDACTED]		[REDACTED]	IL	[REDACTED]
Connie	Vaughn	[REDACTED]		[REDACTED]	IL	[REDACTED]
Sarah	Gunter	[REDACTED]		[REDACTED]	IL	[REDACTED]
Sharon	Howard	[REDACTED]		[REDACTED]	IL	[REDACTED]
Rev. Dr. and M	Drewer	[REDACTED]		[REDACTED]	IL	[REDACTED]
merle	ascher	[REDACTED]		[REDACTED]	IL	[REDACTED]
marla	green	[REDACTED]		[REDACTED]	IL	[REDACTED]
Jay	Grodner	[REDACTED]		[REDACTED]	IL	[REDACTED]
Rebecca	Grodner	[REDACTED]		[REDACTED]	IL	[REDACTED]
Emily	Love	[REDACTED]		[REDACTED]	IL	[REDACTED]
Terri	Weinstein	[REDACTED]		[REDACTED]	IL	[REDACTED]
Jay and Betty	Wolff	[REDACTED]		[REDACTED]	IL	[REDACTED]
Jay and Mrs. B	Wolff	[REDACTED]		[REDACTED]	IL	[REDACTED]
Patricia	Deckert	[REDACTED]		[REDACTED]	IL	[REDACTED]
dee r	wernette	[REDACTED]		[REDACTED]	IL	[REDACTED]
Kathleen	Whitman	[REDACTED]		[REDACTED]	IL	[REDACTED]
Dale	Sachtleben	[REDACTED]		[REDACTED]	IL	[REDACTED]
Hope	Hall	[REDACTED]		[REDACTED]	IL	[REDACTED]
Marianne	Amann	[REDACTED]		[REDACTED]	IL	[REDACTED]
Sheri	Wiley	[REDACTED]		[REDACTED]	IL	[REDACTED]
Ann	MacMillan	[REDACTED]		[REDACTED]	IL	[REDACTED]
Michael	Danielson	[REDACTED]		[REDACTED]	IL	[REDACTED]
Clarice	Hearne	[REDACTED]		[REDACTED]	IL	[REDACTED]
John	Vallee	[REDACTED]		[REDACTED]	IL	[REDACTED]
Mary	Southard	[REDACTED]		[REDACTED]	IL	[REDACTED]
Allan	Heydorn	[REDACTED]		[REDACTED]	IL	[REDACTED]
John	Surette	[REDACTED]		[REDACTED]	IL	[REDACTED]
William	Farrell	[REDACTED]		[REDACTED]	IL	[REDACTED]
elaine	fishman	[REDACTED]		[REDACTED]	IL	[REDACTED]
Paul	Jennetten	[REDACTED]		[REDACTED]	IL	[REDACTED]
Casey	Kotas	[REDACTED]		[REDACTED]	IL	[REDACTED]
Phil	Smith	[REDACTED]		[REDACTED]	IL	[REDACTED]
Janet	Kirch	[REDACTED]		[REDACTED]	IL	[REDACTED]
Elizabeth	Walters	[REDACTED]		[REDACTED]	IL	[REDACTED]
Samuel	Hodge	[REDACTED]		[REDACTED]	IL	[REDACTED]
Lisa	Mitchell	[REDACTED]		[REDACTED]	IL	[REDACTED]
Robert	Blair	[REDACTED]		[REDACTED]	IL	[REDACTED]
Marjorie	Crabbe	[REDACTED]		[REDACTED]	IL	[REDACTED]
William	Kaiser	[REDACTED]		[REDACTED]	IL	[REDACTED]
Annette	Messina	[REDACTED]		[REDACTED]	IL	[REDACTED]
Patricia	Michaels	[REDACTED]		[REDACTED]	IL	[REDACTED]
Sharon	Loudon	[REDACTED]		[REDACTED]	IL	[REDACTED]
doma	albiero-hasler	[REDACTED]		[REDACTED]	IL	[REDACTED]
Walter	Schmitt II	[REDACTED]		[REDACTED]	IL	[REDACTED]
Amy	Carr	[REDACTED]		[REDACTED]	IL	[REDACTED]
Thomas	Lawson	[REDACTED]		[REDACTED]	IL	[REDACTED]
Philip	Hult	[REDACTED]		[REDACTED]	IL	[REDACTED]
Janet	King	[REDACTED]		[REDACTED]	IL	[REDACTED]
Peter	Theis	[REDACTED]		[REDACTED]	IL	[REDACTED]
Fran	Quinn	[REDACTED]		[REDACTED]	IL	[REDACTED]
kurt	donnelly	[REDACTED]		[REDACTED]	IL	[REDACTED]
Tom	Luedtke	[REDACTED]		[REDACTED]	IL	[REDACTED]
Robin	Smith	[REDACTED]		[REDACTED]	IL	[REDACTED]
Janet	Berres	[REDACTED]		[REDACTED]	IL	[REDACTED]
Norman	Gibons	[REDACTED]		[REDACTED]	IL	[REDACTED]
Joanna	Challacombe	[REDACTED]		[REDACTED]	IL	[REDACTED]

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Jeff	Haugh				IL	
Brian	Traughber				IL	
William	Leone				IL	
anne	usman				IL	
Timothy S	Bowers				IL	
Barbara	Bammer				IL	
Jonathan	Bernstein				IL	
John	Demos				IL	
Robert	Janetzko				IL	
Joan	Krawitz				IL	
Nancy	Lacy				IL	
Julio	rivera				IL	
NELSON	RIVERA				IL	
Norma	Rivera				IL	
Roger	Rueff				IL	
Grace	Skalski				IL	
Darrell	Voitik				IL	
Thomas	Wrona				IL	
Mary lee	Swickert				IL	
stephen	babin				IL	
Amy	Smith				IL	
Peggy	Johannsen				IL	
Ruth	Goldsmith				IL	
Laura	Krain				IL	
Floyd	Mittleman				IL	
Onnie & Marty	Polin				IL	
Janet	Rohde				IL	
Harold	Bland				IL	
Kathryn	Fishman				IL	
Melly	Peterson				IL	
Richard	Pope				IL	
Lee	Alanis				IL	
Desmond	Bailey				IL	
Gerri	Brauneis				IL	
Joy	Bunton				IL	
gabrielle	davis				IL	
Patrick	Dooley				IL	
marge	gockel				IL	
Nicklin	Heap				IL	
Janet	Holden				IL	
William R	Kavanagh				IL	
Marie	Perkins				IL	
Maureen	Robinson				IL	
Deb	Saeger				IL	
Edward	Sakowicz				IL	
Sharon	Spooner				IL	
Ellen	Wehrle				IL	
Kurt	Gonska				IL	
Norma	Nelson				IL	
James	Pierce				IL	
Donald	Rahr				IL	
Marc	Roberts				IL	
Dennis	Edwards				IL	
Edie	Litwin				IL	
Peggy	Simonsen				IL	
Alice	Adelman				IL	

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Carol	Paddock	[REDACTED]		[REDACTED]	IL	[REDACTED]
John	Larson	[REDACTED]		[REDACTED]	IL	[REDACTED]
Diane	Greenholdt	[REDACTED]		[REDACTED]	IL	[REDACTED]
John	Swanson	[REDACTED]		[REDACTED]	IL	[REDACTED]
Rita	Stone	[REDACTED]		[REDACTED]	IL	[REDACTED]
Susan	Vazzano	[REDACTED]		[REDACTED]	IL	[REDACTED]
don	retondo	[REDACTED]		[REDACTED]	IL	[REDACTED]
Judith	Crocker	[REDACTED]		[REDACTED]	IL	[REDACTED]
John	Fortner	[REDACTED]		[REDACTED]	IL	[REDACTED]
Heather	Orn	[REDACTED]		[REDACTED]	IL	[REDACTED]
Barbara	Whitney	[REDACTED]		[REDACTED]	IL	[REDACTED]
Robert	williams	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Thomas	Cleveland	[REDACTED]		[REDACTED]	IL	[REDACTED]
channing	brechlin	[REDACTED]		[REDACTED]	IL	[REDACTED]
Brent	Cabrera	[REDACTED]		[REDACTED]	IL	[REDACTED]
Ken	Follett	[REDACTED]		[REDACTED]	IL	[REDACTED]
Rudy	Hazuca	[REDACTED]		[REDACTED]	IL	[REDACTED]
FAYE	MARCUS	[REDACTED]		[REDACTED]	IL	[REDACTED]
Carolyn	Meece	[REDACTED]		[REDACTED]	IL	[REDACTED]
Lori	Pierce	[REDACTED]		[REDACTED]	IL	[REDACTED]
patricia	jackson	[REDACTED]		[REDACTED]	IL	[REDACTED]
teo	berrios	[REDACTED]		[REDACTED]	IL	[REDACTED]
Natalie	Wagner	[REDACTED]		[REDACTED]	IL	[REDACTED]
John	Schafer	[REDACTED]		[REDACTED]	IL	[REDACTED]
Dr. A. Alan	Estock	[REDACTED]		[REDACTED]	IL	[REDACTED]
Mary Patricia	Todd	[REDACTED]		[REDACTED]	IL	[REDACTED]
David	Wuersig	[REDACTED]		[REDACTED]	IL	[REDACTED]
Dr. Neil & Eve	Aronson	[REDACTED]		[REDACTED]	IL	[REDACTED]
Candace	Esslinger	[REDACTED]		[REDACTED]	IL	[REDACTED]
Sheila	Nathanson	[REDACTED]		[REDACTED]	IL	[REDACTED]
Jonah K.	Oxman	[REDACTED]		[REDACTED]	IL	[REDACTED]
Georg	Trimborn	[REDACTED]		[REDACTED]	IL	[REDACTED]
George	Wicks	[REDACTED]		[REDACTED]	IL	[REDACTED]
Rev. Frank B.	Smith III	[REDACTED]		[REDACTED]	IL	[REDACTED]
Michael	Noga	[REDACTED]		[REDACTED]	IL	[REDACTED]
Wallace	Stephens	[REDACTED]		[REDACTED]	IL	[REDACTED]
Edward	Boesen	[REDACTED]		[REDACTED]	IL	[REDACTED]
Fidencio	Campos	[REDACTED]		[REDACTED]	IL	[REDACTED]
Lori	March	[REDACTED]		[REDACTED]	IL	[REDACTED]
Herb	Best	[REDACTED]		[REDACTED]	IL	[REDACTED]
Geoff	Eargle	[REDACTED]		[REDACTED]	IL	[REDACTED]
R	Delpaz	[REDACTED]	[REDACTED]	[REDACTED]	IL	[REDACTED]
Keisha	Dyson	[REDACTED]		[REDACTED]	IL	[REDACTED]
Maryam	Ar-Raheem	[REDACTED]		[REDACTED]	IL	[REDACTED]
Julia	Glahn	[REDACTED]		[REDACTED]	IL	[REDACTED]
Carl N	Graves	[REDACTED]		[REDACTED]	IL	[REDACTED]
Sherri	Jones	[REDACTED]		[REDACTED]	IL	[REDACTED]
Linda	Klepinger	[REDACTED]		[REDACTED]	IL	[REDACTED]
Marilyn	Parsons	[REDACTED]		[REDACTED]	IL	[REDACTED]
Andrea	Rundell	[REDACTED]		[REDACTED]	IL	[REDACTED]
Michael	Shapiro	[REDACTED]		[REDACTED]	IL	[REDACTED]
Ajay	Singh	[REDACTED]		[REDACTED]	IL	[REDACTED]
Joseph	thomas	[REDACTED]		[REDACTED]	IL	[REDACTED]
Joseph	Thomas	[REDACTED]		[REDACTED]	IL	[REDACTED]
Sara	Thomas	[REDACTED]		[REDACTED]	IL	[REDACTED]
Jo	Duren-Sampson	[REDACTED]		[REDACTED]	IL	[REDACTED]

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Pauline	Harding				IL	
Louise	Nolta				IL	
Karen	Latimer				IL	
Jessica	Salasek				IL	
Gregory	Spahn				IL	
Mary F.	Warren				IL	
Amelia D.	Hopklins				IL	
Joan	Villa				IL	
William	Goldberg				IL	
Vern	Lee				IL	
Paul	Wolf				IL	
Cheryl	Baker				IL	
nancy	pred				IL	
Philip	Calcagno				IL	
Kelly	Mueller				IL	
Lisa	Gerson				IL	
Patricia	Hare				IL	
Richard	Stanowski				IL	
Leslie	Greene-Novinger				IL	
Jennifer	Gates				IN	
Mary Beth	Goldsmith				IN	
Meredith	Richmond				IN	
Patricia	Kok				IN	
C. Patricia	Riesenman				IN	
Byron	Bangert				IN	
Michael	Berndt				IN	
Thalia	Brine				IN	
Jennifer	Cianciolo				IN	
Ian	Dinius				IN	
Carol	Gray				IN	
Claire	Gregory				IN	
Nick	Halgren				IN	
Sophia	Hauserman				IN	
Ellis	Hawkins				IN	
Teri	Herron				IN	
Cynthia	Hoffman				IN	
Donna	Hogle				IN	
Peter	Kaczmarczyk				IN	
Christine	Linnemeier				IN	
Karen	Luerssen				IN	
Margaret	O'Connor				IN	
Charles	Peters				IN	
Deborah	Robinson				IN	
Nicholas	Rolf				IN	
Marian	Shaaban				IN	
Peter	Sternberg				IN	
Gene	Stoll				IN	
Tom	Sunlake				IN	
Jerry	Sutherlin				IN	
Richard	Torstrick				IN	
anne	wilson				IN	
Barbara	Wrenn				IN	
Joshua	Holden				IN	
Alison	Brown				IN	
Andrew	Ray				IN	
Anita	Yudes				IN	

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Lynn	Wakefield				IN	
S Brian	Walters				IN	
Marian	Allen				IN	
James	Herndon				IN	
David	Kiley				IN	
Leslie	Cunningham				IN	
diane	debartolo				IN	
JO	Taylor				IN	
Nicolette	Stock				IN	
Donna	Heinlin				IN	
Jeremiah	John				IN	
Terence	McGinnis				IN	
charleen	moore				IN	
Lisa	Powers				IN	
Andrew	Saltzman				IN	
Steve	Sharkey				IN	
Dale	LaCognata				IN	
Don	Kult				IN	
Amy	Avdevich-Akin				IN	
Terry	White				IN	
Janice	Dollive				IN	
Gabriel	Gardner				IN	
Roger	Miller				IN	
Patricia	Moore				IN	
Judith	Nancarrow				IN	
Victor	Seewald				IN	
Madhuri	Singh				IN	
Walt	Vanderbush				IN	
Robert	Uecker				IN	
Brian	Maurig, Jr				IN	
dee	hulse				IN	
Hilary	Bertsche				IN	
Geoffrey	Yost				IN	
Donald	Darnell				IN	
Gary	Banina				IN	
James	A Clark Jr				IN	
Isabel	Best				IN	
Melinda	Blakesley				IN	
Nancie	Boggs				IN	
Valerie	Boots				IN	
Gary	Brackett				IN	
Maura	Buckley				IN	
Miriam	Bunner				IN	
john	calhoon				IN	
Jean	Coughlin				IN	
katharina	dulckeit				IN	
Christopher	Faesi				IN	
Sarah	Ford				IN	
Derwin	Gary				IN	
Glenda	Harty				IN	
Jean-Luc	Howell				IN	
Melinda	Jones				IN	
Patrick	Kinsman				IN	
JAMES	LASHER				IN	
Stephan	Laurent-Faesi				IN	
ERik	Malewski				IN	

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Lynne	Martin	[REDACTED]		[REDACTED]	IN	[REDACTED]
Samantha	McCartney	[REDACTED]		[REDACTED]	IN	[REDACTED]
Keith	Myers	[REDACTED]		[REDACTED]	IN	[REDACTED]
Thomas	Pacheco	[REDACTED]		[REDACTED]	IN	[REDACTED]
Robert	Scholz	[REDACTED]		[REDACTED]	IN	[REDACTED]
Jackie	Suess	[REDACTED]		[REDACTED]	IN	[REDACTED]
Alvin	Trammell	[REDACTED]		[REDACTED]	IN	[REDACTED]
Larry	Ulrey	[REDACTED]		[REDACTED]	IN	[REDACTED]
Marvin	Wagner	[REDACTED]		[REDACTED]	IN	[REDACTED]
Shirley	Wardzinski	[REDACTED]		[REDACTED]	IN	[REDACTED]
Donna	Williams	[REDACTED]		[REDACTED]	IN	[REDACTED]
Effie M.	Blair	[REDACTED]		[REDACTED]	IN	[REDACTED]
jeffrey	dett	[REDACTED]		[REDACTED]	IN	[REDACTED]
diana	beesley	[REDACTED]	[REDACTED]	[REDACTED]	IN	[REDACTED]
Mark	Reddersdorf	[REDACTED]		[REDACTED]	IN	[REDACTED]
Danielle	Cramer	[REDACTED]		[REDACTED]	IN	[REDACTED]
Terry and Liz	McCloskey	[REDACTED]		[REDACTED]	IN	[REDACTED]
Paula	Ayers	[REDACTED]		[REDACTED]	IN	[REDACTED]
Millard	Johnson	[REDACTED]		[REDACTED]	IN	[REDACTED]
Yvonne	Orlich	[REDACTED]		[REDACTED]	IN	[REDACTED]
Gail	Ginther	[REDACTED]		[REDACTED]	IN	[REDACTED]
Barbara	Bell	[REDACTED]		[REDACTED]	IN	[REDACTED]
Sarah	Boyer	[REDACTED]		[REDACTED]	IN	[REDACTED]
MICHAEL	SULLIVAN	[REDACTED]		[REDACTED]	IN	[REDACTED]
Marjorie	Young	[REDACTED]		[REDACTED]	IN	[REDACTED]
Ruthanne	Wolfe	[REDACTED]		[REDACTED]	IN	[REDACTED]
wilton	aebersold	[REDACTED]		[REDACTED]	IN	[REDACTED]
Jessica	Cresseveur	[REDACTED]	[REDACTED]	[REDACTED]	IN	[REDACTED]
Terry	Laun	[REDACTED]		[REDACTED]	IN	[REDACTED]
Bonnie	Arndt	[REDACTED]		[REDACTED]	IN	[REDACTED]
Dorothy	Dotson	[REDACTED]		[REDACTED]	IN	[REDACTED]
Marcia	Rocca	[REDACTED]		[REDACTED]	IN	[REDACTED]
Pat	Adams	[REDACTED]		[REDACTED]	IN	[REDACTED]
Tom	Moore	[REDACTED]		[REDACTED]	IN	[REDACTED]
Leslie	Ticknor	[REDACTED]		[REDACTED]	IN	[REDACTED]
Ann	Oestreich	[REDACTED]	[REDACTED]	[REDACTED]	IN	[REDACTED]
J. W.	DUNN	[REDACTED]		[REDACTED]	IN	[REDACTED]
Ann	Collins	[REDACTED]		[REDACTED]	IN	[REDACTED]
Melva	Hackney	[REDACTED]		[REDACTED]	IN	[REDACTED]
steven	patty	[REDACTED]		[REDACTED]	IN	[REDACTED]
Judith	Epp	[REDACTED]		[REDACTED]	IN	[REDACTED]
Howard	Christofersen	[REDACTED]		[REDACTED]	IN	[REDACTED]
J M	Blankenship	[REDACTED]		[REDACTED]	IN	[REDACTED]
Jennifer	Elrod	[REDACTED]		[REDACTED]	IN	[REDACTED]
Clara	Haynes	[REDACTED]		[REDACTED]	IN	[REDACTED]
Rebecca L	Johnson	[REDACTED]		[REDACTED]	IN	[REDACTED]
Sarah	McKibben	[REDACTED]		[REDACTED]	IN	[REDACTED]
Chris	Vanden Bossch	[REDACTED]		[REDACTED]	IN	[REDACTED]
Robert	Warye	[REDACTED]		[REDACTED]	IN	[REDACTED]
Jennifer	Harris	[REDACTED]		[REDACTED]	IN	[REDACTED]
Kenneth	Goodall	[REDACTED]		[REDACTED]	IN	[REDACTED]
Patricia Rams	King	[REDACTED]		[REDACTED]	IN	[REDACTED]
Veanne	Anderson	[REDACTED]		[REDACTED]	IN	[REDACTED]
Judy	Barad	[REDACTED]		[REDACTED]	IN	[REDACTED]
Ekkaphol	Boriboune	[REDACTED]		[REDACTED]	IN	[REDACTED]
Gale	Carmona	[REDACTED]		[REDACTED]	IN	[REDACTED]

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Raymond	Cohen				IN	
Alex	Geisinger				IN	
shirley	bosler				IN	
Deborah	Wertz				IN	
Janie	Fischbach				IN	
Jenny	Hulen				IN	
Emma	Dalsimer				IN	
Marguerite	Herren				KS	
Christopher	Stofus				KS	
Shane	McCune				KS	
J. Kay	Shevling				KS	
rebecca	bidwell				KS	
M Dean M.	Young				KS	
Barbara	Taylor				KS	
Ruth G	Shechter				KS	
Marilyn	Weber				KS	
David	Godshall				KS	
Wilma	Lamb				KS	
Peter	Ellenstein				KS	
John	Howald				KS	
Carolyn A.	Ruiz				KS	
Susanna	Southard				KS	
Jon	Abbott				KS	
Lydia	Ash				KS	
Brad	Badger				KS	
David	Burress				KS	
Kay	Carmody				KS	
De	Christensen				KS	
Shane	Clark				KS	
Walter	Crockett				KS	
Katharine	Flannagan				KS	
Ashley	Holm				KS	
Paul	Jefferson				KS	
Dinah	Lovitch				KS	
haskell	springer				KS	
Jennifer M	Weishaar				KS	
Ann	Eble				KS	
Daniel	Keleti				KS	
Deborah	Mellicker				KS	
Natalie	Perry				KS	
Connie	Berggren				KS	
Valorie	Carson				KS	
Lester	Loschky				KS	
B	Steward				KS	
Barbara	Valent				KS	
George	Marchin				KS	
Kim	Stanley				KS	
Phillip	Montgomery				KS	
Marjorie	Fox				KS	
JOAN	BADER				KS	
Bob	Becker				KS	
Joshua	Neff				KS	
Jesse	Slicer				KS	
Leanna	Walters				KS	
Veronica	Garrett				KS	
Cathy	Burchett				KS	

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Dennis	Dierks				KS	
Mary	Estrada				KS	
Joe	Minenna				KS	
Michael	Penner				KS	
Theodore	Weiter				KS	
Robert	Combs				KS	
Susan	Harris				KS	
Donnell	Ruthenberg Suth				KS	
Linda	Ray				KS	
Sarah	Wallbaum				KS	
IKE	MALLULA				KS	
reda	carr				KS	
Barbara	Fossati				KS	
Michelle	Mauler				KS	
Mary Frances	Hogg				KS	
Richard	Anderson				KS	
Terry	Percival				KS	
Robert	Rutkowski				KS	
John	Strickler				KS	
Deborah	Webb				KS	
Clara	Hocker				KS	
AJ	Redford				KS	
Michael	Bayouth				KS	
Sidney	Brush				KS	
Andrea	Courtney				KS	
Patrick	Habkirk				KS	
Jennifer	Hannigan				KS	
Marilee	Harper				KS	
Joseph	Jacklovich				KS	
Joseph	Jacklovich				KS	
Joseph	Jacklovich Sr.				KS	
Joanne	McClelland				KS	
Tom	McMaster				KS	
Joan	Owens Calloway				KS	
Jeff	Wicks				KS	
Meredith	Kowalsky				KS	
JoAnn	Paulsen				KY	
Pamela	McKenna				KY	
Sidney	Farr				KY	
Jerri	Martin				KY	
John R.	Young				KY	
Nancy	Adams				KY	
Kurt	Einhaus				KY	
Rene	Thompson				KY	
E	Dansberry				KY	
CAROL	HOPWOOD				KY	
Leah	McQuade				KY	
Sylvia	Griendling				KY	
Margaret	Robinson				KY	
Michael	Dickman				KY	
barbara	henderson				KY	
Robert	Zai III				KY	
Paul	Yates				KY	
Anne	Freeman				KY	
Cheri	Carlton				KY	
Phillip	Woolery				KY	

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Peggy	Bruce	[REDACTED]		[REDACTED]	KY	[REDACTED]
Harvey	Embry	[REDACTED]		[REDACTED]	KY	[REDACTED]
David	Fitts	[REDACTED]		[REDACTED]	KY	[REDACTED]
Rose W.	Garden	[REDACTED]		[REDACTED]	KY	[REDACTED]
Rose W.	Garden	[REDACTED]		[REDACTED]	KY	[REDACTED]
Judy	goldsmith	[REDACTED]		[REDACTED]	KY	[REDACTED]
Ashley	Gott	[REDACTED]		[REDACTED]	KY	[REDACTED]
Terry	Huey	[REDACTED]		[REDACTED]	KY	[REDACTED]
Richard	Ingram	[REDACTED]		[REDACTED]	KY	[REDACTED]
Elizabeth	Kikuchi	[REDACTED]		[REDACTED]	KY	[REDACTED]
Lloyd	McMillan	[REDACTED]		[REDACTED]	KY	[REDACTED]
Frances H.	Orr	[REDACTED]		[REDACTED]	KY	[REDACTED]
Judith	Prats	[REDACTED]		[REDACTED]	KY	[REDACTED]
Don	Pratt	[REDACTED]		[REDACTED]	KY	[REDACTED]
Carrie	Quackenboss	[REDACTED]		[REDACTED]	KY	[REDACTED]
Julia	Smyth-Pinney	[REDACTED]		[REDACTED]	KY	[REDACTED]
Tim	Soulis	[REDACTED]		[REDACTED]	KY	[REDACTED]
Kevin	Sweeney	[REDACTED]		[REDACTED]	KY	[REDACTED]
m	Wardle	[REDACTED]		[REDACTED]	KY	[REDACTED]
Barry	Kornstein	[REDACTED]		[REDACTED]	KY	[REDACTED]
Garrett	Adams	[REDACTED]		[REDACTED]	KY	[REDACTED]
Mary E.	Atherton	[REDACTED]		[REDACTED]	KY	[REDACTED]
Thomas	Avery	[REDACTED]		[REDACTED]	KY	[REDACTED]
Theresa	Butler	[REDACTED]		[REDACTED]	KY	[REDACTED]
Anita	Capshaw	[REDACTED]		[REDACTED]	KY	[REDACTED]
MICHAEL	CASSARO	[REDACTED]		[REDACTED]	KY	[REDACTED]
Michele	Dreyer	[REDACTED]		[REDACTED]	KY	[REDACTED]
Jason	Elgin	[REDACTED]		[REDACTED]	KY	[REDACTED]
Robert	Gwaltney	[REDACTED]		[REDACTED]	KY	[REDACTED]
Paul	Hall	[REDACTED]		[REDACTED]	KY	[REDACTED]
Tom	Harney	[REDACTED]	[REDACTED]	[REDACTED]	KY	[REDACTED]
helen	hastings	[REDACTED]		[REDACTED]	KY	[REDACTED]
Ken	Herndon	[REDACTED]		[REDACTED]	KY	[REDACTED]
jennifer	Hester	[REDACTED]		[REDACTED]	KY	[REDACTED]
Margaret	Houck	[REDACTED]		[REDACTED]	KY	[REDACTED]
Larry	Hovekamp	[REDACTED]		[REDACTED]	KY	[REDACTED]
Ampelio & Ros	Isetti	[REDACTED]		[REDACTED]	KY	[REDACTED]
Larry	Jouskey	[REDACTED]		[REDACTED]	KY	[REDACTED]
Pamela	Krakovski	[REDACTED]		[REDACTED]	KY	[REDACTED]
Dorothy	Lockhart	[REDACTED]		[REDACTED]	KY	[REDACTED]
Steve	Magruder	[REDACTED]		[REDACTED]	KY	[REDACTED]
robin	moody	[REDACTED]		[REDACTED]	KY	[REDACTED]
Connell	Morrison	[REDACTED]		[REDACTED]	KY	[REDACTED]
julie	namkin	[REDACTED]		[REDACTED]	KY	[REDACTED]
Jim	Oxyer	[REDACTED]		[REDACTED]	KY	[REDACTED]
Kris	Philipp	[REDACTED]		[REDACTED]	KY	[REDACTED]
Ellen	Schagene	[REDACTED]		[REDACTED]	KY	[REDACTED]
Barbara	Sinai	[REDACTED]		[REDACTED]	KY	[REDACTED]
Anthony	State	[REDACTED]		[REDACTED]	KY	[REDACTED]
barry	stucker	[REDACTED]		[REDACTED]	KY	[REDACTED]
Michael	Westmoreland-V	[REDACTED]		[REDACTED]	KY	[REDACTED]
Rodney	White	[REDACTED]		[REDACTED]	KY	[REDACTED]
max	wineinger	[REDACTED]		[REDACTED]	KY	[REDACTED]
william	davidson	[REDACTED]		[REDACTED]	KY	[REDACTED]
Catherine M.	Holtkamp	[REDACTED]		[REDACTED]	KY	[REDACTED]
Darle	Bennett	[REDACTED]		[REDACTED]	KY	[REDACTED]

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Rhonda	Bennett	[REDACTED]		[REDACTED]	KY	[REDACTED]
Anna	Canary	[REDACTED]		[REDACTED]	KY	[REDACTED]
Irene	Satory	[REDACTED]		[REDACTED]	KY	[REDACTED]
Joetta	Venneman	[REDACTED]		[REDACTED]	KY	[REDACTED]
Nancy	Reynolds	[REDACTED]		[REDACTED]	KY	[REDACTED]
Betty	King	[REDACTED]		[REDACTED]	KY	[REDACTED]
Christa	Dailey	[REDACTED]		[REDACTED]	KY	[REDACTED]
Ann	Livingstone	[REDACTED]		[REDACTED]	KY	[REDACTED]
John	adkins	[REDACTED]		[REDACTED]	KY	[REDACTED]
gregory	rhoads	[REDACTED]		[REDACTED]	KY	[REDACTED]
Tom	Whalen	[REDACTED]		[REDACTED]	KY	[REDACTED]
Gwen A.	Bontsema	[REDACTED]		[REDACTED]	KY	[REDACTED]
James	Carr	[REDACTED]		[REDACTED]	KY	[REDACTED]
Clara	Spraggins	[REDACTED]		[REDACTED]	KY	[REDACTED]
Kenneth	Tuggle	[REDACTED]		[REDACTED]	KY	[REDACTED]
Ella	Mann	[REDACTED]		[REDACTED]	KY	[REDACTED]
Walter	McClatchey	[REDACTED]		[REDACTED]	LA	[REDACTED]
Amee	Schultz	[REDACTED]		[REDACTED]	LA	[REDACTED]
lillian	ungaro	[REDACTED]		[REDACTED]	LA	[REDACTED]
Samanthah-H	Atkins	[REDACTED]	[REDACTED]	[REDACTED]	LA	[REDACTED]
Gary	Bailey	[REDACTED]		[REDACTED]	LA	[REDACTED]
Dana	Brown	[REDACTED]		[REDACTED]	LA	[REDACTED]
Lois	Jackson	[REDACTED]		[REDACTED]	LA	[REDACTED]
Scott	Landry	[REDACTED]		[REDACTED]	LA	[REDACTED]
Cristine	Mcmurdo-Wallis	[REDACTED]		[REDACTED]	LA	[REDACTED]
Malcolm	Miley	[REDACTED]		[REDACTED]	LA	[REDACTED]
Laura	Mullen	[REDACTED]		[REDACTED]	LA	[REDACTED]
Ken	Tomlinson	[REDACTED]		[REDACTED]	LA	[REDACTED]
hyacinth	siebert	[REDACTED]		[REDACTED]	LA	[REDACTED]
Leo	Whitney	[REDACTED]		[REDACTED]	LA	[REDACTED]
Tiffany	Shaw	[REDACTED]		[REDACTED]	LA	[REDACTED]
James	Dupree	[REDACTED]	[REDACTED]	[REDACTED]	LA	[REDACTED]
Stephen	leger	[REDACTED]		[REDACTED]	LA	[REDACTED]
Marthe	Reed	[REDACTED]		[REDACTED]	LA	[REDACTED]
Jeanie	Williams-West	[REDACTED]		[REDACTED]	LA	[REDACTED]
Sandra	Higginbotham	[REDACTED]		[REDACTED]	LA	[REDACTED]
Craig	Henry	[REDACTED]		[REDACTED]	LA	[REDACTED]
Alfred	Flugence	[REDACTED]		[REDACTED]	LA	[REDACTED]
Nelly	Benko-Hakim	[REDACTED]		[REDACTED]	LA	[REDACTED]
Louis	Bernard	[REDACTED]		[REDACTED]	LA	[REDACTED]
Sam	Brandao	[REDACTED]		[REDACTED]	LA	[REDACTED]
Megan	Bronson	[REDACTED]		[REDACTED]	LA	[REDACTED]
Jean	Cassels	[REDACTED]		[REDACTED]	LA	[REDACTED]
Roger	Corby	[REDACTED]		[REDACTED]	LA	[REDACTED]
Wayne	Gossett	[REDACTED]		[REDACTED]	LA	[REDACTED]
Laurie	Herbert	[REDACTED]		[REDACTED]	LA	[REDACTED]
Christine	Jordan	[REDACTED]		[REDACTED]	LA	[REDACTED]
Howard	Mielke	[REDACTED]		[REDACTED]	LA	[REDACTED]
Brian	Sands	[REDACTED]		[REDACTED]	LA	[REDACTED]
Paul	Troyano	[REDACTED]		[REDACTED]	LA	[REDACTED]
charles	webb	[REDACTED]		[REDACTED]	LA	[REDACTED]
Julie	Young	[REDACTED]		[REDACTED]	LA	[REDACTED]
Jerry	Zachary	[REDACTED]		[REDACTED]	LA	[REDACTED]
James	Caldwell	[REDACTED]		[REDACTED]	LA	[REDACTED]
Victor	Killory	[REDACTED]		[REDACTED]	LA	[REDACTED]
Betty	Price	[REDACTED]		[REDACTED]	LA	[REDACTED]

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Donald	McLellan				LA	
Mr. and Mrs. C	McCullin				LA	
Kevin	Aderer				MA	
Hannah	Bloch				MA	
Paula	Bushkoff				MA	
William	Jastromb				MA	
James	McGill				MA	
Lynn	Vanderpoel				MA	
Marjorie	Bearse				MA	
Johanna	Kovitz				MA	
James	Bidwell				MA	
TIMOTHY	CLEGG				MA	
Daniel	Himmelstein				MA	
Caitlin	Horrigan				MA	
Emily	Lewis				MA	
maynard	seider				MA	
Laura	Wenk				MA	
Ada	Fan				MA	
R	P				MA	
Joan	LeLacheur				MA	
Richard	Skidmore				MA	
Cheryl	Dressler				MA	
Jim	Frankel				MA	
Karen	Gorman				MA	
Karen	Grossman				MA	
Barry	Hart				MA	
A.A.	Hopeman				MA	
Herbert	Kagan				MA	
Sue	Kangiser				MA	
Lydia	Knutson				MA	
Glenn	Koenig				MA	
Robert	Prince				MA	
Lawrence	Rogovin				MA	
Ann	Sullivan				MA	
Michelle	Wright				MA	
Ailsa	Wu				MA	
Dan	Robinhold				MA	
Louise	Collins				MA	
Rosarie	Martinis				MA	
Noni	Macleay				MA	
Steven	Macleay				MA	
Susan	Kelley				MA	
Desne	Crossley				MA	
Kenneth	Hollman				MA	
Lee	Kefauver				MA	
lucille	magnus				MA	
Kevin	Canterbury				MA	
Jacqueline	Edwards				MA	
Paul	Fougere				MA	
Dave	Karasic				MA	
Carol	Kelly				MA	
Alan M	MacRobert				MA	
Linda	Ugelow				MA	
Maxine	Oland				MA	
Adina	Davis				MA	
Joshua	Lubarr				MA	

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Laurie	Rosenblum	[REDACTED]		[REDACTED]	MA	[REDACTED]
Carol	Jacober	[REDACTED]		[REDACTED]	MA	[REDACTED]
John A	Jacques	[REDACTED]		[REDACTED]	MA	[REDACTED]
Nancy	Nangeroni	[REDACTED]		[REDACTED]	MA	[REDACTED]
Brenda	Troup	[REDACTED]		[REDACTED]	MA	[REDACTED]
George David	Annas	[REDACTED]		[REDACTED]	MA	[REDACTED]
Hannah	Banks	[REDACTED]		[REDACTED]	MA	[REDACTED]
Joe	Byers	[REDACTED]		[REDACTED]	MA	[REDACTED]
Keith	Camp	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
Dauida	Carvin	[REDACTED]		[REDACTED]	MA	[REDACTED]
PATRICIA	DADMUN	[REDACTED]		[REDACTED]	MA	[REDACTED]
James	de Crescentis	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
LESLIE	DEUTCHMAN	[REDACTED]		[REDACTED]	MA	[REDACTED]
Jane	Dimitry	[REDACTED]		[REDACTED]	MA	[REDACTED]
Markus	Dubrowski	[REDACTED]		[REDACTED]	MA	[REDACTED]
Miriam	Fried Biss	[REDACTED]		[REDACTED]	MA	[REDACTED]
Roxane	Gardner	[REDACTED]		[REDACTED]	MA	[REDACTED]
Andrea	Garvey	[REDACTED]		[REDACTED]	MA	[REDACTED]
Graham	Howard	[REDACTED]		[REDACTED]	MA	[REDACTED]
Joseph	Leverich	[REDACTED]		[REDACTED]	MA	[REDACTED]
Michael	Martin	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
Carol	Merz	[REDACTED]		[REDACTED]	MA	[REDACTED]
Naomi	Rubin	[REDACTED]		[REDACTED]	MA	[REDACTED]
Albert	Sargis	[REDACTED]		[REDACTED]	MA	[REDACTED]
Duane	Smith	[REDACTED]		[REDACTED]	MA	[REDACTED]
Kay	Stoner	[REDACTED]		[REDACTED]	MA	[REDACTED]
emily	synk	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
Linda B	Wagner	[REDACTED]		[REDACTED]	MA	[REDACTED]
Michael	McLeod	[REDACTED]		[REDACTED]	MA	[REDACTED]
Danielle	Miele	[REDACTED]		[REDACTED]	MA	[REDACTED]
Susan	Gerstel	[REDACTED]		[REDACTED]	MA	[REDACTED]
Frank	Cummings	[REDACTED]		[REDACTED]	MA	[REDACTED]
Louis	Stoia	[REDACTED]		[REDACTED]	MA	[REDACTED]
Marc	Weiss	[REDACTED]		[REDACTED]	MA	[REDACTED]
Robert	Whitworth	[REDACTED]		[REDACTED]	MA	[REDACTED]
Margaret	Wilbur	[REDACTED]		[REDACTED]	MA	[REDACTED]
Peter	Ajemian	[REDACTED]		[REDACTED]	MA	[REDACTED]
Yael	Bat-Shimon	[REDACTED]		[REDACTED]	MA	[REDACTED]
Devera	Ehrenberg	[REDACTED]		[REDACTED]	MA	[REDACTED]
Anna	Ellis	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
Jim	Hunt	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
Joshua	Nicholson	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
John	Yannis	[REDACTED]		[REDACTED]	MA	[REDACTED]
sheilw	Datz	[REDACTED]		[REDACTED]	MA	[REDACTED]
michael	welch	[REDACTED]		[REDACTED]	MA	[REDACTED]
Laurie	Toner	[REDACTED]		[REDACTED]	MA	[REDACTED]
John	Bassett	[REDACTED]		[REDACTED]	MA	[REDACTED]
Ralph	Bevilaqua	[REDACTED]		[REDACTED]	MA	[REDACTED]
Sherry	Downes	[REDACTED]		[REDACTED]	MA	[REDACTED]
Andrew	Fischer	[REDACTED]		[REDACTED]	MA	[REDACTED]
Deborah	FRank	[REDACTED]		[REDACTED]	MA	[REDACTED]
Nicole	Hindman	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
Ray	Iasiello	[REDACTED]		[REDACTED]	MA	[REDACTED]
Marin	Kress	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
James	Orleans	[REDACTED]		[REDACTED]	MA	[REDACTED]
Enid	Shapiro	[REDACTED]		[REDACTED]	MA	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Eric	Bourgeois	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
Virginia	Burns	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
Rob	Chalfen	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
Martha	Collins	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
rosalind	davidson	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
Martin G	Evans	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
Gordon	Fellman	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
Shola	Friedensohn	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
Linda	Hiltz	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
Ofer	Inbar	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
Mindy	Johnson	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
Alison	Jones	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
Christopher	Kirchwey	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
Judy	Leff	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
john	MacDougall	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
Eleanor	MacLellan	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
k	marotta	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
judith	merryman	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
Charles	Nelson	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
Charles	Nelson	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
Aaron	Ramirez	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
Birute	Regine	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
melissa	Rivard	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
Alison	Roberts	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
Katherine	Roberts	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
Amanda	Shapiro	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
Carolyn	Stonewell	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
Susan	Teshu	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
suzanne	vogel	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
Sharrhan	Williamson	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
Michael	Wilson	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
Judith	Leff	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
Toby	Orel	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
Eugenia	Harris	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
Janet	Lipponen	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
Paula	Telesco	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
Amy	Frappier	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
Iris	Saltsburg	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
Mary	Fitzhugh	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
Ellen	Gendron	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
Michael	Amster	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
Michael	Dettelbach	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
Beverly	Miller	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
Jeanne	Ruggles	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
Thomas	Matsuda	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
Cathryn	McDonough	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
Andrew	Maioli	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
Christopher	Maioli	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
Gulmira	Maioli	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
Jeffrey	Schmalz	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
Sidney	Shafran	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
Darcie	Flanigan	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
Charles	Hodges	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
Josella	Kopchak	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
Margaret	Lamb	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
Mary	Sughrue-Yacino	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Sahar	Aminipour	42 Morningside Drive		Dover	MA	
John	Nelson	64 Dedham St		Dover	MA	
Dorian	Greenbaum	27 Hill Hill Lane		Duxbury	MA	
Elizabeth	Nollner	11 Elm Lane		Duxbury	MA	
James	Linthwaite	122 Colindge Street		East Boston	MA	
Patricia	Barnhart	100 Dorchester Ave	24 Duddy Circle	East Dennis	MA	
Carole Ann	Spear	106 Sandwell Road		East Falmouth	MA	
elizabeth	mckenna	5 Old Orchard		Essex	MA	
jahfree	harp	24 West St		Essex	MA	
Carla	Herwitz	100 Hope St		Fall River	MA	
Nancy	Smith	624 Rodman St		Fall River	MA	
Joseph	Burns	1 Stone Wolf Lane		Falmouth	MA	
Katherine	Scott	20 Nomin Avenue		Falmouth, Mass	MA	
Monica	Griffin	723 High St		Fitchburg	MA	
Mary	Lewis-Thorne	202 North Street		Fitchburg	MA	
lisa	barondes	1000 Main Ave		France	MA	
Kaye	Carroll	100 Oak Street		France	MA	
Kristin	Edmonds	12 Platanon Cir		France	MA	
Thomas	Estes	12 Platanon Circle		France	MA	
vernon	fath	24 Riverside Drive		France	MA	
Alon	Rand	100 Maplewood Dr		France	MA	
Douglas	Renick	100 Black Birch Trail		France	MA	
Ben	Westbrock	100 Black Birch Trail		France	MA	
Perry	Bent	17 Edgell Road		Franklin	MA	
Alan	Frankel	100 Upper Lockyn Ave		Franklin	MA	
marnie	reed	100 Upper Lockyn Ave		Franklin	MA	
Carl	Stewart	100 Upper Lockyn Ave		Franklin	MA	
Jeffrey	Senterman	11 Fuller Place		Franklin	MA	
Mary	Shapiro	100 Upper Lockyn Ave		Franklin	MA	
J. Adam	Bailey	100 Upper Lockyn Ave		Franklin	MA	
Tracey	Chiancola	100 Upper Lockyn Ave		Franklin	MA	
Lloyd	Laux	100 Upper Lockyn Ave		Franklin	MA	
Sarah	Donaldson	100 Upper Lockyn Ave		Franklin	MA	
David	Sharpe	100 Upper Lockyn Ave		Franklin	MA	
Ricky	Greenwald	100 Upper Lockyn Ave		Franklin	MA	
Lisa	Lipshires	100 Upper Lockyn Ave		Franklin	MA	
Diana	Roberts	100 Upper Lockyn Ave		Franklin	MA	
James	Spaulding	100 Upper Lockyn Ave		Franklin	MA	
lawrence	adrian	100 Upper Lockyn Ave		Franklin	MA	
Diane	Brine	100 Upper Lockyn Ave		Franklin	MA	
Shel	Horowitz	100 Upper Lockyn Ave		Franklin	MA	
Kelley	Johnson	100 Upper Lockyn Ave		Franklin	MA	
Sr. Barbara	Weldgen	100 Upper Lockyn Ave		Franklin	MA	
Laurel	Campbell	100 Upper Lockyn Ave		Franklin	MA	
MARK	SALAMON	100 Upper Lockyn Ave		Franklin	MA	
F rancis	Worrell	100 Upper Lockyn Ave		Franklin	MA	
Francis	Worrell	100 Upper Lockyn Ave		Franklin	MA	
Marian	Rewcastle	100 Upper Lockyn Ave		Franklin	MA	
kaaren	gaitenby Smith	17 Prospect Street	01400	Franklin	MA	
Richard	Joseph	13 17th Ave		Franklin	MA	
Robin	Hodgkinson	30 Fairfield Ave		Franklin	MA	
John	Warner	100 Upper Lockyn Ave		Franklin	MA	
Edythe	Cox	100 Upper Lockyn Ave		Franklin	MA	
David	Gascon	100 Upper Lockyn Ave		Franklin	MA	
Sarah	Swift	100 Upper Lockyn Ave		Franklin	MA	
Michael	Gelineau	100 Upper Lockyn Ave		Franklin	MA	

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Herb	Kline	[REDACTED]		[REDACTED]	MA	[REDACTED]
Robert	Lipton	[REDACTED]		[REDACTED]	MA	[REDACTED]
Cynthia	Meeske	[REDACTED]		[REDACTED]	MA	[REDACTED]
Caitlin	Anderson	[REDACTED]		[REDACTED]	MA	[REDACTED]
Christine	Despres-Hutchin	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
Beth	Heller	[REDACTED]		[REDACTED]	MA	[REDACTED]
Anthony J.	Palmer	[REDACTED]		[REDACTED]	MA	[REDACTED]
NANCY	SULLIVAN	[REDACTED]		[REDACTED]	MA	[REDACTED]
Marc	Zimmerman	[REDACTED]		[REDACTED]	MA	[REDACTED]
R. V.	Benjamin	[REDACTED]		[REDACTED]	MA	[REDACTED]
Patricia	Jette	[REDACTED]		[REDACTED]	MA	[REDACTED]
Rick	Camacho	[REDACTED]		[REDACTED]	MA	[REDACTED]
virginia	pepper	[REDACTED]		[REDACTED]	MA	[REDACTED]
Jennifer	Bills	[REDACTED]		[REDACTED]	MA	[REDACTED]
Kenneth	Casanova	[REDACTED]		[REDACTED]	MA	[REDACTED]
suzane	hoffman	[REDACTED]		[REDACTED]	MA	[REDACTED]
Sonya	Keller	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
David	Kimball	[REDACTED]		[REDACTED]	MA	[REDACTED]
Christina	Knapp	[REDACTED]		[REDACTED]	MA	[REDACTED]
Michael	Miller	[REDACTED]		[REDACTED]	MA	[REDACTED]
Jeff	Perk	[REDACTED]		[REDACTED]	MA	[REDACTED]
michael	Rivard	[REDACTED]		[REDACTED]	MA	[REDACTED]
Chris	Tilly	[REDACTED]		[REDACTED]	MA	[REDACTED]
Gary	Herstein	[REDACTED]		[REDACTED]	MA	[REDACTED]
Craig	Reynolds	[REDACTED]		[REDACTED]	MA	[REDACTED]
Vivian	Werner	[REDACTED]		[REDACTED]	MA	[REDACTED]
John B.	Butler	[REDACTED]		[REDACTED]	MA	[REDACTED]
Don	Deily	[REDACTED]		[REDACTED]	MA	[REDACTED]
Susan	Feurzeig	[REDACTED]		[REDACTED]	MA	[REDACTED]
Marcia	Osburne	[REDACTED]		[REDACTED]	MA	[REDACTED]
Gustav & Han	Papanek	[REDACTED]		[REDACTED]	MA	[REDACTED]
Joseph	Thompson	[REDACTED]		[REDACTED]	MA	[REDACTED]
Karen	Thaw	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
Ann A.	Broomhead	[REDACTED]		[REDACTED]	MA	[REDACTED]
wendy	aime	[REDACTED]		[REDACTED]	MA	[REDACTED]
Fabien	Denry	[REDACTED]		[REDACTED]	MA	[REDACTED]
Ann Marie	Lahaie	[REDACTED]		[REDACTED]	MA	[REDACTED]
Jan	Schroedel	[REDACTED]		[REDACTED]	MA	[REDACTED]
Cheryl	Blandino	[REDACTED]		[REDACTED]	MA	[REDACTED]
Colleen	McLean	[REDACTED]		[REDACTED]	MA	[REDACTED]
S. H.	Costanza	[REDACTED]		[REDACTED]	MA	[REDACTED]
Cori	Couture	[REDACTED]		[REDACTED]	MA	[REDACTED]
Lisa	Plumley	[REDACTED]		[REDACTED]	MA	[REDACTED]
Juliet	Chamberlain	[REDACTED]		[REDACTED]	MA	[REDACTED]
Patricia	Lee	96 [REDACTED]		[REDACTED]	MA	[REDACTED]
Michael	Michaud	[REDACTED]		[REDACTED]	MA	[REDACTED]
John	Wall	[REDACTED]		[REDACTED]	MA	[REDACTED]
Marie	Wall	[REDACTED]		[REDACTED]	MA	[REDACTED]
James	Guinness	[REDACTED]		[REDACTED]	MA	[REDACTED]
Richard	Rastani	[REDACTED]		[REDACTED]	MA	[REDACTED]
John	O'Dowd	[REDACTED]		[REDACTED]	MA	[REDACTED]
George	Yates	[REDACTED]		[REDACTED]	MA	[REDACTED]
Susan	Cotter	[REDACTED]		[REDACTED]	MA	[REDACTED]
Olivia	Ambrogio	[REDACTED]		[REDACTED]	MA	[REDACTED]
Barbara	Colucci	[REDACTED]		[REDACTED]	MA	[REDACTED]
Daniel	Holbert	[REDACTED]		[REDACTED]	MA	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Paul	Flaherty	[REDACTED]		[REDACTED]	MA	[REDACTED]
Gale	Maynard	[REDACTED]		[REDACTED]	MA	[REDACTED]
samantha	timmerman	[REDACTED]		[REDACTED]	MA	[REDACTED]
Michael	Bleiweiss	[REDACTED]	[REDACTED]	[REDACTED]	MA	[REDACTED]
Kathy	Bourne	[REDACTED]		[REDACTED]	MA	[REDACTED]
David	Tarbell	[REDACTED]		[REDACTED]	MA	[REDACTED]
Leo	Jones	[REDACTED]		[REDACTED]	MA	[REDACTED]
Ann	Searing	[REDACTED]		[REDACTED]	MA	[REDACTED]
carol	nealy	[REDACTED]		[REDACTED]	MA	[REDACTED]
F	Corr	[REDACTED]		[REDACTED]	MA	[REDACTED]
Shauna	Lynn	[REDACTED]		[REDACTED]	MA	[REDACTED]
James K	Hadcroft	[REDACTED]		[REDACTED]	MA	[REDACTED]
Bruce	Pieroni	[REDACTED]		[REDACTED]	MA	[REDACTED]
Jared	Polens	[REDACTED]		[REDACTED]	MA	[REDACTED]
Jonathan	Gilman	[REDACTED]		[REDACTED]	MA	[REDACTED]
Marilyn	Barrett	[REDACTED]		[REDACTED]	MA	[REDACTED]
Richard	Burwell	[REDACTED]		[REDACTED]	MA	[REDACTED]
Lisa Larson	Miller	[REDACTED]		[REDACTED]	MA	[REDACTED]
Ken	Richmond	[REDACTED]		[REDACTED]	MA	[REDACTED]
Nate	Baum	[REDACTED]		[REDACTED]	MA	[REDACTED]
SUMNER	FANGER	[REDACTED]		NEEDHAM	MA	[REDACTED]
Leo	Gerweck	[REDACTED]		[REDACTED]	MA	[REDACTED]
C.Rynne	Pages	[REDACTED]		[REDACTED]	MA	[REDACTED]
Geraldine	Gamburd	[REDACTED]		[REDACTED]	MA	[REDACTED]
Cecelia	Porche	[REDACTED]		[REDACTED]	MA	[REDACTED]
Elizabeth	Thompson	[REDACTED]		[REDACTED]	MA	[REDACTED]
Clare	Keller	[REDACTED]		[REDACTED]	MA	[REDACTED]
Catherine	Annas	[REDACTED]		[REDACTED]	MA	[REDACTED]
marilyn	bentov	[REDACTED]		[REDACTED]	MA	[REDACTED]
David	Buchsbaum	[REDACTED]		[REDACTED]	MA	[REDACTED]
Elizabeth B.	Gerlach	[REDACTED]		[REDACTED]	MA	[REDACTED]
Roberta	Leviton	[REDACTED]		[REDACTED]	MA	[REDACTED]
rebecca	matthews	[REDACTED]		[REDACTED]	MA	[REDACTED]
Maryann	O'Brien	[REDACTED]		[REDACTED]	MA	[REDACTED]
Herbie	Robinson	[REDACTED]		[REDACTED]	MA	[REDACTED]
virginia	sigel	[REDACTED]		[REDACTED]	MA	[REDACTED]
Rachel	Sternthal	[REDACTED]		[REDACTED]	MA	[REDACTED]
L. Maeve	Ward	[REDACTED]		[REDACTED]	MA	[REDACTED]
Paul	Fulton	[REDACTED]		[REDACTED]	MA	[REDACTED]
Roberta	Fox	[REDACTED]		[REDACTED]	MA	[REDACTED]
virginia	robinson	[REDACTED]		[REDACTED]	MA	[REDACTED]
Steven	Adler-Golden	[REDACTED]		[REDACTED]	MA	[REDACTED]
Kate	Brady	[REDACTED]		[REDACTED]	MA	[REDACTED]
Derek	Dean	[REDACTED]		[REDACTED]	MA	[REDACTED]
Cynthia	Eggert	[REDACTED]		[REDACTED]	MA	[REDACTED]
janice	thomas	[REDACTED]		[REDACTED]	MA	[REDACTED]
GREGORY	SALVO	[REDACTED]		[REDACTED]	MA	[REDACTED]
William	Reed	[REDACTED]		[REDACTED]	MA	[REDACTED]
Marilyn	Clare	[REDACTED]		[REDACTED]	MA	[REDACTED]
Anita	Gallers	[REDACTED]		[REDACTED]	MA	[REDACTED]
Darien	Gardner	[REDACTED]		[REDACTED]	MA	[REDACTED]
Monica	Green	[REDACTED]		[REDACTED]	MA	[REDACTED]
Benjamin	Kalish	[REDACTED]		[REDACTED]	MA	[REDACTED]
Karen	Latuchie	[REDACTED]		[REDACTED]	MA	[REDACTED]
David	Newton	[REDACTED]		[REDACTED]	MA	[REDACTED]
Wendy	Newton	[REDACTED]		[REDACTED]	MA	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Kirk	Peterson				MA	
Michael	Schonbach				MA	
Cheryl	Dockser				MA	
james	hadley				MA	
Patricia	White				MA	
Ann	McNeal				MA	
Len	Paolillo				MA	
dianne	demonte				MA	
Khristine	Hopkins				MA	
Kate	McCormick				MA	
Sonya	Meyerson-Knox				MA	
Edward	Smith				MA	
Michael	Stickel				MA	
Ellen	Ander				MA	
NK	Acevedo				MA	
Beverly	Quint				MA	
Mary	Flanagan				MA	
Mary Ellen	Gambon				MA	
Evan	Kelner-Levine				MA	
Sara	Pic-Harrison				MA	
Helen	Thorington				MA	
John	Kyper				MA	
Mike	Gallant				MA	
Marion	Starkey				MA	
William	Carter				MA	
Christopher	Igleheart				MA	
Donald	Blickens				MA	
Susan	Stratton				MA	
Joshua	McKain				MA	
Deborah	Bass				MA	
Anita	Fuld				MA	
Debby and Da	Stringham				MA	
Benno	Friedman				MA	
johnpaul	magenis				MA	
Elena	Powers				MA	
Emily	Bayard				MA	
Henry	Bemis				MA	
Gregory	Goodwin				MA	
Jeremy	Gross				MA	
Douglas	Kline				MA	
John	Lister				MA	
David	Marcus				MA	
Ron	Newman				MA	
Brian	Schwartz				MA	
Heather	Stockwell				MA	
Gary	Toplitt				MA	
Katherine	Wallace				MA	
Donald	Williams				MA	
Alice	Marks-Koshar				MA	
Joseph	Belisle				MA	
Bruce	MacCullagh				MA	
Mark	Peterson				MA	
Lawrence	Schultz				MA	
Jody	Sieben				MA	
Noel	Bednaz				MA	
Gary	Hoover				MA	

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Christine	Roane				MA	
Nancy	Woolley				MA	
Pamela	Woolley				MA	
Susan	Berry				MA	
Donald	Chauls				MA	
Mary	Neff				MA	
Ellen	Rice				MA	
Mary Ann	Ryan				MA	
Edward	Dion				MA	
Arleen	Silverlieb				MA	
Donald	Tingle				MA	
Derek	Simpson				MA	
Ward	Clark				MA	
M. Lou	Crimmins				MA	
Pamela	Hanold				MA	
MaryColleen	MacDougall				MA	
Kevin	Smith				MA	
Chris	Fried				MA	
ben	webb				MA	
Ellen	Forman				MA	
Diane	Freeman				MA	
mark	solomon				MA	
Jean	Riddle				MA	
Daniel	Goldsmith				MA	
Lisbeth	Nichols				MA	
Anne	Shaffner				MA	
Patricia	Lemon				MA	
David	Bromer				MA	
Michael	DeCosta				MA	
Don	Durivan				MA	
Jill	Halloran				MA	
Kathy	Martin				MA	
Joseph	Musolino				MA	
karin	rosenthal				MA	
b	ruskin				MA	
Morton/Shirley	Schagrin				MA	
Catherine	Shepard				MA	
Keith	Herrick				MA	
Janet	McGill				MA	
Timothy	Kane				MA	
Sara	Simeone				MA	
Merrie	Bergmann				MA	
Edward	Brown				MA	
evan	eisentrager				MA	
Juan	Ortiz Calcano				MA	
David	Rock				MA	
Lorraine	Feldman				MA	
Karen	Coffey				MA	
Mark	lorio				MA	
Theresa	Morrell				MA	
Lorna	Nogueira				MA	
Marilyn	Baker				MA	
Kathryn	Leary				MA	
Nancy S.	Lovejoy				MA	
Nicholas	Dines				MA	
Susan	Killam				MA	

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Joan	Sadowski				MA	
Martha	Carr				MA	
W. Scott	Meeks				MA	
Michael	Nathan				MA	
William	Santoro				MA	
Deborah	Hartman				MA	
Boston	Patterson				MA	
Carol	Walker				MA	
Jim	Nieskoski				MA	
Emily	Antul				MA	
Ranjit	Chacko				MA	
Sharon	Dupree				MA	
Francis	Poulin				MA	
Cynthia	Stone Unger				MA	
Laurie	Ware				MA	
Stanley	Baker				MA	
Susan	Atkins				MA	
ERNEST	DUQUET				MA	
Alice	Hall				MD	
Maryann	Loftus				MD	
Cheryl	Rounsaville				MD	
Richard	Warden				MD	
Ellen E	Barfield				MD	
Ariana	Bock				MD	
janet	bruns				MD	
Christopher	Camp				MD	
brian	cox				MD	
Caroline	Foty				MD	
Jessa	Goldberg				MD	
diane	gutterma				MD	
Elizabeth	Hammond				MD	
Sally	Heaphy				MD	
Betsy	Krieger				MD	
harry	leffmann				MD	
Myron	Miller				MD	
Eric Kodjo	Ralph				MD	
MEL	ROTTMAN				MD	
Sean	Rueter				MD	
Rebecca	Ruggles				MD	
Edward	Schaechtel				MD	
Leslie	Starr				MD	
Zoe	Swanson				MD	
Ann	Vinup				MD	
Deborah	Weiner				MD	
James	Weston				MD	
Saralee	Wolf				MD	
Carol	Solomon				MD	
Pamela	Dehmer				MD	
Justin	Frank				MD	
M Eloise	Adams				MD	
Martha	Brown				MD	
Kirk	Hornbeck				MD	
Larry	Hothem				MD	
Mary	Kiraly				MD	
Idil	Levitas				MD	
Mary	Olson				MD	

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Eric	Silberman				MD	
Joe	Kennedy				MD	
Carolyn	Crutchfield				MD	
Victor	Kiviat				MD	
Fred	Riley				MD	
Mansfield	Kaseman				MD	
Michelle	Poage-Oldroyd				MD	
Ellen	Booraem				MD	
Anthony	MacFarlane				MD	
James	Bell				MD	
Michele	McComas				MD	
Everett	Sillers				MD	
James A.	Bortner				MD	
James A.	Bortner				MD	
Jeanette	Sherbondy				MD	
James	Adler				MD	
Kyle	Burke				MD	
anne	Iewis				MD	
Matthew	Mulkey				MD	
Kevin	Saxon				MD	
Kate	Shaughnessy				MD	
Chuck	Westover				MD	
Christopher	Lee				MD	
Karl	Jones				MD	
Ann	Egerton				MD	
Dori	Grasso				MD	
Lloyd	Tyler				MD	
John	Allen				MD	
Susan	Bannister				MD	
Linda	Ferguson				MD	
Christopher	Flint				MD	
Karen	McLeod				MD	
Linnea	Nilsen Capshaw				MD	
Hector	Rodriguez				MD	
Barbara	Zalesky				MD	
Al	Liebeskind				MD	
Michael	Harkins				MD	
Dennis R.	Patrick, Jr.				MD	
Deborah	Santor				MD	
S	Joyner				MD	
Stephen	Schibell				MD	
Erin	Gilland Roby				MD	
Maureen	Ackerman				MD	
Richard	Kaplowitz				MD	
Karen	Mocek-Jones				MD	
Raymond	Moreland				MD	
Richard	Schellenberg				MD	
David	Washington				MD	
John	Ranta				MD	
Michael	Curley				MD	
Inge	Harman				MD	
Ntia	Lemanski				MD	
John	Moffett				MD	
Diane	Steele				MD	
Kary	Walker				MD	
Ronni	Diamond				MD	

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Joe	Haran				MD	
Maryanne	Burgos				MD	
Karen	Kelleher				MD	
Brian	Gibbons				MD	
Douglas	McNeill				MD	
Kathleen	Norvell				MD	
Tina	Rhea				MD	
Deborah	Strauss				MD	
Katherine	Kilduff				MD	
Pam	May				MD	
John	Cooper				MD	
Rhiannon	Patterson				MD	
Sally	Schwartz				MD	
David	House				MD	
Nancy	Sorden				MD	
Michael	Cavey				MD	
Nza	Thornton				MD	
Denise	Brenner				MD	
Breanna	Gomberg				MD	
Franklin	Bowen				MD	
P	Hickey				MD	
Laurie	Miller				MD	
R	Shilkret				MD	
Peter	Taylor				MD	
Robert	Walty				MD	
Jeannie	Amado				MD	
Gil	Leigh				MD	
Alba	Schofield				MD	
Merry J	Kalin				MD	
Daniel	Meyerson				MD	
Ellis	Mottur				MD	
Johari	Moore				MD	
Eric	Mens				MD	
Elizabeth	Goldsborough				MD	
Candis	Robinson				MD	
Charles	Root				MD	
RoseMaria	Strates Root				MD	
James	Weims				MD	
Alan	Wojtalik				MD	
Nikki	Wojtalik				MD	
Stephanie	Linares				MD	
David	NA ^o Atez				MD	
Richard	Shultz				MD	
Jay	Boyd				MD	
Lane	Engles				MD	
Julia	Gallagher				MD	
James	Giambalvo				MD	
Sybil	Lisansky				MD	
Richard	Milstein				MD	
Hamid	Musavi				MD	
Carol and Rich	Rothenberg				MD	
Linda	Smathers				MD	
Charles	Bloom				MD	
K B	Saunders				MD	
Bronwyn	Beistle				MD	
Charles	Bowler				MD	

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Paul	Galindo				MD	
Rosemary	Hodges				MD	
Flora	Ingenhousz				MD	
Tevon	Kane				MD	
William	Kate Jr				MD	
Sondra	Katz				MD	
Gail	Lambers				MD	
Brian	Lev				MD	
Richard	Luger				MD	
Norris	Nierman				MD	
David	Plihal				MD	
Taimoor	Qureshi				MD	
Donna	Stone				MD	
Todd	Waymon				MD	
Karen	Whitham				MD	
Robert	Wicks				MD	
Shelly	Winston				MD	
Lynda	Wright				MD	
Bob	Wojtowicz				MD	
Laura	Esquivel				MD	
Michael	Mariotte				MD	
Carol	Mermey				MD	
Frances	Patch				MD	
Patrick	St. John				MD	
Wesley	Waldron				MD	
William	Brown				MD	
Michelle	Smith				MD	
Tracy	Trobridge				MD	
George	kraus				MD	
Alan and Stace	Ezersky				MD	
Patricia	Green-Scott				MD	
Juliana	Plummer				ME	
george	bottesch				ME	
Amy	Davidoff				ME	
Janet	Lagasse				ME	
Kathryn	Rogers				ME	
E Scott	Dow				ME	
Ronni	Katz				ME	
Alice	Rivero				ME	
John	Thomson				ME	
Carla	Whitehead				ME	
Nancy	Jerauld				ME	
Tom	Prescott				ME	
Donna	Gann				ME	
Karen	Wynne				ME	
Mary O'Keefe	Kellogg				ME	
cindy	curran				ME	
Marilyn	Anderson				ME	
Stuart	///smith				ME	
Stuart	Smith				ME	
Josephine	Belknap				ME	
Charles and E	Brown				ME	
Lawrence	Clampitt				ME	
Stacey	Evans				ME	
Genevieve	Goltz				ME	
Elizabeth	Pierson				ME	

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Emily	Swan	[REDACTED]		[REDACTED]	ME	[REDACTED]
Heather	Zur	[REDACTED]		[REDACTED]	ME	[REDACTED]
Diana	Lovejoy	[REDACTED]		[REDACTED]	ME	[REDACTED]
Charles	Veilleux	[REDACTED]		[REDACTED]	ME	[REDACTED]
Tim	Queeney	[REDACTED]		[REDACTED]	ME	[REDACTED]
David	Farmer	[REDACTED]		[REDACTED]	ME	[REDACTED]
Patricia	Farmer	[REDACTED]		[REDACTED]	ME	[REDACTED]
Robert	Drake	[REDACTED]		[REDACTED]	ME	[REDACTED]
Grace	Keown	[REDACTED]		[REDACTED]	ME	[REDACTED]
Jennifer	Pepin	[REDACTED]		[REDACTED]	ME	[REDACTED]
Catherine	Casey-Flavin	[REDACTED]		[REDACTED]	ME	[REDACTED]
Lauren	Kehoe	[REDACTED]		[REDACTED]	ME	[REDACTED]
Anne	Stanley	[REDACTED]		[REDACTED]	ME	[REDACTED]
William	Berlinghoff	[REDACTED]		[REDACTED]	ME	[REDACTED]
Alfred	Neufeld	[REDACTED]		[REDACTED]	ME	[REDACTED]
Pauline	Hunneman	[REDACTED]		[REDACTED]	ME	[REDACTED]
Judith K.	Bogdanove	[REDACTED]		[REDACTED]	ME	[REDACTED]
Josie	Coogan	[REDACTED]		[REDACTED]	ME	[REDACTED]
Mali	Hinesley	[REDACTED]		[REDACTED]	ME	[REDACTED]
Melissa	Mentall	[REDACTED]		[REDACTED]	ME	[REDACTED]
Matthew	Newman	[REDACTED]		[REDACTED]	ME	[REDACTED]
clyde	macdonald	[REDACTED]		[REDACTED]	ME	[REDACTED]
Anna	Dembska	[REDACTED]		[REDACTED]	ME	[REDACTED]
Anna	Dembska	[REDACTED]		[REDACTED]	ME	[REDACTED]
Forest	Perkins	[REDACTED]	[REDACTED]	[REDACTED]	ME	[REDACTED]
Jeanne	Chadwick	[REDACTED]	[REDACTED]	[REDACTED]	ME	[REDACTED]
Fred	Griffith	[REDACTED]		[REDACTED]	ME	[REDACTED]
Leigh	Griffith	[REDACTED]		[REDACTED]	ME	[REDACTED]
Thomas	Fritzsche	[REDACTED]		[REDACTED]	ME	[REDACTED]
Frank	Harte	[REDACTED]		[REDACTED]	ME	[REDACTED]
Adam	Marietta	[REDACTED]		[REDACTED]	ME	[REDACTED]
Louise	Brooke	[REDACTED]		[REDACTED]	ME	[REDACTED]
Sarah	Brown	[REDACTED]		[REDACTED]	ME	[REDACTED]
Patti	Kaselausks	[REDACTED]		[REDACTED]	ME	[REDACTED]
Paul	Lindstrom	[REDACTED]		[REDACTED]	ME	[REDACTED]
Kimberly	Ruffin	[REDACTED]		[REDACTED]	ME	[REDACTED]
Paul	Monat	[REDACTED]		[REDACTED]	ME	[REDACTED]
Edwyn	Kochakian	[REDACTED]		[REDACTED]	ME	[REDACTED]
paul	Sheridan	[REDACTED]		[REDACTED]	ME	[REDACTED]
Katie	King	[REDACTED]		[REDACTED]	ME	[REDACTED]
Anne	Mullin	[REDACTED]		[REDACTED]	ME	[REDACTED]
Marla	Bottesch	[REDACTED]		[REDACTED]	ME	[REDACTED]
Melanie	Fuicher	[REDACTED]		[REDACTED]	ME	[REDACTED]
Joan	Willoe	[REDACTED]		[REDACTED]	ME	[REDACTED]
Herbert	Hoffman	[REDACTED]		[REDACTED]	ME	[REDACTED]
Frances	Mac Donald	[REDACTED]		[REDACTED]	ME	[REDACTED]
Sara	Smith	[REDACTED]		[REDACTED]	ME	[REDACTED]
Sandra	Tardiff	[REDACTED]		[REDACTED]	ME	[REDACTED]
Dennis	King	[REDACTED]		[REDACTED]	ME	[REDACTED]
Wayne	Beach	[REDACTED]	[REDACTED]	[REDACTED]	ME	[REDACTED]
Len	Clarke	[REDACTED]		[REDACTED]	ME	[REDACTED]
seth	berner	[REDACTED]		[REDACTED]	ME	[REDACTED]
Annika	Black	[REDACTED]		[REDACTED]	ME	[REDACTED]
Rosemary	Cleary	[REDACTED]		[REDACTED]	ME	[REDACTED]
kathleen	cousens	[REDACTED]		[REDACTED]	ME	[REDACTED]
Alan	Hills	[REDACTED]		[REDACTED]	ME	[REDACTED]

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Michael	Larivee				ME	
Elmer	Pinkham				ME	
Herb	Williams				ME	
Kathleen	Foster				ME	
Stacey	Chandler				ME	
Roberta	Zur				ME	
Jon	Edwards				ME	
Karl	Carrigan				ME	
mark	mancini				ME	
Gary	Potter				ME	
Kymeth-Eren	Doyle				ME	
Robert	Carter				ME	
Carol	Hurley				ME	
John C.,	Ferriday				ME	
Gordon	McMillan				ME	
Leslie J	Somos				ME	
Sarah	Franklin				ME	
Mary Ann	Smale				ME	
Jeff	Zabik				ME	
Patricia	Godinez				ME	
Alexis	LeGendre				ME	
Katherine	Perry				ME	
Brian	Lynch				ME	
Betty	Butler				ME	
Nancy	Wintle				ME	
Faith M.	Willcox				ME	
Gladys	Richardson				ME	
Richard	Miller				ME	
Margarete	Weathers				MI	
Ernest	Romanco				MI	
Frank	Ossiff				MI	
David	Ryckman				MI	
Bernard	agranoff				MI	
George	Allen				MI	
Brenda	Anderson				MI	
David	Boyle				MI	
Kyla	Boyse				MI	
Heather	Branton				MI	
Edward	Davidson				MI	
Michael	Djupstrom				MI	
Lynn	Drickamer				MI	
Mark	Eadie				MI	
Jean	Eridon				MI	
Laurel	Federbush				MI	
Rebecca	Garber				MI	
Robert	Gelman				MI	
Mary	Hathaway				MI	
Ryan	Hudson				MI	
timothy	janssen				MI	
Martha	Kransdorf				MI	
Rudy	List				MI	
Valerie	Mates				MI	
Joan	Mathews				MI	
Ernest	McCarus				MI	
James	McIntosh				MI	
Lewis	Okun				MI	

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
John	Seldin	[REDACTED]		[REDACTED]	MI	[REDACTED]
Lauren	Simpson	[REDACTED]		[REDACTED]	MI	[REDACTED]
suzanne	smith	[REDACTED]		[REDACTED]	MI	[REDACTED]
matt	steele	[REDACTED]	[REDACTED]	[REDACTED]	MI	[REDACTED]
Kris	Talley	[REDACTED]		[REDACTED]	MI	[REDACTED]
tom	watermulder	[REDACTED]	[REDACTED]	[REDACTED]	MI	[REDACTED]
Thaddeus	Weakley	[REDACTED]		[REDACTED]	MI	[REDACTED]
Arthur & Shirle	Wolfe	[REDACTED]		[REDACTED]	MI	[REDACTED]
Susan	Wyman	[REDACTED]		[REDACTED]	MI	[REDACTED]
Marie	Zeffer	[REDACTED]		[REDACTED]	MI	[REDACTED]
Marie	Zeffer	[REDACTED]		[REDACTED]	MI	[REDACTED]
William J.	Zick	[REDACTED]		[REDACTED]	MI	[REDACTED]
Denise	Brennan	[REDACTED]		[REDACTED]	MI	[REDACTED]
Louis	Berta	[REDACTED]	[REDACTED]	[REDACTED]	MI	[REDACTED]
Joseph	Middleton	[REDACTED]		[REDACTED]	MI	[REDACTED]
Stella	Pearson	[REDACTED]		[REDACTED]	MI	[REDACTED]
Ed	Rachwitz	[REDACTED]		[REDACTED]	MI	[REDACTED]
Jeff	Najduk	[REDACTED]		[REDACTED]	MI	[REDACTED]
Elaine	Osmun	[REDACTED]		[REDACTED]	MI	[REDACTED]
Martin	Mandelbaum	[REDACTED]		[REDACTED]	MI	[REDACTED]
David	Marriott	[REDACTED]		[REDACTED]	MI	[REDACTED]
Louisa	Aragona-King	[REDACTED]		[REDACTED]	MI	[REDACTED]
Tim	Thomas	[REDACTED]		[REDACTED]	MI	[REDACTED]
Clifford	Les	[REDACTED]		[REDACTED]	MI	[REDACTED]
Barbara	Baker	[REDACTED]		[REDACTED]	MI	[REDACTED]
Susan	Freudigman	[REDACTED]		[REDACTED]	MI	[REDACTED]
Barry	Goldman	[REDACTED]		[REDACTED]	MI	[REDACTED]
cynthia	Greig	[REDACTED]		[REDACTED]	MI	[REDACTED]
Alan	Solway	[REDACTED]		[REDACTED]	MI	[REDACTED]
Melodie	Solway	[REDACTED]		[REDACTED]	MI	[REDACTED]
Wayne	Yashinsky	[REDACTED]		[REDACTED]	MI	[REDACTED]
Dolores	Reynolds	[REDACTED]		[REDACTED]	MI	[REDACTED]
Margaret	Evans	[REDACTED]		[REDACTED]	MI	[REDACTED]
Diane	Radlowski	[REDACTED]		[REDACTED]	MI	[REDACTED]
Albert	Abbase	[REDACTED]		[REDACTED]	MI	[REDACTED]
David	Bunce	[REDACTED]		[REDACTED]	MI	[REDACTED]
Regina	Cappelletti	[REDACTED]		[REDACTED]	MI	[REDACTED]
DEBORAH	TUCKER	[REDACTED]		[REDACTED]	MI	[REDACTED]
maja	Bombaugh LaF	[REDACTED]		[REDACTED]	MI	[REDACTED]
Sandra	Xenakis	[REDACTED]		[REDACTED]	MI	[REDACTED]
Melissa	Dawson Chapma	[REDACTED]		[REDACTED]	MI	[REDACTED]
Lora	Perkins	[REDACTED]		[REDACTED]	MI	[REDACTED]
A. JIM	GRIMM	[REDACTED]		[REDACTED]	MI	[REDACTED]
John	Richards	[REDACTED]		[REDACTED]	MI	[REDACTED]
Susan	Smith	[REDACTED]		[REDACTED]	MI	[REDACTED]
Yvonne	Boyd	[REDACTED]		[REDACTED]	MI	[REDACTED]
Shirley	Miles	[REDACTED]		[REDACTED]	MI	[REDACTED]
Faith	Nicholas	[REDACTED]		[REDACTED]	MI	[REDACTED]
Barbara	Havlena	[REDACTED]		[REDACTED]	MI	[REDACTED]
sherry	krauss	[REDACTED]		[REDACTED]	MI	[REDACTED]
Alan	Thayer	[REDACTED]		[REDACTED]	MI	[REDACTED]
Ronald	Bush	[REDACTED]		[REDACTED]	MI	[REDACTED]
Karen	Meyers	[REDACTED]		[REDACTED]	MI	[REDACTED]
James	Meloy	[REDACTED]		[REDACTED]	MI	[REDACTED]
Sharon	Whitehill	[REDACTED]		[REDACTED]	MI	[REDACTED]
Brian	Perry	[REDACTED]		[REDACTED]	MI	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Kelly	Logan	[REDACTED]		[REDACTED]	MI	[REDACTED]
Gregory	Steinmayer	[REDACTED]		[REDACTED]	MI	[REDACTED]
Mary Anne	Wilkinson	[REDACTED]		[REDACTED]	MI	[REDACTED]
Keri	Springer	[REDACTED]		[REDACTED]	MI	[REDACTED]
Cindy	Ward	[REDACTED]		[REDACTED]	MI	[REDACTED]
Asmara	Afework	[REDACTED]		[REDACTED]	MI	[REDACTED]
Patricia	Camarda	[REDACTED]		[REDACTED]	MI	[REDACTED]
Larry	Carney	[REDACTED]		[REDACTED]	MI	[REDACTED]
David	Conrad	[REDACTED]		[REDACTED]	MI	[REDACTED]
claire	crabtree	[REDACTED]		[REDACTED]	MI	[REDACTED]
Maurice	Greenia, Jr.	[REDACTED]		[REDACTED]	MI	[REDACTED]
Mary Anne	Helveston	[REDACTED]		[REDACTED]	MI	[REDACTED]
John	Kavanaugh	[REDACTED]		[REDACTED]	MI	[REDACTED]
Rue	Miles	[REDACTED]	[REDACTED]	[REDACTED]	MI	[REDACTED]
Glenn	Weisfeld	[REDACTED]		[REDACTED]	MI	[REDACTED]
Opolla	Brown	[REDACTED]		[REDACTED]	MI	[REDACTED]
Ron	Haas	[REDACTED]		[REDACTED]	MI	[REDACTED]
wilbur	DeHart	[REDACTED]		[REDACTED]	MI	[REDACTED]
Milbrey	Leighton	[REDACTED]		[REDACTED]	MI	[REDACTED]
Michael	McShane	[REDACTED]		[REDACTED]	MI	[REDACTED]
Rita	Snabb	[REDACTED]		[REDACTED]	MI	[REDACTED]
Abigail	Clark	[REDACTED]		[REDACTED]	MI	[REDACTED]
Melissa	Cunningham	[REDACTED]		[REDACTED]	MI	[REDACTED]
Bernard	Finifter	[REDACTED]		[REDACTED]	MI	[REDACTED]
Kathlen	Geissler	[REDACTED]		[REDACTED]	MI	[REDACTED]
Carol	Richardson	[REDACTED]		[REDACTED]	MI	[REDACTED]
Bill	Rittenberg	[REDACTED]		[REDACTED]	MI	[REDACTED]
William	Rittenberg	[REDACTED]		[REDACTED]	MI	[REDACTED]
Philip	Shepard	[REDACTED]		[REDACTED]	MI	[REDACTED]
Nancy	Stark	[REDACTED]		[REDACTED]	MI	[REDACTED]
Daniel	Suits	[REDACTED]		[REDACTED]	MI	[REDACTED]
Lynne	Swanson	[REDACTED]		[REDACTED]	MI	[REDACTED]
Dawn	Funck	[REDACTED]		[REDACTED]	MI	[REDACTED]
Margaret	Kittila	[REDACTED]		[REDACTED]	MI	[REDACTED]
Larry	McDougal	[REDACTED]		[REDACTED]	MI	[REDACTED]
Linda	Henry	[REDACTED]		[REDACTED]	MI	[REDACTED]
Emily	Jennings	[REDACTED]		[REDACTED]	MI	[REDACTED]
Michael	Treder	[REDACTED]		[REDACTED]	MI	[REDACTED]
Marti	Bowling	[REDACTED]		[REDACTED]	MI	[REDACTED]
n	joyrich	[REDACTED]		[REDACTED]	MI	[REDACTED]
Elizabeth Morr	Downie	[REDACTED]		[REDACTED]	MI	[REDACTED]
Andrea	Knittel	[REDACTED]		[REDACTED]	MI	[REDACTED]
jeff	spakowski	[REDACTED]		[REDACTED]	MI	[REDACTED]
carl	weiler	[REDACTED]		[REDACTED]	MI	[REDACTED]
Gary	Flinn	[REDACTED]		[REDACTED]	MI	[REDACTED]
josh	gonzalez	[REDACTED]		[REDACTED]	MI	[REDACTED]
Dave	Pettit	[REDACTED]		[REDACTED]	MI	[REDACTED]
Lorraine	Pettit	[REDACTED]		[REDACTED]	MI	[REDACTED]
Rebecca	Frisbie	[REDACTED]		[REDACTED]	MI	[REDACTED]
Mary	Harshfield	[REDACTED]		[REDACTED]	MI	[REDACTED]
Patricia	Burke	[REDACTED]		[REDACTED]	MI	[REDACTED]
Connie	Glave	[REDACTED]		[REDACTED]	MI	[REDACTED]
Gary	Labreche	[REDACTED]		[REDACTED]	MI	[REDACTED]
Deborah	Gibbs-Halm	[REDACTED]		[REDACTED]	MI	[REDACTED]
Deborah	Gibbs-Halm	[REDACTED]		[REDACTED]	MI	[REDACTED]
john	pryor	[REDACTED]		[REDACTED]	MI	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Phyllis	Stanbury	[REDACTED]		[REDACTED]	MI	[REDACTED]
Inie	Bijkerk	[REDACTED]		[REDACTED]	MI	[REDACTED]
Alan	Eggleston	[REDACTED]		[REDACTED]	MI	[REDACTED]
Christina	Fong	[REDACTED]		[REDACTED]	MI	[REDACTED]
Thomas	Henry	[REDACTED]		[REDACTED]	MI	[REDACTED]
lilly	melendez	[REDACTED]		[REDACTED]	MI	[REDACTED]
Lisa	Nowak	[REDACTED]		[REDACTED]	MI	[REDACTED]
Gregg	Robinson	[REDACTED]		[REDACTED]	MI	[REDACTED]
mike	sanders	[REDACTED]		[REDACTED]	MI	[REDACTED]
Rebecca	Smith-Hoffman	[REDACTED]		[REDACTED]	MI	[REDACTED]
Jon	Snider	[REDACTED]		[REDACTED]	MI	[REDACTED]
Judy	Thompson	[REDACTED]		[REDACTED]	MI	[REDACTED]
Barbara	Van't Hof	[REDACTED]		[REDACTED]	MI	[REDACTED]
Maxine	Wells	[REDACTED]		[REDACTED]	MI	[REDACTED]
steve	wright	[REDACTED]		[REDACTED]	MI	[REDACTED]
Robert	Young	[REDACTED]		[REDACTED]	MI	[REDACTED]
Peter and Bern	Rynders	[REDACTED]		[REDACTED]	MI	[REDACTED]
Maxine and Ly	Wells	[REDACTED]		[REDACTED]	MI	[REDACTED]
Robert	Kowal	[REDACTED]		[REDACTED]	MI	[REDACTED]
Jerald	Bachman	[REDACTED]		[REDACTED]	MI	[REDACTED]
Effie	Ambler	[REDACTED]		[REDACTED]	MI	[REDACTED]
Pamela	Nordhof	[REDACTED]		[REDACTED]	MI	[REDACTED]
Gregory	Manore	[REDACTED]		[REDACTED]	MI	[REDACTED]
Dennis	Lynch	[REDACTED]		[REDACTED]	MI	[REDACTED]
William	Casey	[REDACTED]		[REDACTED]	MI	[REDACTED]
Kristine	Pierce	[REDACTED]		[REDACTED]	MI	[REDACTED]
Mary	Mitchell	[REDACTED]		[REDACTED]	MI	[REDACTED]
David	Solomon	[REDACTED]		[REDACTED]	MI	[REDACTED]
Steven	Sanderson	[REDACTED]		[REDACTED]	MI	[REDACTED]
James	Bastiaanse	[REDACTED]		[REDACTED]	MI	[REDACTED]
Don	Brake	[REDACTED]		[REDACTED]	MI	[REDACTED]
John K	Erskine	[REDACTED]		[REDACTED]	MI	[REDACTED]
Barbara	Joldersma	[REDACTED]		[REDACTED]	MI	[REDACTED]
Laurie	Van Ark	[REDACTED]		[REDACTED]	MI	[REDACTED]
Sara	Siebert	[REDACTED]		[REDACTED]	MI	[REDACTED]
connie	schmidt	[REDACTED]		[REDACTED]	MI	[REDACTED]
Karl	Weideman	[REDACTED]		[REDACTED]	MI	[REDACTED]
SALLY	SCHIFF	[REDACTED]		[REDACTED]	MI	[REDACTED]
BERNARD	SCHIFF	[REDACTED]		[REDACTED]	MI	[REDACTED]
michael	hinshaw	[REDACTED]		[REDACTED]	MI	[REDACTED]
Timothy J.	Schutte	[REDACTED]		[REDACTED]	MI	[REDACTED]
Alexis	Keppeler	[REDACTED]		[REDACTED]	MI	[REDACTED]
cj	maddison	[REDACTED]		[REDACTED]	MI	[REDACTED]
Froylan	Torres	[REDACTED]		[REDACTED]	MI	[REDACTED]
Ethlynn	Dewitt	[REDACTED]		[REDACTED]	MI	[REDACTED]
Cynthia	Halderson	[REDACTED]		[REDACTED]	MI	[REDACTED]
David	Karowe	[REDACTED]		[REDACTED]	MI	[REDACTED]
Deb	Killarney	[REDACTED]		[REDACTED]	MI	[REDACTED]
Lonnie	Kuntzman	[REDACTED]		[REDACTED]	MI	[REDACTED]
Denise	McFarland	[REDACTED]		[REDACTED]	MI	[REDACTED]
Frances	Miller	[REDACTED]		[REDACTED]	MI	[REDACTED]
Dennis	Overmyer	[REDACTED]		[REDACTED]	MI	[REDACTED]
Marshall	Reed	[REDACTED]		[REDACTED]	MI	[REDACTED]
Ronald	Sowers	[REDACTED]		[REDACTED]	MI	[REDACTED]
Joseph	Stockdale	[REDACTED]		[REDACTED]	MI	[REDACTED]
Mark	Thompson	[REDACTED]		[REDACTED]	MI	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Ineke	Way	[REDACTED]		[REDACTED]	MI	[REDACTED]
susan	weinger	[REDACTED]		[REDACTED]	MI	[REDACTED]
Ashley	Yonker	[REDACTED]		[REDACTED]	MI	[REDACTED]
Deborah	Clanton	[REDACTED]		[REDACTED]	MI	[REDACTED]
Rachel	Frith	[REDACTED]		[REDACTED]	MI	[REDACTED]
John	Bice	[REDACTED]		[REDACTED]	MI	[REDACTED]
Barbara	Keune	[REDACTED]	[REDACTED]	[REDACTED]	MI	[REDACTED]
Josephine	Balcer	[REDACTED]		[REDACTED]	MI	[REDACTED]
Carolyn	Callen	[REDACTED]		[REDACTED]	MI	[REDACTED]
Keren	Duran	[REDACTED]		[REDACTED]	MI	[REDACTED]
Bill	Face	[REDACTED]		[REDACTED]	MI	[REDACTED]
Art	Hanson	[REDACTED]		[REDACTED]	MI	[REDACTED]
Robert	Hare	[REDACTED]		[REDACTED]	MI	[REDACTED]
William	Lundine	[REDACTED]		[REDACTED]	MI	[REDACTED]
dawn	mead	[REDACTED]		[REDACTED]	MI	[REDACTED]
jerry	pecora	[REDACTED]		[REDACTED]	MI	[REDACTED]
Debra	Perkins-Mizga	[REDACTED]		[REDACTED]	MI	[REDACTED]
Sherry	Piacenti	[REDACTED]		[REDACTED]	MI	[REDACTED]
Stephen	Ring	[REDACTED]		[REDACTED]	MI	[REDACTED]
Peter	Ruark	[REDACTED]		[REDACTED]	MI	[REDACTED]
Macie	Schriner	[REDACTED]		[REDACTED]	MI	[REDACTED]
Ron	Whitmore	[REDACTED]		[REDACTED]	MI	[REDACTED]
Art	Hanson	[REDACTED]		[REDACTED]	MI	[REDACTED]
Andrea	Smith	[REDACTED]		[REDACTED]	MI	[REDACTED]
kirsti	hart-negrich	[REDACTED]		[REDACTED]	MI	[REDACTED]
Randy	Chamberlain	[REDACTED]		[REDACTED]	MI	[REDACTED]
Brian	Goodykoontz	[REDACTED]		[REDACTED]	MI	[REDACTED]
Lorraine	Norton	[REDACTED]		[REDACTED]	MI	[REDACTED]
Scott	Wilber	[REDACTED]		[REDACTED]	MI	[REDACTED]
Charles	Knudstrup	[REDACTED]		[REDACTED]	MI	[REDACTED]
The Rev. Rich	Rowlands	[REDACTED]		[REDACTED]	MI	[REDACTED]
Kenneth	Downing	[REDACTED]		[REDACTED]	MI	[REDACTED]
Paul	Timmins	[REDACTED]		[REDACTED]	MI	[REDACTED]
Eric	Mackres	[REDACTED]	[REDACTED]	[REDACTED]	MI	[REDACTED]
Ann	Sterling	[REDACTED]		[REDACTED]	MI	[REDACTED]
Joanne	Emrick	[REDACTED]		[REDACTED]	MI	[REDACTED]
Terrie	LaPalm	[REDACTED]		[REDACTED]	MI	[REDACTED]
Gerry	Cain	[REDACTED]		[REDACTED]	MI	[REDACTED]
Terrence	Abraham	[REDACTED]		[REDACTED]	MI	[REDACTED]
Robert	Godwin	[REDACTED]		[REDACTED]	MI	[REDACTED]
George	Steel	[REDACTED]		[REDACTED]	MI	[REDACTED]
Patricia	Claussen	[REDACTED]		[REDACTED]	MI	[REDACTED]
Janet	Nemeth	[REDACTED]		[REDACTED]	MI	[REDACTED]
Terry	Archambault	[REDACTED]		[REDACTED]	MI	[REDACTED]
Marie	Sciamanna	[REDACTED]		[REDACTED]	MI	[REDACTED]
steven	mcclintock	[REDACTED]		[REDACTED]	MI	[REDACTED]
Mr & Mrs. Jame	Bergerson	[REDACTED]		[REDACTED]	MI	[REDACTED]
Carmen	Nichols	[REDACTED]		[REDACTED]	MI	[REDACTED]
Michael	Ringler	[REDACTED]		[REDACTED]	MI	[REDACTED]
Dan	Pitts	[REDACTED]		[REDACTED]	MI	[REDACTED]
Jay	Zarowitz	[REDACTED]		[REDACTED]	MI	[REDACTED]
Tisa	Sherry	[REDACTED]		[REDACTED]	MI	[REDACTED]
Sheldon	Ceresnie	[REDACTED]		[REDACTED]	MI	[REDACTED]
Kristin	Evans	[REDACTED]		[REDACTED]	MI	[REDACTED]
Linda	Francisco	[REDACTED]		[REDACTED]	MI	[REDACTED]
Dolores	Schmidt	[REDACTED]		[REDACTED]	MI	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
B J	Kowaleski	[REDACTED]		[REDACTED]	MI	[REDACTED]
Eddie	Bissell	[REDACTED]		[REDACTED]	MI	[REDACTED]
William	Workman	[REDACTED]		[REDACTED]	MI	[REDACTED]
Todd	Johnston	[REDACTED]		[REDACTED]	MI	[REDACTED]
Carol	Kachmar	[REDACTED]		[REDACTED]	MI	[REDACTED]
Gilbert	Kachmar	[REDACTED]		[REDACTED]	MI	[REDACTED]
Mary	Chamberlain	[REDACTED]		[REDACTED]	MI	[REDACTED]
Martin	Ryszka	[REDACTED]		[REDACTED]	MI	[REDACTED]
Bennett	Frank	[REDACTED]		[REDACTED]	MI	[REDACTED]
Christine	Danner	[REDACTED]		[REDACTED]	MI	[REDACTED]
Andrea	Mills	[REDACTED]		[REDACTED]	MI	[REDACTED]
Donna	Walcott	[REDACTED]		[REDACTED]	MI	[REDACTED]
Anna	Cushman	[REDACTED]		[REDACTED]	MI	[REDACTED]
Lou Ann	McKimmy	[REDACTED]		[REDACTED]	MI	[REDACTED]
Nancy	Florkowski	[REDACTED]		[REDACTED]	MI	[REDACTED]
Kenneth	Hannan	[REDACTED]		[REDACTED]	MI	[REDACTED]
david	mcglinnen	[REDACTED]		[REDACTED]	MI	[REDACTED]
S Kerene	Moore	[REDACTED]		[REDACTED]	MI	[REDACTED]
Jacqueline	Howlett	[REDACTED]		[REDACTED]	MI	[REDACTED]
Barbara	Rosalik	[REDACTED]		[REDACTED]	MI	[REDACTED]
Gigi	Colombini-Gabri	[REDACTED]		[REDACTED]	MI	[REDACTED]
Mary Ann	Hazen	[REDACTED]		[REDACTED]	MI	[REDACTED]
Thomas L	Haynes MD	[REDACTED]		[REDACTED]	MI	[REDACTED]
Cassidy	Boulan	[REDACTED]		[REDACTED]	MI	[REDACTED]
Carol	Hilton	[REDACTED]		[REDACTED]	MI	[REDACTED]
Frank	Markus	[REDACTED]		[REDACTED]	MI	[REDACTED]
Faye	Schofield	[REDACTED]		[REDACTED]	MI	[REDACTED]
Tobin	Sterritt	[REDACTED]		[REDACTED]	MI	[REDACTED]
Joanne	Williams	[REDACTED]		[REDACTED]	MI	[REDACTED]
joan	mccoy	[REDACTED]		[REDACTED]	MI	[REDACTED]
Lynn	Thelen	[REDACTED]		[REDACTED]	MI	[REDACTED]
Lorraine	Thompson	[REDACTED]		[REDACTED]	MI	[REDACTED]
Catherine	Brockington	[REDACTED]	[REDACTED]	[REDACTED]	MI	[REDACTED]
William	Gerrish	[REDACTED]		[REDACTED]	MI	[REDACTED]
Janet	Holstine	[REDACTED]		[REDACTED]	MI	[REDACTED]
Willie	Dubas	[REDACTED]		[REDACTED]	MI	[REDACTED]
Dorothy E	Mc Donald	[REDACTED]		[REDACTED]	MI	[REDACTED]
Peggy S.	Collins	[REDACTED]		[REDACTED]	MI	[REDACTED]
Susan	Fino	[REDACTED]		[REDACTED]	MI	[REDACTED]
Portia	Hamlar	[REDACTED]		[REDACTED]	MI	[REDACTED]
Dave	Hornstein	[REDACTED]		[REDACTED]	MI	[REDACTED]
Jann	hyduk	[REDACTED]		[REDACTED]	MI	[REDACTED]
Diana	Munch	[REDACTED]		[REDACTED]	MI	[REDACTED]
Nancy	Smith	[REDACTED]		[REDACTED]	MI	[REDACTED]
Annette	Wright	[REDACTED]		[REDACTED]	MI	[REDACTED]
Debra	Kish	[REDACTED]		[REDACTED]	MI	[REDACTED]
vikke	andersen	[REDACTED]		[REDACTED]	MI	[REDACTED]
Jennifer	Jorgensen	[REDACTED]		[REDACTED]	MI	[REDACTED]
Tina	Chervinsky	[REDACTED]		[REDACTED]	MI	[REDACTED]
Donna	Clark	[REDACTED]		[REDACTED]	MI	[REDACTED]
Manuel F.	Mejia	[REDACTED]		[REDACTED]	MI	[REDACTED]
Michael-David	BenDor	[REDACTED]		[REDACTED]	MI	[REDACTED]
J	Walter	[REDACTED]		[REDACTED]	MI	[REDACTED]
Donald	Sutherland	[REDACTED]		[REDACTED]	MI	[REDACTED]
Patricia	Walworth	[REDACTED]		[REDACTED]	MI	[REDACTED]
Karen	Shovein	[REDACTED]		[REDACTED]	MI	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Marisol	Ybarra				MI	
Aelred	Glidden				MI	
brian	frayer				MI	
Jonathan	Leeds				MI	
clare	berkowitz				MI	
Roger	Daniel				MI	
Linda	Jackson				MI	
Allen	Salyer				MI	
Steven	Hack				MI	
Joe	Feinstein				MI	
Rise	Villanueva				MI	
Martha	Cuneo				MI	
Mark	Jeason				MI	
Gary	Wagner				MI	
Jiri	Culik				MI	
Margaret	VanHull				MI	
Gail	Alpert				MI	
James	Bombard				MI	
Robert	Filar				MI	
SHIRLEE	IDEN				MI	
Pamela	Rogers				MI	
Lloyd	Strausz				MI	
Robert	Furgerson				MI	
Diane	Grutta				MI	
Elisabeth	Mueller				MI	
Judith	Tarjeft				MI	
June	Tucker				MI	
Whitney	Field				MI	
Haley	Kossek				MI	
Jane	McIntosh				MI	
Ann	DeHoog				MI	
AMY	ABBASSE				MI	
Anne Marie	Bessette				MI	
chet	green				MI	
Joe	Bishop				MI	
Philip	Brzezinski				MI	
Nora	Fitzpatrick				MI	
YVETTE	HUGHES				MI	
Naghma	Husain				MI	
Sally	Lunn				MI	
David	Mason				MI	
NM	Porter				MI	
Nancy	Robinson				MI	
Roland	Schaedig				MI	
Joan	Sitomer				MI	
Bob	Clark				MI	
Jon Erik	Kingstad				MN	
Jason	Lynch				MN	
Elizabeth	Heebink				MN	
Donald	Larson				MN	
Graham	Benson				MN	
Nan	Corliss				MN	
Michael	Jones				MN	
suzanne	long				MN	
Jodi	Peterson				MN	
Wendy	Ashton				MN	

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Kathy	Frederickson				MN	
Kenneth L.	Kaliher				MN	
patrick	brostrom				MN	
Cheryl	Cook				MN	
Gretchen	Goodman				MN	
Ken	Thomases				MN	
Philip	Rutter				MN	
Brenda	Harris				MN	
Steve	Linnerooth				MN	
Shelley	Strohmaier				MN	
G.	Guyton				MN	
perry	rutter				MN	
Megan	Stumm				MN	
Barb	Moore				MN	
Wayne	Miller				MN	
Sharon	Fortuank				MN	
Michele	Angel				MN	
Ruth	Howard				MN	
Betty	Eskola				MN	
anne	hendrickson				MN	
Alexander	Maki				MN	
Roger	Martell				MN	
Mary	Plaster				MN	
david	smith				MN	
Gary	Tonkin				MN	
Ruth	Lawrence				MN	
George	Matkovits				MN	
Phil	Morton				MN	
bright	dornblaser				MN	
Jeanne	Toia				MN	
Ardis	Wexler				MN	
Philip	Kerler				MN	
Martha	Everest				MN	
Andrew	Graves				MN	
Dean	Koutavas				MN	
Jane	Geisinger				MN	
Joe	Merz				MN	
Linville	Doan				MN	
Ann	Kaufenberg				MN	
Arthur	Olson				MN	
Robert	Laughlin				MN	
James	Salter				MN	
Alan	Meagher				MN	
gina	labrosse				MN	
Manley	Nichols				MN	
Eileen	Levin				MN	
Kristy	Harms				MN	
georgia	connelly				MN	
Julie	Davis				MN	
William & She	Walley				MN	
Jacob	Kjome				MN	
David	Lippitt				MN	
Barbara	Schoener				MN	
Sandy	Dvorsky				MN	
Elizabeth	Wakefield D.C.				MN	
Steve	Adams				MN	

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Dale	Anderson	[REDACTED]	[REDACTED]	[REDACTED]	MN	[REDACTED]
David	Armbruster	[REDACTED]	[REDACTED]	[REDACTED]	MN	[REDACTED]
Jennifer	Banina	[REDACTED]	[REDACTED]	[REDACTED]	MN	[REDACTED]
Barbara	Batchelor	[REDACTED]	[REDACTED]	[REDACTED]	MN	[REDACTED]
Paula	Bidle	[REDACTED]	[REDACTED]	[REDACTED]	MN	[REDACTED]
Gretchen	Bratvold	[REDACTED]	[REDACTED]	[REDACTED]	MN	[REDACTED]
Georgia	Cady	[REDACTED]	[REDACTED]	[REDACTED]	MN	[REDACTED]
scott	cady	[REDACTED]	[REDACTED]	[REDACTED]	MN	[REDACTED]
Cynthia	Callanan	[REDACTED]	[REDACTED]	[REDACTED]	MN	[REDACTED]
Bruce D	Chambers	[REDACTED]	[REDACTED]	[REDACTED]	MN	[REDACTED]
Chris	Chiappari	[REDACTED]	[REDACTED]	[REDACTED]	MN	[REDACTED]
Beth	Daniels	[REDACTED]	[REDACTED]	[REDACTED]	MN	[REDACTED]
Shawn	Dunn	[REDACTED]	[REDACTED]	[REDACTED]	MN	[REDACTED]
Gary	Edelburg	[REDACTED]	[REDACTED]	[REDACTED]	MN	[REDACTED]
tom	emmott	[REDACTED]	[REDACTED]	[REDACTED]	MN	[REDACTED]
Larry	Fahnoe	[REDACTED]	[REDACTED]	[REDACTED]	MN	[REDACTED]
Mark	Fangmeier	[REDACTED]	[REDACTED]	[REDACTED]	MN	[REDACTED]
Kim	Fortin	[REDACTED]	[REDACTED]	[REDACTED]	MN	[REDACTED]
Dylan	Fresco	[REDACTED]	[REDACTED]	[REDACTED]	MN	[REDACTED]
James	Fuller	[REDACTED]	[REDACTED]	[REDACTED]	MN	[REDACTED]
Yvonne	Game	[REDACTED]	[REDACTED]	[REDACTED]	MN	[REDACTED]
Lee	Gartner	[REDACTED]	[REDACTED]	[REDACTED]	MN	[REDACTED]
Tom	Goodell	[REDACTED]	[REDACTED]	[REDACTED]	MN	[REDACTED]
Carol	Greenwald	[REDACTED]	[REDACTED]	[REDACTED]	MN	[REDACTED]
John	Holst	[REDACTED]	[REDACTED]	[REDACTED]	MN	[REDACTED]
Anne	Holzinger	[REDACTED]	[REDACTED]	[REDACTED]	MN	[REDACTED]
Molly	Horstman	[REDACTED]	[REDACTED]	[REDACTED]	MN	[REDACTED]
Nicholas	Johnson	[REDACTED]	[REDACTED]	[REDACTED]	MN	[REDACTED]
Greg	Johnston	[REDACTED]	[REDACTED]	[REDACTED]	MN	[REDACTED]
Maxeem	Konrardy	[REDACTED]	[REDACTED]	[REDACTED]	MN	[REDACTED]
Jennifer	Kult	[REDACTED]	[REDACTED]	[REDACTED]	MN	[REDACTED]
Gregory	LaBelle	[REDACTED]	[REDACTED]	[REDACTED]	MN	[REDACTED]
Dustin	Lecander	[REDACTED]	[REDACTED]	[REDACTED]	MN	[REDACTED]
Gail	Linnerson	[REDACTED]	[REDACTED]	[REDACTED]	MN	[REDACTED]
John	Linnerson	[REDACTED]	[REDACTED]	[REDACTED]	MN	[REDACTED]
Scott	Lohman	[REDACTED]	[REDACTED]	[REDACTED]	MN	[REDACTED]
Paul	Magee	[REDACTED]	[REDACTED]	[REDACTED]	MN	[REDACTED]
Susan	Mainzer	[REDACTED]	[REDACTED]	[REDACTED]	MN	[REDACTED]
Lisa	McDonough	[REDACTED]	[REDACTED]	[REDACTED]	MN	[REDACTED]
Emily	Miller	[REDACTED]	[REDACTED]	[REDACTED]	MN	[REDACTED]
Richard	Miller	[REDACTED]	[REDACTED]	[REDACTED]	MN	[REDACTED]
Jamie	Nafziger-White	[REDACTED]	[REDACTED]	[REDACTED]	MN	[REDACTED]
paul	neimann	[REDACTED]	[REDACTED]	[REDACTED]	MN	[REDACTED]
barbara	portnoy	[REDACTED]	[REDACTED]	[REDACTED]	MN	[REDACTED]
Tony	Prokott	[REDACTED]	[REDACTED]	[REDACTED]	MN	[REDACTED]
Sara	Richardson	[REDACTED]	[REDACTED]	[REDACTED]	MN	[REDACTED]
Rena	Rogers	[REDACTED]	[REDACTED]	[REDACTED]	MN	[REDACTED]
Madeline	Serr	[REDACTED]	[REDACTED]	[REDACTED]	MN	[REDACTED]
Bruce	Sikkema	[REDACTED]	[REDACTED]	[REDACTED]	MN	[REDACTED]
Barbara	Skrivanek	[REDACTED]	[REDACTED]	[REDACTED]	MN	[REDACTED]
Margaret	Smalley	[REDACTED]	[REDACTED]	[REDACTED]	MN	[REDACTED]
Chuck	Smith	[REDACTED]	[REDACTED]	[REDACTED]	MN	[REDACTED]
Randall	Smith	[REDACTED]	[REDACTED]	[REDACTED]	MN	[REDACTED]
Brian	Sostek	[REDACTED]	[REDACTED]	[REDACTED]	MN	[REDACTED]
Judith	Spanberger	[REDACTED]	[REDACTED]	[REDACTED]	MN	[REDACTED]
Michael	Steigerwald	[REDACTED]	[REDACTED]	[REDACTED]	MN	[REDACTED]

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Mike	Toft	[REDACTED]		[REDACTED]	MN	[REDACTED]
David	Tutewohl	[REDACTED]		[REDACTED]	MN	[REDACTED]
vincent	wallander	[REDACTED]		[REDACTED]	MN	[REDACTED]
Mark	Walsh	[REDACTED]		[REDACTED]	MN	[REDACTED]
Lori	Wellman	[REDACTED]		[REDACTED]	MN	[REDACTED]
Steven	Wiese	[REDACTED]		[REDACTED]	MN	[REDACTED]
Sara	Wilkinson	[REDACTED]	[REDACTED]	[REDACTED]	MN	[REDACTED]
Kimberly	Wolking	[REDACTED]		[REDACTED]	MN	[REDACTED]
Marina	Wright-McGee	[REDACTED]		[REDACTED]	MN	[REDACTED]
Lois	Berman	[REDACTED]		[REDACTED]	MN	[REDACTED]
Clayton	Haapala	[REDACTED]		[REDACTED]	MN	[REDACTED]
Mark	Raab	[REDACTED]		[REDACTED]	MN	[REDACTED]
Randall	Romsdahl	[REDACTED]		[REDACTED]	MN	[REDACTED]
David	Segal	[REDACTED]		[REDACTED]	MN	[REDACTED]
mike	tikkanen	[REDACTED]		[REDACTED]	MN	[REDACTED]
Ken	Schubert	[REDACTED]		[REDACTED]	MN	[REDACTED]
Kathryn L	Glessing	[REDACTED]		[REDACTED]	MN	[REDACTED]
Glenda	Larson	[REDACTED]		[REDACTED]	MN	[REDACTED]
David	Stewart	[REDACTED]		[REDACTED]	MN	[REDACTED]
Gladys	Jones	[REDACTED]		[REDACTED]	MN	[REDACTED]
Marcia	Lavine	[REDACTED]		[REDACTED]	MN	[REDACTED]
Elizabeth	Davis	[REDACTED]		[REDACTED]	MN	[REDACTED]
Janet	Schafer	[REDACTED]		[REDACTED]	MN	[REDACTED]
Jayne	Caldwell	[REDACTED]		[REDACTED]	MN	[REDACTED]
jennifer	norwood	[REDACTED]		[REDACTED]	MN	[REDACTED]
Michael	Sedivy	[REDACTED]		[REDACTED]	MN	[REDACTED]
Peggy	Meisch	[REDACTED]		[REDACTED]	MN	[REDACTED]
Jackson	Bryce	[REDACTED]		[REDACTED]	MN	[REDACTED]
Alfred	Gramstedt	[REDACTED]		[REDACTED]	MN	[REDACTED]
MOLly	Woehrlin	[REDACTED]		[REDACTED]	MN	[REDACTED]
Lynda	Pauling	[REDACTED]		[REDACTED]	MN	[REDACTED]
C	Kaiser	[REDACTED]		[REDACTED]	MN	[REDACTED]
Chuck	Kaiser	[REDACTED]		[REDACTED]	MN	[REDACTED]
John	Wilson	[REDACTED]		[REDACTED]	MN	[REDACTED]
Jess	Losinger	[REDACTED]		[REDACTED]	MN	[REDACTED]
Carol	Ashley	[REDACTED]		[REDACTED]	MN	[REDACTED]
Linda	Squires	[REDACTED]		[REDACTED]	MN	[REDACTED]
Sue	Morem	[REDACTED]		[REDACTED]	MN	[REDACTED]
Michael	Nees	[REDACTED]		[REDACTED]	MN	[REDACTED]
Tom	Noerenberg	[REDACTED]		[REDACTED]	MN	[REDACTED]
Deborah	Shepherd	[REDACTED]		[REDACTED]	MN	[REDACTED]
Betsy	Olson	[REDACTED]		[REDACTED]	MN	[REDACTED]
Quillan	Roe	[REDACTED]		[REDACTED]	MN	[REDACTED]
Bob	Winston	[REDACTED]		[REDACTED]	MN	[REDACTED]
Steven	Altchuler	[REDACTED]		[REDACTED]	MN	[REDACTED]
Carol	Brunholz	[REDACTED]		[REDACTED]	MN	[REDACTED]
James	Colville	[REDACTED]		[REDACTED]	MN	[REDACTED]
David	Dorn	[REDACTED]		[REDACTED]	MN	[REDACTED]
Elaine	Mayer	[REDACTED]		[REDACTED]	MN	[REDACTED]
Clairvaux	McFarland	[REDACTED]		[REDACTED]	MN	[REDACTED]
Mary Alice	Richardson	[REDACTED]		[REDACTED]	MN	[REDACTED]
Anne	Viswanatha	[REDACTED]		[REDACTED]	MN	[REDACTED]
Edward	Carney	[REDACTED]		[REDACTED]	MN	[REDACTED]
Joan	Hallen	[REDACTED]		[REDACTED]	MN	[REDACTED]
Mary	Sperl	[REDACTED]		[REDACTED]	MN	[REDACTED]
Melanie	Bethke	[REDACTED]		[REDACTED]	MN	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Susan	Clarke	[REDACTED]		[REDACTED]	MN	[REDACTED]
Susan L	Clarke	[REDACTED]		[REDACTED]	MN	[REDACTED]
kathy	ekberg	[REDACTED]		[REDACTED]	MN	[REDACTED]
Tess	Galati	[REDACTED]		[REDACTED]	MN	[REDACTED]
Warren	Gunderson-Gan	[REDACTED]		[REDACTED]	MN	[REDACTED]
William	Wilson	[REDACTED]		[REDACTED]	MN	[REDACTED]
Rev. Jonathan	Zielske	[REDACTED]		[REDACTED]	MN	[REDACTED]
Erin	Zolotukhin-Ridd	[REDACTED]		[REDACTED]	MN	[REDACTED]
John	Garner	[REDACTED]		[REDACTED]	MN	[REDACTED]
Gary S.	Hogle	[REDACTED]		[REDACTED]	MN	[REDACTED]
John	Brower	[REDACTED]		[REDACTED]	MN	[REDACTED]
Gloria	Bollman	[REDACTED]		[REDACTED]	MN	[REDACTED]
Jeff	Horejsi	[REDACTED]		[REDACTED]	MN	[REDACTED]
Nancy	Rose-Balamut	[REDACTED]		[REDACTED]	MN	[REDACTED]
Mary	Howard	[REDACTED]		[REDACTED]	MN	[REDACTED]
Arlene	Drabek	[REDACTED]		[REDACTED]	MN	[REDACTED]
Mark	Hiemenz	[REDACTED]		[REDACTED]	MN	[REDACTED]
Bill	Kenzie	[REDACTED]		[REDACTED]	MN	[REDACTED]
Rose	Levin	[REDACTED]		[REDACTED]	MN	[REDACTED]
ronald	gerdes	[REDACTED]		[REDACTED]	MN	[REDACTED]
Brionna	Harder	[REDACTED]		[REDACTED]	MN	[REDACTED]
Mark	Skrivanek	[REDACTED]		[REDACTED]	MN	[REDACTED]
Bernice	Vetsch	[REDACTED]		[REDACTED]	MN	[REDACTED]
kristin	warfield	[REDACTED]		[REDACTED]	MN	[REDACTED]
Warren	Bradbury	[REDACTED]		[REDACTED]	MN	[REDACTED]
Diana	Emery	[REDACTED]		[REDACTED]	MN	[REDACTED]
Geoffrey	Fisher	[REDACTED]		[REDACTED]	MN	[REDACTED]
lisa	bergerud	[REDACTED]		[REDACTED]	MN	[REDACTED]
Christie	Berkseth	[REDACTED]		[REDACTED]	MN	[REDACTED]
Erin	Brown	[REDACTED]		[REDACTED]	MN	[REDACTED]
Doreen	Drake	[REDACTED]		[REDACTED]	MN	[REDACTED]
Pierre	Gingerich-Bober	[REDACTED]		[REDACTED]	MN	[REDACTED]
Rita	Hanle	[REDACTED]		[REDACTED]	MN	[REDACTED]
Jerie	Heille	[REDACTED]		[REDACTED]	MN	[REDACTED]
Lance	Henderson	[REDACTED]		[REDACTED]	MN	[REDACTED]
Kathleen	Holmberg	[REDACTED]		[REDACTED]	MN	[REDACTED]
Dan	Ireland	[REDACTED]		[REDACTED]	MN	[REDACTED]
Brittany	Johnson	[REDACTED]		[REDACTED]	MN	[REDACTED]
Louise	Klas	[REDACTED]		[REDACTED]	MN	[REDACTED]
John	Kniprath	[REDACTED]		[REDACTED]	MN	[REDACTED]
Paula	Nessa	[REDACTED]		[REDACTED]	MN	[REDACTED]
Kent	Peterson	[REDACTED]		[REDACTED]	MN	[REDACTED]
Brandy	Snyder	[REDACTED]		[REDACTED]	MN	[REDACTED]
Stephanie	Spandl	[REDACTED]		[REDACTED]	MN	[REDACTED]
Marisa	Stevenson	[REDACTED]		[REDACTED]	MN	[REDACTED]
bruce	valen	[REDACTED]		[REDACTED]	MN	[REDACTED]
susan	warfield	[REDACTED]		[REDACTED]	MN	[REDACTED]
Michael	Murphy	[REDACTED]		[REDACTED]	MN	[REDACTED]
Bryan	ebbenga	[REDACTED]		[REDACTED]	MN	[REDACTED]
Ayriel	Steffes	[REDACTED]		[REDACTED]	MN	[REDACTED]
Linda	Bjorklund	[REDACTED]		[REDACTED]	MN	[REDACTED]
Nelsene	McGinn	[REDACTED]		[REDACTED]	MN	[REDACTED]
Ryan	O'Connell	[REDACTED]		[REDACTED]	MN	[REDACTED]
Marilyn	Raskin	[REDACTED]		[REDACTED]	MN	[REDACTED]
Paul	Moss	[REDACTED]		[REDACTED]	MN	[REDACTED]
Daryl	Schroeder	[REDACTED]		[REDACTED]	MN	[REDACTED]

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Larry Ellis	Reed				MN	
Sue	Halligan				MN	
Joseph	Humsey				MN	
Scott	Oakland				MN	
John	Hensley				MO	
William T.	Young				MO	
Gregory	Comer				MO	
Bonnie	Brumpton				MO	
Robert	Levitt				MO	
Rev Gloria	Weber				MO	
Rev. Gloria	Weber				MO	
Joyce	Baldauf				MO	
Victoria	Inkley				MO	
Floy	Brent				MO	
Tom	Hansen				MO	
DORIS	PLUMMER				MO	
Tom	Plummer				MO	
Linda	Dedert				MO	
Tamara	Beinlich				MO	
Maurice	Hirsch, Jr.				MO	
Marsha	Springer				MO	
JAMES	WATSON				MO	
Stephen	Clayton				MO	
john	mruzik				MO	
Toni	Rahman				MO	
Mike	Ruffalo				MO	
Andrew	Twaddle				MO	
Eileen	Kidder				MO	
Dennis	Kelley				MO	
Robert	Housden				MO	
Lora	Lockwood				MO	
Alan	Damhorst				MO	
Vicki	Turner				MO	
Christine	BredenKoetter				MO	
Diana	Eckholdt				MO	
Ronald E.	Grames				MO	
willie	laney				MO	
Stanley	Luster				MO	
David	Pearson				MO	
Jerry	Pullam				MO	
Gary	Vogt				MO	
Daniel	Mosley				MO	
William	Monroe				MO	
Faye	Moore				MO	
Carl	Burger				MO	
Carl	Burger				MO	
Melvin	Otto				MO	
Cindy	Curry				MO	
Margaret	Goodwin				MO	
Donald	Mackey				MO	
KAREN	ANSON				MO	
Donald	Mitchell				MO	
Wanda	Mitchell				MO	
Ruth	Campbell				MO	
Eugene	Buettner				MO	
paul	avila				MO	

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Jon	Bauer	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
Sallie	Beck	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
Kathleen	Bremer	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
Desiree	Brennan	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
Mark	Carder	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
Jan	chapman	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
Christi	Clemons Hoffma	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
Jan	Comer	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
Evelyn	Fogel	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
Ann	Grace	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
Ronald	Kiser	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
Marsha	Leighton	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
Mary	Lockwood	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
James	McGuire	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
Joseph H.	Moore	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
Randall	Paske	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
Steve	Phillips	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
Randall	Ratliff	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
Nancy	Richart	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
Kenneth	Robertson	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
Douglas	Rushing	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
ALVIN	SCHNEIDER	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
Chuck	Taylor	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
John	Van Horn	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
Barbara	VanNess	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
Christian	Wade	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
Betty	Wagner	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
Sharon	Ward	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
Susan	Williams	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
Rosemarie	Woods	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
Vicki	Johnson	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
Jen	Peppard	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
LeAnn	Smith	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
Deborah	Evans	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
Steven	Reschly	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
Mary	Sims	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
Mark	Spitzer	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
Steven	Davies-Sigmund	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
Clyde	Farris	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
Barbara	Finch	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
Reese	Forbes	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
Helen	McIntosh	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
Florence	Saeger	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
Nancy	Seats	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
John	Tavis	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
Steve	Belosi	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
Larry	McDonald	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
Gordon	Matthews	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
Debbie	Messer	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
peter	vanness	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
Richard	Solom	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
Richard	Falzone	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
James	Arrigo	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
Patrick	Dawson	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
Lydia	McUmber-House	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
Sarah	McUmber-House	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Kyle	Tracy	[REDACTED]		[REDACTED]	MO	[REDACTED]
Mark	Avery	[REDACTED]		[REDACTED]	MO	[REDACTED]
Jeanne	Kennedy	[REDACTED]		[REDACTED]	MO	[REDACTED]
Annette	Martinez	[REDACTED]		[REDACTED]	MO	[REDACTED]
Maria	Hance	[REDACTED]		[REDACTED]	MO	[REDACTED]
roger	hampton	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
Ruth	Temple	[REDACTED]		[REDACTED]	MO	[REDACTED]
Stacey	Payne	[REDACTED]		[REDACTED]	MO	[REDACTED]
Charles A.	Farrell	[REDACTED]		[REDACTED]	MO	[REDACTED]
Seth	Wissner	[REDACTED]		[REDACTED]	MO	[REDACTED]
Carol	Buckels	[REDACTED]		[REDACTED]	MO	[REDACTED]
Dennis	Enloe	[REDACTED]		[REDACTED]	MO	[REDACTED]
Brenda	Smith	[REDACTED]		[REDACTED]	MO	[REDACTED]
Carla	Spencer	[REDACTED]		[REDACTED]	MO	[REDACTED]
Rachel	Katz	[REDACTED]		[REDACTED]	MO	[REDACTED]
Paul	Belle Isle	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
Jeannie	Breeze	[REDACTED]		[REDACTED]	MO	[REDACTED]
Jeff	Dickherber	[REDACTED]		[REDACTED]	MO	[REDACTED]
Theresa	Hebron	[REDACTED]		[REDACTED]	MO	[REDACTED]
Arthur	Hoffman	[REDACTED]		[REDACTED]	MO	[REDACTED]
AJC	Lenox	[REDACTED]		[REDACTED]	MO	[REDACTED]
Jonathan	March	[REDACTED]		[REDACTED]	MO	[REDACTED]
Mahrya	Monson	[REDACTED]		[REDACTED]	MO	[REDACTED]
Jeannette	Ward	[REDACTED]		[REDACTED]	MO	[REDACTED]
Julie	Weber	[REDACTED]		[REDACTED]	MO	[REDACTED]
Robert H.	Wilcox	[REDACTED]		[REDACTED]	MO	[REDACTED]
Linda	Gancy	[REDACTED]		[REDACTED]	MO	[REDACTED]
Glenn	Leriche	[REDACTED]		[REDACTED]	MO	[REDACTED]
Tracy	Leriche	[REDACTED]		[REDACTED]	MO	[REDACTED]
Lu	Wymore	[REDACTED]		[REDACTED]	MO	[REDACTED]
Jackson	Carroll	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
Beverly	Porter	[REDACTED]		[REDACTED]	MO	[REDACTED]
winston	riley	[REDACTED]		[REDACTED]	MO	[REDACTED]
Barb	Ruth-Wright	[REDACTED]		[REDACTED]	MO	[REDACTED]
Sue	Skidmore	[REDACTED]		[REDACTED]	MO	[REDACTED]
David J.	Thomas	[REDACTED]		[REDACTED]	MO	[REDACTED]
Vicky	Trippe	[REDACTED]		[REDACTED]	MO	[REDACTED]
Judith	Conoyer	[REDACTED]		[REDACTED]	MO	[REDACTED]
Mary J	Martin	[REDACTED]		[REDACTED]	MO	[REDACTED]
M	Wells	[REDACTED]		[REDACTED]	MO	[REDACTED]
Richard	Harnack	[REDACTED]		[REDACTED]	MO	[REDACTED]
margo	mason	[REDACTED]		[REDACTED]	MO	[REDACTED]
Monica	Schaub	[REDACTED]		[REDACTED]	MO	[REDACTED]
Lisa	Wagaman	[REDACTED]		[REDACTED]	MO	[REDACTED]
Bonita	Dillard	[REDACTED]		[REDACTED]	MO	[REDACTED]
ralph	tracy	[REDACTED]		[REDACTED]	MO	[REDACTED]
Jean	Williams	[REDACTED]		[REDACTED]	MO	[REDACTED]
Richard	Clemans	[REDACTED]		[REDACTED]	MO	[REDACTED]
Jan	Adams	[REDACTED]		[REDACTED]	MO	[REDACTED]
Patricia	Berg	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
Richard	Egenriether	[REDACTED]		[REDACTED]	MO	[REDACTED]
Christine	Garhart	[REDACTED]		[REDACTED]	MO	[REDACTED]
Chanell	Hamilton	[REDACTED]		[REDACTED]	MO	[REDACTED]
Steven	Harris	[REDACTED]		[REDACTED]	MO	[REDACTED]
Alice	Jensen	[REDACTED]		[REDACTED]	MO	[REDACTED]
Patricia	McHugh	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Greg	Meyer	[REDACTED]		[REDACTED]	MO	[REDACTED]
Deborah	Morley	[REDACTED]		[REDACTED]	MO	[REDACTED]
Gerald	Morris	[REDACTED]		[REDACTED]	MO	[REDACTED]
Kristen	Peterson	[REDACTED]		[REDACTED]	MO	[REDACTED]
Hannah	Reinhart	[REDACTED]		[REDACTED]	MO	[REDACTED]
Pamela	Schneider	[REDACTED]		[REDACTED]	MO	[REDACTED]
Tom	Videen	[REDACTED]		[REDACTED]	MO	[REDACTED]
Susan	Waugh	[REDACTED]		[REDACTED]	MO	[REDACTED]
Tracy	White	[REDACTED]		[REDACTED]	MO	[REDACTED]
DeAnn	Whitson	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
Heidi	Worms	[REDACTED]		[REDACTED]	MO	[REDACTED]
Lisa	Leriche	[REDACTED]		[REDACTED]	MO	[REDACTED]
Carl	Grandberry	[REDACTED]		[REDACTED]	MO	[REDACTED]
William	Huesgen	[REDACTED]		[REDACTED]	MO	[REDACTED]
Pat	Riggs	[REDACTED]		[REDACTED]	MO	[REDACTED]
Susan	Groff	[REDACTED]		[REDACTED]	MO	[REDACTED]
d	orr	[REDACTED]		[REDACTED]	MO	[REDACTED]
joan	botwinick	[REDACTED]		[REDACTED]	MO	[REDACTED]
Shirley	Crenshaw	[REDACTED]		[REDACTED]	MO	[REDACTED]
Mary	Wittry	[REDACTED]		[REDACTED]	MO	[REDACTED]
Billie	Reitz	[REDACTED]		[REDACTED]	MO	[REDACTED]
Jerry	Minchinton	[REDACTED]		[REDACTED]	MO	[REDACTED]
Arllys	Hopkins	[REDACTED]		[REDACTED]	MO	[REDACTED]
Joan	Wienbrauck	[REDACTED]		[REDACTED]	MO	[REDACTED]
Kyle	Umphenour	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
Kay	Caudell	[REDACTED]	[REDACTED]	[REDACTED]	MO	[REDACTED]
Mary	Bischoff	[REDACTED]		[REDACTED]	MO	[REDACTED]
David	Clapp	[REDACTED]		[REDACTED]	MO	[REDACTED]
Brehm	Bell	[REDACTED]		[REDACTED]	MS	[REDACTED]
Judith	Ziemer	[REDACTED]		[REDACTED]	MS	[REDACTED]
Donald	Butts	[REDACTED]		[REDACTED]	MS	[REDACTED]
laird	bagnall	[REDACTED]		[REDACTED]	MS	[REDACTED]
al	white	[REDACTED]		[REDACTED]	MS	[REDACTED]
RoseMary	Brown	[REDACTED]		[REDACTED]	MS	[REDACTED]
Glen	Sandberg	[REDACTED]		[REDACTED]	MS	[REDACTED]
Linda	Foshee	[REDACTED]		[REDACTED]	MS	[REDACTED]
William	Goggin	[REDACTED]		[REDACTED]	MS	[REDACTED]
Sanna	Lowrance	[REDACTED]		[REDACTED]	MS	[REDACTED]
Vida	Gaynor	[REDACTED]		[REDACTED]	MS	[REDACTED]
Sally	Holly	[REDACTED]		[REDACTED]	MS	[REDACTED]
Charlotte	Lundemo	[REDACTED]		[REDACTED]	MS	[REDACTED]
Vicki	Slater	[REDACTED]		[REDACTED]	MS	[REDACTED]
Beverly	Davis	[REDACTED]	[REDACTED]	[REDACTED]	MS	[REDACTED]
John	Wiles III	[REDACTED]		[REDACTED]	MS	[REDACTED]
kaye	miller	[REDACTED]		[REDACTED]	MS	[REDACTED]
Chad	Russell	[REDACTED]		[REDACTED]	MS	[REDACTED]
Drew	Martin	[REDACTED]		[REDACTED]	MS	[REDACTED]
James	Northcutt	[REDACTED]		[REDACTED]	MS	[REDACTED]
Christine	Fletcher	[REDACTED]		[REDACTED]	MS	[REDACTED]
John M.	Wages, Jr.	[REDACTED]		[REDACTED]	MS	[REDACTED]
William	Parker	[REDACTED]		[REDACTED]	MS	[REDACTED]
Joan	Bartin	[REDACTED]		[REDACTED]	MT	[REDACTED]
Chrissantha	Cramer	[REDACTED]		[REDACTED]	MT	[REDACTED]
F. Cramer	Lees	[REDACTED]		[REDACTED]	MT	[REDACTED]
Richard	Miller	[REDACTED]		[REDACTED]	MT	[REDACTED]
Bill	Schultz	[REDACTED]		[REDACTED]	MT	[REDACTED]

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Michael	Holland	[REDACTED]		[REDACTED]	MT	[REDACTED]
Gordon	Julian	[REDACTED]		[REDACTED]	MT	[REDACTED]
Richard	Kuntzman	[REDACTED]		[REDACTED]	MT	[REDACTED]
Patricia	Simmons	[REDACTED]		[REDACTED]	MT	[REDACTED]
Judy	Staig Miller	[REDACTED]		[REDACTED]	MT	[REDACTED]
Jennifer	Tuthill	[REDACTED]		[REDACTED]	MT	[REDACTED]
David	Pushard	[REDACTED]		[REDACTED]	MT	[REDACTED]
Julia	Van Sant	[REDACTED]		[REDACTED]	MT	[REDACTED]
Tom	Walls	[REDACTED]		[REDACTED]	MT	[REDACTED]
Ross	Stenseth	[REDACTED]		[REDACTED]	MT	[REDACTED]
Elizabeth A.	Taylor	[REDACTED]		[REDACTED]	MT	[REDACTED]
Andrea	Albery	[REDACTED]		[REDACTED]	MT	[REDACTED]
Patricia	Herrick	[REDACTED]		[REDACTED]	MT	[REDACTED]
Susanne	O'Connor	[REDACTED]		[REDACTED]	MT	[REDACTED]
Susan	Ruiz	[REDACTED]		[REDACTED]	MT	[REDACTED]
Stephen	Zettel	[REDACTED]		[REDACTED]	MT	[REDACTED]
John	Boatner Jr	[REDACTED]		[REDACTED]	MT	[REDACTED]
Alexander	Alviar	[REDACTED]		[REDACTED]	MT	[REDACTED]
Michel	Colville	[REDACTED]		[REDACTED]	MT	[REDACTED]
Bill	Gazdag	[REDACTED]		[REDACTED]	MT	[REDACTED]
Jeff	Howe	[REDACTED]		[REDACTED]	MT	[REDACTED]
Megan	Kidd	[REDACTED]		[REDACTED]	MT	[REDACTED]
Sara	MacCalman	[REDACTED]		[REDACTED]	MT	[REDACTED]
Steve	McArthur	[REDACTED]		[REDACTED]	MT	[REDACTED]
Leslie	Millar	[REDACTED]		[REDACTED]	MT	[REDACTED]
Anna	Nugent	[REDACTED]		[REDACTED]	MT	[REDACTED]
Joyce	Pritchard	[REDACTED]		[REDACTED]	MT	[REDACTED]
Tim	Stone	[REDACTED]		[REDACTED]	MT	[REDACTED]
Carolyn W	Walker	[REDACTED]		[REDACTED]	MT	[REDACTED]
Dorothy L	Preston	[REDACTED]		[REDACTED]	MT	[REDACTED]
Rev. Brian	McNaughton	[REDACTED]		[REDACTED]	MT	[REDACTED]
Roger	Sherman	[REDACTED]		[REDACTED]	MT	[REDACTED]
Pat	Roylance	[REDACTED]		[REDACTED]	MT	[REDACTED]
Robert	Lamb	[REDACTED]		[REDACTED]	NC	[REDACTED]
John	Baird	[REDACTED]		[REDACTED]	NC	[REDACTED]
Mark	Bloom	[REDACTED]		[REDACTED]	NC	[REDACTED]
Jerome	Carpenter	[REDACTED]		[REDACTED]	NC	[REDACTED]
Cathy	Darnell	[REDACTED]		[REDACTED]	NC	[REDACTED]
Marylee	Davis	[REDACTED]		[REDACTED]	NC	[REDACTED]
James	Dye	[REDACTED]	[REDACTED]	[REDACTED]	NC	[REDACTED]
FORREST	GREEN	[REDACTED]		[REDACTED]	NC	[REDACTED]
Helen	Holifield	[REDACTED]		[REDACTED]	NC	[REDACTED]
Todd	Lee	[REDACTED]		[REDACTED]	NC	[REDACTED]
Scott	Mckenzie	[REDACTED]		[REDACTED]	NC	[REDACTED]
Charles	Rawls	[REDACTED]		[REDACTED]	NC	[REDACTED]
David	Reeves-Brown	[REDACTED]		[REDACTED]	NC	[REDACTED]
Jessamyn	Reeves-Brown	[REDACTED]		[REDACTED]	NC	[REDACTED]
Julie	Sherman	[REDACTED]		[REDACTED]	NC	[REDACTED]
Joy	Smith	[REDACTED]		[REDACTED]	NC	[REDACTED]
George	Tolleson	[REDACTED]		[REDACTED]	NC	[REDACTED]
Victoria	Tripp	[REDACTED]		[REDACTED]	NC	[REDACTED]
Mary	Wall	[REDACTED]		[REDACTED]	NC	[REDACTED]
Robert	Weeks	[REDACTED]		[REDACTED]	NC	[REDACTED]
Surry	Everett	[REDACTED]		[REDACTED]	NC	[REDACTED]
Dr. Kani	Nicolls	[REDACTED]		[REDACTED]	NC	[REDACTED]
Diana	Barbee	[REDACTED]		[REDACTED]	NC	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Eleanor	Lyne	[REDACTED]		[REDACTED]	NC	[REDACTED]
Marion	Buehler	[REDACTED]		[REDACTED]	NC	[REDACTED]
Paul	Hawkins	[REDACTED]		[REDACTED]	NC	[REDACTED]
William Elford	Orr, II	[REDACTED]		[REDACTED]	NC	[REDACTED]
Sammy	Castagna	[REDACTED]		[REDACTED]	NC	[REDACTED]
Carol	Clark	[REDACTED]		[REDACTED]	NC	[REDACTED]
Freeman	Clark	[REDACTED]		[REDACTED]	NC	[REDACTED]
Joseph	Forno	[REDACTED]		[REDACTED]	NC	[REDACTED]
Laurel	Meyer	[REDACTED]		[REDACTED]	NC	[REDACTED]
Gail	Abelow	[REDACTED]		[REDACTED]	NC	[REDACTED]
Robert	Anderson	[REDACTED]		[REDACTED]	NC	[REDACTED]
Emily	Buss	[REDACTED]		[REDACTED]	NC	[REDACTED]
Rebecca	Elmore	[REDACTED]	[REDACTED]	[REDACTED]	NC	[REDACTED]
jacquelyn	gist	[REDACTED]	[REDACTED]	[REDACTED]	NC	[REDACTED]
ti	harmony	[REDACTED]		[REDACTED]	NC	[REDACTED]
Maureen	Kurtz	[REDACTED]		[REDACTED]	NC	[REDACTED]
Adam	Versenyi	[REDACTED]		[REDACTED]	NC	[REDACTED]
Margaret	Wiener	[REDACTED]		[REDACTED]	NC	[REDACTED]
Warren	Ferguson	[REDACTED]		[REDACTED]	NC	[REDACTED]
Elizabeth	Lyne	[REDACTED]		[REDACTED]	NC	[REDACTED]
Alexander	McLachlan	[REDACTED]		[REDACTED]	NC	[REDACTED]
Mary	Stelzenmuller	[REDACTED]		[REDACTED]	NC	[REDACTED]
Wayne	Williams	[REDACTED]		[REDACTED]	NC	[REDACTED]
James	Xavier	[REDACTED]		[REDACTED]	NC	[REDACTED]
Carmel	Reid	[REDACTED]		[REDACTED]	NC	[REDACTED]
Kicab	Castaneda-Mend	[REDACTED]		[REDACTED]	NC	[REDACTED]
Rebecca	ceartas	[REDACTED]	[REDACTED]	[REDACTED]	NC	[REDACTED]
Michael	Collins	[REDACTED]		[REDACTED]	NC	[REDACTED]
Carole	Crumley	[REDACTED]		[REDACTED]	NC	[REDACTED]
Norman	Davis	[REDACTED]		[REDACTED]	NC	[REDACTED]
Joe	Eifort	[REDACTED]		[REDACTED]	NC	[REDACTED]
judith	Ferster	[REDACTED]		[REDACTED]	NC	[REDACTED]
Anne	Fogleman	[REDACTED]		[REDACTED]	NC	[REDACTED]
Seamus	Kenney	[REDACTED]		[REDACTED]	NC	[REDACTED]
Catherine	King	[REDACTED]		[REDACTED]	NC	[REDACTED]
John	McMichaels	[REDACTED]		[REDACTED]	NC	[REDACTED]
cheryl	Paulakonis	[REDACTED]		[REDACTED]	NC	[REDACTED]
Marvin	Schnall	[REDACTED]		[REDACTED]	NC	[REDACTED]
adam	stein	[REDACTED]		[REDACTED]	NC	[REDACTED]
Robert	Stocking	[REDACTED]		[REDACTED]	NC	[REDACTED]
James	Thomas	[REDACTED]		[REDACTED]	NC	[REDACTED]
Bruce	Adkins	[REDACTED]		[REDACTED]	NC	[REDACTED]
Nancy	Allison	[REDACTED]		[REDACTED]	NC	[REDACTED]
Hugh	Ashcraft	[REDACTED]		[REDACTED]	NC	[REDACTED]
robert	carter	[REDACTED]		[REDACTED]	NC	[REDACTED]
stephanie	ceccato	[REDACTED]		[REDACTED]	NC	[REDACTED]
Lief	Fitzpatrick	[REDACTED]		[REDACTED]	NC	[REDACTED]
yelena	franklin	[REDACTED]		[REDACTED]	NC	[REDACTED]
Emanuela	Goldenberg	[REDACTED]		[REDACTED]	NC	[REDACTED]
Stephanie	Hair	[REDACTED]		[REDACTED]	NC	[REDACTED]
W. Robert	Howell	[REDACTED]		[REDACTED]	NC	[REDACTED]
Michael	Korzelius	[REDACTED]		[REDACTED]	NC	[REDACTED]
Chris	Lakin	[REDACTED]		[REDACTED]	NC	[REDACTED]
Elaine	Millen	[REDACTED]		[REDACTED]	NC	[REDACTED]
Lisa	Sarinelli	[REDACTED]		[REDACTED]	NC	[REDACTED]
Mary	Todd	[REDACTED]		[REDACTED]	NC	[REDACTED]

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Nestor	Davila	[REDACTED]		[REDACTED]	NC	[REDACTED]
Robert	Thurston-Lighty	[REDACTED]		[REDACTED]	NC	[REDACTED]
Matilda	Phillips	[REDACTED]		[REDACTED]	NC	[REDACTED]
Earl	Underwood	[REDACTED]		[REDACTED]	NC	[REDACTED]
Allison	Kitfield	[REDACTED]		[REDACTED]	NC	[REDACTED]
Larry	Bumgardner	[REDACTED]		[REDACTED]	NC	[REDACTED]
Joanne	Barton	[REDACTED]		[REDACTED]	NC	[REDACTED]
Jacob	Blum	[REDACTED]		[REDACTED]	NC	[REDACTED]
Holly	Bryan	[REDACTED]		[REDACTED]	NC	[REDACTED]
Harriette	Frank	[REDACTED]		[REDACTED]	NC	[REDACTED]
Avery	Henderson	[REDACTED]		[REDACTED]	NC	[REDACTED]
Steven	Humes	[REDACTED]		[REDACTED]	NC	[REDACTED]
Norman	Keul	[REDACTED]		[REDACTED]	NC	[REDACTED]
Hardee	Klitzman	[REDACTED]		[REDACTED]	NC	[REDACTED]
Gail	Marsh	[REDACTED]		[REDACTED]	NC	[REDACTED]
William	McDonald	[REDACTED]		[REDACTED]	NC	[REDACTED]
susan	michael	[REDACTED]		[REDACTED]	NC	[REDACTED]
Kelley	Oberhart	[REDACTED]		[REDACTED]	NC	[REDACTED]
Alicia	Ortiz	[REDACTED]		[REDACTED]	NC	[REDACTED]
Susan	Sewell	[REDACTED]	[REDACTED]	[REDACTED]	NC	[REDACTED]
Bobby	Stone	[REDACTED]		[REDACTED]	NC	[REDACTED]
Christine	Thetford	[REDACTED]		[REDACTED]	NC	[REDACTED]
Caroline	Usher	[REDACTED]	[REDACTED]	[REDACTED]	NC	[REDACTED]
Walter	von Schonfeld	[REDACTED]		[REDACTED]	NC	[REDACTED]
Don	Weil	[REDACTED]		[REDACTED]	NC	[REDACTED]
DEIRDRE	Wilson	[REDACTED]		[REDACTED]	NC	[REDACTED]
Ken	Wissoker	[REDACTED]		[REDACTED]	NC	[REDACTED]
Mary	Dowd	[REDACTED]		[REDACTED]	NC	[REDACTED]
Vero	Brentjens	[REDACTED]		[REDACTED]	NC	[REDACTED]
Russell	Bramlett	[REDACTED]		[REDACTED]	NC	[REDACTED]
Christopher	Berg	[REDACTED]		[REDACTED]	NC	[REDACTED]
Shari	Urban	[REDACTED]		[REDACTED]	NC	[REDACTED]
David	Parker	[REDACTED]		[REDACTED]	NC	[REDACTED]
Jonathan	Hutchinson	[REDACTED]		[REDACTED]	NC	[REDACTED]
steven	gohr	[REDACTED]		[REDACTED]	NC	[REDACTED]
Thomas	Blanton	[REDACTED]		[REDACTED]	NC	[REDACTED]
Ellen	Smith	[REDACTED]		[REDACTED]	NC	[REDACTED]
Wayne	Abraham	[REDACTED]		[REDACTED]	NC	[REDACTED]
kenneth	anderson	[REDACTED]		[REDACTED]	NC	[REDACTED]
Sarah	Dorsey	[REDACTED]		[REDACTED]	NC	[REDACTED]
Robert	Eason	[REDACTED]		[REDACTED]	NC	[REDACTED]
Mark	Grover	[REDACTED]		[REDACTED]	NC	[REDACTED]
Joan	Parker	[REDACTED]		[REDACTED]	NC	[REDACTED]
Lyle	Shargent	[REDACTED]		[REDACTED]	NC	[REDACTED]
Steven	Taub	[REDACTED]		[REDACTED]	NC	[REDACTED]
mary	wakeman	[REDACTED]		[REDACTED]	NC	[REDACTED]
Ronald	Walters	[REDACTED]		[REDACTED]	NC	[REDACTED]
James	Deere	[REDACTED]		[REDACTED]	NC	[REDACTED]
Catherine	Rigsby	[REDACTED]		[REDACTED]	NC	[REDACTED]
gloria	mask	[REDACTED]		[REDACTED]	NC	[REDACTED]
gloria	mask	[REDACTED]		[REDACTED]	NC	[REDACTED]
Benjamin	Madison	[REDACTED]		[REDACTED]	NC	[REDACTED]
Constance	Engle	[REDACTED]		[REDACTED]	NC	[REDACTED]
Lisa	Francia	[REDACTED]		[REDACTED]	NC	[REDACTED]
Roy	Francia	[REDACTED]		[REDACTED]	NC	[REDACTED]
James	Ruwaldt	[REDACTED]		[REDACTED]	NC	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Noel	Atherton	[REDACTED]		[REDACTED]	NC	[REDACTED]
Karen	Hawk	[REDACTED]		[REDACTED]	NC	[REDACTED]
Lee	Hodges	[REDACTED]		[REDACTED]	NC	[REDACTED]
Susan	Battle	[REDACTED]		[REDACTED]	NC	[REDACTED]
Mabel	McElhaney	[REDACTED]		[REDACTED]	NC	[REDACTED]
Lauren	McGlynn, JD	[REDACTED]		[REDACTED]	NC	[REDACTED]
Rachel	Royce	[REDACTED]		[REDACTED]	NC	[REDACTED]
Kim	Storie	[REDACTED]		[REDACTED]	NC	[REDACTED]
Errol	Genois	[REDACTED]		[REDACTED]	NC	[REDACTED]
Deborah	Stranges	[REDACTED]		[REDACTED]	NC	[REDACTED]
Lynda	Crowley	[REDACTED]		[REDACTED]	NC	[REDACTED]
John	Haresch	[REDACTED]		[REDACTED]	NC	[REDACTED]
Peggy	Baldwin	[REDACTED]		[REDACTED]	NC	[REDACTED]
John	Loyd	[REDACTED]		[REDACTED]	NC	[REDACTED]
Shannon	Shanks	[REDACTED]		[REDACTED]	NC	[REDACTED]
Tony	Phillips	[REDACTED]		[REDACTED]	NC	[REDACTED]
Carolyn	Hofstetter	[REDACTED]		[REDACTED]	NC	[REDACTED]
Harold	Self	[REDACTED]		[REDACTED]	NC	[REDACTED]
Amanda	Miles-Graeter	[REDACTED]		[REDACTED]	NC	[REDACTED]
Nancy	Khoury	[REDACTED]		[REDACTED]	NC	[REDACTED]
Marilyn	Brown	[REDACTED]		[REDACTED]	NC	[REDACTED]
Mary	Burnett and Fam	[REDACTED]		[REDACTED]	NC	[REDACTED]
Kathleen	Hoffmann	[REDACTED]		[REDACTED]	NC	[REDACTED]
Deborah J	Ingersoll	[REDACTED]		[REDACTED]	NC	[REDACTED]
M.	ODonnell	[REDACTED]		[REDACTED]	NC	[REDACTED]
Carol	Leibman	[REDACTED]		[REDACTED]	NC	[REDACTED]
Emory	Moose	[REDACTED]		[REDACTED]	NC	[REDACTED]
Kerwin	Schaefer	[REDACTED]		[REDACTED]	NC	[REDACTED]
Heidi	Lipscomb	[REDACTED]		[REDACTED]	NC	[REDACTED]
Karen	Romeo	[REDACTED]		[REDACTED]	NC	[REDACTED]
Maxine	Elliott	[REDACTED]		[REDACTED]	NC	[REDACTED]
Bryan	Jardine	[REDACTED]		[REDACTED]	NC	[REDACTED]
K	Kuharcik	[REDACTED]		[REDACTED]	NC	[REDACTED]
Andrew	LaTorre	[REDACTED]		[REDACTED]	NC	[REDACTED]
Cassandra	Beach	[REDACTED]		[REDACTED]	NC	[REDACTED]
Pamela	Diliberto	[REDACTED]		[REDACTED]	NC	[REDACTED]
H. Ronken	Lynton	[REDACTED]		[REDACTED]	NC	[REDACTED]
Janet	Place	[REDACTED]		[REDACTED]	NC	[REDACTED]
Wilson R	Carter	[REDACTED]		[REDACTED]	NC	[REDACTED]
Robert	Belknap	[REDACTED]		[REDACTED]	NC	[REDACTED]
Cherie	Braun	[REDACTED]		[REDACTED]	NC	[REDACTED]
george	brooks	[REDACTED]		[REDACTED]	NC	[REDACTED]
linda	brooks	[REDACTED]		[REDACTED]	NC	[REDACTED]
Antoinette	Brown	[REDACTED]		[REDACTED]	NC	[REDACTED]
Timothy	Carroll	[REDACTED]		[REDACTED]	NC	[REDACTED]
Philip	Chagnon	[REDACTED]		[REDACTED]	NC	[REDACTED]
deidre	crumbley	[REDACTED]		[REDACTED]	NC	[REDACTED]
storme	davidson	[REDACTED]		[REDACTED]	NC	[REDACTED]
North Carolina	Fair Share	[REDACTED]		[REDACTED]	NC	[REDACTED]
Maria	Fiedler	[REDACTED]		[REDACTED]	NC	[REDACTED]
Gene	Fitzgerald	[REDACTED]		[REDACTED]	NC	[REDACTED]
Gloria	Glasco	[REDACTED]		[REDACTED]	NC	[REDACTED]
Joseph	Hartman	[REDACTED]		[REDACTED]	NC	[REDACTED]
Vonnie	Hicks	[REDACTED]		[REDACTED]	NC	[REDACTED]
Lawrence	Johnson	[REDACTED]		[REDACTED]	NC	[REDACTED]
Margaret	Link	[REDACTED]		[REDACTED]	NC	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
robert	moriarty	[REDACTED]		[REDACTED]	NC	[REDACTED]
Nancy	Prather	[REDACTED]		[REDACTED]	NC	[REDACTED]
Mark	Riedeman	[REDACTED]		[REDACTED]	NC	[REDACTED]
Nubya	Shabazz	[REDACTED]		[REDACTED]	NC	[REDACTED]
Claiborne	Smisson	[REDACTED]		[REDACTED]	NC	[REDACTED]
david	turner	[REDACTED]		[REDACTED]	NC	[REDACTED]
William	Kastern	[REDACTED]		[REDACTED]	NC	[REDACTED]
Dot	O'Brien	[REDACTED]		[REDACTED]	NC	[REDACTED]
Katherine	Connor-McKee	[REDACTED]		[REDACTED]	NC	[REDACTED]
Michael	Morgan	[REDACTED]		[REDACTED]	NC	[REDACTED]
Sally	Moseley	[REDACTED]		[REDACTED]	NC	[REDACTED]
Margot G	Wilcox	[REDACTED]		[REDACTED]	NC	[REDACTED]
Suzanne	Dlugosz	[REDACTED]		[REDACTED]	NC	[REDACTED]
john	gramling	[REDACTED]		[REDACTED]	NC	[REDACTED]
T. Craig	Amick	[REDACTED]		[REDACTED]	NC	[REDACTED]
Donald	Jones	[REDACTED]		[REDACTED]	NC	[REDACTED]
Sally	Keeney	[REDACTED]		[REDACTED]	NC	[REDACTED]
Cathy	Nieman	[REDACTED]		[REDACTED]	NC	[REDACTED]
Kathy	Krankoski	[REDACTED]		[REDACTED]	NC	[REDACTED]
Mary Anna	Bessellieu	[REDACTED]		[REDACTED]	NC	[REDACTED]
James	Burton	[REDACTED]		[REDACTED]	NC	[REDACTED]
Marsha	McKee	[REDACTED]		[REDACTED]	NC	[REDACTED]
Ken	Purdy	[REDACTED]		[REDACTED]	NC	[REDACTED]
Robert	Sawyer	[REDACTED]		[REDACTED]	NC	[REDACTED]
Susan	Ott	[REDACTED]		[REDACTED]	NC	[REDACTED]
Rev. Michael	Weaver-Robbins	[REDACTED]		[REDACTED]	NC	[REDACTED]
nina	kandel	[REDACTED]		[REDACTED]	NC	[REDACTED]
John	Ball	[REDACTED]		[REDACTED]	NC	[REDACTED]
Margaret	Adams	[REDACTED]		[REDACTED]	NC	[REDACTED]
randy	sailer	[REDACTED]		[REDACTED]	ND	[REDACTED]
Gregory	Camp	[REDACTED]	[REDACTED]	[REDACTED]	ND	[REDACTED]
Glenna	Raybell	[REDACTED]		[REDACTED]	ND	[REDACTED]
Nancy	Drew	[REDACTED]		[REDACTED]	ND	[REDACTED]
Sara	Leigh	[REDACTED]		[REDACTED]	ND	[REDACTED]
Clinton	Payne	[REDACTED]		[REDACTED]	ND	[REDACTED]
Dwain	Myers	[REDACTED]		[REDACTED]	NE	[REDACTED]
Carolyn	Hall	[REDACTED]	[REDACTED]	[REDACTED]	NE	[REDACTED]
Elizabeth	Oliver	[REDACTED]		[REDACTED]	NE	[REDACTED]
Michael	Penkrot	[REDACTED]		[REDACTED]	NE	[REDACTED]
Eva	Neubert	[REDACTED]	[REDACTED]	[REDACTED]	NE	[REDACTED]
Jane	Stara	[REDACTED]		[REDACTED]	NE	[REDACTED]
Paul	Skinner	[REDACTED]		[REDACTED]	NE	[REDACTED]
emily	uzendoski	[REDACTED]	[REDACTED]	[REDACTED]	NE	[REDACTED]
Phillip	Menke	[REDACTED]	[REDACTED]	[REDACTED]	NE	[REDACTED]
philip	lawler	[REDACTED]		[REDACTED]	NE	[REDACTED]
Rev. Mark	Sheldon	[REDACTED]		[REDACTED]	NE	[REDACTED]
Jan Chism	Wright	[REDACTED]		[REDACTED]	NE	[REDACTED]
Janet	Stewart	[REDACTED]		[REDACTED]	NE	[REDACTED]
Harold	McMullen	[REDACTED]		[REDACTED]	NE	[REDACTED]
Judith	Sandeen	[REDACTED]		[REDACTED]	NE	[REDACTED]
Janine	Copple	[REDACTED]		[REDACTED]	NE	[REDACTED]
Jeff	Crane	[REDACTED]	[REDACTED]	[REDACTED]	NE	[REDACTED]
Lynn	Darling	[REDACTED]		[REDACTED]	NE	[REDACTED]
Sinda	Dux	[REDACTED]		[REDACTED]	NE	[REDACTED]
Amber	Ham	[REDACTED]		[REDACTED]	NE	[REDACTED]
Nicole	Howsden	[REDACTED]		[REDACTED]	NE	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Pam	James	[REDACTED]	[REDACTED]	[REDACTED]	NE	[REDACTED]
Justin	Kemerling	[REDACTED]	[REDACTED]	[REDACTED]	NE	[REDACTED]
Pippa	Lawson	[REDACTED]	[REDACTED]	[REDACTED]	NE	[REDACTED]
Jo	Naber	[REDACTED]	[REDACTED]	[REDACTED]	NE	[REDACTED]
Stan	Peters	[REDACTED]	[REDACTED]	[REDACTED]	NE	[REDACTED]
Vladimir	Pozek	[REDACTED]	[REDACTED]	[REDACTED]	NE	[REDACTED]
Kim	Rempe	[REDACTED]	[REDACTED]	[REDACTED]	NE	[REDACTED]
Anne	Rogers	[REDACTED]	[REDACTED]	[REDACTED]	NE	[REDACTED]
REBECCA	SCHULTE	[REDACTED]	[REDACTED]	[REDACTED]	NE	[REDACTED]
Richard	Shubert	[REDACTED]	[REDACTED]	[REDACTED]	NE	[REDACTED]
Hayley	Stefkovich	[REDACTED]	[REDACTED]	[REDACTED]	NE	[REDACTED]
Sara	Stoddard	[REDACTED]	[REDACTED]	[REDACTED]	NE	[REDACTED]
Lisa	Teet	[REDACTED]	[REDACTED]	[REDACTED]	NE	[REDACTED]
Bonnie	Yohe	[REDACTED]	[REDACTED]	[REDACTED]	NE	[REDACTED]
Gary	Housley	[REDACTED]	[REDACTED]	[REDACTED]	NE	[REDACTED]
Jo	Bartikoski	[REDACTED]	[REDACTED]	[REDACTED]	NE	[REDACTED]
Georgiann	Benish	[REDACTED]	[REDACTED]	[REDACTED]	NE	[REDACTED]
Connee	Black	[REDACTED]	[REDACTED]	[REDACTED]	NE	[REDACTED]
Isabel	Cohen	[REDACTED]	[REDACTED]	[REDACTED]	NE	[REDACTED]
Lauri	Cook	[REDACTED]	[REDACTED]	[REDACTED]	NE	[REDACTED]
D. Joy	Eberly-Romano	[REDACTED]	[REDACTED]	[REDACTED]	NE	[REDACTED]
Jerome	Gillogly	[REDACTED]	[REDACTED]	[REDACTED]	NE	[REDACTED]
Cath	Haftings	[REDACTED]	[REDACTED]	[REDACTED]	NE	[REDACTED]
ALLAN	HINMAN	[REDACTED]	[REDACTED]	[REDACTED]	NE	[REDACTED]
Virginia	Magnuson	[REDACTED]	[REDACTED]	[REDACTED]	NE	[REDACTED]
Doug	Marr	[REDACTED]	[REDACTED]	[REDACTED]	NE	[REDACTED]
Patricia	Menard	[REDACTED]	[REDACTED]	[REDACTED]	NE	[REDACTED]
Robert	Mestl	[REDACTED]	[REDACTED]	[REDACTED]	NE	[REDACTED]
R.K.	Piper	[REDACTED]	[REDACTED]	[REDACTED]	NE	[REDACTED]
Christine	Polson	[REDACTED]	[REDACTED]	[REDACTED]	NE	[REDACTED]
David	Polson	[REDACTED]	[REDACTED]	[REDACTED]	NE	[REDACTED]
Kathleen	Rogers	[REDACTED]	[REDACTED]	[REDACTED]	NE	[REDACTED]
Marie	Rourke	[REDACTED]	[REDACTED]	[REDACTED]	NE	[REDACTED]
Gail	Trenhaile	[REDACTED]	[REDACTED]	[REDACTED]	NE	[REDACTED]
Paul	White	[REDACTED]	[REDACTED]	[REDACTED]	NE	[REDACTED]
Susan	Fager	[REDACTED]	[REDACTED]	[REDACTED]	NE	[REDACTED]
Christina	Barnes	[REDACTED]	[REDACTED]	[REDACTED]	NE	[REDACTED]
robert	behm	[REDACTED]	[REDACTED]	[REDACTED]	NE	[REDACTED]
Chris	Weiss	[REDACTED]	[REDACTED]	[REDACTED]	NE	[REDACTED]
Daniel	Kurtenbach	[REDACTED]	[REDACTED]	[REDACTED]	NE	[REDACTED]
Robert	Christensen	[REDACTED]	[REDACTED]	[REDACTED]	NE	[REDACTED]
Mardel	Carroll	[REDACTED]	[REDACTED]	[REDACTED]	NE	[REDACTED]
Carole	Grady	[REDACTED]	[REDACTED]	[REDACTED]	NE	[REDACTED]
David	Tenney	[REDACTED]	[REDACTED]	[REDACTED]	NH	[REDACTED]
Lewis	Clark	[REDACTED]	[REDACTED]	[REDACTED]	NH	[REDACTED]
Walter	Colby	[REDACTED]	[REDACTED]	[REDACTED]	NH	[REDACTED]
Jeanne	Ludt	[REDACTED]	[REDACTED]	[REDACTED]	NH	[REDACTED]
Mrs. Nancy J.	White	[REDACTED]	[REDACTED]	[REDACTED]	NH	[REDACTED]
sarah	taft	[REDACTED]	[REDACTED]	[REDACTED]	NH	[REDACTED]
Virginia	Schonwald	[REDACTED]	[REDACTED]	[REDACTED]	NH	[REDACTED]
Robert	Souza	[REDACTED]	[REDACTED]	[REDACTED]	NH	[REDACTED]
Sarah-Elizabeth	Whitcomb	[REDACTED]	[REDACTED]	[REDACTED]	NH	[REDACTED]
Camilla	Lockwood	[REDACTED]	[REDACTED]	[REDACTED]	NH	[REDACTED]
Jock	Irvine	[REDACTED]	[REDACTED]	[REDACTED]	NH	[REDACTED]
Brian	Napier	[REDACTED]	[REDACTED]	[REDACTED]	NH	[REDACTED]
Kathi E.	Sokness	[REDACTED]	[REDACTED]	[REDACTED]	NH	[REDACTED]

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
S.	WALTON	[REDACTED]		[REDACTED]	NH	[REDACTED]
ROB	HEENAN	[REDACTED]		[REDACTED]	NH	[REDACTED]
Debra	Ballou	[REDACTED]		[REDACTED]	NH	[REDACTED]
Chris	Skoglund	[REDACTED]		[REDACTED]	NH	[REDACTED]
Jennifer	Stiefel	[REDACTED]		[REDACTED]	NH	[REDACTED]
Jean	Leventhal	[REDACTED]		[REDACTED]	NH	[REDACTED]
Andrea	Murphy	[REDACTED]		[REDACTED]	NH	[REDACTED]
Celia	McGuckian	[REDACTED]		[REDACTED]	NH	[REDACTED]
Alan J.	Burke	[REDACTED]		[REDACTED]	NH	[REDACTED]
Richard	de Seve	[REDACTED]		[REDACTED]	NH	[REDACTED]
Katherin	Alden	[REDACTED]		[REDACTED]	NH	[REDACTED]
Victoria	Smith	[REDACTED]		[REDACTED]	NH	[REDACTED]
Michael	Lehner	[REDACTED]		[REDACTED]	NH	[REDACTED]
Amber	Thompson	[REDACTED]		[REDACTED]	NH	[REDACTED]
Dale	Carr	[REDACTED]		[REDACTED]	NH	[REDACTED]
Robert	Drysdale	[REDACTED]		[REDACTED]	NH	[REDACTED]
Xantha	Karp	[REDACTED]		[REDACTED]	NH	[REDACTED]
Marjorie	Rogalski	[REDACTED]		[REDACTED]	NH	[REDACTED]
Carolyn and L	Sapir	[REDACTED]		[REDACTED]	NH	[REDACTED]
Patricia	Ball	[REDACTED]		[REDACTED]	NH	[REDACTED]
Gilman	Shattuck	[REDACTED]		[REDACTED]	NH	[REDACTED]
Catherine	Valley	[REDACTED]		[REDACTED]	NH	[REDACTED]
Kathleen	Wilber	[REDACTED]		[REDACTED]	NH	[REDACTED]
Maureen	Westrick	[REDACTED]		[REDACTED]	NH	[REDACTED]
ROBERT	ZUCCHI	[REDACTED]		[REDACTED]	NH	[REDACTED]
Linda	Baker	[REDACTED]		[REDACTED]	NH	[REDACTED]
meg	belcher	[REDACTED]		[REDACTED]	NH	[REDACTED]
Simone-Claire	Delevett	[REDACTED]		[REDACTED]	NH	[REDACTED]
Marisa	H. Smith	[REDACTED]		[REDACTED]	NH	[REDACTED]
Martha	Butterfield	[REDACTED]		[REDACTED]	NH	[REDACTED]
Steven	Lornitzo	[REDACTED]		[REDACTED]	NH	[REDACTED]
Jill	Landshof	[REDACTED]		[REDACTED]	NH	[REDACTED]
Mayme	Trumble	[REDACTED]		[REDACTED]	NH	[REDACTED]
Mary	Casey	[REDACTED]		[REDACTED]	NH	[REDACTED]
Rose	Arthur	[REDACTED]		[REDACTED]	NH	[REDACTED]
Nolan	Jones	[REDACTED]		[REDACTED]	NH	[REDACTED]
Kathryn A.	Calder	[REDACTED]		[REDACTED]	NH	[REDACTED]
Michael	Cantara	[REDACTED]		[REDACTED]	NH	[REDACTED]
Joan	Donahue	[REDACTED]		[REDACTED]	NH	[REDACTED]
Suzanne	Harvey	[REDACTED]		[REDACTED]	NH	[REDACTED]
Suzanne	Harvey	[REDACTED]		[REDACTED]	NH	[REDACTED]
Paul	Johnson	[REDACTED]		[REDACTED]	NH	[REDACTED]
Carl	Peters	[REDACTED]		[REDACTED]	NH	[REDACTED]
David	Harlow	[REDACTED]		[REDACTED]	NH	[REDACTED]
Deborah	Hall	[REDACTED]		[REDACTED]	NH	[REDACTED]
Brigitte	Bailey	[REDACTED]		[REDACTED]	NH	[REDACTED]
Lucy	Edwards	[REDACTED]		[REDACTED]	NH	[REDACTED]
Joshua	Alden	[REDACTED]		[REDACTED]	NH	[REDACTED]
Catherine	Amidon	[REDACTED]		[REDACTED]	NH	[REDACTED]
Jan	Stevens	[REDACTED]		[REDACTED]	NH	[REDACTED]
Dorothy	Ahlgren	[REDACTED]		[REDACTED]	NH	[REDACTED]
Mary	Bloser	[REDACTED]		[REDACTED]	NH	[REDACTED]
Peter	Bloser	[REDACTED]		[REDACTED]	NH	[REDACTED]
meg	gilman	[REDACTED]		[REDACTED]	NH	[REDACTED]
Barbara	Hilton	[REDACTED]		[REDACTED]	NH	[REDACTED]
Terry	Smith	[REDACTED]		[REDACTED]	NH	[REDACTED]

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
allen	wood				NH	
Robert	Gray				NH	
Diane	Starkey				NH	
ernst	ketel				NH	
Michelle	McKenney				NH	
Ann	Hodsdon				NH	
Kurt	Olson				NH	
William	Anderson				NH	
Ken	Cram				NH	
Maureen	Cram				NH	
Penny	Voyles				NH	
Jessica	Neumann				NH	
Barbara	Capron				NH	
Melvyn B.	Schupack, MD				NH	
Mark	VanNote				NH	
Geoff and Kris	Lizotte				NH	
Candace	Kautzer				NJ	
Paul	Williams				NJ	
Michael	Setter				NJ	
Steve	Frankel				NJ	
Bertram	Levinstone				NJ	
Marilyn	Michaels				NJ	
Nina	Thanawala				NJ	
Mary Jo	Buck				NJ	
Karen R.	Searle				NJ	
Howard	Falk				NJ	
Lory	Lazarus				NJ	
Cristina	Ryan				NJ	
Lillian	Salazar				NJ	
Elizabeth	Barrett				NJ	
Russell	Janiger				NJ	
Vic	Ritchey				NJ	
Joseph	Jaworek				NJ	
Elizabeth	Manger				NJ	
William	Readel				NJ	
Joyce	O'Brien				NJ	
Linda	Raupp				NJ	
Concetta	Cantelmo				NJ	
Christopher	Masciangelo				NJ	
John	D'Ambra				NJ	
Joseph	Williams				NJ	
Mary S. & Dr.	Reader				NJ	
Lee	Chasalow				NJ	
Kathryn	Haenschen				NJ	
Melissa	Ciavarella				NJ	
Paul & Johnnie	Harris				NJ	
Nicholas	McDowell				NJ	
Michael	Miller				NJ	
William	Saidel				NJ	
Bruce	Schwartz				NJ	
Arthur	Babson				NJ	
Gene	Hanson				NJ	
Annette	Cutruffello				NJ	
Janette	La Vigne				NJ	
William	Brown				NJ	
Keith	Lammers				NJ	

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Doris	Mc Grath				NJ	
James	Seiler				NJ	
LaGail	Brown				NJ	
Roy	Hennessy				NJ	
Mary Louise	Maguire				NJ	
Ronn	Kistler				NJ	
Bradley	Coleman				NJ	
James	Fusco				NJ	
Catherine	Schwartz				NJ	
Christopher F.	Vota				NJ	
Sue	Pinco				NJ	
A. Lynette	Birkins				NJ	
Claire	Riley				NJ	
Lois	Frankel				NJ	
Trevor	Thomas				NJ	
James	Lowenstein				NJ	
ira	mendelsberg				NJ	
myrna	pelta				NJ	
Shaun	Twomey				NJ	
Ross	Alexander				NJ	
Lon	Levy				NJ	
Michelle	Lerner				NJ	
Rebecca	Six				NJ	
Sandra	Polk				NJ	
Denise	Lytle				NJ	
Ellen	Chase				NJ	
Dave	D'Alessandro				NJ	
Jocelyn	Kahn				NJ	
Wayne	Clawans				NJ	
Frank	Pellecchia				NJ	
Ellen	Harvey				NJ	
Janet	Grillo				NJ	
Walter	Zdepski				NJ	
Richard	Wilson				NJ	
stephen	byram				NJ	
Oswaldo	Lecuona				NJ	
lila	travis				NJ	
Timothy	McBride				NJ	
Gary	Walsh				NJ	
Melina	Waldo				NJ	
Byron	Ordonez				NJ	
Henry A	Raynor Jr				NJ	
Scott	Ruch				NJ	
ruth	Kramer				NJ	
Alan	Nejmeh				NJ	
elaine	shinbrot				NJ	
madelene	gruber				NJ	
Jane	Grimshaw				NJ	
Jon	Baumgardner				NJ	
Tony	Donohoe				NJ	
Kendra	Crook				NJ	
Charles	Hunt				NJ	
Sandy	Sobanski				NJ	
Kathy	Fedorko				NJ	
Judy	Livingston				NJ	
elizabeth	banwell				NJ	

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Stephen	Imhof	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Elaine	Schmit	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Peter	Allburn	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Donna	Cole	[REDACTED]		[REDACTED]	NJ	[REDACTED]
JOHN	donoghue	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Robert	Hranichny	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Patrick	Jordan	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Jolene	Lawton	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Benjamin	Lesnak	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Jonathan	Niel	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Jules	Owsinek	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Deborah	Shine	[REDACTED]		[REDACTED]	NJ	[REDACTED]
E. Assata	Wright	[REDACTED]	[REDACTED]	[REDACTED]	NJ	[REDACTED]
Janice	zarowin	[REDACTED]		[REDACTED]	NJ	[REDACTED]
John	Cosgrove, PhD	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Bhikkhu	Bodhi	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Sean	Twomey	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Abby	Cohe	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Rheta	Johnson	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Eileen	Young	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Ellen	Piasek	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Albert	Youngblood	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Barbara	Minter	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Ruby	Stollmack	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Sandy	Van Sant	[REDACTED]		[REDACTED]	NJ	[REDACTED]
MARVIN	SLATKIN	[REDACTED]		[REDACTED]	NJ	[REDACTED]
leon	woloshin	[REDACTED]		[REDACTED]	NJ	[REDACTED]
John	Riordan	[REDACTED]		[REDACTED]	NJ	[REDACTED]
diane	marie	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Christopher	Janz	[REDACTED]	[REDACTED]	[REDACTED]	NJ	[REDACTED]
Basil	Harwood	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Donald	Dudics	[REDACTED]		[REDACTED]	NJ	[REDACTED]
ann	roughley	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Edward	Barkan	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Mary	Higham	[REDACTED]		[REDACTED]	NJ	[REDACTED]
arnold	young	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Merelyn	Dolins	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Lynn	Gale Esq.	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Steven	King	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Sarah	McNamara	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Jeffrey	Wine	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Linda	Hardy	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Paul	Dlugos	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Tina	Cooper	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Paul	Hirschfield	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Painter	John D	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Harvey	Cohen	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Bobbie	Nagel	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Patrick	Parker	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Jeannine	Chapman	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Elaine	Feuer	[REDACTED]		[REDACTED]	NJ	[REDACTED]
stanley	tannenbaum	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Sidney	Kantor	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Marion	Powell	[REDACTED]		[REDACTED]	NJ	[REDACTED]
christine	O'connor	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Jane	Franklin	[REDACTED]		[REDACTED]	NJ	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Lauretta	Freeman	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Michael	Grele	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Lucy	O'Brien	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Ann	Rea	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Martha	Rohr	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Jennifer	Vorih	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Theodore	Wright	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Jerry	Chanon	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Jonathan	Eron	[REDACTED]		[REDACTED]	NJ	[REDACTED]
april	iorio	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Stephen and V	Goldman	[REDACTED]		[REDACTED]	NJ	[REDACTED]
myrna	weinstein	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Karen	Kozlow	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Katherine	Watt	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Amy	DuBois	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Salena	Migeot	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Donald	Watson	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Mildred	Kish	[REDACTED]		[REDACTED]	NJ	[REDACTED]
George	Stritter	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Robert	Dilly	[REDACTED]	[REDACTED]	[REDACTED]	NJ	[REDACTED]
Gavin	Black	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Edward	Butler	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Laura	Schafer	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Linda	Wasserman	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Margaret	Gardner	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Karin	Ahmed	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Kathleen	Maher	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Eileen	Arena	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Theresa	Carter	[REDACTED]		[REDACTED]	NJ	[REDACTED]
David	Beaty	[REDACTED]		[REDACTED]	NJ	[REDACTED]
John	Cox	[REDACTED]		[REDACTED]	NJ	[REDACTED]
David	Wasserman	[REDACTED]	[REDACTED]	[REDACTED]	NJ	[REDACTED]
Eric	Wachter	[REDACTED]	[REDACTED]	[REDACTED]	NJ	[REDACTED]
chris	murphy	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Susan	Costello	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Lourdes	Rios	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Molly	Weigel	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Kathi	Thonet	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Fidel	Montoya	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Dean	Robb	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Beth	Lapow	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Carlos	Wilton	[REDACTED]		[REDACTED]	NJ	[REDACTED]
KAREN	RANDOLPH	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Alice	Artzt	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Lisa	D'Ambrogio	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Caroline	Hancock	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Andrew	Jewett	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Donn	Mitchell	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Wendi	Rottweiler	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Aaron	Schurger	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Ben	Strauss	[REDACTED]		[REDACTED]	NJ	[REDACTED]
jill	wasserman	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Corey	Langer	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Sandra	Yarock	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Anita	Cannata-Nowell	[REDACTED]		[REDACTED]	NJ	[REDACTED]
HAROLD	CARLSON	[REDACTED]		[REDACTED]	NJ	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Allison	Bergh	[REDACTED]		[REDACTED]	NJ	[REDACTED]
E J	Zipprich	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Alice	Deich	[REDACTED]		[REDACTED]	NJ	[REDACTED]
george	rangel	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Nick	Berezansky	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Daniel	Kling	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Douglas	Martin	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Lois	Stein	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Tyson	Harper	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Emily	Kullmann	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Kathleen	Pereillo	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Joyce	Spiegel	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Arlene	Romoff	[REDACTED]		[REDACTED]	NJ	[REDACTED]
donna	roberts	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Louise	Quick	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Peter	Economou	[REDACTED]		[REDACTED]	NJ	[REDACTED]
timothy	stewart	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Rose	Bradley	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Elizabeth	Breedlove	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Alan	Gross	[REDACTED]		[REDACTED]	NJ	[REDACTED]
robert	scadapane	[REDACTED]		[REDACTED]	NJ	[REDACTED]
george	boisvert	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Carole	Leonard	[REDACTED]		[REDACTED]	NJ	[REDACTED]
julie	stern	[REDACTED]		[REDACTED]	NJ	[REDACTED]
David	Miller	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Carole	Lockwood-Rubu	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Russel	Like	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Samuel	Farber	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Barbara	Gray	[REDACTED]	[REDACTED]	[REDACTED]	NJ	[REDACTED]
Kathleen	Martin	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Clara	Mclver	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Paul	Forste	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Susan	Barnes	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Barbara	Goldstein	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Dean	Knight	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Stephen	Slater	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Helen	Carini	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Andrea	Viggiano	[REDACTED]		[REDACTED]	NJ	[REDACTED]
James	Hemm	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Robert	Meek	[REDACTED]		[REDACTED]	NJ	[REDACTED]
George	Shaub	[REDACTED]		[REDACTED]	NJ	[REDACTED]
A.T.	September	[REDACTED]		[REDACTED]	NJ	[REDACTED]
PJ	September	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Doreen	Beynders	[REDACTED]	[REDACTED]	[REDACTED]	NJ	[REDACTED]
Rob	Focht	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Karen	Lind	[REDACTED]	[REDACTED]	[REDACTED]	NJ	[REDACTED]
Harry	Witsen	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Paula	Massenaro	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Melissa	Stryker	[REDACTED]		[REDACTED]	NJ	[REDACTED]
David	Weiner	[REDACTED]		[REDACTED]	NJ	[REDACTED]
john	mcilwain	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Linda	DeLeo	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Anthony	Ivankovic	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Luba	Shagawat	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Richard	Costabile	[REDACTED]		[REDACTED]	NJ	[REDACTED]
George	McDaniel	[REDACTED]		[REDACTED]	NJ	[REDACTED]

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Paula	Hayes	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Virginia	Rietz	[REDACTED]		[REDACTED]	NJ	[REDACTED]
kerry	fernandez	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Roger	Lakins	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Stephen	Stears	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Nichole	Brown	[REDACTED]	[REDACTED]	[REDACTED]	NJ	[REDACTED]
Carol	Martinak	[REDACTED]		[REDACTED]	NJ	[REDACTED]
A	Miller	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Shary	Skoloff	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Ann	Smith	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Paul	Tractenberg	[REDACTED]		[REDACTED]	NJ	[REDACTED]
John	Fisher	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Matthew	Presto	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Ellen	Schwartz	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Jennifer	Talarico	[REDACTED]		[REDACTED]	NJ	[REDACTED]
jim & ann l	crawford	[REDACTED]		[REDACTED]	NJ	[REDACTED]
jim & ann l	crawford	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Anthony	Turco	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Lydia	Witman	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Danielle	Carter	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Joseph	Ponisciak	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Cheri	Dzubak	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Charl	Kroeger	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Lynn	McNally	[REDACTED]		[REDACTED]	NJ	[REDACTED]
Scott	Markman	[REDACTED]		[REDACTED]	NM	[REDACTED]
Jey	Gunasegaram	[REDACTED]		[REDACTED]	NM	[REDACTED]
sybil	wertheim	[REDACTED]		[REDACTED]	NM	[REDACTED]
Vicky	O'Reilly	[REDACTED]		[REDACTED]	NM	[REDACTED]
R	Elosua	[REDACTED]		[REDACTED]	NM	[REDACTED]
James A	Reither	[REDACTED]		[REDACTED]	NM	[REDACTED]
Sarah	Barlow	[REDACTED]		[REDACTED]	NM	[REDACTED]
Gerri	Barnhart	[REDACTED]		[REDACTED]	NM	[REDACTED]
jan	bartelstone	[REDACTED]		[REDACTED]	NM	[REDACTED]
Kay	Beason	[REDACTED]		[REDACTED]	NM	[REDACTED]
Candace	Brower	[REDACTED]		[REDACTED]	NM	[REDACTED]
Susan	Cave	[REDACTED]		[REDACTED]	NM	[REDACTED]
Beth	Daniel	[REDACTED]		[REDACTED]	NM	[REDACTED]
Paul	Dominguez	[REDACTED]		[REDACTED]	NM	[REDACTED]
Thomas	Donelan	[REDACTED]		[REDACTED]	NM	[REDACTED]
Jayson	Duley	[REDACTED]		[REDACTED]	NM	[REDACTED]
Matthew	Farquhar	[REDACTED]		[REDACTED]	NM	[REDACTED]
David	Fisher	[REDACTED]		[REDACTED]	NM	[REDACTED]
Maura	Fitzpatrick	[REDACTED]	[REDACTED]	[REDACTED]	NM	[REDACTED]
George	Frear	[REDACTED]		[REDACTED]	NM	[REDACTED]
Nancy	Galloway	[REDACTED]		[REDACTED]	NM	[REDACTED]
Andrew	Gans	[REDACTED]		[REDACTED]	NM	[REDACTED]
Harold	Gershenson	[REDACTED]		[REDACTED]	NM	[REDACTED]
Chilton	Gregory	[REDACTED]		[REDACTED]	NM	[REDACTED]
Jey	Gunasegaram.M	[REDACTED]		[REDACTED]	NM	[REDACTED]
Ed and Ardis	Hanish	[REDACTED]		[REDACTED]	NM	[REDACTED]
Erin	Harris	[REDACTED]		[REDACTED]	NM	[REDACTED]
William	Hudspeth	[REDACTED]		[REDACTED]	NM	[REDACTED]
Suzanne	Jacobi	[REDACTED]		[REDACTED]	NM	[REDACTED]
Bettemae	Johnson	[REDACTED]		[REDACTED]	NM	[REDACTED]
Shauna	Kapel	[REDACTED]		[REDACTED]	NM	[REDACTED]
Kari	Karr	[REDACTED]		[REDACTED]	NM	[REDACTED]

015846

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Reeve	Love	[REDACTED]		[REDACTED]	NM	[REDACTED]
Fredda	Martinez	[REDACTED]		[REDACTED]	NM	[REDACTED]
Edith	Menning	[REDACTED]		[REDACTED]	NM	[REDACTED]
Ada	Michel	[REDACTED]		[REDACTED]	NM	[REDACTED]
Michael F.	moffattb	[REDACTED]		[REDACTED]	NM	[REDACTED]
Ananda	Parnell	[REDACTED]		[REDACTED]	NM	[REDACTED]
Elisabeth	Price	[REDACTED]		[REDACTED]	NM	[REDACTED]
Rhonda R.	Rivera	[REDACTED]		[REDACTED]	NM	[REDACTED]
Joni Kay	Rose	[REDACTED]		[REDACTED]	NM	[REDACTED]
Emily	Rothman	[REDACTED]		[REDACTED]	NM	[REDACTED]
Marilyn	Savitt-Kring	[REDACTED]		[REDACTED]	NM	[REDACTED]
Susan	Selbin	[REDACTED]		[REDACTED]	NM	[REDACTED]
Jean	Sheldon	[REDACTED]		[REDACTED]	NM	[REDACTED]
Maria	Shin	[REDACTED]		[REDACTED]	NM	[REDACTED]
Camille	Singaraju	[REDACTED]		[REDACTED]	NM	[REDACTED]
Denver	Smith	[REDACTED]		[REDACTED]	NM	[REDACTED]
Paul	Tenorio	[REDACTED]		[REDACTED]	NM	[REDACTED]
Charles M	Tibbetts	[REDACTED]		[REDACTED]	NM	[REDACTED]
Bert	Umland	[REDACTED]		[REDACTED]	NM	[REDACTED]
Dona	Upson	[REDACTED]		[REDACTED]	NM	[REDACTED]
sergio	viscoli	[REDACTED]		[REDACTED]	NM	[REDACTED]
john	walker	[REDACTED]		[REDACTED]	NM	[REDACTED]
chrysm	watson ross	[REDACTED]		[REDACTED]	NM	[REDACTED]
jennifer	white	[REDACTED]		[REDACTED]	NM	[REDACTED]
Kennard	Wilson	[REDACTED]		[REDACTED]	NM	[REDACTED]
Kennard V	Wilson	[REDACTED]		[REDACTED]	NM	[REDACTED]
Linda	Zellner	[REDACTED]		[REDACTED]	NM	[REDACTED]
Wanda	Zellner	[REDACTED]		[REDACTED]	NM	[REDACTED]
Harold	Watts	[REDACTED]		[REDACTED]	NM	[REDACTED]
greg	Sandoval	[REDACTED]		[REDACTED]	NM	[REDACTED]
Deb	Ungar	[REDACTED]		[REDACTED]	NM	[REDACTED]
Deb	Ungar	[REDACTED]		[REDACTED]	NM	[REDACTED]
Christina	Rutkaus	[REDACTED]		[REDACTED]	NM	[REDACTED]
Maria	Leyba	[REDACTED]		[REDACTED]	NM	[REDACTED]
Concetta Cast	Murray	[REDACTED]		[REDACTED]	NM	[REDACTED]
Monica	Trujillo	[REDACTED]		[REDACTED]	NM	[REDACTED]
Emily	Graeser	[REDACTED]		[REDACTED]	NM	[REDACTED]
Rebecca	Walding	[REDACTED]		[REDACTED]	NM	[REDACTED]
Patricia	Waldygo	[REDACTED]		[REDACTED]	NM	[REDACTED]
Rodrigo	Flores	[REDACTED]		[REDACTED]	NM	[REDACTED]
Robert	Long	[REDACTED]		[REDACTED]	NM	[REDACTED]
Carla	Wright	[REDACTED]		[REDACTED]	NM	[REDACTED]
James	Wright	[REDACTED]		[REDACTED]	NM	[REDACTED]
Christopher	Blackwell	[REDACTED]		[REDACTED]	NM	[REDACTED]
Frances	Steggs	[REDACTED]		[REDACTED]	NM	[REDACTED]
Frederick	Kackley	[REDACTED]		[REDACTED]	NM	[REDACTED]
Brenda	Euwer	[REDACTED]		[REDACTED]	NM	[REDACTED]
erich	kuerschner	[REDACTED]		[REDACTED]	NM	[REDACTED]
Adele E	Zimmermann	[REDACTED]		[REDACTED]	NM	[REDACTED]
Michael	Jones	[REDACTED]		[REDACTED]	NM	[REDACTED]
Dharam	Khalsa	[REDACTED]		[REDACTED]	NM	[REDACTED]
Susan	Noel	[REDACTED]		[REDACTED]	NM	[REDACTED]
Emily	Steinmetz	[REDACTED]		[REDACTED]	NM	[REDACTED]
Linda	Braun	[REDACTED]		[REDACTED]	NM	[REDACTED]
Rebecca	Setters	[REDACTED]		[REDACTED]	NM	[REDACTED]
Fran	Hardy	[REDACTED]		[REDACTED]	NM	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Rose	Araya	[REDACTED]	[REDACTED]	[REDACTED]	NM	[REDACTED]
Michele	Church	[REDACTED]	[REDACTED]	[REDACTED]	NM	[REDACTED]
Carol	Elder	[REDACTED]	[REDACTED]	[REDACTED]	NM	[REDACTED]
Renee	Murray	[REDACTED]	[REDACTED]	[REDACTED]	NM	[REDACTED]
Donald	Neidig	[REDACTED]	[REDACTED]	[REDACTED]	NM	[REDACTED]
James	Pudlewski	[REDACTED]	[REDACTED]	[REDACTED]	NM	[REDACTED]
Justin	Van Zee	[REDACTED]	[REDACTED]	[REDACTED]	NM	[REDACTED]
Robert	Watts	[REDACTED]	[REDACTED]	[REDACTED]	NM	[REDACTED]
Pam	Williamson	[REDACTED]	[REDACTED]	[REDACTED]	NM	[REDACTED]
Rachel	Zimmerman	[REDACTED]	[REDACTED]	[REDACTED]	NM	[REDACTED]
Susan Weir	Ancker	[REDACTED]	[REDACTED]	[REDACTED]	NM	[REDACTED]
Joan	Alexander	[REDACTED]	[REDACTED]	[REDACTED]	NM	[REDACTED]
Barbara	Calef	[REDACTED]	[REDACTED]	[REDACTED]	NM	[REDACTED]
Katherine	Campbell	[REDACTED]	[REDACTED]	[REDACTED]	NM	[REDACTED]
Sharon	Porter	[REDACTED]	[REDACTED]	[REDACTED]	NM	[REDACTED]
Rebecca	Shankland	[REDACTED]	[REDACTED]	[REDACTED]	NM	[REDACTED]
DyAnne	Short	[REDACTED]	[REDACTED]	[REDACTED]	NM	[REDACTED]
Ms. Stacey A.	Ward, Esq.	[REDACTED]	[REDACTED]	[REDACTED]	NM	[REDACTED]
Chellee	Chase-Saiz	[REDACTED]	[REDACTED]	[REDACTED]	NM	[REDACTED]
Tim	Viereck	[REDACTED]	[REDACTED]	[REDACTED]	NM	[REDACTED]
Joseph	Giambalvo	[REDACTED]	[REDACTED]	[REDACTED]	NM	[REDACTED]
LORENA	MONDA	[REDACTED]	[REDACTED]	[REDACTED]	NM	[REDACTED]
Norma	Ruptier	[REDACTED]	[REDACTED]	[REDACTED]	NM	[REDACTED]
Jaya	Bear	[REDACTED]	[REDACTED]	[REDACTED]	NM	[REDACTED]
Betsy	Carey	[REDACTED]	[REDACTED]	[REDACTED]	NM	[REDACTED]
Claudia	Miller	[REDACTED]	[REDACTED]	[REDACTED]	NM	[REDACTED]
Ethan	Burdeau	[REDACTED]	[REDACTED]	[REDACTED]	NM	[REDACTED]
Cheryl	Haynes	[REDACTED]	[REDACTED]	[REDACTED]	NM	[REDACTED]
Barry	McGowan	[REDACTED]	[REDACTED]	[REDACTED]	NM	[REDACTED]
Virginia	Garcia	[REDACTED]	[REDACTED]	[REDACTED]	NM	[REDACTED]
Robert	Myers	[REDACTED]	[REDACTED]	[REDACTED]	NM	[REDACTED]
Anne	Mehle	[REDACTED]	[REDACTED]	[REDACTED]	NM	[REDACTED]
Daniel	Weismann	[REDACTED]	[REDACTED]	[REDACTED]	NM	[REDACTED]
Arnold	Liebeman	[REDACTED]	[REDACTED]	[REDACTED]	NM	[REDACTED]
sabin	bailey	[REDACTED]	[REDACTED]	[REDACTED]	NM	[REDACTED]
evalyn	bemis	[REDACTED]	[REDACTED]	[REDACTED]	NM	[REDACTED]
Ramona	Blaber	[REDACTED]	[REDACTED]	[REDACTED]	NM	[REDACTED]
Lolly	Brown	[REDACTED]	[REDACTED]	[REDACTED]	NM	[REDACTED]
amy	bunting	[REDACTED]	[REDACTED]	[REDACTED]	NM	[REDACTED]
T	Chandler	[REDACTED]	[REDACTED]	[REDACTED]	NM	[REDACTED]
Penny	Dever-Reynolds	[REDACTED]	[REDACTED]	[REDACTED]	NM	[REDACTED]
joan	didak	[REDACTED]	[REDACTED]	[REDACTED]	NM	[REDACTED]
Erica	Elliott	[REDACTED]	[REDACTED]	[REDACTED]	NM	[REDACTED]
Marilyn	Farquhar	[REDACTED]	[REDACTED]	[REDACTED]	NM	[REDACTED]
Faith	Garfield	[REDACTED]	[REDACTED]	[REDACTED]	NM	[REDACTED]
Neil	Goodman	[REDACTED]	[REDACTED]	[REDACTED]	NM	[REDACTED]
Lorraine	Graham	[REDACTED]	[REDACTED]	[REDACTED]	NM	[REDACTED]
Louis G	Hoffmann	[REDACTED]	[REDACTED]	[REDACTED]	NM	[REDACTED]
Karen	Howell	[REDACTED]	[REDACTED]	[REDACTED]	NM	[REDACTED]
Nfn	Ishvara	[REDACTED]	[REDACTED]	[REDACTED]	NM	[REDACTED]
Dawn	Kaufmann	[REDACTED]	[REDACTED]	[REDACTED]	NM	[REDACTED]
Lois	Klezmer	[REDACTED]	[REDACTED]	[REDACTED]	NM	[REDACTED]
George	Lawrence	[REDACTED]	[REDACTED]	[REDACTED]	NM	[REDACTED]
Bonnie	Lieberman	[REDACTED]	[REDACTED]	[REDACTED]	NM	[REDACTED]
Dominique	Mazeaud	[REDACTED]	[REDACTED]	[REDACTED]	NM	[REDACTED]
Barry	McCuan	[REDACTED]	[REDACTED]	[REDACTED]	NM	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Richard	Meyer	[REDACTED]		[REDACTED]	NM	[REDACTED]
Teri	Micco	[REDACTED]		[REDACTED]	NM	[REDACTED]
Elizabeth	Millard	[REDACTED]		[REDACTED]	NM	[REDACTED]
John	Mitchell	[REDACTED]		[REDACTED]	NM	[REDACTED]
Arthur	Neelley	[REDACTED]		[REDACTED]	NM	[REDACTED]
alicia	otis	[REDACTED]		[REDACTED]	NM	[REDACTED]
Linda	Perrone	[REDACTED]		[REDACTED]	NM	[REDACTED]
Bill	Reeves	[REDACTED]		[REDACTED]	NM	[REDACTED]
Peter	Roche	[REDACTED]		[REDACTED]	NM	[REDACTED]
Marsha	Scarbrough	[REDACTED]		[REDACTED]	NM	[REDACTED]
fred	spencer	[REDACTED]		[REDACTED]	NM	[REDACTED]
William M. / Jc	Stark	[REDACTED]		[REDACTED]	NM	[REDACTED]
Simon	Teolis	[REDACTED]		[REDACTED]	NM	[REDACTED]
Patricia	Valdez	[REDACTED]		[REDACTED]	NM	[REDACTED]
David	van Hulsteyn	[REDACTED]		[REDACTED]	NM	[REDACTED]
Frederik	Weindling	[REDACTED]		[REDACTED]	NM	[REDACTED]
paul	wilkins	[REDACTED]		[REDACTED]	NM	[REDACTED]
Mona	Yardumian	[REDACTED]		[REDACTED]	NM	[REDACTED]
daisy	youngblood	[REDACTED]		[REDACTED]	NM	[REDACTED]
David	Chavez	[REDACTED]		[REDACTED]	NM	[REDACTED]
Richard	Doyle	[REDACTED]		[REDACTED]	NM	[REDACTED]
Carol	Logan	[REDACTED]		[REDACTED]	NM	[REDACTED]
Mike	Barnhart	[REDACTED]		[REDACTED]	NM	[REDACTED]
Joanne	Cockerill	[REDACTED]		[REDACTED]	NM	[REDACTED]
Dr. J.V.	Connors	[REDACTED]		[REDACTED]	NM	[REDACTED]
Robert	Cook	[REDACTED]		[REDACTED]	NM	[REDACTED]
Ross	Dunseath	[REDACTED]		[REDACTED]	NM	[REDACTED]
Richard	Mansbach	[REDACTED]		[REDACTED]	NM	[REDACTED]
Justin	Wecks	[REDACTED]		[REDACTED]	NM	[REDACTED]
Gregory	Miller	[REDACTED]		[REDACTED]	NM	[REDACTED]
Marick	Payton	[REDACTED]		[REDACTED]	NM	[REDACTED]
Katy	George	[REDACTED]		[REDACTED]	NM	[REDACTED]
Thomas	Hatcher	[REDACTED]	[REDACTED]	[REDACTED]	NM	[REDACTED]
Thos	Myers	[REDACTED]		[REDACTED]	NM	[REDACTED]
Patty	Navarrete	[REDACTED]		[REDACTED]	NM	[REDACTED]
Melinda	Sedgley	[REDACTED]		[REDACTED]	NM	[REDACTED]
Sandra	Tuttle	[REDACTED]		[REDACTED]	NM	[REDACTED]
Jay	Cutts	[REDACTED]		[REDACTED]	NM	[REDACTED]
Paul	Davis	[REDACTED]		[REDACTED]	NM	[REDACTED]
James	Herne	[REDACTED]	[REDACTED]	[REDACTED]	NM	[REDACTED]
Austin	Pennington	[REDACTED]		[REDACTED]	NM	[REDACTED]
Bernie	Duran	[REDACTED]		[REDACTED]	NM	[REDACTED]
dean	devolpi	[REDACTED]		[REDACTED]	NV	[REDACTED]
Joann	Fischella	[REDACTED]		[REDACTED]	NV	[REDACTED]
Lynn	Goya	[REDACTED]		[REDACTED]	NV	[REDACTED]
Margarita	Nevel	[REDACTED]		[REDACTED]	NV	[REDACTED]
Ada	Roelke	[REDACTED]		[REDACTED]	NV	[REDACTED]
Rita	Valent	[REDACTED]		[REDACTED]	NV	[REDACTED]
James	Brown	[REDACTED]	[REDACTED]	[REDACTED]	NV	[REDACTED]
Susan	Rehm	[REDACTED]		[REDACTED]	NV	[REDACTED]
Jeffrey	Bear	[REDACTED]		[REDACTED]	NV	[REDACTED]
Mark	Bentkower	[REDACTED]		[REDACTED]	NV	[REDACTED]
KJ	Kostoff	[REDACTED]		[REDACTED]	NV	[REDACTED]
Andrew	Maioli	[REDACTED]		[REDACTED]	NV	[REDACTED]
Janet	Still	[REDACTED]		[REDACTED]	NV	[REDACTED]
Lloyd and Catl	Wright	[REDACTED]		[REDACTED]	NV	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Thomas	Beem	[REDACTED]	[REDACTED]	[REDACTED]	NV	[REDACTED]
Kimberly	Burgess	[REDACTED]	[REDACTED]	[REDACTED]	NV	[REDACTED]
Ross	Chamberlain	[REDACTED]	[REDACTED]	[REDACTED]	NV	[REDACTED]
LARRY	CHASTAIN	[REDACTED]	[REDACTED]	[REDACTED]	NV	[REDACTED]
Gene	Collatz	[REDACTED]	[REDACTED]	[REDACTED]	NV	[REDACTED]
John	Curry	[REDACTED]	[REDACTED]	[REDACTED]	NV	[REDACTED]
Sean	Daily	[REDACTED]	[REDACTED]	[REDACTED]	NV	[REDACTED]
Carol	Dudek	[REDACTED]	[REDACTED]	[REDACTED]	NV	[REDACTED]
Mary	Fitzgerald	[REDACTED]	[REDACTED]	[REDACTED]	NV	[REDACTED]
Melodie	Garfield	[REDACTED]	[REDACTED]	[REDACTED]	NV	[REDACTED]
Trebor	Gibson	[REDACTED]	[REDACTED]	[REDACTED]	NV	[REDACTED]
Walter	Goodman	[REDACTED]	[REDACTED]	[REDACTED]	NV	[REDACTED]
Dennis	Healey	[REDACTED]	[REDACTED]	[REDACTED]	NV	[REDACTED]
RON	HENNESSEY	[REDACTED]	[REDACTED]	[REDACTED]	NV	[REDACTED]
carrol	kuhlow	[REDACTED]	[REDACTED]	[REDACTED]	NV	[REDACTED]
Charles	Leavold	[REDACTED]	[REDACTED]	[REDACTED]	NV	[REDACTED]
Jan	Leavold	[REDACTED]	[REDACTED]	[REDACTED]	NV	[REDACTED]
Marion	Mangapit	[REDACTED]	[REDACTED]	[REDACTED]	NV	[REDACTED]
Harold	Martini	[REDACTED]	[REDACTED]	[REDACTED]	NV	[REDACTED]
MARIA I.	MEJIA	[REDACTED]	[REDACTED]	[REDACTED]	NV	[REDACTED]
Craig	Michie	[REDACTED]	[REDACTED]	[REDACTED]	NV	[REDACTED]
Stephanie	Myers	[REDACTED]	[REDACTED]	[REDACTED]	NV	[REDACTED]
Kay	Peters	[REDACTED]	[REDACTED]	[REDACTED]	NV	[REDACTED]
Roy	Rendahl	[REDACTED]	[REDACTED]	[REDACTED]	NV	[REDACTED]
cecilia lee	slaughter	[REDACTED]	[REDACTED]	[REDACTED]	NV	[REDACTED]
scott	stephensen	[REDACTED]	[REDACTED]	[REDACTED]	NV	[REDACTED]
Linda	Wilcox	[REDACTED]	[REDACTED]	[REDACTED]	NV	[REDACTED]
Barbara	Williams	[REDACTED]	[REDACTED]	[REDACTED]	NV	[REDACTED]
Carl	Zimmerman	[REDACTED]	[REDACTED]	[REDACTED]	NV	[REDACTED]
Julie	Zimmerman	[REDACTED]	[REDACTED]	[REDACTED]	NV	[REDACTED]
Constance	Alexander	[REDACTED]	[REDACTED]	[REDACTED]	NV	[REDACTED]
Janet	Walls	[REDACTED]	[REDACTED]	[REDACTED]	NV	[REDACTED]
Vicky	Birkland	[REDACTED]	[REDACTED]	[REDACTED]	NV	[REDACTED]
A. T.	Lang	[REDACTED]	[REDACTED]	[REDACTED]	NV	[REDACTED]
A. T.	Lang	[REDACTED]	[REDACTED]	[REDACTED]	NV	[REDACTED]
thomas	mills	[REDACTED]	[REDACTED]	[REDACTED]	NV	[REDACTED]
Lawrence	Belasco	[REDACTED]	[REDACTED]	[REDACTED]	NV	[REDACTED]
Kay	Collette	[REDACTED]	[REDACTED]	[REDACTED]	NV	[REDACTED]
Mary	Franke	[REDACTED]	[REDACTED]	[REDACTED]	NV	[REDACTED]
Kurt	Jacobowitz-Cair	[REDACTED]	[REDACTED]	[REDACTED]	NV	[REDACTED]
Glenda	Price	[REDACTED]	[REDACTED]	[REDACTED]	NV	[REDACTED]
Lisa	Printz	[REDACTED]	[REDACTED]	[REDACTED]	NV	[REDACTED]
Cheryl	Purvis	[REDACTED]	[REDACTED]	[REDACTED]	NV	[REDACTED]
David	Riegert	[REDACTED]	[REDACTED]	[REDACTED]	NV	[REDACTED]
Michael	Franks	[REDACTED]	[REDACTED]	[REDACTED]	NV	[REDACTED]
thomas	swoverland	[REDACTED]	[REDACTED]	[REDACTED]	NV	[REDACTED]
Sandra	Stocke	[REDACTED]	[REDACTED]	[REDACTED]	NV	[REDACTED]
Christopher	Karczmar	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Vita	Shapiro	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Rema	Loeb	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Jacquelyn	Baetz	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Jeffrey	Breen	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Herb	Brown	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Thomas	Bubnack	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
John	Hendricks	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Paul	Impola	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Robert	Kerr	[REDACTED]		[REDACTED]	NY	[REDACTED]
Daniel	McKinley	[REDACTED]		[REDACTED]	NY	[REDACTED]
Sherri	Salvione	[REDACTED]		[REDACTED]	NY	[REDACTED]
Michael	Marston	[REDACTED]		[REDACTED]	NY	[REDACTED]
Ted	Neumann	[REDACTED]		[REDACTED]	NY	[REDACTED]
Harvey	Vlahos	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Harvey	Vlahos	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Lois	white	[REDACTED]		[REDACTED]	NY	[REDACTED]
Chris	Willett	[REDACTED]		[REDACTED]	NY	[REDACTED]
Daniel	Barski	[REDACTED]		[REDACTED]	NY	[REDACTED]
Ginger K	Comstock	[REDACTED]		[REDACTED]	NY	[REDACTED]
Randi	Hoffmann	[REDACTED]		[REDACTED]	NY	[REDACTED]
John	Lettiere	[REDACTED]		[REDACTED]	NY	[REDACTED]
Andrew	Ravick	[REDACTED]		[REDACTED]	NY	[REDACTED]
Holly	Home	[REDACTED]		[REDACTED]	NY	[REDACTED]
Aaron	Kapner	[REDACTED]		[REDACTED]	NY	[REDACTED]
Mary	Molloy	[REDACTED]		[REDACTED]	NY	[REDACTED]
Max-Joseph	Montel	[REDACTED]		[REDACTED]	NY	[REDACTED]
Laura	Newman	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
JJ	Noonan	[REDACTED]		[REDACTED]	NY	[REDACTED]
Maureen	O'Boyle	[REDACTED]		[REDACTED]	NY	[REDACTED]
Chris	Saia	[REDACTED]		[REDACTED]	NY	[REDACTED]
Tamar	Schwartz	[REDACTED]		[REDACTED]	NY	[REDACTED]
bruce	staelens	[REDACTED]		[REDACTED]	NY	[REDACTED]
Delfina	Torres	[REDACTED]		[REDACTED]	NY	[REDACTED]
Luis	Torres	[REDACTED]		[REDACTED]	NY	[REDACTED]
Chris Vasilios	Williamson	[REDACTED]		[REDACTED]	NY	[REDACTED]
Megan	Wills	[REDACTED]		[REDACTED]	NY	[REDACTED]
W. Allen	Wrede	[REDACTED]		[REDACTED]	NY	[REDACTED]
Judith	Blish	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
richard	libbey	[REDACTED]		[REDACTED]	NY	[REDACTED]
aleris	pizarro	[REDACTED]		[REDACTED]	NY	[REDACTED]
Robin	Russo	[REDACTED]		[REDACTED]	NY	[REDACTED]
Craig	Pullen	[REDACTED]		[REDACTED]	NY	[REDACTED]
Elizabeth	Campisi	[REDACTED]		[REDACTED]	NY	[REDACTED]
Glenn	Fields	[REDACTED]		[REDACTED]	NY	[REDACTED]
Edwin	Rogers	[REDACTED]		[REDACTED]	NY	[REDACTED]
Barbara	Thomas	[REDACTED]		[REDACTED]	NY	[REDACTED]
Lindsay	Thomas	[REDACTED]		[REDACTED]	NY	[REDACTED]
Eric	Cetron	[REDACTED]		[REDACTED]	NY	[REDACTED]
Harry J	Posnanski	[REDACTED]		[REDACTED]	NY	[REDACTED]
Joan	Abruzzo	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Kevin	Crifo	[REDACTED]		[REDACTED]	NY	[REDACTED]
Kelly	Denig	[REDACTED]		[REDACTED]	NY	[REDACTED]
Rory	Schnurr	[REDACTED]		[REDACTED]	NY	[REDACTED]
Janet	Binion	[REDACTED]		[REDACTED]	NY	[REDACTED]
William	Davis	[REDACTED]		[REDACTED]	NY	[REDACTED]
David	Gillis	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
DOLORES	SACHS	[REDACTED]		[REDACTED]	NY	[REDACTED]
Marcia	Zabronsky	[REDACTED]		[REDACTED]	NY	[REDACTED]
SB	Hornik	[REDACTED]		[REDACTED]	NY	[REDACTED]
Arden	Dockter	[REDACTED]		[REDACTED]	NY	[REDACTED]
Hilton	Baxter	[REDACTED]		[REDACTED]	NY	[REDACTED]
Sharon	Conrad	[REDACTED]		[REDACTED]	NY	[REDACTED]
fran	merker	[REDACTED]		[REDACTED]	NY	[REDACTED]
Paula	Cereghino	[REDACTED]		[REDACTED]	NY	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Daniel	Dixon	[REDACTED]		[REDACTED]	NY	[REDACTED]
Barbara	Crumb	[REDACTED]		[REDACTED]	NY	[REDACTED]
amie	backner	[REDACTED]		[REDACTED]	NY	[REDACTED]
Edward	Paulino	[REDACTED]		[REDACTED]	NY	[REDACTED]
Anne	Baird	[REDACTED]		[REDACTED]	NY	[REDACTED]
Anthony	Victoria	[REDACTED]		[REDACTED]	NY	[REDACTED]
Wayne	Brown	[REDACTED]		[REDACTED]	NY	[REDACTED]
jeffrey	black	[REDACTED]		[REDACTED]	NY	[REDACTED]
Christopher	Grattan	[REDACTED]		[REDACTED]	NY	[REDACTED]
Lisa	Baron	[REDACTED]		[REDACTED]	NY	[REDACTED]
Shaurain	Farber	[REDACTED]		[REDACTED]	NY	[REDACTED]
Glenn	Fleischman	[REDACTED]		[REDACTED]	NY	[REDACTED]
Judith	Fletcher	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Steve	Froot	[REDACTED]		[REDACTED]	NY	[REDACTED]
Victoria	Gorski	[REDACTED]		[REDACTED]	NY	[REDACTED]
Meryl	Green	[REDACTED]		[REDACTED]	NY	[REDACTED]
Christopher	Kornmann	[REDACTED]		[REDACTED]	NY	[REDACTED]
constance	mercedes	[REDACTED]		[REDACTED]	NY	[REDACTED]
Victoria	Papp	[REDACTED]		[REDACTED]	NY	[REDACTED]
Eden	Robertson	[REDACTED]		[REDACTED]	NY	[REDACTED]
Janet	Schwartz	[REDACTED]		[REDACTED]	NY	[REDACTED]
anna	spence	[REDACTED]		[REDACTED]	NY	[REDACTED]
Michael S.	Wilbekin	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Eva	Yachnes	[REDACTED]		[REDACTED]	NY	[REDACTED]
Richard	Mangini	[REDACTED]		[REDACTED]	NY	[REDACTED]
Dolores	Pepe	[REDACTED]		[REDACTED]	NY	[REDACTED]
Kellen	Quinn	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Samuel	Abram	[REDACTED]		[REDACTED]	NY	[REDACTED]
J. Stephen	Adams	[REDACTED]		[REDACTED]	NY	[REDACTED]
Miranda	Albert	[REDACTED]		[REDACTED]	NY	[REDACTED]
Bob	Alstrum-Acevedo	[REDACTED]		[REDACTED]	NY	[REDACTED]
Gabriela	Amari	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
William	Astwood	[REDACTED]		[REDACTED]	NY	[REDACTED]
Edo	Banach	[REDACTED]		[REDACTED]	NY	[REDACTED]
janelle	barabash	[REDACTED]		[REDACTED]	NY	[REDACTED]
Elizabeth	Baum	[REDACTED]		[REDACTED]	NY	[REDACTED]
Max	Bean	[REDACTED]		[REDACTED]	NY	[REDACTED]
Peter	Becker	[REDACTED]		[REDACTED]	NY	[REDACTED]
Emily	Berger	[REDACTED]		[REDACTED]	NY	[REDACTED]
Jenny	Berggren	[REDACTED]		[REDACTED]	NY	[REDACTED]
Rebecca	Berlant	[REDACTED]		[REDACTED]	NY	[REDACTED]
Donald	Bickford	[REDACTED]		[REDACTED]	NY	[REDACTED]
Robert	Braun	[REDACTED]		[REDACTED]	NY	[REDACTED]
Tisha	Brizz	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Jacob	Burstein-Stern	[REDACTED]		[REDACTED]	NY	[REDACTED]
Rosalie	Byard	[REDACTED]		[REDACTED]	NY	[REDACTED]
Owen	C	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
James	Cantarella	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
George M.	Carter	[REDACTED]		[REDACTED]	NY	[REDACTED]
TOM	CASTIMORE	[REDACTED]		[REDACTED]	NY	[REDACTED]
jennifer	Cohen	[REDACTED]		[REDACTED]	NY	[REDACTED]
Sue	Collins	[REDACTED]		[REDACTED]	NY	[REDACTED]
Meegan	Daley	[REDACTED]		[REDACTED]	NY	[REDACTED]
celia	deutsch	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
alec	drummond	[REDACTED]		[REDACTED]	NY	[REDACTED]
Sandra	EISENSTARK	[REDACTED]		[REDACTED]	NY	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Sarah	Eisenstein				NY	
Elisabeth	Elkind				NY	
liza	ezbiansky				NY	
Jennifer	Fink				NY	
DAVID	FINKELSTEIN				NY	
David	Freid				NY	
Jeremy	Friedman				NY	
David	Frutkoff				NY	
Javier	Garcia				NY	
Gabrielle	Gilliam				NY	
Libby	Gluck				NY	
MICHAEL	GNAT				NY	
Elizabeth	Gold				NY	
Reva	Golden				NY	
Jessie	Grenfell				NY	
Fred	Gutnick				NY	
Alberta	Harbutt				NY	
kevin	harris				NY	
louise	harris				NY	
Emily	Harting				NY	
Suki	Hawley				NY	
Craig	Hazen				NY	
Jeanne	Heifetz				NY	
Robert	Hernandez				NY	
Yvonne	Hilton				NY	
Ronnie	Himmel				NY	
Ross	Horowitz				NY	
Daniel	Jagendorf				NY	
Nicholas	Jahr				NY	
Christian	John				NY	
Calvin	Johnson				NY	
Carolina	Kroon				NY	
Vincent	La Marca				NY	
David	Lauer				NY	
sarah	lavery				NY	
David	Leventhal				NY	
judith	loebI				NY	
Bertino	Marro				NY	
Angela	Martenez				NY	
Sara	McAlister				NY	
Simonja	McCray				NY	
Bruce	McDonald				NY	
dennis	mcmahon				NY	
Andrew	Mirer				NY	
Ari	Moore				NY	
Ellen	Moynihan				NY	
Daniel	Neusom				NY	
Roger	Newell				NY	
Joseph	Newton				NY	
Adam	Ochs				NY	
Ben	Osborne				NY	
Michael	Owen				NY	
William	Parsons				NY	
Nadine	Persaud				NY	
Maria	Petagna				NY	
Kathleen	Plybon				NY	

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Alan	Podber	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Madeleine	Pramik	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Neal	Rauch	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Daniel	Rausher	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Ruth	Reeves	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Barbara	Reiner	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Margit	Reiner	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
marilyn	rock	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Joseph	Sadove	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Carol	Sanjour	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Suzanne	Schaem	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Shawn	Shafner	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Andrew	Sloat	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
melissa	smario	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Susan	Smollens	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
John	Snyder	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
sascha	stanton-craven	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Rebecca	Statzel	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Jennie	Stein	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Cheryl	Stewart	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Ellen	Stiefvater	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Rick	Stone	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Laura	Tanenbaum	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Imogen	Taylor	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Cristina	Ternes	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Terry	Trilling	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Carl	Tyndall	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Abraham	Velez	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Phil	Verges	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Anna Marie	Vitanza	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
A.	Waldschmidt	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Christopher	Walsh	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
kaia	wheeler	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Kaitlyn	Wheeler	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Michael	Wing	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Geoff	Wisner	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Ellen	Zaltzberg	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Janet	Zweig	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Rosalie	Harman	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
John	Bucki	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Michael	Delaney	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Denise	Dobranchin	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
MARILYN	HOCHFIELD	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
rayna	Knobler	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Kevin	McFadden	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Wendy	Mistretta	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Gail	Panetski	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
SUSAN	QUAINTANCE	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Rosemary	Riggie	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Sarah	Smith	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Rick	Wood	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Kevin	Devone	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Dave	Weissbard	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Christine	Blossy	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Gerard	Sherry	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Jane	Young	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Eleanor	Atkins	[REDACTED]		[REDACTED]	NY	[REDACTED]
Louis	Pontillo	[REDACTED]		[REDACTED]	NY	[REDACTED]
Deborah J.	Rotunda	[REDACTED]		[REDACTED]	NY	[REDACTED]
Heather	Mithoefer	[REDACTED]		[REDACTED]	NY	[REDACTED]
Patricia	Reed	[REDACTED]		[REDACTED]	NY	[REDACTED]
JOSEPH	dimartino	[REDACTED]		[REDACTED]	NY	[REDACTED]
Kathleen	View	[REDACTED]		[REDACTED]	NY	[REDACTED]
Ilse	Funk	[REDACTED]		[REDACTED]	NY	[REDACTED]
Valerie	Benzing	[REDACTED]		[REDACTED]	NY	[REDACTED]
Nadine	Clifford	[REDACTED]		[REDACTED]	NY	[REDACTED]
Stephen	Burnett	[REDACTED]		[REDACTED]	NY	[REDACTED]
John	Piekarski	[REDACTED]		[REDACTED]	NY	[REDACTED]
Mary	Suda	[REDACTED]		[REDACTED]	NY	[REDACTED]
Clarence	Vivlamore	[REDACTED]		[REDACTED]	NY	[REDACTED]
Lynn	Wojcik	[REDACTED]		[REDACTED]	NY	[REDACTED]
Tim	Shaw	[REDACTED]		[REDACTED]	NY	[REDACTED]
Lydia	Hamesley	[REDACTED]		[REDACTED]	NY	[REDACTED]
Mona	Perrotti	[REDACTED]		[REDACTED]	NY	[REDACTED]
P	michaels	[REDACTED]		[REDACTED]	NY	[REDACTED]
Rebecca	Reid	[REDACTED]		[REDACTED]	NY	[REDACTED]
nancy	sheehan	[REDACTED]		[REDACTED]	NY	[REDACTED]
Thomas	O'Grady	[REDACTED]		[REDACTED]	NY	[REDACTED]
jim	ryan	[REDACTED]		[REDACTED]	NY	[REDACTED]
Susan	Peehl	[REDACTED]		[REDACTED]	NY	[REDACTED]
Kenny	Rodgers	[REDACTED]		[REDACTED]	NY	[REDACTED]
Geralyn	Jacobs	[REDACTED]		[REDACTED]	NY	[REDACTED]
Jillian	Slonim	[REDACTED]		[REDACTED]	NY	[REDACTED]
Mary	Donovan	[REDACTED]		[REDACTED]	NY	[REDACTED]
frances	schuster	[REDACTED]		[REDACTED]	NY	[REDACTED]
lucie	brown	[REDACTED]		[REDACTED]	NY	[REDACTED]
Richard L.	Smith	[REDACTED]		[REDACTED]	NY	[REDACTED]
Joan	Lesikin	[REDACTED]		[REDACTED]	NY	[REDACTED]
Ann	Harbeson	[REDACTED]		[REDACTED]	NY	[REDACTED]
Arthur	Bright	[REDACTED]		[REDACTED]	NY	[REDACTED]
Laurie	Salzberg	[REDACTED]		[REDACTED]	NY	[REDACTED]
Doug	Norton	[REDACTED]		[REDACTED]	NY	[REDACTED]
paul	tick	[REDACTED]		[REDACTED]	NY	[REDACTED]
Kevin	Bishop	[REDACTED]		[REDACTED]	NY	[REDACTED]
William W.	Wakefield	[REDACTED]		[REDACTED]	NY	[REDACTED]
David	Kornreich	[REDACTED]		[REDACTED]	NY	[REDACTED]
corynne	klein	[REDACTED]		[REDACTED]	NY	[REDACTED]
JoEllen	FisherKeller	[REDACTED]		[REDACTED]	NY	[REDACTED]
Linda	Mahoney Herrin	[REDACTED]		[REDACTED]	NY	[REDACTED]
sol	lapatine	[REDACTED]		[REDACTED]	NY	[REDACTED]
Loren	Levy	[REDACTED]		[REDACTED]	NY	[REDACTED]
leonard	klein	[REDACTED]		[REDACTED]	NY	[REDACTED]
Bill	Metzger	[REDACTED]		[REDACTED]	NY	[REDACTED]
Joan	Healy	[REDACTED]		[REDACTED]	NY	[REDACTED]
Anne	Marshall	[REDACTED]		[REDACTED]	NY	[REDACTED]
Naomi	Lazard	[REDACTED]		[REDACTED]	NY	[REDACTED]
Helen	Ratray	[REDACTED]		[REDACTED]	NY	[REDACTED]
Steve	Pawlowski	[REDACTED]		[REDACTED]	NY	[REDACTED]
KATHY	CARSEY	[REDACTED]		[REDACTED]	NY	[REDACTED]
Arlene	Paulson	[REDACTED]		[REDACTED]	NY	[REDACTED]
Glen	Whitney	[REDACTED]		[REDACTED]	NY	[REDACTED]
Mary	Caufield	[REDACTED]		[REDACTED]	NY	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Mary	Mizzi	[REDACTED]		[REDACTED]	NY	[REDACTED]
Scott	Strumello	[REDACTED]		[REDACTED]	NY	[REDACTED]
Sue	Harris	[REDACTED]		[REDACTED]	NY	[REDACTED]
Ken	Martin	[REDACTED]		[REDACTED]	NY	[REDACTED]
Kenneth	Martin	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Donald	Griesmann	[REDACTED]		[REDACTED]	NY	[REDACTED]
Robert	Lebman	[REDACTED]		[REDACTED]	NY	[REDACTED]
Sandra and Ja	Patla	[REDACTED]		[REDACTED]	NY	[REDACTED]
Alice	Sadowski	[REDACTED]		[REDACTED]	NY	[REDACTED]
Frank	Sadowski	[REDACTED]		[REDACTED]	NY	[REDACTED]
Lori	Karman	[REDACTED]		[REDACTED]	NY	[REDACTED]
Leona	Lawitts	[REDACTED]		[REDACTED]	NY	[REDACTED]
Lisa	Pilewski	[REDACTED]		[REDACTED]	NY	[REDACTED]
david	coelho	[REDACTED]		[REDACTED]	NY	[REDACTED]
Leo	Ahumada	[REDACTED]		[REDACTED]	NY	[REDACTED]
Ruth	Byington	[REDACTED]		[REDACTED]	NY	[REDACTED]
Zachary	Fisher	[REDACTED]		[REDACTED]	NY	[REDACTED]
Darcy	Hector	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Stephanie	Jacobs	[REDACTED]		[REDACTED]	NY	[REDACTED]
Raphael	Levavy	[REDACTED]		[REDACTED]	NY	[REDACTED]
Robert	Ross	[REDACTED]		[REDACTED]	NY	[REDACTED]
Teri	Schlesinger	[REDACTED]		[REDACTED]	NY	[REDACTED]
Claire	Theobalds	[REDACTED]		[REDACTED]	NY	[REDACTED]
Adele	Welty	[REDACTED]		[REDACTED]	NY	[REDACTED]
Beth	Birnbaum	[REDACTED]		[REDACTED]	NY	[REDACTED]
Christopher	Curran	[REDACTED]		[REDACTED]	NY	[REDACTED]
Barry	Hayes	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Theodore	Kemper	[REDACTED]		[REDACTED]	NY	[REDACTED]
Martin	Kornbluh	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Kathryn	Majid	[REDACTED]		[REDACTED]	NY	[REDACTED]
pattie	bauer	[REDACTED]		[REDACTED]	NY	[REDACTED]
gail	clark	[REDACTED]		[REDACTED]	NY	[REDACTED]
joyce r.	adler	[REDACTED]		[REDACTED]	NY	[REDACTED]
BARRY	FAHRER	[REDACTED]		[REDACTED]	NY	[REDACTED]
Anne	Rhodes	[REDACTED]		[REDACTED]	NY	[REDACTED]
Mike	Spindell	[REDACTED]		[REDACTED]	NY	[REDACTED]
Philip	Clift	[REDACTED]		[REDACTED]	NY	[REDACTED]
Janice	Burns	[REDACTED]		[REDACTED]	NY	[REDACTED]
Louis	Mondor	[REDACTED]		[REDACTED]	NY	[REDACTED]
Margaret	Yonco-Haines	[REDACTED]		[REDACTED]	NY	[REDACTED]
Bob	Hall	[REDACTED]		[REDACTED]	NY	[REDACTED]
Nancy	Garver	[REDACTED]		[REDACTED]	NY	[REDACTED]
Anita	Smith	[REDACTED]		[REDACTED]	NY	[REDACTED]
Mark	Chaffin	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
J	S	[REDACTED]		[REDACTED]	NY	[REDACTED]
sol	kirsch	[REDACTED]		[REDACTED]	NY	[REDACTED]
Rosalind	Zitner	[REDACTED]		[REDACTED]	NY	[REDACTED]
Judy	Boutwell	[REDACTED]		[REDACTED]	NY	[REDACTED]
elise	sierra-birn	[REDACTED]		[REDACTED]	NY	[REDACTED]
Benjamin	Diaz	[REDACTED]		[REDACTED]	NY	[REDACTED]
Marcia	Migdal	[REDACTED]		[REDACTED]	NY	[REDACTED]
Donald	Berry	[REDACTED]		[REDACTED]	NY	[REDACTED]
S. M.	Carter	[REDACTED]		[REDACTED]	NY	[REDACTED]
Patricia E.	Carson	[REDACTED]		[REDACTED]	NY	[REDACTED]
suzanne	greene	[REDACTED]		[REDACTED]	NY	[REDACTED]
richard	newhouse	[REDACTED]		[REDACTED]	NY	[REDACTED]

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Robert	van der mark				NY	
Richard	Johnsen				NY	
Hillary G.	Buckingham				NY	
Susan	Levine				NY	
Iris	Arno				NY	
Jay	Gilbert				NY	
Rob	Hartshorne				NY	
Kenneth	Brown				NY	
Neil	Freson				NY	
Jay	blotcher				NY	
Mildred	Meyer				NY	
Sara	Miller				NY	
David	Johnston				NY	
Eleanor	Saunders				NY	
Linda	Sotis				NY	
Ira	Landgarten				NY	
Rob	Ross				NY	
Joellen	Kuhl				NY	
Donna	Mummary				NY	
Alfredo	Ocasio				NY	
Margherita	Davis				NY	
Rosemarie	Sherman				NY	
cathy	berlinghoff				NY	
fredric	lang				NY	
Harriet	Spitzer				NY	
Frances	Whittelsey				NY	
lynn	coffey-edelman				NY	
elliott	lang				NY	
Philip	Mehl				NY	
Richard	Allen				NY	
Ingrid	Arnesen				NY	
Durga	Bor				NY	
MargaretAnn	Bowers				NY	
Robin	Cisne				NY	
Mary	Edwards-Ranso				NY	
Kathleen	Gemmell				NY	
clare	grady				NY	
Robyne	Hamme				NY	
Gretchen	Herrmann				NY	
donna	holt				NY	
Christine	Jolluck				NY	
Jill	Marie				NY	
Paul	Martin				NY	
Leon	Miller-Out				NY	
Nathanael	Nerode				NY	
Rachel	Newman				NY	
Carol	Painter				NY	
David	Panofsky				NY	
Michael	Pitzrick				NY	
David	Saia				NY	
Jerald	Shing				NY	
David	Shoemaker				NY	
Sheila	Squier				NY	
Stuart	stein				NY	
john	suter				NY	
Mary	Waisbrot				NY	

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
roberta	wallitt	[REDACTED]		[REDACTED]	NY	[REDACTED]
David	Wilson	[REDACTED]		[REDACTED]	NY	[REDACTED]
Joseph	Neiman	[REDACTED]		[REDACTED]	NY	[REDACTED]
Brian	Coffey	[REDACTED]		[REDACTED]	NY	[REDACTED]
Pamela	Curry	[REDACTED]		[REDACTED]	NY	[REDACTED]
Ronald	Tompkins	[REDACTED]		[REDACTED]	NY	[REDACTED]
Debi	Wong	[REDACTED]		[REDACTED]	NY	[REDACTED]
Jeff	Schwartz	[REDACTED]		[REDACTED]	NY	[REDACTED]
Carole	Bragdon	[REDACTED]		[REDACTED]	NY	[REDACTED]
Claudia	Fruit Dweck	[REDACTED]		[REDACTED]	NY	[REDACTED]
Susan	Bittker	[REDACTED]		[REDACTED]	NY	[REDACTED]
Myron & Judith	Schwartzman	[REDACTED]		[REDACTED]	NY	[REDACTED]
Michael	Weschler	[REDACTED]		[REDACTED]	NY	[REDACTED]
Joan	Marden	[REDACTED]		[REDACTED]	NY	[REDACTED]
janet	jemmott	[REDACTED]		[REDACTED]	NY	[REDACTED]
John D.	Arnold	[REDACTED]		[REDACTED]	NY	[REDACTED]
Mark	Bernard	[REDACTED]		[REDACTED]	NY	[REDACTED]
Philip	Flamm	[REDACTED]		[REDACTED]	NY	[REDACTED]
Harold	Wilensky	[REDACTED]		[REDACTED]	NY	[REDACTED]
Michael J.	Walsh	[REDACTED]		[REDACTED]	NY	[REDACTED]
Lois	Byalick	[REDACTED]		[REDACTED]	NY	[REDACTED]
MITCHELL	SLOCHOWER	[REDACTED]		[REDACTED]	NY	[REDACTED]
Jerome	Taub	[REDACTED]		[REDACTED]	NY	[REDACTED]
Darin	Murray	[REDACTED]		[REDACTED]	NY	[REDACTED]
Denise	Heid	[REDACTED]		[REDACTED]	NY	[REDACTED]
Michael	Mantino	[REDACTED]		[REDACTED]	NY	[REDACTED]
David	Seguin	[REDACTED]		[REDACTED]	NY	[REDACTED]
JoAnne	Miner	[REDACTED]		[REDACTED]	NY	[REDACTED]
Chris	Katris	[REDACTED]		[REDACTED]	NY	[REDACTED]
Steven	Brown	[REDACTED]		[REDACTED]	NY	[REDACTED]
John	McNulty	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Jamie	Diamond	[REDACTED]		[REDACTED]	NY	[REDACTED]
THOMAS	MULLIGAN	[REDACTED]		[REDACTED]	NY	[REDACTED]
Callie	Rabe	[REDACTED]		[REDACTED]	NY	[REDACTED]
George L.	Bickel III	[REDACTED]		[REDACTED]	NY	[REDACTED]
Jeffrey	Lounsbury	[REDACTED]		[REDACTED]	NY	[REDACTED]
Patricia	Parraga	[REDACTED]		[REDACTED]	NY	[REDACTED]
Cheryl	Butera	[REDACTED]		[REDACTED]	NY	[REDACTED]
Martha F.	Krupa	[REDACTED]		[REDACTED]	NY	[REDACTED]
paul	bennett	[REDACTED]		[REDACTED]	NY	[REDACTED]
Gerard	McGirr	[REDACTED]		[REDACTED]	NY	[REDACTED]
Bethany	Staelens	[REDACTED]		[REDACTED]	NY	[REDACTED]
daniel	stein	[REDACTED]		[REDACTED]	NY	[REDACTED]
Lucy	Carson	[REDACTED]		[REDACTED]	NY	[REDACTED]
Christopher	Agro	[REDACTED]		[REDACTED]	NY	[REDACTED]
Susanne	Burtis	[REDACTED]		[REDACTED]	NY	[REDACTED]
Patricia	Bergman	[REDACTED]		[REDACTED]	NY	[REDACTED]
Tamara	Schacher-Tytla	[REDACTED]		[REDACTED]	NY	[REDACTED]
Nancy	Hale	[REDACTED]		[REDACTED]	NY	[REDACTED]
Elizabeth	Sarfaty	[REDACTED]		[REDACTED]	NY	[REDACTED]
Brenda	Bailey	[REDACTED]		[REDACTED]	NY	[REDACTED]
Elizabeth	McSweeney	[REDACTED]		[REDACTED]	NY	[REDACTED]
James	GUTELIUS	[REDACTED]		[REDACTED]	NY	[REDACTED]
Richard	Moseson	[REDACTED]		[REDACTED]	NY	[REDACTED]
Janice	Bishop	[REDACTED]		[REDACTED]	NY	[REDACTED]
Linda	Smith	[REDACTED]		[REDACTED]	NY	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Nancy	Bunn	[REDACTED]		[REDACTED]	NY	[REDACTED]
Jim	Mahoney	[REDACTED]		[REDACTED]	NY	[REDACTED]
Frank	Moore	[REDACTED]		[REDACTED]	NY	[REDACTED]
joyce	grattan	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Mary	Beilby	[REDACTED]		[REDACTED]	NY	[REDACTED]
JOAN	SHAW FRIEDM	[REDACTED]		[REDACTED]	NY	[REDACTED]
Susan	Joffe	[REDACTED]		[REDACTED]	NY	[REDACTED]
LOIS	LAWYER	[REDACTED]		[REDACTED]	NY	[REDACTED]
DANIEL	PITT	[REDACTED]		[REDACTED]	NY	[REDACTED]
Barbara	Bonham	[REDACTED]		[REDACTED]	NY	[REDACTED]
Anthony Martin	Dambrosi	[REDACTED]		[REDACTED]	NY	[REDACTED]
Todd	Seaman	[REDACTED]		[REDACTED]	NY	[REDACTED]
Henry	Hartman	[REDACTED]		[REDACTED]	NY	[REDACTED]
Stewart	Rego	[REDACTED]		[REDACTED]	NY	[REDACTED]
Michael	Gliboff	[REDACTED]		[REDACTED]	NY	[REDACTED]
Merry	Mcloryd	[REDACTED]		[REDACTED]	NY	[REDACTED]
John	Mickelson	[REDACTED]		[REDACTED]	NY	[REDACTED]
Gary	West	[REDACTED]		[REDACTED]	NY	[REDACTED]
Helen	Ginsberg	[REDACTED]		[REDACTED]	NY	[REDACTED]
Yehuda	Klein	[REDACTED]		[REDACTED]	NY	[REDACTED]
julia heavey	Heavey	[REDACTED]		[REDACTED]	NY	[REDACTED]
Laura	Shea	[REDACTED]		[REDACTED]	NY	[REDACTED]
John	Coppola	[REDACTED]		[REDACTED]	NY	[REDACTED]
Gail	Flowers	[REDACTED]		[REDACTED]	NY	[REDACTED]
Yu-Shih	Liu	[REDACTED]		[REDACTED]	NY	[REDACTED]
David	Gilbert	[REDACTED]		[REDACTED]	NY	[REDACTED]
Ray	Luther	[REDACTED]		[REDACTED]	NY	[REDACTED]
Daniel	Gardner	[REDACTED]		[REDACTED]	NY	[REDACTED]
Jane	Cassi	[REDACTED]		[REDACTED]	NY	[REDACTED]
elaine	levine	[REDACTED]		[REDACTED]	NY	[REDACTED]
Joe	Shulman	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
gail	golden	[REDACTED]		[REDACTED]	NY	[REDACTED]
Beth	Kipperman	[REDACTED]		[REDACTED]	NY	[REDACTED]
Barbara	Gorman	[REDACTED]		[REDACTED]	NY	[REDACTED]
sarah	westwind	[REDACTED]		[REDACTED]	NY	[REDACTED]
Steve	Jennick	[REDACTED]		[REDACTED]	NY	[REDACTED]
Amy	Cheng	[REDACTED]		[REDACTED]	NY	[REDACTED]
James	Geiser	[REDACTED]		[REDACTED]	NY	[REDACTED]
Avlyn	Ashterman-Reed	[REDACTED]		[REDACTED]	NY	[REDACTED]
Fred	Caplan	[REDACTED]		[REDACTED]	NY	[REDACTED]
Jodi	Falk	[REDACTED]		[REDACTED]	NY	[REDACTED]
Jean	Simon	[REDACTED]		[REDACTED]	NY	[REDACTED]
Bruce	Tischler	[REDACTED]		[REDACTED]	NY	[REDACTED]
Haleh	Abghari	[REDACTED]		[REDACTED]	NY	[REDACTED]
Haleh	Abghari	[REDACTED]		[REDACTED]	NY	[REDACTED]
Albert	Ahronheim	[REDACTED]		[REDACTED]	NY	[REDACTED]
Mary Elizabeth	Alexander	[REDACTED]		[REDACTED]	NY	[REDACTED]
Richard	Alleman	[REDACTED]		[REDACTED]	NY	[REDACTED]
michael	alpert	[REDACTED]		[REDACTED]	NY	[REDACTED]
Joan	Althouse	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Jill	Altman	[REDACTED]		[REDACTED]	NY	[REDACTED]
Judith	Angelson	[REDACTED]		[REDACTED]	NY	[REDACTED]
Sarah	Apfel	[REDACTED]		[REDACTED]	NY	[REDACTED]
Adam	Arenson	[REDACTED]		[REDACTED]	NY	[REDACTED]
Tony	Baarda	[REDACTED]		[REDACTED]	NY	[REDACTED]
Karen	Backstein	[REDACTED]		[REDACTED]	NY	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Robert	Banov	[REDACTED]		[REDACTED]	NY	[REDACTED]
Leora	Barish	[REDACTED]		[REDACTED]	NY	[REDACTED]
Gina	Barnett	[REDACTED]		[REDACTED]	NY	[REDACTED]
Jeff	Baron	[REDACTED]		[REDACTED]	NY	[REDACTED]
Elizabeth	Bartfield	[REDACTED]		[REDACTED]	NY	[REDACTED]
Jack	Beck	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
kathleen	berger	[REDACTED]		[REDACTED]	NY	[REDACTED]
sandy	berger	[REDACTED]		[REDACTED]	NY	[REDACTED]
Philip	Berroll	[REDACTED]		[REDACTED]	NY	[REDACTED]
Jean-Claude	Berthelot	[REDACTED]		[REDACTED]	NY	[REDACTED]
Peter	Bloch	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Masako	Bogin	[REDACTED]		[REDACTED]	NY	[REDACTED]
gusti	bogok	[REDACTED]		[REDACTED]	NY	[REDACTED]
ezra	Bookstein	[REDACTED]		[REDACTED]	NY	[REDACTED]
Lindsay	Borden	[REDACTED]		[REDACTED]	NY	[REDACTED]
Marilyn	Bowie	[REDACTED]		[REDACTED]	NY	[REDACTED]
Lynn	Boyle	[REDACTED]		[REDACTED]	NY	[REDACTED]
Bryan	Brady	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Ari	Brand	[REDACTED]		[REDACTED]	NY	[REDACTED]
Chris	Brandt	[REDACTED]		[REDACTED]	NY	[REDACTED]
Anthony	Braun	[REDACTED]		[REDACTED]	NY	[REDACTED]
Wendy	Brawer	[REDACTED]		[REDACTED]	NY	[REDACTED]
Jared	Brenner	[REDACTED]		[REDACTED]	NY	[REDACTED]
marie	brossard	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Jonathan	Brown	[REDACTED]		[REDACTED]	NY	[REDACTED]
Kathleen	Brown McNally	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Margaret	Burnham	[REDACTED]		[REDACTED]	NY	[REDACTED]
Marjorie	Burns	[REDACTED]		[REDACTED]	NY	[REDACTED]
Joseph	Cady, Ph.D.	[REDACTED]		[REDACTED]	NY	[REDACTED]
Walter	Caldon	[REDACTED]		[REDACTED]	NY	[REDACTED]
Maretta	Callahan	[REDACTED]		[REDACTED]	NY	[REDACTED]
charles	cantor	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Steven	Carbo	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Hope	Carr	[REDACTED]		[REDACTED]	NY	[REDACTED]
Stephen	Casale	[REDACTED]		[REDACTED]	NY	[REDACTED]
Lois	Chaffee	[REDACTED]		[REDACTED]	NY	[REDACTED]
kathleen	chalfant	[REDACTED]		[REDACTED]	NY	[REDACTED]
Marsha	Charney	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Harold	Chester	[REDACTED]		[REDACTED]	NY	[REDACTED]
Richard	Clarkson	[REDACTED]		[REDACTED]	NY	[REDACTED]
Christine	Clauser	[REDACTED]		[REDACTED]	NY	[REDACTED]
Paul	Clay	[REDACTED]		[REDACTED]	NY	[REDACTED]
Ellen	Cohen and Susa	[REDACTED]		[REDACTED]	NY	[REDACTED]
Veronika	Conant	[REDACTED]		[REDACTED]	NY	[REDACTED]
Christina	Conroy	[REDACTED]		[REDACTED]	NY	[REDACTED]
Larry	Conroy	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Leslie J	Converse	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Lainie	Cooke	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Michael	Cooper	[REDACTED]		[REDACTED]	NY	[REDACTED]
Zahif	Corkidi	[REDACTED]		[REDACTED]	NY	[REDACTED]
Kevin	Costa	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Fred	Cross	[REDACTED]		[REDACTED]	NY	[REDACTED]
marion	cuba	[REDACTED]		[REDACTED]	NY	[REDACTED]
Lois	Darlington	[REDACTED]		[REDACTED]	NY	[REDACTED]
Joyce	Davidson	[REDACTED]		[REDACTED]	NY	[REDACTED]

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
malindi	davies	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Avner	Davis	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Lisa E	Davis	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Bruce	Deal	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Michael	Denneny	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Owen	Diamond	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Michael	DiGioia	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Susan	Dombrow	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Constance	Dondore	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Deborah	Donenfeld	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Janet	Dorman	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Deborah	Dowell	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Jarrod	Dyer	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Conrad	Eberstein	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Marcus	Edward	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Richard	Eng	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Judy	Ericson	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Andru	Eron	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Stephany	Evans	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Kenneth	Feiner	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Marlene	Feingold	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Elise	Feldman	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Ellen	Feldman	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Hedda	Fields	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Adrienne	FitzGerald	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Colleen	FitzSimons	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Terry	Fix	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Margaret	Flanagan	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Marjorie	Forbes	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Carol	Forget	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Michael	Frenchman	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Maruta	Friedler	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Joyce	Fuller	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Anne	Gallagher	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
madelon	galland	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Cathy	Galligan	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Julie	Gantcher	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Marc	Garber	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Ari	Gauss	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Jean	Gazis	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Katie	Geissinger	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Dale	Geyer	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Cathe	Giffuni	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Steve	Gilbert	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Louise	Gilmore	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Michael	Giorgi	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Nora	Glass	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Gerald	Goldberg	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
June	Goldberg	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Madeline	Goldfischer	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Barbara	Good	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Philip	Goodman	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
claude	goodwin	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Jimmie	Goosby	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
GERIE	GORE	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Wilma	Gottlieb	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Leeann	Graham				NY	
Steve	Greenberg				NY	
Robert	Griffitts				NY	
Lawrene	Groobert				NY	
Andrew	Grover				NY	
connie	gruber				NY	
David	Guerdette				NY	
Robert	Guimento				NY	
Karen	Gunderson				NY	
Leslie	Gwyn				NY	
sonya	hamlin				NY	
Mary Lynn	Hanley				NY	
Erin	Harleton				NY	
Mary	Hausauer				NY	
Elizabeth	Hausknecht				NY	
Denni	Heiges				NY	
Charles	Hettinger				NY	
James	Hill				NY	
LEO	HOENIG				NY	
Elana	Hoffman Larson				NY	
Barbara	Hohenberg				NY	
Joanna	Holzman				NY	
Susan	Hubbard				NY	
Charlotte	Hubbell				NY	
Adam	Idelson				NY	
Joseph S.	Ingber				NY	
Marilyn	Jerome				NY	
Andrew	Johnson				NY	
Rose	Jordan				NY	
Tina	Kansas				NY	
Sandra F.	Kaplan				NY	
Katherine	Kasdorf				NY	
Harriet	Katz				NY	
Eamonn	Kearney				NY	
Eleanor	Kendrick				NY	
David	Kirkwood				NY	
Susan	Kirshenbaum				NY	
Donna	Knipp				NY	
Ellen	Knopf				NY	
marion	koenig				NY	
Lester	Kushner				NY	
Natalie	Lardner				NY	
barbara	laufer				NY	
Nydia	Leaf				NY	
Timothy	Leavitt				NY	
B.	Lee				NY	
Sergio	Leguizamo				NY	
Dane	Levens				NY	
Howard	Levitsky				NY	
H.K.	Levor				NY	
Batya	Lewton				NY	
Michele	LiCalsi				NY	
Elizabeth	Lipton				NY	
Kay	Logan				NY	
Anna					NY	
Ellen					NY	

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Ruth	Mackaman	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Linda	MacLeman	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Mary Ann	Maikish	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Laurie	Maoz	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Diogenes	Marchena	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Maxine	Martin	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
brian	mattlin	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Desiree	Maumus	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Jennifer	Mazer	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Kathryn	Meister	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
James R	Mendelsohn	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Rekha	Menon	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
rolf	meyersohn	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Erin	Mielke	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
William	Millard	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
William	Mitchell	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Renee	Mittler	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Joanne	Molodowitz	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Taina	Montalvo-Teller	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Ramon	Montes	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Katrinka	Moore	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Paola	Moore-Pagano	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Tracy	Morrison	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
George	Murray	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Adam	Nazimowitz	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Charles	Neidich	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Robert	Nichols	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Kathryn	Nocerino	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Cathleen	Noland	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Kevin	O'Connor	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Anna	Oliver	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Kevin	Olson	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Ken	O'Neill	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
angela	paik	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Joseph	Paladino	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Neni	Panourgia	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Neni	Panourgia	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
john	papandrea	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Lisa	Parkins	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
DANNY	PEARY	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Paul	Pelavin	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Susan	Pensak	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Rafael	Perez	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Miriam	Perrin	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Macauley	Peterson	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Mildred J.	Petroski	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Mark	Pezzati	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Ellen	Polivy	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
joseph	portanova	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Joanne	Pottlitzer	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
nora	prentice	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Maureen	Pricci	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
gregory	reardon	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Kristine	Reyes	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Elizabeth	Rich	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]
Vivian	Riffelmacher	[REDACTED]	[REDACTED]	[REDACTED]	NY	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Claudia	Rincon				NY	
Margaret	Ritchie				NY	
Ann	Roberts				NY	
Marcia	Robinson				NY	
Kelly	Rolf				NY	
Aaron	Rubin				NY	
bernice	rubin				NY	
Barry	Rugg				NY	
Frank	Russo				NY	
Aimee	Saginaw				NY	
Ben	Sander				NY	
Sandra	Santisteban				NY	
carmen L.	Santos				NY	
Harriette	Schecter				NY	
Kenneth	Scher				NY	
judith	schiff				NY	
Anna	Schissel				NY	
Marina	Schmutzer				NY	
Joan	Scholvin				NY	
Eric	Schrimshaw				NY	
sharon	schwartz				NY	
Amanda	Scuder				NY	
James	Sedlock				NY	
Brad	Seiler				NY	
Jennifer	Senko				NY	
William	Sharfman				NY	
John	Shepard				NY	
Julia	Shpirt				NY	
Eugenia	Shulman				NY	
robin	shweder				NY	
Ruth	Siekevitz				NY	
Josh	Silverstein				NY	
John	Simpson				NY	
Jon	Singleton				NY	
Kate	Skolnick				NY	
catherine	Skopic				NY	
Guy	Smith				NY	
Mark	Smith				NY	
Paul	Smoke				NY	
Barbara	Snow				NY	
Hillary	Sobel				NY	
David N.	Sokol				NY	
Steven	Somkin				NY	
Karen	Spencer				NY	
Erica	Spiegel				NY	
Jean	Standish				NY	
Carol	Starmack				NY	
Annie	Stauber				NY	
Hubert	Steed				NY	
Faith	Steinberg				NY	
Pam	Steinkamp				NY	
Mark	Stenseth				NY	
Daniel	Stern				NY	
Patricia	Still				NY	
Cheryl	Sucher				NY	
Deborah	Sudran				NY	

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Connie	Tate				NY	
Francoise	Teitelbaum				NY	
Liz	Thaler				NY	
Dana	Thornley				NY	
Ganden	Thurman				NY	
Rosalind	Tobias				NY	
Lucia	Trimbur				NY	
Florindo	Troncelliti				NY	
Carmine	Tronolone				NY	
Elizabeth	Ungar				NY	
Vinson	Valega				NY	
rayda	vega				NY	
Helene	Verin				NY	
Elizabeth	Walker				NY	
Joseph	Walker				NY	
Aristea	Walsh				NY	
Francis	Walsh				NY	
Renee	Warshaw				NY	
Chris	Washington				NY	
Ila	Weiss				NY	
Brian	Wickham				NY	
Jackie	Wildau				NY	
Elsa	Williams				NY	
Ted	Williams				NY	
Katharine	Wolpe				NY	
celia	wu				NY	
Annette	Zaner				NY	
Leonard	Zimmerman				NY	
Geoffrey	Abrams				NY	
Lawrence	Derasmo				NY	
Armando	Howard				NY	
Scott	Isebrand				NY	
Jeanne	Jones				NY	
Jane	Levy Troy				NY	
Jack David	Marcus				NY	
Raymond	Pool				NY	
Nina	Reznick				NY	
Barbara	Russo				NY	
Naomi	Sheiner				NY	
Polly	Smith				NY	
Sarah	Amberge				NY	
johanna	cooper				NY	
Ellen	Daugherty				NY	
Jacqueline	Foster				NY	
Jacqueline	Foster				NY	
judy	hildebrand				NY	
Nancy	Stamm				NY	
George	Naumburg				NY	
Rhonda	Mangus				NY	
Carol	Cramer				NY	
Sam	DeWitt				NY	
Nancy	du Plessis				NY	
Deborah	eisenberg				NY	
Maria	Enns				NY	
Nora	Gaines				NY	
Robin	Glasser				NY	

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
ben	goldfarb					
Judy	Goldstein					
Gillien	Goll	45 W 111				
Sawatree	Green	25 Broadway				
pat	hatry					
betty	heller					
Egbert	Isaacs	York Street				
sherry	landsman					
David	Lopato					
Allison	Lynch					
Julie	McKee					
Gregory	Purnhagen					
Leonard	Quart					
Greg	Senf					
Mim	Solberg					
Miriam (Mim)	Solberg					
paul	stein					
Jennifer	Stratton					
L	T					
julia	tobey					
renzi	van bolderick					
hope	winthrop					
Eileen	Collins					
Carolyn	Friedman					
Judi and Felix	Aronowitz and F					
Craig	Barish					
Rona	Beame					
Joanne	Black					
Joanne	Black					
Jonathan	Brody					
Laura	Collins					
Ned	Eisenberg					
Eric	Forat					
Teri	Gibson					
Liz	Hanellin					
Randy	Howk					
L	Klein					
al	krause					
SAL	MISTRETТА					
Wendy	Panken					
Thomas	Landers					
Jamie	Genoa					
amy	friedman					
David	Anthony					
Colleen	Blacklock					
Robert	Mahoney					
Richard	Beal					
Gerald	Kestenbaum					
Erin	Conklin					
roselyn	frederick					
Lisa	Ostrander					
Kimberly	Wentworth					
Douglas	Kinney					
Catherine	Ludlam					
Barbara	Sullivan-Parry					
Joyce	Gavin					

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Barbara	Lubell	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Marilyn	Cleveland	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Patrick	Smith	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jim	Uleman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
rev Stephen a	michie	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Richard	Pine	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
joyce	herman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
elinor	rice	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
John	Gunlogson	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Jennifer	Sutton	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
David	Hogancamp	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ellen	White	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
patricia	DeCaro	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ellen	Henry	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Carol	Kerner	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Susan	Neal	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
EILEEN	SPENCE	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Morris	Fried	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Joseph	Makara	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
cathleen	murray	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
ingeborg	sapp	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
joan	budd	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Lou	Csigay	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
charmaine	oakley	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Debra	Teplin	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Andrew and K	Wittenborn	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Carlton	Kissner	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Tiffany	Hartwell	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Elaine	Learnard	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Hanna	Essenburg	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Allen & Barbar	Schafer	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
wandell	thomas	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Loren	Unger	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Timothy	Fossum	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Donna	Seymour	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
nancy	ball	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Nancy	Hritz-Seifts	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Patricia G.	Lamanna	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Howard	Susser	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Howard	Winn	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Renata	Schwebel	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Judy	Allen	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Maureen	Bloesch	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Partricia	Carano	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Thomas	Carano	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Tom	Carano	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Michael	Gelfer	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Michelle	LeBlanc	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ariane	Orenstein	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kara	rubenfeld	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
samuel	beren	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Judith	Kahn	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
John	Miller	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Johanna	Richmond	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Arthur L.	Friedman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Julie	Castelluzzo	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Michael	DeWan	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Peter	Trachtenberg	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Catherine	Watters	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Chris	Eggleston	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Elizabeth	Stone	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Rich	Cole	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
nan	quigley	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Matthew	Eager	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ellen	Asprooth	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Marie	Barker	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ed	Bender	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Gary	Bogue	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Judith	Borrelli	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ursula	Burke	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Penelope	Carter	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Michael	Connelly	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Paul	Cuff	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
NANCY	Dean	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Nzncy	Dean	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
John H.	Dengler	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Katherine	Denison	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Patricia	Eisenberg	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Eric	Evans	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Scott	Fisher	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
santiago	florez	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
edward	freedman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Nancy	Friday	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Rosary	Grande	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Karlene	Gunter	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Elizabeth	Guthrie	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Donna	Jackel	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sharon	Kramacyk	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Bruce	Lane	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Dr and Mrs Rd	LaRossa	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Martha	Laties	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ann Marie	Lodolini	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sheila	Markowitz	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Roberta	Moriarty	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
John	Neary	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Barbara	Orenstein	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kishan	Pandya	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Melanie	Picciotti	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Philippa	Proudfoot	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Timothy	Raymond	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Walter	Ruehle	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Matthew	Stringer	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Elizabeth	Switzer	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Arthur	Thomas	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Julie	Winter	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Barbara	Esposito	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
lionel	brickman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Harriet	Perlmutter	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Brian	Smith	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jacqueline	Davis-Soman	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Drs. Alfred &	Stracher	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Linda	Andrews	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Annette	Weinstein	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
harold	hecht	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Karen	Cleveland	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Judith	Schultz	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ilene J.	Gold	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Debra	Goodman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jonathan	Polonsky	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ralph	Krainin	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sara	Bradshaw	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Susan	Brennan	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
cecile	shore	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Carl	Danna	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Dan	Wojcik	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Emily R.	Oprea	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Barbara	speer	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Harold	Porosoff	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Francisca	Sabadie	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
marie	webster	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Marsha	Bradshaw	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Leonard	Interrante	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jill	Purcell	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Marshall	Lee	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Joseph	Maurici	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Dorothy	Talotta	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
John	Townley	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Catherine	Horeis	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Eric J	Nicholson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Steven	Brewer	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
cristina c	bonuso	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Frank	Emmett	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Madeline	Shaw	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Lee	Miller	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Douglas	Maass	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Susan Ochs	Phillips	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Gordon	Williams	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Barbara	Vaccaro	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Nathan	Sloan	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Stephen	Real	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
BARBARA	TERWILLIGER	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Harold	Dean	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Beverly	Alves	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Janet	Brandis	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Douglas	Smyth	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Claudia	Philippe	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Joann	Cardello	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Addie	Corn	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Bernard	Kahn	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Michael	Morice	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Geraldine	Opulski	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Rudolph	Ripp	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Bonnie	Rothman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
tom	blake	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jennie	Litt	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ruth	Silverman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Richard	Edwards	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Devora	Klein	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Catherine	Schuyler					
David and Mitzi	Smith					
Gloria	Supnick					
Katherine	Hawkins					
Wayne	Stinson					
jack	friedman					
Stephen	Ruderman					
marilyn	austin					
Jim	Brown					
margrit	diehl					
Corinne	Driscoll					
David	Flanders					
Peggy	Flanders					
Annette	Guisbond					
BETSEY	KECK					
Kristen	Luzzi					
Kelley	Scanlon					
Emilie	Spielmann					
Robert	Thoryk					
James	Weidman					
Kathryn	King					
Theresa	Everett					
Linda	Gazzola					
Linda	Finlay					
jon	hinksmp					
Joyce	Hartsfield					
Veda	Kipp					
Carolyn	Wilhelm-Pierson					
Christopher	Bassett					
Adolfo	Gutierrez					
James	Keegan					
David	Pallas					
Donna	Simms					
thomas	campbell					
Ara	Karlberg					
Lynda	Leibowitz					
allan	goldhammer					
Jon	Ross					
James	Hale					
Richard	Kuczkowski					
Virpi	Loomis					
marni	bakst					
Martin	Peterson					
Vivian	Carlip					
patricia	o'sullivan					
Jeremy	DeLuca					
Thomas	Connor					
Donald	Cruver					
earl	van horn					
James	Mulder					
Beverly	Ellingwood					
Sharon	Winter					
John	Makowiec					
Peggy	Conroy					
Ralph	Conroy					
Sarah	McNaull					

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
dino	delany	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kenneth	Lonas	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
James	Sofranko	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
ruth	pessin	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Leon	Bortnick	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Richard	Golding	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Elizabeth	Lewis	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Connie	Mancini	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Thomas	Yarnall	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Heb and Bobb	Robbins	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Lois	Stenzel	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Andrew	Vollo	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Dave	Luntz	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Catherine	Wech	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
David	Reuther	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Alithea	Howes	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Rhoda	Schlamm	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Melissa	Sklarz	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sharon	Utakis	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Rick	Cameron	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Julie	Parisi Kirby	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Edward	Rengers	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ruth	Simpson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
ERIC	WEISSBERG	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Tim	Jerome	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Emily	Lesnick	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Virginia	Reticker	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Miriam	Brickman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jo-Ellen	Bosson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jane K.	Elgot	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Florence	Fox	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Debbie	Lackowitz	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ben	Faber	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Joseph	Forman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sondra	Forman	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Marshall	Rubin	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jack	Brown	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
annie	campbell	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Chris	Hansen-Nelson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Judith	L'Heureux	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Timothy	Liebe	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jeffrey	Adler	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Steve	Cochran	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
John	Cochrane	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Elizabeth	Dowling	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Judd	Frahmann	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
George	Hennigin	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Hedy	Jones	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Leonard	Klein	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sandra	Kurt	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Brant	Lee	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Deborah	MacDonald	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
John	MacDonald	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
E.L.	Moody	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ernestina	Moody	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Daryl	Peavy	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Ella Grace	Reitz					
Rayna	Rusenko					
Nicole	Stenger					
Thomas	Swinscoe					
Dana	Weber					
James	Webster					
Patrick	Worden					
Rosemary	Bienz					
Sara	Mahan					
Jose	Mendiola					
Albert	Porterfield					
Jen	Porterfield					
Thomas	Brownfield					
Philip	Cantino					
Elizabeth	Clodfelter					
Charles	Rogers					
Barbara V.	Smith					
Katherine	Tildes					
Kay	Tousley					
Susan	Horne					
Mike	Morway					
clare	votava					
Heidi	Keenan					
Nancy	Chopp					
Rhoda	Konigsberg					
Carol	Mardell					
steve	simmons					
Ronald and M	Harding					
Shirley	Skerness					
Betty	Bloomfield					
Betty	Bloomfield					
Betty	Armstead					
Charles	Burke					
Kathy	DiBiasio					
Terry	Martin					
Mark	Mattern					
Thomas	Sutton					
John	Templin					
Ken	Dymond					
Winifred	Rex					
Chad	Rohrbacher					
Stephanie	Tuszynski					
Jason	Wells-Jensen					
Dorothy	Wrona					
S.	C.					
Robert	Danko					
Robert	Walter					
al	ESPENSCHIED					
Cynthia	Mohn					
Joseph	Mohn					
Mr. & Mrs. Dor	Leyland					
Celia	Borack					
Adele	Gelb					
Douglas	Harbour					
Jean	Masters					
Richard J.	Niedenthal					

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
cheryl k	davis					
Dr Dennis R.	Smith					
Susan Gonde	Smith					
ron	allen					
susan	ALcorn					
Lindsay	Rayner					
Fred	Welty					
John	Schmittauer					
christeena	liggins					
Larry	Barr					
Miriam	Allbee					
mary	aug					
Richard	Blumberg					
Laura	Bolte					
Robert	Bonney					
Jennifer	Brown					
Mary	Carson					
John	Cummings					
Marilyn	Dainoff					
william	davidson					
Esther	Dine					
Samuel	Feder					
Melanie	GArner					
Ethel	Guttenberg					
Marvin	Guttenberg					
Alli	Hammond					
Martha	Hanon					
Patricia	Hobson					
William	Howley					
Richard	Hunt					
Janice	Hunter					
William	Joiner					
Rev. Lesley E	Jones					
Janet	Kalven					
Evelyn	Koehl					
matt	kovach					
Marie	Laughlin					
Michael	Marcotte					
Sydney	Mathis					
Susan	Meyers					
Glenn	Miller					
Sue	Morrissey					
Tasha	Muhammad					
James	Mulloy					
Laura	Read					
Michael & Alyc	Rieck					
Kimball	Roots					
Roberta	Sansalone					
Barbara	Schenck					
Brenda	Smith					
Henry	Smith					
Marie	Smith					
Nicole	Staun					
Reba	Talmon					
Matthew	Teeters					
Greg	Terhune					

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Ronda	Wilde					
Loretta	Workman					
john	spencer					
Kathleen	Cole					
colleen	burke					
John	Baker					
Charles	Belveal					
Roy	Bigler					
Julie	Candela					
Eric	Christian					
molly	danzinger					
Cheryl	Duffy					
Karen	Frey					
Ada	Gilbert					
Dawn	Grattino					
Nicole	Kern					
The Rev Dr El	McCoy					
Gregory	Merlin					
Greg	Method					
Mary Jane	Pike					
Mikel	Pomeroy					
dan	reiber					
Roger	Sams					
pat	schmidt					
Randy	Schutt					
Elizabeth	Woodruff					
Sandra	Albro Rutter					
lida	allen					
Roldo	Bartimole					
Charles	Butler					
BonnA©	de Blas					
Linda	Freeman					
Darcy	Prince					
Brandon	Rutter					
Annette	Segall					
Park	Goist					
Barbara A.	Nicely					
Kathy	Jadud					
Mary	Michaelis					
Robert	Adams					
Karin	Arnold					
Deborah	Baillieul					
Thomas	Baillieul					
Vanessa	Baker					
Teresa	Blakely					
James	Bowling					
shelley	brady					
Tyrus	Burgess					
tom	butler					
Anita	Davidson					
Margaret	Diehl					
Jonathan	Disbro					
Timyra	Dodd					
Susan	Dollinger					
Phyllis	Elmo					
Patricia	Enciso					

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Brian	Erickson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Christopher	Essey	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Audrey	Fletcher	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
ADRIAN	FRAZIER	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Mark	Freeman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Janice	Fry	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Deborah	Georg	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Thelma	Golden	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Barbara	Greenberg	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Timothy	Griffith	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Ronda	Griffith-Grubb	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sharon	Hamersley	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Barbara	Hamilton	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jill	Hill	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Charles	Hoisington	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Cheryl	Howard	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Donald	Hyatt	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Marianne	Janowicz	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jessica	Johnson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
pete	johnson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sonia	Kovitz	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
marty	kuhn	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Brian	Kuru	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
John	La Follette	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Barbara	Land	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Karen	Lee	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Deborah	Linville	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Hope	Madden	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Vicki	McConnell	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Anna	McCreery	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Gail	Meese	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
elizabeth	Melville	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jen	Meredith	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
RObert	Mills	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
W.	Mills	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Frank	Ranelli	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Judith	Reuning	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Daniele	Rickert	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Joshua	Ruben	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
john	seibert	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Lisa	Simpson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ivan	Smith	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Chris	Steele	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sara	Strong	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Theodore W	Thomas	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Darian	Torrance	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
William	Tyler	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Pamela M.	Unger , LPCC	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Tim	Wagner	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
William	Watson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
A.E.	Perkoski	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
James and Su	Sherry	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Loretta	Kerns	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
martha	scarpaci	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ann L.	Gingerich	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Paul	Hefferon	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Scott	Lowe	2826 Norwood St				
Mary	Nichols-Rhodes					
Jeff	Trott					
Velma	Bader	548 Heather Dr				
Libby	Ballengue	2248 Weywood Dr				
James	Brown	515 E 1st St				
Deborah	Burns	4045 Morrison Avenue				
wellington	crisler	1408 Lincoln St				
William	Davis	729 E 1st St				
William	Gould	1100 Cardiac Ave				
Elena	Horvath	2515 Union Drive				
Sandra	Kennedy	1408 Morrison Ave				46402-4214
Elizabeth	Kisch	8858 Keweenaw Dr				46408-4600
Jonathan	Kleinman	889 N Hwy 61				46408-1274
Gwen	Marino					46408-1275
Vanessa	O'Kelley					46408-1276
Grant	Root					46408-1277
Rita	Schindel					46408-1278
Kelly	Smith					46408-1279
Marianne	Stanley					46408-1280
John	Wood Sr					46408-1281
Janet	Daily					46408-1282
Ann	Quinlan					46408-1283
William	Ream					46408-1284
Helen	Hileman					46408-1285
SUSAN	EVILSIZER					46408-1286
Jeff	Robertson					46408-1287
Megan	Robertson					46408-1288
Emma	Vakharia					46408-1289
George	Carr					46408-1290
Ronald	Burnett					46408-1291
Jennifer	Pritchard					46408-1292
Suzanne	Lentz	110 Morrison Ave				46408-1293
Brad	Atwood					46408-1294
Karin	ONeil					46408-1295
Margaret	Banning					46408-1296
Ritt	Rousseau					46408-1297
Lisa	Torrence					46408-1298
Sylvia	Niedner					46408-1299
Larke	Recchie					46408-1300
Judith	Thomas					46408-1301
Deborah	Gunnell					46408-1302
Steve	May					46408-1303
KENNETH	BROCKMAN					46408-1304
rosemary	carnival					46408-1305
Nicholas	Chiro					46408-1306
Robert	Diemand					46408-1307
Scott	Stuckman					46408-1308
Gerald	Dolcini					46408-1309
Edwin	Beale					46408-1310
Danielle	Jenkins					46408-1311
carol	gottesman					46408-1312
Alice	Dugar					46408-1313
Roslyn	Talerico					46408-1314
Ronda	tyree					46408-1315
anita	bixenstine					46408-1316

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Edwin	Bixenstine	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Evelyn	Colville	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Bonny	Graham	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Arthur	Kaltenborn	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Karla	Kellenberger	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Thomas	King	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Craig	Lucas	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kevin	Crisler	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Richard	Young	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Patricia	Butler	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Lorraine	Cogan	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Mark	Cosgriff	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Anna	Grenier	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
JAMES	HILLIARD	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Christine	Sell	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
stephanie	spahr	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
GEORGE T	SIDDALL JR	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Dan	Stapleton	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Linda	Love	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Carol	Stewart	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Louis	Myers	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
thomas	croxall	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Carolyn	Veerjee	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sherry	Atherton	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Britney	Mann	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Joe	Alexander	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Mitch	Coleman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
John	Dierig	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Ellen	Dryer	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Karin	Noland	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Monica	Potticary	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Irving	Bradley	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
ARLENE	SCHREIBER	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
William	Stellhorn	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
RICHARD	SCHREIBER	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
robert	garrett	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Johnnie	Baker	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Donald	Parker	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Cheryl	Russo	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
John	Martin	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jacqueline	Austin	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Luanne	Goodson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Reverend Ang	Keiffer	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Susan	Lambert	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Stacey	Langsner	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Hugh	Skees	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Mark	Lungo	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Bernard	Morse	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Lois	Tonoff	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Diane	Diernbach	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Carole	Rummell	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jack	Maley	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Danielle	Nameth	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Dr. Mary	Brown	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Mary	Brown	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Gerald	Martin	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Cate	Blair	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
David	Conkling	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
PAUL	HARRIS	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
pat	henderson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
carol	brenner	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
John	Kuhn	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kathryn	Miller-Baker	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
thomas	cummons	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
D	Dabrowski	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Susan H.	Robinson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Gloria	Smith	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Paul	Shanabarger	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Robert J.	Bohland	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Guy	Roddy	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kevin	Welcsh	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Christine	Wieland	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
edward	fleischner	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jim	King	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
rachel	williamson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Chester	Ramey	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sandra	Velick	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Richard and S	Wengel	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Barbara	Fuchsman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
damaris	davis & family	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Thelma	Shirey	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Charlotte	Bruhn	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Edward	Clark	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Joseph	Lefler	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Stephen & Cor	Caruso	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Richard	Engel	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Mike	Nestor	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Christopher	Johnson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Janice	Taylor	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Denise	Holmes	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Steve	Clouser	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Marion	Gillette	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Veronica	Harpman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
maryann	limmer	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Justin	Marino	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Christie	Cowen	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Rachel	DiMaggio	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Michael	Hoechstetter	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Lenore	Kern	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Polly	Searfos	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Robert	Weingart	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Robert	Cooper	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Richard	Feinberg	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Larry	Lamovsky	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Lynnette	Morrow	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Thomas	Morrow	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kevin	Jarrell	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Scott	Rice	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Steven	Izen	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Robin	Kirschenbaum	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
William	Rigby	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Gary	Russo	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Catherine	Scallen					
Beverly	Simmons					
Marcia	Levine					
Joanne	Ferguson					
mary	potter					
Steve	Kay					
Daniel	Kozminski					
Earl	Nittskoff					
Ron	Archer					
Lee	Parks					
Neal	Crandall					
Lucretia	Crawford					
Elliot	Gaines					
Jon	Koppenhoefer					
jack	macleam					
Sean D	O'Toole					
Brian	Lorman					
Ken	Adler					
Joseph	Falkenstein					
david	kaser					
Frank	Mlinar					
Ellen	Adler					
Nancy	Athanas					
Myrna	Boggioni					
Nicholas Ahari	Boggioni					
Pat	Buchanan					
Richard	Hanusz					
Leonore	Johnson					
Steve	Kalniz					
Harold	Peters					
Doreen	Robideaux					
Janice	Whitaker					
Virginia	Wolter					
Jim	Tuvell					
Cara	Nolan					
Benjamin	Barnett					
Robert	Harmon					
Stephen	Brown					
Steve	Wood					
Donald	Hayashi					
kimberly	freeland					
Michael	Kubisek					
Phil	Doell					
Pamela	Grucza					
Jean	Hose					
Janet	Jones					
William	Jones					
Michael	Holubar					
Nancy	Meacham					
Judi	Jeska					
Paula	Brown					
Bob	Cheney					
Adrian	Christian					
James	Christian					
Mary	Farley					
Beth	Lamb					

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
REBECCA	VEACH					
Kathryn	Cilimburg					
Colleen	Kavanagh					
Jeanne	Long					
Lee	Strock					
Carol	Streight					
kim	hillstrom					
Lyn	Shoots					
Charles	Williams					
Anita	Beck					
Jan	Hall					
Lucretia	Pollard, Ph.D.					
Marlene	Talbott-Green, P					
Mary L.	Doyle					
M K	Egart					
edwin	lainhart					
Suzanne	Barbati					
Martin	Berger					
Barbara	Brothers					
James	Dittrich					
Helen	Gillespie					
Deborah	Mathews					
Toni	Schildcrout					
Karen	Takahata					
Shauna	Looper					
Jerry	Jefcoat					
Linda	Plummer					
Joy	Canon					
Les	Hastings					
Mercedes	Lackey					
Lydia	Garvey					
James A	Lyon					
James A.	Lyon					
Michael	Henrickson, MD					
Loree M.	Rice					
Venusto	San Joaquin					
Martha	Hatt					
Sonya	Morgan					
I.c.	wade					
William	McGinnis					
Rev. Dr. Bill	Moorer					
jasmine	ong					
Keith	Purtell					
Kurt	Bachmann					
Richard	Hilbert					
Dorothy	Jenkins					
Moe	Karami					
Liz	Locke					
David	Negron					
Jose	Negron					
Lucinda	Oropeza					
Ethan	Shroll					
Robert	Mulkins					
C.S.	Alagood					
Don	Anderson					
Loyd Nolen	Dunaway					

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Roger	Harkness	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Elizabeth	Houghton	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Stephen	Paley	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
marianne	reichlin	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ron	Simpson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
John	Wilson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
John	McConnel	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Earl	Gibson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Patricia	Paterson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Velta	Riggs	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Richard	Campbell	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Fumiko	Sakoda	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Zoe	Alexander	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Marilyn	Bedford	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Oma Jo	Dodson-Boyte	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
John	Hinds	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Marion	Lamb	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Robert	Leonesio	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Elizabeth A	Levinson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Rita J.	Moskowitz	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Harold	Nave	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Margaret	Nolan	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Gabrielle	Oppenheimer	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
G Martin	Page	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Angela	Spotts	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Gayl	Wilson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
diane	woodward frost	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Charlie	Yount	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Brittany	Hanschen	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Suzanne	Crews	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Vic	Kern	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Marcia	Chambers	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Tom	Cope	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Edgar U	Hemmingson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
anne	magruder	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kyle	Anderson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sandra	Bly	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Loretta V	Cukale	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Deb	Grout	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
L. Joy	Morris-Rand	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
mark	olsen	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Shannon	Olsen	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Alan	Zehntbauer	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Cyd	Riley	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jim	freeberg	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Nancy L.	Anderson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
John	Barker	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Marla	Estes	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kate	Ferrara	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Carole	Foster	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Nancy	Golden	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Wayne	Kelly	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Dr. Rick	Kirschner	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Susan	Lander	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Irving	Lubliner	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
m.	michaels	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Deborah	Mokma	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Cheryl	Rawson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Avram	Sacks	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Brenda	Seidel	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
John	seybold	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
madeleine	sklar	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Janet	Sneider-Brown	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Annabel	Myers	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kurt	Koepke	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Iva	Mace	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Roberta	Stewart	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Dorothy	Tharsing	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Julie	Stevens	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Richard	Yarnell	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Georgene	Bailey	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Tom	Barron	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Marjory	Berry	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Alan	Best	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kim	Breas	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Susi	Brothers	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jason	Bryant	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Paul	Cole	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Thomas	Cronin	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Barbara	DeMith	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Bill	Dubey	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jeanette	Fruen	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Mika	Gentili-Lloyd	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Nancy	Gray	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
David	Honigstock	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Genevieve	Hornof	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Merv	Johnson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Patricia	Jones	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
LaVerne	Landauer	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Daniel	Lionberger	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Paul	Pease	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Luann	Pelton	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Heather	Stanley	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kristin	Steger-Solares	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Cindi	Swingen	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Janette	Vlahos	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Connie	Weiss	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Michael	Wong	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
steven	TRUE	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Steve	Aydelott	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Vernon & Ann	Cusack	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Joan	Goodwin	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Robert	Horowitz	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Klaudia	Meyer	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Linda	Mueller	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Toni	Weir	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Howard	Borer	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
SHaron	Downs	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Paula	Manley	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
TR	Factor	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Dr. William	Kurko	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
George	Buckingham	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Genie	Uebelacker					
Joanne	Pence					
Gloria	Latta					
Stacey	Lowe					
Elmer V	Koski					
Barbara	Arlen					
George	Beekman					
Stuart	Curtis					
Michele	DiMeo					
Jeanette	Hardison					
Usha	Honeyman					
Kathie	Likos					
Jeffery	McGonagill					
Kay	Novak					
Marty	Roberts					
Valerie	White					
Muriel	Wyatt					
Leslie	Arbuckle					
Allison	Grewal					
Susan	Williams					
Dorothy	Mack					
George	Bentley					
Mitchell	Luftig					
Mary	Burnley					
Dustin	Caldwell					
michelle	Chaves					
Megan	Clark					
Dawn	Coslow					
Edward	Craig					
JoAnn	Durfee					
Judith	Eisen					
Rosemary	Erb					
Martin	Falk					
Rachel	Foster					
Kevin	Franken					
David	Franzen					
Ginny and Bob	Freeman					
Jackie	Frew					
Carmen	Garcia					
LaTonya	Gibbs					
Dana	Gorman					
Randy	Harrison					
Carol	Horne					
Charles	Hottle					
Leslie	Hunter					
Randall	Klein					
Carolyn	Knox					
Ruth	Lefevre					
Kianna	LeVay					
Ellen	Maddex					
Christopher	Michaels					
Jane	Moodie					
Jessica	Morrell					
Michael	Nemeth					
BJ	Novitski					
Susan	Pitcairn					

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Mary	Pritchard	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ingrid	Quitslund	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Mark	Reed	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Carleen	Reilly	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Myrrh	Sagrada	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Carol	Scherer	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jozef	Siekiel-Zdzienick	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Christine	Stahl	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
cathy	verret	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Eric	Canon	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Richard	Andrade	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Gayle	Archuleta	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Theresa	Bush	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Bonnie	Cameron	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Marilyn	Gill	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
June	Roque	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Fred	Woodward	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jean	Mount	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Patricia	Reed	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jeffrey	White	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Karen	Blasche	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Diane	Cadonau	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Francisco	Gadea	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Cynthia	Hanna	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Randall	Webb	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Robin	Williams	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Lee	Peter	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Steven	Winkle	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Tracy	Lamblin	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Carol	Weitgenant	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
greeley	wells	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
roger	bair	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Rita	Kiley	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Steven	Berkson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Woody	Booker	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Keith	Brown	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Michael	Litt	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kurtis	Loren	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Bonnie	Robb	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Berklee	Robins	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ueli	Stadler	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Nicholas	Tahran	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Charlene	LaFollette	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Libby	Durbin	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Richard	Smith	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sandra	Christhilf	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Gary	Burgess	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
keith	shirley	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Barney	Gorter	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
June A.	Cooper	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Frank	Kolwicz	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Dee	Gilchrist	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Michelle	Clark	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Joyce	Stewart	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Susan	Lilley	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Tom	Mottershead	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Ted	Saufley	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Warren	Ferris	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Walter	Marchel	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jeanne	St.John	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Robert	Sasanoff	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Lynn	Betteridge	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Joan	Brown	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Steven	Goldstein	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kristi	Schaefer	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sandra	Sellevaag	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Irma s	Sullivan	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Polly	Stonier	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Frances	Seegert	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
jean	Kilburn	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Carol	Adler	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kim	Anderson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jim	Andrews	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Chris	Appelhans	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Dietrich	Ayala	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Juliet	Ballard	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Linda	Bard	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Arthur (Bill)	Barstad	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Henry	Bennett	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Deirdre	Bentley	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
mary	bentley	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ralph	Bentley	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ralph	Bentley	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Linsey	Bergen	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ethel	Birnbach	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Patricia	Bognar	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Chris	Bond	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
kathryn	ourn	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
CELESTE J S	Brady	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sue	Brower	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Mike	Brown	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Thomas	Brown	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Mary Ann	Buchanan	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Carolyn	Buhl	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
April	Burris	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
rod	carlson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Robert	Christian	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
james	cipolla	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
D	Clemans	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Carrie	Cole	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Marcia	Cooperman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
John	Cox	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Rick	Crittenden	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
christopher	dazey	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Christian	Doering	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Lynn	Dorman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
philip	dryer	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Hugo	du Coudray	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ben	Earle	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Evelyn	Ehlis	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Adi	Fairbank	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Judith	Fardig	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
denis	floyd	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Geraldine	Foote	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Tim	Foulke	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Chris	Gaarder	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Craig	Gilbert	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
David	Goldman	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
KENNETH	GRANT	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Stacy	Green	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Marilyn	Grendele	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Lee	Hamilton	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Tana	Hastings	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Bruce	Hellemn	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
John	Herbert	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
William	Hofford	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Fred	Ingram	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Brooke	Jacobson	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Don	Jacobson	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Jesse	Jenkins	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Diane	Johnson	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Elsa	Johnson	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Martha	Jones	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Merilee	Karr	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Dan	Kelly	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Kipp	Lachance	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Susan	Lafferty	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Alice	Larson	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Kathryn	Leech	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
robert	lehrkind	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
William	Leler	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
David	Lindenbaum	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Clyde	Locklear	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Nancy	Loeb	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Laurie	Lundy-Ekman	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Michael	Madias	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Amanda	Mantino	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Bruce	Mason	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Rik	Masterson	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Teresa	Mathern	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Derek	Mathis	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Krista	McCracken	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Cerissa	McFarlane	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Donlon	McGovern	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
john	mcintosh	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Kathryn	McLaughlin	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
John	Mealy	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Lois	Meddock	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Laura	Michaelis	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Noah	Mickens	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Eva	Miller	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Gordon	Miller	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Gary	Morris	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Dina	Morse	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Maureen	Nash	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Heather	Newton	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
David	Nez	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
David S.	Nichols	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Karen	Nielsen	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ruth	Olson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Carol	O'Neill	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jason	O'Neill	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Thomas	Orzechowski	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Lori Jill	Owens	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Tamara	Patrick	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Dale	Payne	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Margot	Perry	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Shelley	Peters	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Carolyn	Pinkham	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
William	Powell	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Mary	Priester	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Carole	quigley	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jim	Radosta	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sherrill	Resch	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jamie S.	Rich	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Paul	Rich	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Jeffrey	Richard	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
R.R.	Rieder	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Laura	Ringler	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Brent	Rocks	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Etta	Romonofsky	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
linda	sawaya	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Thomas	Scarpinatto	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Stan	Schmokel	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Eric	Schnell	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Elizabeth	Schwartz	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Daniel	Seifer	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jason	SJOBECK	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jerry	Skyles	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Janet J.	Slobin	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Darryl	Spence	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Beverly	Stadick	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Richard	Staehli	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sally	Stevens	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Melinda	Storch	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Robert	Sullivan	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Bruce	Sutherland	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jessica	Sweeney	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Anna	Szemere	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Christine	Tennant	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Arran	Thomson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Bonnie	Tinker	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Betsy	Toll	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Mike	Turay	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
David	Turnoy	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
timothy	Ulrey	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Brigitte	von Platen	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Dr. Carole	Warner	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sally Ann	Wells	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
D.A.	Wiley	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Paul	Wille	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Mark	Williams	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jill	Wilson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Dana	Woodaman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Keith	Woodard	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Patti	Woodard	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Robb	Wynhausen	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Elliot	Zais	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Elliot	Zaus	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Cathy	Zheutlin	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jon	Ziring	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Perry	Callas	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Alan	Reder	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Glennis	Peterson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
George	Adkins	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Richard	Bass	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Alexander	Benenson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
James	Brady	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Lynn	Cardiff	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Bonnie	Davidson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Wayne	Eklund	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Terry	Evans	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
James	Frye	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Frank and Dee	Lawton	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Melinda	Manley	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Robert	Minato	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Marc	Nisenfeld	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
daniel	saltz	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Daiv	Skinner	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Julane	Grant	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Richard	Bowers	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Frances	Moss	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kerri	Russ	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Gregory	Franck-Weiby	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kathleen	Cunningham	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Milton	Cunningham	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Joseph	Ferguson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
James	Petersen	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ronald	Slater	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Alan	Van Zuuk	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Peter and Lori	Kugler	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Bill	Eagle	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jeri	Dodge	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Will	Richardson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Michael	Thor	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Greg	Frownfelter	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Walter	Kortge	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ronni	Etterman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kit	Garoutte	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kelly	McConnell	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Roger	Stephens	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Michael	Stock	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Gail	Watkins	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
James B	Williams	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sam	Zern	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Robert	Fortune	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
jim	baber	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
camille	peters	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Vicki	Kerr	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
John	Colman-Pinning	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Rev. Dave	Bean	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Michele & Dan	Blankenheim	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Megan	Bowes	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Janet	Johnson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Lynda	Mueller	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Margaret	Keene	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Spencer	Lennard	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Melanie	O'Hara	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jack	Shively	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Aliza	Keddem	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Geraldine	Stewart	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
William	Comins	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Dorian	Garbin	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Peter	Lewnes	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Milton	Mollick	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jaime L.	Rodriguez	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Nancy	Creighton	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Robert	McLellan	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Marie	Wolfe	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
AMY	PUNTAR	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Michael	Riley	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Robert	Redman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Craig	Duncan	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ralph	Meyer	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Michael	O'Hare	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sophia	Quinn-Judge	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Joan	Jeffers	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Christine	Brill	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Marilyn	Meeker	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Samuel	Gerace, Sr.	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ardis	Chapman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Mary	Dawson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Nanci	Fenselau	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Beall	Fowler	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Howard	Gallup	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Linda	Harbrecht	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Frederick	Ruch	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Wilson	Smith	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Geraldine	Tyson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Don	Baralt	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Mark	Fatula	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Andrew	Forrest	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED] 3
Amanda	Hittson	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Douglas	Ross	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Douglas	Ross	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Russell	Scott	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
William P.	White	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jennifer	Mitterder	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Jack	Barrett	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Virginia	Strunk	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Joseph	DeMatt	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sigmund	Finman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Andrea	Zelenka	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ann	Berger-Knorr	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jackie	DeArmond	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kathryn	Ellis	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Patricia	Greiss	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sarah	Hardesty	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Phyllis	Haldeman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ann	Fuchs	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Betty	Chlebowski	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Dianna	Chlebowski	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Austin	Loomis	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
W. Andrew	Stover	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
David and Mar	Low	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Eshleman	Eric	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Marie	Schlosser	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Susan	Mallick	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jacqueline	Kelly	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
John	Hamill	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kenneth W	Churm	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Grace	T.	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Vicki	Temple	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
jay	sweeney	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kathleen	Baas	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Elizabeth	Bates	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Tom	Ferry	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
BARRY	FUHRMAN	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Edward	Teutsch	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
David	Ciarletta	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jean	Maitre	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Elaine	Pasqua	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
CHARLES	HALASZ	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Barbara	VanHorn	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Elizabeth	Libasci	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ray	Papay	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Art	Wegweiser	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Bryan	Greenberg	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Susan	Corson-Finnerty	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
marsha	hogan	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
John	Hopson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Arianne	Romney	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ruth	Dex	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kevin	Corrigan	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Barbara	candelora	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Gwynneth	Beil	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
john	cappa	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Liana	Garwig	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Marge	Grochulski	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Cynthia	Purvis	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Beth	Rockwell	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Betty	Ruza	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Robin	Schaef	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
daniel g.	spak	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Wilma	Beacher	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Janett	Buell	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Andrew	Heydt	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Bonnie	Cline	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
S.	Maguire	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
James	Greenfield	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Dixie	Hetrick	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Cynthia	Gibbon	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Jeanne	Neylon	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Gwen	Mugliston	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Grant	Burger	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Joel	Hoffmann	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Mary Dea	Johnston	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Michael	Bedrosian	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
H. Austin	Hall	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Carol	Morotti-Meeker	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
SAMUEL	MASSAFRA	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Elaine	Swavely	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Edmund	Good	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Patrick	Bair, Esq.	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Matthew	Booth	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
DICK	BRESKI	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Matthew	Jacobs	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
John	Katz	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Kayly	Newcomer	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Nichole	Proctor	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kathleen	Shannon-Brown	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Beverly	Stickley	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Carolyn	Torrance	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
David	Vogelsang	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
S. Craighead	Alexander	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Hilary	Mislan	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Barbara	Benamy	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Mona	Cardell	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Mary	Coyne	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Carolyn	Dengler	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Samuel	Wernick	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Alan	Mende	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Walter	Gray	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Donald	Webber	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Mark	Hofreiter	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
william	elwood	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Lisa	Caine	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Geoffrey	West	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Russ	Allen	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Benjamin	Dickstein	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Joan	DICKSTEIN	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Monica	Frolander-Ulf	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Elsa Russell	Lichtenberg	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Roy	Wetterholt	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Mary Ann	Ahearn	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Melanie	Freaney	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Linda	Gagliardi	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Linda	Stevens	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Mary	Toleno	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
David	Kannerstein	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Matt	Schwartz	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Leonard	Buxton	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Eugene	Aleci	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Michele	Glick	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
K	Schrum	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
John	Wolff	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Barry	Freidly	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
michael	reed	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
June	Uikoski	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Robert	McMahon	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Krail	Brooks	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Scott	Gettle	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
John	Harvey	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
John	Wieczorek	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Delane	Branson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Susan	DeSerio	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Richard	Plummer	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Max	Prejean	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Dee	Casteel	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
John	Hunter	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Donna	Ryan	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Elizabeth G	Atterbury	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kenneth	Flinchbaugh	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Constance	Woerner	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Barbara	Silverstein	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Vivian	Israel	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
michael	rhoads	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
steven	willow	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Lillian	Reynolds	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Julia	Johns	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Mildred	Aalvarez	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
pauline	wagner	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Hydalker	Amaral	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jim	Ludovici	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Helen	Santiago	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Dave	Posmontier	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Robert	Warms	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sandra	Whipple	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
suzanne	weimer	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
VIRGINIA	HARDEN	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Cheri	Ross	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Leslie	Patrick	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Perry	Gower	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
gloriana	Sewell	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Rodney	Weaver	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jane	Beck	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Allen	Janis	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kay	Gering	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Mary	Hrenda	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Joyce	Durkin	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Maura	Cowan	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sarah	Ruden	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
millie	kraus	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
SUSANNA	REILLY	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Judith	Shirk	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
W. Joshua	Opdyke	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Richard	Shaw	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Debra	Troy	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
William	Patterson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
claire	ludlow	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Derek and Am	Stedman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Elizabeth	Munger	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Alta	Dezort	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Virginia	Craciun	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Patricia	Tresnan	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Richard	Stokes	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Erinn	Peters	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
E	Smith	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
denise	webb	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Cynthia	Muzzy	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
David	Bolesta	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Dr. Richard	Feldsher	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Etta	Winigrad	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Nicole	Curtis	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Dave	King	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Maria	Gardner	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Nancy S.	Keenan	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
scott	faigen	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Andrea	Moslen	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Lois	Perelman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Francesca	Alvarado	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
fairlee	gamble	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Linda	Saunders	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
B	Soltis	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kim	Alegant	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Les	Anders	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Elizabeth	Archer	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Patrick	Arkins	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jennifer	August	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
N	Benson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Pamela	Blazick	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Raymond	Boyd	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Barbara	Brigham	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Saul	Broudy	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Carole	Brown	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Peter	Brown	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Peter J.	Buxton	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Stephen	Capanna	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jane	Century	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Teresa	Chamberlain	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Deborah	Cole	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Rosemary	Colson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kenneth	Cooper	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Elaine	Coughlin	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
cecilia	dee	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Michael	Duffy	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Daniel	Flaumenhaft	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Charmian	Foster	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Marcia	Gever	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jacqueline	Grant	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ann	Greene	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Eric	Hadley	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
margaret	hager	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Dyresha	Harris	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
christian	hartleben	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Peter	Hecht	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
C	Hinton	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Victoria	Hodge	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Susan	Jackson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Herbert	Jeschke	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Mark	Jordan	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
C	Koch	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Theodore	Lieverman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Susan	Madrak	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
rande	mandelblatt	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Patricia	McGrath	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Rhonda	Minyard	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Peter	O'Connell	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Chris	Paliani	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Dan	Piser	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ted	Raizen	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Lon'e	Reed	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Phillip	Reitz	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Robert	Robertson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Edwin	Rupert	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Lorraine	Ryan	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Joan	Sage	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Eric	Salsburg	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
john	sappington	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Hop	Sears	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Evalyn F.	Segal	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Millton	Shapiro	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
milton	shapiro	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
John	Shirley	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
David	Snyder	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Laura	Sorscher	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Mitchell	Struble	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Eric	Tars	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Lisa	Torrieri	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
patti	ventura	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Edmund	Weisberg	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Wendy	Wells	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Barbara	Wilcox	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
edward	zakrewski	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Adam	Zion	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Michael	Zuckerman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jill	Gleeson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jean	Wiant	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Stephen	Haines	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Virgil	Watson Jr	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Judith	Andersen	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Susan and Da	Katz	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Bonita	Allen	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ronald	Balassanian	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Karen	Battaglia	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
D.	Bietler	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Carolyn	Biglow	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Suzanne	Broughton	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Patricia	Butterfield	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jean	Dermott	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Renee	Dolney	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Carola	Edwards	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Nick	Edwards	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
John	Eliou	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Amy	Evans	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Winifred	Feise	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Teresa	Foley	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Ivan	Frank	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Audrey	Glickman	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Stephen	Greene	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
John	Greeno	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Alexandra	Gruskos	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Ann S	Harris	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Mahnaz	Harrison	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Richard	Headley	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Robert	Heath	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Barbara	Hyde	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Charles	Jacobs	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Robert	Jantsch	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Melvin	Krall	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
David	Krumpe	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Shelly	Lukon	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
mick	lydon	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Kelly	Lynch	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Terence	Marcelle	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Carole	Markus	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Stacy	Mates	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Gillian	Meieran	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Ronald	Miller	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Jonathan	Nadle	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Herbert	Needleman	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Paul	Outon	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Sara	Patterson	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Katherine	Patterson Neely	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Tim	Pearce	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Carmen A	Perez	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Douglas	Philips	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Frances	Prus	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Jo	Recht	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Joan	Schwartzman	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Janet	Seltman	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Mel	Siegel	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Steven	Silverman	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
David	Simon	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Matthew	Streeter	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
robert	svitek	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Jonathon	Swiderski	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Caroline	Tibbetts	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Theodore	Towns	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Jana	Vogt	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Amy	Williams	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Duane	Williams	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Laura	Willumsen	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Melanie	Wirtz	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
.Maria	Wood	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
sam	adams	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Helen	Tamarin	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Barbara	Zimmerman	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Danna	Cornick	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Joseph	Gribbin	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Joseph	Roberts	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Summer	Trout	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
dan	fetterman					
Patricia	Freeman					
Michael	Ladson					
Karen	Fox					
Eli	Nordstrom					
Kenneth	Paules					
Lisa	Altman					
Eric	Freeman					
Sharon	Murray					
Arnold	Gessel					
Judith	Voet					
Doug	Herrschaft					
William	Hart					
Tammy	Hart					
Ernie	Peacock					
Barbara L.	Heider					
Kenneth M.	Burkett					
George	Seman					
Lisa	Wetherby					
Robert	Lebec					
Richard	Bronk					
Ron	Sgrignuoli					
Irma	Lasky					
Frances	Cassanto					
William	Broadwater					
marsha	clink					
Daniel	Danehy					
Carol	Gold					
Anne	Mycek					
Carla	Olsen					
Elinor	Serotkin					
Julian	Shuchter					
JoAnn	Vender					
Shari	Walczak					
Edward	Walker					
Don	Waltman					
Natasha	Dastur					
Nicholas	Kerstetter					
Steven	Patterson					
Walter	Englander					
Alison	Masterpasqua					
Edward	Thornton					
Lynn	Holden					
Irvin	Smith					
Alfreda	Rodgers					
joe	freach					
Richard	Terry					
Barbara	Reel					
Jordan	Rhoat					
B.	Ross					
Gerald	Harrison					
Kevin	Koller					
Mary	Houghton					
Jodi	Kaye					
Shari	Sames					
jack	kirkwood					

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Ron	Keeney	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Lyle	Horn	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Theresa	Kaplan	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Nancy	Fischer	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Michael	Hoffberg	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Marion	Murray	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Mary Ann	Douglass	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Wendy	Kaufman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
William	Buffam	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Lisa	Daly	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Mary E.	Ellison	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
frederick	gander	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
John	Garzia	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Christopher	Roell	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Chris	Gebert	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Aminda	Baird	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Garry M	Doll	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Lee	Livingston	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Nick	Lerman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
William	Casey	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
David	Bursky	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Louise	Evans	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Marilyn	Maurer	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Nancy	Rovin	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
susan	thomas	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Cynthia	Jimenez	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Steven	May	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Peter	Bonny Jr.	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sandra	Gordon	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
David	Gotwald IV	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Anne	Owen	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kirk	Ramble	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Krishna	Sanka	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Edward	Waxman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Loretta	Russ	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Erika	Ingato	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Paul	Kesler	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Virginia	Newlin	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Yudit	Ferdinandy	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Michael	McCall	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Jane	Brubaker	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Loren	Zimmermann	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Janice	Sartini	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Lynn	Grenier	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Cheryl	Bammer	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Michael	Budd	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Paul	Craven	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Thomas	Silva	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Harry	Sherzer	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Roger	Kelly	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ty	Reay	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Peter	Nightingale	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Todd	Vander Does	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Dan	Callahan	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sally	Hanchett	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Roy	Hilbinger	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Susan	Wells					
Mark	Conley					
Edmund	Thomas					
Kerri	Thomas					
Aaron	Wade					
Sean	McKernan					
Ben	Keller					
Annette	Lawing					
Dorcas	Baker					
Charles	Feldman					
Ronald E.	Frustaglia					
Jennifer	Gage					
Cynthia	Garcia Coll					
miguel	glatzer					
Matthew	Harvey					
Mark	Luciano					
Louis	Nielsen					
mason	perkins					
Charlotte	Rose					
Mary	Barbosa					
Myra	Kimball					
Mariana	Borgos					
lisa	kahn					
GAIL	MATHEWS					
Ellen	Moore					
M	FERRARA					
Gail	Murray					
Lorraine	Day					
Mary Ellen	Richardson					
Margaret	Franklin					
Roberta	Hopkins					
Joe	Chamberlain					
Katherine	Lang					
Lisa	Rentz					
William	Rentz					
Norman	Shotz					
Mary	Crivellone					
Julia	Frugoli					
Stuart	Silvers					
linda	kalinowski					
Burton	Callicott					
Sally	Crawford					
Skylar	Curtis					
James	Davidson					
alice	guess					
susan	lyons					
Judith	Sawyer					
William	Stewart					
Mary	Woods					
Judith	Yost					
betsy	lawson					
dave	casey					
Samuel	Douglas					
Ivey	Emanuel					
Kathy	Finger					
ed	harter					

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
John	Hartz	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Al	Rich	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Al	Rich	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sandra	Tucker	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Anita	Garrett	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Gloria	Bonali	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
J.B.	Coleman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jeannine	Coleman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Virginia	Barter	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sam F.	Broughton, Ph. D.	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Beverly	Moore	1011 Cashmere Drive		[REDACTED]	[REDACTED]	[REDACTED]
Carolyn	Hankins	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Rita	Lang	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Cheryl	Taylor	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Robert	Gonick	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sue	Lawrick	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Lorie	Hawkins	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Dianna	Bennett	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Charles	Zapiec	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Chuck	Zapiec	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
william	davis	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Thomas	Smith	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Shelia	Crawford	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
nancy and les	larsen	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jane	Bryant	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Wilfred	Lyon	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Stephanie	Snyder	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ken	Plants	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kelli	Sheftic	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Suzanne	Black	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Diane	Briner	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Joi	Cantrell	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Larry	Stafford	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Andrew	McCraw	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Stephanie	Smith	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Clayton	Seufert	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Dorothy	Wright	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Rose	Dixon	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Royal	Elmendorf	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Susan	Smith	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Billy and Loret	Bryant	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Elizabeth R.	Every	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
yvonne	harron	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Nancy	Hayward	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Gavin	Sams	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Nancy	Simmons	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Erin	Morgan	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Martha	Murphy	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Richard A	Smith	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Michael	Tolley	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Andrew	Preston	12101 Jasmine Lane		[REDACTED]	[REDACTED]	[REDACTED]
Melinda	Lee	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Caroline	Stricks	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Janet	Brown	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Steven	Miller	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Chris & Floren	Molle	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
julie	johnson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Timothy	Dalton	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jerry	Bloomer	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Julie	Turner	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jeannine	Reynolds	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
kevin	killer	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Alan	Brockway	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Dorothy	Brockway	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Adel	Heriba	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Julie	Wells Volimas	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Marv	Anderson	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Kevin	Brady	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Caitlin	Collier	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Veronica	Shriver	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Kevin	Brown	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Norma	Cartwright	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Donald	Richie	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Janice	Richie	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
James	Jones	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Thelma	Kidd	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
susan	rost	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Rickey	Westbrooks	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Raul	Fernandez	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Mary	Hunter	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Susan	lorio	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Caralu	Martin	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Marjorie	Pasch	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Martha	Salter	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Duane	Boehm	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kim	Boehm	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
J.	Lareau	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Earle	Lovering	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
JOyce	Dick	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jennifer	Neff	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
George	Furman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kimberly	Griffin	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Amy	Silberberg	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Janine	Straussser	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Peggy	Watts	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Marcia	Beahm	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Elizabeth	Witt	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Amy	Probst	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Robin	Byrne	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
pat	buchanan	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Abbey	Coady	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Melany	Klinck	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Larry	Wineland	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
janice	Boone	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
George	Browder	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Teresa	Rhodes	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sharon	Shaffer	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Robert	Hill	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Lillian	Wade	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
David	Thometz	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kevin	Bartels	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Maryanna	Clarke	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Michael	Nabors	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Cecily	Letendre	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Susan	Rabasca	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Pamela	Gordon	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ann	Ewing	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ronald	Baisden	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jared	Story	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Cynthia	Guest	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Frank	Hillman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Elizabeth	McConnell	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jason	Spears	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jeannie	Martens	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Julia	Benson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Joan	grim	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Doug	Hanson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Susan	Hoyle	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Dennie	Kelley	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Susan	Key	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
michael	kirk	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Erin	McLean	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Logan	Mulford	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Amy	Neff	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Dora	Pedraza	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
michael	raff	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Harwoo	Schaffer	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kevin	Young	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
John	Yust	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Minda	Lillie	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Terrie Colleen	Hampton	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Joyce	Smith	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Robert	Knowles	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
joan	twiggs	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Deborah	Canale	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Rickie	Hammond	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
James	Splane	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Becky	Watkins	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Dorothy	Weber	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Arshad	Ameen	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Rebecca	Beaman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Vincent	Carr	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Brenda	Fleming	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Janice	Frazier-Scott	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Daniel	Herbst	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
James	Howard	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Donna	Isaac	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Eileen	Knoblock	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
David	Lyon	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Alanna	Stewart	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Bruce	Stewart	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Rebecca	Terrell	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Deb	Barnes	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sherry	Perry	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Perry	Ogletree	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Robert	Berg	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
jocelyne	bezzi	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	Zip
Van	Cain	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Mark	Casias	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Hazel	Cassel	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Mary	Clarke	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
joseph	cushing	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Harris	Deere	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kent	Dyer	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Susan	Earl	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jonathan	Ertelt	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jesse	Farnham	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jesse	Gore	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Joe	Gross	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jennifer	Gunn	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jane	Hardy	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Laurence	Helfer	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
martin	holsinger	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Bill	Hopkins	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Richard	Kaleta	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Lars	Lindeberg	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
James	Martin	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
dawn	oberg	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Gerry	Peters	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Holly	Quick	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Eric	Schechter	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Phil	Schoggen	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Doc	Singles	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Mark	Soileau	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
J.	Steinberg	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Betty	Stewart	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
tom	thacker	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jeffrey	Tickle	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Tony	Watt	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Carter	Witt	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
George	Youngkins	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kimberly	Hudson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Val	Alexander	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Beth	Meyer	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Stella	Schramm	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Melana	Heinss Martel	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Stephen	Moser	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Mark	Heald	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ruth	Peeples	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Glenda	Walker	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Brenda	Hanwright	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
John	Meyers	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kathy	Backlund	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Maxine	Chamberlin	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Helen	Stapleton	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Connie	Dunn	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kathleen	Spillane	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jean	Hendrick	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Katherine	Hegemann	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Paul	Suddath	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Paul	Holloway	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
don	law	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Bernie	Zelazny	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Barbara	Loggins	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
frank	christian	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ramona	Coleman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Paula	Cox	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sandra	Douglass	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jo Ann	Duman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Susan	Horn	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
frank	kennedy	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Rowena	Montgomery	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
David	Morrissey	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
judy	rochester	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
john	thomas	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
KAREN	ABOUSSIE	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
aubrie	aldrige	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Deuce	Artemis	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
andrea	avendano	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jeanne	Breckinridge	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Meca	Broadway	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Frederick and	Buob	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Anne	Burnham	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Elizabeth	Carls	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Randy	Case	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Tom	Chamberlain	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jennie	Chao	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Tara	Combs	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Mary L.	Comer	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kathy	Coons	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Beth	Cox	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Eva	Cox	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Adam	Davidson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Karen	Denton	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
John	Dial	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Steve	Donie	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Bright	Dornblaser	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kathy	Duke	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Fiona	Essa	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Dr & Mrs T.W.	Estes	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Alan Todd	Evans	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Milton	Feder	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Bill and Charlo	Flynn	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
J. Michele	Freemon	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
JOANN	FRIES	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Christopher	Frye	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Don	Gardon	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Erin	Garrison	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sharon	Gillespie	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
John	Gonzalez	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Mark	Green	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jimmy	Hall	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
m l	harris	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
mi	harris	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Adrienne	Haschke	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Paula	Haschke	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jimmy	Holloway	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Mary Anne	Hoskins	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kathleen	House	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Randy	House					
Paul	Jarvis					
David	Kendrick					
Morgan	Knicely					
John	Laing					
Jerell	Lambert					
Martha	Levine					
steven	lucas					
Susan	Luton					
Katie	Mahoney					
Katie	Mahoney					
Ron	Malott					
Martha	Maria-Louisa					
Brian	Martinez					
Alysson	Mayer					
Eve	McFarland					
Carrie	Miller					
Lauren	Moiarty					
Paul	Mollenhauer					
Mary	Morrison					
Bettie	Naylor					
Marjorie	Neuhoff					
Pam	Niedermayer					
Linda	Norelli					
Gerald	Norman					
Clint	O'Connor					
Catherine	O'Neill					
Lisa	Orr					
Julia	Penn					
kay	pils					
David	Plourde					
Chris	Pomeroy					
Brook	Randal					
Cyrus	Reed					
Hamilton	Richards					
Shannon	Rierson					
Gerard	Roche					
Paul	Roeber					
Howard	Rogers					
James	Rubarth-Lay					
Bob	Russell					
Jack	Safarick Jr					
Carol	Saint-Clair					
Marilyn	Schramm					
Glenn	Schuetz					
Paul	Schulz-Behrend					
Dale	Schumacher					
Dorinda	Scott					
Darren	Shea					
Jim	Simons					
Tom	Small					
Jan	Soifer					
Randy	Southers					
Julie	Spruce					
Rhiannon	Starr					
William	Stone					

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Sandi	Stringer					
Cecilia	Strout					
james	talbot					
Tim	Taylor					
David	Thornberry					
Harper	Vinkemulder					
Robert	Wright					
Daniel	Zmud					
Jane Leathern	Van Praag					
Mark	Clark					
Bev	Donley					
Gerald	Maloney					
Joyce	Powell					
Linda Steen	Norris					
Lisa	Donnelly					
Bob	Goode					
Paula	Brennecke					
Paul	Cardwell					
Donna	Laubhan					
Cheri	Johnson					
Donna	Garrison					
Emily	Alpert					
Ruben	Garcia					
Richard	Allen					
Arthur	Hobbs					
Margene	McAden					
Kedren	Sitton					
Bradley	Kopp					
Terrence	Tutchings					
scott	mozisek					
Debra	Smith					
Jacqueline	Carter					
Wesson	Gaige					
Susan	Pritchard					
Dennis	Green					
Jennifer	McNeill					
Carlene	Steel					
Ann	Surles					
James	Surles					
Tony	Surles					
Ed	Theiss					
william	sibley					
MARTHA	MOORE					
Howard	Adams					
Herbert	Maier					
Patricia	Lambert					
Perry	Jefferies					
Michael	Eagleton					
Katie	Kaufman					
Radia	Amari					
Rodolfo	Arredondo					
pam	askew					
David	Bartley					
K. Jane	Beaver					
Virginia	Benson					

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Alexandra	Bonifield	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Richard	clegg	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ed	Cloutman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Edward	cloutman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Susie	Cox	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
K	DANOWSKI	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Harryette	Ehrhardt	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Robert	Finkelstein	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Marion	Flores	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Louis	Forrai	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Norma	Forrai	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Dora	Gerken	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
eric	hagen	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Madeleine	Hervey	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
mindy	huie	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Richard	James	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
B. W.	Jaster	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jess	Jessen	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ellen	Johnson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Elizabeth	Julian	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Mavis	Knight	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
lisa	iuna	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Thomas	Manaugh	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Rebecca	Martin	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Cathy	Mathia	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Joe	Mathia	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
David	McPeek	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Erika	Mehta	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
DR. T. RANDA	MOCK, M.D.	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Melissa	Morgan	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Deborah	Murphy	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Horace	Murray	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Rosann	Naim	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Cheryl	Owen	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sanders	Phillips	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Mary	Potter	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
David	Pryor	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Dawn	Roberts	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jolyn	Robichaux	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Anita	Schuessler	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Charmaine	Simpson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
John	Soiset	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Carolyn	Sortor	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Mike	Stanfill	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Frank	Stegall	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ann	Sutton	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Christopher	Trice	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Donna	Turman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Stephanie	Vess	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Liz	Wally	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Liz	Wally	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Mary	Warren	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jeffery	Weber	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Elizabeth	Whitfill	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
William	Williams	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
MaryAnn	Dark	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Jerry	Bass	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Judi	Bass	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Mende	Snodgress	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Carol	Scally	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Martha	Clark	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Alex	DeCicco	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kristina	Kuntz	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Adam	Silva	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Shwanda	Bausley	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Waller	Collie	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Richard	Jones	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
jennifer	bass	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Martha	Bowen	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Celeste	Wright	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Vicki	Tillman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jorge	Arrieta	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jesse	Fields	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Beth	Longnecker	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Rachel	Murphree	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jordan	Pakaki	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Leticia	Rdoriguez	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Oscar	Ronquillo	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Bruce	Ainsworth	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jo	Pierce	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
ROBERT	STREBECK	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Matilda	Perkins	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Lorene	Kilbreath	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
John	Drevicky	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Danny	Scott	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Marion	Medwedeff	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Anna	Fisher	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Michael	Giarraputo	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Shirley	Lawless	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kathy	Bryant	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
ron	geida	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Carol	Goossen	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Grayson	Harper	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sharon	Heldenbrand	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Roxanne	Hughes	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Geoffrey	Tait	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sheila	Tiner	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Edward	Werth	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
oscar	willhite	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Martha	Zinn	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Susan	Baker	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Greg	Bard	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kathryn	Young	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Steven	Gailes	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
katherine	bongfeldt	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kevin	Stohlman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
David	Watson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Gerriana	Koeniger	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
William & Elea	Carman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Eileen	Gigler	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
AnnMarie	Wilson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
gene	chorostecki	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Sherry	Dana	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Micky	Shearon	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Zelda	Wilson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Marilyn	Love	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Thomas	Love	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Rick	Simmons	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Richard	Gambrell	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Becky	Porcari	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Robert	Russell	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
dale	helward	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sarah	Merrill	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Gina	de Miranda	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Andrea	Alfred	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Priscilla	Atwood	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Margot	Backus	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
F. Raymond	Balch	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Anne	Barton-Veenkan	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Janet	Barwell	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Larry	Brantley	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ruth	Brodsky	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Donna	Bryant	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Donna	Burrows	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Pat	Cantwell	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Steven	Catanich	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
jane	cherry	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Samuel	Chism	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Linda	Chubb	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Edmund	Cogburn	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Paul	Colby	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Hannah	Decker	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jeff	Dravis	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Richard	Evans	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jerome	Fenske	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Elaine	Fischer	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Delaina	Foster	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Terri	Frederick	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Anjellea	gamble	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Isabelle	Ganz	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Wilbur	Gay	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Lisa	Goetz	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Bert	Golding	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Teri	Greene	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Phyllis	Greenspan	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Nancy	Hampton	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Brian	Hardin	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Deanna	Harner	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Don	Harris	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jeremy	Hart	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Andrea	Haschke	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
William	Haschke	[REDACTED] St.		[REDACTED]	[REDACTED]	[REDACTED]
David	Hay	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Hollis	Hibbert	[REDACTED] Dr.		[REDACTED]	[REDACTED]	[REDACTED]
ed	jackson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
jody	johnson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
John	Jones	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
barbara	kelly	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Joyce	Kuhlman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Frances	Leland	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Harold	Levine	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Abbie	Lipschutz	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Abe	Lipschutz	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Lindsay	Long	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Carol	Lucas	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Nita	Macha	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Beverly	MacNaughton	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Michael	Martin	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Bonnie	McMillian	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Mark	Medwedeff	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ada	Murphy	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sherri	Oliver	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
John	Palmer	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Catharine	Perry	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Larry	Peterfy	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Barry	Pitts	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Suzanne	Powell	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Mary	Raffetto	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Colin	Riley	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kerryn	Rodriguez	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sue	Rosenzweig	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sally	Russ	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Iupe	salinas	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sally	Sanders	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Barbara	Settle	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Caroline	Spear	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
John K.	Spear	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Peter	Stempien	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
MARCIA	STERLING	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
DANIEL	Strba	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
D	Surber	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jim	Thompson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jim	Thompson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Marcia	Tibbets	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Mike	Vance	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Marie Sophia	Vassilakidis	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
susan	vogelfang	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jennifer	Ware	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Carol	Wehrman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Joe	Wilson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Gary	Yokie	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Edwin	Young	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Terry	Bush	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Larry	Hosek	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Rick	Adams	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Timothy	Carmichael	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Deborah	Decker	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jeff	Hunt	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Scott	Walters	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jasmine	Wolfe	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Robert	Sullivan	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Afaq	Durrani	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Emma	Squires	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Keith	Turner	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Sandra	Lawrence	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ray	Bruni	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
JOHN	NUNNALLY	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Karen	Menke	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sheryl	Tatroe	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Rick	Benavidez	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jim	Swayze	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
peter	womack	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Tara	Womack	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
D.	Woodward	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
John	Teeter	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Janet	Zampieri	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
William	Brogden	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
mary	johnns	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Krisd	Hall	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Cissy	Khan	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Thomas	Northcutt	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Barbara	Campbell	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jane	Gilbert	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Gene and Dor	Peters	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Shirley	Smith	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Denise	Calhoun	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Richard	Crider	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Virginia	Downs	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Margaret	Durham	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sabrina	Eckles	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Judith	Fullingim	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Joseph	Harlin	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Mike	Homer	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ricky	Jenkins	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
N M	Koenig	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Lessye	DeMoss	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Mike	Green	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ken	Haney	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Charles	Dixon	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Rael	Nidess, M.D.	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Luis	Garza	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ana Lucia	Hallman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ann	Jordan	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jerrold	Jordan	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Nelda	Cox	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Donald	Leach	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ana	Martin	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
James	Nauls	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Micki	Schnitzer	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kay	Lucas	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Minelle	Paloff	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Elizabeth I.	Aden	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Chris	Sullivan	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Marites	Pinon	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Steve	Slagle	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Pam	Waugh-Wagone	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
B. L.	Melton	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Lorraine	Gibson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jeff	Dee	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Gwen	Bollinger	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Carol Anne	Gordon	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Terry	Heislen	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
patricia	johnson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Patrick	M	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Debbie	Magness	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Charles	Radke	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Linda	Zoblotsky	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
M.	Du Mont	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Barbara	Dailey	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Lance	Drager	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Candia	Thew	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
hugh	harris	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
phung	harris	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Deon	Studdard	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
don	young	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jerome	Coffield	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Laray	Johnson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jane	Jones	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ron	Hepler	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Leroy R. & He	Hieger	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Lajos	Molnar	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
c	munter	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Harriet	Horton	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
KC	Curry	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Joe	Jacobo	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Erica	Anthony-Benavi	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Cynthia	Baker	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ona	Boland	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Mary	Bradshaw	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
mr. sheridan	britt	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Laura	Burt	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Rochelle	Cohen-Sagi	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Michele	Dalbis-Robledo	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Arthur	Darien Jr	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Felipe	de la Garza	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Steven	Descant	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Tim	Duda	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Yolette	Garces	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Bryan	Gerard	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Anna	Gray	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Peni	Griffin	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
RICHARD	JONES	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Steven G.	Kellman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Gena	Nadeau	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Mariana	Ornelas	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Stephen	Ortman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
David	Present	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Marge	Present	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Judy	Ranney	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
EDWARD	REID	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
charlotte	reyna	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
David S	Rubin	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jean M.	Tradup	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Arthur	Valdez	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Michael	Huston	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Betsy	Singleton	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Charles	Waugh	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Dave	Waugh	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
jenny	thomas	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Dave	Billingsley	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Lucille	Horne	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Lang	Coleman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Charlene	Arndt	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Tom	Perkins	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sandra	Abmayr	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
D.	Bateman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
William	Hauser	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Peter	Paul	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Steven	Jennings	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
S. E.	Williams	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
William	Cowan	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Julie	Ruelle	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Terry	Cowan	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Patty	Langford	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Carol	Killen	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
rhonda	varsane	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Christy	Landriault	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
David	Landriault	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sharon	Stratman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Michael	Cupp	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Karl	Siebert	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Trent	Wasilenko	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jeanne	Brantingham	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
C. Milton	Luminais	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Homer	Payne	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Terrie	Williams	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Donald	Oliver	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sissy	Riffin	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Dominik	Young	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jim	Bush	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jim	Bush	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Esther	Newman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Nancy	Henninger	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jerry R.	Gutshall	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Linda	Taylor	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Dan	Wilkes	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jane	Hargis	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
anthony	nobles	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Dawn	Shepler	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Harold	Kenamer	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Dawn	Newcomer	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sean	Walton	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
ann	thomas	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
David	Bolsover	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Karen	Wegner	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
sharzad	Bumpus	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
sharzad	Bumpus	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
David N	Cox	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Lisa	Ladd	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Cathy	Mc Crystal	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Marilyn	Dinger	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Becky	Canning	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Paula	Davis	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jeffrey	Kuhn	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jon	Hager	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Anita	Catron	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Byron	Davis	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Larry	Dean	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Brian	Ellison	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kathryn	Horvat	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
David	Ivey	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Linda G.	Johnson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Janice	Mathews	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Susan	Mullins	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
James	Thompson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Roger	vanFrank	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jennifer	Whitlock	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
eric	collings	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Carol	Davis	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Amy	Dwyer	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Janee	Gillette	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Elana	Maurin	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
alex	merkley	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Michele	Miller	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Richard	Spotts	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
John	Steiner	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Nancy	Bostick-Ebbert	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jule	Caylor	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sarah	Lanzman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Nora	Butterfield	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Alice	Armstrong	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Michael	Bauer	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Michelle	Burleson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Priscilla	Chism	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
April	Crews	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
michael	deninger	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ardith	Dentzer	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
John Arnold	Edelman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Margaret	Edelmann	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Thomas	Fina	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jena	Gilka	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Tom	Griffin	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Melinda	Hardin	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Max	Harris	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Dana	Holmes	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
S.	Jahangeer	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Laura	Johnston	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Michael	Mayes	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Christopher	McFarlane	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Dennis	McGee	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Gabriel	Melendez	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Barbara	Murray	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
A.J.	O'Brien	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sarah	O'Neal	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
William	Phillippe	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Stephen	Post	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Amelia	Runyon	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Elizabeth	Sammons	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Barbara	Slinker	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Edward	Smith	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Marianne	Smith	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Marianne	Smmith	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Arina	van Breda	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Christopher	Witkowski	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Melinda	Richards	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sheryl	Grimes	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Elizabeth	Gross	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kurt	Bersani	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Rich	Bolotin	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Mark	Bousquet	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Julia	Carabillo	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Rowland	Cross	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Mary	Detweiler	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Hugh	Eckert	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Erik	Ehudin	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Hilary	Foster	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
chet	hepburn	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Eleanor	Kibrick	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
David	Roth	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Leonardo	Sarli	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Dena	Shorago	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Wendy	Sittner	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Warren	Spaeth	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sharon	Steen	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Anu	Thakrar	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kate	Viggiano	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Mathia	Cecarelli	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Margaret	Breslau	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Gavin	Faulkner	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Lucy	Goldberg	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Mary Ann	Hansen	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Geoffrey	Knobl	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Michael	Lawless	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Gabriel	McVey	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Linda	Plaut	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Richard	Shryock	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Wendy	Crannage	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Terry	Hartnett	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Lamonte	John	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Hatley	Morison	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sharon	Blodinger	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Carol	Chowdry	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Brendan	Ferreri-Hanberry	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Clint	Foster	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Lee	Freudberg	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Rachael	Gallup	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Heather	Higgins	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sophia	Hughes	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Scott	Johnsen	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ken	Kuttler	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Karen	Lilley	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
allan	mccoy	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Russ	Naranjo					
Janet	Newkirk					
Sallie	Park					
Gerard	Redpath					
K'ai	Smith					
Jen	Sorensen					
Jo	Stanley					
Alice	Turner					
Mark	Usry					
Hans	VONBRIESEN					
Jesse Lynnae	Braxton					
Jim	Fee					
evelyn	Proctor					
Madolyn	Hayne					
J anet	Sullivan					
ilse	jorgensen					
Steve	Lack					
Sandi	McCreesh					
Mary Jane	McCoy					
Manuel M.	Ortega					
Birgit	Campana					
Pamela	Harms					
Emmett	Robinson					
Serelda	Elliot					
Frederick W.	Moncrief					
Linda	Moncrief					
Elaine	Murray					
Christina	Wulf					
Karen	Cantor					
Mary	Ferral					
Elaine	OMalley					
Sean	Sinclair					
Kristen	Smith					
STEPHEN	SPITZ					
Melissa	Thaxton					
Duane	Benton					
Diane	Giessler					
Judy	Nye					
David	Sower					
Veronica	DeLuze					
E. Christie	Johns					
Wendy	Ebersberger					
Patricia	Wilson					
D. Kathleen	Keller					
Harvey	Summers					
Montgomery	Canfield					
Zenon	Slawinski					
Paul	Fiscella					
Barbara	Gardner					
James	Stiff					
John	Bungard					
SHARAN	HILL					
David	McCracken					
Kevin	Walker					
Mary	Weadon					
Richard	Lent					

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Marcella	Shaver	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Robert	Winsor	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Charles H	Beardsley	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Laura	Khouvongsavan	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Bonnie	Bernstein	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Joe	Crosbie	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sheila	Clark	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Lisa	Lewis	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
James	Bolton	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
John	Marsh	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sidney	Evans	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
David	Rizzo	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Frank	Williams	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Wendy	Jaccard	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jeremiah ("Jer	Nelson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Larry	Rhodes	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Suzanne	Konefal	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Denise	Miller	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jenny	Stevens	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Larry	Maxwell	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Helen	Renqvist	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Sherley	Redding	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Paul	Kelly	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Rosemary	Ruddell	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jacquie	Hoggard	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Judith	Coleman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
leslie	levin	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
David	Murphy	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Patricia	Murray	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Brent	Ramey	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Anne	Rawley	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Elbert	Rouse	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Meredith	Smith	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Donna	Webb	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Ryan	Cunningham	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Shana	Singerman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Edward	Cardaci	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
John	Hildreth	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Louise	Mann	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Eric	Mens	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Terry	Danaher	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Darla	Bray	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
John	Cave	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Tanya	Cowperthwaite	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Brian	McConville	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Fernando	Morales	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Carol	Orth	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Nancy	Purks	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Barbara	Sproull	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
David	Sproull	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Elizabeth	Walter-Echols	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
James	Bennett	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Carol	Coukos	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Cathleen	Davis	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Joyce	Davis	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Rodney	Dyer	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Jerome	Gorman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Roxanne	Grossman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Lois	Jones	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Roger	Kern	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Joan	Kovatch	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Margaret	Sterling	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Catherine	Stivers	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
George	Watkins	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Diana G.	Westbrook	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
ARMAND	ROMAN	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
s	winston	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Stuart	Greene	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Gary	Harris	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Chuck	Simpson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Marvin & Rosa	Witbeck	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Martha	Brown	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
John	Fulton	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Margaret	Becker	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Emily	Fischer	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Linda	Mulligan	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kevin	Nguyen	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Hue	Pham	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Michael	Starr	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Alan	Cook	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Michael	King	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Glen	Bayless	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Amy	McLaughlin	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Bonnie	Winterstine	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Linda	Redhair	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Laura	Davis	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Laurie	Neitzke	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Eric	Greida	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Harriet	Hirsch	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Carl	Harvey	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Tom	Harvey	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Mariellen	Hagy	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Linda	Swanson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Philip	Cobb	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
John	Burton	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Gail	McRae	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
David	Shantz	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Robert	Gendron	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Mary	Jackson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Christopher	Williams	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ronald	Evry	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Duncan	Plancon	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Russell	Nadel	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Carol	Ballou	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
marcy	Tanger	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Susan	Beal	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Barbara	Wynroth	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Frank	Lornitzo	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Alice	Leeds	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Dorothy	Coe de Hernand	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Erhard	Mahnke	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jeannine	Mercure	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Karen	Mueller-Harder					
Emily	Ferris					
Valerie	Graham					
Charlie	Crocker					
S. Christopher	Jacobs					
Michael	Wells					
Susan	Houle					
Carol	Morrison					
Taylor	Williams					
Sherry	Mahady					
Don	Cooney					
Richard	Perry					
Patricia	Wiesel					
David	Williams					
Rosemary	Moser					
Ami	Wennar					
Nancy	Diaferio					
Peter	Sills					
Nanette	Gilmour					
Thia	Artemis					
Ran3dy	b					
Jeffrey	Dworkin					
Michael	Sucher					
Shawn	MacKENZIE					
Selma	Milchen					
sharon	racusin					
Michael O.	Hermann, Esq.					
Joshua	Halberg					
Alexandra	Thayer					
Bara	MacNeill					
Rick	Klein					
Robert	New					
Margery	Vagt					
Roy	Snell					
Donna	Reback					
Harold	Bradeen					
Jonathan	Draudt					
Abbott	Wright					
Phyllis	Donovan					
creighton	smith					
Dorothea	Brauer					
Beth	Gutwin					
A	Long					
Robert	Rohr					
Elaine	Curry-Smithson					
Gene	Derig					
Marilyn W	Derig					
Terry	Ebersole					
Roddy	Erickson					
Eugene	Kiver					
Wendy	Martin					
Gail	Nicolls					
Richard	Nicolls					
Jocelyn	Palmer-Perry					
Howard	Pellett					
joan	propst					

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Sandi	Randle					
EVE	STAATZ					
James	Taylor					
Patricia	Wood					
Patrick	Blakely					
Paul	Hander					
Anita	Richard					
Malcolm	Moore					
Julie Ann	Dakin					
gary	felder					
David	Kaplan					
Michele	Molnaire					
sally	morgan					
George	Prater					
Martha	Sucher					
Terry	Scott					
Susan	Allen					
Marcia	Crosetto					
Eudora	Delo					
Nancy	Ellingham					
Susan	Graham					
Marie	Gunn					
Brian	Kaehler					
Wendy	Kaehler					
Alita	Kiaer					
Roger	Larson					
Don	Marsh					
Pedro	Salgado					
Ellen	Stone					
Bruce	Wolti					
Lynn	Allen					
Janey	Bennett					
Benita	Bowen					
ANN	BRINITZER					
Debbie	Cantrell					
DorothyJ.	Clement					
Sharon	Crozier					
Robert	Deckert					
Jeffry	Fitzsimmons					
Dr. Vince and	Foster					
Deja	Hanson					
Margaret	Jacobson					
Daniel	Larner					
David & Judith	Laws					
Victoria Dale	McKinnon					
Ann	Merchant					
Pamela	Miller					
Katherine	Ross					
jessica	roth					
Stephen	Schuck					
Garrett	Smith					
Mary	Somerville					
Jeffrey	Lazenby					
Marcus	Kamp					
Kathleen	Harper					
Bill	Helton					

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Tim	McGraw					
David	Stetler					
Lisa	Winters					
Nancy H.	Wagner					
Carol	Duby					
Franklin	Eventoff					
Steve	Hoffman					
Charles	Nafziger					
Andrea	Pike					
Scot	Hearl					
chris	wilson					
Robert	Edgar					
Wilton M.	Whisler					
Brian	Levin					
Stephen and A	Osborn					
Margaret	Smart					
Robert	Smart					
Leah	Coiteux					
Melody	Good					
corinne	mcwilliams					
Barbara	Prete					
Max	Rader					
Marilyn	Strong					
Jerry	Mattoon					
Piero	Cantieni					
Julia	Glover					
Donald	Johnston					
Robert + Julia	Kenny + Glover					
Cindy	Weeks					
Jerry	Wennstrom					
Helena	Lucker					
Eileen	Burns					
Robbie	Lobell					
Kathleen	Schwarz					
Nadine	Rankin					
PHYLLIS	WILLIAMS					
Karin	Overbeck					
Joe	Wilson					
Greg	Jackson					
Jennifer	Shepherd					
Francie	Greth-Peto					
Kate	Jewell					
Frank and Jan	Loudin					
Dixie	Walter					
Steve	Wilson					
Donna	Becker					
Patricia	Garrison					
Martha A.	Pitts					
James	Cline					
Jim	Pritchard					
Fran	Christie					
Judy	DuPree					
Leonard	DuPree					
Jenny	Garden					
Myrna	Overstreet					
Janet	Piele					

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Ken	White					
Karen Hedwig	Backman					
Mark	Hinton					
Rod	Irwin					
Dakoda	Wendfeldt					
Howard	Williamson					
Steph	Farber					
Martha	Longstaffe					
Dr. Jeffrey Paul	LaGasse M.D.					
Jacqueline	Milligan					
Cynthia	Trenshaw					
Michael	Doolittle					
Eileen	Drath					
Sandy	Rabinowitz					
Naomi	Berkowitz					
Glenn	Lytle					
Thor	Mathiason					
Marilyn	Garner					
Lynn	Waddington					
Mary	Atkinson					
Dart and Jean	Davis					
James and Je	Davis					
Cathryn	Baillie					
Jack & Bertha	Crich					
Denise	Jones					
Emmett	Michie					
DJ	Sisolak					
Rik	Reynolds					
John	Bryan					
Teresa	Bryan					
Barbara	Deane					
Jayne	Ryan					
Marcella	Fancey					
John	Tyra					
Charles	Barrett					
tim	carlson					
Lory	Marie					
Steven	Moen					
Barbara	Williams					
suzan	ballsun					
Ovina	Feldman					
Karen	Hartman					
Eliot	Kaplan					
William	Noble					
Ed	Senechal					
ric	shimono					
Pam	Starliper					
Theresa	Wexler					
Nancy	Crowell					
Jan	Starling					
E.	Bynum					
ROBERT	DOUPE					
David	Gruenewald					
Jodi	Sullivan					
Jean	Thomas					
Alan	Jobe					

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
David	Christian	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Bliss	Knorpp	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Shirley	Owen	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Fred	Van Riper	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sandra	Davis	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Marcia	Denison	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jane	Schaaf	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ruth-Lee	Weedman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
peter	roloff	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
carolyn	brooks	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Florence	Wagner	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Margaret	Soderman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
m	harvey	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Wilma	Totten	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Donald Kevin	Baker	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Glenn	Kroft	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
James	Moffat	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Susan	Olsen	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Barbara J.	Powers	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Michele	Selene	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Thomas	Turner	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Phil	Reimer	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Douglas	Baker	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Charles & Bett	Barker	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Steven	Wax	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kathryn	Koelemay	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Gail	Stagman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Robert & Gail	Stagman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
corey	waggoner	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Thomas	Hildebrandt	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sari	Schneider	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Emily	Shaffer	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
randall	winn	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Loulani	Lewis	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sharon	Damkaer	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
James A	Foliat	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Laura	Hodges	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sarah	Johnson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Alec & Sandy	McDougall	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Paul	Zickler	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Tracy	Bennett	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Nancy	Hansen	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Nancy	Hansenn	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Joyce	Weir	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Nancy	Cerullo	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ron	Sharp	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Marie	Roberge	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jim	Ekberg	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
James & Caro	Bartley	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kozmo	Bates	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jacquelynn	Bucknell	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Phillip	Charas	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Marie	Hodul	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Rosalind	Kellogg	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Stan	Klyne	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Denis	Langhans	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Thom	Lufkin	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
nancy	may	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Riley	McLaughlin	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Douglas	Petro	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Susan	Powell	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Terry	Setter	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Elizabeth	Stucki	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Diane	Utter	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
William & Jean	Whitesell	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
katherine	seiler	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Bobbi	Lempert	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Gerry	Milliken	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Janet	Tyler	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Kelmie	Blake	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Robert B.	Kaplan	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Kathryn	Todd	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Erik	Montoya	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Willard	Rose	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Hillary	Clark	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Charles	Colenaty	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Edna	Hayes	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Carol	Martin-Hay	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Laurie	Sterling	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Robert	Jenusaitis	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
O'Neill	Louchard	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Katherine	Masotti	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Michael	Morrissey	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Sylvia	Platt	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Scott	Walker	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Stanley	Willard	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Karen	Miller	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Michael	Plumer	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
mary	Schroff	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Brian	Clark	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Joseph	Gallegos	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Janet	Kendall	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Adam	Lynn	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Anesa	Miller	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Nancy	Nydegger	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Barbara	Palmer	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Dorothy	Swanson	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Peter	Goodman	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
James	Lewis	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Renita	Olson	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Elaine	Schenk	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Diana	Barnes	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
AJ	Canepa	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Ronald	Hennig	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
John	Lytle	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Lucy	Oaks	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Jessica	Scott	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Catherine	Stricklin	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Sharon	Vatne	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Tom	Baker	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
James	Bentley	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Debbie	Carlsen	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Caroline	Forbes	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
David	Kellis	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Tyler	Mays	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Leith	McCombs	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Glenn	Thureson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Lisa	Yeeles	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Geri Ann	Johnsong	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Joseph	Caggiano	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Missy	Keeney Baker	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jane	Knox	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jesse	Spurgeon	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Bill	Baumann	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
David	Hays	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Donna	Martin	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Scott	Evans	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Juan	Alonso	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
martin	anchetta	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Christian	Arthur	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Rachel	Baker	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Dion	Baldwin	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Eric Lane	Barnes	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Lisa	Beaulaurier	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Paula	Bennett	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sheila	Benson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Barbara E.	Berg	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kathy	Biscardi	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Laurie	Black	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Harolynne	Bobis	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
John	Bohne	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
E R	Bowden	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Mark	Bradley	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Rebecca	Brenneman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Derek	Brown	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Timothy	Brown	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Mathew	Burckley	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Janet	Calcaterra	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Isaac	Campos	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Dawn	Capecci	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Douglas	Carmichael	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Patrick	Carr	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Melissa	Carr-Buswell	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Richard F. and	Clarke	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jayson	Curry	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Marty	Curry	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Deb	Dahlin	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kenneth	Dale	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
frank	danna	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Anita	Das	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Elizabeth	Dennis	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sarah	Doherty	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Marie	Doman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Constance	Dowell	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
james	doyle	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Judy	Drake	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Leah	Eister-Hargrave	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jane	Ellis	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Adam	Faja					
Eleanor	Fernald					
Paul	Forgey					
Diana	Forman					
Lawrence	Fosnick Davis					
Beulah	Frankel					
Laurie	Frankel					
Ieroy	french					
Nicole	Gainey					
Barbara	Geiger					
J	Gerlings					
John	Gienapp					
Laura	Gilliam					
Charles	Gioiosa					
greg	goodwin					
Shannon	Goodwin					
Tim	Gould					
Barbara	Gregory					
Rosemary	Gregory					
Mary	Gruenewald					
KRISTI	HAGEN					
William	Hamer					
Rob	Hamm					
Bruce	Hart					
Abha	Harting					
Michael	Healy					
Mark	Hoagland					
Ken	Hofsass					
Michael	Hooning					
Mary	Houlihan					
Peter	Houser					
Denys	Howard					
M. A.	Iverson					
Brandon	Johnson					
david h	jones					
Blair	Kangley					
Katherine	Karpf					
Gerald	Kechley					
pamela	keeley					
Dennis	Kinnan					
Denise	Kivlen					
Rich	Knox					
D'vorah	Kost					
Daniel	Lahey					
Matthew	Lawrence					
Nicole	Lindroos					
Jack	Litewka					
John	Longenbaugh					
Terri	Lovins					
Jennifer	Mabe					
Larry	Mahlis					
Michael	Marsolek					
Michelle	McElhaney					
Mark	McLaughlin					
Michael	Meagher					
Christine	Meinhold					

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Jeffery	Miller					
Sarah	Miller					
Jen	Mills					
arthur	Mink					
Darius	Mitchell					
doreen	mitchum					
Kathryn	Munson					
Stanford	Neering					
Christopher	Neitzert					
Joel	Nelson					
Sandra	Numrich					
Charles	O'Brian					
Elizabeth	O'Herlihey					
ingrid	olson					
Dvorah	Oppenheimer					
John	Otto					
John	Palasz					
Roni Jo	Patterson					
J	Peterson					
Valerie	Piacenti					
Betty	Potter					
Shelley	Prange					
Frank	Pullo					
Nels	Reese					
Martha	Reiner					
robert	reysner					
N. Kay	Richards					
Marcia	Richter					
Alena	Ricks					
david	rush					
Katherine	Rutsala					
Martha	Schmidt					
Carol	Schultz					
Mark	Scott					
Terri	Sharpe					
Joan	Shelby					
Selena	Shelley					
James	Snell					
Charles	Soper					
Ian	Sowers					
denny	Stern					
Cary	Stitt					
Lea Ann	Strand					
Roger	Stuckly					
Carol	Summers					
Jean	Tinnea					
Jane	Truax					
Leesa	Tucker					
Keith	Tuley					
Jeanne	Turgeon					
Deborah	Turnbull					
Sandra	Tussing					
Eugene	Tzou					
Steve	Wallin					
marilyn	walls					
Arle	Warren					

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Steve	Watson	[REDACTED]				
Carol	Watts	[REDACTED]				
Adam	Weaver	[REDACTED]	[REDACTED]			
Joan F	Weisenbloom	[REDACTED]				
Catherine	West	[REDACTED]				
AE	White	[REDACTED]				
scott	williams	[REDACTED]				
April	Winters	[REDACTED]				
David	Worcester	[REDACTED]				
David	Yao	[REDACTED]				
Robert	Yoder	[REDACTED]				
James	Young	[REDACTED]	[REDACTED]			
Glen	Zorn	[REDACTED]	[REDACTED]			
Dave	Phillips	[REDACTED]				
Kenneth	Burres	[REDACTED]				
Janet	Pearson	[REDACTED]				
Jackie	Boatman	[REDACTED]				
MaryAnn	Clymer	[REDACTED]				
Chris	Gaston	[REDACTED]				
Landon	Hendee	[REDACTED]				
Roger	Horner	[REDACTED]				
Charlie	Howe	[REDACTED]				
Laurence	Lang	[REDACTED]				
Douglas	Manis	[REDACTED]				
Robert	Riopelle	[REDACTED]				
Jan	Wilson	[REDACTED]				
Frances	Frederick	[REDACTED]				
Cindy	Jackson	[REDACTED]				
jeanine	dawson	[REDACTED]				
Raymond	Dawson	[REDACTED]				
Joshua	Rubin	[REDACTED]				
Kathleen	Morgan	[REDACTED]				
Judy	Joslin	[REDACTED]				
Daniel	Kafton	[REDACTED]				
Vivian	Adams	[REDACTED]				
Wayne	Attwood	[REDACTED]				
Rose	Bachman	[REDACTED]				
Andrew	Brewer	[REDACTED]				
Sharron	Crandell	[REDACTED]				
virginia	czechowski	[REDACTED]				
Mary	Farrell	[REDACTED]				
Lila	Girvin	[REDACTED]				
Linda	Greene	[REDACTED]				
Judy	Laddon	[REDACTED]				
melissa	LANG	[REDACTED]				
Kathlyn	Meisford	[REDACTED]				
Carl	Milton	[REDACTED]				
sally	Pierone	[REDACTED]				
Greta	Rizzuti	[REDACTED]				
Mary	Weathers	[REDACTED]				
Mark R	Wilder Sr	[REDACTED]				
Ross	Stapleton.	[REDACTED]				
Lyn	Henri	[REDACTED]				
Allen	Matherly	[REDACTED]				
Mark	Anderson	[REDACTED]				
Nancy	Cooper	[REDACTED]				

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Wendy	Wartes					
Juanita	Greenway					
Rebecca	Buell-Silsbee					
Trixanna	Koch					
Brandon	Mingo					
ESPERANZA	RICO					
Robin	Friend					
Frances	Pearre					
Sara	Bhakti					
Dan	Freeman					
Athena	McElrath					
Myra	Bieri					
Judith	Bredeson					
Ross	Dick					
Joseph	Berndt					
Ann	Mortier					
Jane	Oie					
Jean	Accola					
Lucy	Neider					
David	Rosenberg					
John	Hessler					
Dan	Conine					
Anita B.	Williams					
Robin	Rastani					
Barbara	Horner-Ibler					
Sean	Cranley					
David	Dostal					
Susan	Cadwallader					
David	Hartman					
James	Peterson					
Catherine	Cleary					
craig	harrison					
Paula	Johnson-Marsole					
Pamela L.	Belcher					
Tim	Belcher					
Cindy	Waltershausen					
Gerald	Flakas					
Corey E.	Olsen					
Dan	Duffy					
Barbara	Mottl					
Jennifer	Thomson					
Sister Mary Fr	Gebhard					
Bruce	O'Brien					
Emery	Paine					
David	Haakenson					
Ronald W.	Albers					
Ted	Miner					
Paul	Czisny					
Kathy	Brady					
Elaine Doroug	Johnson					
Howard	Moon					
Jodi	Roberts					
Rina	Drori					
Jeanne	DeSimone Sieg					

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Barbara L.	Samoore	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Carol	Harder	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Doug	Curtis	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Nathan	Salzman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
william	woessner	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Frank	Doyle	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jonathan	Goltz	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Robert	Koller	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
DeeAnna	Roberts	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Richard Sam	Salmon	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Martha	Senechal	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Beverly	Williams	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Chris	Marceille	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Marilyn	Bartz	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
mary	williams	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
linda	soldan	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
John	Mundahl	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Maureen	Hulke	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Judy	Mead	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Norman	Grier	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Duane	Lahti	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Judith	Detert-Moriarty	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jill	Bussiere	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Mary	Feuling	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Geraldine	Brylski	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Dan	Bishop	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Phil	Biebl	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Pamela	Bradford	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Tristan	Brandhorst	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jessica	Brownell	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Erica	Case	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Susan	Case	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Pat	Champion	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Alfred	Christiansen	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Mya	Cooks	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Edward	Dunphy	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Stephanie	Eastwood	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Edward	Feeny	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jay	Ferm	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jean A	Fitzsimmons	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Mary	Gandolfo	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Dan	Ginsburg	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kim	Grittner	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Shirley	Haidinger	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Morgan	Houser	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Vicki	Huss	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
James	Jaeger	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Nancy	Klatt	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Inna	Larsen	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jon	Mack	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Paul	Malischke	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Charles	MITCHELL	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
A	Nehmer	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Charles & Jea	Pfeifer	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Renee	Piraino	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
John	Rasmussen	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]

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First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Joella	Roland	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Robert	Scheele	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Carl	Silverman	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Sheri	Sinykin	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
FLORIAN	SMOCZYNSKI	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Keith	Stephens	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Sarah	Teren	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Joanne	Wagner	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
John	Welsh	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Nancy	Wyngaard	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
David	Zwiefelhofer	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Robert	Bjerke	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Jan	Saecker	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Anthony	Schweitzer	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Kristen	Zehner	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Judy	Meyer	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Marjorie	Schramm	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Rosemary	Whitmore	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Mary Ann	Bailey	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Warren	Lang	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Tim	Lienau	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
John	Vancil	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
amy	kirkland	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
James	Zeisler	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Barbara	Boehme	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Steve	Edelstein	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
james	knutson	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Sandra	Levin	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
William	Curtis	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Jim	Gammons	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Luis	Baez	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Beth	Barfield	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Martha	Barry	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Denis	Blaise	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Randy	Boen	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Cynthia	Bowman	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
mila	caceres	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Andrea	Chambliss	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Angelica	Dawn	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Michael (u.s.a)	Filipiak	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
William	Gagliani	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
James	Gallagher	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Ellen	Harratty	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Rosemary	Hilbert	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
joan	janus	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
jeffery	johnson	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Audrey	keys	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Diane	Krings	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Kevin	Krueger	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Lenore	Lee	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Cory	Liebmann	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Kelly	McMahon	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
gene	merz	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Michael	Moynihan	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
AHMAD	MUHAMMAD	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Deirdre	Murphy	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Jeffrey	Norman	[REDACTED]		[REDACTED]		
Tom	Ozburn	[REDACTED]		[REDACTED]		
Cindy	Pawelski	[REDACTED]		[REDACTED]		
Dave	Redemann	[REDACTED]		[REDACTED]		
Gerald	Roesch	[REDACTED]		[REDACTED]		
Britton	Saunders	[REDACTED]		[REDACTED]		
Harry C	Shayhorn Jr	[REDACTED]		[REDACTED]		
Sara	Shutkin	[REDACTED]		[REDACTED]		
Carleton	Sobol	[REDACTED]		[REDACTED]		
paul	szedziwski	[REDACTED]		[REDACTED]		
marie	ulsberger	[REDACTED]		[REDACTED]		
marianne	vogel	[REDACTED]		[REDACTED]		
stephen	ward	[REDACTED]		[REDACTED]		
Paul	Wechter	[REDACTED]		[REDACTED]		
Dan	Wiernasz	[REDACTED]		[REDACTED]		
Joseph	Wiesner	[REDACTED]		[REDACTED]		
Darice	Yench	[REDACTED]		[REDACTED]		
Mary	Kriofske	[REDACTED]		[REDACTED]		
L	Strangstad	[REDACTED]		[REDACTED]		
Vern and Evel	Rieckmann	[REDACTED]		[REDACTED]		
Jill	Faterioun	[REDACTED]		[REDACTED]		
Beth	Medina	[REDACTED]		[REDACTED]		
William	Moore	[REDACTED]		[REDACTED]		
Margaret	Otwell	[REDACTED]		[REDACTED]		
sally	pla	[REDACTED]		[REDACTED]		
James	Hamilton	[REDACTED]		[REDACTED]		
Carrie	Schudda	[REDACTED]		[REDACTED]		
Sheila	Spear	[REDACTED]		[REDACTED]		
Patty	Subach	[REDACTED]		[REDACTED]		
Douglas	Boone	[REDACTED]		[REDACTED]		
Geoffrey	Smith	[REDACTED]		[REDACTED]		
Judith	Herbst	[REDACTED]		[REDACTED]		
Laura	Moon	[REDACTED]		[REDACTED]		
Calvin	Kramer	[REDACTED]		[REDACTED]		
Darwin	Czubin	[REDACTED]		[REDACTED]		
Bill & Judy	Earley	[REDACTED]		[REDACTED]		
Glen	Halbe	[REDACTED]		[REDACTED]		
Roger	Hill	[REDACTED]		[REDACTED]		
Frances	Martin	[REDACTED]		[REDACTED]		
Rosalie	Mutchler	[REDACTED]		[REDACTED]		
Rosalie	Mutchler	[REDACTED]		[REDACTED]		
Joanette	Nitz	[REDACTED]		[REDACTED]		
Thomas	Hogan	[REDACTED]		[REDACTED]		
Kirk	Reese	[REDACTED]		[REDACTED]		
Joel	Winograd	[REDACTED]		[REDACTED]		
Hope	Wudtke	[REDACTED]		[REDACTED]		
Jay	Beder	[REDACTED]		[REDACTED]		
Steven	Cupery	[REDACTED]		[REDACTED]		
Sarah	O'Connor	[REDACTED]		[REDACTED]		
Don	Gawronski	[REDACTED]		[REDACTED]		
Rev. Dr. Bobb	Groth	[REDACTED]		[REDACTED]		
Frank	Lugar	[REDACTED]		[REDACTED]		
JoAnn	Carlson	[REDACTED]		[REDACTED]		
Betty	Hammond	[REDACTED]		[REDACTED]		
Thomas	Kieffer	[REDACTED]		[REDACTED]		
Helen Ann	Bladholm	[REDACTED]		[REDACTED]		

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
Debra	Skup	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Amy	Taivalkoski	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sharon	Levine	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Maureen	Carroll	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Arden	Voigt	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kaen	Voigt	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Craig	Lovell	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sandra	Pearson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Robin	Reed	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Karen	Pawlak	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Alan	Thompson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jeannie	Peterson	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Helen	Wisneski	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jenny	Chay	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
jacque	conarchy	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Regis	DiGiacomo	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
David	Eppelsheimer, S	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Chris	Lorenz	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kathryn	Schuster-MacDo	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Colleen	Budzien	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Linda	Thomas	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jeff	Bussanich	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Alane	Arneman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
John	Jost	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Marge	Bergman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Tom	McDonald	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Rita	Rochte	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Paul	Jhona	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
David	Rolnick	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Dale	Jirschele	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jerome	Krug	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
ED	LEGG	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Charles	Yeargan	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Edward	Weis	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Gary	Reynolds	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Warren G	Jones	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
John	Mings	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
David	Seivard, Jr.	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
David	O'Brien	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kristine	O'Brien	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Robert	Fisher	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Donald	Kleppe	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Mary	Willis	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kimberly	Wysong	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
jim	gerl	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Niambi	Bailey	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Niambi	Bailey	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Staci	Weisberg	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Monica	Whyte	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Roger	Bell	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
David & Patric	Matthews	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Donald	Spencer	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
janie	poe	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Michael	Klausing	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
sheilah	vied	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
David	Lutz	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]

First Name	Last Name	Address Line 1	Address Line 2	City	State	ZIP
deacon	jones	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Russell	Detko	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Clyde	Pritt	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Bruce H	Dahlin	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Susan	Homan	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Charles	Riley	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Susan	Walter	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ed	Saugstad	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Robin	Moss	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Carey	Lea	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Robert A.	Mertz	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Nancy	Toney	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Sharon	Davis	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Rebecca	Abel	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Rebecca	Abel	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Marc	Harshman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ardeth	Lobet	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Robert	McKeown	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Sheri	Mitchell	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Jack	Runnels	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Schelley	Schlafman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Bill	Combs	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Joseph	Krafczik	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Keith	Becker	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
James L	Fidelholtz	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
ken	rinciari	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Kathryn	Dowling	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Denise	Pennie	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Karl	Raab	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Thomas	Pickens	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Pearl	Volkov	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ms. H. Lee	Gershuny	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ron	Wilson	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Richard	Ruble	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Michael	McDonald	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
peter	perry	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Edmund	Goehring	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Maureen	Schoenfeld	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
ronald	trojcek	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Barbara	Woodward	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Paul	smith	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Marian	Cooley	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
LiSA	MOLAND	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Marina	Urquidi	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Ken	Gilmour	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Peter	Wadsworth	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Cerion	Armour-Brown	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Martha	Edelheit	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Don	Bowman	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
Stefano	Bovero	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
William	Iltzsche	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
John	Di Stefano	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
greg	chambers					
Calvin	Jutila					
Joanne	Sackheim					



"John Weingart"
<john.weingart@rutgers.edu>

01/13/2006 01:15 PM

Please respond to
john.weingart@rutgers.edu

To "Karen Lynn-Dyson" <klynndyson@eac.gov>

cc "Lucy Baruch" <baruch@rci.rutgers.edu>

bcc

Subject No Cost Extension Request

Karen - I am attaching a spreadsheet providing the information you have requested (Attachment 1), but I want to highlight a few points which may not be immediately self-evident.

First, the original budget (Attachment 2) we submitted to the EAC, dated March 22nd, did not itemize personnel expenses by each person. In addition, when we actually began work two months after submitting that budget, we decided to reallocate more time to people within Eagleton and hire fewer outside hourlies.

Second, in the figures I sent you in late December we tried to account for all the expenses and projections but overlooked a few things including neglecting to include the honoraria for our peer review team. Hence, the figures we're now sending are different than what I sent in December.

Lastly, we originally discussed a no-cost extension through February, but since we don't yet have the EAC comments on our draft Provisional Voting material nor an estimate of when they are likely to be ready, I think it is prudent to extend the no-cost extension through March 31st. We would still like to conclude by the end of February, but if you can approve the extension for another month we could avoid going through this process again if everything is not complete six weeks from now.

It is my understanding that Rutgers will soon be sending our December invoice. At this time, I would also like to request that we combine January and February an invoice the EAC once for that time period.

As you can see, we are currently projecting an ending balance of approximately \$10,000. If additional expenses are incurred beyond what is currently projected, we're confident they will not exceed the original budget of \$560,002.

Thanks and I look forward to hearing from you.

--
-- John Weingart, Associate Director
Eagleton Institute of Politics
(732) 932-9384, x.290

is it more and why
→ and am I am confident

→ this labor rate
vs. the original rate
and the inst of labor they
are adding is responsible

015934



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW - Suite 1100
Washington, DC 20005

January 9, 2005

MEMORANDUM FOR THE RECORD

Background

On May 24, 2005 the U.S. Election Assistance Commission awarded an eight month contract (December 30, 2005) in the amount of \$560,002.00 to the Eagleton Institute of Politics (Rutgers, The State University of New Jersey) to provide research assistance to support development of guidelines on the topics of provisional voting and voter identification procedures.

Contractor's Request for a No-Cost Extension

On November 15, 2005, John Weingart, Associate Director of the Eagleton Institute of Politics, requested via e-mail, a no-cost extension on this contract (E4014127). Mr. Weingart has requested an extension to complete the work of this contract to February 28, 2006.

In subsequent correspondence, Mr. Weingart notes the following as the reason for the request:

"The original work schedule called for EAC to publish in mid-October, voluntary guidance and/or recommended best practices for provisional voting, based on Eagleton's research. In making that time estimate, we did not provide sufficient time for the EAC to review and consider the draft reports that would form the basis for that publication..... The additional time required to complete the work on provisional voting has delayed the completion of our analysis of Voter Identification issues. The draft report of that topic will be submitted to the EAC in mid-January".

"If EAC does not object, funds originally allocated for the hearings...(that EAC has determined will not take place)....would be available for transfer to support the additional staff and consultant time necessary to complete the work..." "The total project budget is \$560,002. As of October 31st, the EAC has been invoiced for \$259,081.79; the balance remaining is \$300,920.21. We anticipate that the project will be complete and the balance of funds fully expended by February 28, 2006. The final invoice for the contract will be submitted to the EAC within 75 days of the close of the project".

015935

Mr. Weingart further notes:

“We anticipate reallocating funds primarily from the public hearings line items and spending approximately \$35,500 more than originally budgeted on personnel, \$23,250 more on the subcontract with Ohio State and \$20,250 more on consultants”.

Specifics of the Extension

The contractor has provided the following breakdown and explanation of the personnel and consultant costs, associated with this extension.

Original Project Personnel costs- \$195,439 (May-December)

Original Project labor hours-xxxxx (May-December)

Projected Project Personnel costs -\$253,915 (January-February)

Projected Project labor hours-xxxxx (January-February)

	Original Budget	Projected Budget
<i>Eagleton Institute of Politics</i>		
Project Director		
Project Manager		
Xxxx		
Xxxx		
Xxxx		
Overhead		
Total	\$110,695	\$146,000
<i>Moritz School of Law</i>		
Xxxx		
Xxxx		
Xxxx		
Overhead		
Total	\$84,744	\$107,915

015936

EAC Staff Recommendation

Karen Lynn-Dyson, the EAC's Contracting Officer Representative assigned to this contract has reviewed this request, the rationale and authority for it (FAR 43.103(a)(3)) and finds it to be appropriate. To-date the Eagleton Institute has consistently met its deadlines for major project deliverables and stayed within the project budget. To grant the Eagleton Institute a two month extension on this contract in order to obtain the necessary feedback on major documents it has produced will be within the best interests of the Election Assistance Commission, and thus, the federal government.

EAC's Contracting Officer Representative finds that to grant the Eagleton Institute a no-cost extension for the modification of its contract with the EAC is within the scope of the original agreement and is recommending that this modification to the contract be made.

Signed

Karen Lynn-Dyson
Contracting Officer Representative
U.S. Election Assistance Commission

Gracia M. Hillman
Chair
U.S. Election Assistance Commission

015937

Eggleton Institute of Politics, Rutgers The State University of New Jersey
US Election Assistance Commission Project Budget (original 3/22/05; revised 1/13/06 for no-cost extension)

Description	Original Budget	Cumulative Expenses through Dec 2005 (actual and committed)	Post Jan 1 Projected Expenses	Projected Balance	Post Jan 1 Projected Hours	Post Jan 1 Hourly Rate
Eggleton Faculty and Staff (salaried and hourly)		84,263.20	15,250.00			
Ruth Mandel, Director and Professor		5,682.86	3,500.00		43	81.98
John Weingart, Associate Director		7,347.00	3,500.00		72	48.74
Ingrid Reed, Director of Eggleton NJ Project		19,500.00	2,500.00		63	40.00
Don Linky, Director of Electronic Democracy Project		8,100.00	1,750.00		47	37.50
Tim Vercellotti, Assistant Research Professor		9,384.00	2,500.00		64	38.96
April Rapp, Research Project Coordinator		12,844.55	0.00		0	
Lauren Vincelli, Project/Bus. Administrator		10,800.90	0.00		0	
Michele Brody, Administrative Assistant		0.00	500.00		23	21.97
Lisa Velasquez, Administrative Assistant		6,503.89	0.00		0	
Linda Phillips, Unit Computing Specialist		2,100.00	250.00		10	25.07
Joanne Pfeiffer, Secretary		2,000.00	750.00		38	19.77
Rutgers Graduate Students (hourly)		15,531.60	3,500.00			
Dave Andersen		6,060.00	1,500.00		125	12.00
Nadia Brown		906.00	0.00		0	
Jilliam Curtis		1,002.00	0.00		0	
Johanna Dobrich		1,635.60	1,000.00		83	12.00
Dave Harris		5,928.00	1,000.00		83	12.00
Fringe (rates vary by employee type)		21,332.56	4,567.50			
Subtotal Personnel Expenses	110,696	121,127.36	23,317.50	(33,749.86)		
Honoraria						
Honoraria for Peer Review Group	10,000	0.00	10,000.00	0.00		
Public Hearings	81,120	948.74	0.00	80,171.26		
Public Hearings	75,000	0.00	0.00			
Transportation	6,120	948.74	0.00			
Briefings/Meetings						
Train, ground, lodging, meals	5,200	1,302.82	1,750.00	2,147.18		
General Operations	20,000	20,029.59	1,750.00	(1,779.59)		
Office supplies, software, telephone, copying, postage	10,000	9,003.11	1,750.00			
Desktop computers, laptop, printer	10,000	11,026.48	0.00			
Subcontracts						
Project Director-Tom O'Neill	79,500	81,750.00	18,000.00	(20,250.00)	192	93.75
Ohio State University (OSU)-Legal Analysis*	84,744	84,222.35	23,692.66	(23,171.01)		
OSU Personnel (with fringe)	50,735	55,724.22	14,001.15			
Ned Foley, Professor		30,514.24	8,687.03		72	120.65
Dan Tokaji, Professor		3,313.65	1,408.82		16	88.05
Laura Williams, Project Coordinator		7,846.00	2,320.00		80	29.00
Sara Sampson, Research Coordinator		5,229.14	705.30		20	35.27
Research Assistants		8,821.19	880.00		100	8.80
OSU Travel	5,950	611.80	1,846.78			
OSU Overhead	28,059	27,886.33	7,844.73			
Subtotal Non Personnel Expenses	280,564	188,253.50	55,192.66	37,117.84		
Subtotal Direct Costs	391,259	309,380.86	78,510.16	3,367.98		
Fac&Admin (overhead) on Modified Total Direct Cost	153,743	117,790.20	19,881.45	16,071.68		
TOTAL Project Budget	545,002	427,171.06	98,391.61	19,439.66		
Optional Surveys						
State Election Officials	15,000	24,269.04	0.00	(9,269.04)		
Total Project Budget with Optional Survey	560,002	451,440.10	98,391.61	10,170.62		

015938

*Ohio State University figures are included in the "cumulative expenses through Dec 2005" even though Rutgers has not yet received the cumulative invoices.

**Eagleton Institute of Politics, Rutgers The State University of New Jersey
US Election Assistance Commission Project Budget (3/22/05)**

Description	Budget	
Personnel		
Eagleton faculty/senior staff	35,000	Mandel, Weingart, Reed, Linky (various percentages)
Eagleton staff: logistics/administrative/clerical	15,000	(various percentages)
Fringe (32.5%)	16,250	
	66,250	
Hourly Personnel		
Research Coordinator	21,250	1250 hours at \$17 per hour
Logistics/Admin Coordinator	12,325	725 hours at \$17 per hour
Research assistants	7,200	300 hours at \$12 per hour for two researchers
Fringe on Hourly (9%)	3,670	
	44,445	
Subtotal Personnel Expenses		
	\$110,695	
Honoraria		
Honoraria for Peer Review Group	10,000	10 at \$1,000
Public Hearings (3 in 3 cities)		
Public Hearings	75,000	3 hearings at \$25K per EAC figures
2 Hearings in DC- train, ground, lodging, meals*	3,480	attended by 3 staff
1 Hearings in St. Louis- air, ground, lodging, meals**	2,640	attended by 3 staff
	81,120	
Briefings/Meetings with EAC		
Train, ground, lodging, meals***	5,200	5 briefings in DC, attended by 2 staff
General Operations		
Office supplies, software, telephone, copying, postage	10,000	
Desktop computers, laptop, printer	10,000	
	20,000	
Subcontract		
Project Director- O'Neill	79,500	80% time April – Aug., 60% Sept. – Oct.
Ohio State University- Legal Analysis	84,744	Partner institution, Moritz College of Law, OSU
Subtotal Non Personnel Expenses		
	\$280,564	
Subtotal All Direct Cost		
	391,259	
Modified Total Direct Cost \$277,015****		
F&A on Modified Total Direct Cost (55.5%)	153,743	Rutgers University federally approved rate.
TOTAL Project Budget	\$545,002	
Optional Surveys		
State Election Officials	15,000	Eagleton
Young Voters	25,000	Eagleton
Provisional Voting, 1st state	116,000	OSU Political Science
Provisional Voting, 1st additional state	75,000	OSU Political Science
Provisional Voting, 2nd additional state	60,000	OSU Political Science
Total Optional Surveys (no F&A)	\$291,000	

* Travel and lodging to two hearings in DC includes \$260 for train fare to DC, \$200 for hotel/lodging, and \$60 per day for two days for meals= \$580 per person per trip for three people.

** Travel and lodging to one hearing in St. Louis includes \$500 airfare to St. Louis, 2 nights hotel/lodging at \$100, and \$60 per day for three days for meals= \$880 per person for three people.

*** Travel and lodging to five Briefings/Meetings with EAC includes \$260 for train fare to DC, \$200 for hotel/lodging, and \$60 for meals= \$520 per person per trip for two people.

**** Modified total direct cost is equivalent to total direct cost except for two items - F&A included only on first \$25K of subcontract with Project Director (\$79,500) and first \$25K of subcontract with OSU (\$84,744).

015939



"John Weingart"
<john.weingart@rutgers.edu>

12/05/2005 04:44 PM

Please respond to
john.weingart@rutgers.edu

To klynndyson@eac.gov

cc

bcc

Subject Re: No Cost Extension Request

Thanks for letting me know. This may well extend all the dates in the proposed revised schedule we sent accordingly. When do you think we will hear about the no-cost extension and budget reallocations? Thanks, John

-- John Weingart, Associate Director
Eagleton Institute of Politics
(732)932-9384, x.290

klynndyson@eac.gov wrote:

>
> John-
> Just wanted to let you know that we've had to push back, by a week,
> the review of Eagleton's Best Practices document.
>
> EAC staff are very focused on the release of the Voting Systems
> Guidelines; this will be completed by mid-week next week. I'm told
> that the Commissioners will turn their attention to the Best Practices
> document, immediately following this.
>
> Regards-
>
> Karen Lynn-Dyson
> Research Manager
> U.S. Election Assistance Commission
> 1225 New York Avenue , NW Suite 1100
> Washington, DC 20005
> tel:202-566-3123

015940



"John Weingart"
<john.weingart@rutgers.edu>

12/22/2005 05:26 PM

Please respond to
john.weingart@rutgers.edu

To klynndyson@eac.gov

cc [REDACTED]

bcc

Subject Re: No Cost Extension Request

Karen - Our request for a no-cost, reallocation of resources is based on (a) the fact that our personnel costs have already been higher than we anticipated and (b) the reality that keeping the project operating for at least nine months, instead of seven as planned, will require the participants to devote more time than anticipated. While we are not producing more product than originally promised, the time involved in our work continues to increase. Both Provisional Voting and Voter ID have proved to be very dynamic topics requiring us to continually monitor developments and update our data, analysis and evolving work products as we learn of new or revised information. As a result, despite the extension of the schedule, the staff and consultants on this project have had no "down" time. We anticipate this research, monitoring and revising to continue for the months added to the project, necessitating significantly more hours by all members of the project team than anticipated.

Our request asks for changes to three line items which I will address below on the assumption that the EAC response to our already-submitted Provisional Voting draft and to-be-submitted Voter ID draft will be sufficiently timely to enable us to complete our work on both topics by the end of February.

1. Eagleton Institute of Politics personnel: We originally budgeted \$110,695 (\$15,813 average per month) for Eagleton faculty, staff and graduate student assistants for the seven-month project from May 24, 2005-December 31, 2005. Our actual costs have been approximately \$14,500 more than that. In addition, we are anticipating needing another \$21,000 for personnel costs in January and February, calculated on the basis of 2/3 of the original monthly estimate. Therefore, we are asking to raise this line item from \$110,695 to approximately \$146,000.

2. Consultant Services: We originally budgeted \$79,500 (\$11,357 average per month) for consultant services which we have used to engage Tom O'Neill as the project manager. We anticipate no additional cost for the original contract period of May 24, 2005-December 31, 2005, but do anticipate needing his services during January and February at a slightly reduced rate of \$10,125 per month or \$20,250 total additional. Therefore, we are asking to raise this line item from \$79,500 to \$99,750.

3. Moritz School of Law: We originally budgeted \$84,744 (\$12,106 average per month) for staff and overhead for the May 24, 2005-December 31, 2005 period. We anticipate needing an additional \$23,171 (\$11,585 average per month) to support their time on this project in January and February. Therefore, we are asking to raise this line item from \$84,744 to \$107,915.

With these revisions, approximately \$22,000 of the EAC contract award to Eagleton would remain not yet allocated, primarily because the cost for the public hearings would have incurred Rutgers University overhead whereas the additional expenditures for consultants and the subcontract with Moritz do not.

I hope this provides you the information you need. While Rutgers is

015944

shutting down until January 3rd, I will be checking email at least every day or two.

-- John Weingart, Associate Director
Eagleton Institute of Politics
(732)932-9384, x.290

klynndyson@eac.gov wrote:

>
> John-
>
> I just had a more detailed conversation with our Deputy General
> Counsel about Eagleton's no-cost extension.
>
> He indicates that we need a bit more information that will accompany
> the material we will send to the Commissioners for a vote (hopefully
> next week)
>
> We need to know the number of labor hours, the labor costs and a brief
> description of the tasks to be performed by each of the staff who will
> be working on the EAC contract until its completion.
>
> Since we have eliminated the public hearing (a major contract
> deliverable) it is unclear why staff labor hours and costs will
> continue at the same level and rate.
>
> As always, thanks for your patience and prompt response.
>
>
>
> Karen Lynn-Dyson
> Research Manager
> U.S. Election Assistance Commission
> 1225 New York Avenue , NW Suite 1100
> Washington, DC 20005
> tel:202-566-3123

015942



"John Weingart"
<john.weingart@rutgers.edu>

12/16/2005 01:25 PM

Please respond to
john.weingart@rutgers.edu

To klynndyson@eac.gov

cc

bcc

Subject Re: Request for No-Cost Extension-corrected

Karen - At this time, we anticipate reallocating funds primarily from the public hearings line item and spending approximately \$35,500 more than originally budgeted on personnel, \$23,250 more on the subcontract with Ohio State and \$20,250 more on consultants. There are other additional variances but they are not significant (e.g. less on honoraria, less on travel, and more on general operations such as phone expenses). Let me know if you need additional detail or information.

Thanks, John

-- John Weingart, Associate Director
Eagleton Institute of Politics
(732)932-9384, x.290

klynndyson@eac.gov wrote:

>
> John-
>
>
> Quick question-
>
> How much money do you anticipate will be re-allocated from the
> original line items outlined in the contract to other project costs?
>
> Thanks
>
> Karen Lynn-Dyson
> Research Manager
> U.S. Election Assistance Commission
> 1225 New York Avenue , NW Suite 1100
> Washington, DC 20005
> tel:202-566-3123
>
>
>
> *"John Weingart" <john.weingart@rutgers.edu> *
>
> 11/30/2005 05:05 PM
> Please respond to
> john.weingart@rutgers.edu
>
>
>
> To
> "Karen Lynn-Dyson" <klynndyson@eac.gov>
> cc
> "Tom O'Neill" [REDACTED]
> Subject

015943

ORDER FOR SUPPLIES AND SERVICES

IMPORTANT: See instructions in GSAR 553.370-300-1 for distribution

PAGE 1 OF 1 PAGES

ORDER

2. ORDER NUMBER

3. CONTRACT NUMBER

4. ACT NUMBER

3/06

E4014127A

FOR GOVERNMENT USE ONLY

5. ACCOUNTING CLASSIFICATION

FUND 8035	ORG CODE TZM9110	B/A CODE 10	O/C CODE 25
FUNC CODE 000	C/E CODE 516	PROJ./PROS. NO.	CC-A
W/ITEM	CC-B	PRT./CRFT	

6. FINANCE DIVISION

AC	SS	VENDOR NAME
MDL	FI	GA. DEBT
AI	LC	DISCOUNT

7. TO: CONTRACTOR (Name, address and zip code)

Rutgers, The State University of New Jersey
Office of Research and Sponsored Programs
3 Rutgers Plaza
New Brunswick, NJ 08901

Contact: Keith Osterhage (732) 932-0150

8. TYPE OF ORDER REFERENCE YOUR

A. PURCHASE

Please furnish the following on the terms specified on both sides of the order and the attached sheets, if any, including delivery as indicated.

B. DELIVERY

This delivery order is subject to instructions contained on this side only of this form and is issued subject to the terms and conditions of the above numbered contract

C. MODIFICATION NO. AUTHORITY FOR ISSUING

01 FAR 43.103(a)(3)

9A. EMPLOYER'S IDENTIFICATION NUMBER

22-600-1086 (NAICS 61131-Not for Profit Public Institution)

9B. CHECK, IF APPROPRIATE WITHHOLD 20%

10A. CLASSIFICATION

A. SMALL BUSINESS

B. OTHER THAN SMALL BUSINESS

C. SMALL DISADVANTAGED

D. SMALL WOMEN-OWNED

11. ISSUING OFFICE (Address, zip code, and telephone no.)

Election Assistance Commission
1225 New York Ave., NW, Suite 1100
Washington, DC 20005
(202) 566-3100

12. REMITTANCE ADDRESS (MANDATORY)

Remittance via EFT

10B. TYPE OF BUSINESS ORGANIZATION

A. CORPORATION

B. PARTNER-SHIP

C. SOLE

13. SHIP TO (Consignee address, zip code and telephone no.)

Election Assistance Commission
1225 New York Ave., NW, Suite 1100
Washington, DC 20005

(202) 566-3100

14. PLACE OF INSPECTION AND ACCEPTANCE

C, 1225 NY Ave., Suite 1100, Washington, DC 20005

F.O.B. POINT

15. REQUISITION OFFICE (Name, symbol and telephone no.)

Election Assistance Commission

Destination

17. GOVERNMENT B/L NO.

18. DELIVERY F.O.B. POINT ON OR BEFORE 01/26/06

19. PAYMENT/DISCOUNT TERMS

Net 30

20. SCHEDULE

ITEM NO. (A)	SUPPLIES OR SERVICES (B)	QUANTITY ORDERED (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	Under the authority of Public Law 107-252, dated October 29, 2002, establishing the U.S. Election Assistance Commission (EAC). Eagleton Institute of Politics proposal to provide research assistance to support development of guidelines on topics of provisional voting and voter identification procedures. See attached for description of this no-cost extension amendment.				
	TOTAL COST OF CONTRACT: \$560,002.00				

21. RECEIVING OFFICE (Name, symbol and telephone no.)

U.S. Election Assistance Commission (202) 566-3100

TOTAL FROM 300-A(s)

560,002.00

22. SHIPPING POINT

23. GROSS SHIP WT.

GRAND TOTAL

560,002.00

24. MAIL INVOICE TO: (Include zip code)

General Services Administration (FUND)

Election Assistance Commission

5 New York Ave., NW, Suite 1100

Washington, DC 20005

25A. FOR INQUIRIES REGARDING PAYMENT CONTACT:

Diana Scott

25B. TELEPHONE NO.

(202) 566-3100

26A. NAME OF CONTRACTING/ORDERING OFFICER (Type)

Thomas R. Wilkey, Executive Director

26B. TELEPHONE NO.

(202) 566-3100

26C. SIGNATURE

1. PAYING OFFICE

GSA FORM 300 (REV. 2-93)

GENERAL SERVICES ADMINISTRATION

PURCHASE ORDER TERMS AND CONDITIONS

552.229-70 FEDERAL, STATE, AND LOCAL TAXES (APR 1984)

The contract price includes all applicable Federal, State, and local taxes. No adjustment will be made to cover taxes which may subsequently be imposed on this transaction or changes in the rates of currently applicable taxes. However, the Government will, upon the request of the Contractor, furnish evidence appropriate to establish exemption from any tax from which the Government is exempt and which was not included in the contract price.

552.210-79 PACKING LIST (DEC 1989)

(a) A packing list or other suitable shipping document shall accompany each shipment and shall indicate (1) Name and address of consignor; (2) Name and address of consignee; (3) Government order or requisition number; (4) Government bill of lading number covering the shipment (if any); and (5) Description of the material shipped, including item number, quantity, number of containers, and package number (if any).

(b) When payment will be made by Government commercial credit card, in addition to the information in (a) above, the packing list or shipping document shall include: (1) Cardholder name and telephone number and (2) the term "Credit Card".

52.232-1 PAYMENTS (APR 1984)

The Government shall pay the Contractor, upon the submission of proper invoices or vouchers, the prices stipulated in this contract for supplies delivered and accepted or services rendered and accepted, less any deductions provided in this contract. Unless otherwise specified in this contract, payment shall be made on partial deliveries accepted by the Government if: (a) The amount due on the deliveries warrants it; or (b) The Contractor requests it and the amount due on the deliveries is at least \$1,000 or 50 percent of the total contract price.

52.232-8 DISCOUNTS FOR PROMPT PAYMENT (APR 1989)

(a) Discounts for prompt payment will not be considered in the evaluation of offers. However, any offered discount will form a part of the award, and will be taken if payment is made within the discount period indicated in the offer by the offeror. As an alternative to offering a prompt payment discount in conjunction with the offer, offerors awarded contracts may include prompt payment discounts on individual invoices.

(b) In connection with any discount offered for prompt payment, time shall be computed from the date of the invoice. For the purpose of computing the discount earned, payment shall be considered to have been made on the date which appears on the payment check or the teletype on which an electronic funds transfer was made.

PROMPT PAYMENT

Prompt Payment clause 52.232-25 is incorporated in this contract by reference. The clause contains information on payment due date, invoice requirements, constructive acceptance and interest penalties. Certain portions of the clause regarding payment due date, invoice requirements, and constructive acceptance, have been extracted for your convenience. All days referred to in the extracts below are calendar days.

(a)(2) . . . The due date for making invoice payments by the designated payment office shall be the later of the following two events:

(i) The 30th day after the designated billing office has received a proper invoice from the Contractor.

(ii) The 30th day after Government acceptance of supplies delivered or services performed by the Contractor . . .

(a)(4) . . . An invoice shall be prepared and submitted to the designated billing office specified in the contract. A proper invoice must include the items listed in . . . (i) through . . . (viii) . . . If the invoice does not comply with these requirements, then the Contractor will be notified of the defect within 7 days after receipt of the invoice at the designated billing office . . . Untimely notification will be taken into account in the computation of any interest penalty owed the Contractor . . .

(i) Name and address of the Contractor.

(ii) Invoice date.

(iii) Contract number or other authorization for supplies delivered or services performed (including order number and contract line item number).

(iv) Description, quantity, unit of measure, unit price, and extended price of supplies delivered or services performed.

(v) Shipping and payment terms (e.g., shipment number and date of shipment, prompt payment discount terms), Bill of lading number and weight of shipment will be shown for shipments on Government bills of lading.

(vi) Name and address of Contractor official to whom payment is to be sent (must be the same as that in the contract or in a proper notice of assignment).

(vii) Name (where practicable), title, phone number, and mailing address of person to be notified in event of a defective invoice.

NOTE: Invoices must include the ACT number (block 4) and shall be submitted in an original only, unless otherwise specified, to the billing office designated in block 24 to receive invoices. The "remit to" address must correspond to the remittance address in block 12.

(a)(6)(i) For the sole purpose of computing an interest penalty that might be due the Contractor, Government acceptance shall be deemed to have occurred constructively on the 7th day (unless otherwise specified in block 20) after the Contractor delivered the supplies or performed the services in accordance with the terms and conditions of the contract, unless there is a disagreement over quantity, quality or contractor compliance with a contract provision . . .

52.222-40 SERVICE CONTRACT ACT OF 1965, AS AMENDED - - CONTRACTS OF \$2,500 OR LESS (MAY 1989)

Except to the extent that an exception, variation, or tolerance would apply if this contract were in excess of \$2,500, the Contractor and any subcontractor shall pay all employees working on the contract not less than the minimum wage specified under Section 6 a) (1) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201-206). Regulations and interpretations of the Service Contract Act of 1965 are contained in 29 CFR Part 4.

52.222-41 SERVICE CONTRACT ACT OF 1965, AS AMENDED (MAY 1989)

52.222-42 STATEMENT OF EQUIVALENT RATES FOR FEDERAL HIRES (MAY 1989)
(52.222-41 and 52.222-42 apply to service contracts when the amount exceeds \$2,500).

The GSA Form 2166, Service Contract Act of 1965 and Statement of Equivalent Rates for Federal Hires is attached hereto and made a part hereof.

52.252-2 CLAUSES INCORPORATED BY REFERENCE (JUN 1988)

This contract incorporates the following clauses by reference with the same force and effect as if they were given in full text. Upon request the Contracting Officer will make their full text available:

FEDERAL ACQUISITION REGULATION (48 CFR CHAPTER 1) CLAUSES

Applicable to purchase orders for supplies or services:

- 52.203-1 Officials Not to Benefit (APR 84)
- 52.203-3 Gratuities (APR 84)
- 52.203-5 Covenant Against Contingent Fees (APR 84)
- 52.203-6 Restriction on Subcontractor Sales to the Government (JUL 85)
- 52.203-7 Anti-Kickback Procedures (OCT 88)
- 52.212-9 Variation in Quantity (APR 84)
(In the preceding clause, the permissible variations are stated in the schedule.)
- 52.222-3 Convict Labor (APR 84)
- 52.222-26 Equal Opportunity (APR 84)(Applies when amount exceeds \$10,000.)
- 52.222-35 Affirmative Action for Special Disabled and Vietnam Era Veterans (APR 84)(Applies when amount exceeds \$10,000.)
- 52.222-36 Affirmative Action for Handicapped Workers (APR 84)(Applies when amount exceeds \$2,500.)
- 52.222-37 Employment Reports on Special Disabled Veterans and Veterans of the Vietnam Era (JAN 88)(Applies whenever clause 52.222-35 is included.)
- 52.223-6 Drug Free Workplace (JUL 90)(Applies if contract is awarded to an individual.)
- 52.225-3 Buy American Act - Supplies (JAN 89)
- 52.225-11 Restrictions on Certain Foreign Purchases (MAY 92)
- 52.232-25 Prompt Payment (SEP 92)
- 52.233-1 Disputes (DEC 91)
- 52.233-3 Protest After Award (AUG 89)
- 52.246-1 Contractor Inspection Requirements (APR 84)
- 52.249-8 Default (Fixed-Price Supply and Service)(APR 84)

Applicable to purchase orders for supplies:

- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR 86)(Applies when amount is between \$2,500 and \$10,000.)
- 52.222-20 Walsh-Healey Public Contracts Act (APR 84)(Applies when amount exceeds \$10,000.)
- 52.243-1 Changes - Fixed Price (AUG 87)
- 52.249-1 Termination for Convenience of the Government (Fixed Price)(Short Form)(APR 84)

Applicable to purchase orders for services:

- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR 86)(Applies when amount exceeds \$2,500.)
- 52.243-1 Changes - Fixed Price (APR 84) - Alt. II
- 52.249-4 Termination for Convenience of the Government (Services)(Short Form)(APR 84)

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U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW - Suite 1100
Washington, DC 20005

January 24, 2005

MEMORANDUM FOR THE RECORD

Background

On May 24, 2005 the U.S. Election Assistance Commission awarded an eight month contract (December 30, 2005) in the amount of \$560,002.00 to the Eagleton Institute of Politics (Rutgers, The State University of New Jersey) to provide research assistance to support development of guidelines on the topics of provisional voting and voter identification procedures.

Contractor's Request for a No-Cost Extension

On November 15, 2005, John Weingart, Associate Director of the Eagleton Institute of Politics, requested via e-mail, a no-cost extension on this contract (E4014127). Mr. Weingart had requested an extension to complete the work of this contract to February 28, 2006.

In response to EAC's requests for additional information related to the no-cost extension, in a January 13, 2006 e-mail, Mr. Weingart revised the request for the extension to March 31, 2006. Mr. Weingart did note that he would still like to conclude the project's work by the end of February.

In various correspondences, Mr. Weingart notes the following reasons for the request:

"The original work schedule called for EAC to publish in mid-October, voluntary guidance and/or recommended best practices for provisional voting, based on Eagleton's research. In making that time estimate, we did not provide sufficient time for the EAC to review and consider the draft reports that would form the basis for that publication..... The additional time required to complete the work on provisional voting has delayed the completion of our analysis of Voter Identification issues. The draft report of that topic will be submitted to the EAC in mid-January".

"Our request for a no-cost, reallocation of resources is based on (a) the fact that our personnel costs have already been higher than we anticipated and (b) the reality that keeping the project operating for at least nine months, instead of the seven as planned,

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will require the participants to devote more time than anticipated. While we are not producing more product than originally promised, the time involved in our work continues to increase... We anticipate this research monitoring and revising to continue for the months added to the project, necessitating significantly more hours by all members of the project team than anticipated”.

The contractor anticipates reallocating funds primarily from the public hearings line item (\$81,120) and spending approximately \$33,750 more than originally budgeted on personnel, \$23,171 more on the subcontract with Ohio State and \$20,250 more on consultants. The EAC elected to not hold public hearings on the topics of provisional voting and voter identification.

Specifics of the Extension

The contractor has provided the following breakdown and explanation of the personnel and consultant costs, associated with this extension.

1. ***Eagleton Institute of Politics personnel:***

Original budgeted project personnel costs-\$110,695 (May-December)
Revised project personnel costs- \$144,444 (May-February)

2. ***Consultant Services:***

Original budgeted costs: \$79,500 (May-December)
Revised costs -\$99,750 (May-February)

3. ***Moritz School of Law personnel and overhead:***

Original budgeted costs: \$84,744 (May-December)
Revised costs- \$107,915 (May-February)

Total project budget:

Original budgeted costs: \$560,002 (May- December)
Revised project cost: \$549,831 (May-February)

EAC Staff Recommendation

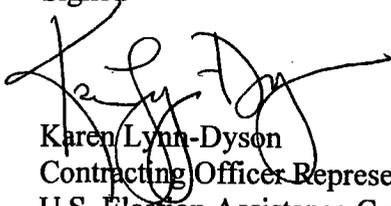
Karen Lynn-Dyson, the EAC's Contracting Officer Representative assigned to this contract has reviewed this request, the rationale and authority for it (FAR 43.103(a)(3)) and finds it to be appropriate. To date the Eagleton Institute has consistently met its deadlines for major project deliverables and stayed within the project's overall budget.

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Based upon the work products provided to the EAC, thus far, the additional personnel expenses which the contractor has incurred appear to be reasonable. To grant the Eagleton Institute a three-month extension on this contract in order to obtain the necessary feedback on major documents it has produced will be within the best interests of the Election Assistance Commission, and therefore, the federal government.

EAC's Contracting Officer Representative finds that to grant the Eagleton Institute a no-cost extension for the modification of its contract with the EAC is within the scope of the original agreement and is recommending that this modification to the contract be made.

Signed



Karen Lynn-Dyson
Contracting Officer Representative
U.S. Election Assistance Commission



Thomas R. Wilkey
Executive Director
U.S. Election Assistance Commission

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AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT

1. CONTRACT ID CODE: E4014127 PAGE OF PAGES

2. AMENDMENT/MODIFICATION NO. 3. EFFECTIVE DATE: 01/24/2006 4. REQUISITION/PURCHASE REQ. NO. 5. PROJECT NO. (if applicable)

6. ISSUED BY CODE: U.S. Election Assistance Commission
1225 New York Avenue
Suite 1100
Washington, DC 20006

7. ADMINISTERED BY (if other than item 6) CODE: Rutgers, Office of Research and Sponsored Programs
3 Rutgers Plaza
New Brunswick, NJ 08901

8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code): Rutgers, Office of Research and Sponsored Programs
3 Rutgers Plaza
New Brunswick, NJ 08901

9A. AMENDMENT OF SOLICITATION NO. (X) 9B. DATED (SEE ITEM 11): 10A. MODIFICATION OF CONTRACT/ORDER NO. E4014127
10B. DATED (SEE ITEM 11): 08/24/2005

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS
 The above numbered solicitation is amended as set forth in item 14. The hour and date specified for receipt of Offers is extended, is not extended.
 Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods:
 (a) By completing items 8 and 16, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted;
 or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. **FAR USE ONLY: YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER.** If by virtue of this amendment your desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA (if required)

13. THIS ITEM ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

CHECK ONE	A. THIS CHANGE (WHICH IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A. x FAR 43.103(a)(3)
	B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation data, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).
	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:
	D. OTHER (Specify type of modification and authority)

E. IMPORTANT: Contractor is not, is required to sign this document and return _____ copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)
 Pursuant to the terms of the above-referenced contract, the contractor was to present the EAC with draft reports that would form the basis for recommended best practices for provisional voting. The documents were to be published in mid-October after EAC review. The contractor did not receive EAC comments on the draft document until October, 2005. As a result, additional time is required to complete the work on provisional voting and analysis of Voter Identification issues. The extension will entail additional personnel time, but no additional funds to complete the work. The contractor anticipates that it will be able to complete its work during the week of March 31, 2006.

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Except as provided herein, all terms and conditions of the document referenced in item 9A or 10A, as heretofore changed, remain unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print): Constance J. Bornheimer, Accounting Manager
 15B. CONTRACTOR OFFICE: Constance J. Bornheimer (Signature of person authorized to sign)
 15C. DATE SIGNED: 02/06/06
 16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print): Thomas R Wilkey, Executive Director
 16B. UNITED STATES OF AMERICA (Signature of Contracting Officer)
 16C. DATE SIGNED: 2-22-06

INSTRUCTIONS

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Instructions for items other than those that are self-explanatory, are as follows:

(a) Item 1 (Contract ID Code). Insert the contract type identification code that appears in the title block of the contract being modified.

(b) Item 3 (Effective date).

- (1) For a solicitation amendment, change order, or administrative change, the effective date shall be the issue date of the amendment, change order, or administrative change.
- (2) For a supplemental agreement, the effective date shall be the date agreed to by the contracting parties.
- (3) For a modification issued as an initial or confirming notice of termination for the convenience of the Government, the effective date and the modification number of the confirming notice shall be the same as the effective date and modification number of the initial notice.
- (4) For a modification converting a termination for default to a termination for the convenience of the Government, the effective date shall be the same as the effective date of the termination for default.
- (5) For a modification confirming the contracting officer's determination of the amount due in settlement of a contract termination, the effective date shall be the same as the effective date of the initial decision.

(c) Item 6 (Issued By). Insert the name and address of the issuing office. If applicable, insert the appropriate issuing office code in the code block.

(d) Item 8 (Name and Address of Contractor). For modifications to a contract or order, enter the contractor's name, address, and code as shown in the original contract or order, unless changed by this or a previous modification.

(e) Item 9, (Amendment of Solicitation No. - Dated), and 10, (Modification of Contract/Order No. - Dated). Check the appropriate box and in the corresponding blanks insert the number and date of the original solicitation, contract, or order.

(f) Item 12 (Accounting and Appropriation Data). When appropriate, indicate the impact of the modification on each affected accounting classification by inserting one of the following entries.

(1) Accounting classification _____
Net increase \$ _____

(2) Accounting classification _____
Net decrease \$ _____

NOTE: If there are changes to multiple accounting classifications that cannot be placed in block 12, insert an asterisk and the words "See continuation sheet".

(g) Item 13. Check the appropriate box to indicate the type of modification. Insert in the corresponding blank the authority under which the modification is issued. Check whether or not contractor must sign this document. (See FAR 43.103.)

(h) Item 14 (Description of Amendment/Modification).

(1) Organize amendments or modifications under the appropriate Uniform Contract Format (UCF) section headings from the applicable solicitation or contract. The UCF table of contents, however, shall not be set forth in this document

(2) Indicate the impact of the modification on the overall total contract price by inserting one of the following entries:

(i) Total contract price increased by \$ _____

(ii) Total contract price decreased by \$ _____

(iii) Total contract price unchanged.

(3) State reason for modification.

(4) When removing, reinstating, or adding funds, identify the contract items and accounting classifications.

(5) When the SF 30 is used to reflect a determination by the contracting officer of the amount due in settlement of a contract terminated for the convenience of the Government, the entry in Item 14 of the modification may be limited to --

(i) A reference to the letter determination; and

(ii) A statement of the net amount determined to be due in settlement of the contract.

(6) Include subject matter or short title of solicitation/contract where feasible.

(i). Item 16B. The contracting officer's signature is not required on solicitation amendments. The contracting officer's signature is normally affixed last on supplemental agreements.

**Eagleton Institute of Politics, Rutgers The State University of New Jersey
US Election Assistance Commission Project Budget (3/22/05)**

Description	Budget	
Personnel		
Eagleton faculty/senior staff	35,000	Mandel, Weingart, Reed, Linky (various percentages)
Eagleton staff: logistics/administrative/clerical	15,000	(various percentages)
Fringe (32.5%)	16,250	
	66,250	
Hourly Personnel		
Research Coordinator	21,250	1250 hours at \$17 per hour
Logistics/Admin Coordinator	12,325	725 hours at \$17 per hour
Research assistants	7,200	300 hours at \$12 per hour for two researchers
Fringe on Hourly (9%)	3,670	
	44,445	
Subtotal Personnel Expenses		
	\$110,695	
Honoraria		
Honoraria for Peer Review Group	10,000	10 at \$1,000
Public Hearings (3 in 3 cities)		
Public Hearings	75,000	3 hearings at \$25K per EAC figures
2 Hearings in DC- train, ground, lodging, meals*	3,480	attended by 3 staff
1 Hearings in St. Louis- air, ground, lodging, meals**	2,640	attended by 3 staff
	81,120	
Briefings/Meetings with EAC		
Train, ground, lodging, meals***	5,200	5 briefings in DC, attended by 2 staff
General Operations		
Office supplies, software, telephone, copying, postage	10,000	
Desktop computers, laptop, printer	10,000	
	20,000	
Subcontract		
Project Director- O'Neill	79,500	80% time April – Aug., 60% Sept. – Oct.
Ohio State University- Legal Analysis	84,744	Partner institution, Moritz College of Law, OSU
Subtotal Non Personnel Expenses		
	\$280,564	
Subtotal All Direct Cost		
	391,259	
Modified Total Direct Cost \$277,015****		
F&A on Modified Total Direct Cost (55.5%)	153,743	Rutgers University federally approved rate.
TOTAL Project Budget		
	\$545,002	
Optional Surveys		
State Election Officials	15,000	Eagleton
Young Voters	25,000	Eagleton
Provisional Voting, 1st state	116,000	OSU Political Science
Provisional Voting, 1st additional state	75,000	OSU Political Science
Provisional Voting, 2nd additional state	60,000	OSU Political Science
Total Optional Surveys (no F&A)	\$291,000	

* Travel and lodging to two hearings in DC includes \$260 for train fare to DC, \$200 for hotel/lodging, and \$60 per day for two days for meals= \$580 per person per trip for three people.

** Travel and lodging to one hearing in St. Louis includes \$500 airfare to St. Louis, 2 nights hotel/lodging at \$100, and \$60 per day for three days for meals= \$880 per person for three people.

*** Travel and lodging to five Briefings/Meetings with EAC includes \$260 for train fare to DC, \$200 for hotel/lodging, and \$60 for meals= \$520 per person per trip for two people.

**** Modified total direct cost is equivalent to total direct cost except for two items - F&A included only on first \$25K of subcontract with Project Director (\$79,500) and first \$25K of subcontract with OSU (\$84,744).

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Eagleton Institute of Politics, Rutgers The State University of New Jersey
US Election Assistance Commission Project Budget (original 3/22/05; revised 1/13/06 for no-cost extension)

Description	Original Budget	Cumulative Expenses through Dec 2005 (actual and committed)	Post Jan 1 Projected Expenses	Projected Balance	Post Jan 1 Projected Hours	Post Jan 1 Hourly Rate
Eagleton Faculty and Staff (salaried and hourly)		84,263.20	16,250.00			
Ruth Mandel, Director and Professor		5,682.86	3,500.00		43	81.98
John Weingart, Associate Director		7,347.00	3,500.00		72	48.74
Ingrid Reed, Director of Eagleton NJ Project		19,500.00	2,500.00		63	40.00
Don Linky, Director of Electronic Democracy Project		8,100.00	1,750.00		47	37.50
Tim Vercellotti, Assistant Research Professor		9,384.00	2,500.00		64	38.96
April Rapp, Research Project Coordinator		12,844.55	0.00		0	
Lauren Vincelli, Project/Bus. Administrator		10,800.90	0.00		0	
Michele Brody, Administrative Assistant		0.00	500.00		23	21.97
Lisa Velasquez, Administrative Assistant		6,503.89	0.00		0	
Linda Phillips, Unit Computing Specialist		2,100.00	250.00		10	25.07
Joanne Pfeiffer, Secretary		2,000.00	750.00		38	19.77
Rutgers Graduate Students (hourly)		15,531.60	3,500.00			
Dave Andersen		6,060.00	1,500.00		125	12.00
Nadia Brown		906.00	0.00		0	
Jilliam Curtis		1,002.00	0.00		0	
Johanna Dobrich		1,635.60	1,000.00		83	12.00
Dave Harris		5,928.00	1,000.00		83	12.00
Fringe (rates vary by employee type)		21,332.56	4,567.50			
Subtotal Personnel Expenses	110,695	121,127.36	23,317.50	(33,749.96)		
Honoraria						
Honoraria for Peer Review Group	10,000	0.00	10,000.00	(10,000.00)		
Public Hearings	81,120	948.74	0.00	(80,171.26)		
Public Hearings	75,000	0.00	0.00			
Transportation	6,120	948.74	0.00			
Briefings/Meetings						
Train, ground, lodging, meals	5,200	1,302.82	1,750.00	(2,147.18)		
General Operations	20,000	20,029.59	1,750.00	(1,779.59)		
Office supplies, software, telephone, copying, postage	10,000	9,003.11	1,750.00			
Desktop computers, laptop, printer	10,000	11,026.48	0.00			
Subcontracts						
Project Director-Tom O'Neill	79,500	81,750.00	18,000.00	(20,250.00)	192	93.75
Ohio State University (OSU)-Legal Analysis*	84,744	84,222.35	23,692.66	(23,171.01)		
OSU Personnel (with fringe)	50,735	55,724.22	14,001.15			
Ned Foley, Professor		30,514.24	8,687.03		72	120.65
Dan Tokaji, Professor		3,313.65	1,408.82		16	88.05
Laura Williams, Project Coordinator		7,846.00	2,320.00		80	29.00
Sara Sampson, Research Coordinator		5,229.14	705.30		20	35.27
Research Assistants		8,821.19	880.00		100	8.80
OSU Travel	5,950	611.80	1,846.78			
OSU Overhead	28,059	27,886.33	7,844.73			
Subtotal Non-Personnel Expenses	280,564	113,188,253.60	55,192.66	(37,117.84)		
Subtotal Direct Costs	391,259	309,380.86	78,510.16	(3,367.99)		
Fac&Admin (overhead) on Modified Total Direct Cost	153,743	117,790.20	19,881.45	(16,071.68)		
TOTAL Project Budget	645,002	427,171.06	98,391.61	(19,439.66)		
Optional Surveys						
State Election Officials	15,000	24,269.04	0.00	(9,269.04)		
Total Project Budget with Optional Survey	660,002	451,440.10	98,391.61	(10,170.62)		

*Ohio State University figures are included in the "cumulative expenses through Dec 2005" even though Rutgers has not yet received the cumulative invoices.

NEAR INPUT TRANSMITTAL
(Prepare in triplicate. Forward original and one copy to the appropriate Finance Division)

CHECK APPROPRIATE OFFICE SYMBOL

<input type="checkbox"/> 6BCPG	<input type="checkbox"/> 6BCPF	<input type="checkbox"/> 6BCPM	<input type="checkbox"/> 6BCPI	<input type="checkbox"/> 6BCRG	<input type="checkbox"/> 6BCRF
<input type="checkbox"/> 6BCRC	<input type="checkbox"/> 6BCA	<input type="checkbox"/> 6BCAF	<input type="checkbox"/> 6BCAG	<input type="checkbox"/> 6BCE	<input type="checkbox"/> 6BCC
<input checked="" type="checkbox"/> 6BCEP	<input type="checkbox"/> 6BCY	<input type="checkbox"/> 7BCPL	<input type="checkbox"/> 7BCPP	<input type="checkbox"/> 7BCPC	<input type="checkbox"/> 7BCPK
<input type="checkbox"/> 7BCAX	<input type="checkbox"/> 7BCAP	<input type="checkbox"/> 7BCAK	<input type="checkbox"/> 7BCRK	<input type="checkbox"/> 7BCPR	
<input type="checkbox"/> OTHER (Specify)					

DATE	SERIAL NUMBER	NUMBER OF DOCUMENTS EXCLUDING SUPPORTING DOCUMENTS
02/23/2006		

THE FOLLOWING DOCUMENTS ARE TRANSMITTED HEREWITH:

ACT				
LABEL	VENDOR/SOURCE	AMOUNT	EXPLANATION	
E4019903	BENJAMIN OFFICE SUPPLIES	\$31.25	CERTIFIED INVOICE STAMP	
E4019685	AIGA (AMERICAN INSTITUTE OF GRAPHIC ART)	\$51,018.20	RPR	
E4019695	ZIMMERMAN ASSOCIATES	\$9,564.35	RPR	
E4019855	SNELLING PERSONNEL SERVICES	\$1,280.59	RPR	
E4019855	SNELLING PERSONNEL SERVICES	\$1,212.40	RPR	
E4014127A	RUTGERS, THE STATE UNIV. OF NEW JERSEY	\$560,002.00	GSA FORM 300	OBLIGATED FY05 NO-COST CONTRACT MOD
E4019892	BOHR, DEBRA	\$689.11	TRAVEL AUTHORIZATION	
E4019893	NOBLE, CHARLES	\$656.59	TRAVEL AUTHORIZATION	
E4019894	PUMP, MARTY L.	\$815.20	TRAVEL AUTHORIZATION	
E4019895	SHIVELY, DAVID J.	\$1,058.12	TRAVEL AUTHORIZATION	
E4019896	DOWNS-COLBERT, ROBIN	\$240.00	TRAVEL AUTHORIZATION	
E4019897	ROSE, DORA	\$593.60	TRAVEL AUTHORIZATION	
E4019898	HOKE, CANDICE	\$771.30	TRAVEL AUTHORIZATION	
E4019901	ANSNICK, JOSEPH	\$3,330.00	TRAVEL AUTHORIZATION	
E4019902	LA ROUCHE, ROGER	\$1,640.00	TRAVEL AUTHORIZATION	

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AUTHORIZED SIGNATURE		TITLE	
DIANA M. SCOTT		ADMINISTRATIVE OFFICER	
SERVICE	OFFICE SYMBOL	TELEPHONE NUMBER	
ELECTION ASSISTANCE COMMISSION	EAC	(202) 566-3119	
SIGNATURE OF RECEIVING OFFICIAL - FINANCE		NUMBER DOCUMENTS RECEIVED	DATE RECEIVED

GENERAL SERVICES ADMINISTRATION

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT				1. CONTRACT ID CODE E4014127	PAGE OF PAGES
7. AMENDMENT/MODIFICATION NO.	8. EFFECTIVE DATE 01/24/2008	4. REQUISITION/PURCHASE REQ. NO.	5. PROJECT NO. (if applicable)		
6. ISSUED BY U.S. Election Assistance Commission 1225 New York Avenue Suite 1100 Washington, DC 20006	CODE	7. ADMINISTERED BY (if other than item 6)	CODE		
9. NAME AND ADDRESS OF CONTRACTOR (City, street, county, State and ZIP Code) Rutgers, Office of Research and Sponsored Programs 3 Rutgers Plaza New Brunswick, NJ 08901		(X)	9A. AMENDMENT OF SOLICITATION NO.		
			10A. MODIFICATION OF CONTRACT/ORDER NO. E4014127		
CODE		FACILITY CODE	08/24/2008		

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

The above numbered solicitation is amended as set forth in item 14. The hour and date specified for receipt of Offers is extended; is not extended. Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods:

(a) by completing items 9 and 10, and returning _____ copies of the amendment; OR by acknowledging receipt of this amendment on each copy of the offer submitted;

(b) by separate letter or telegram which includes a reference to the solicitation and amendment numbers. **FAR 43.103 (c) YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER.** If by virtue of this amendment your desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA (if required)

13. THIS ITEM ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

CHECK ONE	A. THIS CHANGE CHECK IS BEING PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
X	FAR 43.103(a)(3)
	B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).
	C. THE SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:
	D. OTHER (Specify type of modification and authority)

E. IMPORTANT: Contractor is not, is required to sign this document and return _____ copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)

Pursuant to the terms of the above-referenced contract, the contractor was to present the EAC with draft reports that would form the basis for recommended best practices for provisional voting. The documents were to be published in mid-October after EAC review. The contractor did not receive EAC comments on the draft document until October, 2005. As a result, additional time is required to complete the work on provisional voting and analysis of Voter Identification Issues. The extension will entail additional personnel time, but no additional funds to complete the work. The contractor anticipates that it will be able to complete its work during the week of March 31, 2006.

015954

Except as provided herein, all terms and conditions of the document referenced in item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print) Constance J. Bornheimer Accounting Manager	16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Thomas R Wilkey, Executive Director
15B. CONTRACTOR'S SIGNATURE Constance J. Bornheimer (Signature of person authorized to sign)	15C. DATE SIGNED 02/06/06
15D. UNITED STATES OF AMERICA	15E. DATE SIGNED
(Signature of Contracting Officer)	



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW - Suite 1100
Washington, DC 20005

January xx, 2005

MEMORANDUM FOR THE RECORD

Background

On May 24, 2005 the U.S. Election Assistance Commission awarded an eight month contract (December 30, 2005) in the amount of \$560,002.00 to the Eagleton Institute of Politics (Rutgers, The State University of New Jersey) to provide research assistance to support development of guidelines on the topics of provisional voting and voter identification procedures.

Contractor's Request for a No-Cost Extension

On November 15, 2005, John Weingart, Associate Director of the Eagleton Institute of Politics, requested via e-mail, a no-cost extension on this contract (E4014127). Mr. Weingart had requested an extension to complete the work of this contract to February 28, 2006.

In response to EAC's requests for additional information related to the no-cost extension, in a January 13, 2006 e-mail Mr Weingart revised the request for the extension to March 31, 2006. Mr. Weingart did note that he would still like to conclude the project's work by the end of February.

In various correspondence, Mr. Weingart notes the following reasons for the request:

"The original work schedule called for EAC to publish in mid-October, voluntary guidance and/or recommended best practices for provisional voting, based on Eagleton's research. In making that time estimate, we did not provide sufficient time for the EAC to review and consider the draft reports that would form the basis for that publication..... The additional time required to complete the work on provisional voting has delayed the completion of our analysis of Voter Identification issues. The draft report of that topic will be submitted to the EAC in mid-January".

"Our request for a no-cost, reallocation of resources is based on (a) the fact that our personnel costs have already been higher than we anticipated and (b) the reality that keeping the project operating for at least nine months, instead of the seven as planned,

015955

will require the participants to devote more time than anticipated. While we are not producing more product than originally promised, the time involved in our work continues to increase... We anticipate this research monitoring and revising to continue for the months added to the project, necessitating significantly more hours by all members of the project team than anticipated”.

The contractor anticipates reallocating funds primarily from the public hearings line item (\$81,120) and spending approximately \$33,750 more than originally budgeted on personnel, \$23,171 more on the subcontract with Ohio State and \$20,250 more on consultants. The EAC elected to not hold public hearings on the topics of provisional voting and voter identification.

Specifics of the Extension

The contractor has provided the following breakdown and explanation of the personnel and consultant costs, associated with this extension.

1. ***Eagleton Institute of Politics personnel:***

Original budgeted project personnel costs-**\$110,695** (May-December)
Revised project personnel costs- **\$144,444** (May-February)

2. ***Consultant Services:***

Original budgeted costs: **\$79,500** (May-December)
Revised costs -**\$99,750** (May-February)

3. ***Moritz School of Law personnel and overhead:***

Original budgeted costs: **\$84,744** (May-December)
Revised costs- **\$107,915** (May-February)

Total project budget:

Original budgeted costs: **\$560,002** (May- December)
Revised project cost: **\$549,831** (May-February)

EAC Staff Recommendation

Karen Lynn-Dyson, the EAC's Contracting Officer Representative assigned to this contract has reviewed this request, the rationale and authority for it (FAR 43.103(a)(3)) and finds it to be appropriate. To date the Eagleton Institute has consistently met its deadlines for major project deliverables and stayed within the project's overall budget.

015956

Based upon the work products provided to the EAC, thus far, the additional personnel expenses which the contractor has incurred appear to be reasonable. To grant the Eagleton Institute a three month extension on this contract in order to obtain the necessary feedback on major documents it has produced will be within the best interests of the Election Assistance Commission, and therefore, the federal government.

EAC's Contracting Officer Representative finds that to grant the Eagleton Institute a no-cost extension for the modification of its contract with the EAC is within the scope of the original agreement and is recommending that this modification to the contract be made.

Signed

Karen Lynn-Dyson
Contracting Officer Representative
U.S. Election Assistance Commission

Paul DeGregorio
Chairman
U.S. Election Assistance Commission

015951



"John Weingart"
<john.weingart@rutgers.edu>

01/13/2006 01:22 PM

Please respond to
john.weingart@rutgers.edu

To "Karen Lynn-Dyson" <klynndyson@eac.gov>

cc "Lucy Baruch" <baruch@rci.rutgers.edu>

bcc

Subject No Cost Extensions (with extensions)

Karen - I am attaching a spreadsheet providing the information you have requested (Attachment 1), but I want to highlight a few points which may not be immediately self-evident.

First, the original budget (Attachment 2) we submitted to the EAC, dated March 22nd, did not itemize personnel expenses by each person. In addition, when we actually began work two months after submitting that budget, we decided to reallocate more time to people within Eagleton and hire fewer outside hourlies.

Second, in the figures I sent you in late December we tried to account for all the expenses and projections but overlooked a few things including neglecting to include the honoraria for our peer review team. Hence, the figures we're now sending are different than what I sent in December.

Lastly, we originally discussed a no-cost extension through February, but since we don't yet have the EAC comments on our draft Provisional Voting material nor an estimate of when they are likely to be ready, I think it is prudent to extend the no-cost extension through March 31st. We would still like to conclude by the end of February, but if you can approve the extension for another month we could avoid going through this process again if everything is not complete six weeks from now.

It is my understanding that Rutgers will soon be sending our December invoice. At this time, I would also like to request that we combine January and February an invoice the EAC once for that time period.

As you can see, we are currently projecting an ending balance of approximately \$10,000. If additional expenses are incurred beyond what is currently projected, we're confident they will not exceed the original budget of \$560,002.

Thanks and I look forward to hearing from you.

--

-- John Weingart, Associate Director
Eagleton Institute of Politics
(732) 932-9384, x.290



Attachment 1-EAC Eagleton Institute budget for no-cost extension-1.xls Attachment 2-EAC Eagleton Institute Budget 3-22-05-1.xls

015958



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW - Suite 1100
Washington, DC 20005

January 9, 2005

MEMORANDUM FOR THE RECORD

Background

On May 24, 2005 the U.S. Election Assistance Commission awarded an eight month contract (December 30, 2005) in the amount of \$560,002.00 to the Eagleton Institute of Politics (Rutgers, The State University of New Jersey) to provide research assistance to support development of guidelines on the topics of provisional voting and voter identification procedures.

Contractor's Request for a No-Cost Extension

On November 15, 2005, John Weingart, Associate Director of the Eagleton Institute of Politics, requested via e-mail, a no-cost extension on this contract (E4014127). Mr. Weingart has requested an extension to complete the work of this contract to February 28, 2006.

In ~~subsequent correspondence~~, Mr. Weingart notes^d the following as the reason for the request:

"The original work schedule called for EAC to publish in mid-October, voluntary guidance and/or recommended best practices for provisional voting, based on Eagleton's research. In making that time estimate, we did not provide sufficient time for the EAC to review and consider the draft reports that would form the basis for that publication.... The additional time required to complete the work on provisional voting has delayed the completion of our analysis of Voter Identification issues. The draft report of that topic will be submitted to the EAC in mid-January".

~~"If EAC does not object, funds originally allocated for the hearings...(that EAC has determined will not take place)...would be available for transfer to support the additional staff and consultant time necessary to complete the work..."~~ "The total project budget is \$560,002. As of October 31st, the EAC has been invoiced for \$259,081.79; the balance remaining is \$300,920.21. We anticipate that the project will be complete and the balance of funds fully expended by February 28, 2006. The final invoice for the contract will be submitted to the EAC within 75 days of the close of the project".

015959

MEMORANDUM FOR THE RECORD

BACKGROUND

On May 24, 2005 the U.S. Election Assistance Commission awarded an eight month contract (December 30, 2005) in the amount of \$560,002.00 to the Eagleton Institute of Politics (Rutgers, The State University of New Jersey) to provide research assistance to support development of guidelines on the topics of provisional voting and voter identification procedures.

CONTRACTOR'S REQUEST FOR A NO-COST EXTENSION

On November 15, 2005, John Weingart, Associate Director of the Eagleton Institute of Politics, requested via e-mail, a no-cost extension on this contract (E4014127). Mr. Weingart has requested an extension to complete the work of this contract to February 28, 2006.

In subsequent correspondence, Mr. Weingart notes the following as the reason for the request:

“The original work schedule called for EAC to publish in mid-October, voluntary guidance and/or recommended best practices for provisional voting, based on Eagleton’s research. In making that time estimate, we did not provide sufficient time for the EAC to review and consider the draft reports that would form the basis for that publication..... The additional time required to complete the work on provisional voting has delayed the completion of our analysis of Voter Identification issues. The draft report of that topic will be submitted to the EAC in mid-January”.

He further notes:

“If EAC does not object, funds originally allocated for the hearings would be available for transfer to support the additional staff and consultant time necessary to complete the work....

“The total project budget is \$560,002. As of October 31st, the EAC has been invoiced for \$259,081.79; the balance remaining is \$300,920.21. We anticipate that the project will be complete and the balance of funds fully expended by February 28, 2006. The final invoice for the contract will be submitted to the EAC within 75 days of the close of the project”.

SPECIFICS OF THE EXTENSION

015960

EAC STAFF RECOMMENDATION

Karen Lynn-Dyson, the EAC's Contracting Officer Representative assigned to this contract has reviewed this request, the rationale and authority for it (FAR 43.103(a)(3)) and finds it to be appropriate. To-date the Eagleton Institute has consistently met its deadlines for major project deliverables and stayed within the project budget. To grant the Eagleton Institute a two month extension on this contract in order to obtain the necessary feedback on major documents it has produced will be within the best interests of the Election Assistance Commission, and thus, the federal government.

EAC's Contracting Officer Representative finds that to grant the Eagleton Institute a no-cost extension for the modification of its contract with the EAC is within the scope of the original agreement and is recommending that this modification to the contract be made.

Signed

Karen Lynn-Dyson
Contracting Officer Representative
U.S. Election Assistance Commission

Gracia Hillman
Chair
U.S. Election Assistance Commission

01598A



"John Weingart"
<john.weingart@rutgers.edu>

12/22/2005 05:26 PM

Please respond to
john.weingart@rutgers.edu

To klynndyson@eac.gov

cc "Tom O'Neill" [REDACTED]

bcc

Subject Re: No Cost Extension Request

Karen - Our request for a no-cost, reallocation of resources is based on (a) the fact that our personnel costs have already been higher than we anticipated and (b) the reality that keeping the project operating for at least nine months, instead of seven as planned, will require the participants to devote more time than anticipated. While we are not producing more product than originally promised, the time involved in our work continues to increase. Both Provisional Voting and Voter ID have proved to be very dynamic topics requiring us to continually monitor developments and update our data, analysis and evolving work products as we learn of new or revised information. As a result, despite the extension of the schedule, the staff and consultants on this project have had no "down" time. We anticipate this research, monitoring and revising to continue for the months added to the project, necessitating significantly more hours by all members of the project team than anticipated.

Our request asks for changes to three line items which I will address below on the assumption that the EAC response to our already-submitted Provisional Voting draft and to-be-submitted Voter ID draft will be sufficiently timely to enable us to complete our work on both topics by the end of February.

1. Eagleton Institute of Politics personnel: We originally budgeted \$110,695 (\$15,813 average per month) for Eagleton faculty, staff and graduate student assistants for the seven-month project from May 24, 2005-December 31, 2005. Our actual costs have been approximately \$14,500 more than that. In addition, we are anticipating needing another \$21,000 for personnel costs in January and February, calculated on the basis of 2/3 of the original monthly estimate. Therefore, we are asking to raise this line item from \$110,695 to approximately \$146,000.

2. Consultant Services: We originally budgeted \$79,50 (\$11,357 average per month) for consultant services which we have used to engage Tom O'Neill as the project manager. We anticipate no additional cost for the original contract period of May 24, 2005-December 31, 2005, but do anticipate needing his services during January and February at a slightly reduced rate of \$10,125 per month or \$20,250 total additional. Therefore, we are asking to raise this line item from \$79,500 to \$99,750.

3. Moritz School of Law: We originally budgeted \$84,744 (\$12,106 average per month) for staff and overhead for the May 24, 2005-December 31, 2005 period. We anticipate needing an additional \$23,171 (\$11,585 average per month) to support their time on this project in January and February. Therefore, we are asking to raise this line item from \$84,744 to \$107,915.

With these revisions, approximately \$22,000 of the EAC contract award to Eagleton would remain not yet allocated, primarily because the cost for the public hearings would have incurred Rutgers University overhead whereas the additional expenditures for consultants and the subcontract with Moritz do not.

I hope this provides you the information you need. While Rutgers is

015962



"John Weingart"
<john.weingart@rutgers.edu>

12/16/2005 01:25 PM

Please respond to
john.weingart@rutgers.edu

To klynndyson@eac.gov

cc

bcc

Subject Re: Request for No-Cost Extension-corrected

✓
Karen - At this time, we anticipate reallocating funds primarily from the public hearings line item and spending approximately \$35,500 more than originally budgeted on personnel, \$23,250 more on the subcontract with Ohio State and \$20,250 more on consultants. There are other additional variances but they are not significant (e.g. less on honoraria, less on travel, and more on general operations such as phone expenses). Let me know if you need additional detail or information.

Thanks, John

-- John Weingart, Associate Director
Eagleton Institute of Politics
(732)932-9384, x.290

klynndyson@eac.gov wrote:

>
> John-
>
>
> Quick question-
>
> How much money do you anticipate will be re-allocated from the
> original line items outlined in the contract to other project costs?
>
> Thanks
>
> Karen Lynn-Dyson
> Research Manager
> U.S. Election Assistance Commission
> 1225 New York Avenue , NW Suite 1100
> Washington, DC 20005
> tel:202-566-3123
>
>
>
> *"John Weingart" <john.weingart@rutgers.edu> *
>
> 11/30/2005 05:05 PM
> Please respond to
> john.weingart@rutgers.edu
>
>
>
> To
> "Karen Lynn-Dyson" <klynndyson@eac.gov>
> cc
> "Tom O'Neill" [REDACTED]
> Subject

015963



"John Weingart"
<john.weingart@rutgers.edu>

01/23/2006 10:50 AM

Please respond to
john.weingart@rutgers.edu

To "Karen Lynn-Dyson" <klynndyson@eac.gov>

cc

bcc

Subject no-cost extension status

Hi Karen - Do you think we can get approval of our no-cost extension request this week? We really need it for the Rutgers administrative processes since, from their point of view, the project concluded on December 31st. Thanks, John

--

-- John Weingart, Associate Director
Eagleton Institute of Politics
(732)932-9384, x.290

015964

Gavin S. Gilmour/EAC/GOV
12/27/2005 03:01 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc Juliet E. Thompson/EAC/GOV@EAC
bcc
Subject Re: No Cost Extension Request

Karen,

I have looked into the matter noted below. Bottom line is that you are looking to make a number of changes to this contract:

1. Drop two requirements (public hearings)
2. Add labor hours
3. change date the deliverables are due.

The result is a change which increases the cost of the contract but does not exceed the contractually set ceiling. My review of fiscal law in this area has led me to conclude that this modification may be made using the FY 05 funds originally obligated to the contract. (see 61 Comp. Gen. 609 (1982) & 65 Comp. Gen. 741 (1986)). However, if the labor costs exceed the original contractual ceiling, FY 06 will have to be used as the modification did not constitute an antecedent liability (i.e. once the total value of this time and materials contract was reached neither party had any further obligation or liability and therefore the modification will be a new agreement).

Given the above, your modification memo and the form must reflect the 3 changes noted above. It must contain an analysis of the additional cost specifically justifying the amount and reasons for this modification (this is required by the FAR). See the FAR and form instructions for guidance on the Mod form.

I am somewhat concerned about the limited explanation below. If he wants additional labor hours (and labor dollars) he should be able to provide the labor hours (and frankly, rates) needed to complete the task just like I presume he did for the initial contract. The general numbers he provides below are not specific enough for my taste. We need to make sure we are being charged the same rates as in the original contract and that the number of labor hours the contractor expects to expend are appropriate. Also, I am still not sure from the below why the original estimates were off. You are going to have to justify for the commission the additional payments (ultimately signed by both you and the chair). The bottom line is that you will want enough information so that you are confident in making this call. One tact would be to look at the previous labor expenditures in connection with the work done to get a sense of whether the labor amounts set for the amendment are justifiable. (I assume we have his previous invoices stating expended hours.)

Let me know if you have any questions.

GG
Gavin S. Gilmour
Associate General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100
Karen Lynn-Dyson/EAC/GOV

Karen Lynn-Dyson/EAC/GOV
12/22/2005 05:48 PM

To john.weingart@rutgers.edu

015965



"John Weingart"
<john.weingart@rutgers.edu>

11/30/2005 04:47 PM

Please respond to
john.weingart@rutgers.edu

To klynndyson@eac.gov

cc "Tom O'Neill" [REDACTED]

bcc

Subject No Cost Extension Request

Karen - I am attaching the documentation for our request. Please let me know if you require the material in a different format and/or further information.

Thanks very much, John

-- John Weingart, Associate Director
Eagleton Institute of Politics
(732) 932-9384, x.290

klynndyson@eac.gov wrote:

>
> John-
>
> Thanks ever so much for forwarding this message on to Connie.
>
> I'm awaiting your language describing why you are requiring a no-cost
> extension on the contract, and for what period of time you wish to
> extend the contract.
>
> I'm told this is a very simple process on this end, and I've prepared
> the necessary form and a memo.
>
> Karen Lynn-Dyson
> Research Manager
> U.S. Election Assistance Commission
> 1225 New York Avenue , NW Suite 1100
> Washington, DC 20005
> tel:202-566-3123



Extension Justification.doc

015966

EAGLETON INSTITUTE OF POLITICS

Request to the U.S. Election Assistance Commission for a No-Cost Extension and Reallocation of Funds

November 30, 2005

Why we need a no -cost extension

The original work schedule called for EAC to publish in mid-October voluntary guidance and/or recommended best practices for provisional voting based on our research. In making that time estimate, we did not provide sufficient time for the EAC to review and consider the draft reports that would form the basis for that publication. The draft was complete in August, but the EAC's schedule did not permit us to brief the commissioners and staff until early September. We did not receive EAC comments until October, making it impossible to complete the work on the original schedule. Taking account of those comments and guidance from EAC required several weeks. The EAC did not receive our final draft report and recommendations for best practices until late November. We are now awaiting the EAC's comments on that final draft, which we have been told to expect in January.

The additional time required to complete the work on provisional voting has delayed the completion of our analysis of Voter Identification issues. The draft report on that topic will be submitted to the EAC in mid January.

Because the EAC has decided to issue recommendations for best practices on these topics, rather than voluntary guidance, we will finish the work within two months of the original completion date since the adoption process will be shorter. Note that meeting this schedule is dependent on the time needed by the EAC to review our work.

This extension will entail additional personnel time but, since no public hearings on "best practices" are required, if the EAC does not object, funds originally allocated for the hearings would be available for transfer to support the additional staff and consultant time necessary to complete the work.

When will work be completed and funds fully expended?

As shown on the attached schedule, work on this contract will be completed in three phases. The EAC will receive our final report and recommendations for best practices in provisional voting during the week of January 23, 2006 (assuming that we receive the EAC's comments on the draft report submitted on November 28 by January 9).

We will submit our draft report, alternative approaches, and compendium of statutes, regulations, and litigation on Voter Identification Issues during the week of January 16, 2006. If the EAC is able to return comments to us no later than the week of January 30, we will have submit the final report and recommendations for best practices on Voter Identification to the EAC during the week of February 13.

The total project budget is \$560,002. As of October 31st, the EAC has been invoiced for \$259,081.79; the balance remaining is \$399,920.21. We anticipate that the project will be complete and the balance of funds fully expended by February 28, 2006. The final invoice for the contract will be submitted to the EAC within 75 days of the close of the project.

EAC
015967

REVISED SCHEDULE FOR
 November 2005 - February 2006
 November 10, 2005
 Assumes no guidance document, only analysis and recommended best practices

DATE	Project Management	Provisional Voting	Voter ID
Week of 10/31		Review draft report to EAC (Team) Submit comments on report (Team)	Voter ID Research to TV
Week of 11/7	Status reports to JD for October tasks (all)	Redraft report (TON) Review and approve report (Team) Final draft report (TON)	Research continues (TV)
Week of 11/14	Submit monthly progress report (JD)	Submit report to Project Team for comments (TON)	Research continues (TV)

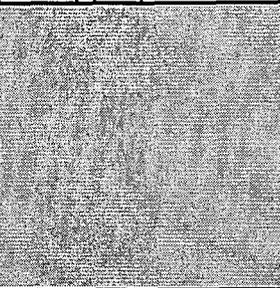
015968

Week of 11/21		Project team comments received Submit report to EAC for review and to PRG for information (TON, JW)	Complete data collection for Voter ID analysis. (TV)
Week of 11/28		EAC review	Draft report on Voter ID analysis (TV)
Week of 12/5	Status reports to JD for November tasks (all)	EAC review	Internal review (PT)
Week of 12/12	Submit monthly progress report (JD)	EAC review	Revise draft (TV) Draft alternatives (TON) Review and comment on alternatives (PT)
Week of 12/19		EAC review	Complete draft report and alternatives (TV, TON)
Week of 12/26		EAC review	Review draft report and alternatives (PT)

015969 ✓

Week of 1/2/06	Status reports to JD for December tasks (all)	EAC review	Report and alternatives to PRG for review
Week of 1/9/06		Receive comments from EAC and revise report as needed	PRG meets and comments Revise (TV & TON)
Week of 1/16/06	Submit monthly progress report (JD)	Project team reviews and approves revised report	Submit draft report, alternatives and compendium to EAC EAC reviews
Week of 1/23/06		Finalize analysis and best practices and submit to EAC for publication and further action as appropriate	EAC review continues
Week of 1/30/06			Comments from EAC Revise (TV & TON)

015970

Week of 2/6/06	Status reports to JD for January tasks (all)		Review and approve revised report and recommendations for best practices (PT)
Week of 2/13/06	Submit monthly progress report (JD)		Submit report and best practices to EAC for publication and further action as appropriate
Week of 2/20/06	<p>FINAL status reports to JD for all tasks (all)</p> <p>Final project and fiscal report to EAC</p> <p>PROJECT ENDS</p>		

015971



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW – Suite 1100
Washington, DC 20005

To: File
From: Tamar Nedzar, Law Clerk
Date: April 21, 2006
Re: No-Cost Extension to contract number E4014127 with the Eagleton
Institute of Politics at Rutgers University

Background:

Contract E4014127 with the Eagleton Institute of Politics at Rutgers University (“contractor”) was originally scheduled to be concluded on March 31, 2006. The contract’s final products include a report on Voter Identification and a report on Provisional Voting. The contractor has vetted the reports with a Peer Review Group, pursuant to the terms of the contract.

Justification for No-Cost Extension:

The EAC wishes to supplement the contractor’s Peer Review of the reports by adding another review process with some of the EAC’s key stakeholders. The EAC proposes to assemble a panel of researchers during the week of May 8th to conduct the second review.

Following the second review, the contractor will revise its draft reports based on the comments it receives. The contractor will present its draft reports on Provisional Voting and Voter Identification to the EAC Advisory Board at its May 25th meeting in Washington, DC. The contractor will revise both draft reports, taking into account the EAC’s Advisory Board’s comments and submit the final reports to the EAC toward the end of June.

Recommendation:

The EAC recommends that contract E4014127 be modified at no cost to allow the contractor to complete their work by June 30, 2006.

015972

015973

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT				1. CONTRACT ID CODE	PAGE OF PAGES	
				E4014127	1	1
2. AMENDMENT/MODIFICATION NO.		3. EFFECTIVE DATE	4. REQUISITION/PURCHASE REQ. NO.		5. PROJECT NO. (if applicable)	
		12/12/05				
6. ISSUED BY		CODE	7. ADMINISTERED BY (if other than Item 6)		CODE	
U.S. Election Assistance Commission 1225 New York Avenue NW Suite 1100 Washington, DC 20005						
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code)				(X)	9A. AMENDMENT OF SOLICITATION NO.	
Rutgers, Office Research and Sponsored Programs 3 Rutgers Plaza New Brunswick, NJ 08901						
					9B. DATED (SEE ITEM 11)	
				X	10A. MODIFICATION OF CONTRACT/ORDER NO.	
					E4014127	
					10B. DATED (SEE ITEM 11)	
					05/24/05	
CODE	FACILITY CODE					
11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS						
<input type="checkbox"/> The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers <input type="checkbox"/> is extended, <input type="checkbox"/> is not extended. Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment your desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.						
12. ACCOUNTING AND APPROPRIATION DATA (if required)						
13. THIS ITEM ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.						
CHECK ONE	A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.					
X	FAR 43.103 (a) (3)					
	B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).					
	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:					
	D. OTHER (Specify type of modification and authority)					
E. IMPORTANT: Contractor <input type="checkbox"/> is not, <input checked="" type="checkbox"/> is required to sign this document and return <u>2</u> copies to the issuing office.						
14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)						
Pursuant to the terms of the above-referenced contract, the contractor was to present the EAC with draft reports that would form the basis for recommended best-practices for provisional voting. The documents were to be published in mid-October after EAC review. The contractor did not receive EAC comments on the draft document until October. As a result, additional time is required to complete the work on provisional voting and analysis of Voter Identification issues. The extension will entail additional personnel time, but not additional funds to complete the work. The contractor anticipates that it will be able to complete its work during the week of February 13, 2006.						
Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.						
15A. NAME AND TITLE OF SIGNER (Type or print)				16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print)		
15B. CONTRACTOR/OFFEROR		15C. DATE SIGNED	16B. UNITED STATES OF AMERICA		16C. DATE SIGNED	
(Signature of person authorized to sign)			(Signature of Contracting Officer)			



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW - Suite 1100
Washington, DC 20005

December 9, 2005

MEMORANDUM FOR THE RECORD

On May 24, 2005 the U.S. Election Assistance Commission awarded an eight month contract (December 30, 2005) in the amount of \$560,002.00 to the Eagleton Institute of Politics (Rutgers, The State University of New Jersey) to provide research assistance to support development of guidelines on the topics of provisional voting and voter identification procedures.

On November 15, 2005, John Weingart, Associate Director of the Eagleton Institute of Politics, requested via e-mail, a no-cost extension on this contract (E4014127). Mr. Weingart has requested an extension to complete the work of this contract to February 28, 2006.

In subsequent correspondence, Mr. Weingart notes the following as the reason for the request:

“The original work schedule called for EAC to publish in mid-October, voluntary guidance and/or recommended best practices for provisional voting, based on Eagleton’s research. In making that time estimate, we did not provide sufficient time for the EAC to review and consider the draft reports that would form the basis for that publication..... The additional time required to complete the work on provisional voting has delayed the completion of our analysis of Voter Identification issues. The draft report of that topic will be submitted to the EAC in mid-January”.

He further notes:

“If EAC does not object, funds originally allocated for the hearings would be available for transfer to support the additional staff and consultant time necessary to complete the work...“The total project budget is \$560,002. As of October 31st, the EAC has been invoiced for \$259,081.79; the balance remaining is \$300,920.21. We anticipate that the project will be complete and the balance of funds fully expended by February 28, 2006. The final invoice for the contract will be submitted to the EAC within 75 days of the close of the project”.

015974

Karen Lynn-Dyson, the EAC's Contracting Officer Representative assigned to this contract has reviewed this request, the rationale and authority for it (FAR 43.103(a)(3)) and finds it to be appropriate. To-date the Eagleton Institute has consistently met its deadlines for major project deliverables and stayed within the project budget. To grant the Eagleton Institute a two month extension on this contract in order to obtain the necessary feedback on major documents it has produced will be within the best interests of the Election Assistance Commission, and thus, the federal government.

EAC's Contracting Officer Representative finds that to grant the Eagleton Institute a no-cost extension for the modification of its contract with the EAC is within the scope of the original agreement and is recommending that this modification to the contract be made.

Signed

Karen Lynn-Dyson
Contracting Officer Representative
U.S. Election Assistance Commission

Gracia M. Hillman
Chair
U.S. Election Assistance Commission

015975

MEMORANDUM FOR THE RECORD

On May 24, 2005 the U.S. Election Assistance Commission awarded an eight month contract (December 30, 2005) in the amount of \$560,002.00 to the Eagleton Institute of Politics (Rutgers, The State University of New Jersey) to provide research assistance to support development of guidelines on the topics of provisional voting and voter identification procedures.

On November 15, 2005, John Weingart, Associate Director of the Eagleton Institute of Politics, requested via e-mail, a no-cost extension on this contract (E4014127). Mr. Weingart has requested an extension to complete the work of this contract to February 28, 2006.

In subsequent correspondence, Mr. Weingart notes the following as the reason for the request:

“The original work schedule called for EAC to publish in mid-October, voluntary guidance and/or recommended best practices for provisional voting, based on Eagleton’s research. In making that time estimate, we did not provide sufficient time for the EAC to review and consider the draft reports that would form the basis for that publication..... The additional time required to complete the work on provisional voting has delayed the completion of our analysis of Voter Identification issues. The draft report of that topic will be submitted to the EAC in mid-January”.

He further notes:

“If EAC does not object, funds originally allocated for the hearings would be available for transfer to support the additional staff and consultant time necessary to complete the work....

“The total project budget is \$560,002. As of October 31st, the EAC has been invoiced for \$259,081.79; the balance remaining is \$300,920.21. We anticipate that the project will be complete and the balance of funds fully expended by February 28, 2006. The final invoice for the contract will be submitted to the EAC within 75 days of the close of the project”.

015976

Karen Lynn-Dyson, the EAC's Contracting Officer Representative assigned to this contract has reviewed this request, the rationale and authority for it (FAR 43.103(a)(3)) and finds it to be appropriate. To-date the Eagleton Institute has consistently met its deadlines for major project deliverables and stayed within the project budget. To grant the Eagleton Institute a two month extension on this contract in order to obtain the necessary feedback on major documents it has produced will be within the best interests of the Election Assistance Commission, and thus, the federal government.

4#
→ *noting Govin's three points regarding material changes to the contract*
EAC's Contracting Officer Representative finds that to grant the Eagleton Institute a no-cost extension for the modification of its contract with the EAC is within the scope of the original agreement and is recommending that this modification to the contract be made.

Signed

Karen Lynn-Dyson
Contracting Officer Representative
U.S. Election Assistance Commission

Gracia Hillman
Chair
U.S. Election Assistance Commission

015977

Gavin S. Gilmour/EAC/GOV
12/27/2005 03:01 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc Juliet E. Thompson/EAC/GOV@EAC
bcc
Subject Re: No Cost Extension Request

Karen,

I have looked into the matter noted below. Bottom line is that you are looking to make a number of changes to this contract:

1. Drop two requirements (public hearings)
2. Add labor hours
3. change date the deliverables are due.

The result is a change which increases the cost of the contract but does not exceed the contractually set ceiling. My review of fiscal law in this area has led me to conclude that this modification may be made using the FY 05 funds originally obligated to the contract. (see 61 Comp. Gen. 609 (1982) & 65 Comp. Gen. 741 (1986)). However, if the labor costs exceed the original contractual ceiling, FY 06 will have to be used as the modification did not constitute an antecedent liability (i.e. once the total value of this time and materials contract was reached neither party had any further obligation or liability and therefore the modification will be a new agreement).

Given the above, your modification memo and the form must reflect the 3 changes noted above. It must contain an analysis of the additional cost specifically justifying the amount and reasons for this modification (this is required by the FAR). See the FAR and form instructions for guidance on the Mod form.

I am somewhat concerned about the limited explanation below. If he wants additional labor hours (and labor dollars) he should be able to provide the labor hours (and frankly, rates) needed to complete the task just like I presume he did for the initial contract. The general numbers he provides below are not specific enough for my taste. We need to make sure we are being charged the same rates as in the original contract and that the number of labor hours the contractor expects to expend are appropriate. Also, I am still not sure from the below why the original estimates were off. You are going to have to justify for the commission the additional payments (ultimately signed by both you and the chair). The bottom line is that you will want enough information so that you are confident in making this call. One tact would be to look at the previous labor expenditures in connection with the work done to get a sense of whether the labor amounts set for the amendment are justifiable. (I assume we have his previous invoices stating expended hours.)

Let me know if you have any questions.

GG
Gavin S. Gilmour
Associate General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100
Karen Lynn-Dyson/EAC/GOV

Karen Lynn-Dyson/EAC/GOV
12/22/2005 05:48 PM

To john.weingart@rutgers.edu

015978

Gavin S. Gilmour/EAC/GOV
12/19/2005 12:32 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc
bcc
Subject Re: Fw: Request for No-Cost Extension-corrected

The public meeting hours that he is "using." Is this a deliverable that you cancelled? What is a deliverable the was performed for less labor hours than estimated, or was it never a deliverable?

GG

Gavin S. Gilmour
Associate General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100
Karen Lynn-Dyson/EAC/GOV



Karen Lynn-Dyson/EAC/GOV
12/19/2005 12:26 PM

To Gavin S. Gilmour/EAC/GOV@EAC
cc
Subject Re: Fw: Request for No-Cost Extension-corrected

Gavin-

Just spoke with John Weingart- he explains that it will be the same work and tasks (no new or additional products) and merely work that will now extend for an additional two months rather than ending December 31.

K
Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

015979

From: "John Weingart" <Johnwein@rci.rutgers.edu>
Recipients: klyndyson@eac.gov
Subject: Re: No Cost Extension Request
Date: 12/29/2005 11:17:11 AM

> John - I will send you Connie's address on Tuesday morning when both she
> and I are back in our offices. Thanks. Hope you get a little time off
> and have a great new year.

>

> A quick request- May I get Connie Bornheimer e-mail address (again). You
> may recall I had an incorrect one.

>

> I have received the invoice for November services and cannot process it
> until it has the breakdown of salaries for particular personnel.

>

> This request is along the lines of that I have requested from you in order
> to extend the contract.

>

> Thanks

>

> Karen Lynn-Dyson
> Research Manager
> U.S. Election Assistance Commission
> 1225 New York Avenue , NW Suite 1100
> Washington, DC 20005
> tel:202-566-3123

>

--

John Weingart, Associate Director
Eagleton Institute of Politics
(732) 932-9384, x.290

--

John Weingart, Associate Director
Eagleton Institute of Politics
(732) 932-9384, x.290

015980



"John Weingart"
<Johnwein@rci.rutgers.edu>

12/29/2005 12:19 PM

Please respond to
John.Weingart@rutgers.edu

To klyndyson@eac.gov

cc

bcc

Subject Re: No Cost Extension Request

Karen - Turns out I could locate Connie's email though most likely she won't see mail until Tuesday: Bornheim@rci.rutgers.edu.

To clarify your phone message, do you need us to provide the number of hours for each staff person and consultant going forward from January 1st onward or going back to the start of the project?

Thanks.

> John-

>

> A quick request- May I get Connie Bornheimer e-mail address (again). You
> may recall I had an incorrect one.

>

> I have received the invoice for November services and cannot process it
> until it has the breakdown of salaries for particular personnel.

>

> This request is along the lines of that I have requested from you in order
> to extend the contract.

>

> Thanks

>

> Karen Lynn-Dyson
> Research Manager
> U.S. Election Assistance Commission
> 1225 New York Avenue , NW Suite 1100
> Washington, DC 20005
> tel:202-566-3123

>

--

John Weingart, Associate Director
Eagleton Institute of Politics
(732) 932-9384, x.290

015981



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW – Suite 1100
Washington, DC 20005

December 9, 2005

MEMORANDUM FOR THE RECORD

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In subsequent correspondence, Mr. Weingart notes the following as the reason for the request:

“The original work schedule called for EAC to publish in mid-October, voluntary guidance and/or recommended best practices for provisional voting, based on Eagleton’s research. In making that time estimate, we did not provide sufficient time for the EAC to review and consider the draft reports that would form the basis for that publication..... The additional time required to complete the work on provisional voting has delayed the completion of our analysis of Voter Identification issues. The draft report of that topic will be submitted to the EAC in mid-January”.

He further notes:

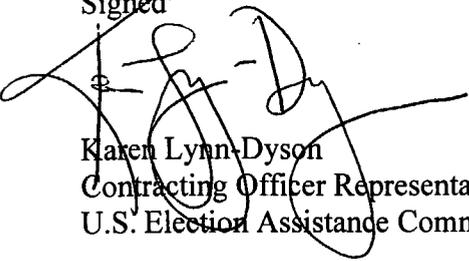
“If EAC does not object, funds originally allocated for the hearings would be available for transfer to support the additional staff and consultant time necessary to complete the work...“The total project budget is \$560,002. As of October 31st, the EAC has been invoiced for \$259,081.79; the balance remaining is \$300,920.21. We anticipate that the project will be complete and the balance of funds fully expended by February 28, 2006. The final invoice for the contract will be submitted to the EAC within 75 days of the close of the project”.

015962

Karen Lynn-Dyson, the EAC's Contracting Officer Representative assigned to this contract has reviewed this request, the rationale and authority for it (FAR 43.103(a)(3)) and finds it to be appropriate. To-date the Eagleton Institute has consistently met its deadlines for major project deliverables and stayed within the project budget. To grant the Eagleton Institute a two month extension on this contract in order to obtain the necessary feedback on major documents it has produced will be within the best interests of the Election Assistance Commission, and thus, the federal government.

EAC's Contracting Officer Representative finds that to grant the Eagleton Institute a no-cost extension for the modification of its contract with the EAC is within the scope of the original agreement and is recommending that this modification to the contract be made.

Signed



Karen Lynn-Dyson
Contracting Officer Representative
U.S. Election Assistance Commission

Gracia M. Hillman
Chair
U.S. Election Assistance Commission

015983

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT		1. CONTRACT ID CODE E4014127	PAGE OF PAGES 1 1	
2. AMENDMENT/MODIFICATION NO.		3. EFFECTIVE DATE 12/12/05	4. REQUISITION/PURCHASE REQ. NO.	
6. ISSUED BY U.S. Election Assistance Commission 1225 New York Avenue NW Suite 1100 Washington, DC 20005		7. ADMINISTERED BY (If other than Item 6)		5. PROJECT NO. (If applicable)
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code) Rutgers, Office Research and Sponsored Programs 3 Rutgers Plaza New Brunswick, NJ 08901		(X)	9A. AMENDMENT OF SOLICITATION NO.	
			9B. DATED (SEE ITEM 11)	
		X	10A. MODIFICATION OF CONTRACT/ORDER NO. E4014127	
			10B. DATED (SEE ITEM 11) 05/24/05	
CODE	FACILITY CODE			
11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS				
<input type="checkbox"/> The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers <input type="checkbox"/> is extended, <input type="checkbox"/> is not extended. Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment your desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.				
12. ACCOUNTING AND APPROPRIATION DATA (If required)				
13. THIS ITEM ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.				
CHECK ONE	A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.			
X	FAR 43.103 (a) (3)			
	B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).			
	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:			
	D. OTHER (Specify type of modification and authority)			
E. IMPORTANT: Contractor <input type="checkbox"/> is not, <input checked="" type="checkbox"/> is required to sign this document and return <u>2</u> copies to the issuing office.				
14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.) Pursuant to the terms of the above-referenced contract, the contractor was to present the EAC with draft reports that would form the basis for recommended best-practices for provisional voting. The documents were to be published in mid-October after EAC review. The contractor did not receive EAC comments on the draft document until October. As a result, additional time is required to complete the work on provisional voting and analysis of Voter Identification issues. The extension will entail additional personnel time, but not additional funds to complete the work. The contractor anticipates that it will be able to complete its work during the week of February 13, 2006.				
Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.				
15A. NAME AND TITLE OF SIGNER (Type or print)		16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print)		
15B. CONTRACTOR/OFFEROR		15C. DATE SIGNED	16B. UNITED STATES OF AMERICA	16C. DATE SIGNED
(Signature of person authorized to sign)			(Signature of Contracting Officer)	

EAGLETON INSTITUTE OF POLITICS

Request to the U.S. Election Assistance Commission for a No-Cost Extension and Reallocation of Funds

November 30, 2005

Why we need a no -cost extension

The original work schedule called for EAC to publish in mid-October voluntary guidance and/or recommended best practices for provisional voting based on our research. In making that time estimate, we did not provide sufficient time for the EAC to review and consider the draft reports that would form the basis for that publication. The draft was complete in August, but the EAC's schedule did not permit us to brief the commissioners and staff until early September. We did not receive EAC comments until October, making it impossible to complete the work on the original schedule. Taking account of those comments and guidance from EAC required several weeks. The EAC did not receive our final draft report and recommendations for best practices until late November. We are now awaiting the EAC's comments on that final draft, which we have been told to expect in January.

The additional time required to complete the work on provisional voting has delayed the completion of our analysis of Voter Identification issues. The draft report on that topic will be submitted to the EAC in mid January.

Because the EAC has decided to issue recommendations for best practices on these topics, rather than voluntary guidance, we will finish the work within two months of the original completion date since the adoption process will be shorter. Note that meeting this schedule is dependent on the time needed by the EAC to review our work.

This extension will entail additional personnel time but, since no public hearings on "best practices" are required, if the EAC does not object, funds originally allocated for the hearings would be available for transfer to support the additional staff and consultant time necessary to complete the work.

When will work be completed and funds fully expended?

As shown on the attached schedule, work on this contract will be completed in three phases. The EAC will receive our final report and recommendations for best practices in provisional voting during the week of January 23, 2006 (assuming that we receive the EAC's comments on the draft report submitted on November 28 by January 9).

We will submit our draft report, alternative approaches, and compendium of statutes, regulations, and litigation on Voter Identification Issues during the week of January 16, 2006. If the EAC is able to return comments to us no later than the week of January 30, we will have submit the final report and recommendations for best practices on Voter Identification to the EAC during the week of February 13.

The total project budget is \$560,002. As of October 31st, the EAC has been invoiced for \$259,081.79; the balance remaining is \$399,920.21. We anticipate that the project will be complete and the balance of funds fully expended by February 28, 2006. The final invoice for the contract will be submitted to the EAC within 75 days of the close of the project.

REVISED SCHEDULE FOR
 November 2005 - February 2006
 November 10, 2005
 Assumes no guidance document, only analysis and recommended best practices

DATE	Project Management	Provisional Voting	Voter ID
Week of 10/31		Review draft report to EAC (Team) Submit comments on report (Team)	Voter ID Research to TV
Week of 11/7	Status reports to JD for October tasks (all)	Redraft report (TON) Review and approve report (Team) Final draft report (TON)	Research continues (TV)
Week of 11/14	Submit monthly progress report (JD)	Submit report to Project Team for comments (TON)	Research continues (TV)

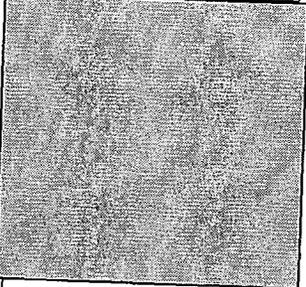
015986

Week of 11/21		Project team comments received Submit report to EAC for review and to PRG for information (TON, JW)	Complete data collection for Voter ID analysis. (TV)
Week of 11/28		EAC review	Draft report on Voter ID analysis (TV)
Week of 12/5	Status reports to JD for November tasks (all)	EAC review	Internal review (PT)
Week of 12/12	Submit monthly progress report (JD)	EAC review	Revise draft (TV) Draft alternatives (TON) Review and comment on alternatives (PT)
Week of 12/19		EAC review	Complete draft report and alternatives (TV, TON)
Week of 12/26		EAC review	Review draft report and alternatives (PT)

015987

Week of 1/2/06	Status reports to JD for December tasks (all)	EAC review	Report and alternatives to PRG for review
Week of 1/9/06		Receive comments from EAC and revise report as needed	PRG meets and comments Revise (TV & TON)
Week of 1/16/06	Submit monthly progress report (JD)	Project team reviews and approves revised report	Submit draft report, alternatives and compendium to EAC EAC reviews
Week of 1/23/06		Finalize analysis and best practices and submit to EAC for publication and further action as appropriate	EAC review continues
Week of 1/30/06			Comments from EAC Revise (TV & TON)

015988

Week of 2/6/06	Status reports to JD for January tasks (all)		Review and approve revised report and recommendations for best practices (PT)
Week of 2/13/06	Submit monthly progress report (JD)		Submit report and best practices to EAC for publication and further action as appropriate
Week of 2/20/06	FINAL status reports to JD for all tasks (all) Final project and fiscal report to EAC PROJECT ENDS		

015989

Notification to bidders

You are hereby advised that the U.S. Election Assistance Commission (EAC) has competitively awarded a contract to the Eagleton Institute of Politics at Rutgers, The State University of New Jersey for research assistance to support the development of guidance on the two topics of provisional voting and voter identification procedures. Eagleton is partnering with the Moritz College of Law of Ohio State University for this work effort. The amount of this award is \$560,002.

EAC appreciates the interest you have expressed in supporting our research agenda by submitting a proposal for this work. Should you wish to receive a de-brief on this procurement, please contact Carol A. Paquette, Interim Executive Director, by email at cpaquette@eac.gov.

015990



Nicole
Mortellito/CONTRACTOR/EA
C/GOV

06/03/2005 02:09 PM

To steve@electionlaw.us

cc

bcc

Subject Notification to Bidders

Notification to bidders

You are hereby advised that the U.S. Election Assistance Commission (EAC) has competitively awarded a contract to the Eagleton Institute of Politics at Rutgers, The State University of New Jersey for research assistance to support the development of guidance on the two topics of provisional voting and voter identification procedures. Eagleton is partnering with the Moritz College of Law of Ohio State University for this work effort. The amount of this award is \$560,002.

EAC appreciates the interest you have expressed in supporting our research agenda by submitting a proposal for this work. Should you wish to receive a de-brief on this procurement, please contact Carol A. Paquette, Interim Executive Director, by email at cpaquette@eac.gov.

Regards,

Nicole K. Mortellito
Assistant to the Interim Executive Director
U.S. Election Assistance Commission
1225 New York Avenue - Suite 1100
Washington, DC
202.566.3114 phone
202.566.3127 fax

015991



U.S. ELECTION ASSISTANCE COMMISSION
1225 NEW YORK AVENUE, N.W., SUITE 1100
WASHINGTON, D.C. 20005

Eagleton

May 24, 2005

Mr. Keith Osterhage, Director
Office of Research and Sponsored Programs
Rutgers, The State University of New Jersey
3 Rutgers Plaza
New Brunswick, New Jersey 08901

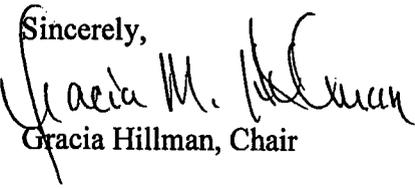
Dear Mr. Osterhage:

Enclosed is a signed contract in the amount of \$560,002.00 for the provision of research assistance to the U.S. Election Assistance Commission (EAC) for the development of voluntary guidance on provisional voting and voter identification procedures. The EAC has accepted the basic proposal submitted by the Eagleton Institute of Politics and has also elected to include the optional survey of local election officials. This proposal was evaluated as providing the best value to the government through a competitive source selection process. The proposal is incorporated by reference into the contract.

The U.S. Election Assistance Commission (EAC) was created by the Help America Vote Act of 2002 (HAVA) and is charged with assisting the States in meeting the election reform requirements mandated by this legislation. One of the EAC's principal tasks is to provide guidance to the States on the interpretation of HAVA and its requirements. The provisional voting and voter identification effort that will be supported by this contract is a major element of EAC's Fiscal Year 2005 research agenda. The objective of this work is to develop guidance on these topics that States can utilize in the 2006 election cycle.

To acknowledge your receipt and acceptance of this contract, please countersign and date below and return one copy of this letter to the attention of Carol A. Paquette, Interim Executive Director.

We look forward to working with Rutgers University and the Eagleton Institute on this very important research effort.

Sincerely,

Gracia Hillman, Chair

Keith Osterhage
Rutgers, The State University of New Jersey

015992

COPY

ORDER FOR SUPPLIES AND SERVICES IMPORTANT: See instructions in GSAR 553.370-300-1 for distribution PAGE 1 OF 1 PAGES

1. DATE OF ORDER: 05/24/05
2. ORDER NUMBER
3. CONTRACT NUMBER
4. E4014127

FOR GOVERNMENT USE ONLY	5. ACCOUNTING CLASSIFICATION				6. FINANCE DIVISION		
	FUND 8035	ORG CODE TQM9110	B/A CODE 10	O/C CODE 25	AC	SS	VENDOR NAME
	FUNC CODE 000	C/E CODE 516	PROJ./PROS. NO.	CC-A	MDL	FI	G/L DEBT
	W/ITEM	CC-B	PRT./CRFT		AI	LC	DISCOUNT

7. TO: CONTRACTOR (Name, address and zip code)
Rutgers, The State University of New Jersey
Office of Research and Sponsored Programs
3 Rutgers Plaza
New Brunswick, NJ 08901

Contact: Keith Osterhage (732) 932-0150

8. TYPE OF ORDER REFERENCE YOUR
 A. PURCHASE
Please furnish the following on the terms specified on both sides of the order and the attached sheets, if any, including delivery as indicated.
 B. DELIVERY
This delivery order is subject to instructions contained on this side only of this form and is issued subject to the terms and conditions of the above numbered contract
C. MODIFICATION NO. AUTHORITY FOR ISSUING

9A. EMPLOYER'S IDENTIFICATION NUMBER
22-600-1086 (NAICS 61131-Not for Profit Public Institution)

9B. CHECK, IF APPROVED WITHHOLD 20%

10A. CLASSIFICATION
 A. SMALL BUSINESS
 B. OTHER THAN SMALL BUSINESS
 C. SMALL DISADVANTAGED
 D. SMALL WOMEN-OWNED

10B. TYPE OF BUSINESS ORGANIZATION
 A. CORPORATION
 B. PARTNER-SHIP
 C. SOLE

11. ISSUING OFFICE (Address, zip code, and telephone no.)
Election Assistance Commission
1225 New York Ave., NW, Suite 1100
Washington, DC 20005
(202) 566-3100

12. REMITTANCE ADDRESS (MANDATORY)
Remittance via EFT

13. SHIP TO (Consignee address, zip code and telephone no.)
Election Assistance Commission
1225 New York Ave., NW, Suite 1100
Washington, DC 20005
(202) 566-3100

14. PLACE OF INSPECTION AND ACCEPTANCE
AC, 1225 NY Ave., Suite 1100, Washington, DC 20005

15. REQUISITION OFFICE (Name, symbol and telephone no.)
Election Assistance Commission

16. F.O.B. POINT
Destination

17. GOVERNMENT B/L NO.

18. DELIVERY F.O.B. POINT ON OR BEFORE 05/26/05

19. PAYMENT/DISCOUNT TERMS
Net 30

20. SCHEDULE					
ITEM NO. (A)	SUPPLIES OR SERVICES (B)	QUANTITY ORDERED (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	Under the authority of Public Law 107-252, dated October 29, 2002, establishing the U.S. Election Assistance Commission (EAC). Eagleton Institute of Politics proposal to provide research assistance to support development of guidelines on topics of provisional voting and voter identification procedures. See attached Eagleton proposal and EAC Statement of Work for description and details of specifics and requirements. TOTAL COST OF CONTRACT: \$560,002.00				

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21. RECEIVING OFFICE (Name, symbol and telephone no.)
Gracia Hillman (202) 566-3100

TOTAL FROM 300-A(s) 560,002.00

22. SHIPPING POINT

23. GROSS SHIP WT.

GRAND TOTAL 560,002.00

24. MAIL INVOICE TO: (Include zip code)
General Services Administration (FUND)
Election Assistance Commission
225 New York Ave., NW, Suite 1100
Washington, DC 20005

25A. FOR INQUIRIES REGARDING PAYMENT CONTACT:
Diana Scott

25B. TELEPHONE NO.
(202) 566-3100

26A. NAME OF CONTRACTING/ORDERING OFFICER (Type)
Gracia Hillman, Chair

26B. TELEPHONE NO.
(202) 566-3100

26C. SIGNATURE
Gracia Hillman

PURCHASE ORDER TERMS AND CONDITIONS

29-70 FEDERAL, STATE, AND LOCAL TAXES (APR 1984)

contract price includes all applicable Federal, State, and local taxes. No adjustment will be made to cover taxes which may subsequently be imposed on this transaction or changes in the rates of currently applicable taxes. However, the Government will, upon the request of the Contractor, furnish evidence appropriate to establish exemption from any tax from which the Government is exempt and which was not included in the contract price.

552.210-79 PACKING LIST (DEC 1989)

(a) A packing list or other suitable shipping document shall accompany each shipment and shall indicate (1) Name and address of consignor; (2) Name and address of consignee; (3) Government order or requisition number; (4) Government bill of lading number covering the shipment (if any); and (5) Description of the material shipped, including item number, quantity, number of containers, and package number (if any).

(b) When payment will be made by Government commercial credit card, in addition to the information in (a) above, the packing list or shipping document shall include: (1) Cardholder name and telephone number and (2) the term "Credit Card".

52.232-1 PAYMENTS (APR 1984)

The Government shall pay the Contractor, upon the submission of proper invoices or vouchers, the prices stipulated in this contract for supplies delivered and accepted or services rendered and accepted, less any deductions provided in this contract. Unless otherwise specified in this contract, payment shall be made on partial deliveries accepted by the Government if: (a) The amount due on the deliveries warrants it; or (b) The Contractor requests it and the amount due on the deliveries is at least \$1,000 or 50 percent of the total contract price.

52.232-8 DISCOUNTS FOR PROMPT PAYMENT (APR 1989)

(a) Discounts for prompt payment will not be considered in the evaluation of offers. However, any offered discount will form a part of the award, and will be taken if payment is made within the discount period indicated in the offer by the offeror. As an alternative to offering a prompt payment discount in conjunction with the offer, offerors awarded contracts may include prompt payment discounts on individual invoices.

(b) In connection with any discount offered for prompt payment, time shall be computed from the date of the invoice. For the purpose of computing the discount earned, payment shall be considered to have been made on the date which appears on the payment check or the date on which an electronic funds transfer was made.

PROMPT PAYMENT

Prompt Payment clause 52.232-25 is incorporated in this contract by reference. The clause contains information on payment due date, invoice requirements, constructive acceptance and interest penalties. Certain portions of the clause regarding payment due date, invoice requirements, and constructive acceptance have been extracted for your convenience. All days referred to in the extracts below are calendar days.

(a)(2) . . . The due date for making invoice payments by the designated payment office shall be the later of the following two events:

- (i) The 30th day after the designated billing office has received a proper invoice from the Contractor.
- (ii) The 30th day after Government acceptance of supplies delivered or services performed by the Contractor . . .

(a)(4) . . . An invoice shall be prepared and submitted to the designated billing office specified in the contract. A proper invoice must include the items listed in . . . (i) through . . . (viii) . . . If the invoice does not comply with these requirements, then the Contractor will be notified of the defect within 7 days after receipt of the invoice at the designated billing office . . . Untimely notification will be taken into account in the computation of any interest penalty owed the Contractor . . .

(i) Name and address of the Contractor.

(ii) Invoice date.

(iii) Contract number or other authorization for supplies delivered or services performed (including order number and contract line item number).

(iv) Description, quantity, unit of measure, unit price, and extended price of supplies delivered or services performed.

(v) Shipping and payment terms (e.g., shipment number and date of shipment, prompt payment discount terms), Bill of lading number and weight of shipment will be shown for shipments on Government bills of lading.

(vi) Name and address of Contractor official to whom payment is to be sent (must be the same as that in the contract or in a proper notice of assignment).

(vii) Name (where practicable), title, phone number, and mailing address of person to be notified in event of a defective invoice.

NOTE: Invoices must include the ACI number (block 4) and shall be submitted in an original only, unless otherwise specified to the billing office designated in block 24 to receive invoices. The remit to address must correspond to the remittance address in block 12.

(a)(6)(i) For the sole purpose of computing an interest penalty that might be due the Contractor, Government acceptance shall be deemed to have occurred constructively on the 7th day (unless otherwise specified in block 20) after the Contractor delivered the supplies or performed the services in accordance with the terms and conditions of the contract, unless there is a disagreement over quantity, quality or contractor compliance with a contract provision.

52.222-40 SERVICE CONTRACT ACT OF 1965, AS AMENDED CONTRACTS OF \$2,500 OR LESS (MAY 1989)

Except to the extent that an exception, variation, or tolerance would apply if this contract were in excess of \$2,500, the Contractor and any subcontractor shall pay all employees working on the contract not less than the minimum wage specified under Section 6 a) (1) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201-206). Regulations and interpretations of the Service Contract Act of 1965 are contained in 29 CFR Part 4.

52.222-41 SERVICE CONTRACT ACT OF 1965, AS AMENDED (MAY 1989)

52.222-42 STATEMENT OF EQUIVALENT RATES FOR FEDERAL HIRES (MAY 1989)
(52.222-41 and 52.222-42 apply to service contracts when the amount exceeds \$2,500).

The GSA Form 2166, Service Contract Act of 1965 and Statement of Equivalent Rates for Federal Hires is attached hereto and made a part hereof.

52.252-2 CLAUSES INCORPORATED BY REFERENCE (JUN 1988)

This contract incorporates the following clauses by reference with the same force and effect as if they were given in full text. Upon request the Contracting Officer will make their full text available:

FEDERAL ACQUISITION REGULATION (48 CFR CHAPTER 1) CLAUSES

Applicable to purchase orders for supplies or services:

- 52.203-1 Officials Not to Benefit (APR 84)
- 52.203-3 Gratuities (APR 84)
- 52.203-6 Covenant Against Contingent Fees (APR 84)
- 52.203-8 Restriction on Subcontractor Sales to the Government (JUL 85)
- 52.203-7 Anti-Kickback Procedures (OCT 88)
- 52.212-9 Variation in Quantity (APR 84)
(In the preceding clause, the permissible variations are stated in the schedule.)
- 52.222-3 Convict Labor (APR 84)
- 52.222-26 Equal Opportunity (APR 84)(Applies when amount exceeds \$10,000.)
- 52.222-35 Affirmative Action for Special Disabled and Vietnam Era Veterans (APR 84)(Applies when amount exceeds \$10,000.)
- 52.222-36 Affirmative Action for Handicapped Workers (APR 84)(Applies when amount exceeds \$2,500.)
- 52.222-37 Employment Reports on Special Disabled Veterans and Veterans of the Vietnam Era (JAN 88)(Applies whenever clause 52.222-35 is included.)
- 52.223-6 Drug Free Workplace (JUL 90)(Applies if contract is awarded to an individual.)
- 52.225-3 Buy American Act - Supplies (JAN 89)
- 52.225-11 Restrictions on Certain Foreign Purchases (MAY 92)
- 52.232-26 Prompt Payment (SEP 92)
- 52.233-1 Disputes (DEC 91)
- 52.233-3 Protest After Award (AUG 89)
- 52.246-1 Contractor Inspection Requirements (APR 84)
- 52.249-8 Default (Fixed-Price Supply and Service)(APR 84)

Applicable to purchase orders for supplies:

- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR 86)(Applies when amount is between \$2,500 and \$10,000.)
- 52.222-20 Walsh-Healey Public Contracts Act (APR 84)(Applies when amount exceeds \$10,000.)
- 52.243-1 Changes - Fixed Price (AUG 87)
- 52.249-1 Termination for Convenience of the Government (Fixed Price)(Short Form)(APR 84)

Applicable to purchase orders for services:

- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR 86)(Applies when amount exceeds \$2,500.)
- 52.243-1 Changes - Fixed Price (APR 84) - Alt. II
- 52.249-4 Termination for Convenience of the Government (Services)(Short Form)(APR 84)

015994



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW - Suite 1100
Washington, DC 20005

*certified
5/4/2005*

TALLY VOTE MATTER

DATE & TIME OF TRANSMITTAL: May 02, 2005, 8:30AM

BALLOT DEADLINE: May 04, 2005, 8:30AM

COMMISSIONERS: DEGREGORIO, HILLMAN, MARTINEZ

SUBJECT: AWARD OF CONTRACT FOR RFP-05-01, REQUEST FOR PROPOSALS FOR RESEARCH ASSISTANCE FOR THE EAC TO SUPPORT THE DEVELOPMENT OF VOLUNTARY GUIDANCE ON PROVISIONAL VOTING AND VOTER IDENTIFICATION PROCEDURES

- I approve the recommendation.
- I disapprove the recommendation.
- I object to the recommendation.
- I am recused from voting.

COMMENTS: _____

DATE: _____ **SIGNATURE:** _____

A definite vote is required. All ballots must be signed and dated. Please return ONLY THE BALLOT to the EAC Chair. Please return the ballot no later than date and time shown above.

FROM CAROL PAQUETTE, INTERIM EXECUTIVE DIRECTOR

015995



U.S. ELECTION ASSISTANCE COMMISSION
1225 NEW YORK AVENUE, N.W., SUITE 1100
WASHINGTON, D.C. 20005

MEMORANDUM

April 29, 2005

TO: EAC Commissioners

FROM: Carol A. Paquette, Interim Executive Director *CP*
U.S. Election Assistance Commission

SUBJECT: Award of Contract for RFP-05-01, Request for Proposals for Research Assistance for the U.S. Election Assistance Commission to Support the Development of Voluntary Guidance on Provisional Voting and Voter Identification Procedures

Sec. 302 (a) of the Help America Vote Act of 2002 (HAVA) requires that all states allow the casting of provisional ballots in instances where a voter declares his/her eligibility to vote but his/her names does not appear on the official list of eligible voters, or an election official asserts that a voter is not eligible to vote. In addition, Sec. 303(B) provides for provisional ballot fail-safe voting for first time voters who do not provide appropriate identification at the time of voting. The U.S. Election Assistance Commission (EAC) seeks to examine how provisional voting was implemented in the 2004 election cycle and to prepare guidance on this topic for the 2006 election.

HAVA Sec. 303 (b) mandates that first time voters who register by mail are required to show proof of identify before being allowed to cast a ballot. The EAC seeks to examine how these voter identification requirements were implemented in the 2004 election cycle and to prepare guidance on this topic for the 2006 elections.

As noted above, one of the remedies for a voter not having an acceptable proof of identity is to allow the voter to cast a provisional ballot, either at the polling place or by mail. This linkage between the rights and responsibilities of the voter provides a rationale for conducting research on these topics in parallel. However, separate guidance documents on each of these topics will be developed.

The EAC issued a Request for Proposal (RFP -05-01) to obtain research assistance to support the EAC in its development of this guidance. Six proposals were received and reviewed by a Source Selection Board (SSB) comprised of EAC staff and an election administration expert.

Three of the proposals did not conform to the proposal instructions in some significant manner and were eliminated without detailed assessment. One proposal addressed only the provisional voting portion of the work and did not discuss the voter identification portion, except for holding a public hearing. They proposed doing an analysis of only 6-

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10 States rather than all States as the Statement of Work required. Another proposal was submitted by a company with no prior experience in conducting public policy research, nor did any of the proposed personnel have any experience with election administration, public policy research, or legal research. Their methodology consisted almost entirely of repeating the Statement of Work provisions and asserting they would do this work, but with no explanation of how. The third proposal discussed data collection activities very generically, but did not address how the information collected would be analyzed. There was no mention of doing legislative and litigation analysis, nor did any of the proposed personnel have appropriate qualifications or experience in this area.

The SSB assessed the remaining three proposals using the attached Technical Evaluation Criteria that were defined and assigned possible point values prior to reading any of the proposals. These proposals received average ratings of 44, 45, and 78, out of a possible 100. Cost proposals were reviewed only by the EAC members of the SSB. The associated cost proposals were respectively \$708,730; \$148,500; and \$560,002. Reference checks on the highest rated bidder were consistently favorable regarding the excellent quality of their work and their performance on time and within budget.

RECOMMENDATION:

Approve the award of a contract for RFP-05-01 to the highest rated bidder, Eagleton Institute of Politics, Rutgers, The State University of New Jersey, in the amount of \$560,002. Eagleton Institute has formed a consortium with the Moritz College of Law, The Ohio State University, to perform this work in support of the EAC.

Attachment

015997



Technical Evaluation Criteria for Development of Guidance on Provisional Voting and Voter Identification Procedures

Evaluator: Date:

Bidder:

1. Demonstrated understanding of the issues of provisional voting and voter identification. (30 points)

Factors: Grasp of major issues and subtle complexities of provisional voting (15 points),
grasp of major issues and subtle complexities of Voter ID requirements (15 points)

Parts of proposal that relate to this factor: 1. Project workplan, 3. P.I. qualifications, 5. &
6. Risks identified, 7. Reasons team is best. Reviewers should consider elements such as:

1) Does the bidder appear to have an indepth comprehension of the subject matter as evidenced by specificity of discussion regarding provisional voting and voter ID requirements, rather than abstract generalities; 2) Does the proposal cite specific examples of difficulties experienced with provisional voting and voter ID requirements in the last election; 3) Does the proposal indicate an understanding of, and respect for, the differences in states' interpretations of provisional voting and voter ID; 4) Does the proposal indicate an awareness of the practical realities of public policy implementation for these two topics?

2. Well-defined and organized research and analysis methodology. (20 points)

Factors: Demonstrated understanding of legal and legislative analysis (8 points), clearly delineated research methodology and plan for conducting analysis (12 points)

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Parts of proposal that relate to this factor: 1. Project workplan – does it present a well-defined and organized research and analysis methodology; does workplan provide a reasonable and well thought out organization of work?, 2. Personnel matrix - are appropriate and qualified personnel proposed?

3. Principal Investigator's relevant experience. (20 points)

Factors: Knowledge of and experiences with the election administration process (6 points), knowledge of and experience with public administration, legal and legislative analysis (6 points), management of project work similar to this effort (e.g., national level policy-making, subject matter, work scope and level of effort) (8 points)

Parts of proposal that relate to this factor: 3. P.I.'s qualifications – Does P.I. have experience managing these types of efforts; what are his/her own research and policy analysis credentials?

4. Relevant organizational experience with this type of research. (15 points)

Parts of proposal that relate to this factor: 4. organizational qualifications – Do examples portray similar types of work (policy research, legislative and legal analysis, election administration procedures, literature review, analysis and evaluation of alternative approaches to achieve policy objectives), similar scope of effort

5. Compliance with proposal instructions. (5 points)

Factors: followed instructions (1), presented a clear proposal (2), overall quality of proposal (2)

6. Results of reference checks. (10 points)

Questions for reference checks:

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1. Was work done on schedule?
2. Was work done within budget?
3. What was quality of work product?
4. Describe and characterize the working relationship.
5. Did contractor produce any unique insights, any value-added results?

016080

May 24, 2005

CONTRACT TO PROVIDE RESEARCH ASSISTANCE TO THE EAC FOR THE DEVELOPMENT OF VOLUNTARY GUIDANCE ON PROVISIONAL VOTING AND VOTER IDENTIFICATION PROCEDURES

0.0 Background: Sec. 302(a) of HAVA requires that all States allow the casting of provisional ballots in instances where a voter declares their eligibility to vote but their name does not appear on the official list of eligible voters, or an election official asserts that a voter is not eligible to vote. This section describes several requirements for implementation of provisional voting, but the States have considerable latitude in specifying how to carry out these requirements. The EAC seeks to examine how provisional voting was implemented in the 2004 general election and to prepare guidance for the States on this topic for the 2006 Federal elections.

HAVA Sec. 303(b) mandates that first time voters who register by mail are required to show proof of identity before being allowed to cast a ballot. The law prescribes certain requirements concerning this section, but also leaves considerable discretion to the States for its implementation. The EAC seeks to examine how these voter identification requirements were implemented in the 2004 elections and to prepare guidance on this topic for the 2006 elections.

One of the remedies for a voter not having an acceptable proof of identity is to allow the voter to cast a provisional ballot, either at the polling place or by mail. This linkage between these two HAVA sections provides a rationale for conducting research on these topics in parallel. However, it is anticipated that two separate guidance documents will result.

1.0 Objective: The objective of this contract is for EAC to obtain assistance with the collection, analysis and interpretation of information regarding HAVA provisional voting and voter identification requirements for the purpose of drafting guidance on these topics in time for implementation for the 2006 Federal elections. The anticipated outcome of this activity is the generation of concrete policy recommendations to be issued as voluntary guidance for States.

2.0 Scope: In general the Contractor shall be responsible for all research and analysis activities, including the conduct of public hearings for fact finding and public comment purposes. However, in light of the need to get started on this work, the EAC conducted a public hearing on provisional voting on February 23, 2005.

An initial framework for provisional voting policy has been set by the court decisions rendered on the election procedures utilized in the 2004 election. The 6th Circuit decision, in particular, has drawn some boundaries which must be given

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due regard in the course of considering future policy alternatives for provisional voting.

Notice of public meetings and hearings is required to be published in the Federal Register. The Contractor shall be responsible for preparing the notice documents, and the EAC will submit the notices and cover the cost of publication. In addition, draft guidance documents must be published in the Federal Register to obtain public comment prior to their adoption. Again, the Contractor will work with the EAC to prepare the draft documents for publication, which the EAC will submit and pay for the cost of publication. Comments received will be provided to the Contractor for analysis and incorporation into the final guidance documents, as appropriate.

3.0 Specific Tasks

For ease of reference, following task 3.3 the remaining tasks are listed separately under the headings of Provisional Voting and Voter Identification Requirements. It is anticipated that the work on these two topics will be conducted essentially concurrently.

- 3.1 Update the project work plan, as required. The Contractor shall update and deliver the Project Plan not later than 10 days after contract award. This plan shall describe how the Contractor will accomplish each of the project tasks, including a timeline indicating major milestones. A single document will be prepared to include both provisional voting and voter identification tasks. The updated Project Plan shall be formally briefed to the EAC Project Manager and lead Commissioner.
- 3.2 Submit monthly progress reports. The Contractor shall submit a monthly progress report within 2 weeks of the end of each month. This report shall provide a brief summary of activities performed and indicate progress against the timeline provided in the Project Plan. Any issues that could adversely affect schedule should be identified for resolution. Budget status shall also be provided.
- 3.3 Conduct periodic briefings for the EAC. The Contractor shall periodically meet with the EAC Project Manager and the lead Commissioner for this work to discuss research findings and progress. The Project Plan should make allowance for this activity. The number and frequency of briefings will be determined by the Contractor Project Manager and the EAC Project Manager as the work progresses. The Contractor may also be required to periodically brief the full Commission on their work.

016002

Provisional Voting

- 3.4 Collect and analyze State legislation, administrative procedures, and court cases. An understanding of the disparities and similarities of how provisional voting was implemented around the country will provide a baseline for the consideration of future approaches. Seventeen States never had provisional voting before HAVA was enacted, while many other States did. A State-by-State compendium of the legislation, procedures, and litigation reviewed shall be delivered along with the analysis results.

Topics of particular interest include the following:

- How did States prepare for the onset of the HAVA provisional ballot requirement?
 - How did this vary between States that had previously had some form of provisional ballots and those that did not?
 - How did litigation affect the implementation?
 - How effective was provisional voting in enfranchising qualified voters?
 - Did State and local processes provide for consistent counting of provisional ballots?
 - Did local election officials have a clear understanding of how to implement provisional voting?
- 3.5 Recommend alternative approaches for future implementation of provisional voting. The Contractor shall conduct a literature review to identify other research results and data available on this topic. The EAC Election Day Survey, for example, contained several questions on provisional voting. The EAC will make these survey data available to the Contractor. Based on their analysis of available research and the results of Task 4.5, the Contractor shall diagnose the problems and challenges of provisional voting implementation and hypothesize alternative approaches.

The Contractor shall assess the efficacy of these alternatives in relation to the following inter-related policy objectives: (1) enabling the maximum number of eligible voters to cast ballots that will be counted; (2) providing procedural simplicity for voters, poll workers, and election officials; (3) minimizing opportunity for voter fraud; and (4) maintaining a reasonable workload for election officials and poll workers. Additional policy considerations may be identified in the course of this research effort. The Contractor shall document and brief these alternatives to the Commission.

- 3.6 Prepare preliminary draft guidance document. Based on the feedback received from the Commission, the Contractor shall prepare a draft guidance document for review and comment by the EAC Board of Advisors and Standards Board. EAC will convene a meeting or teleconference of the Boards for the discussion of this document. The Contractor shall provide the document in advance and participate in the meeting to answer questions and

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record comments.

- 3.7 Revise draft guidance for publication in the Federal Register. The Contractor shall revise the guidance document as appropriate to reflect the comments of the EAC, the Board of Advisors and the Standards Board and prepare the draft guidance for publication in the Federal Register by the EAC.
- 3.8 Arrange one public hearing for receiving public comment on draft guidance. This hearing should be scheduled 30 days after the initial publication date. The Contractor shall select the location in consultation with the EAC. EAC will handle publicity for the meeting.
- 3.9 Prepare final guidance document for EAC adoption. Review all comments received in response to Federal Register publication and at public hearing and revise guidance document as appropriate. Provide final version to EAC for adoption.

Voter Identification Requirements

- 3.10 Collect and analyze State legislation, administrative procedures, and court cases. It is assumed that the collection of information for analysis of voter identification requirements will be performed concurrently with the research for Task 4.5. An understanding of the disparities and similarities of how voter identification requirements were implemented around the country will provide a baseline for the consideration of future approaches. A State-by-State compendium of the legislation, procedures, and litigation reviewed shall be delivered along with the analysis results.
- 3.11 Convene a half day public hearing on the topic of voter identification requirements. This hearing should occur early in the research process as an informational hearing where all points of view on this topic can be aired. The Contractor shall be responsible for all aspects of planning and conducting this hearing in consultation with the EAC. The Contractor shall identify three panels of three to four speakers each. The Contractor shall arrange for speaker attendance to include travel and per diem expenses. The EAC will provide publicity for the hearing. The Contractor shall prepare a document summarizing the proceedings and containing all testimony provided.
- 3.12 Recommend alternative approaches for future implementation of HAVA voter identification requirements. The Contractor shall conduct a literature review to identify other research results and data available on this topic. Based on their analysis of available research and the results of Task 4.11, the Contractor shall diagnose the problems and challenges of voter identification and hypothesize alternative approaches. The Contractor shall

016004

coordinate with the EAC to identify appropriate policy objectives by which to assess these alternatives. The Contractor shall document and brief these alternatives to the Commission.

- 3.13 Prepare preliminary draft guidance document. Based on the feedback received from the Commission, the Contractor shall prepare a draft guidance document for review and comment by the EAC Board of Advisors and Standards Board. EAC will convene a meeting or teleconference of the Boards for the discussion of this document. The Contractor shall provide the document in advance and participate in the Board meeting to answer questions and record comments.
 - 3.14 Revise draft guidance for publication in the Federal Register. The Contractor shall revise the guidance document as appropriate to reflect the comments of the EAC, the Board of Advisors and the Standards Board and prepare the draft guidance for publication in the Federal Register by the EAC.
 - 3.15 Arrange a second public hearing for receiving public comment on the draft guidance. This hearing should be scheduled 30 days after the initial publication date. The Contractor shall select the location in consultation with the EAC. EAC will handle publicity for the hearing.
 - 3.16 Prepare final guidance document for EAC adoption. Review all comments received in response to Federal Register publication and at public hearing and revise guidance document as appropriate. Provide final version to EAC for adoption.
- 4.0 Contract Type. The contract type will be Time and Materials in the amount of \$560,002.00.
 - 5.0 Place of performance. The principal place of performance will be the Contractor's place of business. Meetings and occasional work efforts may be performed at the EAC offices. Some travel will be required.
 - 6.0 Period of Performance. The period of performance is from date of award until December 30, 2005.
 - 7.0 Schedule of Deliverables:
 1. Updated project plan – 10 days after contract award
 2. Progress reports – monthly
 3. Briefings – as required
 4. Analysis report on provisional voting, including compendium of legislation, procedures and litigation - TBD
 5. Alternatives report on provisional voting – TBD

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6. Preliminary draft guidance on provisional voting - TBD
7. Draft guidance on provisional voting for publication – 9/2005
8. Public hearing on draft guidance – 30 days after publication
9. Final guidance on provisional voting for EAC adoption – 10/2005
10. Analysis report on voter identification requirements, including compendium of legislation, procedures and litigation – TBD
11. Public hearing on voter identification requirements – TBD
12. Summary of voter identification requirements hearing - TBD
13. Alternatives report on voter identification requirements - TBD
14. Preliminary draft guidance on voter identification requirements - TBD
15. Draft guidance on voter identification requirements for publication – 11/2005
16. Public hearing on draft guidance – 30 days after publication
17. Final guidance on voter identification requirements to EAC for adoption – 12/2005

8.0 Inspection and Acceptance Criteria. Final inspection and acceptance of all work performed, reports, and other deliverables will be performed at the offices of the EAC. The Contracting Officer's Representative for this effort will be Karen Lynn-Dyson. She will review and approve all work on behalf of the Commission.

9.0 Invoicing. Invoices may be submitted monthly using Standard Form 1034, Public Voucher for Purchases and Services Other Than Personal. Invoices shall be mailed to the attention of Ms. Diana Scott, Administrative Officer, U.S. Election Assistance Commission, 1225 New York Avenue, N.W., Suite 1100, Washington D.C. 20005.

10.0 Accounting and Appropriation Data: Funds in the amount of \$560,002.00 are available for this task order.

11.0 General Provisions:

11.1 *Proposal Incorporated.* The Contractor's proposal is incorporated by reference into the statement of work.

11.2 *Inspection/Acceptance.* The Contractor shall only tender for acceptance those items that conform to the requirements of this contract. The EAC reserves the right to inspect and review any products or services that have been tendered for acceptance. The EAC may require correction or re-performance of nonconforming items at no increase in contract price. The EAC must exercise its post-acceptance rights within ten (10) days after the defect was discovered or should have been discovered.

11.3 *Contract Terms.* Should there be a conflict between the contract clauses included in this document and the "Purchase Order Terms and Conditions" on the back of GSA Form 300, which is used to record contract financial

016006

data, the contract clauses in this document shall take precedence.

11.4 *Changes.* Changes in the terms and conditions of this Contract may be made only by written agreement signed by authorized representatives of both parties.

11.5 *Disputes.* This Contract is subject to the Contract Disputes Act of 1978, as amended (41 U.S.C. 601-613). The Contractor shall proceed diligently with performance of this Contract, pending final resolution of any dispute arising under the Contract.

11.6 *Excusable Delays.* The Contractor shall be liable for default unless nonperformance is caused by an occurrence beyond the reasonable control of the Contractor and without its fault or negligence such as, acts of God or the public enemy, acts of the Government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, unusually severe weather, and delays of common carriers. The Contractor shall notify the EAC, in writing, as soon as possible after the beginning of an excusable delay. The Contractor shall explain the basis for the excusable delay, and correct the problem as soon as possible. The Contractor shall notify the EAC, in writing, at the end of the delay.

11.7 *Other compliances.* The Contractor shall comply with all applicable Federal, State and local laws, executive orders, rules and regulations applicable to its performance under this contract.

11.8 *Compliance with laws unique to Government contracts.* The Contractor agrees to comply with 31 U.S.C. 1352 relating to limitations on the use of appropriated funds to influence certain Federal contracts; 18 U.S.C. 431 relating to officials not to benefit; 40 U.S.C. 327 *et seq.*, Contract Work Hours and Safety Standards Act; 41 U.S.C. 51-58, Anti-Kickback Act of 1986; 41 U.S.C. 265 and 10 U.S.C. 2409, relating to whistle blower protections; 49 U.S.C. 40118, Fly American, and 41 U.S.C. 423 relating to procurement integrity.

11.9 *Limitation of Government Liability.* The Contractor is not authorized to make expenditures or incur obligations exceeding the total amount allocated to the contract. The Contractor is required to notify the Contracting Officer's Representative when 75% of funding has been obligated.

11.10 *Termination for convenience.* The EAC, by written notice, may terminate this contract without fault, in whole or in part, when it is in the best interest of the government. In the event of contract termination for convenience, the rights, duties, and obligations of the parties, including compensation to the Contractor, shall be in accordance with Part 49 of the Federal Acquisition Regulations in effect on the date of this contract.

016007

(TW)

ORDER FOR SUPPLIES AND SERVICES - RECEIVING REPORT

PAGE 1 OF 1 PAGES

1. DATE OF ORDER 05/24/05	2. ORDER NUMBER	3. CONTRACT NUMBER	4. ACT NUMBER E4014127
------------------------------	-----------------	--------------------	---------------------------

IMPORTANT:

- * This form must be received in the payment office within 5 workdays of acceptance.
- * Acceptance must take place within 7 calendar days of delivery or completion of work unless a different inspection/acceptance period is stated in the contract.
- * Invoices received must be time stamped to indicate the date of receipt. See reverse of this form for detailed instructions.

7. TO: CONTRACTOR (Name, address and zip code)
 Rutgers, The State University of New Jersey
 Office of Research and Sponsored Programs
 3 Rutgers Plaza
 New Brunswick, NJ 08901

Contact: Keith Osterhage (732) 932-0150

8. TYPE OF ORDER <input checked="" type="checkbox"/> A. PURCHASE <input type="checkbox"/> B. DELIVERY	REFERENCE YOUR
Please furnish the following on the terms specified on both sides of the order and the attached sheets, if any, including	
This delivery order is subject to instructions contained on this side only of this form and is issued subject to the terms and conditions of the above numbered contract	
C. MODIFICATION NO.	AUTHORITY FOR ISSUING
Except as provided herein, all terms and conditions of the original order, as heretofore modified, remain unchanged.	

9B. CHECK, IF APPROP <input type="checkbox"/> WITHHOLD 20%	REMARKS
MAXIMUM PAYMENT AMOUNT	62,581.46
LESS DEDUCTION(S) FOR NONPERFORMANCE, ETC. (Explain in remarks)	
MAXIMUM AMOUNT APPROVED FOR PAYMENT	62,581.46

20. SCHEDULE

ITEM NO. (A)	SUPPLIES OR SERVICES (B)	QUANTITY ORDERED (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	Under the authority of Public Law 107-252, dated October 29, 2002, establishing the U.S. Election Assistance Commission (EAC). Eagleton Institute of Politics proposal to provide research assistance to support development of guidelines on topics of provisional voting and voter identification procedures. See attached Eagleton proposal and EAC Statement of Work for description and details of specifics and requirements. TOTAL COST OF CONTRACT: \$560,002.00				016008

CERTIFICATION OF RECEIPT/ACCEPTANCE

I certify that the above supplies and/or services have been: received on (Date) 08/01/2005	TYPE OF DELIVERY (Mark "X" in appropriate box) <input type="checkbox"/> A. FULL <input checked="" type="checkbox"/> B. PARTIAL <input type="checkbox"/> C. FINAL PARTIAL	OFFICE SYMBOL EAC
	NAME AND TITLE (Type, print or stamp) GRACIA M. HILLMAN, CHAIR	TELEPHONE NO. (202) 566-3100
accepted on (Date) 08/01/2005	SIGNATURE Gracia M. Hillman	DATE SIGNED 9-20-05

Standard Form 1034 September 1973
4 Treasury FRM 2000 1034-115

PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL

Voucher No.
0000-422-003

U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION
Attn.: Ms. Dianna Scott, Administrative Officer
U. S. Election Assistance Commission
1225 New York Avenue, N.W., Suite 1100
Washington D. C. 20005

DATE VOUCHER PREPARED
09/14/2005
CONTRACT NUMBER AND DATE
SP0103-96-D-0016/0001 6/96
REQUISITION NUMBER AND DATE
E40414127 05/24/05

SCHEDULE NO.

PAID NO.

PAYEE'S [**Rutgers, The State University**]
NAME **Division of Grant and Contract Accounting**
AND **3 Rutgers Plaza**
ADDRESS **New Brunswick, NJ 08901-8559**
[]

DATE INVOICE REC'D

DISCOUNT TERMS

PAYEE'S ACCT #
4-23473-4220-003

GOVERNMENT B/L #

SHIPPED FROM TO WEIGHT

NUMBER AND DATE OF ORDER	DATE DELIVERY OR SERVICE	ARTICLES OR SERVICES (Enter description, item number of contract or Federal supply schedule, and other information deemed necessary)	QUAN-TITY	UNIT PRICE		AMOUNT
				COST	PER	
Cost Contract Voucher	8/01/05 To 8/31/05	AMOUNT OF THIS CLAIM " I certify that all payments are requested for the appropriate purpose and in accordance with the agreement set forth in the application and award documents." <i>Constance J. Bornheimer 09/14/05</i> Constance J. Bornheimer, Accounting Manager				62,581.46
TOTAL						62,581.46

(Use continuation sheet(s) if necessary, (Payee must NOT use the space below))

PAYMENT: APPROVED FOR	EXCHANGE RATE		
[] COMPLETE	BY <i>[Signature]</i>	TITLE <i>Research Manager</i>	AMOUNT VERIFIED; CORRECT FOR
[] PARTIAL			(SIGNATURE OR INITIALS)
[] FINAL			
[] PROGRESS			
[] ADVANCE			

Pursuant to authority vested in me, I certify that this voucher is correct and proper for payment

(Date) (Authorized Certifying Officer 2) _____ (Title)

ACCOUNTING CLASSIFICATION

PAID BY	CK NUMBER	ON TREASURER OF THE UNITED STATES	CHECK NUMBER	ON (Name in the back)
	CASH	DATE	PAYEE (3)	

(1) WHEN STATED IN FOREIGN CURRENCY, INSERT NAME OF CURRENCY

(2) If the ability to certify and authority to approve are combined in one person, one signature only is necessary; otherwise the approving officer will sign in the space provided, over his official title.

(3) When a voucher is receipted in the name of a company or corporation, the name of the person writing the company or corporation name, as well as the capacity in which he signs, must appear. For example: "John Doe Co., per John Smith, Secretary", or "Treasurer", as the case may be.

PER _____

TITLE _____

016089

Standard Form 1035 September 1973 4 TREASURY FORM 2000 1035-113 U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT	PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL		0000-422-003 VOUCHER NO.
	CONTINUATION SHEET		SCHEDULE NO. 2
			SHEET NO.

NUMBER		DATE OF	ARTICLES OR SERVICES	
AND DATE OF ORDER	DELIVERY OR SERVICE			
		(Enter description, item number of contract of Federal supply schedule, and other information deemed necessary)		
		Rutgers, The State University Div. of Grant & Contract Accounting 3 Rutgers Plaza New Brunswick, NJ 08901-8559 SP0103-96-D-0016		
			CURRENT	CUMULATIVE
		SALARY	22,142.64	26,864.64
		FRINGE	3,977.95	4,219.60
			26,120.59	31,084.24
		TRAVEL	74.53	394.11
		SUPPLIES	215.53	8,233.53
		TELEPHONE	0.00	0.00
		PUBLICATIONS	0.00	0.00
			0.00	0.00
		COMPUTER SERVICES	809.46	809.46
		CONSULT & OTHER SVCS	14,250.00	27,375.00
		TOTAL MTDC	41,470.11	67,896.34
		RENTAL FACILITY	0.00	0.00
		EQUIP RENTAL	0.00	0.00
		MOVING	0.00	0.00
		INSTALL/MAINT	0.00	0.00
		TUITION	0.00	0.00
		REP & MAINT EQUIP	0.00	0.00
		EQUIPMENT	0.00	0.00
		REVENUE REVISIONS	0.00	0.00
		TOTAL DIRECT COSTS	41,470.11	67,896.34
		INDIRECT COST (55.5%, 54%)	21,111.36	35,503.48
		TOTAL EXPENDITURES	<u>62,581.46</u>	<u>103,399.81</u>

016010

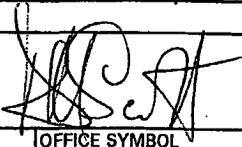
NEAR INPUT TRANSMITTAL
(Prepare in triplicate. Forward original and one copy to the appropriate Finance Division)

CHECK APPROPRIATE OFFICE SYMBOL

<input type="checkbox"/>	6BCPG	<input type="checkbox"/>	6BCPF	<input type="checkbox"/>	6BCPM	<input type="checkbox"/>	6BCPI	<input type="checkbox"/>	6BCRG	<input type="checkbox"/>	6BCRF
<input type="checkbox"/>	6BCRC	<input type="checkbox"/>	6BCA	<input type="checkbox"/>	6BCAF	<input type="checkbox"/>	6BCAG	<input type="checkbox"/>	6BCE	<input type="checkbox"/>	6BCC
<input checked="" type="checkbox"/>	6BCEP	<input type="checkbox"/>	6BCY	<input type="checkbox"/>	7BCPL	<input type="checkbox"/>	7BCPP	<input type="checkbox"/>	7BCPC	<input type="checkbox"/>	7BCPK
<input type="checkbox"/>	7BCAX	<input type="checkbox"/>	7BCAP	<input type="checkbox"/>	7BCAK	<input type="checkbox"/>	7BCRK	<input type="checkbox"/>	7BCPR		
<input type="checkbox"/>	OTHER (Specify)										

THE FOLLOWING DOCUMENTS ARE TRANSMITTED HEREWITH:	DATE 9/20/2005	SERIAL NUMBER	NUMBER OF DOCUMENTS EXCLUDING SUPPORTING DOCUMENTS 1
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ACT			
<u>LABEL</u>	<u>VENDOR/SOURCE</u>	<u>AMOUNT</u>	<u>EXPLANATION</u>
E4019674	NEDZER, TAMAR	\$20.00	FORM 1164
E4019669	PROFESSIONAL SIGN LANGUAGE INTERPRETING, INC.	\$2,142.00	CERTIFIED INVOICE STAMP
E4019670	TECHNOLOGY RESOURCE CORPORATION	\$21,162.70	CERTIFIED INVOICE STAMP
E4019671	RICHARD DICKERSON	\$4,730.00	CERTIFIED INVOICE STAMP
E4019672	FEDEX	\$6.38	CERTIFIED INVOICE STAMP
E4000492	PITNEY BOWES FEDERAL GOVERNMENT	\$226.76	RPR
E4000492	PITNEY BOWES FEDERAL GOVERNMENT	\$882.00	RPR
E4014127	RUTGERS, THE STATE UNIV. OF NEW JERSEY	\$62,581.46	RPR
E4014128A	SNELLING PERSONNEL SERVICES	\$1,233.80	RPR
E4014128A	SNELLING PERSONNEL SERVICES	\$620.00	RPR
E4019153A	THE ADAM'S MARK HOTEL	\$39,340.00	RPR
E4019044A	CALIBER ASSOCIATES, INC	\$38,000.00	GSA FORM 300
E4019045A	CALIBER ASSOCIATES, INC	\$4,577.00	GSA FORM 300
E4019142A	CALIBER ASSOCIATES, INC	\$99,923.00	GSA FORM 300
E4019153A	THE ADAM'S MARK HOTEL	\$39,340.00	GSA FORM 300
E4019064	MARTINEZ, RAY	\$741.88	TRAVEL VOUCHER
E4019149	MARTINEZ, RAY	\$612.70	TRAVEL VOUCHER
E4019522	COOPER, KATHIE CHASTAIN	\$224.32	TRAVEL VOUCHER
E4019570	MARTINEZ, RAY	\$648.45	TRAVEL VOUCHER
E4019571	MARTINEZ, RAY	\$350.93	TRAVEL VOUCHER
E4019585	MARTINEZ, RAY	\$604.51	TRAVEL VOUCHER
E4019619	MARTINEZ, RAY	\$896.30	TRAVEL VOUCHER
E4019649	MARTINEZ, RAY	\$172.59	TRAVEL VOUCHER

AUTHORIZED SIGNATURE		TITLE	
DIANA M. SCOTT	OFFICE SYMBOL	ADMINISTRATIVE OFFICER	016011
SERVICE	EAC	TELEPHONE NUMBER	(202) 566-3119
ELECTION ASSISTANCE COMMISSION		NUMBER DOCUMENTS RECEIVED	
SIGNATURE OF RECEIVING OFFICIAL - FINANCE		DATE RECEIVED	

ORDER FOR SUPPLIES AND SERVICES - RECEIVING REPORT

PAGE 1 OF 1 PAGES

1. DATE OF ORDER 05/24/05	2. ORDER NUMBER	3. CONTRACT NUMBER	4. ACT NUMBER E4014127
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IMPORTANT:

- * This form must be received in the payment office within 5 workdays of acceptance.
- * Acceptance must take place within 7 calendar days of delivery or completion of work unless a different inspection/acceptance period is stated in the contract.
- * Invoices received must be time stamped to indicate the date of receipt. See reverse of this form for detailed instructions.

7. TO: CONTRACTOR (Name, address and zip code)
 Rutgers, The State University of New Jersey
 Office of Research and Sponsored Programs
 3 Rutgers Plaza
 New Brunswick, NJ 08901

Contact: Keith Osterhage (732) 932-0150

8. TYPE OF ORDER	REFERENCE YOUR
<input checked="" type="checkbox"/> A. PURCHASE	
Please furnish the following on the terms specified on both sides of the order and the attached sheets, if any, including	
<input type="checkbox"/> B. DELIVERY	
This delivery order is subject to instructions contained on this side only of this form and is issued subject to the terms and conditions of the above numbered contract.	
C. MODIFICATION NO.	AUTHORITY FOR ISSUING
Except as provided herein, all terms and conditions of the original order, as heretofore modified, remain unchanged.	

9B. CHECK, IF APPROP	<input type="checkbox"/> WITHHOLD 20%
REMARKS	
MAXIMUM PAYMENT AMOUNT	28,175.94
LESS DEDUCTION(S) FOR NONPERFORMANCE, ETC. <i>(Explain in remarks)</i>	
MAXIMUM AMOUNT APPROVED FOR PAYMENT	28,175.94

20. SCHEDULE

ITEM NO. (A)	SUPPLIES OR SERVICES (B)	QUANTITY ORDERED (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	Under the authority of Public Law 107-252, dated October 29, 2002, establishing the U.S. Election Assistance Commission (EAC). Eagleton Institute of Politics proposal to provide research assistance to support development of guidelines on topics of provisional voting and voter identification procedures. See attached Eagleton proposal and EAC Statement of Work for description and details of specifics and requirements. TOTAL COST OF CONTRACT: \$560,002.00				016012

CERTIFICATION OF RECEIPT/ACCEPTANCE

I certify that the above supplies and/or services have been:	TYPE OF DELIVERY (Mark "X" in appropriate box)	
	<input type="checkbox"/> A. FULL	<input checked="" type="checkbox"/> B. PARTIAL
received on (Date)	NAME AND TITLE (Type, print or stamp)	OFFICE SYMBOL
07/01/05	GRACIA M. HILLMAN, CHAIR	EAC
and accepted on (Date)	SIGNATURE	TELEPHONE NO.
07/01/05	<i>Gracia Hillman</i>	(202) 566-3100
		DATE SIGNED
		8-22-05

GENERAL SERVICES ADMINISTRATION

6. RECEIVING REPORT - PAYING OFFICE

GSA FORM 300 (REV. 2-93)

Certifying receipt and processing payments for procurements requiring a written purchase order
(GSA Form 300 or 300-1).

(1) When supplies or services are received, the contracting/ordering office or designated program office will certify receipt and acceptance and indicate the amount approved for payment on copy 6, Receiving Report, of GSA Form 300 or 300-1. When multiple deliveries/payments are required, additional copies of the receiving report (copy 6) may be reproduced or the GSA Form 3025 or 3025A Receiving Report, used to certify receipt and acceptance. Photocopies signatures will not be accepted on the receiving report.

NOTE: It is important that the date of receipt and the date of acceptance entered in the certification on the receiving report be accurate. Those dates are used to calculate the due date for payments and interest on overdue payments. The contracting/ordering officer or a designated representative should certify receipt and authorize payment by signing the certification on the receiving report.

(2) Invoices received by issuing offices or other designated program offices must be time stamped to indicate the date of receipt, checked to verify the arithmetic accuracy of the invoiced amount, and forwarded, within 5 workdays of receipt, to the appropriate Finance Division for payment. Copy 1 of the GSA Form 300/300-1 and a receiving report (Copy 6 of GSA Form 300/300-1 or GSA 3025/3025A, Receiving Report) should be forwarded with the invoice to finance.

(3) When invoices are submitted directly to the Finance Division, contracting/ordering or other designated program offices will certify receipt and acceptance and authorize payment for supplies or services by completing copy 6 of GSA Form 300/300-1 or the GSA Form 3025/3025A, Receiving Report, in accordance with paragraph (c) (1) above and sending it to the appropriate finance division within 5 workdays after supplies or services are received and accepted.

016013

U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION Attn.: Ms. Dianna Scott, Administrative Officer U. S. Election Assistance Commission 1225 New York Avenue, N.W., Suite 1100 Washington D. C. 20005	DATE VOUCHER PREPARED 8/12/2005	SCHEDULE NO.
	CONTRACT NUMBER AND DATE SP0103-96-D-0016/0001 6/96	PAID NO.
	REQUISITION NUMBER AND DATE	

PAYEE'S NAME AND ADDRESS Rutgers, The State University Division of Grant and Contract Accounting 3 Rutgers Plaza New Brunswick, NJ 08901-8559	DATE INVOICE REC'D DISCOUNT TERMS PAYEE'S ACCT # 4-23473-4220-002 GOVERNMENT B/L #
--	---

SHIPPED FROM TO WEIGHT

NUMBER AND DATE OF ORDER	DATE DELIVERY OR SERVICE	ARTICLES OR SERVICES (Enter description, item number of contract or Federal supply schedule, and other information deemed necessary)	QUANTITY	UNIT PRICE		AMOUNT
				COST	PER	
AMOUNT OF THIS CLAIM						
Cost Contract Voucher	7/01/05 To 7/31/05	"I certify that all payments are requested for the appropriate purpose and in accordance with the agreement set forth in the application and award documents." <i>Constance J. Bornheimer 8/12/05</i> Constance J. Bornheimer, Accounting Manager				28,175.94

(Use continuation sheet(s) if necessary) (Payee must NOT use the space below)

TOTAL 28,175.94

PAYMENT:	APPROVED FOR	EXCHANGE RATE	DIFFERENCE
<input type="checkbox"/> COMPLETE		=\$1.00	
<input type="checkbox"/> PARTIAL	BY		
<input type="checkbox"/> FINAL			
<input type="checkbox"/> PROGRESS	TITLE		
<input type="checkbox"/> ADVANCE			
			AMOUNT VERIFIED; CORRECT FOR
			(SIGNATURE OR INITIALS)

Pursuant to authority vested in me, I certify that this voucher is correct and proper for payment

<i>8/12/05</i> (Date)	 (Authorized Certifying Officer)	<i>Research Manager</i> (Title)
--------------------------	-------------------------------------	------------------------------------

ACCOUNTING CLASSIFICATION

016014

PAID BY	CK NUMBER ON TREASURER OF THE UNITED STATES	CHECK NUMBER ON (Name in the back)
	CASH DATE	PAYEE (3)

(1) WHEN STATED IN FOREIGN CURRENCY, INSERT NAME OF CURRENCY (2) If the ability to certify and authority to approve are combined in one person, one signature only is necessary; otherwise the approving officer will sign in the space provided, over his official title. (3) When a voucher is receipted in the name of a company or corporation, the name of the person writing the company or corporation name, as well as the capacity in which he signs, must appear. For example: "John Doe Co., per John Smith, Secretary", or "Treasurer", as the case may be.	PER TITLE
---	--

Standard Form 1035 September 1973 4 TREASURY FORM 2000 1035-113 U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT	PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL CONTINUATION SHEET	0000-422-002 VOUCHER NO. SCHEDULE NO. 2 SHEET NO.
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NUMBER		DATE OF	ARTICLES OR SERVICES	
AND DATE OF ORDER	DELIVERY OR SERVICE			
		Rutgers, The State University Div. of Grant & Contract Accounting 6 Davidson Road Piscataway, NJ 08854-5603 SP0103-96-D-0016		
			CURRENT	CUMULATIVE
		SALARY	4,722.00	4,722.00
		FRINGE	241.65	241.65
			4,963.65	4,963.65
		TRAVEL	130.41	319.58
		SUPPLIES	77.00	8,018.00
		TELEPHONE	0.00	0.00
		PUBLICATIONS	0.00	0.00
			0.00	0.00
		COMPUTER SERVICES	0.00	0.00
		CONSULT & OTHER SVCS	13,125.00	13,125.00
		TOTAL MTDC	18,296.06	26,426.23
		RENTAL FACILITY	0.00	0.00
		EQUIP RENTAL	0.00	0.00
		MOVING	0.00	0.00
		INSTALL/MAINT	0.00	0.00
		TUITION	0.00	0.00
		REP & MAINT EQUIP	0.00	0.00
		EQUIPMENT	0.00	0.00
		REVENUE REVISIONS	0.00	0.00
		TOTAL DIRECT COSTS	18,296.06	26,426.23
		INDIRECT COST (55.5%, 54%)	9,879.88	14,392.12
		TOTAL EXPENDITURES	<u>28,175.94</u>	<u>40,818.35</u>

016015

NEAR INPUT TRANSMITTAL
(Prepare in triplicate. Forward original and one copy to the appropriate Finance Division)

CHECK APPROPRIATE OFFICE SYMBOL

<input type="checkbox"/> 6BCPG	<input type="checkbox"/> 6BCPF	<input type="checkbox"/> 6BCPM	<input type="checkbox"/> 6BCPI	<input type="checkbox"/> 6BCRG	<input type="checkbox"/> 6BCRF
<input type="checkbox"/> 6BCRC	<input type="checkbox"/> 6BCA	<input type="checkbox"/> 6BCAF	<input type="checkbox"/> 6BCAG	<input type="checkbox"/> 6BCE	<input type="checkbox"/> 6BCC
<input checked="" type="checkbox"/> 6BCEP	<input type="checkbox"/> 6BCY	<input type="checkbox"/> 7BCPL	<input type="checkbox"/> 7BCPP	<input type="checkbox"/> 7BCPC	<input type="checkbox"/> 7BCPK
<input type="checkbox"/> 7BCAX	<input type="checkbox"/> 7BCAP	<input type="checkbox"/> 7BCAK	<input type="checkbox"/> 7BCRK	<input type="checkbox"/> 7BCPR	
<input type="checkbox"/> OTHER (Specify)					

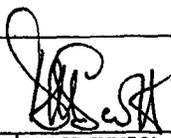
THE FOLLOWING DOCUMENTS ARE TRANSMITTED HERewith:

DATE	SERIAL NUMBER	NUMBER OF DOCUMENTS EXCLUDING SUPPORTING DOCUMENTS
8/29/2005		

ACT			
LABEL	VENDOR/SOURCE	AMOUNT	EXPLANATION
E4019606	THE CAPITOL CONNECTION	\$595.00	CERTIFIED INVOICE STAMP
E4000492	PITNEY BOWES FEDERAL GOVERNMENT	\$217.63	RPR
E4014004	NATIONAL ACADEMY OF SCIENCES	\$22,840.00	RPR
E4014127	RUTGERS, THE STATE UNIV. OF NEW JERSEY	\$12,642.41	RPR
E4014127	RUTGERS, THE STATE UNIV. OF NEW JERSEY	\$28,175.94	RPR
E4014128A	SNELLING PERSONNEL SERVICES	\$1,066.40	RPR
E4014200	INTELLIGENT DECISIONS	\$2,648.00	RPR
E4019105	AMERISYS, INC.	\$250.00	RPR
E4019574A	THOMPSON, JULIET E.	\$1,642.10	TRAVEL AUTHORIZATION
E4014153	EDWARDS, JAMES	\$97.50	TRAVEL VOUCHER
E4019006	SIMS, MARGARET A.	\$427.04	TRAVEL VOUCHER
E4019050	SHERRILL, AMIE J.	\$113.00	TRAVEL VOUCHER
E4019110	GILMOUR, GAVIN	\$703.72	TRAVEL VOUCHER
E4019117	THOMPSON, JULIET E.	\$646.27	TRAVEL VOUCHER

016016

AUTHORIZED SIGNATURE



DIANA M. SCOTT
SERVICE

OFFICE SYMBOL
EAC

TITLE

ADMINISTRATIVE OFFICER

TELEPHONE NUMBER

(202) 566-3119

ELECTION ASSISTANCE COMMISSION
NATURE OF RECEIVING OFFICIAL - FINANCE

NUMBER DOCUMENTS RECEIVED

DATE RECEIVED

DM

ORDER FOR SUPPLIES AND SERVICES - RECEIVING REPORT

PAGE 1 OF 1 PAGES

1. DATE OF ORDER 05/24/05	2. ORDER NUMBER	3. CONTRACT NUMBER	4. ACT NUMBER E4014127
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IMPORTANT:

- * This form must be received in the payment office within 5 workdays of acceptance.
- * Acceptance must take place within 7 calendar days of delivery or completion of work unless a different inspection/acceptance period is stated in the contract.
- * Invoices received must be time stamped to indicate the date of receipt. See reverse of this form for detailed instructions.

7. TO: CONTRACTOR (Name, address and zip code) Rutgers, The State University of New Jersey Office of Research and Sponsored Programs 3 Rutgers Plaza New Brunswick, NJ 08901 Contact: Keith Osterhage (732) 932-0150	8. TYPE OF ORDER <input checked="" type="checkbox"/> A. PURCHASE	REFERENCE YOUR
	Please furnish the following on the terms specified on both sides of the order and the attached sheets, if any, including	
	<input type="checkbox"/> B. DELIVERY This delivery order is subject to instructions contained on this side only of this form and is issued subject to the terms and conditions of the above numbered contract	
	C. MODIFICATION NO.	AUTHORITY FOR ISSUING

MAXIMUM PAYMENT AMOUNT LESS DEDUCTION(S) FOR NONPERFORMANCE, ETC. <i>(Explain in remarks)</i> MAXIMUM AMOUNT APPROVED FOR PAYMENT	12,642.41 12,642.41	9B. CHECK, IF APPROP <input type="checkbox"/> WITHHOLD 20% REMARKS
		Except as provided herein, all terms and conditions of the original order, as heretofore modified, remain unchanged.

20. SCHEDULE

ITEM NO. (A)	SUPPLIES OR SERVICES (B)	QUANTITY ORDERED (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	Under the authority of Public Law 107-252, dated October 29, 2002, establishing the U.S. Election Assistance Commission (EAC). Eagleton Institute of Politics proposal to provide research assistance to support development of guidelines on topics of provisional voting and voter identification procedures. See attached Eagleton proposal and EAC Statement of Work for description and details of specifics and requirements. TOTAL COST OF CONTRACT: \$560,002.00				016017

CERTIFICATION OF RECEIPT/ACCEPTANCE

I certify that the above supplies and/or services have been:	TYPE OF DELIVERY (Mark "X" in appropriate box)		OFFICE SYMBOL EAC
	<input type="checkbox"/> A. FULL	<input checked="" type="checkbox"/> B. PARTIAL	
received on (Date) 05/24/2005	NAME AND TITLE (Type, print or stamp) GRACIA M. HILLMAN, CHAR		TELEPHONE NO. (202) 566-3100
and accepted on (Date) 05/24/2005	SIGNATURE <i>Gracia Hillman</i>		DATE SIGNED 8-22-05

Certifying receipt and processing payments for procurements requiring a written purchase order
(GSA Form 300 or 300-1).

(1) When supplies or services are received, the contracting/ordering office or designated program office will certify receipt and acceptance and indicate the amount approved for payment on copy 6, Receiving Report, of GSA Form 300 or 300-1. When multiple deliveries/payments are required, additional copies of the receiving report (copy 6) may be reproduced or the GSA Form 3025 or 3025A Receiving Report, used to certify receipt and acceptance. Photocopies signatures will not be accepted on the receiving report.

NOTE: It is important that the date of receipt and the date of acceptance entered in the certification on the receiving report be accurate. Those dates are used to calculate the due date for payments and interest on overdue payments. The contracting/ordering officer or a designated representative should certify receipt and authorize payment by signing the certification on the receiving report.

(2) Invoices received by issuing offices or other designated program offices must be time stamped to indicate the date of receipt, checked to verify the arithmetic accuracy of the invoiced amount, and forwarded, within 5 workdays of receipt, to the appropriate Finance Division for payment. Copy 1 of the GSA Form 300/300-1 and a receiving report (Copy 6 of GSA Form 300/300-1 or GSA 3025/3025A, Receiving Report) should be forwarded with the invoice to finance.

(3) When invoices are submitted directly to the Finance Division, contracting/ordering or other designated program offices will certify receipt and acceptance and authorize payment for supplies or services by completing copy 6 of GSA Form 300/300-1 or the GSA Form 3025/3025A, Receiving Report, in accordance with paragraph (c) (1) above and sending it to the appropriate finance division within 5 workdays after supplies or services are received and accepted.

016018

PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL

Voucher No.
0000-422-001

U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION
Attn.: Ms. Dianna Scott, Administrative Officer
U. S. Election Assistance Commission
1225 New York Avenue, N.W., Suite 1100
Washington D. C. 20005

DATE VOUCHER PREPARED
07/13/2005
CONTRACT NUMBER AND DATE
SP0103-96-D-0016/0001 6/96
REQUISITION NUMBER AND DATE

SCHEDULE NO.
PAID NO.

PAYEE'S [**Rutgers, The State University**]
NAME **Division of Grant and Contract Accounting**
AND **3 Rutgers Plaza**
ADDRESS **New Brunswick, NJ 08901-8559**
[]

DATE INVOICE REC'D
DISCOUNT TERMS
PAYEE'S ACCT #
4-23473-4220-001
GOVERNMENT B/L #

SHIPPED FROM TO WEIGHT

NUMBER AND DATE OF ORDER	DATE DELIVERY OR SERVICE	ARTICLES OR SERVICES (Enter description, item number of contract or Federal supply schedule, and other information deemed necessary)	QUAN-TITY	UNIT PRICE		AMOUNT	
				COST	PER		
Cost Contract Voucher	5/24/05 To 6/30/05	AMOUNT OF THIS CLAIM " I certify that all payments are requested for the appropriate purpose and in accordance with the agreement set forth in the application and award documents." <i>Constance J. Bernheimer 07/13/05</i> Constance J. Bernheimer, Manager, Contract Acctg. Manager				12,642.41	
(Use continuation sheet(s) if necessary) (Payee must NOT use the space below)						TOTAL	12,642.41

PAYMENT:	APPROVED FOR	EXCHANGE RATE	DIFFERENCE
[] COMPLETE		-\$.00	
[] PARTIAL	BY		
[] FINAL			
[] PROGRESS	TITLE		AMOUNT VERIFIED, CORRECT FOR
[] ADVANCE			(SIGNATURE OR INITIALS)

Pursuant to authority vested in me, I certify that this voucher is correct and proper for payment

8/16/05 (Date) *[Signature]* (Authorized Certifying Officer 2) *[Signature]* (Title)

ACCOUNTING CLASSIFICATION
016019

PAID BY	CK NUMBER ON TREASURER OF THE UNITED STATES	CHECK NUMBER ON (Name in the back)
	CASH DATE	PAYEE (3)

(1) WHEN STATED IN FOREIGN CURRENCY, INSERT NAME OF CURRENCY
(2) If the ability to certify and authority to approve are combined in one person, one signature only is necessary, otherwise the approving officer will sign in the space provided, over his official title.
(3) When a voucher is receipted in the name of a company or corporation, the name of the person writing the company or corporation name, as well as the capacity in which he signs, must appear. For example: "John Doe Co., per John Smith, Secretary", or "Treasurer", as the case may be.

PER
TITLE

CONTINUATION SHEET

U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT

NUMBER		DATE OF	ARTICLES OR SERVICES		
AND DATE OF ORDER	DELIVERY OR SERVICE	(Enter description, item number of contract of Federal supply schedule, and other information deemed necessary)			
		Rutgers, The State University Div. of Grant & Contract Accounting 6 Davidson Road Piscataway, NJ 08854-5603			
		SP0103-96-D-0016			
				CURRENT	
				CUMULATIVE	
		SALARY		0.00	0.00
		FRINGE		0.00	0.00
				0.00	0.00
		TRAVEL		189.17	189.17
		SUPPLIES		7,941.00	7,941.00
		TELEPHONE		0.00	0.00
		PUBLICATIONS		0.00	0.00
				0.00	0.00
		COMPUTER SERVICES		0.00	0.00
		CONSULT & OTHER SVCS		0.00	0.00
				0.00	0.00
		TOTAL MTDC		8,130.17	8,130.17
		RENTAL FACILITY		0.00	0.00
		EQUIP RENTAL		0.00	0.00
		MOVING		0.00	0.00
		INSTALL/MAINT		0.00	0.00
		TUITION		0.00	0.00
		REP & MAINT EQUIP		0.00	0.00
		EQUIPMENT		0.00	0.00
		REVENUE REVISIONS		0.00	0.00
				0.00	0.00
		TOTAL DIRECT COSTS		8,130.17	8,130.17
		INDIRECT COST (26%)		4,512.24	4,512.24
		TOTAL EXPENDITURES		<u>12,642.41</u>	<u>12,642.41</u>

016020

Fund Balance
 <12,642.41> *de*

A.C.S. A06C576 R2A

RUTGERS, THE STATE UNIVERSITY
 GRANT AND CONTRACT ACCOUNTING / BUDGET REPORT
 MONTH ENDING : 06/30/05 *UNADJUSTED*

PAGE 1,313

ACCOUNTANT GB DANIELA PRELIPCEANU

D/C: 77

4-23473 EAC-PROVISIONAL VOTI PI: MANDEL,R

PROJECT START: 05/24/05

END: 12/30/05

CONTRACT #: E40414127

SUB CODE	DESCRIPTION VENDOR	RPO/ XREF NO	DATE	REF CODE/ RELEASE NO	ORIGINAL BUDGET	BUDGET ADJUSTMENT	AMOUNTS TO DATE	AMOUNT COMMITTED	BALANCE (DEFICIT)
1200	SALARIES REGULAR EMP		06/01/05				.00		
	BUDGET ALLOT		06/20/05		50,000				
	SUB CODE TOTAL		06/30/05		50,000 ✓				50,000.00
1230	WAGES OF LABOR		06/01/05				.00		
	BUDGET ALLOT		06/20/05		40,775				
	SUB CODE TOTAL		06/30/05		40,775				40,775.00
TOTAL SALARIES & WAGES					90,775 ✓				90,775.00
1710	FRINGE BENEFITS		06/01/05				.00		
	BUDGET ALLOT		06/20/05		19,920				
	SUB CODE TOTAL		06/30/05		19,920				19,920.00
TOTAL FRINGE BENEFITS					19,920 ✓				19,920.00
2160	OFFICE SUPPL-DGCA		06/01/05				.00		
	BUDGET ALLOT		06/20/05		4,000				
	SUB CODE TOTAL		06/30/05		4,000				4,000.00
2180	SOFTWARE		06/01/05				.00		
	BUDGET ALLOT		06/20/05		500				
	IPO: OIT CCS SITE LI	000011	06/23/05	005045			75.00		
	LEIP, DAVID	608684	06/29/05	VN926174			118.00		
	SUB CODE TOTAL		06/30/05		500		193.00		307.00
2240	PERM EQP-DCGA <\$5.00		06/01/05				.00		
	BUDGET ALLOT		06/20/05		10,000				
	IPO: OIT RU COMPUTER	000009	06/27/05	004106			5,792.00		
	IPO: OIT RU COMPUTER	000009	06/27/05	004132			1,698.00		
	IPO: OIT RU COMPUTER	000009	06/28/05	004138			258.00		
	SUB CODE TOTAL		06/30/05		10,000		7,748.00		2,252.00
3210	POSTAGE		06/01/05				.00		
	BUDGET ALLOT		06/20/05		1,000				
	SUB CODE TOTAL		06/30/05		1,000				1,000.00
TOTAL CONSUMABLE SUPPLIES					15,500 ✓		7,941.00 ✓		7,559.00
3040	TELEPHONE-TOLL CHARG		06/01/05				.00		
	BUDGET ALLOT		06/20/05		2,500				
	SUB CODE TOTAL		06/30/05		2,500				2,500.00
TOTAL TELEPHONE					2,500 ✓				2,500.00
3100	OTHER SERVICES		06/01/05				.00		

016021

ACCOUNTANT GB DANIELA PRELIPCEANU

D/C: 77

4-23473 EAC-PROVISIONAL VOTI PI: MANDEL,R

PROJECT START: 05/24/05

END: 12/30/05

CONTRACT #: E40414127

SUB CODE	DESCRIPTION VENDOR	RPD/ XREF NO	DATE	REF CODE/ RELEASE NO	ORIGINAL BUDGET	BUDGET ADJUSTMENT	AMOUNTS TO DATE	AMOUNT COMMITTED	BALANCE (DEFICIT)
	BUDGET ALLOT		06/20/05		15,000				
	SUB CODE TOTAL		06/30/05		15,000				15,000.00
3110	PROF SERVICES		06/01/05				.00		.00
	BUDGET ALLOT		06/20/05		79,500				
	SUB CODE TOTAL		06/30/05		79,500			79,500.00	.00
3120	HONORARIA		06/01/05				.00		
	BUDGET ALLOT		06/20/05		10,000				
	SUB CODE TOTAL		06/30/05		10,000				10,000.00
3200	COPYING COSTS		06/01/05				.00		
	BUDGET ALLOT		06/20/05		2,000				
	SUB CODE TOTAL		06/30/05		2,000				2,000.00
TOTAL OTHER SERVICES					106,500			79,500.00	27,000.00
3250	CONFERENCE EXP-DGCA		06/01/05				.00		
	BUDGET ALLOT		06/20/05		81,120				
	SUB CODE TOTAL		06/30/05		81,120				81,120.00
TOTAL CONFER/BUSINESS EXP					81,120				81,120.00
3520	TRAVEL-DOMESTIC-DGCA		06/01/05				.00		
	BUDGET ALLOT		06/20/05		5,200				
	JOURNAL ENTRY	HJ1187	06/29/05	JEO22794			189.17		
	SUB CODE TOTAL		06/30/05		5,200		189.17		5,010.83
TOTAL TRAVEL					5,200		189.17		5,010.83
3700	SUB CONTRACT-<\$25000		06/01/05				.00		
	BUDGET ALLOT		06/20/05		25,000				
	SUB CODE TOTAL		06/30/05		25,000				25,000.00
TOTAL SUB-CONTRCTG <25,000					25,000				25,000.00
3710	SUB CONTRACT->\$25000		06/01/05				.00		
	BUDGET ALLOT		06/20/05		59,744				
	SUB CODE TOTAL		06/30/05		59,744				59,744.00
TOTAL SUB-CONTRCTG >25,000					59,744				59,744.00
8800	FAC. & ADMIN COSTS(F		06/01/05				.00		
	BUDGET ALLOT	000953	06/30/05	000142	153,743		4,512.24		

016022

ACCOUNTANT GB DANIELA PRELIPCEANU

D/C: 77

4-23473 EAC-PROVISIONAL VOTI PI: MANDEL,R

PROJECT START: 05/24/05

END: 12/30/05

CONTRACT #: E40414127

SUB CODE	DESCRIPTION VENDOR	RPO/ XREF NO	DATE	REF CODE/ RELEASE NO	ORIGINAL BUDGET	BUDGET ADJUSTMENT	AMOUNTS TO DATE	AMOUNT COMMITTED	BALANCE (DEFICIT)
	SUB CODE TOTAL		06/30/05		153,743		4,512.24		149,230.76
	TOTAL INDIRECT COSTS				153,743		4,512.24		149,230.76
	ACCOUNT TOTAL				560,002 ✓	.00	12,642.41 ✓	79,500.00	467,859.59

016023

ACCOUNTANT GB DANIELA PRELIPCEANU

D/C: 77

4-23473 EAC-PROVISIONAL VOTI PI: MANDEL,R

PROJECT START: 05/24/05

END: 12/30/05

CONTRACT #: E40414127

SUB CODE	DESCRIPTION VENDOR	RPO	RELEASE NUMBER	LAST ACTIVITY	AMOUNT COMMITTED	AMOUNT EXPENDED	OVER (UNDER) EXPENDED	COMMITMENT BALANCE
2180 SOFTWARE								
	IPD: OIT CCS SITE LICEN	P-000011	005045	06/23/05	75.00	75.00		
	LEIP, DAVID	P-608684		06/29/05	118.00	118.00		
	SUB CODE TOTAL				193.00	193.00		
2240 PERM EQP-DCGA <\$5,00								
	IPD: OIT RU COMPUTER ST	P-000009	004132	06/27/05	1,698.00	1,698.00		
	IPD: OIT RU COMPUTER ST	P-000009	004106	06/27/05	5,792.00	5,792.00		
	IPD: OIT RU COMPUTER ST	P-000009	004138	06/28/05	258.00	258.00		
	CARROLL PUBLISHING	P-607882		06/29/05				
	SUB CODE TOTAL				7,748.00	7,748.00		
3110 PROF SERVICES								
	O'NEILL, THOMAS M	P-594376		06/24/05	79,500.00			79,500.00
TOTAL COMMITMENTS					87,441.00	7,941.00	.00	79,500.00

NEAR INPUT TRANSMITTAL
(Prepare in triplicate. Forward original and one copy to the appropriate Finance Division)

CHECK APPROPRIATE OFFICE SYMBOL

<input type="checkbox"/> 6BCPG	<input type="checkbox"/> 6BCPF	<input type="checkbox"/> 6BCPM	<input type="checkbox"/> 6BCPI	<input type="checkbox"/> 6BCRG	<input type="checkbox"/> 6BCRF
<input type="checkbox"/> 6BCRC	<input type="checkbox"/> 6BCA	<input type="checkbox"/> 6BCAF	<input type="checkbox"/> 6BCAG	<input type="checkbox"/> 6BCE	<input type="checkbox"/> 6BCC
<input checked="" type="checkbox"/> 6BCEP	<input type="checkbox"/> 6BCY	<input type="checkbox"/> 7BCPL	<input type="checkbox"/> 7BCPP	<input type="checkbox"/> 7BCPC	<input type="checkbox"/> 7BCPK
<input type="checkbox"/> 7BCAX	<input type="checkbox"/> 7BCAP	<input type="checkbox"/> 7BCAK	<input type="checkbox"/> 7BCRK	<input type="checkbox"/> 7BCPR	
<input type="checkbox"/> OTHER (Specify)					

THE FOLLOWING DOCUMENTS ARE TRANSMITTED HERewith:

DATE	SERIAL NUMBER	NUMBER OF DOCUMENTS EXCLUDING SUPPORTING DOCUMENTS
8/29/2005		

ACT			
<u>LABEL</u>	<u>VENDOR/SOURCE</u>	<u>AMOUNT</u>	<u>EXPLANATION</u>
E4019606	THE CAPITOL CONNECTION	\$595.00	CERTIFIED INVOICE STAMP
E4000492	PITNEY BOWES FEDERAL GOVERNMENT	\$217.63	RPR
E4014004	NATIONAL ACADEMY OF SCIENCES	\$22,840.00	RPR
E4014127	RUTGERS, THE STATE UNIV. OF NEW JERSEY	\$12,642.41	RPR
E4014127	RUTGERS, THE STATE UNIV. OF NEW JERSEY	\$28,175.94	RPR
E4014128A	SNELLING PERSONNEL SERVICES	\$1,066.40	RPR
E4014200	INTELLIGENT DECISIONS	\$2,648.00	RPR
E4019105	AMERISYS, INC.	\$250.00	RPR
E4019574A	THOMPSON, JULIET E.	\$1,642.10	TRAVEL AUTHORIZATION
E4014153	EDWARDS, JAMES	\$97.50	TRAVEL VOUCHER
E4019006	SIMS, MARGARET A.	\$427.04	TRAVEL VOUCHER
E4019050	SHERRILL, AMIE J.	\$113.00	TRAVEL VOUCHER
E4019110	GILMOUR, GAVIN	\$703.72	TRAVEL VOUCHER
E4019117	THOMPSON, JULIET E.	\$646.27	TRAVEL VOUCHER

016025

AUTHORIZED SIGNATURE

DIANA M. SCOTT
 SERVICE

ELECTION ASSISTANCE COMMISSION
 SIGNATURE OF RECEIVING OFFICIAL - FINANCE



OFFICE SYMBOL
 EAC

TITLE

ADMINISTRATIVE OFFICER

TELEPHONE NUMBER

(202) 566-3119

NUMBER DOCUMENTS RECEIVED

DATE RECEIVED



"John Weingart"
<john.weingart@rutgers.edu>

04/21/2006 09:52 AM

Please respond to
john.weingart@rutgers.edu

To klynndyson@eac.gov

cc "Tom O'Neill" <Tom_Oneill@verizon.net>

bcc

Subject No-Cost Extension Request

Karen - We are requesting a no-cost extension on the EAC contract to the Eagleton Institute of Politics at Rutgers University to have the contract's concluding date move from March 31, 2006 to June 30, 2006. As I indicated earlier, it would be very helpful if we could receive approval of this request no later than April 28th.

This extension is necessary to enable the following activities:

1. The EAC has informed us that it will assemble a panel of researchers the week of May 8th to review the Eagleton/Moritz draft background report on Voter Identification. The EAC wishes to supplement the review of this draft already conducted by the Peer Review Group called for in the contract. The Eagleton/Moritz research team, as well as at least some of the Peer Review Group will participate in the conference call or meeting of the EAC's reviewers;
2. Eagleton/Moritz will revise the draft Voter Identification report based upon comments made by the two sets of reviewers, and distribute the revised report to the EAC and its Advisory Board in mid-May.
3. Eagleton/Moritz will present its draft reports on Provisional Voting and Voter Identification to the EAC Advisory Board at its May 25th meeting in Washington, D.C.;
4. Eagleton/Moritz will revise both draft reports to take into account comments made by the EAC Advisory Board, and submit printed final reports to the EAC before June 23rd. Eagleton/Moritz will also prepare a PowerPoint presentation for both reports.
5. Eagleton/Moritz will present both reports at the EAC public meeting in Washington, D.C. on June 23rd, thus concluding its work under this contract.

Please let me know if you need any additional information.

Thanks,

John

--

-- John Weingart, Associate Director
Eagleton Institute of Politics
(732) 932-9384, x.290

016026



"Mike Alvarez"
<rma@hss.caltech.edu>
04/07/2006 12:54 AM

To klynndyson@eac.gov
cc
bcc
Subject Re:

Glad to help. I don't want to step on toes, but I'd recommend that you think about some sort of single-blind peer review, of the sort that is employed by many research journals and other organizations (like the NSF or National Academies of Science). I think that if you offer them a modest honoraria (perhaps \$100) I think you'll find that the folks on that list would be likely to provide quick and thorough feedback to you.

Again, let me know if there is more that I can do to help.

I'm also willing to do a review for you myself. The issue is that I feel somewhat conflicted, given that I'm on their "peer review" panel. But on the other hand that does mean that I'm very well aware of the background of this project. I'd leave it up to you as to whether you think that a review from me would be appropriate or not.

Mike

On Thu, 6 Apr 2006 klynndyson@eac.gov wrote:

> Mike- Nice to finally meet you in person, as well. Indeed ,as discussed,
> I am likely to confer with your peers on a number of matters related to
> research methodology and statistical analyses,
>
> Thanks again for providing these names.
>
>
> K
> Karen Lynn-Dyson
> Research Manager
> U.S. Election Assistance Commission
> 1225 New York Avenue , NW Suite 1100
> Washington, DC 20005
> tel:202-566-3123
>
>
>
> "Mike Alvarez" <rma@hss.caltech.edu>
> 04/05/2006 07:39 PM
>
> To
> klynndyson@eac.gov
> cc
>
> Subject
>
>

016027

Standard Form 1034 September 1973 4 Treasury FRM 2000 1034-115		PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL			Voucher No. 0000-422-008		
U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION Attn.: Ms. Dianna Scott, Administrative Officer U. S. Election Assistance Commission 1225 New York Avenue, N.W., Suite 1100 Washington D. C. 20005				DATE VOUCHER PREPARED 03/21/2006		SCHEDULE NO.	
				CONTRACT NUMBER AND DATE		PAID NO.	
				REQUISITION NUMBER AND DATE E40414127 05/24/05			
PAYEE'S [Rutgers, The State University] NAME Division of Grant and Contract Accounting AND 3 Rutgers Plaza ADDRESS New Brunswick, NJ 08901-8559]				DATE INVOICE REC'D			
				DISCOUNT TERMS			
				PAYEE'S ACCT # 4-23473-4220-008			
				GOVERNMENT B/L #			
SHIPPED FROM TO WEIGHT							
NUMBER AND DATE OF ORDER	DATE DELIVERY OR SERVICE	ARTICLES OR SERVICES (Enter description, item number of contract or Federal supply schedule, and other information deemed necessary)			QUAN- TITY	UNIT PRICE COST PER	AMOUNT
Cost	01/01/06	AMOUNT OF THIS CLAIM					113,249.99
Contract	To	" I certify that all payments are requested for the appropriate purpose and in accordance with the agreement set forth in the application and award documents."					
Voucher	02/28/06	<i>Constance J. Bornheimer 3/2/06</i> Constance J. Bornheimer, Accounting Manager					
(Use continuation sheet(s) if necessary) (Payee must NOT use the space below)						TOTAL	113,249.99
PAYMENT:		APPROVED FOR	EXCHANGE RATE			DIFFERENCE	
[] COMPLETE		BY <i>[Signature]</i>		DATE <i>3/23/06</i>			
[] PARTIAL		TITLE					
[] FINAL							
[] PROGRESS						AMOUNT VERIFIED; CORRECT FOR	
[] ADVANCE						(SIGNATURE OR INITIALS)	
PAID BY		CK NUMBER	ON TREASURER OF THE UNITED STATES	CHECK NUMBER	ON (Name in the back)		
		CASH	DATE	PAYEE (3)			
(1) WHEN STATED IN FOREIGN CURRENCY, INSERT NAME OF CURRENCY					PER		
(2) If the ability to certify and authority to approve are combined in one person, one signature only is necessary; otherwise the approving officer will sign in the space provided, over his official title.							
(3) When a voucher is receipted in the name of a company or corporation, the name of the person writing the company or corporation name, as well as the capacity in which he signs, must appear. For example: "John Doe Co., per John Smith, Secretary", or "Treasurer", as the case may be.					TITLE		

016029

Standard Form 1035 September 1973 TREASURY FORM 2000 1035-113	PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL	0000-422-008
		VOUCHER NO.
		SCHEDULE NO.
		2
CONTINUATION SHEET		SHEET NO.
U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT		

ARTICLES OR SERVICES				
NUMBER	DATE OF	(Enter description, item number of contract of Federal supply schedule, and other information deemed necessary)		
AND DATE OF ORDER	DELIVERY OR SERVICE			
		Rutgers, The State University Div. of Grant & Contract Accounting 3 Rutgers Plaza New Brunswick, NJ 08901-8559 Req. E40414127 dated 5/24/05.	CURRENT	CUMULATIVE
			01/01/06-02/28/06	5/24/05-02/28/06
		SALARY	14,311.00	114,105.80
		FRINGE	3,640.84	24,973.39
			17,951.84	139,079.19
		TRAVEL	0.00	1,302.82
		SUPPLIES	588.66	16,405.03
		TELEPHONE	534.61	4,747.70
		SUBCONTRACT < \$25,000	25,000.00	25,000.00
		CONFERENCE & BUSINESS EXPENSE	0.00	948.74
		COMPUTER SERVICES	0.00	809.46
		CONSULT & OTHER SVCS	6,750.00	112,769.04
		TOTAL MTDC	50,825.11	301,061.98
		SUBCONTRACT > \$25,000	38,624.32	38,624.32
		EQUIPMENT	0.00	0.00
		REVENUE REVISIONS	0.00	0.00
		TOTAL DIRECT COSTS	89,449.43	339,686.30
		INDIRECT COST (55.5%, 54%)	23,800.56	128,527.79
		TOTAL EXPENDITURES	<u>113,249.99</u>	<u>468,214.09</u>

016030

Project Title: EAC-Prov'l Voting/Voter ID
 Project Period: 5/24/05-03/31/2006
 Reporting Period: 01/01/06-02/28/06

EAC Contract No. E40414127
 Rutgers' Ref No. 423473
 PI: Ruth Mandel

Names of Individuals who receive salary, wages and payments under the consultant and other services line items.

Salaried Faculty and Staff

	Amount	Time Frame
Ruth Mandel	3,000.00	1/3/06-2/24/06
Joanne Pfeiffer	600.00	1/3/06-2/24/06
Linda Phillips	175.00	1/3/06-2/24/06
Tim Vercellotti	2,922.00	1/3/06-2/24/06
John Weingart	3,200.00	1/3/06-2/24/06
Michele Brody	350.00	1/3/06-2/24/06
	10,247.00	

Hourly Staff and Students

		Hourly Rate
Johanna Dobrich	84.00	12.00
John Harris	180.00	12.00
Don Linky	1,200.00	37.50
Ingrid Reed	2,600.00	40.00
	4,064.00	

Salary/Wage total

14,311.00

Consultants

		Hourly Rate
Tom O'Neill - January Invoice	6,750.00	93.75

Consultants/Other service Subtotal

6,750.00

There were no conference and business expenses this report period.

016031

ORDER FOR SUPPLIES AND SERVICES - RECEIVING REPORT

PAGE 1 OF 1 PAGES

1. DATE OF ORDER 05/24/05	2. ORDER NUMBER	3. CONTRACT NUMBER	4. ACT NUMBER E4014127
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IMPORTANT:

- * This form must be received in the payment office within 5 workdays of acceptance.
- * Acceptance must take place within 7 calendar days of delivery or completion of work unless a different inspection/acceptance period is stated in the contract.
- * Invoices received must be time stamped to indicate the date of receipt. See reverse of this form for detailed instructions.

7. TO: CONTRACTOR (Name, address and zip code)

Rutgers, The State University of New Jersey
Office of Research and Sponsored Programs
3 Rutgers Plaza
New Brunswick, NJ 08901

Contact: Keith Osterhage (732) 932-0150

8. TYPE OF ORDER	REFERENCE YOUR
<input checked="" type="checkbox"/> A. PURCHASE	
Please furnish the following on the terms specified on both sides of the order and the attached sheets, if any, including	
<input type="checkbox"/> B. DELIVERY This delivery order is subject to instructions contained on this side only of this form and is issued subject to the terms and conditions of the above numbered contract.	
C. MODIFICATION NO.	AUTHORITY FOR ISSUING

9B. CHECK, IF APPROP

WITHHOLD 20%

Except as provided herein, all terms and conditions of the original order, as heretofore modified, remain unchanged.

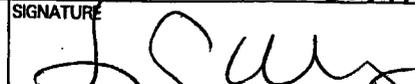
MAXIMUM PAYMENT AMOUNT	\$59,952.94
LESS DEDUCTION(S) FOR NONPERFORMANCE, ETC. <i>(Explain in remarks)</i>	
MAXIMUM AMOUNT APPROVED FOR PAYMENT	\$59,952.94

REMARKS

20. SCHEDULE

ITEM NO. (A)	SUPPLIES OR SERVICES (B)	QUANTITY ORDERED (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	Under the authority of Public Law 107-252, dated October 29, 2002, establishing the U.S. Election Assistance Commission (EAC). Eagleton Institute of Politics proposal to provide research assistance to support development of guidelines on topics of provisional voting and voter identification procedures. See attached Eagleton proposal and EAC Statement of Work for description and details of specifics and requirements. TOTAL COST OF CONTRACT: \$560,002.00				016032

CERTIFICATION OF RECEIPT/ACCEPTANCE

I certify that the above supplies and/or services have been:	TYPE OF DELIVERY (Mark "X" in appropriate box)		
	<input type="checkbox"/> A. FULL	<input type="checkbox"/> B. PARTIAL	<input type="checkbox"/> C. FINAL PARTIAL
received on (Date)	NAME AND TITLE (Type, print or stamp)		OFFICE SYMBOL
2-3-06	Thomas R. Wilkey, Executive Director		EAC
and accepted on (Date)	SIGNATURE	TELEPHONE NO.	
2-3-06		202/566-3100	
		DATE SIGNED	
		2-8-06	

Certifying receipt and processing payments for procurements requiring a written purchase order
(GSA Form 300 or 300-1).

(1) When supplies or services are received, the contracting/ordering office or designated program office will certify receipt and acceptance and indicate the amount approved for payment on copy 6, Receiving Report, of GSA Form 300 or 300-1. When multiple deliveries/payments are required, additional copies of the receiving report (copy 6) may be reproduced or the GSA Form 3025 or 3025A Receiving Report, used to certify receipt and acceptance. Photocopies signatures will not be accepted on the receiving report.

NOTE: It is important that the date of receipt and the date of acceptance entered in the certification on the receiving report be accurate. Those dates are used to calculate the due date for payments and interest on overdue payments. The contracting/ordering officer or a designated representative should certify receipt and authorize payment by signing the certification on the receiving report.

(2) Invoices received by issuing offices or other designated program offices must be time stamped to indicate the date of receipt, checked to verify the arithmetic accuracy of the invoiced amount, and forwarded, within 5 workdays of receipt, to the appropriate Finance Division for payment. Copy 1 of the GSA Form 300/300-1 and a receiving report (Copy 6 of GSA Form 300/300-1 or GSA 3025/3025A, Receiving Report) should be forwarded with the invoice to finance.

(3) When invoices are submitted directly to the Finance Division, contracting/ordering or other designated program offices will certify receipt and acceptance and authorize payment for supplies or services by completing copy 6 of GSA Form 300/300-1 or the GSA Form 3025/3025A, Receiving Report, in accordance with paragraph (c) (1) above and sending it to the appropriate finance division within 5 workdays after supplies or services are received and accepted.

016033

RECORDED
FEB 03 2006

Standard Form 1034 September 1973 4 Treasury FRM 2000 1034-115		PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL			Voucher No. 0000-422-007			
U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION Attn.: Ms. Dianna Scott, Administrative Officer U. S. Election Assistance Commission 1225 New York Avenue, N.W., Suite 1100 Washington D. C. 20005			DATE VOUCHER PREPARED 01/19/2006		SCHEDULE NO.			
			CONTRACT NUMBER AND DATE		PAID NO.			
			REQUISITION NUMBER AND DATE E40414127 05/24/05					
PAYEE'S [Rutgers, The State University] NAME [Division of Grant and Contract Accounting] AND [3 Rutgers Plaza] ADDRESS [New Brunswick, NJ 08901-8559]			DATE INVOICE REC'D		DISCOUNT TERMS			
			PAYEE'S ACCT # [REDACTED]		GOVERNMENT B/L #			
			SHIPPED FROM		TO		WEIGHT	
			NUMBER AND DATE OF ORDER		DATE DELIVERY OR SERVICE		ARTICLES OR SERVICES (Enter description, item number of contract or Federal supply schedule, and other information deemed necessary)	
Cost Contract Voucher		12/01/05 To 12/30/05		AMOUNT OF THIS CLAIM " I certify that all payments are requested for the appropriate purpose and in accordance with the agreement set forth in the application and award documents." <i>Constance J. Bornheimer 01/19/06</i> Constance J. Bornheimer, Accounting Manager		-NOT A FINAL- 59,952.94		
(Use continuation sheet(s) if necessary)			(Payee must NOT use the space below)			TOTAL 59,952.94		
PAYMENT: [] COMPLETE [] PARTIAL [] FINAL [] PROGRESS [] ADVANCE		APPROVED FOR BY <i>[Signature]</i> EAC Research Manager		EXCHANGE RATE -\$1.00		DIFFERENCE		
TITLE		AMOUNT VERIFIED, CORRECT FOR		(SIGNATURE OR INITIALS)				
PAID BY		CK NUMBER ON TREASURER OF THE UNITED STATES		CHECK NUMBER ON (Name in the back)				
		CASH DATE		PAYEE (3)				
(1) WHEN STATED IN FOREIGN CURRENCY, INSERT NAME OF CURRENCY					PER			
(2) If the ability to certify and authority to approve are combined in one person, one signature only is necessary; otherwise the approving officer will sign in the space provided, over his official title.								
(3) When a voucher is receipted in the name of a company or corporation, the name of the person writing the company or corporation name, as well as the capacity in which he signs, must appear. For example: "John Doe Co., per John Smith, Secretary", or "Treasurer", as the case may be.					TITLE			

016034

Standard Form 1035 September 1973 4 TREASURY FORM 2000 1035-113 U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT	PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL CONTINUATION SHEET	0000-422-007 VOUCHER NO.
		SCHEDULE NO. 2
		SHEET NO.

NUMBER		DATE OF	ARTICLES OR SERVICES	
AND DATE OF ORDER	DELIVERY OR SERVICE			
		Rutgers, The State University Div. of Grant & Contract Accounting 3 Rutgers Plaza New Brunswick, NJ 08901-8559 Req. E40414127 dated 5/24/05.		
			CURRENT 12/1/05-12/30/05	CUMULATIVE 5/24/05-12/30/05
		SALARY	20,091.00	99,794.80
		FRINGE	5,599.29	21,332.55
			25,690.29	121,127.35
		TRAVEL	139.84	1,302.82
		SUPPLIES	733.53	15,816.37
		TELEPHONE	435.00	4,213.09
		SUBCONTRACT < \$25,000	0.00	0.00
		CONFERENCE & BUSINESS EXPENSE	0.00	948.74
		COMPUTER SERVICES	0.00	809.46
		CONSULT & OTHER SVCS	18,375.00	106,019.04
		TOTAL MTDC	45,373.66	250,236.87
		SUBCONTRACT > \$25,000	0.00	0.00
		EQUIPMENT	0.00	0.00
		REVENUE REVISIONS	0.00	0.00
		TOTAL DIRECT COSTS	45,373.66	250,236.87
		INDIRECT COST (55.5%, 54%)	14,579.28	104,727.23
		TOTAL EXPENDITURES -NOT A FINAL-	<u>59,952.94</u>	<u>354,964.10</u>

016035

Project Title: EAC-Prov'I Voting/Voter ID
 Project Period: 5/24/05-12/30/2005
 Reporting Period: 12/01/05-12/30/05

EAC Contract No. E40414127
 Rutgers' Ref No. 423473
 PI: Ruth Mandel

Names of Individuals who receive salary, wages and payments under the consultant and other services line items.

Salaried Faculty and Staff

	Amount	Time Frame
Ruth Mandel	3,900.48	9/15/05-12/30/05
Joanne Pfeiffer	800.00	9/26/05-12/30/05
Linda Phillips	300.00	9/26/05-12/30/05
Lisa Velasquez	1,740.00	9/26/05-12/30/05
Tim Vercellotti	3,609.20	9/26/05-12/30/05
John Weingart	6,207.32	9/15/05-12/30/05
	16,557.00	

Hourly Staff and Students

	Amount	Hourly Rate
Dave Anderson	276.00	12.00
Johanna Dobrich	360.00	12.00
John Harris	498.00	12.00
Don Linky	600.00	37.50
Ingrid Reed	1,800.00	40.00
	3,534.00	

Salary/Wage total

20,091.00

Consultants

	Amount	Hourly Rate
Tom O'Neill -November hours	10,125.00	93.75
Tom O'Neill -December hours	8,250.00	93.75

Consultants/Other service Subtotal

18,375.00

There were no conference and business expenses this report period.

016036

NEAR INPUT TRANSMITTAL
(Prepare in triplicate. Forward original and one copy to the appropriate Finance Division)

CHECK APPROPRIATE OFFICE SYMBOL

<input type="checkbox"/>	6BCPG	<input type="checkbox"/>	6BCPF	<input type="checkbox"/>	6BCPM	<input type="checkbox"/>	6BCPI	<input type="checkbox"/>	6BCRG	<input type="checkbox"/>	6BCRF
<input type="checkbox"/>	6BCRC	<input type="checkbox"/>	6BCA	<input type="checkbox"/>	6BCAF	<input type="checkbox"/>	6BCAG	<input type="checkbox"/>	6BCE	<input type="checkbox"/>	6BCC
<input checked="" type="checkbox"/>	6BCEP	<input type="checkbox"/>	6BCY	<input type="checkbox"/>	7BCPL	<input type="checkbox"/>	7BCPP	<input type="checkbox"/>	7BCPC	<input type="checkbox"/>	7BCPK
<input type="checkbox"/>	7BCAX	<input type="checkbox"/>	7BCAP	<input type="checkbox"/>	7BCAK	<input type="checkbox"/>	7BCRK	<input type="checkbox"/>	7BCPR		
<input type="checkbox"/> OTHER (Specify)											

THE FOLLOWING DOCUMENTS ARE TRANSMITTED HEREWITH:	DATE 2/8/2006	SERIAL NUMBER	NUMBER OF DOCUMENTS EXCLUDING SUPPORTING DOCUMENTS
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ACT	LABEL	VENDOR/SOURCE	AMOUNT	EXPLANATION
		CITIBANK	\$211.66	REFUND
	E4019874	BANKS, SHEILA A.	\$33.00	FORM 1164
	E4019873	CITIBANK	\$5,916.21	CERTIFIED INVOICE STAMP ***PLEASE EXPEDITE
	E4019875	XEROX CAPITAL SERVICES, LLC	\$54.60	CERTIFIED INVOICE STAMP
	E4019876	FEDEX	\$29.66	CERTIFIED INVOICE STAMP
	E4019877	WASHINGTON EXPRESS	\$58.50	CERTIFIED INVOICE STAMP
	E4019878	T-MOBILE	\$1,679.31	CERTIFIED INVOICE STAMP
	E4014127	RUTGERS, THE STATE UNIV. OF NEW JERSEY	\$59,952.94	RPR
	E4019847	DeGREGORIO, PAUL S.	\$1,014.82	TRAVEL VOUCHER

016037

AUTHORIZED SIGNATURE		TITLE	
DIANA M. SCOTT		ADMINISTRATIVE OFFICER	
SERVICE	OFFICE SYMBOL	TELEPHONE NUMBER	
ELECTION ASSISTANCE COMMISSION	EAC	(202) 566-3119	
SIGNATURE OF RECEIVING OFFICIAL - FINANCE		NUMBER DOCUMENTS RECEIVED	DATE RECEIVED

ORDER FOR SUPPLIES AND SERVICES - RECEIVING REPORT

PAGE 1 OF 1 PAGES

1. DATE OF ORDER 05/24/05	2. ORDER NUMBER	3. CONTRACT NUMBER	4. ACT NUMBER E4014127
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IMPORTANT:

- * This form must be received in the payment office within 5 workdays of acceptance.
- * Acceptance must take place within 7 calendar days of delivery or completion of work unless a different inspection/acceptance period is stated in the contract.
- * Invoices received must be time stamped to indicate the date of receipt. See reverse of this form for detailed instructions.

<p>7. TO: CONTRACTOR (Name, address and zip code)</p> <p>Rutgers, The State University of New Jersey Office of Research and Sponsored Programs 3 Rutgers Plaza New Brunswick, NJ 08901</p> <p>Contact: Keith Osterhage (732) 932-0150</p>	<p>8. TYPE OF ORDER REFERENCE YOUR</p> <p><input checked="" type="checkbox"/> A. PURCHASE</p> <p>Please furnish the following on the terms specified on both sides of the order and the attached sheets, if any, including</p> <p><input type="checkbox"/> B. DELIVERY This delivery order is subject to instructions contained on this side only of this form and is issued subject to the terms and conditions of the above numbered contract</p> <p>C. MODIFICATION NO. AUTHORITY FOR ISSUING</p>
--	--

<p>9B. CHECK, IF APPROPRIATE</p> <p><input type="checkbox"/> WITHHOLD 20%</p>	<p>EXCEPT AS PROVIDED HEREIN, ALL TERMS AND CONDITIONS OF THE ORIGINAL ORDER, AS HERETOFORE MODIFIED, REMAIN UNCHANGED.</p>
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MAXIMUM PAYMENT AMOUNT	\$35,929.36	REMARKS
LESS DEDUCTION(S) FOR NONPERFORMANCE, ETC. <i>(Explain in remarks)</i>		
MAXIMUM AMOUNT APPROVED FOR PAYMENT	\$35,929.36	

20. SCHEDULE					
ITEM NO. (A)	SUPPLIES OR SERVICES (B)	QUANTITY ORDERED (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	<p>Under the authority of Public Law 107-252, dated October 29, 2002, establishing the U.S. Election Assistance Commission (EAC). Eagleton Institute of Politics proposal to provide research assistance to support development of guidelines on topics of provisional voting and voter identification procedures. See attached Eagleton proposal and EAC Statement of Work for description and details of specifics and requirements.</p> <p>TOTAL COST OF CONTRACT: \$560,002.00</p>				016038

CERTIFICATION OF RECEIPT/ACCEPTANCE		
<p>I certify that the above supplies and/or services have been:</p> <p>Received on (Date) 2-2006</p> <p>and accepted on (Date) 1-12-2006</p>	<p>TYPE OF DELIVERY (Mark "X" in appropriate box)</p> <p><input type="checkbox"/> A. FULL <input checked="" type="checkbox"/> B. PARTIAL <input type="checkbox"/> C. FINAL PARTIAL</p> <p>NAME AND TITLE (Type, print or stamp) Thomas R. Wilkey, Executive Director</p> <p>SIGNATURE </p>	<p>OFFICE SYMBOL EAC</p> <p>TELEPHONE NO.</p> <p>DATE SIGNED 1-16-06</p>

Certifying receipt and processing payments for procurements requiring a written purchase order
(GSA Form 300 or 300-1).

(1) When supplies or services are received, the contracting/ordering office or designated program office will certify receipt and acceptance and indicate the amount approved for payment on copy 6, Receiving Report, of GSA Form 300 or 300-1. When multiple deliveries/payments are required, additional copies of the receiving report (copy 6) may be reproduced or the GSA Form 3025 or 3025A Receiving Report, used to certify receipt and acceptance. Photocopied signatures will not be accepted on the receiving report.

NOTE: It is important that the date of receipt and the date of acceptance entered in the certification on the receiving report be accurate. Those dates are used to calculate the due date for payments and interest on overdue payments. The contracting/ordering officer or a designated representative should certify receipt and authorize payment by signing the certification on the receiving report.

(2) Invoices received by issuing offices or other designated program offices must be time stamped to indicate the date of receipt, checked to verify the arithmetic accuracy of the invoiced amount, and forwarded, within 5 workdays of receipt, to the appropriate Finance Division for payment. Copy 1 of the GSA Form 300/300-1 and a receiving report (Copy 6 of GSA Form 300/300-1 or GSA 3025/3025A, Receiving Report) should be forwarded with the invoice to finance.

(3) When invoices are submitted directly to the Finance Division, contracting/ordering or other designated program offices will certify receipt and acceptance and authorize payment for supplies or services by completing copy 6 of GSA Form 300/300-1 or the GSA Form 3025/3025A, Receiving Report, in accordance with paragraph (c) (1) above and sending it to the appropriate finance division within 5 workdays after supplies or services are received and accepted.

016039

RECEIVED
JAN 12 2006

Standard Form 1034 September 1973 4 Treasury FRM 2000 1034-115		PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL			Voucher No. 0000-422-006			
U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION Attn.: Ms. Dianna Scott, Administrative Officer U. S. Election Assistance Commission 1225 New York Avenue, N.W., Suite 1100 Washington D. C. 20005			DATE VOUCHER PREPARED 12/14/2005		SCHEDULE NO.			
			CONTRACT NUMBER AND DATE		PAID NO.			
			REQUISITION NUMBER AND DATE E40414127 05/24/05					
PAYEE'S NAME AND ADDRESS Rutgers, The State University Division of Grant and Contract Accounting 3 Rutgers Plaza New Brunswick, NJ 08901-8559			DATE INVOICE RECD		DISCOUNT TERMS			
			PAYEE'S ACCT # 4-23473-4220-006		GOVERNMENT B/L #			
			SHIPPED FROM		TO		WEIGHT	
			NUMBER AND DATE OF ORDER		DATE DELIVERY OR SERVICE		ARTICLES OR SERVICES <small>(Enter description, item number of contract or Federal supply schedule, and other information deemed necessary)</small>	
Cost Contract Voucher		11/01/05 To 11/30/05		AMOUNT OF THIS CLAIM "I certify that all payments are requested for the appropriate purpose and in accordance with the agreement set forth in the application and award documents." <i>Constance J. Bornheimer 12/16/05</i> Constance J. Bornheimer, Accounting Manager				
<small>(Use continuation sheet(s) if necessary. (Payee must NOT use the space below))</small>				TOTAL 35,929.36				
PAYMENT:		APPROVED FOR		EXCHANGE RATE				
<input type="checkbox"/> COMPLETE <input type="checkbox"/> PARTIAL <input type="checkbox"/> FINAL <input type="checkbox"/> PROGRESS <input type="checkbox"/> ADVANCE		BY <i>[Signature]</i>		-81.00				
		TITLE <i>[Signature]</i>		AMOUNT VERIFIED, CORRECT FOR <small>(SIGNATURE OR INITIALS)</small>				
PAID BY		CK NUMBER ON TREASURER OF THE UNITED STATES		CHECK NUMBER ON (Name in the back)				
		CASH DATE		PAYEE (3)				
<small>(1) WHEN STATED IN FOREIGN CURRENCY, INSERT NAME OF CURRENCY</small> <small>(2) If the ability to certify and authorize are combined in one person, one signature only is necessary; otherwise the approving officer will sign in the space provided, over his official title.</small> <small>(3) When a voucher is received in the name of a company or corporation, the name of the person writing the company or corporation name, as well as the capacity in which he signs, must appear. For example: "John Doe Co., per John Smith, Secretary", or "Treasurer", as the case may be.</small>				PER				
				TITLE				

016040

Standard Form 1035 September 1973 U.S. TREASURY FORM 2000 1035-113 U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT	PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL CONTINUATION SHEET	0000-422-006 VOUCHER NO.
		SCHEDULE NO. 2
		SHEET NO.

BUDGET		DATE OF	ARTICLES OR SERVICES	
AND DATE OF ORDER	DELIVERY OR SERVICE			
		Rutgers, The State University Div. of Grant & Contract Accounting 3 Rutgers Plaza New Brunswick, NJ 08901-8559 Req. E40414127 dated 5/24/05.		
			CURRENT	CUMULATIVE
		SALARY	8,905.22	79,703.80
		FRINGE	1,354.65	15,733.26
			10,259.87	95,437.06
		TRAVEL	64.48	1,162.98
		SUPPLIES	4,787.68	15,082.84
		TELEPHONE	1,400.54	3,778.09
		SUBCONTRACT < \$25,000	0.00	0.00
		CONFERENCE & BUSINESS EXPENSE	0.00	948.74
		COMPUTER SERVICES	0.00	809.46
		CONSULT & OTHER SVCS	10,500.00	87,644.04
		TOTAL MTDC	27,012.57	204,863.21
		SUBCONTRACT >\$25,000	0.00	0.00
		EQUIPMENT	0.00	0.00
		REVENUE REVISIONS	0.00	0.00
		TOTAL DIRECT COSTS	27,012.57	204,863.21
		INDIRECT COST (55.5%, 54%)	8,916.79	90,147.95
		TOTAL EXPENDITURES	35,929.36	295,011.17

016041

Project Title: EAC-Prov'I Voting/Voter ID
Project Period: 5/24/05-12/30/2005
Reporting Period: 11/01/05-11/30/05

EAC Contract No. E40414127
Rutgers' Ref No. 423473
PI: Ruth Mandel

Names of Individuals who receive salary, wages and payments under the consultant and other services line items.

Salaried Faculty and Staff Nov. 2005

Ruth Mandel	
Joanne Pfeiffer	
Linda Phillips	
April Rapp	
Lisa Velasquez	
Tim Vercellotti	1,443.70
Lauren Vincelli	1,065.52
John Weingart	

Hourly Staff and Students

Dave Anderson	480.00
Nadia Brown	
Jillian Curtis	
Johanna Dobrich	636.00
John Harris	480.00
Don Linky	1,200.00
Ingrid Reed	3,600.00

Salary/Wage Subtotal 8,905.22

Consultants

Tom O'Neill	10,500.00
-------------	-----------

Other services

Tom O'Neill	
Schulman Ronca	

Consultants/Other service Subtotal 10,500.00

Period total 19,405.22

There were no conference and business expenses this report period.

016042



"Isabelle Amarhanow"
<isabamar@rci.rutgers.edu>

01/04/2006 02:26 PM

Please respond to
isabamar@rci.rutgers.edu

To klyndyson@eac.gov

cc bornheim@rci.rutgers.edu, isabamar@rci.rutgers.edu,
Johnwein@rci.rutgers.edu

bcc

Subject EAC - Cost breakdown for staff

Dear Karen Lynn-Dyson,

I am mailing out a copy of the invoice and breakdown of staff costs for November 2005 as you requested in your 1/3/06 email to John Weingart. The same address, to the attention of Ms. Dianna Scott, US EAC, Washington DC is being used. Thank you for clarifying this matter.

Isabelle Amarhanow

Accounting Specialist

Division of Grant & Contract Accounting

016043

Standard Form 1034 September 1973 4 Treasury FRM 2000 1034-115		PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL			Voucher No. 0000-422-006			
U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION Attn.: Ms. Dianna Scott, Administrative Officer U. S. Election Assistance Commission 1225 New York Avenue, N.W., Suite 1100 Washington D. C. 20005			DATE VOUCHER PREPARED 12/14/2005		SCHEDULE NO.			
			CONTRACT NUMBER AND DATE		PAID NO.			
			REQUISITION NUMBER AND DATE E40414127 05/24/05					
PAYEE'S [Rutgers, The State University] NAME Division of Grant and Contract Accounting AND 3 Rutgers Plaza ADDRESS New Brunswick, NJ 08901-8559 []			DATE INVOICE REC'D		DISCOUNT TERMS			
			PAYEE'S ACCT # 4-23473-4220-006		GOVERNMENT B/L #			
			SHIPPED FROM		TO		WEIGHT	
			NUMBER AND DATE OF ORDER		DATE DELIVERY OR SERVICE		ARTICLES OR SERVICES (Enter description, item number of contract or Federal supply schedule, and other information deemed necessary)	
QUAN-TITY		UNIT PRICE COST PER		AMOUNT				
Cost Contract Voucher		11/01/05 To 11/30/05		AMOUNT OF THIS CLAIM " I certify that all payments are requested for the appropriate purpose and in accordance with the agreement set forth in the application and award documents." <i>Constance J. Bornheimer 12/16/05</i> Constance J. Bornheimer, Accounting Manager		35,929.36		
(Use continuation sheet(s) if necessary. (Payee must NOT use the space below))				TOTAL		35,929.36		
PAYMENT: [] COMPLETE [] PARTIAL [] FINAL [] PROGRESS [] ADVANCE		APPROVED FOR BY TITLE		EXCHANGE RATE =\$1.00		DIFFERENCE		
				AMOUNT VERIFIED; CORRECT FOR		(SIGNATURE OR INITIALS)		
PAID BY		CK NUMBER ON TREASURER OF THE UNITED STATES		CHECK NUMBER ON (Name in the back)				
		CASH DATE		PAYEE (3)				
(1) WHEN STATED IN FOREIGN CURRENCY, INSERT NAME OF CURRENCY				PER				
(2) If the ability to certify and authority to approve are combined in one person, one signature only is necessary; otherwise the approving officer will sign in the space provided, over his official title.								
(3) When a voucher is receipted in the name of a company or corporation, the name of the person writing the company or corporation name, as well as the capacity in which he signs, must appear. For example: "John Doe Co., per John Smith, Secretary", or "Treasurer", as the case may be.				TITLE				

016044
 12/16/05
 Constance J. Bornheimer
 Accounting Manager

Standard Form 1035 September 1973 4 TREASURY FORM 2000 1035-113 U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT	PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL CONTINUATION SHEET	0000-422-006
		VOUCHER NO.
		SCHEDULE NO. 2
		SHEET NO.

NUMBER		DATE OF	ARTICLES OR SERVICES	
AND DATE OF ORDER	DELIVERY OR SERVICE			
		Rutgers, The State University Div. of Grant & Contract Accounting 3 Rutgers Plaza New Brunswick, NJ 08901-8559 Req. E40414127 dated 5/24/05.	CURRENT	CUMULATIVE
		SALARY	8,905.22	79,703.80
		FRINGE	1,354.65	15,733.26
			10,259.87	95,437.06
		TRAVEL	64.48	1,162.98
		SUPPLIES	4,787.68	15,082.84
		TELEPHONE	1,400.54	3,778.09
		SUBCONTRACT < \$25,000	0.00	0.00
		CONFERENCE & BUSINESS EXPENSE	0.00	948.74
		COMPUTER SERVICES	0.00	809.46
		CONSULT & OTHER SVCS	10,500.00	87,644.04
		TOTAL MTDC	27,012.57	204,863.21
		SUBCONTRACT >\$25,000	0.00	0.00
		EQUIPMENT	0.00	0.00
		REVENUE REVISIONS	0.00	0.00
		TOTAL DIRECT COSTS	27,012.57	204,863.21
		INDIRECT COST (55.5%, 54%)	8,916.79	90,147.95
		TOTAL EXPENDITURES	<u>35,929.36</u>	<u>295,011.17</u>

Handwritten:
 014045

Standard Form 1034 September 1973 4 Treasury FRM 2000 1034-115		PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL			Voucher No. 0000-422-006	
U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION Attn.: Ms. Dianna Scott, Administrative Officer U. S. Election Assistance Commission 1225 New York Avenue, N.W., Suite 1100 Washington D. C. 20005			DATE VOUCHER PREPARED 12/14/2005		SCHEDULE NO.	
			CONTRACT NUMBER AND DATE		PAID NO.	
			REQUISITION NUMBER AND DATE E40414127 05/24/05			
PAYEE'S [Rutgers, The State University] NAME [Division of Grant and Contract Accounting] AND [3 Rutgers Plaza] ADDRESS [New Brunswick, NJ 08901-8559]			DATE INVOICE REC'D			
			DISCOUNT TERMS			
			PAYEE'S ACCT # 4-23473-4220-006			
			GOVERNMENT B/L #			
SHIPPED FROM TO			WEIGHT			
NUMBER AND DATE OF ORDER	DATE DELIVERY OR SERVICE	ARTICLES OR SERVICES (Enter description, item number of contract or Federal supply schedule, and other information deemed necessary)	QUANTITY	UNIT PRICE COST PER		AMOUNT
Cost Contract Voucher	11/01/05 To 11/30/05	AMOUNT OF THIS CLAIM " I certify that all payments are requested for the appropriate purpose and in accordance with the agreement set forth in the application and award documents." <i>Constance J. Bornheimer 12/16/05</i> Constance J. Bornheimer, Accounting Manager				35,929.36
(Use continuation sheet(s) if necessary. (Payee must NOT use the space below))			TOTAL		35,929.36	
PAYMENT: [] COMPLETE [] PARTIAL [] FINAL [] PROGRESS [] ADVANCE	APPROVED FOR	EXCHANGE RATE			DIFFERENCE	
	BY					
	TITLE				AMOUNT VERIFIED, CORRECT FOR	
					(SIGNATURE OR INITIALS)	
PAID BY	CK NUMBER	ON TREASURER OF THE UNITED STATES	CHECK NUMBER	ON (Name in the back)		
	CASH	DATE	PAYEE (3)			
(1) WHEN STATED IN FOREIGN CURRENCY, INSERT NAME OF CURRENCY				PER		
(2) If the ability to certify and authority to approve are combined in one person, one signature only is necessary; otherwise the approving officer will sign in the space provided, over his official title.						
(3) When a voucher is receipted in the name of a company or corporation, the name of the person writing the company or corporation name, as well as the capacity in which he signs, must appear. For example: "John Doe Co., per John Smith, Secretary", or "Treasurer", as the case may be.				TITLE		

COPY

016046

Standard Form 1035 September 1973 4 TREASURY FORM 2000 1035-113 U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT	PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL CONTINUATION SHEET	0000-422-006
		VOUCHER NO.
		SCHEDULE NO. 2
		SHEET NO.

NUMBER		DATE OF	ARTICLES OR SERVICES	
AND DATE OF ORDER	DELIVERY OR SERVICE			
		Rutgers, The State University Div. of Grant & Contract Accounting 3 Rutgers Plaza New Brunswick, NJ 08901-8559 Req. E40414127 dated 5/24/05.		
			CURRENT	CUMULATIVE
		SALARY	8,905.22	79,703.80
		FRINGE	1,354.65	15,733.26
			10,259.87	95,437.06
		TRAVEL	64.48	1,162.98
		SUPPLIES	4,787.68	15,082.84
		TELEPHONE	1,400.54	3,778.09
		SUBCONTRACT < \$25,000	0.00	0.00
		CONFERENCE & BUSINESS EXPENSE	0.00	948.74
		COMPUTER SERVICES	0.00	809.46
		CONSULT & OTHER SVCS	10,500.00	87,644.04
		TOTAL MTDC	27,012.57	204,863.21
		SUBCONTRACT >\$25,000	0.00	0.00
		EQUIPMENT	0.00	0.00
		REVENUE REVISIONS	0.00	0.00
		TOTAL DIRECT COSTS	27,012.57	204,863.21
		INDIRECT COST (55.5%, 54%)	8,916.79	90,147.95
		TOTAL EXPENDITURES	<u>35,929.36</u>	<u>295,011.17</u>

016047

NEAR INPUT TRANSMITTAL
(Prepare in triplicate. Forward original and one copy to the appropriate Finance Division)

CHECK APPROPRIATE OFFICE SYMBOL

<input type="checkbox"/> 6BCPG	<input type="checkbox"/> 6BCPF	<input type="checkbox"/> 6BCPM	<input type="checkbox"/> 6BCPI	<input type="checkbox"/> 6BCRG	<input type="checkbox"/> 6BCRF
<input type="checkbox"/> 6BCRC	<input type="checkbox"/> 6BCA	<input type="checkbox"/> 6BCAF	<input type="checkbox"/> 6BCAG	<input type="checkbox"/> 6BCE	<input type="checkbox"/> 6BCC
<input checked="" type="checkbox"/> 6BCEP	<input type="checkbox"/> 6BCY	<input type="checkbox"/> 7BCPL	<input type="checkbox"/> 7BCPP	<input type="checkbox"/> 7BCPC	<input type="checkbox"/> 7BCPK
<input type="checkbox"/> 7BCAX	<input type="checkbox"/> 7BCAP	<input type="checkbox"/> 7BCAK	<input type="checkbox"/> 7BCRK	<input type="checkbox"/> 7BCPR	
<input type="checkbox"/> OTHER (Specify)					

DATE	SERIAL NUMBER	NUMBER OF DOCUMENTS EXCLUDING SUPPORTING DOCUMENTS
1/13/06		

THE FOLLOWING DOCUMENTS ARE TRANSMITTED HEREWITH:

ACT				
LABEL	VENDOR/SOURCE	AMOUNT	EXPLANATION	
E4019837	THOMPSON, JULIET E.	\$10.00	FORM 1164	
E4019839	SHERRILL, AMIE J.	\$36.00	FORM 1164	
E4019835	CAROL J. THOMAS REPORTING	\$1,239.00	CERTIFIED INVOICE STAMP	
E4019836	CAROL J. THOMAS REPORTING	\$1,143.00	CERTIFIED INVOICE STAMP	
E4019838	FEDEX	\$11.42	CERTIFIED INVOICE STAMP	
E4019742A	CANON BUSINESS SOLUTIONS EAST INC.	\$0.00	GSA FORM 300	NO-COST CONTRACT MOD
E4014127	RUTGERS, THE STATE UNIV. OF NEW JERSEY	\$35,929.36	RPR	
E4019687	CONNIE SCHMIDT	\$3,120.00	RPR	
E4019687	CONNIE SCHMIDT	\$2,400.00	RPR	
E4019687	CONNIE SCHMIDT	\$4,440.00	RPR	
E4019687	CONNIE SCHMIDT	\$4,200.00	RPR	
E4014199A	HANCOCK, BRIAN	\$1,113.45	TRAVEL AUTHORIZATION	
E4019775A	DeGREGORIO, PAUL S.	\$0.00	TRAVEL AUTHORIZATION	STATE DEPT. PAID ALL EXPENSE FOR THIS TRIP
E4019790A	MARTINEZ, RAY	\$1,170.41	TRAVEL AUTHORIZATION	
E4019833	WANG, TOVA A.	\$979.20	TRAVEL AUTHORIZATION	
E4014199A	HANCOCK, BRIAN	\$592.86	TRAVEL VOUCHER	
E4019776	WILKEY, THOMAS R.	\$1,119.45	TRAVEL VOUCHER	
E4019790A	MARTINEZ, RAY	\$434.02	TRAVEL VOUCHER	
E4019804	MARTINEZ, RAY	\$314.13	TRAVEL VOUCHER	

016048

AUTHORIZED SIGNATURE		TITLE	
DIANA M. SCOTT		ADMINISTRATIVE OFFICER	
SERVICE	OFFICE SYMBOL	TELEPHONE NUMBER	
ELECTION ASSISTANCE COMMISSION	EAC	(202) 566-3119	
SIGNATURE OF RECEIVING OFFICIAL - FINANCE		NUMBER DOCUMENTS RECEIVED	DATE RECEIVED

ORDER FOR SUPPLIES AND SERVICES - RECEIVING REPORT

PAGE 1 OF 1 PAGES

1. DATE OF ORDER 05/24/05	2. ORDER NUMBER	3. CONTRACT NUMBER	4. ACT NUMBER E4014127
------------------------------	-----------------	--------------------	--

IMPORTANT:

This form must be received in the payment office within 5 workdays of acceptance.

* Acceptance must take place within 7 calendar days of delivery or completion of work unless a different inspection/acceptance period is stated in the contract.

* Invoices received must be time stamped to indicate the date of receipt. See reverse of this form for detailed instructions.

7. TO: CONTRACTOR (Name, address and zip code)

Rutgers, The State University of New Jersey
Office of Research and Sponsored Programs
3 Rutgers Plaza
New Brunswick, NJ 08901

Contact: Keith Osterhage (732) 932-0150

8. TYPE OF ORDER	REFERENCE YOUR
<input checked="" type="checkbox"/> A. PURCHASE	
Please furnish the following on the terms specified on both sides of the order and the attached sheets, if any, including	
<input type="checkbox"/> B. DELIVERY	
This delivery order is subject to instructions contained on this side only of this form and is issued subject to the terms and conditions of the above numbered contract	
C. MODIFICATION NO.	AUTHORITY FOR ISSUING
Except as provided herein, all terms and conditions of the original order, as heretofore modified, remain unchanged.	

MAXIMUM PAYMENT AMOUNT	52,474.65
LESS DEDUCTION(S) FOR NONPERFORMANCE, ETC. <i>(Explain in remarks)</i>	
MAXIMUM AMOUNT APPROVED FOR PAYMENT	52,474.65

9B. CHECK, IF APPROP
 WITHHOLD 20%
 REMARKS

20. SCHEDULE

ITEM NO. (A)	SUPPLIES OR SERVICES (B)	QUANTITY ORDERED (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	Under the authority of Public Law 107-252, dated October 29, 2002, establishing the U.S. Election Assistance Commission (EAC). Eagleton Institute of Politics proposal to provide research assistance to support development of guidelines on topics of provisional voting and voter identification procedures. See attached Eagleton proposal and EAC Statement of Work for description and details of specifics and requirements. TOTAL COST OF CONTRACT: \$560,002.00				216069

CERTIFICATION OF RECEIPT/ACCEPTANCE

I certify that the above supplies and/or services have been: received on (Date) 09/01/2005 and accepted on (Date) 09/01/2005	TYPE OF DELIVERY (Mark "X" in appropriate box) <input type="checkbox"/> A. FULL <input checked="" type="checkbox"/> B. PARTIAL <input type="checkbox"/> C. FINAL PARTIAL NAME AND TITLE (Type, print or stamp) GRACIA M. HILLMAN, CHAIR SIGNATURE 	OFFICE SYMBOL EAC TELEPHONE NO. (202) 566-3100 DATE SIGNED 11-30-05
--	---	--

Certifying receipt and processing payments for procurements requiring a written purchase order
(GSA Form 300 or 300-1).

(1) When supplies or services are received, the contracting/ordering office or designated program office will certify receipt and acceptance and indicate the amount approved for payment on copy 6, Receiving Report, of GSA Form 300 or 300-1. When multiple deliveries/payments are required, additional copies of the receiving report (copy 6) may be reproduced or the GSA Form 3025 or 3025A Receiving Report, used to certify receipt and acceptance. Photocopies signatures will not be accepted on the receiving report.

NOTE: It is important that the date of receipt and the date of acceptance entered in the certification on the receiving report be accurate. Those dates are used to calculate the due date for payments and interest on overdue payments. The contracting/ordering officer or a designated representative should certify receipt and authorize payment by signing the certification on the receiving report.

(2) Invoices received by issuing offices or other designated program offices must be time stamped to indicate the date of receipt, checked to verify the arithmetic accuracy of the invoiced amount, and forwarded, within 5 workdays of receipt, to the appropriate Finance Division for payment. Copy 1 of the GSA Form 300/300-1 and a receiving report (Copy 6 of GSA Form 300/300-1 or GSA 3025/3025A, Receiving Report) should be forwarded with the invoice to finance.

(3) When invoices are submitted directly to the Finance Division, contracting/ordering or other designated program offices will certify receipt and acceptance and authorize payment for supplies or services by completing copy 6 of GSA Form 300/300-1 or the GSA Form 3025/3025A, Receiving Report, in accordance with paragraph (c) (1) above and sending it to the appropriate finance division within 5 workdays after supplies or services are received and accepted.

016050

RECEIVED
U.S. ELECTION ASSISTANCE
COMMISSION

2005 NOV 18 PM 4:01

Standard Form 1034 September 1973 4 Treasury FRM 2000 1034-115		PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL			Voucher No. 0000-422-005
U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION Attn.: Ms. Dianna Scott, Administrative Officer U. S. Election Assistance Commission 1225 New York Avenue, N.W., Suite 1100 Washington D. C. 20005		DATE VOUCHER PREPARED 11/11/2005		SCHEDULE NO.	
		CONTRACT NUMBER AND DATE		PAID NO.	
		REQUISITION NUMBER AND DATE E40414127 05/24/05			
PAYEE'S [Rutgers, The State University] NAME Division of Grant and Contract Accounting AND 3 Rutgers Plaza ADDRESS New Brunswick, NJ 08901-8559 []		DATE INVOICE REC'D			
		DISCOUNT TERMS			
		PAYEE'S ACCT # 4-23473-4220-005			
		GOVERNMENT B/L #			
SHIPPED FROM TO		WEIGHT			
NUMBER AND DATE OF ORDER	DATE DELIVERY OR SERVICE	ARTICLES OR SERVICES (Enter description, item number of contract or Federal supply schedule, and other information deemed necessary)	QUAN- TITY	UNIT PRICE COST PER	AMOUNT
Cost Contract Voucher	9/01/05 To 9/30/05	AMOUNT OF THIS CLAIM " I certify that all payments are requested for the appropriate purpose and in accordance with the agreement set forth in the application and award documents." <i>Constance J. Bernheimer 11/15/05</i> Constance J. Bernheimer, Accounting Manager			52,474.65
(Use continuation sheet(s) if necessary. (Payee must NOT use the space below))				TOTAL	52,474.65
PAYMENT: APPROVED FOR		EXCHANGE RATE	DIFFERENCE		
[] COMPLETE		BY <i>[Signature]</i> 11/29-05			
[] PARTIAL		TITLE EAC RESEARCH MANAGER	AMOUNT VERIFIED; CORRECT FOR		
[] FINAL			(SIGNATURE OR INITIALS)		
[] PROGRESS					
[] ADVANCE					
PAID BY	CK NUMBER	ON TREASURER OF THE UNITED STATES	CHECK NUMBER	ON (Name in the back)	
	CASH	DATE	PAYEE (3)		
(1) WHEN STATED IN FOREIGN CURRENCY, INSERT NAME OF CURRENCY				PER	
(2) If the ability to certify and authority to approve are combined in one person, one signature only is necessary; otherwise the approving officer will sign in the space provided, over his official title.					
(3) When a voucher is receipted in the name of a company or corporation, the name of the person writing the company or corporation name, as well as the capacity in which he signs, must appear. For example: "John Doe Co., per John Smith, Secretary", or "Treasurer", as the case may be.				TITLE	

016051

Constance Bernheimer - 732-932-0165 ext 2235
bernheim@rc.rutgers.edu

Standard Form 1035
September 1973
4 TREASURY FORM 2000
1035-113

PUBLIC VOUCHER FOR PURCHASES AND
SERVICES OTHER THAN PERSONAL

0000-422-005
VOUCHER NO.
SCHEDULE NO.
2
SHEET NO.

CONTINUATION SHEET

U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT

NUMBER		DATE OF		ARTICLES OR SERVICES	
AND DATE OF ORDER	DELIVERY OR SERVICE	(Enter description, item number of contract of Federal supply schedule, and other information deemed necessary)		CURRENT	CUMULATIVE
		Rutgers, The State University Div. of Grant & Contract Accounting 3 Rutgers Plaza New Brunswick, NJ 08901-8559			
		Req. E40414127 dated 5/24/05.			
		SALARY		20,422.46	70,798.58
		FRINGE		4,991.66	14,378.61
				25,414.12	85,177.19
		TRAVEL		64.48	1,098.50
		SUPPLIES		442.18	10,295.16
		TELEPHONE		848.48	2,377.55
		SUBCONTRACT < \$25,000		0.00	0.00
		CONFERENCE & BUSINESS EXPENSE		0.00	948.74
		COMPUTER SERVICES		0.00	809.46
		CONSULT & OTHER SVCS		11,250.00	77,144.04
		TOTAL MTDC		38,019.26	177,850.64
		SUBCONTRACT >\$25,000		0.00	0.00
		EQUIPMENT		0.00	0.00
		REVENUE REVISIONS		0.00	0.00
		TOTAL DIRECT COSTS		38,019.26	177,850.64
		INDIRECT COST (55.5%, 54%)		14,455.40	81,231.16
		TOTAL EXPENDITURES		<u>52,474.65</u>	<u>259,081.81</u>

016052

Standard Form 1034 September 1973 4 Treasury FRM 2000 1034-115		PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL			Voucher No. 0000-422-005		
U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION Attn.: Ms. Dianna Scott, Administrative Officer U. S. Election Assistance Commission 1225 New York Avenue, N.W., Suite 1100 Washington D. C. 20005				DATE VOUCHER PREPARED 11/11/2005		SCHEDULE NO.	
				CONTRACT NUMBER AND DATE		PAID NO.	
				REQUISITION NUMBER AND DATE E40414127 05/24/05			
PAYEE'S NAME AND ADDRESS Rutgers, The State University Division of Grant and Contract Accounting 3 Rutgers Plaza New Brunswick, NJ 08901-8559				DATE INVOICE REC'D			
				DISCOUNT TERMS			
				PAYEE'S ACCT # 4-23473-4220-005			
				GOVERNMENT B/L #			
SHIPPED FROM TO WEIGHT							
NUMBER AND DATE OF ORDER	DATE DELIVERY OR SERVICE	ARTICLES OR SERVICES (Enter description, item number of contract or Federal supply schedule, and other information deemed necessary)			QUANTITY	UNIT PRICE COST PER	AMOUNT
Cost Contract Voucher	9/01/05 To 9/30/05	AMOUNT OF THIS CLAIM "I certify that all payments are requested for the appropriate purpose and in accordance with the agreement set forth in the application and award documents." <i>Constance J. Bornheimer 11/15/05</i> Constance J. Bornheimer, Accounting Manager					52,474.65
(Use continuation sheet(s) if necessary. (Payee must NOT use the space below))					TOTAL	52,474.65	
PAYMENT:	APPROVED FOR	EXCHANGE RATE			DIFFERENCE		
<input type="checkbox"/> COMPLETE		-\$1.00					
<input type="checkbox"/> PARTIAL	BY						
<input type="checkbox"/> FINAL							
<input type="checkbox"/> PROGRESS	TITLE			AMOUNT VERIFIED; CORRECT FOR			
<input type="checkbox"/> ADVANCE					(SIGNATURE OR INITIALS)		
COPY							
PAID BY	CK NUMBER	ON TREASURER OF THE UNITED STATES	CHECK NUMBER	ON (Name in the back)			
	CASH	DATE	PAYEE (3)				
(1) WHEN STATED IN FOREIGN CURRENCY, INSERT NAME OF CURRENCY					PER		
(2) If the ability to certify and authorize approve are combined in one person, one signature only is necessary; otherwise the approving officer will sign in the space provided, over his official title.							
(3) When a voucher is receipted in the name of a company or corporation, the name of the person writing the company or corporation name, as well as the capacity in which he signs, must appear. For example: "John Doe Co., per John Smith, Secretary", or "Treasurer", as the case may be.					TITLE		

~~016053~~
016053

Standard Form 1035 September 1973 TREASURY FORM 2000 1035-113	PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL	0000-422-005 VOUCHER NO.
CONTINUATION SHEET		SCHEDULE NO.
		2
U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT		SHEET NO.

NUMBER		DATE OF		ARTICLES OR SERVICES	
AND DATE OF ORDER	DELIVERY OR SERVICE	(Enter description, item number of contract of Federal supply schedule, and other information deemed necessary)			
		Rutgers, The State University Div. of Grant & Contract Accounting 3 Rutgers Plaza New Brunswick, NJ 08901-8559			
		Req. E40414127 dated 5/24/05.		CURRENT	CUMULATIVE
		SALARY		20,422.46	70,798.58
		FRINGE		4,991.66	14,378.61
				25,414.12	85,177.19
		TRAVEL		64.48	1,098.50
		SUPPLIES		442.18	10,295.16
		TELEPHONE		848.48	2,377.55
		SUBCONTRACT < \$25,000		0.00	0.00
		CONFERENCE & BUSINESS EXPENSE		0.00	948.74
		COMPUTER SERVICES		0.00	809.46
		CONSULT & OTHER SVCS		11,250.00	77,144.04
		TOTAL MTDC		38,019.26	177,850.64
		SUBCONTRACT >\$25,000		0.00	0.00
		EQUIPMENT		0.00	0.00
		REVENUE REVISIONS		0.00	0.00
		TOTAL DIRECT COSTS		38,019.26	177,850.64
		INDIRECT COST (55.5%, 54%)		14,455.40	81,231.16
		TOTAL EXPENDITURES		<u>52,474.65</u>	<u>259,081.81</u>

016054

NEAR INPUT TRANSMITTAL
(Prepare in triplicate. Forward original and one copy to the appropriate Finance Division)

CHECK APPROPRIATE OFFICE SYMBOL

<input type="checkbox"/>	6BCPG	<input type="checkbox"/>	6BCPF	<input type="checkbox"/>	6BCPM	<input type="checkbox"/>	6BCPI	<input type="checkbox"/>	6BCRG	<input type="checkbox"/>	6BCRF
<input type="checkbox"/>	6BCRC	<input type="checkbox"/>	6BCA	<input type="checkbox"/>	6BCAF	<input type="checkbox"/>	6BCAG	<input type="checkbox"/>	6BCE	<input type="checkbox"/>	6BCC
<input checked="" type="checkbox"/>	6BCEP	<input type="checkbox"/>	6BCY	<input type="checkbox"/>	7BCPL	<input type="checkbox"/>	7BCPP	<input type="checkbox"/>	7BCPC	<input type="checkbox"/>	7BCPK
<input type="checkbox"/>	7BCAX	<input type="checkbox"/>	7BCAP	<input type="checkbox"/>	7BCAK	<input type="checkbox"/>	7BCRK	<input type="checkbox"/>	7BCPR		
<input type="checkbox"/>	OTHER (Specify)										

THE FOLLOWING DOCUMENTS ARE TRANSMITTED HEREWITH:

DATE	SERIAL NUMBER	NUMBER OF DOCUMENTS EXCLUDING SUPPORTING DOCUMENTS
12/01/05		

ACT	LABEL	VENDOR/SOURCE	AMOUNT	EXPLANATION	
		CONNIE SCHMIDT		EFT FORM	
		BRITAIN J. WILLIAMS III		EFT FORM	
E4019795		BANKS, SHEILA A.	\$35.00	FORM 1164	
E4019791		ELECTION DATA SERVICES	\$5,000.00	CERTIFIED INVOICE STAMP	
E4019792		CAROL J. THOMAS REPORTING	\$943.00	CERTIFIED INVOICE STAMP	
E4019793		BENJAMIN OFFICE SUPPLIES	\$561.50	CERTIFIED INVOICE STAMP	
E4019794		STAPLES	\$793.86	CERTIFIED INVOICE STAMP	
E4014127		RUTGERS, THE STATE UNIV. OF NEW JERSEY	\$52,474.65	RPR	
E4019090		MURPHY, DANIEL M.	\$5,000.00	RPR	
E4019090		MURPHY, DANIEL M.	\$5,000.00	RPR	
E4019090		MURPHY, DANIEL M.	\$800.62	RPR	
E4019698		SEREBROV, JOB	\$7,215.00	RPR	
E4019721A		HIRE ONE	\$730.88	RPR	
E4019743		S&W CONTROLS, INC.	\$743.00	RPR	
E4019749		SNELLING PERSONNEL SERVICES	\$1,166.94	RPR	
E4019688		BRITAIN J. WILLIAMS III	\$126,000.00	GSA FORM 300	OBLIGATED FY05
E4019687		CONNIE SCHMIDT	\$126,000.00	GSA FORM 300	OBLIGATED FY05
E4019788		HILLMAN, GRACIA M.	\$310.00	TRAVEL AUTHORIZATION	
E4019790		MARTINEZ, RAY	\$1,006.39	TRAVEL AUTHORIZATION	
E4019654		JANIS, WOMACK	\$548.12	TRAVEL VOUCHER	

016055

AUTHORIZED SIGNATURE		TITLE	
DIANA M. SCOTT		ADMINISTRATIVE OFFICER	
SERVICE	OFFICE SYMBOL	TELEPHONE NUMBER	
ELECTION ASSISTANCE COMMISSION	EAC	(202) 566-3119	
SIGNATURE OF RECEIVING OFFICIAL - FINANCE		NUMBER DOCUMENTS RECEIVED	DATE RECEIVED

Finance 11/3 (Law)

ORDER FOR SUPPLIES AND SERVICES - RECEIVING REPORT

PAGE 1 OF 1 PAGES

1. DATE OF ORDER 05/24/05	2. ORDER NUMBER	3. CONTRACT NUMBER	4. ACT NUMBER E4014127
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IMPORTANT:

- This form must be received in the payment office within 5 workdays of acceptance.
- * Acceptance must take place within 7 calendar days of delivery or completion of work unless a different inspection/acceptance period is stated in the contract.
- * Invoices received must be time stamped to indicate the date of receipt. See reverse of this form for detailed instructions.

7. TO: CONTRACTOR (Name, address and zip code)
 Rutgers, The State University of New Jersey
 Office of Research and Sponsored Programs
 3 Rutgers Plaza
 New Brunswick, NJ 08901

Contact: Keith Osterhage (732) 932-0150

8. TYPE OF ORDER <input checked="" type="checkbox"/> A. PURCHASE	REFERENCE YOUR
Please furnish the following on the terms specified on both sides of the order and the attached sheets, if any, including	
<input type="checkbox"/> B. DELIVERY This delivery order is subject to instructions contained on this side only of this form and is issued subject to the terms and conditions of the above numbered contract	
C. MODIFICATION NO.	AUTHORITY FOR ISSUING
Except as provided herein, all terms and conditions of the original order, as heretofore modified, remain unchanged.	

9B. CHECK, IF APPROPRIATE <input type="checkbox"/> WITHHOLD 20%	REMARKS
MAXIMUM PAYMENT AMOUNT	103,207.33
LESS DEDUCTION(S) FOR NONPERFORMANCE, ETC. (Explain in remarks)	
MAXIMUM AMOUNT APPROVED FOR PAYMENT	103,207.33

20. SCHEDULE

ITEM NO. (A)	SUPPLIES OR SERVICES (B)	QUANTITY ORDERED (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	Under the authority of Public Law 107-252, dated October 29, 2002, establishing the U.S. Election Assistance Commission (EAC). Eagleton Institute of Politics proposal to provide research assistance to support development of guidelines on topics of provisional voting and voter identification procedures. See attached Eagleton proposal and EAC Statement of Work for description and details of specifics and requirements. TOTAL COST OF CONTRACT: \$560,002.00				

016056

CERTIFICATION OF RECEIPT/ACCEPTANCE

I certify that the above supplies and/or services have been: received on (Date) 09/01/05	TYPE OF DELIVERY (Mark "X" in appropriate box) <input type="checkbox"/> A. FULL <input checked="" type="checkbox"/> B. PARTIAL <input type="checkbox"/> C. FINAL PARTIAL	
	NAME AND TITLE (Type, print or stamp) GRACIA M. HILLMAN, CHAIR	OFFICE SYMBOL EAC
Accepted on (Date) 09/01/05	SIGNATURE <i>Gracia M. Hillman</i>	TELEPHONE NO. (202) 566-3100
		DATE SIGNED 11-03-05

GENERAL SERVICES ADMINISTRATION

6. RECEIVING REPORT - PAYING OFFICE

Certifying receipt and processing payments for procurements requiring a written purchase order
(GSA Form 300 or 300-1).

(1) When supplies or services are received, the contracting/ordering office or designated program office will certify receipt and acceptance and indicate the amount approved for payment on copy 6, Receiving Report, of GSA Form 300 or 300-1. When multiple deliveries/payments are required, additional copies of the receiving report (copy 6) may be reproduced or the GSA Form 3025 or 3025A Receiving Report, used to certify receipt and acceptance. Photocopies signatures will not be accepted on the receiving report.

NOTE: It is important that the date of receipt and the date of acceptance entered in the certification on the receiving report be accurate. Those dates are used to calculate the due date for payments and interest on overdue payments. The contracting/ordering officer or a designated representative should certify receipt and authorize payment by signing the certification on the receiving report.

(2) Invoices received by issuing offices or other designated program offices must be time stamped to indicate the date of receipt, checked to verify the arithmetic accuracy of the invoiced amount, and forwarded, within 5 workdays of receipt, to the appropriate Finance Division for payment. Copy 1 of the GSA Form 300/300-1 and a receiving report (Copy 6 of GSA Form 300/300-1 or GSA 3025/3025A, Receiving Report) should be forwarded with the invoice to finance.

(3) When invoices are submitted directly to the Finance Division, contracting/ordering or other designated program offices will certify receipt and acceptance and authorize payment for supplies or services by completing copy 6 of GSA Form 300/300-1 or the GSA Form 3025/3025A, Receiving Report, in accordance with paragraph (c) (1) above and sending it to the appropriate finance division within 5 workdays after supplies or services are received and accepted.

016057

Standard Form 1034 September 1973 4 Treasury FRM 2000 1034-115		PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL			Voucher No. 0000-422-004	
U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION Attn.: Ms. Dianna Scott, Administrative Officer U. S. Election Assistance Commission 1225 New York Avenue, N.W., Suite 1100 Washington D. C. 20005			DATE VOUCHER PREPARED 10/21/2005		SCHEDULE NO.	
			CONTRACT NUMBER AND DATE		PAID NO.	
			REQUISITION NUMBER AND DATE E40414127 05/24/05			
PAYEE'S NAME AND ADDRESS Rutgers, The State University Division of Grant and Contract Accounting 3 Rutgers Plaza New Brunswick, NJ 08901-8559			DATE INVOICE REC'D			
			DISCOUNT TERMS			
			PAYEE'S ACCT # 4-23473-4220-004			
			GOVERNMENT B/L #			
SHIPPED FROM TO WEIGHT						
NUMBER AND DATE OF ORDER	DATE DELIVERY OR SERVICE	ARTICLES OR SERVICES (Enter description, item number of contract or Federal supply schedule, and other information deemed necessary)	QUANTITY	UNIT PRICE COST PER		AMOUNT
Cost Contract Voucher	9/01/05 To 9/30/05	AMOUNT OF THIS CLAIM " I certify that all payments are requested for the appropriate purpose and in accordance with the agreement set forth in the application and award documents." <i>Constance J. Bornheimer</i> 10/21/05 Constance J. Bornheimer, Accounting Manager				103,207.33
(Use continuation sheet(s) if necessary) (Payee must NOT use the space below)				TOTAL		103,207.33
PAYMENT: APPROVED FOR		EXCHANGE RATE		DIFFERENCE		
1/02/05 [] COMPLETE BY <i>[Signature]</i>		-\$1.00				
[] PARTIAL						
[] FINAL						
[] PROGRESS				AMOUNT VERIFIED; CORRECT FOR		
[] ADVANCE		EAC Research Manager		(SIGNATURE OR INITIALS)		
PAID BY		CK NUMBER ON TREASURER OF THE UNITED STATES		CHECK NUMBER ON (Name in the back)		
		CASH DATE		PAYEE (3)		
(1) WHEN STATED IN FOREIGN CURRENCY, INSERT NAME OF CURRENCY				PER		
(2) If the ability to certify and authority to approve are combined in one person, one signature only is necessary; otherwise the approving officer will sign in the space provided, over his official title.						
(3) When a voucher is receipted in the name of a company or corporation, the name of the person writing the company or corporation name, as well as the capacity in which he signs, must appear. For example: "John Doe Co., per John Smith, Secretary", or "Treasurer", as the case may be.				TITLE		

U.S. GOVERNMENT PRINTING OFFICE: 1974 O-548-986

OCT 28 2005

016058

7102805-1436

Standard Form 1035 September 1973 4 TREASURY FORM 2000 1035-113	PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL	0000-422-004 VOUCHER NO.
CONTINUATION SHEET		SCHEDULE NO.
		2
U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT		SHEET NO.

NUMBER		DATE OF		ARTICLES OR SERVICES	
AND DATE OF ORDER	DELIVERY OR SERVICE	(Enter description, item number of contract of Federal supply schedule, and other information deemed necessary)		CURRENT	CUMULATIVE
		Rutgers, The State University Div. of Grant & Contract Accounting 3 Rutgers Plaza New Brunswick, NJ 08901-8559			
		Req. E40414127 dated 5/24/05.			
		SALARY		23,511.48	50,376.12
		FRINGE		5,167.36	9,386.96
				28,678.84	59,763.08
		TRAVEL		639.91	1,034.02
		SUPPLIES		1,619.45	9,852.98
		TELEPHONE		1,529.07	1,529.07
		SUBCONTRACT < \$25,000		0.00	0.00
		CONFERENCE & BUSINESS EXPENSE		948.74	948.74
		COMPUTER SERVICES		0.00	809.46
		CONSULT & OTHER SVCS		38,519.04	65,894.04
		TOTAL MTDC		71,935.05	139,831.39
		SUBCONTRACT >\$25,000		0.00	0.00
		EQUIPMENT		0.00	0.00
		REVENUE REVISIONS		0.00	0.00
		TOTAL DIRECT COSTS		71,935.05	139,831.39
		INDIRECT COST (55.5%, 54%)		31,272.29	66,775.77
		TOTAL EXPENDITURES		<u>103,207.33</u>	<u>206,607.15</u>

016059

ORDER FOR SUPPLIES AND SERVICES - RECEIVING REPORT

PAGE 1 OF 1 PAGES

1. DATE OF ORDER 05/24/05	2. ORDER NUMBER	3. CONTRACT NUMBER	4. ACT NUMBER E4014127
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IMPORTANT:

- * This form must be received in the payment office within 5 workdays of acceptance.
- * Acceptance must take place within 7 calendar days of delivery or completion of work unless a different inspection/acceptance period is stated in the contract.
- * Invoices received must be time stamped to indicate the date of receipt. See reverse of this form for detailed instructions.

<p>7. TO: CONTRACTOR (Name, address and zip code)</p> <p>Rutgers, The State University of New Jersey Office of Research and Sponsored Programs 3 Rutgers Plaza New Brunswick, NJ 08901</p> <p>Contact: Keith Osterhage (732) 932-0150</p>	<p>B. TYPE OF ORDER REFERENCE YOUR</p> <p><input checked="" type="checkbox"/> A. PURCHASE</p> <p>Please furnish the following on the terms specified on both sides of the order and the attached sheets, if any, including</p> <p><input type="checkbox"/> B. DELIVERY This delivery order is subject to instructions contained on this side only of this form and is issued subject to the terms and conditions of the above numbered contract</p> <p>C. MODIFICATION NO. AUTHORITY FOR ISSUING</p>
---	--

<p>9B. CHECK, IF APPROPRIATE</p> <p><input type="checkbox"/> WITHHOLD 20%</p>	<p>Except as provided herein, all terms and conditions of the original order, as heretofore modified, remain unchanged.</p>	
<p>REMARKS</p>		
<p>MAXIMUM PAYMENT AMOUNT</p>	<p>\$39,362.63</p>	
<p>LESS DEDUCTION(S) FOR NONPERFORMANCE, ETC. (Explain in remarks)</p>		
<p>MAXIMUM AMOUNT APPROVED FOR PAYMENT</p>	<p>\$39,362.63</p>	

20. SCHEDULE

ITEM NO. (A)	SUPPLIES OR SERVICES (B)	QUANTITY ORDERED (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	<p>Under the authority of Public Law 107-252, dated October 29, 2002, establishing the U.S. Election Assistance Commission (EAC). Eagleton Institute of Politics proposal to provide research assistance to support development of guidelines on topics of provisional voting and voter identification procedures. See attached Eagleton proposal and EAC Statement of Work for description and details of specifics and requirements.</p> <p>TOTAL COST OF CONTRACT: \$560,002.00</p>				016060

CERTIFICATION OF RECEIPT/ACCEPTANCE

<p>I certify that the above supplies and/or services have been:</p> <p>received on (Date) 5-31-06</p> <p>and accepted on (Date) 06-06-06</p>	<p>TYPE OF DELIVERY (Mark "X" in appropriate box)</p> <p><input type="checkbox"/> A. FULL <input checked="" type="checkbox"/> B. PARTIAL <input type="checkbox"/> C. FINAL PARTIAL</p> <p>NAME AND TITLE (Type, print or stamp) Thomas R. Wilkey, Executive Director</p> <p>SIGNATURE </p>	<p>OFFICE SYMBOL EAC</p> <p>TELEPHONE NO. 202/566-3100</p> <p>DATE SIGNED 6-7-06</p>
--	--	--

Certifying receipt and processing payments for procurements requiring a written purchase order
(GSA Form 300 or 300-1).

(1) When supplies or services are received, the contracting/ordering office or designated program office will certify receipt and acceptance and indicate the amount approved for payment on copy 6, Receiving Report, of GSA Form 300 or 300-1. When multiple deliveries/payments are required, additional copies of the receiving report (copy 6) may be reproduced or the GSA Form 3025 or 3025A Receiving Report, used to certify receipt and acceptance. Photocopies signatures will not be accepted on the receiving report.

NOTE: It is important that the date of receipt and the date of acceptance entered in the certification on the receiving report be accurate. Those dates are used to calculate the due date for payments and interest on overdue payments. The contracting/ordering officer or a designated representative should certify receipt and authorize payment by signing the certification on the receiving report.

(2) Invoices received by issuing offices or other designated program offices must be time stamped to indicate the date of receipt, checked to verify the arithmetic accuracy of the invoiced amount, and forwarded, within 5 workdays of receipt, to the appropriate Finance Division for payment. Copy 1 of the GSA Form 300/300-1 and a receiving report (Copy 6 of GSA Form 300/300-1 or GSA 3025/3025A, Receiving Report) should be forwarded with the invoice to finance.

(3) When invoices are submitted directly to the Finance Division, contracting/ordering or other designated program offices will certify receipt and acceptance and authorize payment for supplies or services by completing copy 6 of GSA Form 300/300-1 or the GSA Form 3025/3025A, Receiving Report, in accordance with paragraph (c) (1) above and sending it to the appropriate finance division within 5 workdays after supplies or services are received and accepted.

016061

RECEIVED
U.S. ELECTION ASSISTANCE
COMMISSION

2006 MAY 30 PM 5:18

Standard Form 1034 September 1973 4 Treasury FRM 2000 1034-115		PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL			Voucher No. 0000-422-009	
U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION Attn.: Ms. Dianna Scott, Administrative Officer U. S. Election Assistance Commission 1225 New York Avenue, N.W., Suite 1100 Washington D. C. 20005			DATE VOUCHER PREPARED 05/23/2006		SCHEDULE NO.	
			CONTRACT NUMBER AND DATE		PAID NO.	
			REQUISITION NUMBER AND DATE E40414127 05/24/05			
PAYEE'S [Rutgers, The State University of New Jersey] NAME Division of Grant and Contract Accounting AND 3 Rutgers Plaza ADDRESS New Brunswick, NJ 08901-8559 []			DATE INVOICE REC'D			
			DISCOUNT TERMS			
			PAYEE'S ACCT # 4-23473-4220-009			
			GOVERNMENT B/L #			
SHIPPED FROM TO		WEIGHT				
NUMBER AND DATE OF ORDER	DATE DELIVERY OR SERVICE	ARTICLES OR SERVICES (Enter description, item number of contract or Federal supply schedule, and other information deemed necessary)	QUAN- TITY	UNIT PRICE COST PER		AMOUNT
Cost Contract Voucher	03/01/06 To 04/30/06	AMOUNT OF THIS CLAIM " I certify that all payments are requested for the appropriate purpose and in accordance with the agreement set forth in the application and award documents." <i>Isabelle Amarhanow</i> Isabelle Amarhanow, Accounting Specialist				39,362.63
(Use continuation sheet(s) if necessary. (Payee must NOT use the space below))				TOTAL		39,362.63
PAYMENT: APPROVED FOR		EXCHANGE RATE		DIFFERENCE		
[] COMPLETE		-\$1.00				
[] PARTIAL		BY <i>[Signature]</i>				
[] FINAL		DATE 6/02/05				
[] PROGRESS		TITLE		AMOUNT VERIFIED; CORRECT FOR		
[] ADVANCE				(SIGNATURE OR INITIALS)		
PAID BY		CK NUMBER ON TREASURER OF THE UNITED STATES	CHECK NUMBER	ON (Name in the back)		
		CASH DATE	PAYEE (3)			
(1) WHEN STATED IN FOREIGN CURRENCY, INSERT NAME OF CURRENCY				PER		
(2) If the ability to certify and authority to approve are combined in one person, one signature only is necessary; otherwise the approving officer will sign in the space provided, over his official title.						
(3) When a voucher is receipted in the name of a company or corporation, the name of the person writing the company or corporation name, as well as the capacity in which he signs, must appear. For example: "John Doe Co., per John Smith, Secretary", or "Treasurer", as the case may be.				TITLE		

016062

Standard Form 1035 September 1973 U.S. TREASURY FORM 2000 1035-113 U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT	PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL CONTINUATION SHEET	0000-422-009 VOUCHER NO.
		SCHEDULE NO. 2
		SHEET NO.

NUMBER		DATE OF	ARTICLES OR SERVICES	
AND DATE OF ORDER	DELIVERY OR SERVICE		CURRENT 03/01/06-04/30/06	CUMULATIVE 5/24/05-04/30/06
		Rutgers, The State University of New Jersey Div. of Grant & Contract Accounting. 3 Rutgers Plaza New Brunswick, NJ 08901-8559 Req. E40414127 dated 5/24/05.		
		SALARY	4,254.00	118,359.80
		FRINGE	1,048.44	26,021.83
			5,302.44	144,381.63
		HONORARIA	3,000.00	3,000.00
		TRAVEL	940.33	2,243.15
		SUPPLIES, COPYING, POSTAGE	493.55	16,898.58
		TELEPHONE	556.43	5,304.13
		SUBCONTRACT < \$25,000	0.00	25,000.00
		CONFERENCE & BUSINESS EXPENSE	0.00	948.74
		COMPUTER SERVICES	75.00	884.46
		CONSULT & OTHER SVCS	-7,815.91	104,953.13
		TOTAL MTDC	2,551.84	303,613.82
		SUBCONTRACT > \$25,000	20,048.45	60,672.77
		OPTIONAL SURVEY	24,269.04	24,269.04
		REVENUE REVISIONS	0.00	0.00
		TOTAL DIRECT COSTS	46,869.33	386,555.63
		INDIRECT COST (55.5%, 54%)	(7,506.70)	121,021.09
		TOTAL EXPENDITURES	39,362.63	507,576.73

OK
 Research Manager
 6/2/06

016063

Project Title: EAC-Prov'l Voting/Voter ID
 Project Period: 5/24/05-06/30/2006
 Reporting Period: 03/01/06-04/30/06

EAC Contract No. E40414127
 Rutgers' Ref No. 423473
 PI: Ruth Mandel

Names of Individuals who receive salary, wages and payments under the consultant and other services line items.

Salaried Faculty and Staff

Tim Vercellotti

Amount	Time Frame
2,922.00	2/25/06-4/21/06
2,922.00	

Hourly Staff and Students

Dave Anderson

John Harris

	Hourly Rate
432.00	12.00
900.00	12.00
1,332.00	

Salary/Wage total

4,254.00

Consultants

Tom O'Neill - February

- March

- April

	Hourly Rate
6,562.50	
6,562.50	
3,328.13	
16,453.13	93.75

Consultants/Other Services Subtotal

There were no conference and business expenses this report period.

Adjustment

Optional Survey cost moved from "Consult & Other Srvs" line item to new Optional Survey line item.

Optional survey expense of \$24,269.04 dated 9/8/05 removed from F&A calculation at 54.0% rate.

\$24,269.04 (.54) = \$13,105.28. One time adjustment since F&A for Optional survey expense not included in approved budget.

016064

NEAR INPUT TRANSMITTAL
(Prepare in triplicate. Forward original and one copy to the appropriate Finance Division)

CHECK APPROPRIATE OFFICE SYMBOL

<input type="checkbox"/>	6BCPG	<input type="checkbox"/>	6BCPF	<input type="checkbox"/>	6BCPM	<input type="checkbox"/>	6BCPI	<input type="checkbox"/>	6BCRG	<input type="checkbox"/>	6BCRF
<input type="checkbox"/>	6BCRC	<input type="checkbox"/>	6BCA	<input type="checkbox"/>	6BCAF	<input type="checkbox"/>	6BCAG	<input type="checkbox"/>	6BCE	<input type="checkbox"/>	6BCC
<input checked="" type="checkbox"/>	6BCEP	<input type="checkbox"/>	6BCY	<input type="checkbox"/>	7BCPL	<input type="checkbox"/>	7BCPP	<input type="checkbox"/>	7BCPC	<input type="checkbox"/>	7BCPK
<input type="checkbox"/>	7BCAX	<input type="checkbox"/>	7BCAP	<input type="checkbox"/>	7BCAK	<input type="checkbox"/>	7BCRK	<input type="checkbox"/>	7BCPR		
<input type="checkbox"/>	OTHER (Specify)										

DATE	SERIAL NUMBER	NUMBER OF DOCUMENTS EXCLUDING SUPPORTING DOCUMENTS
06/07/2006		

THE FOLLOWING DOCUMENTS ARE TRANSMITTED HEREWITH:

ACT			
<u>LABEL</u>	<u>VENDOR/SOURCE</u>	<u>AMOUNT</u>	<u>EXPLANATION</u>
E4028515	DAVIDSON, DONETTA	\$53.00	FORM 1164
E4018506	CAROL J. THOMAS REPORTING	\$1,041.00	CERTIFIED INVOICE STAMP
E4028507	T-MOBILE	\$1,535.95	CERTIFIED INVOICE STAMP
E4028516	WASHINGTON EXPRESS	\$42.00	CERTIFIED INVOICE STAMP
E4028517	GRAHAM STAFFING SERVICES, INC.	\$1,320.00	CERTIFIED INVOICE STAMP
E4028518	CITIBANK #7662	\$24,016.64	CERTIFIED INVOICE STAMP
E4014127	RUTGERS, THE STATE UNIV OF NEW JERSEY	\$39,362.63	RPR
E4019743	S&W CONTROLS, INC.	\$743.00	RPR
E4019691	IFES	\$49,148.39	RPR
E4019999	IOWA SECRETARY OF STATE	\$3,243.04	RPR
E4028508	DELL MARKETING L.P.	\$535.88	GSA FORM 300
E4028509	H.R. COMMUNICATIONS	\$5,330.00	GSA FORM 300
E4028510	H.R. COMMUNICATIONS	\$12,610.00	GSA FORM 300
E4019958A	McGREGOR, KATHLEEN	\$811.40	TRAVEL AUTHORIZATION
E4019983B	DeGREGORIO, PAUL S.	\$2,660.60	TRAVEL AUTHORIZATION
E4028301A	HANCOCK, BRIAN J.	\$1,640.48	TRAVEL AUTHORIZATION
E4028303A	KWAN, COLLEEN S.	\$1,462.20	TRAVEL AUTHORIZATION
E4028441A	DAVIDSON, DONETTA	\$1,362.70	TRAVEL AUTHORIZATION
E4028503A	DeGREGORIO, PAUL S.	\$975.90	TRAVEL AUTHORIZATION
E4028511	DeGREGORIO, PAUL S.	\$801.39	TRAVEL AUTHORIZATION
E4028512	SCHMIDT, CONNIE	\$774.21	TRAVEL AUTHORIZATION
E4028513	LE, TUYET	\$396.00	TRAVEL AUTHORIZATION
E4028514	HER, LY LIEAN HER	\$396.00	TRAVEL AUTHORIZATION
E4019958A	McGREGOR, KATHLEEN	\$811.40	TRAVEL VOUCHER
E4019981	AMBROGI, ADAM	\$307.00	TRAVEL VOUCHER
E4028336	MARTINEZ, RAY	\$816.40	TRAVEL VOUCHER
E4028399	SCHMIDT, CONNIE	\$284.26	TRAVEL VOUCHER
E4028418	ROGERS, KATHY A.	\$218.26	TRAVEL VOUCHER

AUTHORIZED SIGNATURE

DIANA M. SCOTT
SERVICE

ELECTION ASSISTANCE COMMISSION
SIGNATURE OF RECEIVING OFFICIAL - FINANCE

OFFICE SYMBOL
EAC

TITLE

ADMINISTRATIVE OFFICER

TELEPHONE NUMBER

(202) 566-3119

NUMBER DOCUMENTS RECEIVED

DATE RECEIVED

016065

ORDER FOR SUPPLIES AND SERVICES - RECEIVING REPORT

PAGE 1 OF 1 PAGES

1. DATE OF ORDER 02/23/06	2. ORDER NUMBER	3. CONTRACT NUMBER	4. ACT NUMBER E4014127A
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IMPORTANT:

- * This form must be received in the payment office within 5 workdays of acceptance.
- * Acceptance must take place within 7 calendar days of delivery or completion of work unless a different inspection/acceptance period is stated in the contract.
- * Invoices received must be time stamped to indicate the date of receipt. See reverse of this form for detailed instructions.

7. TO: CONTRACTOR (Name, address and zip code)
Rutgers, The State University of New Jersey
Office of Research and Sponsored Programs
3 Rutgers Plaza
New Brunswick, NJ 08901

Contact: Keith Osterhage (732) 932-0150

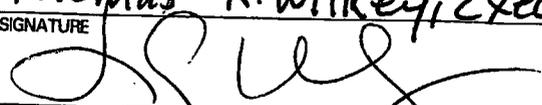
8. TYPE OF ORDER <input checked="" type="checkbox"/> A. PURCHASE	REFERENCE YOUR
Please furnish the following on the terms specified on both sides of the order and the attached sheets, if any, including	
<input type="checkbox"/> B. DELIVERY This delivery order is subject to instructions contained on this side only of this form and is issued subject to the terms and conditions of the above numbered contract	
C. MODIFICATION NO.	AUTHORITY FOR ISSUING 01 FAR 43.103(a)(3)
Except as provided herein, all terms and conditions of the original order, as heretofore modified, remain unchanged.	

MAXIMUM PAYMENT AMOUNT	\$113,249.99
LESS DEDUCTION(S) FOR NONPERFORMANCE, ETC. <i>(Explain in remarks)</i>	
MAXIMUM AMOUNT APPROVED FOR PAYMENT	\$113,249.99

9B. CHECK, IF APPROPRIATE
 WITHHOLD 20%
 REMARKS

ITEM NO. (A)	SUPPLIES OR SERVICES (B)	QUANTITY ORDERED (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	Under the authority of Public Law 107-252, dated October 29, 2002, establishing the U.S. Election Assistance Commission (EAC). Eagleton Institute of Politics proposal to provide research assistance to support development of guidelines on topics of provisional voting and voter identification procedures. See attached for description of this no-cost extension amendment. TOTAL COST OF CONTRACT: \$560,002.00				

CERTIFICATION OF RECEIPT/ACCEPTANCE

I certify that the above supplies and/or services have been:	TYPE OF DELIVERY (Mark "X" in appropriate box)		
	<input type="checkbox"/> A. FULL	<input checked="" type="checkbox"/> B. PARTIAL	<input type="checkbox"/> C. FINAL PARTIAL
Received on (Date)	NAME AND TITLE (Type, print or stamp)		
3-28-06	Thomas R. Wilkey, Executive Director		
and accepted on (Date)	SIGNATURE		
3-28-06			
	OFFICE SYMBOL		
	TELEPHONE NO.		
	DATE SIGNED		
	3-28-06		

Certifying receipt and processing payments for procurements requiring a written purchase order
(GSA Form 300 or 300-1).

(1) When supplies or services are received, the contracting/ordering office or designated program office will certify receipt and acceptance and indicate the amount approved for payment on copy 6, Receiving Report, of GSA Form 300 or 300-1. When multiple deliveries/payments are required, additional copies of the receiving report (copy 6) may be reproduced or the GSA Form 3025 or 3025A Receiving Report, used to certify receipt and acceptance. Photocopies signatures will not be accepted on the receiving report.

NOTE: It is important that the date of receipt and the date of acceptance entered in the certification on the receiving report be accurate. Those dates are used to calculate the due date for payments and interest on overdue payments. The contracting/ordering officer or a designated representative should certify receipt and authorize payment by signing the certification on the receiving report.

(2) Invoices received by issuing offices or other designated program offices must be time stamped to indicate the date of receipt, checked to verify the arithmetic accuracy of the invoiced amount, and forwarded, within 5 workdays of receipt, to the appropriate Finance Division for payment. Copy 1 of the GSA Form 300/300-1 and a receiving report (Copy 6 of GSA Form 300/300-1 or GSA 3025/3025A, Receiving Report) should be forwarded with the invoice to finance.

(3) When invoices are submitted directly to the Finance Division, contracting/ordering or other designated program offices will certify receipt and acceptance and authorize payment for supplies or services by completing copy 6 of GSA Form 300/300-1 or the GSA Form 3025/3025A, Receiving Report, in accordance with paragraph (c) (1) above and sending it to the appropriate finance division within 5 workdays after supplies or services are received and accepted.

016067

RECEIVED
U.S. ELECTION ASSISTANCE
COMMISSION

2006 MAR 28 AM 9:35

Standard Form 1034 September 1973 4 Treasury FRM 2000 1034-115		PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL			Voucher No. 0000-422-008	
U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION Attn.: Ms. Dianna Scott, Administrative Officer U. S. Election Assistance Commission 1225 New York Avenue, N.W., Suite 1100 Washington D. C. 20005			DATE VOUCHER PREPARED 03/21/2006		SCHEDULE NO.	
			CONTRACT NUMBER AND DATE		PAID NO.	
			REQUISITION NUMBER AND DATE E40414127 05/24/05			
PAYEE'S [Rutgers, The State University] NAME Division of Grant and Contract Accounting AND 3 Rutgers Plaza ADDRESS New Brunswick, NJ 08901-8559 []			DATE INVOICE REC'D			
			DISCOUNT TERMS			
			PAYEE'S ACCT # 4-23473-4220-008			
			GOVERNMENT B/L #			
SHIPPED FROM TO			WEIGHT			
NUMBER AND DATE OF ORDER	DATE DELIVERY OR SERVICE	ARTICLES OR SERVICES (Enter description, item number of contract or Federal supply schedule, and other information deemed necessary)	QUAN- TITY	UNIT PRICE COST PER		AMOUNT
Cost Contract Voucher	01/01/06 To 02/28/06	AMOUNT OF THIS CLAIM " I certify that all payments are requested for the appropriate purpose and in accordance with the agreement set forth in the application and award documents." <i>Constance J. Bornheimer 3/21/06</i> Constance J. Bornheimer, Accounting Manager				113,249.99
(Use continuation sheet(s) if necessary. (Payee must NOT use the space below))					TOTAL	113,249.99
PAYMENT:		APPROVED FOR	EXCHANGE RATE	DIFFERENCE		
[] COMPLETE		<i>[Signature]</i>	- \$1.00	[] PARTIAL		
[] FINAL				[] ADVANCE		
[] PROGRESS				AMOUNT VERIFIED/CORRECT FOR		
[] ADVANCE				(SIGNATURE OR INITIALS)		
PAID BY	CK NUMBER	ON TREASURER OF THE UNITED STATES	CHECK NUMBER	ON (Name in the back)		
	CASH	DATE	PAYEE (3)			
(1) WHEN STATED IN FOREIGN CURRENCY, INSERT NAME OF CURRENCY				PER		
(2) If the ability to certify and authority to approve are combined in one person, one signature only is necessary; otherwise the approving officer will sign in the space provided, over his official title.						
(3) When a voucher is receipted in the name of a company or corporation, the name of the person writing the company or corporation name, as well as the capacity in which he signs, must appear. For example: "John Doe Co., per John Smith, Secretary", or "Treasurer", as the case may be.				TITLE		

016068

Standard Form 1035 September 1973 4 TREASURY FORM 2000 1035-113	PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL	0000-422-008 VOUCHER NO.
CONTINUATION SHEET		SCHEDULE NO.
		2
U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT		SHEET NO.

NUMBER		DATE OF	ARTICLES OR SERVICES	
AND DATE OF ORDER	DELIVERY OR SERVICE			
		(Enter description, item number of contract of Federal supply schedule, and other information deemed necessary)		
		Rutgers, The State University Div. of Grant & Contract Accounting 3 Rutgers Plaza New Brunswick, NJ 08901-8559		
		Req. E40414127 dated 5/24/05.		
			CURRENT	CUMULATIVE
			01/01/06-02/28/06	5/24/05-02/28/06
		SALARY	14,311.00	114,105.80
		FRINGE	3,640.84	24,973.39
			17,951.84	139,079.19
		TRAVEL	0.00	1,302.82
		SUPPLIES	588.66	16,405.03
		TELEPHONE	534.61	4,747.70
		SUBCONTRACT < \$25,000	25,000.00	25,000.00
		CONFERENCE & BUSINESS EXPENSE	0.00	948.74
		COMPUTER SERVICES	0.00	809.46
		CONSULT & OTHER SVCS	6,750.00	112,769.04
		TOTAL MTDC	50,825.11	301,061.98
		SUBCONTRACT > \$25,000	38,624.32	38,624.32
		EQUIPMENT	0.00	0.00
		REVENUE REVISIONS	0.00	0.00
		TOTAL DIRECT COSTS	89,449.43	339,686.30
		INDIRECT COST (55.5%, 54%)	23,800.56	128,527.79
		TOTAL EXPENDITURES	<u>113,249.99</u>	<u>468,214.09</u>

016069

Project Title: EAC-Prov'I Voting/Voter ID
 Project Period: 5/24/05-03/31/2006
 Reporting Period: 01/01/06-02/28/06

EAC Contract No. E40414127
 Rutgers' Ref No. 423473
 PI: Ruth Mandel

Names of Individuals who receive salary, wages and payments under the consultant and other services line items.

Salaried Faculty and Staff

	Amount	Time Frame
Ruth Mandel	3,000.00	1/3/06-2/24/06
Joanne Pfeiffer	600.00	1/3/06-2/24/06
Linda Phillips	175.00	1/3/06-2/24/06
Tim Vercellotti	2,922.00	1/3/06-2/24/06
John Weingart	3,200.00	1/3/06-2/24/06
Michele Brody	350.00	1/3/06-2/24/06
	10,247.00	

Hourly Staff and Students

	Amount	Hourly Rate
Johanna Dobrich	84.00	12.00
John Harris	180.00	12.00
Don Linky	1,200.00	37.50
Ingrid Reed	2,600.00	40.00
	4,064.00	

Salary/Wage total

14,311.00

Consultants

	Amount	Hourly Rate
Tom O'Neill - January Invoice	6,750.00	93.75

Consultants/Other service Subtotal

6,750.00

There were no conference and business expenses this report period.

016070

NEAR INPUT TRANSMITTAL
(Prepare in triplicate. Forward original and one copy to the appropriate Finance Division)

CHECK APPROPRIATE OFFICE SYMBOL

<input type="checkbox"/> 6BCPG	<input type="checkbox"/> 6BCPF	<input type="checkbox"/> 6BCPM	<input type="checkbox"/> 6BCPI	<input type="checkbox"/> 6BCRG	<input type="checkbox"/> 6BCRF
<input type="checkbox"/> 6BCRC	<input type="checkbox"/> 6BCA	<input type="checkbox"/> 6BCAF	<input type="checkbox"/> 6BCAG	<input type="checkbox"/> 6BCE	<input type="checkbox"/> 6BCC
<input checked="" type="checkbox"/> 6BCEP	<input type="checkbox"/> 6BCY	<input type="checkbox"/> 7BCPL	<input type="checkbox"/> 7BCPP	<input type="checkbox"/> 7BCPC	<input type="checkbox"/> 7BCPK
<input type="checkbox"/> 7BCAX	<input type="checkbox"/> 7BCAP	<input type="checkbox"/> 7BCAK	<input type="checkbox"/> 7BCRK	<input type="checkbox"/> 7BCPR	
<input type="checkbox"/> OTHER (Specify)					

THE FOLLOWING DOCUMENTS ARE TRANSMITTED HEREWITH:	DATE	SERIAL NUMBER	NUMBER OF DOCUMENTS EXCLUDING SUPPORTING DOCUMENTS
	03/29/2006		

ACT			
LABEL	VENDOR/SOURCE	AMOUNT	EXPLANATION
E4019963	WILKEY, THOMAS R.	\$60.00	FORM 1164
E4019960	FEDEX	\$178.38	CERTIFIED INVOICE STAMP
E4019961	STAPLES	\$1,306.06	CERTIFIED INVOICE STAMP
E4014127A	RUTGERS, THE STATE UNIV. OF NEW JERSEY	\$113,249.99	RPR
E4019685	AIGA	\$28,817.85	RPR
E4019830D	HR COMMUNICATIONS, LTD	\$5,995.00	RPR
E4019910A	HILLMAN, GRACIA M.	\$2,071.77	TRAVEL AUTHORIZATION
E4019951	CHAPIN, DOUG	\$1,231.95	TRAVEL AUTHORIZATION
E4019952	PEREZ, J. R.	\$1,062.70	TRAVEL AUTHORIZATION
E4019953	HOLLARN, PATRICIA M.	\$1,330.19	TRAVEL AUTHORIZATION
E4019954	LUPIA, ARTHUR W.	\$911.61	TRAVEL AUTHORIZATION
E4019955	WITTMAN, BRADLEY S.	\$1,074.19	TRAVEL AUTHORIZATION
E4019956	CRAFT, PAUL	\$300.00	TRAVEL AUTHORIZATION
E4019957	FREEMAN, STEVEN V.	\$300.00	TRAVEL AUTHORIZATION
E4019958	McGREGOR, KATHLEEN	\$652.20	TRAVEL AUTHORIZATION
E4019959	WILLIAMS III, BRITAIN JOEL	\$350.00	TRAVEL AUTHORIZATION
E4019910A	HILLMAN, GRACIA M.	\$1,282.57	TRAVEL VOUCHER
E4019911	DeGREGORIO, PAUL S.	\$577.88	TRAVEL VOUCHER

016071

AUTHORIZED SIGNATURE		TITLE	
DIANA M. SCOTT		ADMINISTRATIVE OFFICER	
SERVICE	OFFICE SYMBOL	TELEPHONE NUMBER	
LECTION ASSISTANCE COMMISSION	EAC	(202) 566-3119	
SIGNATURE OF RECEIVING OFFICIAL - FINANCE		NUMBER DOCUMENTS RECEIVED	DATE RECEIVED

ORDER FOR SUPPLIES AND SERVICES - RECEIVING REPORT

PAGE 1 OF 1 PAGES

1. DATE OF ORDER 02/23/06	2. ORDER NUMBER	3. CONTRACT NUMBER	4. ACT NUMBER E4014127A
------------------------------	-----------------	--------------------	----------------------------

IMPORTANT:

- * This form must be received in the payment office within 5 workdays of acceptance.
- * Acceptance must take place within 7 calendar days of delivery or completion of work unless a different inspection/acceptance period is stated in the contract.
- * Invoices received must be time stamped to indicate the date of receipt. See reverse of this form for detailed instructions.

7. TO: CONTRACTOR (Name, address and zip code)
Rutgers, The State University of New Jersey
Office of Research and Sponsored Programs
3 Rutgers Plaza
New Brunswick, NJ 08901

Contact: Keith Osterhage (732) 932-0150

8. TYPE OF ORDER	REFERENCE YOUR
<input checked="" type="checkbox"/> A. PURCHASE	
Please furnish the following on the terms specified on both sides of the order and the attached sheets, if any, including	
<input type="checkbox"/> B. DELIVERY	
This delivery order is subject to instructions contained on this side only of this form and is issued subject to the terms and conditions of the above numbered contract	
C. MODIFICATION NO.	AUTHORITY FOR ISSUING
	01 FAR 43.103(a)(3)
Except as provided herein, all terms and conditions of the original order, as heretofore modified, remain unchanged.	

MAXIMUM PAYMENT AMOUNT	\$113,249.99
LESS DEDUCTION(S) FOR NONPERFORMANCE, ETC. <i>(Explain in remarks)</i>	
MAXIMUM AMOUNT APPROVED FOR PAYMENT	\$113,249.99

9B. CHECK, IF APPROP
 WITHHOLD 20%

REMARKS

20. SCHEDULE

ITEM NO. (A)	SUPPLIES OR SERVICES (B)	QUANTITY ORDERED (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	Under the authority of Public Law 107-252, dated October 29, 2002, establishing the U.S. Election Assistance Commission (EAC). Eagleton Institute of Politics proposal to provide research assistance to support development of guidelines on topics of provisional voting and voter identification procedures. See attached for description of this no-cost extension amendment.				016072
	TOTAL COST OF CONTRACT: \$560,002.00				

CERTIFICATION OF RECEIPT/ACCEPTANCE

I certify that the above supplies and/or services have been:	TYPE OF DELIVERY (Mark "X" in appropriate box)	
received on (Date)	<input type="checkbox"/> A. FULL	<input checked="" type="checkbox"/> B. PARTIAL
and accepted on (Date)	<input type="checkbox"/> C. FINAL PARTIAL	
-28-06	NAME AND TITLE (Type, print or stamp)	
3-28-06	Thomas R. Wilkey, Executive Director	
	SIGNATURE	OFFICE SYMBOL
		TELEPHONE NO.
		DATE SIGNED
		3-28-06

Certifying receipt and processing payments for procurements requiring a written purchase order
(GSA Form 300 or 300-1).

(1) When supplies or services are received, the contracting/ordering office or designated program office will certify receipt and acceptance and indicate the amount approved for payment on copy 6, Receiving Report, of GSA Form 300 or 300-1. When multiple deliveries/payments are required, additional copies of the receiving report (copy 6) may be reproduced or the GSA Form 3025 or 3025A Receiving Report, used to certify receipt and acceptance. Photocopies signatures will not be accepted on the receiving report.

NOTE: It is important that the date of receipt and the date of acceptance entered in the certification on the receiving report be accurate. Those dates are used to calculate the due date for payments and interest on overdue payments. The contracting/ordering officer or a designated representative should certify receipt and authorize payment by signing the certification on the receiving report.

(2) Invoices received by issuing offices or other designated program offices must be time stamped to indicate the date of receipt, checked to verify the arithmetic accuracy of the invoiced amount, and forwarded, within 5 workdays of receipt, to the appropriate Finance Division for payment. Copy 1 of the GSA Form 300/300-1 and a receiving report (Copy 6 of GSA Form 300/300-1 or GSA 3025/3025A, Receiving Report) should be forwarded with the invoice to finance.

(3) When invoices are submitted directly to the Finance Division, contracting/ordering or other designated program offices will certify receipt and acceptance and authorize payment for supplies or services by completing copy 6 of GSA Form 300/300-1 or the GSA Form 3025/3025A, Receiving Report, in accordance with paragraph (c) (1) above and sending it to the appropriate finance division within 5 workdays after supplies or services are received and accepted.

016073

RECEIVED
U.S. ELECTION ASSISTANCE
COMMISSION

2006 MAR 28 AM 9:35

Standard Form 1034 September 1973 4 Treasury FRM 2000 1034-115		PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL			Voucher No. 0000-422-008			
U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION Attn.: Ms. Dianna Scott, Administrative Officer U. S. Election Assistance Commission 1225 New York Avenue, N.W., Suite 1100 Washington D. C. 20005			DATE VOUCHER PREPARED 03/21/2006		SCHEDULE NO.			
			CONTRACT NUMBER AND DATE		PAID NO.			
			REQUISITION NUMBER AND DATE E40414127 05/24/05					
PAYEE'S NAME AND ADDRESS [Rutgers, The State University] [Division of Grant and Contract Accounting] [3 Rutgers Plaza] [New Brunswick, NJ 08901-8559]			DATE INVOICE REC'D		DISCOUNT TERMS			
			PAYEE'S ACCT # 4-23473-4220-008		GOVERNMENT B/L #			
			SHIPPED FROM		TO		WEIGHT	
			NUMBER AND DATE OF ORDER		DATE DELIVERY OR SERVICE		ARTICLES OR SERVICES (Enter description, item number of contract or Federal supply schedule, and other information deemed necessary)	
Cost Contract Voucher		01/01/06 To 02/28/06		AMOUNT OF THIS CLAIM " I certify that all payments are requested for the appropriate purpose and in accordance with the agreement set forth in the application and award documents." <i>Constance J. Bornheimer 3/21/06</i> Constance J. Bornheimer, Accounting Manager		QUANTITY UNIT PRICE COST PER AMOUNT 113,249.99		
(Use continuation sheet(s) if necessary. (Payee must NOT use the space below))				TOTAL		113,249.99		
PAYMENT: APPROVED FOR		EXCHANGE RATE		DIFFERENCE				
<input type="checkbox"/> COMPLETE		-\$1.00						
<input type="checkbox"/> PARTIAL								
<input type="checkbox"/> FINAL								
<input type="checkbox"/> PROGRESS								
<input type="checkbox"/> ADVANCE								
BY <i>[Signature]</i> Rescord, Mgr 3/28/06				AMOUNT VERIFIED; CORRECT FOR		(SIGNATURE OR INITIALS)		
PAID BY		CK NUMBER ON TREASURER OF THE UNITED STATES		CHECK NUMBER		ON (Name in the back)		
		CASH DATE		PAYEE (3)				
(1) WHEN STATED IN FOREIGN CURRENCY, INSERT NAME OF CURRENCY						PER		
(2) If the ability to certify and authority to approve are combined in one person, one signature only is necessary; otherwise the approving officer will sign in the space provided over his official title.								
(3) When a voucher is receipted in the name of a company or corporation, the name of the person writing the company or corporation name, as well as the capacity in which he signs, must appear. For example: "John Doe Co., per John Smith, Secretary", or "Treasurer", as the case may be.						TITLE		

016074

Standard Form 1035 September 1973 4 TREASURY FORM 2000 1035-113	PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL	0000-422-008
		VOUCHER NO.
		SCHEDULE NO. 2
CONTINUATION SHEET		SHEET NO.
U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT		

NUMBER		DATE OF	ARTICLES OR SERVICES	
AND DATE OF ORDER	DELIVERY OR SERVICE			
		Rutgers, The State University Div. of Grant & Contract Accounting 3 Rutgers Plaza New Brunswick, NJ 08901-8559 Req. E40414127 dated 5/24/05.		
			CURRENT 01/01/06-02/28/06	CUMULATIVE 5/24/05-02/28/06
		SALARY	14,311.00	114,105.80
		FRINGE	3,640.84	24,973.39
			17,951.84	139,079.19
		TRAVEL	0.00	1,302.82
		SUPPLIES	588.66	16,405.03
		TELEPHONE	534.61	4,747.70
		SUBCONTRACT < \$25,000	25,000.00	25,000.00
		CONFERENCE & BUSINESS EXPENSE	0.00	948.74
		COMPUTER SERVICES	0.00	809.46
		CONSULT & OTHER SVCS	6,750.00	112,769.04
		TOTAL MTDC	50,825.11	301,061.98
		SUBCONTRACT >\$25,000	38,624.32	38,624.32
		EQUIPMENT	0.00	0.00
		REVENUE REVISIONS	0.00	0.00
		TOTAL DIRECT COSTS	89,449.43	339,686.30
		INDIRECT COST (55.5%, 54%)	23,800.56	128,527.79
		TOTAL EXPENDITURES	<u>113,249.99</u>	<u>468,214.09</u>

016075

Project Title: EAC-Prov'l Voting/Voter ID
 Project Period: 5/24/05-03/31/2006
 Reporting Period: 01/01/06-02/28/06

EAC Contract No. E40414127
 Rutgers' Ref No. 423473
 PI: Ruth Mandel

Names of Individuals who receive salary, wages and payments under the consultant and other services line items.

Salaried Faculty and Staff

	Amount	Time Frame
Ruth Mandel	3,000.00	1/3/06-2/24/06
Joanne Pfeiffer	600.00	1/3/06-2/24/06
Linda Phillips	175.00	1/3/06-2/24/06
Tim Vercellotti	2,922.00	1/3/06-2/24/06
John Weingart	3,200.00	1/3/06-2/24/06
Michele Brody	350.00	1/3/06-2/24/06
	10,247.00	

Hourly Staff and Students

	Amount	Hourly Rate
Johanna Dobrich	84.00	12.00
John Harris	180.00	12.00
Don Linky	1,200.00	37.50
Ingrid Reed	2,600.00	40.00
	4,064.00	

Salary/Wage total

14,311.00

Consultants

	Amount	Hourly Rate
Tom O'Neill - January Invoice	6,750.00	93.75

Consultants/Other service Subtotal

6,750.00

There were no conference and business expenses this report period.

016076

NEAR INPUT TRANSMITTAL
(Prepare in triplicate. Forward original and one copy to the appropriate Finance Division)

CHECK APPROPRIATE OFFICE SYMBOL

<input type="checkbox"/> 6BCPG	<input type="checkbox"/> 6BCPF	<input type="checkbox"/> 6BCPM	<input type="checkbox"/> 6BCPI	<input type="checkbox"/> 6BCRG	<input type="checkbox"/> 6BCRF
<input type="checkbox"/> 6BCRC	<input type="checkbox"/> 6BCA	<input type="checkbox"/> 6BCAF	<input type="checkbox"/> 6BCAG	<input type="checkbox"/> 6BCE	<input type="checkbox"/> 6BCC
<input checked="" type="checkbox"/> 6BCEP	<input type="checkbox"/> 6BCY	<input type="checkbox"/> 7BCPL	<input type="checkbox"/> 7BCPP	<input type="checkbox"/> 7BCPC	<input type="checkbox"/> 7BCPK
<input type="checkbox"/> 7BCAX	<input type="checkbox"/> 7BCAP	<input type="checkbox"/> 7BCAK	<input type="checkbox"/> 7BCRK	<input type="checkbox"/> 7BCPR	
<input type="checkbox"/> OTHER (Specify)					

DATE	SERIAL NUMBER	NUMBER OF DOCUMENTS EXCLUDING SUPPORTING DOCUMENTS
03/29/2006		▶

THE FOLLOWING DOCUMENTS ARE TRANSMITTED HEREWITH:

ACT			
LABEL	VENDOR/SOURCE	AMOUNT	EXPLANATION
E4019963	WILKEY, THOMAS R.	\$60.00	FORM 1164
E4019960	FEDEX	\$178.38	CERTIFIED INVOICE STAMP
E4019961	STAPLES	\$1,306.06	CERTIFIED INVOICE STAMP
E4014127A	RUTGERS, THE STATE UNIV. OF NEW JERSEY	\$113,249.99	RPR
E4019685	AIGA	\$28,817.85	RPR
E4019830D	HR COMMUNICATIONS, LTD	\$5,995.00	RPR
E4019910A	HILLMAN, GRACIA M.	\$2,071.77	TRAVEL AUTHORIZATION
E4019951	CHAPIN, DOUG	\$1,231.95	TRAVEL AUTHORIZATION
E4019952	PEREZ, J. R.	\$1,062.70	TRAVEL AUTHORIZATION
E4019953	HOLLARN, PATRICIA M.	\$1,330.19	TRAVEL AUTHORIZATION
E4019954	LUPIA, ARTHUR W.	\$911.61	TRAVEL AUTHORIZATION
E4019955	WITTMAN, BRADLEY S.	\$1,074.19	TRAVEL AUTHORIZATION
E4019956	CRAFT, PAUL	\$300.00	TRAVEL AUTHORIZATION
E4019957	FREEMAN, STEVEN V.	\$300.00	TRAVEL AUTHORIZATION
E4019958	McGREGOR, KATHLEEN	\$652.20	TRAVEL AUTHORIZATION
E4019959	WILLIAMS III, BRITAIN JOEL	\$350.00	TRAVEL AUTHORIZATION
E4019910A	HILLMAN, GRACIA M.	\$1,282.57	TRAVEL VOUCHER
E4019911	DeGREGORIO, PAUL S.	\$577.88	TRAVEL VOUCHER

016077

AUTHORIZED SIGNATURE		TITLE	
DIANA M. SCOTT		ADMINISTRATIVE OFFICER	
SERVICE	OFFICE SYMBOL	TELEPHONE NUMBER	
ELECTION ASSISTANCE COMMISSION	EAC	(202) 566-3119	
SIGNATURE OF RECEIVING OFFICIAL - FINANCE		NUMBER DOCUMENTS RECEIVED	DATE RECEIVED

ORDER FOR SUPPLIES AND SERVICES

IMPORTANT: See instructions in GSAR 553.370-300-1 for distribution

PAGE 1 OF 1 PAGES

1. DATE OF ORDER: 02/23/06
 2. ORDER NUMBER: [Blank]
 3. CONTRACT NUMBER: [Blank]
 4. ACT NUMBER: E4014127A

5. ACCOUNTING CLASSIFICATION

FUND: 8035	ORG CODE: TZM9110	B/A CODE: 10	O/C CODE: 25
FUNC CODE: 000	C/E CODE: 516	PROJ./PROS. NO.:	CC-A:
W/ITEM:	CC-B:	PRT./CRFT:	

6. FINANCE DIVISION

AC:	SS:	VENDOR NAME:
MDL:	FI:	G/L DEBT:
AI:	LC:	DISCOUNT:

7. TO: CONTRACTOR (Name, address and zip code)
Rutgers, The State University of New Jersey
Office of Research and Sponsored Programs
3 Rutgers Plaza
New Brunswick, NJ 08901

Contact: Keith Osterhage (732) 932-0150

8. TYPE OF ORDER REFERENCE YOUR

A. PURCHASE
 Please furnish the following on the terms specified on both sides of the order and the attached sheets, if any, including delivery as indicated.

B. DELIVERY
 This delivery order is subject to instructions contained on this side only of this form and is issued subject to the terms and conditions of the above numbered contract

C. MODIFICATION NO. AUTHORITY FOR ISSUING
 01 FAR 43.103(a)(3)

9A. EMPLOYER'S IDENTIFICATION NUMBER: 22-600-1086 (NAICS 61131-Not for Profit Public Institution)

9B. CHECK, IF APPROPRIATE
 WITHHOLD 20%

10A. CLASSIFICATION

A. SMALL BUSINESS
 B. OTHER THAN SMALL BUSINESS
 C. SMALL DISADVANTAGED
 D. SMALL WOMEN-OWNED

10B. TYPE OF BUSINESS ORGANIZATION

A. CORPORATION
 B. PARTNER-SHIP
 C. SOLE

11. ISSUING OFFICE (Address, zip code, and telephone no.)
Election Assistance Commission
1225 New York Ave., NW, Suite 1100
Washington, DC 20005
(202) 566-3100

12. REMITTANCE ADDRESS (MANDATORY)
 Remittance via EFT

13. SHIP TO (Consignee address, zip code and telephone no.)
Election Assistance Commission
1225 New York Ave., NW, Suite 1100
Washington, DC 20005
(202) 566-3100

14. PLACE OF INSPECTION AND ACCEPTANCE
 AC, 1225 NY Ave., Suite 1100, Washington, DC 20005

15. REQUISITION OFFICE (Name, symbol and telephone no.)
 Election Assistance Commission

16. F.O.B. POINT
 Destination

17. GOVERNMENT B/L NO.

18. DELIVERY F.O.B. POINT ON OR BEFORE
 01/26/06

19. PAYMENT/DISCOUNT TERMS
 Net 30

20. SCHEDULE

ITEM NO. (A)	SUPPLIES OR SERVICES (B)	QUANTITY ORDERED (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	Under the authority of Public Law 107-252, dated October 29, 2002, establishing the U.S. Election Assistance Commission (EAC). Eagleton Institute of Politics proposal to provide research assistance to support development of guidelines on topics of provisional voting and voter identification procedures. See attached for description of this no-cost extension amendment.				
	TOTAL COST OF CONTRACT: \$560,002.00				016078

21. RECEIVING OFFICE (Name, symbol and telephone no.)
U.S. Election Assistance Commission (202) 566-3100

TOTAL FROM 300-A(s) 560,002.00

22. SHIPPING POINT

23. GROSS SHIP WT. GRAND TOTAL 560,002.00

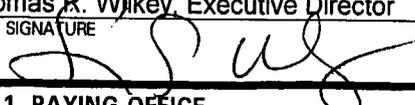
24. MAIL INVOICE TO: (Include zip code)
 General Services Administration (FUND)
Election Assistance Commission
1225 New York Ave., NW, Suite 1100
Washington, DC 20005

25A. FOR INQUIRIES REGARDING PAYMENT CONTACT:
Diana Scott

25B. TELEPHONE NO.
(202) 566-3100

26A. NAME OF CONTRACTING/ORDERING OFFICER (Type)
Thomas R. Wilkey, Executive Director

26B. TELEPHONE NO.
(202) 566-3100

26C. SIGNATURE


PURCHASE ORDER TERMS AND CONDITIONS

552.229-70 FEDERAL, STATE, AND LOCAL TAXES (APR 1984)

The contract price includes all applicable Federal, State, and local taxes. No adjustment will be made to cover taxes which may subsequently be imposed on this transaction or changes in the rates of currently applicable taxes. However, the Government will, upon the request of the Contractor, furnish evidence appropriate to establish exemption from any tax from which the Government is exempt and which was not included in the contract price.

552.210-79 PACKING LIST (DEC 1989)

(a) A packing list or other suitable shipping document shall accompany each shipment and shall indicate (1) Name and address of consignor; (2) Name and address of consignee; (3) Government order or requisition number; (4) Government bill of lading number covering the shipment (if any); and (5) Description of the material shipped, including item number, quantity, number of containers, and package number (if any).

(b) When payment will be made by Government commercial credit card, in addition to the information in (a) above, the packing list or shipping document shall include: (1) Cardholder name and telephone number and (2) the term "Credit Card".

52.232-1 PAYMENTS (APR 1984)

The Government shall pay the Contractor, upon the submission of proper invoices or vouchers, the prices stipulated in this contract for supplies delivered and accepted or services rendered and accepted, less any deductions provided in this contract. Unless otherwise specified in this contract, payment shall be made on partial deliveries accepted by the Government if: (a) The amount due on the deliveries warrants it; or (b) The Contractor requests it and the amount due on the deliveries is at least \$1,000 or 50 percent of the total contract price.

52.232-8 DISCOUNTS FOR PROMPT PAYMENT (APR 1989)

(a) Discounts for prompt payment will not be considered in the evaluation of offers. However, any offered discount will form a part of the award, and will be taken if payment is made within the discount period indicated in the offer by the offeror. As an alternative to offering a prompt payment discount in conjunction with the offer, offerors awarded contracts may include prompt payment discounts on individual invoices.

(b) In connection with any discount offered for prompt payment, time shall be computed from the date of the invoice. For the purpose of computing the discount earned, payment shall be considered to have been made on the date which appears on the payment check or the date on which an electronic funds transfer was made.

PROMPT PAYMENT

Prompt Payment clause 52.232-25 is incorporated in this contract by reference. The clause contains information on payment due date, invoice requirements, constructive acceptance and interest penalties. Certain portions of the clause regarding payment due date, invoice requirements, and constructive acceptance have been extracted for your convenience. All days referred to in the extracts below are calendar days.

(a)(2) . . . The due date for making invoice payments by the designated payment office shall be the later of the following two events:

- (i) The 30th day after the designated billing office has received a proper invoice from the Contractor.
- (ii) The 30th day after Government acceptance of supplies delivered or services performed by the Contractor . . .

(a)(4) . . . An invoice shall be prepared and submitted to the designated billing office specified in the contract. A proper invoice must include the items listed in . . . (i) through . . . (viii) . . . If the invoice does not comply with these requirements, then the Contractor will be notified of the defect within 7 days after receipt of the invoice at the designated billing office . . . Untimely notification will be taken into account in the computation of any interest penalty owed the Contractor . . .

- (i) Name and address of the Contractor.
- (ii) Invoice date.
- (iii) Contract number or other authorization for supplies delivered or services performed (including order number and contract line item number).
- (iv) Description, quantity, unit of measure, unit price, and extended price of supplies delivered or services performed.
- (v) Shipping and payment terms (e.g., shipment number and date of shipment, prompt payment discount terms), Bill of lading number and weight of shipment will be shown for shipments on Government bills of lading.
- (vi) Name and address of Contractor official to whom payment is to be sent (must be the same as that in the contract or in a proper notice of assignment).
- (vii) Name (where practicable), title, phone number, and mailing address of person to be notified in event of a defective invoice.

NOTE: Invoices must include the ACT number (block 4) and shall be submitted in an original only, unless otherwise specified, to the billing office designated in block 24 to receive invoices. The "remittance to" address must correspond to the remittance address in block 12.

(a)(6)(i) For the sole purpose of computing an interest penalty that might be due the Contractor, Government acceptance shall be deemed to have occurred constructively on the 7th day (unless otherwise specified in block 20) after the Contractor delivered the supplies or performed the services in accordance with the terms and conditions of the contract, unless there is a disagreement over quantity, quality or contractor compliance with a contract provision . . .

52.222-40 SERVICE CONTRACT ACT OF 1965, AS AMENDED - - CONTRACTS OF \$2,500 OR LESS (MAY 1989)

Except to the extent that an exception, variation, or tolerance would apply if this contract were in excess of \$2,500, the Contractor and any subcontractor shall pay all employees working on the contract not less than the minimum wage specified under Section 6 a) (1) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201-206). Regulations and interpretations of the Service Contract Act of 1965 are contained in 29 CFR Part 4.

52.222-41 SERVICE CONTRACT ACT OF 1965, AS AMENDED (MAY 1989)

52.222-42 STATEMENT OF EQUIVALENT RATES FOR FEDERAL HIRES (MAY 1989)
(52.222-41 and 52.222-42 apply to service contracts when the amount exceeds \$2,500).

The GSA Form 2166, Service Contract Act of 1965 and Statement of Equivalent Rates for Federal Hires is attached hereto and made a part hereof.

52.252-2 CLAUSES INCORPORATED BY REFERENCE (JUN 1988)

This contract incorporates the following clauses by reference with the same force and effect as if they were given in full text. Upon request the Contracting Officer will make their full text available:

FEDERAL ACQUISITION REGULATION (48 CFR CHAPTER 1) CLAUSES

Applicable to purchase orders for supplies or services:

- 52.203-1 Officials Not to Benefit (APR 84)
- 52.203-3 Gratuities (APR 84)
- 52.203-5 Covenant Against Contingent Fees (APR 84)
- 52.203-6 Restriction on Subcontractor Sales to the Government (JUL 85)
- 52.203-7 Anti-Kickback Procedures (OCT 88)
- 52.212-9 Variation in Quantity (APR 84)
(In the preceding clause, the permissible variations are stated in the schedule.)
- 52.222-3 Convict Labor (APR 84)
- 52.222-26 Equal Opportunity (APR 84)(Applies when amount exceeds \$10,000.)
- 52.222-35 Affirmative Action for Special Disabled and Vietnam Era Veterans (APR 84)(Applies when amount exceeds \$10,000.)
- 52.222-36 Affirmative Action for Handicapped Workers (APR 84)(Applies when amount exceeds \$2,500.)
- 52.222-37 Employment Reports on Special Disabled Veterans and Veterans of the Vietnam Era (JAN 88)(Applies whenever clause 52.222-35 is included.)
- 52.223-6 Drug Free Workplace (JUL 90)(Applies if contract is awarded to an individual.)
- 52.225-3 Buy American Act - Supplies (JAN 89)
- 52.225-11 Restrictions on Certain Foreign Purchases (MAY 92)
- 52.232-25 Prompt Payment (SEP 92)
- 52.233-1 Disputes (DEC 91)
- 52.233-3 Protest After Award (AUG 89)
- 52.246-1 Contractor Inspection Requirements (APR 84)
- 52.249-8 Default (Fixed-Price Supply and Service)(APR 84)

Applicable to purchase orders for supplies:

- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR 86)(Applies when amount is between \$2,500 and \$10,000.)
- 52.222-20 Walsh-Healey Public Contracts Act (APR 84)(Applies when amount exceeds \$10,000.)
- 52.243-1 Changes - Fixed Price (AUG 87)
- 52.249-1 Termination for Convenience of the Government (Fixed Price)(Short Form)(APR 84)

Applicable to purchase orders for services:

- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR 86)(Applies when amount exceeds \$2,500.)
- 52.243-1 Changes - Fixed Price (APR 84) - Alt. II
- 52.249-4 Termination for Convenience of the Government (Services)(Short Form)(APR 84)

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ORDER FOR SUPPLIES AND SERVICES		NOTE: MARK ALL PACKAGES WITH ORDER NUMBER/CONTRACT NUMBER	PAGE 1 OF 1 PAGES
1. DATE OF ORDER 02/23/06	2. ORDER NUMBER	3. CONTRACT NUMBER	4. ACT NUMBER E4014127A

PORTANT:

- * This form is not to be used as an invoice. See reverse for invoice requirements and payment information.
- * The invoice remit to address must be the same as Block 12. Notify the contracting/ordering officer if the information in Block 12 is incorrect.
- * Failure to show the ACT number (Block 4) on invoice will delay payment and render the invoice improper.
- * Failure to mail invoice to address in Block 24 will delay payment.
- * Failure of service contractors to provide information in Block 9A will result in 20% of payment being withheld (26 U.S.C. 3406(a)).

7. TO: CONTRACTOR (Name, address and zip code) Rutgers, The State University of New Jersey Office of Research and Sponsored Programs 3 Rutgers Plaza New Brunswick, NJ 08901	8. TYPE OF ORDER <input checked="" type="checkbox"/> A. PURCHASE <input type="checkbox"/> B. DELIVERY REFERENCE YOUR
--	---

Contact: Keith Osterhage (732) 932-0150

9A. EMPLOYER'S IDENTIFICATION NUMBER 22-600-1086 (NAICS 61131-Not for Profit Public Institution)	9B. CHECK, IF APPROPRIATE <input type="checkbox"/> WITHHOLD 20%	C. MODIFICATION NO. 01 AUTHORITY FOR ISSUING FAR 43.103(a)(3)
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10A. CLASSIFICATION <input type="checkbox"/> A. SMALL BUSINESS <input checked="" type="checkbox"/> B. OTHER THAN SMALL BUSINESS <input type="checkbox"/> C. SMALL DISADVANTAGED <input type="checkbox"/> D. SMALL WOMEN-OWNED	10B. TYPE OF BUSINESS ORGANIZATION <input type="checkbox"/> A. CORPORATION <input type="checkbox"/> B. PARTNER-SHIP <input type="checkbox"/> C. SOLE
---	---

11. ISSUING OFFICE (Address, zip code and telephone no.) Election Assistance Commission 1225 New York Ave., NW, Suite 1100 Washington, DC 20005 (202) 566-3100	12. REMITTANCE ADDRESS (MANDATORY) Remittance via EFT	13. SHIP TO (Consignee address, zip code and telephone no.) Election Assistance Commission 1225 New York Ave., NW, Suite 1100 Washington, DC 20005 (202) 566-3100
--	--	---

14. PLACE OF INSPECTION AND ACCEPTANCE C, 1225 NY Ave., Suite 1100, Washington, DC 20005	15. REQUISITION OFFICE (Name, symbol and telephone no.) Election Assistance Commission
---	---

16. F.O.B. POINT Destination	17. GOVERNMENT B/L NO.	18. DELIVERY F.O.B. POINT ON OR BEFORE 01/26/06	19. PAYMENT/DISCOUNT TERMS Net 30
---------------------------------	------------------------	--	--------------------------------------

20. SCHEDULE					
ITEM NO. (A)	SUPPLIES OR SERVICES (B)	QUANTITY ORDERED (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
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	TOTAL COST OF CONTRACT: \$560,002.00				

21. RECEIVING OFFICE (Name, symbol and telephone no.) U.S. Election Assistance Commission (202) 566-3100	TOTAL FROM 300-A(s) 560,002.00
---	--------------------------------

22. SHIPPING POINT	23. GROSS SHIP WT.	GRAND TOTAL 560,002.00
--------------------	--------------------	------------------------

24. MAIL INVOICE TO: (Include zip code) General Services Administration (FUND) Election Assistance Commission 1225 New York Ave., NW, Suite 1100 Washington, DC 20005	25A. FOR INQUIRIES REGARDING PAYMENT CONTACT: Diana Scott	25B. TELEPHONE NO. (202) 566-3100
	26A. NAME OF CONTRACTING/ORDERING OFFICER (Type) Thomas R. Wilkey, Executive Director	26B. TELEPHONE NO. (202) 566-3100
	26C. SIGNATURE	

PURCHASE ORDER TERMS AND CONDITIONS

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(vi) Name and address of Contractor official to whom payment is to be sent (must be the same as that in the contract or in a proper notice of assignment).

(vii) Name (where practicable), title, phone number, and mailing address of person to be notified in event of a defective invoice.

NOTE: Invoices must include the ACT number (block 4) and shall be submitted in an original only, unless otherwise specified, to the billing office designated in block 24 to receive invoices. The "remittance address" must correspond to the remittance address in block 12.

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- 52.203-7 Anti-Kickback Procedures (OCT 88)
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(In the preceding clause, the permissible variations are stated in the schedule.)
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- 52.225-11 Restrictions on Certain Foreign Purchases (MAY 92)
- 52.232-25 Prompt Payment (SEP 92)
- 52.233-1 Disputes (DEC 91)
- 52.233-3 Protest After Award (AUG 89)
- 52.248-1 Contractor Inspection Requirements (APR 84)
- 52.249-8 Default (Fixed-Price Supply and Service)(APR 84)

Applicable to purchase orders for supplies:

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- 52.222-20 Walsh-Healey Public Contracts Act (APR 84)(Applies when amount exceeds \$10,000.)
- 52.243-1 Changes - Fixed Price (AUG 87)
- 52.249-1 Termination for Convenience of the Government (Fixed Price)(Short Form)(APR 84)

Applicable to purchase orders for services:

- 52.222-4 Contract Work Hours and Safety Standards Act - Overtime Compensation - (MAR 86)(Applies when amount exceeds \$2,500.)
- 52.243-1 Changes - Fixed Price (APR 84) - Alt. II
- 52.249-4 Termination for Convenience of the Government (Services)(Short Form)(APR 84)

016081



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW - Suite 1100
Washington, DC 20005

January 24, 2005

MEMORANDUM FOR THE RECORD

Background

On May 24, 2005 the U.S. Election Assistance Commission awarded an eight month contract (December 30, 2005) in the amount of \$560,002.00 to the Eagleton Institute of Politics (Rutgers, The State University of New Jersey) to provide research assistance to support development of guidelines on the topics of provisional voting and voter identification procedures.

Contractor's Request for a No-Cost Extension

On November 15, 2005, John Weingart, Associate Director of the Eagleton Institute of Politics, requested via e-mail, a no-cost extension on this contract (E4014127). Mr. Weingart had requested an extension to complete the work of this contract to February 28, 2006.

In response to EAC's requests for additional information related to the no-cost extension, in a January 13, 2006 e-mail, Mr. Weingart revised the request for the extension to March 31, 2006. Mr. Weingart did note that he would still like to conclude the project's work by the end of February.

In various correspondences, Mr. Weingart notes the following reasons for the request:

"The original work schedule called for EAC to publish in mid-October, voluntary guidance and/or recommended best practices for provisional voting, based on Eagleton's research. In making that time estimate, we did not provide sufficient time for the EAC to review and consider the draft reports that would form the basis for that publication..... The additional time required to complete the work on provisional voting has delayed the completion of our analysis of Voter Identification issues. The draft report of that topic will be submitted to the EAC in mid-January".

"Our request for a no-cost, reallocation of resources is based on (a) the fact that our personnel costs have already been higher than we anticipated and (b) the reality that keeping the project operating for at least nine months, instead of the seven as planned,

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will require the participants to devote more time than anticipated. While we are not producing more product than originally promised, the time involved in our work continues to increase... We anticipate this research monitoring and revising to continue for the months added to the project, necessitating significantly more hours by all members of the project team than anticipated”.

The contractor anticipates reallocating funds primarily from the public hearings line item (\$81,120) and spending approximately \$33,750 more than originally budgeted on personnel, \$23,171 more on the subcontract with Ohio State and \$20,250 more on consultants. The EAC elected to not hold public hearings on the topics of provisional voting and voter identification.

Specifics of the Extension

The contractor has provided the following breakdown and explanation of the personnel and consultant costs, associated with this extension.

1. ***Eagleton Institute of Politics personnel:***

Original budgeted project personnel costs-**\$110,695** (May-December)
Revised project personnel costs- **\$144,444** (May-February)

2. ***Consultant Services:***

Original budgeted costs: **\$79,500** (May-December)
Revised costs -**\$99,750** (May-February)

3. ***Moritz School of Law personnel and overhead:***

Original budgeted costs: **\$84,744** (May-December)
Revised costs- **\$107,915** (May-February)

Total project budget:

Original budgeted costs: **\$560,002** (May- December)
Revised project cost: **\$549,831** (May-February)

016083

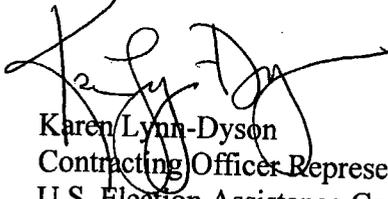
EAC Staff Recommendation

Karen Lynn-Dyson, the EAC's Contracting Officer Representative assigned to this contract has reviewed this request, the rationale and authority for it (FAR 43.103(a)(3)) and finds it to be appropriate. To date the Eagleton Institute has consistently met its deadlines for major project deliverables and stayed within the project's overall budget.

Based upon the work products provided to the EAC, thus far, the additional personnel expenses which the contractor has incurred appear to be reasonable. To grant the Eagleton Institute a three-month extension on this contract in order to obtain the necessary feedback on major documents it has produced will be within the best interests of the Election Assistance Commission, and therefore, the federal government.

EAC's Contracting Officer Representative finds that to grant the Eagleton Institute a no-cost extension for the modification of its contract with the EAC is within the scope of the original agreement and is recommending that this modification to the contract be made.

Signed



Karen Lynn-Dyson
Contracting Officer Representative
U.S. Election Assistance Commission



Thomas R. Wilkey
Executive Director
U.S. Election Assistance Commission

016084

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT		1. CONTRACT ID CODE E4014127	PAGE OF PAGES
7 AMENDMENT/MODIFICATION NO	3. EFFECTIVE DATE 01/24/2006	4. REQUISITION/PURCHASE REQ. NO.	5. PROJECT NO. (if applicable)
6. ISSUED BY U.S. Election Assistance Commission 1225 New York Avenue Suite 1100 Washington, DC 20006	CODE	7. ADMINISTERED BY (if other than item 6)	CODE
8 NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code) Rutgers, Office of Research and Sponsored Programs 3 Rutgers Plaza New Brunswick, NJ 08901		(X) 9A AMENDMENT OF SOLICITATION NO	
CODE		10A. MODIFICATION OF CONTRACT/ORDER NO E4014127	
FACILITY CODE		10B. DATED (SEE ITEM 11) 05/24/2005	

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

The above numbered solicitation is amended as set forth in item 14. The hour and date specified for receipt of Offers is extended, is not extended. Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods:

(a) By completing items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. **FAIL TO FOLLOW YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER.** If by virtue of this amendment your desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA (if required)

13. THIS ITEM ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

CHECK ONE	A. THIS CHANGE (WHICH IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A. X FAR 43.103(a)(3)
	B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).
	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:
	D. OTHER (Specify type of modification and authority)

E. IMPORTANT: Contractor is not, is required to sign this document and return 1 copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.) Pursuant to the terms of the above-referenced contract, the contractor was to present the EAC with draft reports that would form the basis for recommended best practices for provisional voting. The documents were to be published in mid-October after EAC review. The contractor did not receive EAC comments on the draft document until October, 2005. As a result, additional time is required to complete the work on provisional voting and analysis of Voter Identification issues. The extension will entail additional personnel time, but no additional funds to complete the work. The contractor anticipates that it will be able to complete its work during the week of March 31, 2006.

016085

Except as provided herein, all terms and conditions of the document referenced in item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A NAME AND TITLE OF SIGNER (Type or print) Constance J. Bornheimer Accounting Manager	16A NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Thomas R Wilkey, Executive Director
15B CONTRACTOR OFFICIAL Constance J. Bornheimer (Signature of person authorized to sign)	16B UNITED STATES OF AMERICA (Signature of Contracting Officer)
15C DATE SIGNED 02/06/06	16C DATE SIGNED 2-22-06

INSTRUCTIONS

016086

Instructions for items other than those that are self-explanatory, are as follows:

Item 1 (Contract ID Code). Insert the contract type identification code that appears in the title block of the contract being modified.

(b) Item 3 (Effective date).

- (1) For a solicitation amendment, change order, or administrative change, the effective date shall be the issue date of the amendment, change order, or administrative change.
(2) For a supplemental agreement, the effective date shall be the date agreed to by the contracting parties.
(3) For a modification issued as an initial or confirming notice of termination for the convenience of the Government, the effective date and the modification number of the confirming notice shall be the same as the effective date and modification number of the initial notice.
(4) For a modification converting a termination for default to a termination for the convenience of the Government, the effective date shall be the same as the effective date of the termination for default.
(5) For a modification confirming the contracting officer's determination of the amount due in settlement of a contract termination, the effective date shall be the same as the effective date of the initial decision.

(c) Item 6 (Issued By). Insert the name and address of the issuing office. If applicable, insert the appropriate issuing office code in the code block.

(d) Item 8 (Name and Address of Contractor). For modifications to a contract or order, enter the contractor's name, address, and code as shown in the original contract or order, unless changed by this or a previous modification.

(e) Item 9, (Amendment of Solicitation No. - Dated), and 10, (Modification of Contract/Order No. - Dated). Check the appropriate box and in the corresponding blanks insert the number and date of the original solicitation, contract, or order.

(f) Item 12 (Accounting and Appropriation Data). When appropriate, indicate the impact of the modification on each affected accounting classification by inserting one of the following entries.

(1) Accounting classification Net increase \$

(2) Accounting classification Net decrease \$

NOTE: If there are changes to multiple accounting classifications that cannot be placed in block 12, insert an asterisk and the words "See continuation sheet".

(g) Item 13. Check the appropriate box to indicate the type of modification. Insert in the corresponding blank the authority under which the modification is issued. Check whether or not contractor must sign this document. (See FAR 43.103.)

(h) Item 14 (Description of Amendment/Modification).

(1) Organize amendments or modifications under the appropriate Uniform Contract Format (UCF) section headings from the applicable solicitation or contract. The UCF table of contents, however, shall not be set forth in this document

(2) Indicate the impact of the modification on the overall total contract price by inserting one of the following entries:

(i) Total contract price increased by \$

(ii) Total contract price decreased by \$

(iii) Total contract price unchanged.

(3) State reason for modification.

(4) When removing, reinstating, or adding funds, identify the contract items and accounting classifications.

(5) When the SF 30 is used to reflect a determination by the contracting officer of the amount due in settlement of a contract terminated for the convenience of the Government, the entry in Item 14 of the modification may be limited to --

(i) A reference to the letter determination; and

(ii) A statement of the net amount determined to be due in settlement of the contract.

(6) Include subject matter or short title of solicitation/contract where feasible.

(i) Item 16B. The contracting officer's signature is not required on solicitation amendments. The contracting officer's signature is normally affixed last on supplemental agreements.

**Eagleton Institute of Politics, Rutgers The State University of New Jersey
US Election Assistance Commission Project Budget (3/22/05)**

Description	Budget	
Personnel		
Eagleton faculty/senior staff	35,000	Mandel, Weingart, Reed, Linky (various percentages)
Eagleton staff: logistics/administrative/clerical	15,000	(various percentages)
Fringe (32.5%)	16,250	
	66,250	
Hourly Personnel		
Research Coordinator	21,250	1250 hours at \$17 per hour
Logistics/Admin Coordinator	12,325	725 hours at \$17 per hour
Research assistants	7,200	300 hours at \$12 per hour for two researchers
Fringe on Hourly (9%)	3,670	
	44,445	
Subtotal Personnel Expenses	\$110,695	
Honoraria		
Honoraria for Peer Review Group	10,000	10 at \$1,000
Public Hearings (3 in 3 cities)		
Public Hearings	75,000	3 hearings at \$25K per EAC figures
2 Hearings in DC- train, ground, lodging, meals*	3,480	attended by 3 staff
1 Hearings in St. Louis- air, ground, lodging, meals**	2,640	attended by 3 staff
	81,120	
Briefings/Meetings with EAC		
Train, ground, lodging, meals***	5,200	5 briefings in DC, attended by 2 staff
General Operations		
Office supplies, software, telephone, copying, postage	10,000	
Desktop computers, laptop, printer	10,000	
	20,000	
Subcontract		
Project Director- O'Neill	79,500	80% time April – Aug., 60% Sept. – Oct.
Ohio State University- Legal Analysis	84,744	Partner institution, Moritz College of Law, OSU
Subtotal Non Personnel Expenses	\$280,564	
Subtotal All Direct Cost	391,259	
Modified Total Direct Cost \$277,015****		
F&A on Modified Total Direct Cost (55.5%)	153,743	Rutgers University federally approved rate.
TOTAL Project Budget	\$545,002	
Optional Surveys		
State Election Officials	15,000	Eagleton
Young Voters	25,000	Eagleton
Provisional Voting, 1st state	116,000	OSU Political Science
Provisional Voting, 1st additional state	75,000	OSU Political Science
Provisional Voting, 2nd additional state	60,000	OSU Political Science
Total Optional Surveys (no F&A)	\$291,000	

* Travel and lodging to two hearings in DC includes \$260 for train fare to DC, \$200 for hotel/lodging, and \$60 per day for two days for meals= \$580 per person per trip for three people.

** Travel and lodging to one hearing in St. Louis includes \$500 airfare to St. Louis, 2 nights hotel/lodging at \$100, and \$60 per day for three days for meals= \$880 per person for three people.

*** Travel and lodging to five Briefings/Meetings with EAC includes \$260 for train fare to DC, \$200 for hotel/lodging, and \$60 for meals= \$520 per person per trip for two people.

**** Modified total direct cost is equivalent to total direct cost except for two items - F&A included only on first \$25K of subcontract with Project Director (\$79,500) and first \$25K of subcontract with OSU (\$84,744).

016087

Eagleton Institute of Politics, Rutgers The State University of New Jersey
US Election Assistance Commission Project Budget (original 3/22/05; revised 1/13/06 for no-cost extension)

Description	Original Budget	Cumulative Expenses through Dec 2005 (actual and committed)	Post Jan 1 Projected Expenses	Projected Balance	Post Jan 1 Projected Hours	Post Jan 1 Hourly Rate
Eagleton Faculty and Staff (salaried and hourly)		84,263.20	15,250.00			
Ruth Mandel, Director and Professor		5,682.86	3,500.00		43	81.98
John Weingart, Associate Director		7,347.00	3,500.00		72	48.74
Ingrid Reed, Director of Eagleton NJ Project		19,500.00	2,500.00		63	40.00
Don Linky, Director of Electronic Democracy Project		8,100.00	1,750.00		47	37.50
Tim Vercellotti, Assistant Research Professor		9,384.00	2,500.00		64	38.96
April Rapp, Research Project Coordinator		12,844.55	0.00		0	
Lauren Vincelli, Project/Bus. Administrator		10,800.90	0.00		0	
Michele Brody, Administrative Assistant		0.00	500.00		23	21.97
Lisa Velasquez, Administrative Assistant		6,503.89	0.00		0	
Linda Phillips, Unit Computing Specialist		2,100.00	250.00		10	25.07
Joanne Pfeiffer, Secretary		2,000.00	750.00		38	19.77
Rutgers Graduate Students (hourly)		15,531.60	3,500.00			
Dave Andersen		6,060.00	1,500.00		125	12.00
Nadia Brown		906.00	0.00		0	
Jilliam Curtis		1,002.00	0.00		0	
Johanna Dobrich		1,635.60	1,000.00		83	12.00
Dave Harris		5,928.00	1,000.00		83	12.00
Fringe (rates vary by employee type)		21,332.66	4,567.50			
Subtotal/Personnel Expenses	110,695	121,127.36	23,317.50	(33,749.86)		
Honoraria						
Honoraria for Peer Review Group	10,000	0.00	10,000.00	0.00		
Public Hearings	81,120	948.74	0.00	(80,171.26)		
Public Hearings	75,000	0.00	0.00			
Transportation	6,120	948.74	0.00			
Briefings/Meetings						
Train, ground, lodging, meals	5,200	1,302.82	1,750.00	(2,147.18)		
General Operations	20,000	20,029.59	1,750.00	(17,799.59)		
Office supplies, software, telephone, copying, postage	10,000	9,003.11	1,750.00			
Desktop computers, laptop, printer	10,000	11,026.48	0.00			
Subcontracts						
Project Director-Tom O'Neill	79,500	81,750.00	18,000.00	(20,250.00)	192	93.75
Ohio State University (OSU)-Legal Analysis*	84,744	84,222.35	23,692.66	(23,171.01)		
OSU Personnel (with fringe)	50,735	55,724.22	14,001.15			
Ned Foley, Professor		30,514.24	8,687.03		72	120.65
Dan Tokaji, Professor		3,313.65	1,408.82		16	88.05
Laura Williams, Project Coordinator		7,846.00	2,320.00		80	29.00
Sara Sampson, Research Coordinator		5,229.14	705.30		20	35.27
Research Assistants		8,821.19	880.00		100	8.80
OSU Travel	5,950	611.80	1,846.78			
OSU Overhead	28,059	27,886.33	7,844.73			
Subtotal/Non Personnel Expenses	280,564	188,263.50	55,192.66	(37,117.64)		
Subtotal/Direct Costs	391,259	309,390.88	78,510.16	(31,367.98)		
Fac&Admin (overhead) on Modified Total Direct Cost	153,743	117,790.20	19,881.45	(16,071.68)		
TOTAL Project Budget	545,002	427,654.06	98,391.61	(19,439.66)		
Optional Surveys						
State Election Officials	15,000	24,269.04	0.00	(9,269.04)		
Total Project Budget With Optional Surveys	560,002	451,923.10	98,391.61	(10,170.62)		

27200000
016 088

*Ohio State University figures are included in the "cumulative expenses through Dec 2005" even though Rutgers has not yet received the cumulative invoices.

**Deliberative Process
Privilege**



"Job Serebrov"
[REDACTED]

09/15/2005 06:19 PM

To klynndyson@eac.gov

cc

bcc

Subject Re: Schedule

Karen:

When do you actually expect to have completed contracts for us?

Job

--- klynndyson@eac.gov wrote:

> Job-
>
> EAC staff is recommending that you and Tova serve as
> the project
> consultants on this project.
> Academic perspectives and balance on the issues
> will/should be achieved
> through the voting fraud and intimidation working
> group the two of you
> will manage.
>
> EAC staff is recommending \$120,000 be allotted for
> this project at the it
> run from September 26- February 28, 2006.
>
> Will have a final figure for you and Tova tomorrow
> afternoon, once the
> final budget figures have been negotiated.
>
> Karen Lynn-Dyson
> Research Manager
> U.S. Election Assistance Commission
> 1225 New York Avenue , NW Suite 1100
> Washington, DC 20005
> tel:202-566-3123
>

016089



"Job Serebrov"
[REDACTED]

09/16/2005 04:23 PM

To klynndyson@eac.gov

cc

bcc

Subject Contract

Karen:

Do you still believe that everything will be finalized today and if so, when will we get to review our contracts?

Job

016090



"Tova Wang" <wang@tcf.org>

09/20/2005 05:02 PM

To klynndyson@eac.gov

cc twilkey@eac.gov, ggilmour@eac.gov, cpaquette@eac.gov

bcc

Subject RE: Voting Fraud and Intimidation contract

Great -- thanks so much for the update, and I'll look forward to hearing from Gavin soon. Tova
-----Original Message-----

From: klynndyson@eac.gov [mailto:klynndyson@eac.gov]

Sent: Tuesday, September 20, 2005 3:58 PM

To: wang@tcf.org

Cc: twilkey@eac.gov; ggilmour@eac.gov; cpaquette@eac.gov

Subject: Re: Voting Fraud and Intimidation contract

Tova-

The contracts are completed, although not formally signed by the Chair of the Commission (a formality)

As discussed, the contract will be for six months-September 26- February 28 for a fixed contract fee of \$50,000 plus and additional \$5,000 for expenses.

\$10,000 has been set aside in the FY 05 EAC budget to cover working group costs.

Gavin Gilmour will be the EAC staff project manager, to whom you and Job will be reporting.

Gavin should be in touch in the next day or so, with more details and specifics related to getting the project started.

Thanks

K
Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tova Wang" <wang@tcf.org>

09/20/2005 04:38 PM

To klynndyson@eac.gov, nmortellito@eac.gov

cc

Subject

016091



Hi Karen and Nicole,

I know you guys have been swamped, but I wanted to check in because I haven't heard from you and I am getting all sorts of information from Job, second hand. I would rather not operate that way. Is it the case that the contracts have been finalized? Can you give me a hint about the terms? When might I be seeing a copy? Thanks so much.

Best wishes,

Tova

Tova Andrea Wang
Senior Program Officer and Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

Visit our Web site, www.tcf.org, for the latest news, analysis, opinions, and events.

[Click here](#) to receive our weekly e-mail updates.

016092



"Job Serebrov"
[REDACTED]

09/15/2005 05:27 PM

To klynndyson@eac.gov

cc

bcc

Subject Schedule

History:  This message has been replied to

Karen:

I remained in this afternoon. However, I will have to leave for a time at around 6:00 pm your time. Do you think you will be communicating with us regarding our finished contracts before that time?

Job

016093



"Job Serebrov"
[Redacted]

09/15/2005 12:00 PM

To "Karen Lynn Dyson" <klynndyson@eac.gov>

cc

bcc

Subject question

History:

 This message has been replied to.

Karen:

What time will you be getting with us today on our contracts. I do not want to be out when you do.

Job

016094



Nicole
Mortellito/CONTRACTOR/EAC
/GOV

09/12/2005 10:25 AM

To Nicole Mortellito/CONTRACTOR/EAC/GOV@EAC

cc Karen Lynn-Dyson/EAC/GOV@EAC, "Stephen
Ansolabehere" <sda@MIT.EDU>, "Job Serebrov"

bcc [REDACTED], Thomas R.

Subject Voter Fraud Project Team Update

Steve, Tova and Job,

We at the EAC are sorry to hear that Steve will need to withdraw from the Voter Fraud project but understand that he is doing what he feels is in the best interest of himself and his colleague.

Karen has asked me to let you know that she and Tom will meet at some juncture today to discuss further strategy of this project. They have asked me to ensure both Tova and Job that this change in the team will in no way change the EAC's commitment to this project or to the two of you. We will be back in touch with you in the next two days with further information on contracting and pay as well as other aspects of the project.

Thanks so much.

Regards,

Nicole K. Mortellito
Assistant to the Executive Director - Thomas R. Wilkey
U.S. Election Assistance Commission
1225 New York Avenue - Suite 1100
Washington, DC
202.566.3114 phone
202.566.3127 fax

016095



"Job Serebrov"
[REDACTED]
09/26/2005 05:39 PM

To klynndyson@eac.gov
cc
bcc
Subject Re: Gavin

Karen:

I tried to call you and will try again but Peg did not call today. If I don't hear from her first thing in the morning, I will call.

Job

--- klynndyson@eac.gov wrote:

> You and Tova will be hearing from Peg Sims today.
>
> Peg will be managing your project.
>
> Karen Lynn-Dyson
> Research Manager
> U.S. Election Assistance Commission
> 1225 New York Avenue , NW Suite 1100
> Washington, DC 20005
> tel:202-566-3123
>
>
>
> "Job Serebrov" [REDACTED] >
> 09/26/2005 11:38 AM
>
> To
> klynndyson@eac.gov
> cc
>
> Subject
> Gavin
>
>
>
>
> Karen:
>
> Still no work from Gavin. Can you remind him to
> contact us. We are holding up travel plans as well
> as
> project plans while we wait.
>
> Regards,
>

016096

> Job
>
>
>

016097

**Deliberative Process
Privilege**

Diana Scott/EAC/GOV
10/03/2005 03:18 PM

To Carol A. Paquette/EAC/GOV@EAC
cc klynndyson@eac.gov, Margaret Sims/EAC/GOV@EAC,
Thomas R. Wilkey/EAC/GOV@EAC
bcc
Subject Re: The \$10,000 for the Voting Fraud/Intimidation Working
Group 

Carol,

There is a mechanism in place which could have obligated the \$10,000. Since the end of August, I have been sending out to all personnel those "End of Fiscal Year 05" reminder emails which spell out that folks should advise me of any "expected expenditures" to be paid from FY05 funds. It cannot be obligated if I am not advise of it.

Diana M. Scott
Administrative Officer
U.S. Election Assistance Commission
(202) 566-3100 (office)
(202) 566-3127 (fax)
dscott@eac.gov

Carol A.
Paquette/EAC/GOV

10/03/2005 02:51 PM

To klynndyson@eac.gov@EAC
Diana Scott/EAC/GOV@EAC, Margaret Sims/EAC/GOV@EAC, Thomas R.
cc Wilkey/EAC/GOV@EAC
Subject Re: The \$10,000 for the Voting Fraud/Intimidation Working Group [Link](#)

016098

Karen, Peg -

This is to confirm that the \$10,000 for the meeting was not obligated because there was no mechanism to do so (e.g., no contract vehicle). However, it is my understanding from Julie and Tom that OMB said we could go ahead with contracting that needs to get underway before final budget is passed, so I would assume we could devote some funding to this. We will have to look at the dollar level that we're receiving

inder the CR and see how that has to be allocated to on-going expenses versus new items.

Carol A. Paquette
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov

Karen Lynn-Dyson/EAC/GOV

10/03/2005 01:52 PM

To Margaret Sims/EAC/GOV@EAC, Diana Scott/EAC/GOV@EAC
cc Carol A. Paquette/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC
Subject The \$10,000 for the Voting Fraud/Intimidation Working Group

Peg and Diana-

It's very likely that the \$10,000 that was to be set aside for the Voting Fraud and Intimidation Working Group's expenses did not get obligated, and that only funds to pay the consultants were obligated.

The amount to be obligated for this project was to be \$120,000. \$55,000 was to be given to Tova Wang and \$55,000 to Job Sereborv.

It's likely that Tova and Job will have to wait until 2006 funds are available, to hold their working group meeting. Alternatively, Peg, perhaps you'll want to have a series of conference calls with their working group until there is money for them to meet in-person?

Karen

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

016099

**Deliberative Process
Privilege**

Carol A. Paquette/EAC/GOV
10/06/2005 02:48 PM

To psims@eac.gov@EAC
cc Gavin S. Gilmour/EAC/GOV@EAC, jthompson@eac.gov,
Karen Lynn-Dyson/EAC/GOV@EAC, twilkey@eac.gov
bcc
Subject Re: Voter Fraud Contract

Peggy -

I understand this is an issue. This is the reason we include the task to revise the project plan, so deliverable dates can get adjusted, if needed, based on when the work was actually begun.

Carol A. Paquette
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov
Margaret Sims/EAC/GOV

Margaret Sims/EAC/GOV
10/06/2005 01:53 PM

To Carol A. Paquette/EAC/GOV@EAC
cc twilkey@eac.gov, Karen Lynn-Dyson/EAC/GOV@EAC,
jthompson@eac.gov, Gavin S. Gilmour/EAC/GOV@EAC
Subject Re: Voter Fraud Contract

Carol:

This updated version is helpful to me but may be problematic for our contractors, who do not have a final contract and (I think) are unaware of the deliverable dates listed in this version. Of course, I did not inform them of these deadlines because I did not have them until today.

Unfortunately, the delay in getting the signed contracts out to our selected contractors has already adversely impacted deliverable dates for the contracts to which I have been assigned. Most contractors cannot hire researchers or commit funds without having a contract in hand, so they have had to delay their work.

--- Peggy

Carol A. Paquette/EAC/GOV

016100

Carol A. Paquette/EAC/GOV
10/06/2005 01:07 PM

To klynndyson@eac.gov@EAC
Gavin S. Gilmour/EAC/GOV@EAC, Juliet E.
cc Thompson/EAC/GOV@EAC, Margaret
Sims/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC
Subject Re: Voter Fraud Contract

The SOWs that Karen provides below were revised for these contracts. I have attached one of these for your information, since they are identical.



Wang consulting contract.doc

Carol A. Paquette
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov
Karen Lynn-Dyson/EAC/GOV

Karen Lynn-Dyson/EAC/GOV
10/06/2005 12:28 PM

To Gavin S. Gilmour/EAC/GOV@EAC
Carol A. Paquette/EAC/GOV@EAC, Juliet E.
cc Thompson/EAC/GOV@EAC, Margaret
Sims/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC
Subject Re: Voter Fraud Contract

Gavin-

A few answers to your questions:

They have not received contracts but did receive a Statement of Work about a month ago.

That Statement of Work does not reference use of Westlaw or a law clerk. I have no recollection of offering such services. I have, however, had many conversations with Tova and Job. At some point I may have said that because the EAC has Westlaw and legal interns, there may or may not be a way from Job and Tova to avail them of these services.

The Statements of Work developed (see draft attached) were used in place of an RFP. Tova and Job are to serve as consultants on a project that may or may not result in their developing an RFP on voting fraud and intimidation for the EAC.



Job Serebrov sow.doc Tova Wang sow.doc
K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

016101

Gavin S. Gilmour/EAC/GOV

Gavin S. Gilmour/EAC/GOV
10/06/2005 11:50 AM

To Karen Lynn-Dyson/EAC/GOV@EAC, Margaret
Sims/EAC/GOV@EAC, Juliet E.
Thompson/EAC/GOV@EAC, Thomas R.
Wilkey/EAC/GOV@EAC
cc Carol A. Paquette/EAC/GOV@EAC

Subject Voter Fraud Contract

Karen/Tom,

Peggy held a meeting with voting fraud/intimidation contractors. In this meeting they noted that despite the fact that the contract requires them to perform legal research, they do not have the means to do so (no access to Westlaw, etc.). They noted that in discussions with the two of you, they were told that the EAC would provide them access to West Law and, possibly, a law clerk with office space. None of this is noted in the contract. They claim to have never seen the contract? Do we have their response to our RFP? We will all need to meet to clarify this.

GG

Gavin S. Gilmour
Associate General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

016102



Amie J. Sherrill/EAC/GOV
10/18/2005 04:39 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc
bcc
Subject Re: Fw: Requested Documents

Thanks!!

Amie J. Sherrill
Special Assistant to Vice Chairman Paul S. DeGregorio
U.S. Election Assistance Commission
1225 New York NW - Suite 1100
Washington, DC 20005
(202) 566 3106
Karen Lynn-Dyson/EAC/GOV

Karen Lynn-Dyson/EAC/GOV

10/18/2005 04:38 PM

To Amie J. Sherrill/EAC/GOV@EAC
cc
Subject Fw: Requested Documents

Aimee-

In case you couldn't open up the document which describes Job's elections background

K
Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 10/17/2005 04:36 PM -----



"Job Serebrov"
[REDACTED]
08/19/2005 04:14 PM

To klynndyson@eac.gov
cc
Subject Re: Requested Documents

Karen:

I enjoyed the discussion too. I really think that this project will be of national importance and can positively affect elections administration while providing an answer to the handling of the vote fraud problem for the future.

016103

On another note, why don't you leave an evening free while I am there for dinner. I am trying to bring my wife along. If you can bring your husband it could make for an interesting evening.

Regards,

Job

Summary of Election Activities of Job Serebrov

Background to Election Problems in Arkansas

Ever since Reconstruction, Arkansas has had a history of election problems. The election fraud that gave rise to the Brooks-Baxter War in Arkansas in the 1870s involved people from both sides of the aisle voting more than once, the dead rising to cast a ballot or two, destroying ballots, creating ballots and making ballot boxes disappear. A strong one-party system perpetuated this tradition into modern times.

In 1995, I met with Arkansas Supreme Court Justice Tom Glaze to discuss voting issues and my efforts to clean up the electoral process. Although supportive, Justice Glaze encouraged me to proceed with caution. Before being elected to the Supreme Court, Justice Glaze had been employed in the 1960s by Gov. Win Rockefeller to clean up ballot fraud throughout Arkansas. He was nearly disbarred in the process by those involved in ballot fraud in a small, rural county.

Shortly after my discussion with Justice Glaze, I discovered how pervasive the election problems were in the state. For instance, ballot boxes were stuffed or disappeared into the night only to return altered. Contrary to state law, county sheriffs running in contested elections maintained custody of the ballot boxes. In one instance, 20 voted ballot boxes were found in the attic of a sheriff's deputy after he died.

Attorney (1991-2004)

In my private practice as an attorney, I represented numerous clients in county election contests throughout Arkansas. I also represented clients in matters before the Federal Election Commission. I have never lost an election case. Finally, I was hired as a consultant to a major nonprofit legal organization to review and summarize the 2002 amendments to federal election laws and apply the new law to 10 scenarios.

016104

Member, Washington County Board of Election
Commissioners, Fayetteville, Arkansas (1990-1996)

This board consisted of three commissioners; I was the lone Republican. We were charged with supervising the

training of poll workers, evaluating voting systems and then purchasing an optical scan system to be used countywide, preparing and justifying our annual budget before the Washington County Quorum Court, hiring and supervising staff and sitting as an administrative tribunal.

When I first came on the board, Washington County was primarily a one-party county and the Democrats were used to running elections according to tradition rather than the law. I had to battle with the two Democrats on the board to enforce election laws within the county. As I started to force the issue in the courts, the Republican Party gained strength. Four years later and after outlasting eight Democrat commissioners, I was able to work with new Democrat commissioners who recognized the need to enforce the law. At this point, the commission requested that I draft administrative regulations for the board. These remain in place today.

Founder, President, General Counsel; Arkansans for Fair Elections (1994-1999)

In 1994, Gov. Mike Huckabee (R), then a candidate for lieutenant governor, asked me to serve as his general counsel for ballot fraud protection. Thinking it best to act independently of any candidate, I formed Arkansans for Fair Elections. I served as the organization's president and, later, general counsel. This group launched a statewide educational campaign to train poll watchers to recognize irregular or fraudulent electoral procedures; this included the creation of literature and a video. Our extensive public relations campaign brought media attention to the issue. We also organized a statewide team of citizen poll watchers and attorneys to ensure that the election laws were fairly enforced. We were so successful in the lieutenant governor's race that Arkansans for Fair Elections was asked to continue the effort until 1999 when I moved to Louisiana.

General Counsel - Ballot Fraud Protection Committee, Republican Party of Arkansas (1995-1999)

In late 1995, Asa Hutchinson, chairman of the Republican Party of Arkansas, appointed me as general counsel for the newly formed Ballot Fraud Protection Committee of the state party. I retained this position until 1999. I was responsible for coordinating statewide enforcement efforts and directing a legal team to respond to problematic situations prior to and on election day.

(Through my role with Arkansans for Fair Elections and the Ballot Fraud Protection Committee, I successfully sued or negotiated a settlement in more than two-thirds of the 75 counties in Arkansas over electoral irregularities.)

016105

Legal Consultant to Republican Members of the Arkansas General Assembly (1994-1996)

Republicans in the General Assembly requested that I review and draft suggested changes to Arkansas election law. Based on my personal experience as an election commissioner and as an election attorney, I identified a number of areas of concern and drafted new statutes modeled on the best examples that I could find from other states. My proposal was not passed by the Democrat-controlled General Assembly as a package, however, several of its components were passed into law.

Consultant to the Arkansas Court of Appeals Redistricting Commission (1996-1999)

I drafted five redistricting bills and maps for the constitutionally required redistricting of the Arkansas Court of Appeals. These bills were based on current U.S. Supreme Court precedent regarding gerrymandering. I had to present each bill and give supporting testimony to the commission.

Director of International Development - Louisiana State University, Baton Rouge, Louisiana (2000-2003)

Part of my duties as director was to develop international cooperative projects. The theme of several of these proposals was democratization. In each case, I required review of the national election code of the country involved.

My activities in Namibia led to a request by the director of the Namibian Election Commission, Joram Rukambe and the Speaker of the Namibian National Assembly, Dr. Mose Tjitendero to review and suggest changes to the Namibian election code. This review took three months and resulted in proposed alterations a number of code sections. These suggestions were considered by the Namibian National Assembly and a number were incorporated into the code revisions. Additionally, I drafted legislation for the Speaker to guarantee voting rights to agricultural workers that were being denied by the owners of the farms. This legislation also was passed into law.

During this time, I was qualified as an election expert and placed on an election consultant list by the United Nations, IFES and the Electoral Institute of Southern Africa.

Related Memberships

- Republican Party of Arkansas (1990-1999)
- Benton County, Arkansas, Republican Committee

016106

(1996-1999)

- Washington County, Arkansas, Republican Committee (1990-1996)

(When we moved to Louisiana in 1999, the party was in such turmoil that it was difficult to get involved. This past year, I have been prohibited by the Hatch Act from participating in partisan politics. This prohibition ends August 19 when my judicial clerkship ends.)

Related Education

- Graduate certificate in electoral governance, Griffith University, Queensland, Australia (2003)

016107

**Deliberative Process
Privilege**

Margaret Sims/EAC/GOV
10/18/2005 04:16 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc daniel.murphy@charter.net
bcc
Subject Re: advisory group 

History:  This message has been replied to.

Karen and Dan:

The reporter got it wrong. The Academy applied on its own for a Help America Vote College Program grant in 2004 and did not get one. The reporter found evidence of EAC's decision to reconsider the Academy's application and interpreted that to mean that EAC changed its mind about giving the program a grant. We didn't. Jeannie Layson set the reporter straight, confirming that the organization had received no grant from EAC. Furthermore, we have received nothing either from the Academy or the University to indicate that these two entities are jointly participating in any activities funded under the Help America Vote College program.

Peggy Sims
Research Specialist
U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005
Phone: 866-747-1471 (toll free) or 202-566-3120 (direct)
Fax: 202-566-3127
email: psims@eac.gov

Karen Lynn-Dyson/EAC/GOV

Karen Lynn-Dyson/EAC/GOV
10/18/2005 03:35 PM

To daniel.murphy@charter.net@GSAEXTERNAL
cc Margaret Sims/EAC/GOV@EAC
Subject Re: advisory group 

Thanks for keeping me in the loop on this

Also, about two months ago there was the controversy in Michigan about the person who falsely claimed she had gotten a HAVA college poll worker grant and somehow she was attempting to align herself with Eastern Michigan. Please investigate - I may be presenting the story very inaccurately.

Thanks

K
Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

016108

Margaret Sims/EAC/GOV
10/07/2005 04:14 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc
bcc
Subject Comments for Thad Hall Delayed

Karen:

Due to the workload this week, I won't have the comments for Thad Hall together by COB today. I should have something to send out by COB Tuesday (10/11). --- Peggy

016109

**Deliberative Process
Privilege**

Juliet E. Thompson/EAC/GOV
11/01/2005 02:07 PM

To: Karen Lynn-Dyson/EAC/GOV@EAC
cc
bcc
Subject: Re: Edits to the Tova/Job chron memo

Must say that were awarded not to be awarded unless there are subsequent communications after Tally Vote. If the latter, then I need to know what those are.

Feel like crap still running a fever.

Sent from my BlackBerry Wireless Handheld
Karen Lynn-Dyson

From: Karen Lynn-Dyson
Sent: 11/01/2005 12:44 PM
To: Juliet Thompson
Cc: Gavin Gilmour
Subject: Edits to the Tova/Job chron memo

Julie-

Here are my suggested edits to the memo.

Feeling any better?

K



chron for tova and job.doc

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

016110

Juliet E. Thompson/EAC/GOV
11/01/2005 12:21 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc
bcc

Subject Statement re: job and tova

Can you take a look at this and tell me if it accurately reflects the work that has been done and the communication of the award? Please let me know as soon as possible if this is accurate or need revision.



Statement of Karen LYnn Dyson.doc

Juliet E. Thompson
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

016111

Juliet E. Thompson/EAC/GOV
10/30/2005 09:34 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc
bcc

Subject Monday - Job and Tova

I need a few minutes with you Monday morning to discuss how this was communicated to Job and Tova. Unfortunately, I have an appointment out of the office at 10:30 and I will be out until after noon. Will you be in before that or can you call me on my Blackberry before that time? I would like to get this moving quickly.

Juliet E. Thompson
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

016112

Juliet E. Thompson/EAC/GOV
10/30/2005 09:33 PM

To Carol A. Paquette/EAC/GOV@EAC, Nicole
Mortellito/CONTRACTOR/EAC/GOV@EAC, Karen
Lynn-Dyson/EAC/GOV@EAC

cc

bcc

Subject Contract for Tova and Job

Who has the contract electronically for these two people? I need to make some minor changes to the final version. If you have it, please email it to me immediately.

Juliet E. Thompson
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

016113



"Tova Wang" <wang@tcf.org>

11/14/2005 12:05 PM

To klynndyson@eac.gov

cc ecortes@eac.gov

bcc

Subject RE: a different topic

Thanks so much Karen.

Edgardo, is there a time we might talk by phone in the next day or two? I can be reached at 212-452-7704. Thanks so much. Tova

-----Original Message-----

From: klynndyson@eac.gov [mailto:klynndyson@eac.gov]

Sent: Monday, November 14, 2005 11:56 AM

To: wang@tcf.org

Cc: ecortes@eac.gov

Subject: Re: a different topic

Tova-

Good to see you, as well.

My colleague, Edgardo Cortes is the EAC staff person who has taken the lead on this work.

Edgardo-

Tova Wang is one of consultants who is working with Peg Sims on the voting fraud and intimidation project.

K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

wang@tcf.org

11/13/2005 08:12
AM

klynndyson@eac.gov

To

cc

Subject

a different topic

016114



"Job Serebrov"
[REDACTED]

09/23/2005 05:01 PM

To klynndyson@eac.gov

cc

bcc

Subject Re:EAC project oversight by Gavin Gilmour

History

☞ This message has been replied to.

Karen:

Gavin has not yet contacted us. Do you know if he will do so on Monday?

Job

--- klynndyson@eac.gov wrote:

> Job and Tova-
>
> As I think you both know, Gavin Gilmour, EAC's
> Deputy General Counsel,
> will be providing agency oversight for your project.
>
>
> Gavin will be in touch in the next day or so, to go
> over next steps on
> this project. Also, I believe your contracts will
> be in the mail later
> today.
>
> Regards-
>
> Karen Lynn-Dyson
> Research Manager
> U.S. Election Assistance Commission
> 1225 New York Avenue , NW Suite 1100
> Washington, DC 20005
> tel:202-566-3123
>

016115

Gavin S. Gilmour/EAC/GOV
09/22/2005 01:24 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc
bcc
Subject Re: Re:EAC project oversight by Gavin Gilmour

This issue will be discussed on monday. The problem is that lawers generally should not taken on this role... Such mixing of roles creates problems. But, again this will be discussed next week.

Next week promises to be quite busy... To the extent we can avoid last minute action I would appreciate it.

Thanks

Gg

Sent from my BlackBerry Wireless Handheld
Karen Lynn-Dyson

From: Karen Lynn-Dyson
Sent: 09/22/2005 01:15 PM
To: Gavin Gilmour
Cc: Juliet Thompson; Thomas Wilkey
Subject: Re: Re:EAC project oversight by Gavin Gilmour

All this can wait until next week.

At that time I will, of course,bring you up to speed on the project. The overriding concern Tom Wilkey and the Commissioners have is that this project really needs close management and supervision. It really should be overseen by a lawyer and by an EAC staff person with an understanding of the political sensitivities and issues that will surround the topic.

Hopefully this management/oversight issue can be successfully resolved.

Thanks

K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

Gavin S. Gilmour/EAC/GOV

Gavin S. Gilmour/EAC/GOV
09/22/2005 12:54 PM

To Karen Lynn-Dyson/EAC/GOV@EAC

016116

**Deliberative Process
Privilege**

cc Jthompson@eac.gov
Subject Re: Re:EAC project oversight by Gavin Gilmour

Karen,

I will not be in until next week. Presently I do not know a thing about this program. Further, there are some concerns regarding counsel taking this role. Julie and I will be addressing them on my return.

Also, use of the term salary concerns me... These are contractors, correct? As such that term is most likely inappropriate.

Finally, if this is a question that needs to be answered in the short term (as your response suggest) please respond. I am sure carol and diane will assist you.

Thanks
Gg

Sent from my BlackBerry Wireless Handheld
Karen Lynn-Dyson

From: Karen Lynn-Dyson
Sent: 09/22/2005 12:36 PM
To: Gavin Gilmour
Subject: Fw: Re:EAC project oversight by Gavin Gilmour

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 09/21/2005 12:35 PM -----



"Job Serebrov"

09/22/2005 10:19 AM

To klynndyson@eac.gov

cc

Subject Re:EAC project oversight by Gavin Gilmour

Ok. I hope to hear from him either today or tomorrow.
Hopefully, I will see you in DC in the next few weeks.

Job

--- klynndyson@eac.gov wrote:

> Job-
>
> I haven't, as yet, been able to get an answer for

016117

> you.
>
> I'm going to ask Gavin to pursue this for you.
>
> Thanks
>
> K
>
> Karen Lynn-Dyson
> Research Manager
> U.S. Election Assistance Commission
> 1225 New York Avenue , NW Suite 1100
> Washington, DC 20005
> tel:202-566-3123
>
>
>
> "Job Serebrov" [REDACTED]
> 09/22/2005 10:01 AM
>
> To
> klynndyson@eac.gov, wang@tcf.org
> cc
>
> Subject
> Re:EAC project oversight by Gavin Gilmour
>
>
>
>
>
> Karen:
>
> Were you able to get any answers as to my questions
> on
> salary? Specifically, when will we receive our first
> check and do we have to invoice for it or only for
> expenses, and if we need to invoice for salary, when
> do we need to mail, fax or e-mail the invoice so we
> are paid on time?
>
> Job
>
> --- klynndyson@eac.gov wrote:
>
> > Job and Tova-
> >
> > As I think you both know, Gavin Gilmour, EAC's
> > Deputy General Counsel,
> > will be providing agency oversight for your
> > project.
> >
> >
> > Gavin will be in touch in the next day or so, to
> > go
> > over next steps on
> > this project. Also, I believe your contracts will
> > be in the mail later
> > today.

01611

> >
> > Regards-
> >
> > Karen Lynn-Dyson
> > Research Manager
> > U.S. Election Assistance Commission
> > 1225 New York Avenue , NW Suite 1100
> > Washington, DC 20005
> > tel:202-566-3123
> >
>
>
>

016119



"Job Serebrov"
[REDACTED]

09/20/2005 11:41 AM

To klynndyson@eac.gov

cc

bcc

Subject Question

Karen:

I am in the process of scheduling the first meeting for DC. Tova and I have settled on Friday Oct 7. Is there a room available at the EAC and when will we be receiving our contracts? I assume you are mailing them. Do we need to sign them?

Job

016127



"Tova Wang" <wang@tcf.org>

09/19/2005 03:58 PM

To klynndyson@eac.gov

cc

bcc

Subject RE: Article

Hi Karen,

Sounds like progress is being made. Here you go:

119701137
201 West 74th Street, Apt. 11F
NY, NY 10023

Tova

-----Original Message-----

From: klynndyson@eac.gov [mailto:klynndyson@eac.gov]

Sent: Monday, September 19, 2005 2:50 PM

To: [REDACTED]

Cc: tova Wang

Subject: Re: Article

Job and Tova-

Please send to me, ASAP, your social security numbers and the address to which your consulting checks should be sent.

Thanks

K

Thanks

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

016121

Margaret Sims/EAC/GOV
02/23/2006 08:34 AM

To twilkey@eac.gov, DScott@eac.gov, Karen
Lynn-Dyson/EAC/GOV@EAC
cc jthompson@eac.gov
bcc

Subject REVISED LABOR COSTS

I'm afraid my haste and the happy juice they gave me at yesterday morning's session caused me to double the labor costs expected for the Serebrov and Wang personal services contracts. The costs should be as follows:

Labor Cost (FY06):

If the consultants are paid \$111 per hour and each is expected to work 230 more hours, then we will need to set aside \$25,530 each for Tova Wang and Job Serebrov (or a total of \$51,060 for both).

(Please note that Gavin suggested that I put in a four month period (top of page 2), although we have budgeted only for 230 hours for each consultant. He thought that would take care of us if we need a few more days out of them and don't want to have to modify the contract.)

I had estimated that we would need \$50,000 in FY06 Research Funds (in addition to the \$5,000 per consultant in FY06 Research funds to cover travel) to bring this project to a logical stopping point. (I had also requested \$250,000 in research funds for any follow up RFP stage, but I know that Tom had to postpone any such RFP until FY07.)

As we would like the new contract period to begin this Sunday, February 26, I need to know what you need from me to help expedite this matter.

016122

Margaret Sims/EAC/GOV
02/23/2006 05:25 PM

To DScott@eac.gov
cc Karen Lynn-Dyson/EAC/GOV@EAC
bcc
Subject Revised Contracts-Cost Estimates

Diana:

OK. Here are the contracts for Tova Wang and Job Serebrov, revised per our discussion. The costs for each should be as follows:

Tova Wang

Labor Cost - \$24,975 (which is \$111 per hour X 225 hours maximum)
Travel Cost - \$6,500 maximum for FY06 (she has already spent or obligated \$3,037.09 of this.)

Job Serbrov

Labor Cost - \$24,975 (which is \$111 per hour X 225 hours maximum)
Travel Cost - \$3,500 maximum for FY06 (he has spent no travel funds so far this FY)

Total Costs for the Two Consultants: Labor Under these Contracts=\$49,950; Travel in FY06=\$10,000

--- Peggy



Tova--Intermittent Personal Services Contract (EXPERT).doc Job--Intermittent Personal Services Contract (EXPERT).doc

016123

Diana Scott/EAC/GOV
02/23/2006 05:04 PM

To Thomas R. Wilkey/EAC/GOV@EAC,
klyndyson@eac.gov@EAC, Margaret
Sims/EAC/GOV@EAC
cc Bola Olu/EAC/GOV@EAC

bcc

Subject Tova Wang/Job Serebrov/Improving Election Data Collection
Project--FY06 Budget

History: This message has been forwarded.

All,

Per our meeting this afternoon, the consensus was that Peggy needed a total of \$60,000 to fund the contracts for Tova Wang and Job Serebrov (\$50,000 for labor and \$10,000 for travel expenses). Since only \$25,000 was budgeted for both these 2 contractors, an additional \$35,000 is needed. Tom directed that the additional required funds be taken from the \$150,000 budgeted for the Improving Election Data Collection project. According to Tom, this project will be now be done in-house and so the budgeted funds far exceeds projected expenditures. Therefore, revised budgeted (maximun) amounts are as follows:

Improving Election Data Collection	\$115,000
Tova Wang	\$ 30,000
Job Serebrov	\$ 30,000

Plz let me know if the above differs in any way with your understanding. Thanks.

Diana M. Scott
Administrative Officer
U.S. Election Assistance Commission
(202) 566-3100 (office)
(202) 566-3127 (fax)
dscott@eac.gov

016124

**Deliberative Process
Privilege**

Margaret Sims/EAC/GOV
02/22/2006 05:36 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc Diana Scott/EAC/GOV@EAC, Juliet E.
Thompson-Hodgkins/EAC/GOV@EAC, Thomas R.
Wilkey/EAC/GOV@EAC
bcc
Subject Re: Contracts for Continuing Personal Services-Wang and
Serebrov

History: This message has been replied to.

The money was on the list of items that I submitted to you in hard copy earlier this year (estimated at \$50,000 each), because we knew in December 2005 that we would need to pay for approximately three more months of personal services for these folks in order to get to a logical stopping point. Is it just that we do not have confirmation that the request for the additional amount for personal services was approved and included in the Research Budget? --- Peggy

Karen Lynn-Dyson/EAC/GOV

Karen Lynn-Dyson/EAC/GOV
02/22/2006 05:06 PM

To Diana Scott/EAC/GOV@EAC
cc Juliet E. Thompson-Hodgkins/EAC/GOV@EAC, Margaret
Sims/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC
Subject Re: Contracts for Continuing Personal Services-Wang and
Serebrov

All-

Indeed, to my knowledge this money hasn't been set aside- at least not in the research budget. I await guidance from Diana and Tom.

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

Diana Scott/EAC/GOV

Diana Scott/EAC/GOV
02/22/2006 05:02 PM

To Margaret Sims/EAC/GOV@EAC
cc Karen Lynn-Dyson/EAC/GOV@EAC, Thomas R.
Wilkey/EAC/GOV@EAC, Juliet E.
Thompson-Hodgkins/EAC/GOV@EAC
Subject Re: Contracts for Continuing Personal Services-Wang and
Serebrov

016125

Peggy,

You cannot go ahead with a contract if you do not have the money in the budget for it. Gavin cannot determine a fiscal decision such as this.

Tom: Can we talk.

Diana M. Scott
Administrative Officer
U.S. Election Assistance Commission
(202) 566-3100 (office)
(202) 566-3127 (fax)
dscott@eac.gov

Margaret Sims/EAC/GOV

Margaret Sims/EAC/GOV

02/22/2006 04:45 PM

To DScott@eac.gov

cc Karen Lynn-Dyson/EAC/GOV@EAC

Subject Contracts for Continuing Personal Services-Wang and Serebrov

Diana:

Attached are the new contracts for the continuation of personal services from Tova Wang and Job Serebrov on the Voting Fraud/Voter Intimidation research project.. They each need an ACT #. (Julie gave me the EAC Contract #s.)

As we would like the new contract period to begin this Sunday, February 26, I need to know what you need from me to help expedite this matter.

Labor Cost (FY06):

If the consultants are paid \$111 per hour and each is expected to work 230 more hours, then we will need to set aside \$51,060 each for Tova Wang and Job Serebrov.

(Please note that Gavin suggested that I put in a four month period (top of page 2), although we have budgeted only for a three month period. He thought that would take care of us if we need a few more days out of them and don't want to have to modify the contract.)

Travel Cost (FY06):

Tova Wang has used/obligated all but about \$1,962.91 of the \$5,000 allocated from the FY06 budget. Job Serebrov still should have all of the \$5,000 allocated to him from the FY06 budget.

--- Peg

016126



Gracia Hillman/EAC/GOV

12/01/2005 12:47 PM

To Margaret Sims/EAC/GOV@EAC

cc Thomas R. Wilkey/EAC/GOV@EAC, pdegregorio@eac.gov,
rmartinez@eac.gov, Ddavidson@eac.gov,
klynn-dyson@eac.gov

bcc

Subject Working Group for Voter Fraud/Intimidation Project

History:

This message has been forwarded.

Peg:

Following is the guidance that the commissioners are providing with respect to the composition of the working group for the Voter Fraud/Voter Intimidation project and the selection process.

8 Member Working Group

Participants to be chosen by the two consultants in consultation with you. There are two slots that will require consensus. If consensus can't be reached, then you should make the decision. If there is real disagreement among the three of you, then the commissioners will make the selection.

The participation process prescribed below provides for political balance. As always, we ask that the group be diverse with respect to participation of men, women and minorities.

4 people from the Academic, Legal and Advocacy sectors - 2 to be chosen by Tova and 2 to be chosen by Job. We support your recommendation that there be at least one academic in the working group to help advise and comment on the construct of the database and you should provide that guidance to Tova and Job.

2 State Level Election Officials - 1 selected by Tova and 1 selected by Job

1 Nonpartisan local election official (selected by you or by consensus among the 3 of you)

1 Representative from DOJ - you had recommended a man who was retired from the Voting Section or perhaps someone else with similar credentials to be selected by you or by consensus among the three of you. We assume that Craig Dosantos (?sp) will participate in this project as an "advisor" and therefore would not take up a slot on the working group.

I will be on travel on Friday (tomorrow), however please feel free to call me on my cell should you have questions or need additional clarification.

Many thanks for your terrific work.

Gracia M. Hillman
Chair
U.S. Election Assistance Commission
1225 New York Avenue, NW, Suite 1100
Washington, DC 20005
Tel: 202-566-3100
Fax: 202-566-1392

016127

www.eac.gov

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016128

**Deliberative Process
Privilege**

Diana Scott/EAC/GOV
01/19/2006 02:33 PM

To klynndyson@eac.gov@EAC
cc Bola Olu/EAC/GOV@EAC
bcc
Subject Fw: Tova Wang

Plz. provide info requested below. Thanks.

Diana M. Scott
Administrative Officer
U.S. Election Assistance Commission
(202) 566-3100 (office)
(202) 566-3127 (fax)
dscott@eac.gov

----- Forwarded by Diana Scott/EAC/GOV on 01/19/2006 02:33 PM -----

Margaret Sims/EAC/GOV
01/19/2006 02:29 PM

To Diana Scott/EAC/GOV@EAC
cc Karen Lynn-Dyson/EAC/GOV@EAC
Subject Re: Tova Wang

The travel expenses for the research contracts I oversee are included in Karen's budget for Research, not under Programs and Services. --- Peggy

Diana Scott/EAC/GOV

Diana Scott/EAC/GOV
01/19/2006 02:05 PM

To Margaret Sims/EAC/GOV@EAC
cc Bola Olu/EAC/GOV@EAC
Subject Tova Wang

Peggy,

Can you indicate where in the Programs & Services budget are the following expenditures for travel for Tova Wang to be deducted from. Plz. advise. Thanks.

E4019833	Jan. 12-14	NY/WDC	\$979.20
E4019844	Jan. 23-25	NY/AR	\$1274.46

(You have indicated twice to me that these expenses are to be taken from FY06 funds and not the existing FY05 contract funds).

Diana M. Scott
Administrative Officer
U.S. Election Assistance Commission
(202) 566-3100 (office)

016129

(202) 566-3127 (fax)
dscott@eac.gov

016130

**Deliberative Process
Privilege**

Margaret Sims/EAC/GOV
01/19/2006 03:26 PM

To jthompson@eac.gov, Gavin S. Gilmour/EAC/GOV@EAC
cc Karen Lynn-Dyson/EAC/GOV@EAC
bcc
Subject Extension Needed for Voting Fraud/Voter Intimidation Project
Consultants

The estimated additional hours needed to bring the Voting Fraud/Voter Intimidation Project to a logical stopping point (without requiring a draft statement of work for any future RFPs on the topic) are:

Expert Interviews:

3 hours of scheduling

17 hours conducting the interviews

15 hours summarizing and analyzing the interviews

Subtotal: 35 hours

Nexis research, organization of research, summary of research (Tova): 180 hours

Lexis research, organization of research, summary of research (Job): 180 hours

Subtotal: 360 hours

Working Group preparation and meeting time: 20 hours

Final Report: 45 hours

Grand Total: 460

The sooner we find out if the Commissioners will accept this extension, the better. If the extension (or new contract for 3 additional months) is not accepted, we have to figure out what can be done in the limited time remaining. --- Peggy

016131

**Deliberative Process
Privilege**

Subject FYI:FUND BALANCE FOR WANG & SEREBROV

Peggy:

Please note that the balance on Serebrov and Wang 's contract are \$14,451.68 and \$16,116.68 respectively.

Bola Olu
Financial Administrative Specialist
United States Election Assistance Commission
1225 New York Avenue N.W., Suite - 1100
Washington, DC 20005
P:202-566-3124
F:202/566-3127
<http://www.eac.gov/>

"There is a world of difference between planning and worrying"

016132

Attorney-Client
Privilege

Bola Olu/EAC/GOV
02/15/2006 02:09 PM

To Margaret Sims/EAC/GOV@EAC
cc DScott@eac.gov, Karen Lynn-Dyson/EAC/GOV@EAC
bcc
Subject Re: FYI:FUND BALANCE FOR WANG & SEREBROV 

Peggy:

Wang's travel so far, is coming out of FY06. I am only responding to the comment you had in your respond " It does not reflect travel costs incurred against Wang's contract (see attached).



Wang Travel Cost Tracking.xls

If Wang's travel is coming out of FY06, then why are you deducting it from FY05? Does Wang have a travel fund in FY06?

Bola Olu
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"There is a world of difference between planning and worrying"

Margaret Sims/EAC/GOV

Margaret Sims/EAC/GOV
02/15/2006 01:15 PM

To Bola Olu/EAC/GOV@EAC
cc DScott@eac.gov, Karen Lynn-Dyson/EAC/GOV@EAC
Subject Re: FYI:FUND BALANCE FOR WANG & SEREBROV 

Bola:

Our attorneys have said that the travel expenses for these consultants have to come out of FY06 funds, so we bill their travel expenses against the FY06 Research budget and use the travel authorization/travel voucher process (at least for non-local travel). The pay for the consultants' personal services still comes from the FY05 Research budget. --- Peggy

Bola Olu/EAC/GOV

Bola Olu/EAC/GOV
02/15/2006 11:00 AM

To Margaret Sims/EAC/GOV@EAC
cc Diana Scott/EAC/GOV@EAC
Subject Re: FYI:FUND BALANCE FOR WANG & SEREBROV 

016133



Tova-Intermittent Personal Services Contract (EXPERT).doc Job-Intermittent Personal Services Contract (EXPERT).doc



016134

Diana Scott/EAC/GOV
02/22/2006 04:47 PM

To EAC Staff
cc
bcc
Subject Travel authorization requests

All,

Plz be reminded that your travel authorization requests are to be sent to this mailbox: *travelauthorizations@eac.gov* which is listed as *TravelAuthorizations* in the EAC Directory. Plz. do not send requests to EAC Travel Authorizations Team; requests erroneously sent to EAC Travel Authorizations Team will not be processed. Thanks.

Diana M. Scott
Administrative Officer
U.S. Election Assistance Commission
(202) 566-3100 (office)
(202) 566-3127 (fax)
dscott@eac.gov

016135

cc

Subject EAC Statement

Hello everyone,

I'm sure you have read the article in today's NYT about the voter fraud report this agency issued. Today, Congressmen Hinchey and Serrano have issued the following statement. Very shortly, EAC will post and distribute the attached statement to articulate our role and approach to conducting research and the steps we will take to improve our process. Please let me know if you have any questions about this, as I am sure we will all receive phone calls today about this issue. You may also direct people with questions to the statement that will be on the website. I will keep everyone informed as this situation evolves.



2007-11 (4-11-07) Statement on Research & Contracting Policies.pdf

For
Immediate
Release

April 11, 2007

Hinchey, Serrano Urge Non-Partisanship, Greater Transparency at Election Assistance Commission

Washington, DC - Today, Congressmen Maurice Hinchey (NY-22) and José E Serrano (NY-16) urged the Election Assistance Commission (EAC) to act with greater transparency and without partisanship. The comments from the congressmen came as the House Appropriations Subcommittee on Financial Services and General Government released a draft version of an EAC report on voter fraud and intimidation that shows significant changes were made to the findings of outside experts before the final report was released.

"The EAC has an obligation to be forthright with the American people and operate transparently and in a non-partisan manner," said Congressman Hinchey, who requested the draft report from EAC Commissioner Donetta L. Davidson during subcommittee hearing last month. "The draft report was commissioned with taxpayer dollars upon a mandate from Congress so that we could learn more about voter fraud and intimidation. The need for this report is even more clear when we see the way in which the Bush administration is carrying out the electoral process and how this system is sliding towards corruption. In hiding a draft report from the public that is significantly different from the final version, the EAC has created a lot more questions than it has answered while stunting debate on the issue. In order for our democracy to function properly it is essential that our elections are free of any corruption and that includes ensuring that the EAC does not work to benefit one political party over the other. To achieve that goal we must have all the facts and opinions on the table, not just some of them. The EAC must never limit discussion and debate."

016136

"The EAC is charged with helping to ensure our elections are trustworthy and administered fairly," said Congressman Serrano, who is Chair of the Appropriations Subcommittee that oversees the EAC budget. "I'm concerned if changes were made to the report on voter fraud because of partisan bias rather than impartial analysis. When you read the draft report side-by-side with the final version, it is clear that important conclusions of the experts who wrote the draft report were excluded from the final product. Among the excluded information is an analysis that undermines the notion that voter fraud is rampant.

"I am concerned that the EAC did not publicly release the taxpayer-funded draft report, and I worry that political considerations may have played a role. We cannot have a politicized EAC, or one that yields to outside pressure. Our democracy, and the American people's faith in it, is far more important than a short-term political advantage."

The draft report was written by outside experts under contract with the EAC. The final report was entitled "Election Crimes: An Initial Review and Recommendations for Future Study" and was issued on December 7, 2006.

The EAC is an independent bipartisan commission created by the 2002 Help America Vote Act in order to disburse funds to the states for the purchase of voting systems, certify voting technologies, develop guidelines and serve as an information resource for election administration.

Jeannie Layson
U.S. Election Assistance Commission
1225 New York Ave., NW
Suite 1100
Washington, DC 20005
Phone: 202-566-3100
www.eac.gov

016137



Joyce Wilson /EAC/GOV
10/12/2006 01:42 PM

To Paul DeGregorio/EAC/GOV@EAC
cc Jeannie Layson/EAC/GOV@EAC
bcc

Subject Fw: Voting Fraud

History: This message has been replied to.

— Forwarded by Joyce Wilson/EAC/GOV on 10/12/2006 01:39 PM —



10/11/2006 06:34 PM

To HAVAINfo@eac.gov
cc
Subject Voting Fraud

In an article in USA Today (10/10/2006), is this quote: "Advocates of registration and photo identification laws say they are needed to prevent fraud."

Another quote in the same article is: "Paul DeGregorio, chairman of the Election Assistance Commission, says the laws should not discourage citizens from voting. Far worse, he says, would be for states to ignore problems that cause Americans to distrust the process."

In my opinion as an American citizen who carries all the required papers, DeGregorio is right.

It doesn't matter who votes, since our votes don't count anyway. Politicians do as they please no matter what the people want. As we have seen in the past eight years, the past four years in particular, politicians will do or say anything that will further their personal agendas.

I don't believe enough voting fraud happens to make any kind of difference. And since what the voters want doesn't count anyway, it doesn't actually matter. But what a convenient thing it is on which to focus attention and argument for the very people who don't want their own fraud and dishonesty to be remembered come voting day.

I am an example of exactly what DeGregorio spoke of: a citizen who carries all the now-required paperwork, and has finally realized that the system is completely bogus.

Heather Greyvelle

016138

cc Bola Olu/EAC/GOV@EAC
Subject Tova Wang/Job Serebrov/Improving Election Data Collection
Project--FY06 Budget

All,

Per our meeting this afternoon, the consensus was that Peggy needed a total of \$60,000 to fund the contracts for Tova Wang and Job Serebrov (\$50,000 for labor and \$10,000 for travel expenses). Since only \$25,000 was budgeted for both these 2 contractors, an additional \$35,000 is needed. Tom directed that the additional required funds be taken from the \$150,000 budgeted for the Improving Election Data Collection project. According to Tom, this project will now be done in-house and so the budgeted funds far exceeds projected expenditures. Therefore, revised budgeted (maximun) amounts are as follows:

Improving Election Data Collection	\$115,000
Tova Wang	\$ 30,000
Job Serebrov	\$ 30,000

Plz let me know if the above differs in any way with your understanding. Thanks.

Diana M. Scott
Administrative Officer
U.S. Election Assistance Commission
(202) 566-3100 (office)
(202) 566-3127 (fax)
dscott@eac.gov

: 016139

Margaret Sims/EAC/GOV
03/14/2006 06:29 PM

To Jeannie Layson/EAC/GOV@EAC
cc Karen Lynn-Dyson/EAC/GOV@EAC
bcc
Subject Status: Preliminary Research on Voting Fraud/Voter
Intimidation

Jeannie:

Karen asked me to provide a response to the following question you received from Roy Saltman:

(2) On p. 27 of the 2005 Annual Report, it states that EAC contracted with two consultants to conduct preliminary research on the issues of voting fraud and voter intimidation. Can you tell me who these organizations or individuals are, and when their reports might be available? If they are available now, how can I obtain them?

The two consultants are Tova Wang and Job Serebrov. We expect the consultants to file a report with the EAC in May. EAC Commissioners will have to review and accept the report before it can be released.

Hope this works for you. --- Peggy

016140

**Deliberative Process
Privilege**

Peggy:

I was just processing your email properly - light bulb moment! The 2 trips of Wang is not coming out of this contract because the 2 trips were processed like any regular travel and they were assigned new/different Act numbers. For Wang's travel to come out of this contract, her travel cannot be processed as a regular travel. If memory serves me correctly, I believe this was the reason why Diana was asking you where these funds was coming out from and I believe she was told - Research.

To date, Wang's travel has been expensed or charged against Research (Survey/Surveys - Contractual services). For Wang's travel to come out of the allocated \$5,000, she will have to provide an invoice with all her travel expense. She could either submit this separately or she can add her travel expense with her monthly invoice.

The same applies to Serebrov. So long as they get a different Act number for their travel, their travel expense will not be coming out of the allocated travel fund.

I will be more than happy to answer any questions.

Bola Olu
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"There is a world of difference between planning and worrying"

Margaret Sims/EAC/GOV

Margaret Sims/EAC/GOV

02/08/2006 05:03 PM

To Bola Olu/EAC/GOV@EAC

cc

Subject Re: FYI:FUND BALANCE FOR WANG & SEREBROV 

That pretty much matches what I have for Serebrov (see attached). Serebrov has used none of his travel money. It does not reflect travel costs incurred against Wang's contract (see attached). --- Peggy



Serebrov Payment Tracking.xls



Wang Payment Tracking.xls



Wang Travel Cost Tracking.xls

Bola Olu/EAC/GOV

Bola Olu/EAC/GOV

02/08/2006 04:04 PM

To Margaret Sims/EAC/GOV@EAC

cc Diana Scott/EAC/GOV@EAC

016141

Margaret Sims/EAC/GOV
05/04/2006 02:07 PM

To pdegregorio@eac.gov, rmartinez@eac.gov,
ddavidson@eac.gov, ghillman@eac.gov
cc twilkey@eac.gov, jthompson@eac.gov, Gavin S.
Gilmour/EAC/GOV@EAC, Arnie J. Sherrill/EAC/GOV@EAC,
Adam Ambrogio/EAC/GOV@EAC, Elieen L.
bcc

Subject Voting Fraud-Voter Intimidation Working Group Meeting

History:  This message has been forwarded.

Dear Commissioners:

This is to let you know that the Working Group for our Voting Fraud and Voter Intimidation preliminary research project is scheduled to meet in EAC's large conference room the afternoon of Thursday, May 18. I will provide more information about this meeting to you later.

Peggy Sims
Election Research Specialist

016142

Bola Olu/EAC/GOV
05/17/2006 11:58 AM

To: Margaret Sims/EAC/GOV@EAC, Karen
Lynn-Dyson/EAC/GOV@EAC
cc
bcc
Subject: Fw: WHO IS PAYING FOR THE VFVI Working Group
Meeting on May 18th.

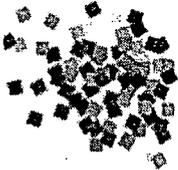
In terms of travel cost etc.

THANK YOU!

Bola Olu
Financial Administrative Specialist
United States Election Assistance Commission
1225 New York Avenue N.W., Suite - 1100
Washington, DC 20005
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F:202/566-3127
<http://www.eac.gov/>

"In business, really in all of life, it is impossible to say "thank you" too many times"

----- Forwarded by Bola Olu/EAC/GOV on 05/17/2006 11:51 AM -----



Devon E. Romig/EAC/GOV
05/17/2006 11:43 AM

To: Bola Olu/EAC/GOV@EAC
cc
Subject: Re: WHOSE MEETING IS VFVI Working Group Meeting on
May 18th. BRIAN OR KAREN?

It is Peggy's meeting.

Devon Romig
United States Election Assistance Commission
1225 New York Ave. NW, Suite 1100
Washington, DC 20005
202.566.2377 phone
202.566.3128 fax
www.eac.gov
Bola Olu/EAC/GOV

Bola Olu/EAC/GOV
05/17/2006 11:33 AM

To: Devon E. Romig/EAC/GOV@EAC
cc
Subject: WHOSE MEETING IS VFVI Working Group Meeting on May
18th. BRIAN OR KAREN?

016143

Bola Olu
Financial Administrative Specialist
United States Election Assistance Commission
1225 New York Avenue N.W., Suite - 1100
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P:202-566-3124
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<http://www.eac.gov/>

"In business, really in all of life, it is impossible to say "thank you" too many times"

016144

Margaret Sims/EAC/GOV
05/05/2006 05:34 PM

To DScott@eac.gov
cc Karen Lynn-Dyson/EAC/GOV@EAC, dromig@eac.gov
bcc
Subject Working Group Travel

Diana:

The following members of the Working Group for our Voting Fraud/Voter Intimidation research project will need to make travel arrangements in order to attend an afternoon meeting of the group on May 18 in Washington, DC:

Mark "Thor" Hearne - St Louis, MO
J.R. Perez - Seguin, TX
The Honorable Todd Rokita - Indianapolis, IN
Kathy Rogers - Atlanta, GA

I may have one additional member from Albuquerque, NM confirmed early next week.

May these people use Adventure Travel to make these arrangements in the same manner as the Asian Language Working Group? I understand the members of that group made hotel and flight arrangements through Adventure Travel and that these costs were billed directly to EAC. We did plan for EAC to pay for the travel of the Voting Fraud/Voter Intimidation Working Group (budgeted under Research). Devon will prepare their travel authorizations.

Peggy Sims
Election Research Specialist

016145



"Job Serebrov"

08/23/2005 06:00 PM

To klynndyson@eac.gov

cc

bcc

Subject Re: Kick off activities for the EAC Voting fraud/voter intimidation project

Karen:

That entire week is good for me. However, I really need to know as far in advance as possible as I am deciding whether to fly or drive.

Regards,

Job

--- klynndyson@eac.gov wrote:

> Greetings-
>
> Tom Wilkey and I have just completed a series of
> very informative and
> productive conversations with each of you and are
> anxious to move to the
> next step of this process.
>
> We hope to assemble our consultant team on this
> project, within the next
> three weeks and are presently awaiting final
> approval of your contracts
> from our Commissioners. We anticipate this will
> take place in the next
> week to ten days.
>
> We would like to assemble the team- Steve
> Ansolabehere of MIT, Tova Wang
> from The New Century Foundation and Job Serebrov,
> who has worked
> extensively on these issues for the State of
> Arkansas, during the week of
> September 11. Please get back to us with some
> tentative dates during that
> week that might work with your schedule.
>
> We look forward to working with all of you and
> appreciate your efforts on
> behalf of the EAC.
>
> Regards-
>
> Karen Lynn-Dyson
> Research Manager
> U.S. Election Assistance Commission
> 1225 New York Avenue , NW Suite 1100
> Washington, DC 20005
> tel:202-566-3123
>

016146



"Job Serebrov"
[REDACTED]

08/22/2005 01:47 PM

To "Karen Lynn Dyson" <klynndyson@eac.gov>

cc

bcc

Subject Meeting in DC

Karen:

I wanted to toss in my vote for the week of our first working meeting. The week of Sept 12 works best for me as far as scheduling things. I don't image that right before or right after Labor Day will really be good for everyone as that is the final vacation time of the summer.

What are your thoughts? I have been writing down various ideas, problems, and possible solutions that I thought of regarding vote fraud potentially for discussion at this meeting. It would be good if the three of us who were hired had a short backgrounder on the other two.

Regards,

Job

016147



"Stephen Ansolabehere"
<sda@MIT.EDU>
08/23/2005 11:54 PM

To klyndyson@eac.gov
cc
bcc
Subject Re: fraud consultation

Hi Karen,

Here is the one page vita describing my relevant expertise for the fraud study, as well as a brief letter on my availability and consulting rates.

I will be away from Thursday through Monday, and will be in DC August 31 and September 1 and 2. I will swing by the EAC when I'm there. I look forward to meeting you in person.



Steve Ansolabehere EAC_fraud_consultation.doc SDA_VITA_onepage.doc

016148

I'm going to talk to Bert Benevides this morning about her possibly helping me work on some of these contracts on an ongoing basis.

Will keep you informed.

P.S. Are you going to bring me a present??? I'm about the only staff person here today. (sigh)

K
Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

Thomas R. Wilkey/EAC/GOV

Thomas R. Wilkey/EAC/GOV
08/22/2005 06:42 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc
Subject Re: Employment Contracts for RFP Consultants

What happened to Ms Gilley

Sent from my BlackBerry Wireless Handheld
Karen Lynn-Dyson

From: Karen Lynn-Dyson
Sent: 08/22/2005 04:44 PM
To: Thomas Wilkey
Cc: Diana Scott; Margaret Sims
Subject: Re: Employment Contracts for RFP Consultants

FYI-

Diana, Peg and Tom-

Given the backgrounds and levels of experience of these consultants, I anticipate offering each of them \$75 an hour or \$600 a day, plus expenses. These contracts would be for six weeks.

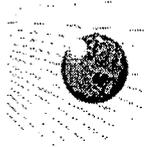
Please let me know your thoughts about this , as well.

K
Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

Tamar Nedzar/EAC/GOV

01/16/149

**Deliberative Process
Privilege**



Nicole
Mortellito/CONTRACTOR/EAC
/GOV
08/24/2005 05:27 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc
bcc
Subject Fw: Statement of Work to be circulated to the voting
fraud/voter intimidation consultant candidates

History: This message has been forwarded.

Regards,

Nicole K. Mortellito
Assistant to the Executive Director - Thomas R. Wilkey
U.S. Election Assistance Commission
1225 New York Avenue - Suite 1100
Washington, DC
202.566.3114 phone
202.566.3127 fax

----- Forwarded by Nicole Mortellito/CONTRACTOR/EAC/GOV on 08/24/2005 05:26 PM -----

Karen Lynn-Dyson/EAC/GOV

08/17/2005 04:29 PM

To Nicole Mortellito/CONTRACTOR/EAC/GOV@EAC
cc Thomas R. Wilkey/EAC/GOV@EAC, Margaret
Sims/EAC/GOV@EAC, Diana Scott/EAC/GOV@EAC, Juliet
E. Thompson/EAC/GOV@EAC
Subject Statement of Work to be circulated to the voting fraud/voter
intimidation consultant candidates

Nicole-

Attached please find the Statement of Work which should be sent to each of the three candidates who are being considered for the consulting position:

Steve A.
Tova W.
Job S.

Please be certain they are sent separately and not collectively to all three and that it is sent by COB today.

Thanks so much for your help.

K



voterfraud project consultants.doc

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

016150
~~016170~~
016150

Thomas R. Wilkey/EAC/GOV
08/24/2005 09:31 AM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc
bcc
Subject Re: Employment Contracts for RFP Consultants

Thanks and if you could add any information of work already approved to Donetta's packet I will review it with her.

Also please work with Nicole to get the packet out this afternoon.

We will be meeting Friday morning at 8 AM rather than 10 so that will be 10 your time. I should have a call in number for you later today.

Thanks again for all your hard work I know how much has been placed on your shoulders.

Tom

Sent from my BlackBerry Wireless Handheld
Karen Lynn-Dyson

From: Karen Lynn-Dyson
Sent: 08/23/2005 05:06 PM
To: Thomas Wilkey
Cc: Nicole Mortellito
Subject: Re: Employment Contracts for RFP Consultants

Hill!

Nicole and I will send you one of our infamous grids summarizing all this, first thing in the AM.

Briefly-

1. Need formal 4C's approval to tell Widmeyer go ahead on editing EDS piece and approve \$6000 in additional costs
2. Need 4C's to approve EDS\$36,000 expenditures to complete NVRA and UOCAVA reports
3. Absentee Ballot postage advertised and assigned to Gwenn Hofmann
4. VR database refresh- Carol Paquette knows
5. On-line learning forums- 4 C's will get SOW on Friday- assigned to Marta Casper
6. Effective Designs for Election Administration- sole sourced to Design for Democracy and assigned to Gwenn Hoffmann
7. Provisional Voting/Voter ID- Eagleton/Moritiz team to meet with EAC on Sept 6 at 1:30 PM
8. Improving Election Data Collection-4 C's will get SOW on Friday- Assigned to Marta Casper
9. Voting Fraud/Voter Intimidation- 3 consultants identified, kick-off meeting week of Sept 11
10. Vote Count/Vote Recount- reviewed and approved by Commissioners, assigned to Gaylin Vogel, Adam Ambroigi, Bert Benevides. To be advertised ASAP.
11. Poll worker recruitment, training and retention- 4C's to review Dan Murphy's SOW on Friday

016151

12. Roundtables for Voters- sole sourced to Council for Excellence in Government. Final proposal to be reviewed and approved by 4C's on Tuesday, Sept 6. Assigned to Marta Casper

13. Voter Hotline- 4C's to review SOW on Friday. Assigned to Richard Dickerson

14. Public Access Portals- 4C's to review SOW on Friday. Assigned to Richard Dickerson

15. Election Administration Law Web site- Julie Thompson knows. Bert Benevides can assist

16. Election (internet voting)- Carol Paquette knows. Bert Benevides can assist.

Hope this helps in the meantime.

(Marta Casper, Gwenn Hoffmann, Richard Dickerson and Bert Benavides are the consultants who will be assisting us between now and October 1) *** Their contracts have been prepared but need to be signed when you or the Chair returns)

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

Thomas R. Wilkey/EAC/GOV

Thomas R. Wilkey/EAC/GOV
08/23/2005 02:38 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc
Subject Re: Employment Contracts for RFP Consultants

Thanks any chance you could fax me a current quickie run down on where we are. What's done etc. Seems to be some confusion over what they have and what their getting . Yes I will bring you a present

Sent from my BlackBerry Wireless Handheld
Karen Lynn-Dyson

From: Karen Lynn-Dyson
Sent: 08/23/2005 09:52 AM
To: Thomas Wilkey
Subject: Re: Employment Contracts for RFP Consultants

Ms. Gilley isn't available and won't be until at least the first of next year.

She sent me the name of another individual who looks quite experienced, but in the world of international affairs and workforce development. He's a Brit.

016152



Nicole
Mortellito/CONTRACTOR/EAC
/GOV

08/31/2005 01:40 PM

To Nicole Mortellito/CONTRACTOR/EAC/GOV@EAC
cc jthompson@eac.gov, Karen Lynn-Dyson/EAC/GOV@EAC,
sda@mit.edu, "Job Serebrov" [REDACTED],
twilkey@eac.gov, wang@tcf.org

bcc

Subject Conference call for kick off activities for the EAC Voting
fraud/voter intimidation project

History: This message has been forwarded.

Barring any outright objection the conference call to Kick off activities for the EAC Voting Fraud/voter
intimidation project will take place from

2:30 and 3:00pm on Wednesday, September 7th.

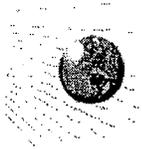
Conference call dial in numbers are
202-708-9998 or 866-222-9044

Password is [REDACTED]

Regards,

Nicole K. Mortellito
Assistant to the Executive Director - Thomas R. Wilkey
U.S. Election Assistance Commission
1225 New York Avenue - Suite 1100
Washington, DC
202.566.3114 phone
202.566.3127 fa

016153



Nicole
Mortellito/CONTRACTOR/EAC
/GOV

08/31/2005 09:32 AM

To Karen Lynn-Dyson/EAC/GOV@EAC

cc

bcc

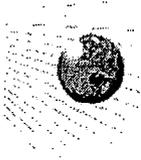
Subject called Tova

FYI i called Tova Wang and left her the timeslot information re: next weeks proposed times for voter fraud/intimidation conf. call.

Regards,

Nicole K. Mortellito
Assistant to the Executive Director - Thomas R. Wilkey
U.S. Election Assistance Commission
1225 New York Avenue - Suite 1100
Washington, DC
202.566.3114 phone
202.566.3127 fax

016154



Nicole
Mortellito/CONTRACTOR/EAC
/GOV

08/31/2005 09:28 AM

To Karen Lynn-Dyson/EAC/GOV@EAC

cc jthompson@eac.gov, Karen Lynn-Dyson/EAC/GOV@EAC,
sda@mit.edu, "Job Serebrov" [REDACTED],
twilkey@eac.gov, wang@tcf.org

bcc

Subject Scheduling Kick off activities for the EAC Voting fraud/voter
intimidation project

To all:

I have spoken with Tom Wilkey and he has proposed that we hold this conference call either:

4-4:30pm on Tuesday, Sept. 6th

or

2:30 and 3:00pm on Wednesday, September 7th

Please advise as to your preference. I would like to make this meeting a concrete entry into our calendar by COB today as next week's schedule is becoming very very full. Thank you.

Regards,

Nicole K. Mortellito
Assistant to the Executive Director - Thomas R. Wilkey
U.S. Election Assistance Commission
1225 New York Avenue - Suite 1100
Washington, DC
202.566.3114 phone
202.566.3127 fax

016155



"Job Serebrov"

08/30/2005 06:15 PM

To klynndyson@eac.gov

cc

bcc

Subject Re: Kick off activities for the EAC Voting fraud/voter intimidation project

History: This message has been forwarded.

Karen et al:

I would suggest that we talk early in the week. That way everything will be set for the meeting on the 12th (I assume this is still a go). My wife and I will be driving from Arkansas so we really need everything to work out before we have to leave on Saturday, August 10th.

Regards,

Job

--- klynndyson@eac.gov wrote:

> All-
>
> I'm in the midst of trying to get many end-of- year
> research contracts
> awarded so am inundated with various meetings and
> activities.
>
> I'm going to ask our Executive Director's Special
> Assistant, Nicole
> Mortellito, to work with each of you to find a time
> early next week when
> we can conduct this conference call.
>
> It would seem that folks are in various places
> around the country this
> week, so that a conference call this week is
> probably not very feasible.
>
> It is very important that we have at least a 30
> minute conversation next
> week, so that we can agree on a division of labor,
> duties and
> responsibilities among the three of you. Once this
> is done, I can
> complete the contracts (and fee schedules) for each
> of you.
>
> Thanks for your patience on this.
>
> Look to hear from Nicole in the next day or so.
>
> Regards-
>
>
>

016156

>
> Karen Lynn-Dyson
> Research Manager
> U.S. Election Assistance Commission
> 1225 New York Avenue , NW Suite 1100
> Washington, DC 20005
> tel:202-566-3123
>

016157



"Job Serebrov"
[REDACTED]

08/30/2005 09:28 AM

To "Karen Lynn Dyson" <klynndyson@eac.gov>

cc

bcc

Subject Question

Dear Karen:

Can we start our meeting on the 12th around 10:00 am?
I have an early breakfast meeting that morning.

Regards,

Job

016158



"Stephen Ansolabehere"
<sda@MIT.EDU>
08/29/2005 03:24 PM

To klyndyson@eac.gov
cc
bcc
Subject Re: Kick off activities for the EAC Voting fraud/voter
intimidation project

August 31 and September 1 I will be in DC. Both days at 1 are good. The 31st is somewhat better.

Steve

At 03:32 PM 8/26/2005, you wrote:

All-

Although Tom Wilkey and I are still working to process each of your contracts on this project, we would like to tentatively schedule an in-person meeting on September 12, here in Washington

In the meantime, I'd like to propose that we all have a short teleconference call next Wednesday or Thursday at 1:00 PM to begin to talk through the scope of this project and the respective roles and responsibilities each of you might take on

Could you let me know your availability for a 45 minute call on August 31 or September 1 at 1:00?

Thanks

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

016159



"Stephen Ansolabehere"
<sda@MIT.EDU>
08/29/2005 03:21 PM

To klyndyson@eac.gov
cc
bcc
Subject Re: Kick off activities for the EAC Voting fraud/voter
intimidation project

Hi Karen,

I'm just back from Vermont.

I cannot make it to DC on a Monday or Wednesday between now and December 11th because of teaching responsibilities. If possible, I would join a via phone if the meeting is after 11 (when my Monday class ends).

Steve

At 03:32 PM 8/26/2005, you wrote:

All-

Although Tom Wilkey and I are still working to process each of your contracts on this project, we would like to tentatively schedule an in-person meeting on September 12, here in Washington

In the meantime, I'd like to propose that we all have a short teleconference call next Wednesday or Thursday at 1:00 PM to begin to talk through the scope of this project and the respective roles and responsibilities each of you might take on

Could you let me know your availability for a 45 minute call on August 31 or September 1 at 1:00?

Thanks

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

016160

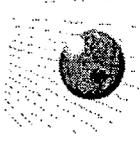
Calendar Entry

Meeting Invitation Nicole Mortellito has invited you to a meeting

Subject	Kick off activities for the EAC Voting fraud/voter intimidation project		Chair	Nicole Mortellito/CONTRACTOR/EAC/GOV
When	Date	Tuesday 09/06/2005	Invitees	Juliet E. Thompson/EAC/GOV@EAC, Karen
	Time	04:00 PM - 04:45 PM (0 hours 45 minutes)		
Where	small conference room		Required (to)	
			Optional (cc)	

Meeting with Tova Wang; Job Serebrov and Steve Ansolabehere

016161



Nicole
Mortellito/CONTRACTOR/EAC
/GOV
09/01/2005 01:48 PM

To Nicole Mortellito/CONTRACTOR/EAC/GOV@EAC
cc jthompson@eac.gov, Karen Lynn-Dyson/EAC/GOV@EAC,
sda@mit.edu, "Job Serebrov" [REDACTED],
twilkey@eac.gov, wang@tcf.org

bcc

Subject Re: Scheduling Kick off activities for the EAC Voting
fraud/voter intimidation project 

Nicole Mortellito/CONTRACTOR/EAC/GOV

Please note that it is necessary to move this meeting to 4-4:30pm on Tuesday, Sept. 6th

The previously scheduled time slot of 2:30 and 3:00pm on Wednesday, September 7th is not workable for Steve who will be in class.

Please acknowledge that you have received this time change. Thank you.

Regards,

Nicole K. Mortellito
Assistant to the Executive Director - Thomas R. Wilkey
U.S. Election Assistance Commission
1225 New York Avenue - Suite 1100
Washington, DC
202.566.3114 phone
202.566.3127 fax

016162



"Job Serebrov"
[REDACTED]

09/02/2005 11:29 AM

To "Karen Lynn Dyson" <klynndyson@eac.gov>

cc

bcc

Subject: Duties

Karen:

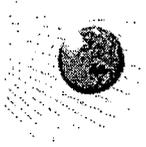
With Tuesday's telephone conference fast approaching and Monday being a holiday, I believe that we have a potential problem unless you can get a tentative discussion topic list out by this afternoon so we have time to make suggestions about it. Without this, our conversation will not be very effective. While I realize that you need to finish the contracts and I wanted to reserve the division of labor conversation for our first meeting, we need guidance for Tuesday.

What do you think?

Regards,

Job

016163



Nicole
Mortellito/CONTRACTOR/EAC
/GOV
09/06/2005 09:08 AM

To Nicole Mortellito/CONTRACTOR/EAC/GOV@EAC
cc jthompson@eac.gov, Karen Lynn-Dyson/EAC/GOV@EAC,
sda@mit.edu, "Job Serebrov" [REDACTED]
twilkey@eac.gov, wang@tcf.org
bcc
Subject EAC Voting fraud/voter intimidation project - Kickoff
Conference c [REDACTED]

As a reminder the conference call scheduled for 4pm today will require you use the following Dial In information.

Conference call dial in numbers are
202-708-9998 or 866-222-9044

Password is - [REDACTED]

Regards,

Nicole K. Mortellito
Assistant to the Executive Director - Thomas R. Wilkey
U.S. Election Assistance Commission
1225 New York Avenue - Suite 1100
Washington, DC
202.566.3114 phone
202.566.3127 fax
Nicole Mortellito/CONTRACTOR/EAC/GOV

016164

Attorney-Client
Privilege



"Job Serebrov"

09/06/2005 05:37 PM

To klynndyson@eac.gov

cc

bcc

Subject Information

History: This message has been forwarded.

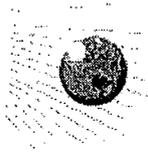
Karen:

In response to Commissioner Davidson's question on present methods of vote fraud, please tell her that in any state (like Arkansas) that uses an optical scan system there are paper ballots from which the scan is made. These paper ballots must still be delivered from the voting area to the counting room and are subject to fraud in the transport.

Job

016165

**Deliberative Process
Privilege**



Nicole
Mortellito/CONTRACTOR/EAC
/GOV

09/06/2005 05:53 PM

To Karen Lynn-Dyson/EAC/GOV@EAC

cc

bcc

Subject Fw: EAC

As I was not in this meeting...I'm punting this request to you. Ha ha ha!!!!

----- Forwarded by Nicole Mortellito/CONTRACTOR/EAC/GOV on 09/06/2005 05:52 PM -----



"Tova Wang"
<wang@tcf.org>

09/06/2005 05:45 PM

To nmortellito@eac.gov

cc sda@mit.edu [REDACTED]

Subject RE: EAC

Hi again Nicole,

Thanks so much for setting up the call today. If possible, could you please send us some kind of sample work plan/division of labor/timeline as we discussed today? Thanks so much.

Tova

-----Original Message-----

From: Tova Wang

Sent: Tuesday, September 06, 2005 4:10 PM

To: sda@mit.edu; [REDACTED]

Subject: EAC

Hi Steve and Job,

Steve, below is the bulk of our exchange of emails from the weekend.

With respect to setting up a time to talk in the next day or two, let me throw out two possibilities and see if they work for you: tomorrow, Wednesday at 4 or Thursday at 10:30. Do either of you have conference call capability? Let me know. If necessary, I can do it. And if you have any thoughts in between feel free to email. Thanks.

Tova

-----Original Message-----

From: wang@tcf.org [mailto:wang@tcf.org]

Sent: Sunday, September 04, 2005 9:09 AM

To: Job Serebrov

Subject: Re: Topics

Hi Job,

These are all good ideas and I would just sort of add to and expand upon them.

016166

First, at the outset, I think we need to be clear about how we are defining fraud. I actually was pleased that the project was called fraud and intimidation because I believe that acts of intimidation -- as well as deceptive practices, eg willfully and knowingly providing false information to voters about the voting process -- are also election fraud. Illegally keeping certain voters from voting has the same distorting impact on election outcomes as ineligible voters casting ballots or some form of modern ballot box stuffing.

Second, we need to research and to the extent possible quantify (here is where Steve may be helpful) what kinds of fraud are -- and are not -- really

being committed before we assess the legal system's handling of such cases or make recommendations for how the states and the justice system can better

address the problem. In other words we need to break down specifically how much fraud is actually taking place by type of activity, such as:

- absentee/mail ballot fraud
- ex-felons knowingly casting illegal ballots
- voting more than once
- noncitizen voting
- false registration
- intimidating practices (perhaps including legal grey areas like inappropriate challenges at the polls)
- deceptive practices
- fraud by election administrators in the handling or counting of ballots
- machine tampering

This is obviously a tall order, but to me it is only then that we will be in

a position to evaluate whether states are treating and remedying the fraud issue appropriately and effectively. We could then, perhaps simultaneously or subsequently, undertake your excellent idea of analyzing the performance of all 50 states and their legal systems in this regard. In addition to nexis or westlaw searches, I suggest it might also be necessary to interview

attorneys general, prosecutors, and attorneys to get the information we will require. My concern is that not every case will show up in these databases.

I also strongly recommend we also analyze how the federal system, ie the Department of Justice, both the criminal and civil rights divisions, is handling these issues. It is unclear to me that DOJ is effectively pursuing

fraud cases as I defined the term above.

With respect to the working group, I don't know what Karen and Tom have in mind, but I would just add that I think we should have at least one academic, a couple of members of third party organizations, and at a couple of local election officials.

That's all I can think of for now. Let me know what you think. Hope you are enjoying the weekend.

Tova

----- Original Message -----

From: "Job Serebrov" [REDACTED]

016167

To: <wang@tcf.org>
Sent: Friday, September 02, 2005 10:18 PM
Subject: Re: Topics

> Tova:

>

> I just got in from dinner. Glad you could get back
> with me. You are correct---the scope of this project
> is unclear. I indicated to Karen that our first face
> to face meeting should be to discuss how this all will
> be accomplished. She agreed but needs a division of
> labor so she can finalize our contracts. It is my understanding that
> Steve will be doing very little because of his class schedule.

>

> Let me briefly outline what I know the EAC wants:

>

> 1. Background research on vote fraud and voter
> intimidation. In my interview, I suggested that a law
> clerk be employed to perform Lexis or Westlaw case
> research in all fifty states on these issues based on
> a list of word searches that the three (or two) of us
> come up with. We would analyze the cases and come up
> with a chart of how each state treats the issue. Karen
> and Tom liked the idea. We would need to address
> differences in state election statutes and differences
> in how the state supreme courts remedy problems.

>

> 2. Identifying and convening a working group. Karen
> and Tom have definite ideas of who should be in this
> group. From my experience I believe it should also
> include general counsels in the election division of
> a number of secretary of states offices or from state
> board of election commissioners offices; state
> legislators who deal with electoral issues from both politically
> divided states and from the minority party in states with a dominant
> party and judges (retired or
> sitting) who have experience with election cases.
> Here I think we need to take testimony from these
> folks and from others in the field and include it in
> the final report.

>

> 3. From 1 and 2 we need to better define the problem.
> The EAC wants a project scope and project work plan. I
> don't know exactly what is meant here.

>

> 4. A summary report describing key findings. This is
> our chance to propose some solutions.

>

> The EAC wants this to be a preliminary work. At first,
> they did not understand that fact finding would take
> more than just preliminary studies. I told them at my interview that
> asking lawyers to do half a job is like being a little pregnant. Karen
> agreed. I think they envision a second project where we would draft an
> rfp for a major organization. I know that the EAC will
> decide whether they want to move ahead after reviewing
> our findings. They already know the issue of vote
> fraud is a political hot potato. Historically, people
> do not want to admit vote fraud occurs until they
> become victims.

>

016168

> I have been involved in vote fraud prevention in the
> southern US for fifteen years and I know there are no
> easy answers. Enough from me. I hope that I answered
> some of your questions. Please give me your thoughts.
>
> Regards,
>
> Job
>
> PS Some background-I was born in Newark, NJ and lived
> a little less than half my life in Newark,
> Millburn-Short Hills and New York City. My 87 year old
> uncle from Poland still lives in the City.
>
>
>
> --- wang@tcf.org wrote:
>
>> Hi Job,
>>
>> Thats a good idea, especially given Karen's most
>> recent email. The only
>> problem I have is that the scope of the project is a
>> little unclear to me
>> still. I can come up with lots of topics I'd like to
>> look at, but don't
>> really have a sense of what is feasible in this
>> first stage. I also am
>> unsure whether they would like us to work together
>> or actually split up
>> duties. Do you have a better understanding of this?
>>
>> I did not know Patricia Young, but I really only
>> worked for Jackson during
>> that one election cycle. I'd love to know more about
>> your work at some point
>> too. And I likewise look forward to meeting you
>> soon!
>>
>>
>> Tova
>> ----- Original Message -----
>> From: "Job Serebrov" <[REDACTED]>
>> To: <wang@tcf.org>
>> Sent: Friday, September 02, 2005 2:06 PM
>> Subject: Topics
>>
>>
>> > Dear Tova:
>> >
>> > Since we will be doing the lion's share of work on
>> the
>> > vote fraud project and in the interest of
>> efficiency,
>> > I think it would be a good idea if we could create
>> a
>> > topic list for the work division discussion on
>> > Tuesday.
>> >
>> > What do you think? I am looking forward to meeting
>> you

016169



"Stephen Ansolabehere"
<sda@MIT.EDU>
09/06/2005 08:45 PM

To twilkey@eac.gov, klynndyson@eac.gov, sda@mit.edu,
wang@tcf.org, jthompson@eac.gov
cc
bcc
Subject

Hi all,

Sorry to have to have bolted from our phone meeting at 5 today. My wife sang the national anthem at Fenway Park this evening, and I had to take her to the stadium.

Steve

016171

K
Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005



tel:202-566-3123 tw plan 0907.doc

016172



"Tova Wang" <wang@tcf.org>

09/07/2005 05:14 PM

To klynndyson@eac.gov, twilkey@eac.gov

cc jthompson@eac.gov, nmortellito@eac.gov, sda@mit.edu,
"Job Serebrov" [REDACTED], wang@tcf.org

bcc

Subject work plan

History: This message has been forwarded.

Hi Karen and Tom,

As we discussed yesterday, attached is a preliminary work plan/division of labor for your review. Please let us know if this is sufficient for the present and if you have any comments or questions.

In terms of hours dedicated to the project, Job and Tova are able to commit to 15-20 hours per week assuming that includes reimbursed periodic travel. Steve can do approximately 2 hours per week. We have tentatively scheduled to meet at your offices in DC, if that is convenient for you, on September 20. We will be able to confirm that within the next day or so.

All of us are very eager to get started on this important work as soon as possible. However, because we also have other work related responsibilities, we are a bit reluctant to do so before having an opportunity to review our contracts. We look forward to receiving them so we can get going right away.

Thanks so much. Speak to you soon.

Tova, Job and Steve

-----Original Message-----

From: klynndyson@eac.gov [mailto:klynndyson@eac.gov]

Sent: Friday, September 02, 2005 3:19 PM

To: klynndyson@eac.gov; nmortellito@eac.gov

Cc: jthompson@eac.gov; nmortellito@eac.gov; sda@mit.edu; Job Serebrov; twilkey@eac.gov; wang@tcf.org

Subject: Re: Kick off activities for the EAC Voting fraud/voter intimidation project

All-

In anticipation of our 45-minute conference call scheduled for Tuesday, September 6 at 4:00 PM, I would ask the three consultants (Steve, Job and Tova) to come prepared to talk about the following:

The major topics and issues which you see as needing immediate attention, definition, delineation, etc.

Rough timelines and timeframes for addressing these major issues and topics

Your major roles and responsibilities and the timelines you envision for meeting your major deliverables

We all realize that this conversation is just a start; I look forward to this beginning and to framing the tasks that lie ahead of us between now and September 30.

Have a wonderful holiday!!

016173



Nicole
Mortellito/CONTRACTOR/EAC
/GOV
09/09/2005 02:40 PM

To "Tova Wang" <wang@tcf.org>@GSAEXTERNAL, "Stephen
Ansolabehere" <sda@MIT.EDU>@GSAEXTERNAL, "Job
Serebrov" [REDACTED]
cc Thomas R. Wilkey/EAC/GOV@EAC, Karen
Lynn-Dyson/EAC/GOV@EAC
bcc
Subject Conference call request [icon]

Tova, Job and Steve,

Tom and Karen would like to schedule a conference call with the three of you on Monday, September 12 at 9:30 a.m. for about 20 minutes to discuss the following:

- Finalize contracts
- Finalize consulting hours
- Define Individual roles and responsibilities
- Begin review of Working Group members

Please let me know by COB today if you can do this. Feel free to call if you don't have time to e-mail.
Many thanks.

Regards,

Nicole K. Mortellito
Assistant to the Executive Director - Thomas R. Wilkey
U.S. Election Assistance Commission
1225 New York Avenue - Suite 1100
Washington, DC
202.566.3114 phone
202.566.3127 fax

016174

klynndyson@eac.gov

To

cc

Subject

consulting

Hi Karen,

I haven't heard back from you about consulting fees and contracts for the fraud project.

Things seem to be moving ahead. Does that mean that the EAC has approved hiring me at my consulting rate of \$250/hour, \$2500/day?

Steve

016175



"Stephen Ansolabehere"
<sda@MIT.EDU>
09/09/2005 03:23 PM

To klynndyson@eac.gov
cc
bcc

Subject Re: consulting

History: This message has been forwarded.

Karen,

The national anthem was great. She described it as "an out of body experience."

I won't be able to make the conference call. I teach M and W 9 to 11 and W 1 to 4. I'll catch up with you after the call.

Thanks,

Steve

At 03:04 PM 9/9/2005, you wrote:

Steve-

Excuse my delay in responding I've had several personal emergencies this week- they come in threes so I'm awaiting the third (smile)
Am working on your fee this afternoon I don't think the EAC can offer a fee a nearly the rate you quote but I will have a firm figure to you in time for our conference call on Monday morning at 9:30.

Also, how was your wife's singing!!! What an honor! One day I'll have to bore you with my Fenway Park stories

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Stephen Ansolabehere" <sda@MIT.EDU>

09/08/2005 04:48 PM

016176



"Job Serebrov"
[REDACTED]

09/09/2005 03:48 PM

To nmortellito@eac.gov, wang@tcf.org, sda@MIT.EDU

cc twilkey@eac.gov, klynndyson@eac.gov

bcc

Subject Re: Conference call request

Nicole:

9:30 is bad for me. It would have to be after 9:45.

Tova and Steve--I just talked with Karen and she does not see a reason why our first meeting has to be in DC. As long as the travel payment is worked out, how do you two feel about coming to Little Rock? Tova, I know you were looking for a reason to come here. I think I could arrange for a meeting room for us, perhaps in the Clinton School of Public Service.

The Monday telephone meeting is essential to contract completion.

Regards,

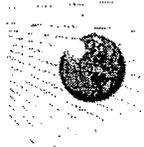
Job

--- nmortellito@eac.gov wrote:

> Tova, Job and Steve,
>
> Tom and Karen would like to schedule a conference
> call with the three of
> you on Monday, September 12 at 9:30 a.m. for about
> 20 minutes to discuss
> the following:
>
> Finalize contracts
> Finalize consulting hours
> Define Individual roles and responsibilities
> Begin review of Working Group members
>
>
> Please let me know by COB today if you can do this.
> Feel free to call if
> you don't have time to e-mail. Many thanks.
>
>
> Regards,
>
> Nicole K. Mortellito
> Assistant to the Executive Director - Thomas R.
> Wilkey
> U.S. Election Assistance Commission
> 1225 New York Avenue - Suite 1100
> Washington, DC
> 202.566.3114 phone
> 202.566.3127 fax

016177

Attorney-Client
Privilege



Nicole
Mortellito/CONTRACTOR/EAC
/GOV

09/09/2005 04:39 PM

To Karen Lynn-Dyson/EAC/GOV@EAC

cc

bcc

Subject Fw: updated Conference call request

----- Forwarded by Nicole Mortellito/CONTRACTOR/EAC/GOV on 09/09/2005 04:39 PM -----



"Job Serebrov"
[REDACTED]

09/09/2005 04:38 PM

To nmortellito@eac.gov

cc

Subject Re: updated Conference call request

Nicole:

Tom and Karen have my resume. I don't know if Diana has it but it would be easier for me if Tom or Karen could make a copy for Diana. This is because I sent Karen, who made Tom a copy of both my resume and a separate document called Election Activities. Can you look into this?

The number of hours we will work on this depends on the funds available for a potential law clerk and most of all travel. Both Tova and I agreed that we will have to interview others, not to mention travel for a potential working group. Tova and I envisioned working 15-20 hours per week with Steve working 2 hours per week. The reason we gave for 15 instead of 20 is to leave room for a law clerk and travel in the budget.

I don't know if you will have much success staying within the budget Karen is talking about (\$60,000-\$75,000) with hourly consulting rates either. For instance, before serving as a federal judicial law clerk my consulting fees were \$175 per hour and now I would charge \$200. If you figure that at 20 hours for 4 months you get \$64,000 or \$48,000 at 15 hours for 4 months. While I do believe that \$75,000 may be too low for this project, hourly rates may never get you where you want to go.

What do you think?

Job

--- nmortellito@eac.gov wrote:

> To all:

>

> Karen asked me to type this, she is operating with

016178

> one hand right now:
>
> Please, each of you, send to Karen
> (klynndyson@eac.gov), Tom Wilkey
> (twilkey@eac.gov) and Diana Scott (dscott@eac.gov):
> your resume
> your consulting fees or rates
> the number of hours per week you anticipate working
> on this project
>
> The EAC staff will finalize your contracts on Monday
> and need this
> information to complete the process.
>
> Regarding a conference call: Please advise as to
> whether 1pm on Tuesday or
> 9:30 am on Tuesday September 13 are feasible. Thank
> you.
>
> Regards,
>
> Nicole K. Mortellito
> Assistant to the Executive Director - Thomas R.
> Wilkey
> U.S. Election Assistance Commission
> 1225 New York Avenue - Suite 1100
> Washington, DC
> 202.566.3114 phone
> 202.566.3127 fax

016179

**Deliberative Process
Privilege**



"Tova Wang" <wang@tcf.org>

09/09/2005 04:45 PM

To nmortellito@eac.gov, twilkey@eac.gov, dscott@eac.gov,
klynndyson@eac.gov

cc

bcc

Subject RE: updated Conference call request

Karen, what happened to you???

In any case, my resume and bio are attached. I do not have a set rate, but my understanding is that project will be \$500 per 8 hour day. I anticipate working an average of 15 - 20 hours per week.

Either of those times on Tuesday work for me. FYI, Steve is unable to do a meeting on the 20th, and since he teaches Tuesday and Thursday, I'm not sure he'll be around for a call Tuesday.

Let me know if you need anything else. Have a great weekend.

Tova

-----Original Message-----

From: nmortellito@eac.gov [mailto:nmortellito@eac.gov]

Sent: Friday, September 09, 2005 3:20 PM

To: nmortellito@eac.gov

Cc: klynndyson@eac.gov; Stephen Ansolabehere; 'Job Serebrov'; twilkey@eac.gov; Tova Wang

Subject: updated Conference call request

To all:

Karen asked me to type this, she is operating with one hand right now:

Please, each of you, send to Karen (klynndyson@eac.gov), Tom Wilkey (twilkey@eac.gov) and Diana Scott (dscott@eac.gov):

- your resume
- your consulting fees or rates
- the number of hours per week you anticipate working on this project

The EAC staff will finalize your contracts on Monday and need this information to complete the process.

Regarding a conference call: Please advise as to whether 1pm on Tuesday or 9:30 am on Tuesday September 13 are feasible. Thank you.

Regards,

Nicole K. Mortellito
Assistant to the Executive Director - Thomas R. Wilkey
U.S. Election Assistance Commission
1225 New York Avenue - Suite 1100
Washington, DC
202.566.3114 phone

016180



202.566.3127 fax resume 2005.doc bio 3.doc

016181



"Tova Wang" <wang@tcf.org>

09/12/2005 09:35 AM

To: klynndyson@eac.gov, [REDACTED]
cc: twilkey@eac.gov, nmortellito@eac.gov
bcc:

Subject: RE: EAC Fraud Study

Hi everyone,

This is disappointing because Steve is so qualified and respected. For what its worth, I would strongly support his suggestion of Mike Alvarez. I have actually spoken to Mike about doing a similar study in the past, and he already has ideas about some possible methodologies. Also, he knows everyone in the academic community and is similarly widely respected in the field. His being in LA is an obstacle, but I think not an insurmountable one by any means.

Let us know if we will be speaking tomorrow.

Thanks.

Tova

-----Original Message-----

From: Stephen Ansolabehere [mailto:sda@MIT.EDU]
Sent: Saturday, September 10, 2005 4:58 PM
To: klynndyson@eac.gov; wang@tcf.org; [REDACTED]
Cc: twilkey@eac.gov
Subject: EAC Fraud Study

Karen, Tova, and Job,

I'm going to have to withdraw from the Fraud study. I found out this past week that one of my colleagues is very ill and I have agreed with my department head to take over some of his teaching and administrative responsibilities. This will effectively squeeze out any of my remaining free time over the remainder of the Fall semester.

I am disappointed to not be able to continue, but I feel that this is a time when I need to pitch in a little extra at home.

Let me recommend several alternative academic voices whom you might bring in.

Michael Alvarez at Caltech (my counterpart on the Caltech/MIT project) Thad Hall at University of Utah (he was one of the administrative/research assistants on the Ford-Carter commission and has been very active on this subject)

Richard Niemi at Rochester University

Paul Herrnson at Maryland

James Gimpel at Maryland

David Leal at American University

Jonathan Katz at Caltech

Steve Ansolabehere

016182



"Job Serebrov"

07/01/2005 11:20 AM

To klynndyson@eac.gov

cc

bcc

Subject Re: project

Thanks Karen. Looking forward to hearing from you.

Regards,

Job

klynndyson@eac.gov wrote:

Job-

Thanks ever so much for following up. Indeed, the Commissioners have reviewed the issue and have agreed in principle, to an approach that would entail hiring a consultant or consultants to help the EAC study and frame the issues of voter fraud and intimidation.

The idea would be that after a period of time, the consultants, and, perhaps, a working group of the EAC, would make a series of recommendations on next steps for the agency to take regarding voter fraud and intimidation.

Thanks for your patience; I hope to have a definitive answer for you by mid-July at the latest.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

016183



"Job Serebrov"

06/30/2005 05:27 PM

To klynndyson@eac.gov

cc

bcc

Subject project

History:

← This message has been replied to.

Karen:

Has there been any further discussion of the vote fraud project?

Regards,

Job

016184

Raymundo
Martinez/EAC/GOV
06/23/2005 09:03 AM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc
bcc
Subject Re: Voter Fraud 

Adam did give it to me before he left...can we sit down this afternoon to discuss? Anytime after 3PM works for me.

Thanks.

RAY MARTINEZ III
Commissioner
U.S. Election Assistance Commission
1225 New York Avenue, N.W., Suite 1100
Washington, D.C. 20005

(202) 566-3100 (W)
(202) 566-3127 (FAX)
www.eac.gov

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016185



"Job Serebrov"
[Redacted]
07/13/2005 09:57 AM

To klynndyson@eac.gov
cc
bcc
Subject project

History: This message has been replied to.

Karen:

Are we still on track to have something on paper for the vote fraud project by this Friday?

Regards,

Job

016186

Raymundo
Martinez/EAC/GOV
07/12/2005 05:24 PM

To Thomas R. Wilkey/EAC/GOV@EAC, Karen
Lynn-Dyson/EAC/GOV@EAC
cc
bcc

Subject Fw: Follow-up

History: This message has been replied to.

Tom/Karen:

Here is an email from Dan Lowenstein (presenter in LaJolla and co-editor of Election Law Journal) who made some suggestions on names for the voter fraud work we are trying to do. Perhaps a call to Bruce Cain at Berkeley would be appropriate.

Karen, what do you think?

RAY MARTINEZ III
Commissioner
U.S. Election Assistance Commission
1225 New York Avenue, N.W., Suite 1100
Washington, D.C. 20005

(202) 566-3100 (W)
(202) 566-3127 (FAX)
www.eac.gov

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----- Forwarded by Raymundo Martinez/EAC/GOV on 07/12/2005 05:19 PM -----



"Lowenstein, Daniel"
<lowenstein@law.ucla.edu>
06/21/2005 03:28 PM

To "Rick Hasen" <Rick.Hasen@lls.edu>, rmartinez@eac.gov
cc "Lowenstein, Daniel" <lowenstein@law.ucla.edu>
Subject RE: Follow-up

Ray,

Before I read Rick's message, Steve Ansolabehere was the first name that came to my mind. This assumes you are looking for part-time, not full-time consultants. I would categorize Steve as very moderate left. I am not certain he is Democrat but would be very surprised to learn he is not. But the main thing about him is that he calls things as he sees them. So if you found a Republican with the same characteristics, that would be ideal. Charles Bullock of the University of Georgia would be a possibility. (Actually, I'm not sure of his party either, but I think he may be a Republican.)

016187

I would also suggest you talk to Bruce Cain in the Institute of Governmental Studies at Berkeley. He is very savvy and knows more political scientists than Rick and I do. When I have questions about the political science profession, he's usually the person I go to. His phone number is 510-642-1739. He is also going to be running a UC office in Washington, so he will be more or less living there for the indefinite future. He is someone you ought to get to know.

Best,

Daniel Lowenstein
UCLA Law School
405 Hilgard
Los Angeles, California 90095-1476
310-825-5148

-----Original Message-----

From: Rick Hasen [mailto:Rick.Hasen@lls.edu]
Sent: Tuesday, June 21, 2005 11:56 AM
To: rmartinez@eac.gov
Cc: Lowenstein, Daniel
Subject: Re: Follow-up

We are now editing articles for our next issue, which is due out in October. We need to get everything to the printer for this issue in mid-July. So we'd need something from you by early July if it were to make it into that issue. Our deadlines after that are about three months later for each issue.

As far as researchers, I give my highest recommendation to Steve Ansolabehere of MIT, who has already done a bit of research on this issue. He is truly one of the top political scientists in the country working in this field, and he is careful and very fair (I don't know whether I'd count him as "left" or "right").

Dan may have other ideas.

Rick

016188

rmartinez@eac.gov wrote:

Rick / Dan:

Thanks for the follow-up. As I mentioned to Dan in La Jolla, I do want to commit to doing a paper for ELJ. Aside from my own interest in election law and election administration, I think it is important for your readers to gain a better understanding of the role of the EAC and all that we are

doing, particularly in the area of voting system standards and certification. Please tell me what the new deadline is and I will make sure to get you an outline of my intended submission, and of course, a timely draft for your consideration. Thanks again to both of you for the continued opportunity.

On a related note, in Section 241 of HAVA, Congress gives the EAC a laundry list of possible research topics related to improving the process of election administration. Among the suggested topics are the following:

"(6) Nationwide statistics and methods of identifying, deterring, and investigating voting fraud in elections for Federal office;

(7) Identifying, deterring, and investigating methods of voter intimidation."

In order to get this research project started, the EAC would like to engage two research consultants who could bring some level of knowledge and expertise to the table and help the commissioners to come to an agreement on the framework and/or scope of such a research project. Rather than sending something out on the listserve, I thought I would directly solicit your opinions about any names in the academic field that you think we ought to consider. The reason we are looking to employ two consultants is because we would like to achieve a political balance -- one from the left, and one from the right, so to speak. Any thoughts you have on this would be greatly appreciated.

Regards,

RAY MARTINEZ III
Commissioner
U.S. Election Assistance Commission
1225 New York Avenue, N.W., Suite 1100
Washington, D.C. 20005

(202) 566-3100 (W)
(202) 566-3127 (FAX)
www.eac.gov

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--

Rick Hasen
William H. Hannon Distinguished Professor of Law
Loyola Law School
919 Albany Street
Los Angeles, CA 90015-1211
(213) 736-1466
(213) 380-3769 - fax

016189

rick.hasen@lls.edu

http://electionlawblog.org

http://www.lls.edu/academics/faculty/hasen.html

016190



"Job Serebrov"

07/19/2005 03:06 PM

To klynndyson@eac.gov

cc

bcc

Subject Re: project

History:  This message has been replied to.

Is the consultant going to work with the organization or will they be working on two aspects of the same issue?

Job

klynndyson@eac.gov wrote:

Six months.

Amounts of contracts have not been determined but are likely to be substantial, given the topic/s and its importance.

There are likely to be several contracts- one to consultants and one to an organization.

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

016191



"Job Serebrov"
[Redacted]
07/19/2005 02:51 PM

To klyndyson@eac.gov
cc
bcc
Subject Re: project

History: This message has been replied to.

Karen:

Do you know yet how long the project will last (will it be a three or six month project) and what the total amount allocated for the project is?

Regards,

Job

klyndyson@eac.gov wrote:

Job-

I'll be in touch on Thursday or Friday with next steps on how the EAC would like to proceed on this voter fraud/intimidation project.

Thanks for your patience.

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

Thomas R. Wilkey/EAC/GOV
07/18/2005 04:10 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc
bcc

Subject Re: Scheduling voter fraud/voter intimidation interviews for
August 1 

History:  This message has been replied to.

Good Approach

016193



"Job Serebrov"
[Redacted]
07/13/2005 12:04 PM

To klynndyson@eac.gov
cc
bcc
Subject Re: project

History: This message has been replied to.

Ok. Glad your e-mail is working again.

Regards,

Job

klynndyson@eac.gov wrote:

Greetings, Job-

To be on the safe side let's say early next week.

I just got the feedback I have needed to move forward on this project and I need to do a little further research to finish up the project description.

Thanks for your patience-

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Job Serebrov" [Redacted]

07/13/2005 09:57 AM

To klynndyson@eac.gov
cc
Subject project

018194

Karen:

Are we still on track to have something on paper for the vote fraud project by this Friday?

Regards,

Job

016195

Juliet E. Thompson/EAC/GOV
07/22/2005 11:49 AM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc
bcc
Subject Fw: resume

Juliet E. Thompson
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

----- Forwarded by Juliet E. Thompson/EAC/GOV on 07/22/2005 11:51 AM -----



"Job Serebrov"

04/05/2005 06:41 PM

To jthompson@eac.gov
cc
Subject resume

Julie:

It was good talking with you today. Congrats on the wedding. Please give me your address so I can send a card.

My resume is attached. I would be eternally grateful if you could talk the new director into hiring another attorney. I would really enjoy working with you and getting back into Election law. It would not bother me if the job lasted from September 2005 for one or two years. Once I was in DC I would be able to make a lateral move.

Best Regards,



Job ResumeInternational.doc

016196



"Stephen Ansolabehere"
<sda@MIT.EDU>
07/22/2005 08:25 AM

To klynndyson@eac.gov

cc

bcc

Subject fraud consultation

History:

 This message has been replied to.

Hi,

I got your phone messages, but missed you when I've called back. I've been in the office intermittently this month (family vacations), but I'm regularly on email. My email address is sda@mit.edu.

I would very much like to work with the EAC as you develop procedures for detecting fraud. Could you give me a sense of what you seek to do and what time commitments and research would be involved?

I will be in DC at the end of August for the annual meeting of the American Political Science Association. I am personally very committed to helping the EAC succeed.

Steve Ansolabehere

016197



"Job Serebrov"

07/21/2005 06:25 PM

To klynndyson@eac.gov

cc

bcc

Subject Re: project

Karen:

I will call you tomorrow to discuss this.

Job

--- klynndyson@eac.gov wrote:

> Job-
>
> Thanks for getting back to me with your August time
> schedule and
> availability. We have several candidates we are
> considering for this
> position and plan to interview them in the next 2-3
> weeks.

>
> Perhaps we will be able to arrange a date and time in
> late August, when you
> might be available to come to Washington to meet
> with the EAC staff and
> Commissioners. Let me know what dates and times
> work for you.

> Regards-

>
> Karen Lynn-Dyson
> Research Manager
> U.S. Election Assistance Commission
> 1225 New York Avenue , NW Suite 1100
> Washington, DC 20005
> tel:202-566-3123

> "Job Serebrov" [REDACTED]
> 07/21/2005 02:24 PM

> To
> klynndyson@eac.gov
> cc

> Subject
> Re: project

>
>
>
>
>

016198

>
> Karen:
>
> Getting to DC before the second week in August is
> not
> possible. First, there is no way that I could get a
> ticket in any acceptable price range that quick.
> More
> importantly, I am in the last month of my judicial
> clerkship and committed to the judge that I would be
> here until August 15th to finish all of my cases and
> anything else for this court term. My official last
> day is August 19th.
>
> I think it may be a good idea for us to talk about
> this.
>
> Regards,
>
> Job
>
>
>
>
> --- klynndyson@eac.gov wrote:
>
> > Job-
> >
> > I write to see if you might be available to come
> > to
> > Washington on Monday,
> > August 1 to meet with several EAC staff and
> > Commissioners to discuss the
> > voter fraud/voter intimidation project and your
> > possible work as a
> > consultant on the project.
> >
> > I'd like to schedule this 1-2 hour meeting for
> > sometime between 1 and 3 in
> > the afternoon.
> >
> > Might you be available to come to Washington for
> > this ?
> >
> > Regards-
> >
> > Karen Lynn-Dyson
> > Research Manager
> > U.S. Election Assistance Commission
> > 1225 New York Avenue , NW Suite 1100
> > Washington, DC 20005
> > tel:202-566-3123
> >
> >
>
>
>

016199



"Job Serebrov"
[REDACTED]

07/21/2005 02:24 PM

To klynndyson@eac.gov

cc

bcc

Subject Re: project

History:

 This message has been replied to.

Karen:

Getting to DC before the second week in August is not possible. First, there is no way that I could get a ticket in any acceptable price range that quick. More importantly, I am in the last month of my judicial clerkship and committed to the judge that I would be here until August 15th to finish all of my cases and anything else for this court term. My official last day is August 19th.

I think it may be a good idea for us to talk about this.

Regards,

Job

--- klynndyson@eac.gov wrote:

> Job-

>

> I write to see if you might be available to come to
> Washington on Monday,
> August 1 to meet with several EAC staff and
> Commissioners to discuss the
> voter fraud/voter intimidation project and your
> possible work as a
> consultant on the project.

>

> I'd like to schedule this 1-2 hour meeting for
> sometime between 1 and 3 in
> the afternoon.

>

> Might you be available to come to Washington for
> this ?

>

> Regards-

>

> Karen Lynn-Dyson
> Research Manager
> U.S. Election Assistance Commission
> 1225 New York Avenue , NW Suite 1100
> Washington, DC 20005
> tel:202-566-3123

>

016200

Thomas R. Wilkey/EAC/GOV
07/22/2005 05:18 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc
bcc
Subject Re: project

I finally was able to get my voice mjl'll messages and had one from Tova and she is exited about doing this project. Give her a call on Monday amnd I will see her over the weekend.
Tom

Sent from my BlackBerry Wireless Handheld
Karen Lynn-Dyson

From: Karen Lynn-Dyson
Sent: 07/21/2005 05:54 PM
To: Job Serebrov" [REDACTED] /@GSAEXTERNAL
Subject: Re: project

Job-

Thanks for getting back to me with your August time schedule and availability. We have several candidates we are considering for this position and plan to interview them in the next 2-3 weeks.

Perhaps we will able to arrange a date and time in late August, when you might be available to come to Washington to meet with the EAC staff and Commissioners. Let me know what dates and times work for you.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Job Serebrov" [REDACTED]



"Job Serebrov"
[REDACTED]
07/21/2005 02:24 PM

To klynndyson@eac.gov
cc
Subject Re: project

Karen:

Getting to DC before the second week in August is not possible. First, there is no way that I could get a ticket in any acceptable price range that quick. More

016201

importantly, I am in the last month of my judicial clerkship and committed to the judge that I would be here until August 15th to finish all of my cases and anything else for this court term. My official last day is August 19th.

I think it may be a good idea for us to talk about this.

Regards,

Job

--- klynndyson@eac.gov wrote:

> Job-
>
> I write to see if you might be available to come to
> Washington on Monday,
> August 1 to meet with several EAC staff and
> Commissioners to discuss the
> voter fraud/voter intimidation project and your
> possible work as a
> consultant on the project.
>
> I'd like to schedule this 1-2 hour meeting for
> sometime between 1 and 3 in
> the afternoon.
>
> Might you be available to come to Washington for
> this ?
>
> Regards-
>
> Karen Lynn-Dyson
> Research Manager
> U.S. Election Assistance Commission
> 1225 New York Avenue , NW Suite 1100
> Washington, DC 20005
> tel:202-566-3123
>

016202

**Deliberative Process
Privilege**

Tamar Nedzar/EAC/GOV
07/22/2005 11:53 AM

To Carol A. Paquette/EAC/GOV@EAC, Karen
Lynn-Dyson/EAC/GOV@EAC
cc Gaylin Vogel/EAC/GOV@EAC

bcc

Subject Voter Fraud Information

Carol and Karen,

Please find attached my memo concerning areas of study the EAC may wish to pursue and trends in voter fraud concerns. In the summary, I have made recommendations for three possible areas of study.

If I can help in any other way on this project, please let me know. I will be in the office Monday and Tuesday of next week.

Also, the stack of papers on which my recommendations are based is on my desk should you need it before I see you again.

Have a great weekend.



Election Fraud Memo.doc

Tamar Nedzar
Law Clerk
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
(202) 566-2256
<http://www.eac.gov>
TNedzar@eac.gov

016203



"Stephen Ansolabehere"
<sda@MIT.EDU>
08/02/2005 05:05 PM

To klyndyson@eac.gov
cc
bcc
Subject Re: fraud consultation

History:  This message has been replied to

Both days are free at that time.

At 04:16 PM 8/2/2005, you wrote:

Steve-

I write to see if you would be available on August 16 or August 17 at 10:00 AM to speak for about an hour, with Tom Wilkey, EAC's Executive Director, and me, about the consulting work related to our voter fraud and intimidation project.

Thanks for letting me know your availability.

I will be certain to get you a Statement of Work before the end of this week.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

016204



"Job Serebrov"
[REDACTED]

08/02/2005 04:30 PM

To klynndyson@eac.gov

cc

bcc

Subject Re: Commission

History:

☞ This message has been replied to

Karen:

It could take me until Friday to give you an answer. I am waiting for a response to know whether and when I will be in Wisconsin. If I go, it will be by car. I will let you know as soon as I can.

Job

--- klynndyson@eac.gov wrote:

> Job-

>

> I write to see if you would be available on August
> 16 or August 17 at
> 10:30 AM to speak, for about one hour, with Tom
> Wilkey, EAC's Executive
> Director, and me, about the consulting work related
> to our voter fraud and
> intimidation project.

>

> Thanks for letting me know your availability.

>

> I will be certain to get you a Statement of Work
> before the end of this
> week.

>

> Regards-

>

> Karen Lynn-Dyson
> Research Manager
> U.S. Election Assistance Commission
> 1225 New York Avenue , NW Suite 1100
> Washington, DC 20005
> tel:202-566-3123

>

016205



"Job Serebrov"
[REDACTED]
08/01/2005 05:59 PM

To klynndyson@eac.gov
cc
bcc
Subject Re: Commission

History:  This message has been replied to

Karen:

I may be in Wisconsin that week but if I am I will give you the phone number of the place where I am staying. Additionally, I am contemplating getting a cell phone. If I do, you can call me on it.

Regards,

Job

--- klynndyson@eac.gov wrote:

> Yes, Tom Wilkey and I will be interviewing folks via
> telephone week after
> next.

>
> Regards-

>
> Karen Lynn-Dyson
> Research Manager
> U.S. Election Assistance Commission
> 1225 New York Avenue , NW Suite 1100
> Washington, DC 20005
> tel:202-566-3123

>
>
>
>
> "Job Serebrov" [REDACTED] t >
> 07/31/2005 05:05 PM

>
> To
> klynndyson@eac.gov
> cc
>
> Subject
> Commission

>
>
>
>
>
> Karen:

>
> Did the Commission decide how to proceed?

>
> Job

>

016206



"Stephen Ansolabehere"
<sda@MIT.EDU>
07/26/2005 06:48 PM

To klyndyson@eac.gov
cc
bcc
Subject Re: fraud consultation

History:  This message has been replied to.

Monday is fine. When are good times?

As for an in person meeting, I will be in DC over the Labor Day weekend, from Wed. Aug. 31 through Sat. Sept. 3 for the annual meeting of the American Political Science Association. We can meet then or I can come to DC for a day trip before then if necessary.

Steve

At 05:07 PM 7/26/2005, you wrote:

Hi Steve-

Unfortunately, I'm in the air most of tomorrow- out to Pasadena for one of our public meetings.

Any chance we could talk on Monday morning when I return?

I would also like to set up formal time that you, Tom Wilkey and I can chat about this project and learn more about your interest in working as one of three consultants on this project for the next six months (part-time, of course)

Let me know a time when we can talk next week

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Stephen Ansolabehere" <sda@MIT.EDU>

07/26/2005 04:03 PM

klyndyson@eac.gov

016207

To

cc

Subject

Re: fraud consultation

Karen,

Would it be possible to speak on the phone tomorrow between 11 and 12 or after 2?
My office phone number is 617-253-5236.

Steve

At 01:02 PM 7/22/2005, you wrote:

Hi Steve-

In the absence of being able to touch base via telephone-

The EAC is currently seeking several consultants who could work parttime for a six month period (Sept-Feb) to help the agency development a work plan and statement of work around a project the agency might do related to voter fraud and voter intimidation

For a number of reasons the EAC is interested in involving several consultants in this initial look at the topic This initial exploration will help the Agency determine how, if at all, it would want to put together a larger project that would be given to an institution or organization to conduct.

I am putting the finishing touches on a consultant statement of work and will send it out to you in the next week to ten days.

It is important for the EAC to contract with these consultants by early September so that they can begin work on this initial work plan before the end of the Federal fiscal year, which is September 30.

Do let me know a particular time and date when we might be able to speak to one another.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Stephen Ansolabehere" <sda@MIT.EDU>

07/22/2005 08:25 AM

016208

klyndyson@eac.gov

To

cc
Subject

fraud consultation

Hi,

I got your phone messages, but missed you when I've called back. I've been in the office intermittently this month (family vacations), but I'm regularly on email. My email address is sda@mit.edu.

I would very much like to work with the EAC as you develop procedures for detecting fraud. Could you give me a sense of what you seek to do and what time commitments and research would be involved?

I will be in DC at the end of August for the annual meeting of the American Political Science Association. I am personally very committed to helping the EAC succeed.

Steve Ansolabehere

016209



wang@tcf.org
08/05/2005 07:36 PM

To klynndyson@eac.gov
cc twilkey@eac.gov, nmortellito@eac.gov
bcc

Subject Re: meeting

History: This message has been forwarded.

Great -- I can be reached at 212-362-5223. I look forward to it. Tova
----- Original Message -----

From: <klynndyson@eac.gov>
To: <wang@tcf.org>
Cc: <nmortellito@eac.gov>; <twilkey@eac.gov>
Sent: Friday, August 05, 2005 10:44 AM
Subject: Re: meeting

>
> Confirmed for Friday August 19 at 10:30 AM.
> Please give us a number where we should call you.
>
> Karen Lynn-Dyson
> Research Manager
> U.S. Election Assistance Commission
> 1225 New York Avenue , NW Suite 1100
> Washington, DC 20005
> tel:202-566-3123

>
>
> wang@tcf.org
>
> 08/04/2005 07:55
> PM
> klynndyson@eac.gov To
> twilkey@eac.gov, cc
> nmortellito@eac.gov
> Subject
> Re: meeting

>
> Hi Karen, That sounds perfect. Should I call you? Thanks so much. Tova
> ----- Original Message -----
> From: klynndyson@eac.gov
> To: wang@tcf.org
> Cc: twilkey@eac.gov ; nmortellito@eac.gov
> Sent: Thursday, August 04, 2005 5:20 PM
> Subject: RE: meeting

016210

>
> Tova-
>
> We would like to tentatively schedule our conversation for August 19 at
> 10:30 AM.
>
> We will work diligently to get a description of the consulting assignment
> to you by mid-week next week.
>
> Regards-
>
> Karen Lynn-Dyson
> Research Manager
> U.S. Election Assistance Commission
> 1225 New York Avenue , NW Suite 1100
> Washington, DC 20005
> tel:202-566-3123

> "Tova Wang" <wang@tcf.org>

> 08/02/2005 04:29 PM

To
klynndyson@eac.gov
cc
Subject
RE: meeting

> Hi Karen,

> I will actually be in Seattle speaking at the National Conference on State
> Legislatures those days. I could call in to you by cellphone on the 17th
> (although it will be 6:30 am my time!) Alternatively, I can speak by
> phone or come down to DC the 19th or any day the following week. Tom and
> I will also both be at NASED in LA at the end of next week I believe.

> Let me know what you would prefer. Thanks, and I look forward to talking
> to you.

> Tova

> -----Original Message-----

> From: klynndyson@eac.gov [mailto:klynndyson@eac.gov]
> Sent: Tuesday, August 02, 2005 3:20 PM
> To: wang@tcf.org
> Subject: Re: meeting

> Tova-

016211



"Stephen Ansolabehere"
<sda@MIT.EDU>
08/04/2005 10:04 PM

To klyndyson@eac.gov
cc
bcc
Subject Re: fraud consultation

History:  This message has been replied to.

I will put Aug. 17 in my calendar.

At 05:04 PM 8/4/2005, you wrote:

Steve-

We would like to tentative schedule our conversation for August 17 at 10:00 am

We will work diligently to get a description of the consulting assignment to you by midweek next week.

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Stephen Ansolabehere" <sda@MIT.EDU>

08/02/2005 05:05 PM

klyndyson@eac.gov

Re: fraud consultation

To
cc
Subject

Both days are free at that time.

At 04:16 PM 8/2/2005, you wrote:

Steve-

I write to see if you would be available on August 16 or August 17 at 10:00 AM to speak for about an hour,

016213

with Tom Wilkey, EAC's Executive Director, and me, about the consulting work related to our voter fraud and intimidation project.

Thanks for letting me know your availability.

I will be certain to get you a Statement of Work before the end of this week

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

016214

**Deliberative Process
Privilege**

Nicole
Mortellito/CONTRACTOR/EAC
/GOV

08/16/2005 03:12 PM

To Karen Lynn-Dyson/EAC/GOV@EAC

cc

bcc

Subject Re: Fw: Finishing touches Voter fraud

History:

This message has been replied to.

captured and inserted.

Regards,

Nicole K. Mortellito
Assistant to the Executive Director - Thomas R. Wilkey
U.S. Election Assistance Commission
1225 New York Avenue - Suite 1100
Washington, DC
202.566.3114 phone
202.566.3127 fax
Karen Lynn-Dyson/EAC/GOV

Karen Lynn-Dyson/EAC/GOV

08/16/2005 03:09 PM

To Nicole Mortellito/CONTRACTOR/EAC/GOV@EAC

cc

Subject Fw: Finishing touches on the Statement of Work for the Voter
Fraud/Intimidation consultants

Hey-

Could you insert this in the Voter Fraud/Intimidation SOW?

Thanks

K
Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 08/15/2005 03:08 PM -----

Juliet E.
Thompson/EAC/GOV

08/16/2005 03:00 PM

To Karen Lynn-Dyson/EAC/GOV@EAC

cc

Subject Re: Finishing touches on the Statement of Work for the Voter
Fraud/Intimidation consultants

016215

Text of the Work for Hire Clause -- may need to be edited to reflect the deliverables of this contract

1. Work for Hire. The services performed under the terms of this agreement are considered "work for hire," and any intellectual property or deliverables, including but not limited to, research, policies, procedures, manuals, and other works submitted; or which are specified to be delivered; or which are developed or produced and paid for by EAC, shall be owned exclusively by EAC, including copyright. EAC or its assignees have the exclusive right to reproduce all work products from this agreement without further payment to the Contractor.

Juliet E. Thompson
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

016216

Juliet E. Thompson/EAC/GOV
08/16/2005 03:00 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc
bcc
Subject Re: Finishing touches on the Statement of Work for the Voter
Fraud/Intimidation consultants

History: This message has been forwarded.

Text of the Work for Hire Clause -- may need to be edited to reflect the deliverables of this contract

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Juliet E. Thompson
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100
Karen Lynn-Dyson/EAC/GOV

Karen Lynn-Dyson/EAC/GOV
08/16/2005 02:52 PM

To Carol A. Paquette/EAC/GOV@EAC, Diana
Scott/EAC/GOV@EAC, Margaret Sims/EAC/GOV@EAC
cc Juliet E. Thompson/EAC/GOV@EAC, Nicole
Mortellito/CONTRACTOR/EAC/GOV@EAC
Subject Finishing touches on the Statement of Work for the Voter
Fraud/Intimidation consultants

All-

This morning the Commissioners approved the Statement of Work for the Voter Fraud/Voter Intimidation project consultants, with the caveat that some additional language would be added and the SOW polished up.

Tom, Peg and I are scheduled to interview the first candidate tomorrow morning at 10:00 am and will need your edits to this SOW by COB today.

I am attaching the item again, just in case you don't have a copy. Since I have an appointment out of the office and will be leaving at 4:00 today, I ask that you get your changes and edits to Nicole so that she may enter them and get the revised copy to the candidate first thing in the morning.

Thanks for your input on this.



voterfraud project consultants.2.doc

K

016217

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

016218

**Deliberative Process
Privilege**

Diana Scott/EAC/GOV
08/16/2005 05:43 PM

To klyndyson@eac.gov@EAC
cc
bcc
Subject Re: Finishing touches on the Statement of Work for the Voter
Fraud/Intimidation consultants 

History:  This message has been replied to

Karen,

I have purposely not directed this response to Nicole. The GSA contact is out of the office until tomorrow, 8, 17. Based on how Dan's compensation was derived at, he receives \$52.083/hour. Perhaps it would be comparable for this individual to get \$50/hour. If that is the case, then the total contract amount would be \$10,000. Since we haven't spoken, how does that compare to what you had in mind?

Diana M. Scott
Administrative Officer
U.S. Election Assistance Commission
(202) 566-3100 (office)
(202) 566-3127 (fax)
dscott@eac.gov

Karen Lynn-Dyson/EAC/GOV

Karen Lynn-Dyson/EAC/GOV
08/16/2005 02:52 PM

To Carol A. Paquette/EAC/GOV@EAC, Diana
Scott/EAC/GOV@EAC, Margaret Sims/EAC/GOV@EAC
cc Juliet E. Thompson/EAC/GOV@EAC, Nicole
Mortellito/CONTRACTOR/EAC/GOV@EAC
Subject Finishing touches on the Statement of Work for the Voter
Fraud/Intimidation consultants

All-

This morning the Commissioners approved the Statement of Work for the Voter Fraud/Voter Intimidation project consultants, with the caveat that some additional language would be added and the SOW polished up.

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I am attaching the item again, just in case you don't have a copy. Since I have an appointment out of the office and will be leaving at 4:00 today, I ask that you get your changes and edits to Nicole so that she may enter them and get the revised copy to the candidate first thing in the morning.

Thanks for your input on this.



voterfraud project consultants.2.doc

K

016219

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

016220

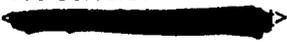
Any luck on producing the Statement of Work? Has the
EAC HR Office decided on fees yet?

Regards,

Job

016221



"Job Serebrov" 

08/17/2005 04:43 PM

To klynndyson@eac.gov

cc

bcc

Subject Re: Commission

History:  This message has been replied to.

Karen:

I do not know what federal government attorney consultants are paid--can you give me any idea?
I know that we discussed a couple of figures.

Job

klynndyson@eac.gov wrote:

Job-

We'll be sending you the Statement of Work momentarily. Fees are still being worked on , but will be competitive with what Federal Government Attorney consultants are paid.

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Job Serebrov" 

08/10/2005 10:52 PM

To klynndyson@eac.gov

cc

Subject Re: Commission

016222

Karen:



"Job Serebrov"

08/19/2005 04:14 PM

To klynndyson@eac.gov

cc

bcc

Subject Re: Requested Documents

History:

This message has been forwarded.

Karen:

I enjoyed the discussion too. I really think that this project will be of national importance and can positively affect elections administration while providing an answer to the handling of the vote fraud problem for the future.

On another note, why don't you leave an evening free while I am there for dinner. I am trying to bring my wife along. If you can bring your husband it could make for an interesting evening.

Regards,

Job

Summary of Election Activities of Job Serebrov

Background to Election Problems in Arkansas

Ever since Reconstruction, Arkansas has had a history of election problems. The election fraud that gave rise to the Brooks-Baxter War in Arkansas in the 1870s involved people from both sides of the aisle voting more than once, the dead rising to cast a ballot or two, destroying ballots, creating ballots and making ballot boxes disappear. A strong one-party system perpetuated this tradition into modern times.

In 1995, I met with Arkansas Supreme Court Justice Tom Glaze to discuss voting issues and my efforts to clean up the electoral process. Although supportive, Justice Glaze encouraged me to proceed with caution. Before being elected to the Supreme Court, Justice Glaze had been employed in the 1960s by Gov. Win Rockefeller to clean up ballot fraud throughout Arkansas. He was nearly disbarred in the process by those involved in ballot fraud in a small, rural county.

Shortly after my discussion with Justice Glaze, I discovered how pervasive the election problems were in the state. For instance, ballot boxes were stuffed or disappeared into the night only to return altered. Contrary to state law, county sheriffs running in contested elections maintained custody of the ballot boxes. In one instance, 20 voted ballot boxes were found in the attic of a sheriff's deputy after he died.

016223

Attorney (1991-2004)

In my private practice as an attorney, I represented numerous clients in county election contests throughout Arkansas. I also represented clients in matters before the Federal Election Commission. I have never lost an election case. Finally, I was hired as a consultant to a major nonprofit legal organization to review and summarize the 2002 amendments to federal election laws and apply the new law to 10 scenarios.

Member, Washington County Board of Election Commissioners, Fayetteville, Arkansas (1990-1996)

This board consisted of three commissioners; I was the lone Republican. We were charged with supervising the training of poll workers, evaluating voting systems and then purchasing an optical scan system to be used countywide, preparing and justifying our annual budget before the Washington County Quorum Court, hiring and supervising staff and sitting as an administrative tribunal.

When I first came on the board, Washington County was primarily a one-party county and the Democrats were used to running elections according to tradition rather than the law. I had to battle with the two Democrats on the board to enforce election laws within the county. As I started to force the issue in the courts, the Republican Party gained strength. Four years later and after outlasting eight Democrat commissioners, I was able to work with new Democrat commissioners who recognized the need to enforce the law. At this point, the commission requested that I draft administrative regulations for the board. These remain in place today.

Founder, President, General Counsel; Arkansans for Fair Elections (1994-1999)

In 1994, Gov. Mike Huckabee (R), then a candidate for lieutenant governor, asked me to serve as his general counsel for ballot fraud protection. Thinking it best to act independently of any candidate, I formed Arkansans for Fair Elections. I served as the organization's president and, later, general counsel. This group launched a statewide educational campaign to train poll watchers to recognize irregular or fraudulent electoral procedures; this included the creation of literature and a video. Our extensive public relations campaign brought media attention to the issue. We also organized a statewide team of citizen poll watchers and attorneys to ensure that the election laws were fairly enforced. We were so successful in the lieutenant governor's race that Arkansans for Fair Elections was asked to continue the effort until 1999 when I moved to Louisiana.

016224

General Counsel - Ballot Fraud Protection Committee,
Republican Party of Arkansas (1995-1999)

In late 1995, Asa Hutchinson, chairman of the Republican Party of Arkansas, appointed me as general counsel for the newly formed Ballot Fraud Protection Committee of the state party. I retained this position until 1999. I was responsible for coordinating statewide enforcement efforts and directing a legal team to respond to problematic situations prior to and on election day.

(Through my role with Arkansans for Fair Elections and the Ballot Fraud Protection Committee, I successfully sued or negotiated a settlement in more than two-thirds of the 75 counties in Arkansas over electoral irregularities.)

Legal Consultant to Republican Members of the Arkansas General Assembly (1994-1996)

Republicans in the General Assembly requested that I review and draft suggested changes to Arkansas election law. Based on my personal experience as an election commissioner and as an election attorney, I identified a number of areas of concern and drafted new statutes modeled on the best examples that I could find from other states. My proposal was not passed by the Democrat-controlled General Assembly as a package, however, several of its components were passed into law.

Consultant to the Arkansas Court of Appeals Redistricting Commission (1996-1999)

I drafted five redistricting bills and maps for the constitutionally required redistricting of the Arkansas Court of Appeals. These bills were based on current U.S. Supreme Court precedent regarding gerrymandering. I had to present each bill and give supporting testimony to the commission.

Director of International Development - Louisiana State University, Baton Rouge, Louisiana (2000-2003)

Part of my duties as director was to develop international cooperative projects. The theme of several of these proposals was democratization. In each case, I required review of the national election code of the country involved.

My activities in Namibia led to a request by the director of the Namibian Election Commission, Joram Rukambe and the Speaker of the Namibian National Assembly, Dr. Mose Tjitendero to review and suggest changes to the Namibian election code. This review

016225

took three months and resulted in proposed alterations a number of code sections. These suggestions were considered by the Namibian National Assembly and a number were incorporated into the code revisions. Additionally, I drafted legislation for the Speaker to guarantee voting rights to agricultural workers that were being denied by the owners of the farms. This legislation also was passed into law.

During this time, I was qualified as an election expert and placed on an election consultant list by the United Nations, IFES and the Electoral Institute of Southern Africa.

Related Memberships

- Republican Party of Arkansas (1990-1999)
 - Benton County, Arkansas, Republican Committee (1996-1999)
 - Washington County, Arkansas, Republican Committee (1990-1996)
- (When we moved to Louisiana in 1999, the party was in such turmoil that it was difficult to get involved. This past year, I have been prohibited by the Hatch Act from participating in partisan politics. This prohibition ends August 19 when my judicial clerkship ends.)

Related Education

- Graduate certificate in electoral governance, Griffith University, Queensland, Australia (2003)

016226



"Job Serebrov"

08/19/2005 04:07 PM

To klynndyson@eac.gov

cc

bcc

Subject Re: Fees Issue

Thanks.

Job

--- klynndyson@eac.gov wrote:

> Job-

>

> I've proposed your questions/suggestions on to our
> Finance Director.

> She and I will be back in touch with a suggested
> rate and payment schedule

>

> Regards-

> Karen Lynn-Dyson

> Research Manager

> U.S. Election Assistance Commission

> 1225 New York Avenue , NW Suite 1100

> Washington, DC 20005

> tel:202-566-3123

>

>

>

>

> "Job Serebrov" <[REDACTED]>

> 08/19/2005 02:15 PM

>

> To

> "Karen Lynn Dyson" <klynndyson@eac.gov>

> cc

>

> Subject

> Fees Issue

>

>

>

>

>

>

> Karen:

>

> I know that we discussed this before and I did not

> feel that it was a good idea to bring up at the

> interview but I find that with projects such as this

> one and attorney's fees it is best if there is a

> total

> sum for each attorney hired for the project. We

> discussed several amounts. That figure can be paid

> monthly, quarterly, or whatever the Commission likes

> best. Time or hourly billing for something like this

> is generally not done and I think is a bad idea.

>

016227

> Thoughts?
>
> Regards,
>
> Job
>
>
>

016228

Karen Lynn-Dyson/EAC/GOV
07/26/2005 05:07 PM

To "Stephen Ansolabehere"
<sda@MIT.EDU>@GSAEXTERNAL
cc
bcc
Subject Re: fraud consultation 

Hi Steve-

Unfortunately, I'm in the air most of tomorrow- out to Pasadena for one of our public meetings.

Any chance we could talk on Monday morning, when I return?

I would also like to set up formal time that you, Tom Wilkey and I can chat about this project and learn more about your interest in working as one of three consultants on this project for the next six months (part-time, of course)

Let me know a time when we can talk next week.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Stephen Ansolabehere" <sda@MIT.EDU>



"Stephen Ansolabehere"
<sda@MIT.EDU>
07/26/2005 04:03 PM

To klynndyson@eac.gov
cc
Subject Re: fraud consultation

Karen,

Would it be possible to speak on the phone tomorrow between 11 and 12 or after 2?
My office phone number is 617-253-5236.

Steve

At 01:02 PM 7/22/2005, you wrote:

Hi Steve-

In the absence of being able to touch base via telephone-

016229

The EAC is currently seeking several consultants who could work parttime for a six month period (Sept-Feb) to help the agency development a work plan and statement of work around a project the agency might do related to voter fraud and voter intimidation

For a number of reasons the EAC is interested in involving several consultants in this initial look at the topic This initial exploration will help the Agency determine how, if at all, it would want to put together a larger project that would be given to an institution or organization to conduct.

I am putting the finishing touches on a consultant statement of work and will send it out to you in the next week to ten days.

It is important for the EAC to contract with these consultants by early September so that they can begin work on this initial work plan before the end of the Federal fiscal year, which is September 30.

Do let me know a particular time and date when we might be able to speak to one another.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Stephen Ansolabehere" <sda@MIT.EDU>

07/22/2005 08:25 AM

klyndyson@eac.gov

fraud consultation

To

cc
Subject

016230

Hi,

I got your phone messages, but missed you when I've called back. I've been in the office intermittently this month (family vacations), but I'm regularly on email. My email address is sda@mit.edu.

I would very much like to work with the EAC as you develop

procedures for
detecting fraud. Could you give me a sense of what you seek
to do and what
time commitments and research would be involved?

I will be in DC at the end of August for the annual meeting
of the American
Political Science Association. I am personally very
committed to helping
the EAC succeed.

Steve Ansolabehere

016231

Karen Lynn-Dyson/EAC/GOV
08/01/2005 05:52 PM

To "Job Serebrov"
<[REDACTED]>@GSAEXTERNAL
cc Thomas R. Wilkey/EAC/GOV@EAC
bcc
Subject Re: Commission

Yes, Tom Wilkey and I will be interviewing folks via telephone week after next.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Job Serebrov" <[REDACTED]>



"Job Serebrov"
<[REDACTED]>
07/31/2005 05:05 PM

To klynndyson@eac.gov
cc
Subject Commission

Karen:

Did the Commission decide how to proceed?

Job

016232

Karen Lynn-Dyson/EAC/GOV
08/02/2005 04:13 PM

To "Job Serebrov"
[REDACTED]@GSAEXTERNAL
cc Thomas R. Wilkey/EAC/GOV@EAC
bcc
Subject Re: Commission 

Job-

I write to see if you would be available on August 16 or August 17 at 10:30 AM to speak, for about one hour, with Tom Wilkey, EAC's Executive Director, and me, about the consulting work related to our voter fraud and intimidation project.

Thanks for letting me know your availability.

I will be certain to get you a Statement of Work before the end of this week.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

03 016233

Karen Lynn-Dyson/EAC/GOV
08/02/2005 04:16 PM

To "Stephen Ansolabehere"
<sda@MIT.EDU>@GSAEXTERNAL
cc Thomas R. Wilkey/EAC/GOV@EAC
bcc
Subject Re: fraud consultation 

Steve-

I write to see if you would be available on August 16 or August 17 at 10:00 AM to speak, for about an hour, with Tom Wilkey, EAC's Executive Director, and me, about the consulting work related to our voter fraud and intimidation project.

Thanks for letting me know your availability.

I will be certain to get you a Statement of Work before the end of this week.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

016234

Karen Lynn-Dyson/EAC/GOV
08/02/2005 04:19 PM

To "Tova Wang" <wang@tcf.org>@GSAEXTERNAL
cc
bcc
Subject Re: meeting 

Tova-

I write to see if you would be available on August 16 or August 17 at 9:30 AM to speak, for about one hour, with Tom Wilkey, and me, about the consulting work related to our voter fraud and intimidation project.

Thanks for letting me know your availability.

I will be certain to get you a Statement of Work before the end of this week.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tova Wang" <wang@tcf.org>



"Tova Wang"
<wang@tcf.org>
07/25/2005 02:55 PM

To klyndyson@eac.gov
cc
Subject meeting

Hi Karen,

I am still in St. Paul but I got your message. The best date for me to come down would be August 23 with August 25 as my second choice. Let me know if either of these works for you. I very much look forward to seeing you and talking to you more about this project.

I'll be back in the office tomorrow if you would like to talk.

Thanks so much.

Tova

016235

Karen Lynn-Dyson/EAC/GOV

To Thomas R. Wilkey/EAC/GOV@EAC

08/02/2005 04:23 PM

cc

bcc

Subject Phone calls to possible voter fraud/intimidation consultants

You'll notice from the e-mails to Tova, Job and Steve, that I've staggered the calls within 30 minutes of one another.

I did this, because it occurred to me that we may want to interview them all at once or in succession, one after another.

Once they tell us a date, then you can decide how best to conduct the interviews. And, once that's decided I'll go back to them and give them a precise time when we'll be talking to them

Thanks

K

Karen Lynn-Dyson
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1225 New York Avenue , NW Suite 1100
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016236

Karen Lynn-Dyson/EAC/GOV

08/04/2005 05:01 PM

To Thomas R. Wilkey/EAC/GOV@EAC, Carol A. Paquette/EAC/GOV@EAC, Diana Scott/EAC/GOV@EAC, Juliet E. Thompson/EAC/GOV@EAC
cc Nicole Mortellito/CONTRACTOR/EAC/GOV@EAC, Barbara A. Costopoulos/CONTRACTOR/EAC/GOV@EAC

bcc

Subject Finalizing a Statement of Work for consultants working on a voter fraud and intimidation project

Greetings-

Tom Wilkey and I are working to schedule a series of conference calls with three consultants we have identified to work with us to help us develop the voter fraud and voter intimidation project.

We have tentatively scheduled a series of telephone interviews with these three consultants (all of whom would be hired to work on this project) for August 17, 18 and 19.

Attached you will find a draft of a Statement of Work that has been developed for these consultants. Dan Murphy's contract was used as a template for this.

I've sent this document to you all because I need your edits and corrections to this document, based on your expertise either in contracting, human resources or the subject area.

Since Tom and I will be interviewing the candidates in two weeks, I'm hoping you can react to the document and get to Tom and Nicole your changes by mid-week next week.

I will then ask Nicole to send the draft statement of work to the three candidates, so they might refer to it, prior to our interviews.

Thanks for your input and assistance.



K voterfraud project consultants.doc

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

016237

Karen Lynn-Dyson/EAC/GOV
07/21/2005 01:35 PM

To "Job Serebrov"
<[REDACTED]>@GSAEXTERNAL
cc Thomas R. Wilkey/EAC/GOV@EAC
bcc Paul DeGregorio/EAC/GOV@EAC; Raymundo
Martinez/EAC/GOV@EAC; Adam Ambrogio/EAC/GOV@EAC;
Amie J. Sherrill/EAC/GOV@EAC; Juliet E.
Thompson/EAC/GOV@EAC
Subject Re: project 

Job-

I write to see if you might be available to come to Washington on Monday, August 1 to meet with several EAC staff and Commissioners to discuss the voter fraud/voter intimidation project and your possible work as a consultant on the project.

I'd like to schedule this 1-2 hour meeting for sometime between 1 and 3 in the afternoon.

Might you be available to come to Washington for this ?

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

016238

Karen Lynn-Dyson/EAC/GOV
07/21/2005 05:54 PM

To "Job Serebrov"
[REDACTED]@GSAEXTERNAL
cc
bcc Thomas R. Wilkey/EAC/GOV@EAC; Juliet E.
Thompson/EAC/GOV@EAC
Subject Re: project [REDACTED]

Job-

Thanks for getting back to me with your August time schedule and availability. We have several candidates we are considering for this position and plan to interview them in the next 2-3 weeks.

Perhaps we will be able to arrange a date and time in late August, when you might be available to come to Washington to meet with the EAC staff and Commissioners. Let me know what dates and times work for you.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Job Serebrov" [REDACTED] >



"Job Serebrov"
[REDACTED]
07/21/2005 02:24 PM

To klynndyson@eac.gov
cc
Subject Re: project

Karen:

Getting to DC before the second week in August is not possible. First, there is no way that I could get a ticket in any acceptable price range that quick. More importantly, I am in the last month of my judicial clerkship and committed to the judge that I would be here until August 15th to finish all of my cases and anything else for this court term. My official last day is August 19th.

I think it may be a good idea for us to talk about this.

Regards,

Job

016239

--- klynndyson@eac.gov wrote:

> Job-

>

> I write to see if you might be available to come to
> Washington on Monday,
> August 1 to meet with several EAC staff and
> Commissioners to discuss the
> voter fraud/voter intimidation project and your
> possible work as a
> consultant on the project.

>

> I'd like to schedule this 1-2 hour meeting for
> sometime between 1 and 3 in
> the afternoon.

>

> Might you be available to come to Washington for
> this ?

>

> Regards-

>

> Karen Lynn-Dyson
> Research Manager
> U.S. Election Assistance Commission
> 1225 New York Avenue , NW Suite 1100
> Washington, DC 20005
> tel:202-566-3123

>

016240

Karen Lynn-Dyson/EAC/GOV
07/22/2005 01:02 PM

To "Stephen Ansolabehere"
<sda@MIT.EDU>@GSAEXTERNAL
cc
bcc
Subject Re: fraud consultation

Hi Steve-

In the absence of being able to touch base via telephone-

The EAC is currently seeking several consultants who could work part-time for a six month period (Sept-Feb) to help the agency development a work plan and statement of work around a project the agency might do related to voter fraud and voter intimidation.

For a number of reasons the EAC is interested in involving several consultants in this initial look at the topic This initial exploration will help the Agency determine how, if at all, it would want to put together a larger project that would be given to an institution or organization to conduct.

I am putting the finishing touches on a consultant statement of work and will send it out to you in the next week to ten days.

It is important for the EAC to contract with these consultants by early September so that they can begin work on this initial work plan before the end of the Federal fiscal year, which is September 30.

Do let me know a particular time and date when we might be able to speak to one another.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Stephen Ansolabehere" <sda@MIT.EDU>



"Stephen Ansolabehere"
<sda@MIT.EDU>
07/22/2005 08:25 AM

To klynndyson@eac.gov
cc
Subject fraud consultation

016241

Hi,

I got your phone messages, but missed you when I've called back. I've been in the office intermittently this month (family vacations), but I'm regularly on email. My email address is sda@mit.edu.

I would very much like to work with the EAC as you develop procedures for detecting fraud. Could you give me a sense of what you seek to do and what

time commitments and research would be involved?

I will be in DC at the end of August for the annual meeting of the American Political Science Association. I am personally very committed to helping the EAC succeed.

Steve Ansolabehere

016242

Karen Lynn-Dyson/EAC/GOV
07/25/2005 03:05 PM

To "Tova Wang" <wang@tcf.org>@GSAEXTERNAL
cc Thomas R. Wilkey/EAC/GOV@EAC
bcc
Subject Re: meeting 

Thanks Tova-

As I mentioned in my message, I'm putting the finishing touches on the Statement of Work and will get that to you shortly.

At the moment, we have several other consultant candidates for this project. Ideally, you all could/would work as a team on the project.

One of the candidates has suggested that we might be able to set up a series of conference calls in lieu of in-person interviews, that may prove very difficult to schedule in August.

I'm working on this as a possibility for that third week in August, as well.

Will be in touch.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

016243

Karen Lynn-Dyson/EAC/GOV

07/26/2005 01:30 PM

To Sheila A. Banks/EAC/GOV@EAC, Adam
Ambrogi/EAC/GOV@EAC, Amie J. Sherrill/EAC/GOV@EAC

cc Thomas R. Wilkey/EAC/GOV@EAC, Nicole
Mortellito/CONTRACTOR/EAC/GOV@EAC

bcc

Subject Conference call to "interview" potential voter
fraud/intimidation consultants

Hi All-

Well, I have the unhappy task of trying to identify a date and time when we might schedule a series of conference calls with the consultants we've identified as possible candidates to work on the voter fraud/intimidation project.

Since August is impossible and horrible in terms of everyone being in the same place, I thought it might be easier to try and schedule three calls--one hour each in duration-- in which the Commissioners could talk to these candidates.

I'd like to "start the bidding" for the week of August 15.

Actually, I happen to know that all of the candidates could be available August 22 or 23 at some point in the day.

Let me know if your folks could be available by phone at any of these days and times.

Thanks

K

Karen Lynn-Dyson
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tel:202-566-3123

016244

Karen Lynn-Dyson/EAC/GOV
07/26/2005 04:49 PM

To Thomas R. Wilkey/EAC/GOV@EAC
cc
bcc
Subject Re: Conference call to 'interview' potential voter
fraud/intimidation consultants

Oh- great. Sorry, I misunderstood. I'll let the Special Assistants know this.

K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

Thomas R. Wilkey/EAC/GOV

Thomas R. Wilkey/EAC/GOV
07/26/2005 04:25 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc
Subject Re: Conference call to 'interview' potential voter
fraud/intimidation consultants

Really I think it should be just the two of us.

016245

**Deliberative Process
Privilege**

Karen Lynn-Dyson/EAC/GOV
07/12/2005 05:38 PM

To Raymundo Martinez/EAC/GOV@EAC
cc Thomas R. Wilkey/EAC/GOV@EAC
bcc
Subject Re: Fw: Follow-up

I think I should follow up and get resumes/cv for several of them and then we'll make a decision.

I'm not certain how well known or well respected our Republican pick is- but Julie seems to think well of him.

K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

Raymundo Martinez/EAC/GOV

Raymundo
Martinez/EAC/GOV
07/12/2005 05:24 PM

To Thomas R. Wilkey/EAC/GOV@EAC, Karen
Lynn-Dyson/EAC/GOV@EAC
cc
Subject Fw: Follow-up

Tom/Karen:

Here is an email from Dan Lowenstein (presenter in LaJolla and co-editor of Election Law Journal) who made some suggestions on names for the voter fraud work we are trying to do. Perhaps a call to Bruce Cain at Berkeley would be appropriate.

Karen, what do you think?

RAY MARTINEZ III
Commissioner
U.S. Election Assistance Commission
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016246

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Karen Lynn-Dyson/EAC/GOV
07/13/2005 12:02 PM

To "Job Serebrov"
[REDACTED]@GSAEXTERNAL
cc Thomas R. Wilkey/EAC/GOV@EAC
bcc Raymundo Martinez/EAC/GOV@EAC; Juliet E.
Thompson/EAC/GOV@EAC
Subject Re: project

Greetings, Job-

To be on the safe side let's say early next week.

I just got the feedback I have needed to move forward on this project and I need to do a little further research to finish up the project description.

Thanks for your patience-

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Job Serebrov" [REDACTED]



"Job Serebrov"
[REDACTED]
07/13/2005 09:57 AM

To klynndyson@eac.gov
cc
Subject project

Karen:

Are we still on track to have something on paper for the vote fraud project by this Friday?

Regards,

Job

016247

Karen Lynn-Dyson/EAC/GOV

07/18/2005 03:43 PM

To Thomas R. Wilkey/EAC/GOV@EAC, Carol A.
Paquette/EAC/GOV@EAC

cc

bcc Raymundo Martinez/EAC/GOV@EAC

Subject Scheduling voter fraud/voter intimidation interviews for
August 1

I've placed another call to Dr. Steve and still have not touched base with him.

I'd like to propose that, should I not hear from him by Wednesday of this week, we go ahead with the idea of a Job Sebarov/ Tova Wang consulting team to develop a project scope of work for the EAC around voter fraud and intimidation.

I'd like to further suggest that we bring them in for interviews with Ray, Paul and other key EAC staff on Monday August 1.

If we are able to line up Dr. Steve as a consultant on this project, I would suggest he also be brought in for an interview on this day.

Thoughts?

Thanks

K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

016248

Karen Lynn-Dyson/EAC/GOV
07/19/2005 02:38 PM

To: Thomas R. Wilkey/EAC/GOV@EAC
cc: Carol A. Paquette/EAC/GOV@EAC
bcc:
Subject: Re: Scheduling voter fraud/voter intimidation interviews for August 1 

Dr. Steve is out until the later part of this week. I think we should go ahead and schedule interviews for Job S. and Tova W. for August 1 in the afternoon.

Tom-

Could you contact Tova about this project, verify her interest and availability to serve as a 6 month part-time consultant on the project?

Tom and Carol-

Who should do the interviewing? Paul, Ray, Tom, Julie, others? Is this a panel interview or interviews with individual EAC staff? Shall we have them interview separately or together?

I will then check the schedules of the EAC interviewers to determine if August 1, say 2:00-4:00, works for them.

Thanks,

K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

016249

Karen Lynn-Dyson/EAC/GOV
07/19/2005 02:41 PM

To "Job Serebrov"
[REDACTED]@GSAEXTERNAL
cc
bcc
Subject Re: project 

Job-

I'll be in touch on Thursday or Friday with next steps on how the EAC would like to proceed on this voter fraud/intimidation project.

Thanks for your patience.

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

016250

Karen Lynn-Dyson/EAC/GOV
07/19/2005 02:56 PM

To "Job Serebrov"
[REDACTED]@GSAEXTERNAL
cc
bcc
Subject Re: project 

Six months.

Amounts of contracts have not been determined but are likely to be substantial, given the topic/s and its importance.

There are likely to be several contracts- one to consultants and one to an organization.

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
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tel:202-566-3123

016251

Karen Lynn-Dyson/EAC/GOV

To Joseph D. Hardy/EAC/GOV@EAC

07/20/2005 12:39 PM

cc

bcc

Subject Voter Fraud/Voter Intimidation job description



voterfraud project manager.doc Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

016252

Karen Lynn-Dyson/EAC/GOV

06/21/2005 01:27 PM

To Raymundo Martinez/EAC/GOV@EAC

cc Gracia Hillman/EAC/GOV@EAC, Paul
DeGregorio/EAC/GOV@EAC, Thomas R.
Wilkey/EAC/GOV@EAC, Juliet E.

bcc

Subject Your recommendations for consultants to help frame EAC's
work on voter fraud and intimidation

Ray-

As was discussed yesterday- you will get me the names of consultants and organizations who you think will be good for us to consider employing as consultants to help us frame our work around voter fraud and intimidation.

Once I have a list of names and resumes, I will work with Tom Wilkey to come up with a recommendation of a consultant or consultants to use on this project.

Thanks for your input.

K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

016253

Karen Lynn-Dyson/EAC/GOV
05/27/2005 10:23 AM

To Raymundo Martinez/EAC/GOV@EAC
cc
bcc

Subject Re: Job Description for a Voter Fraud Project Consultant 

Thanks, Ray. Paul said he would take a look at it over the weekend and get back to me. I would think he concurs that he wants to take the lead on this effort.

K

Karen Lynn-Dyson
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

016254

**Deliberative Process
Privilege**

Karen Lynn-Dyson/EAC/GOV

05/25/2005 12:55 PM

To Paul DeGregorio/EAC/GOV@EAC, Raymundo
Martinez/EAC/GOV@EAC

cc Juliet E. Thompson/EAC/GOV@EAC

bcc

Subject Job Description for a Voter Fraud Project Consultant

Commissioners-

Attached please find a first draft of a short job description outlining EAC's expectations for a project consultant on voter fraud.

As you are aware, Julie has shared with me the resume of someone with an interest in the position. Ray has indicated that he participates in a legal list-serve group that has recently focused on voter fraud issues. This list-serve is probably a good place to "advertise" the consultant opportunity.

Let me know you thoughts on next steps. I look forward to getting this project up and running.

Regards-

K



voterfraud project manager.doc
Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

FOR TIC
RE: VOTER FRAUD

016255

Job Description**U.S. Election Assistance Commission (EAC) Voter Fraud Project Consultant**

The U.S. Election Assistance Commission (EAC) seeks to identify a senior-level project consultant to assist with the oversight and development of a study and possible project examining U.S. election voter fraud.

The consultant must have a knowledge of voter fraud and an understanding of the complexities, nuances and challenges which surround the topic. The EAC is particularly interested in candidates with experience in elections, with public policy and the law. The consultant must be able to demonstrate an ability to approach the issue of voter fraud in a balanced, nonpartisan fashion.

This consultant, whose contract would run for the period June-November, 2005, would be responsible for conceptualizing a project scope of work around the issue and from that, developing a statement of work for a research project around the topic.

In consultation with EAC staff, EAC Commissioners, and other key EAC stakeholders, the consultant will develop a project plan around voter fraud. The consultant will recommend certain EAC project activities related to voter fraud and will develop a scope of work for an EAC research study on voter fraud. The consultant will oversee and manage various processes related to EAC contracts awarded for work related to voter fraud.

EAC's consultant fees are competitive and are awarded based on the candidates' relevant background and experience.

016256

**Deliberative Process
Privilege**



Raymundo
Martinez/EAC/GOV
05/27/2005 10:17 AM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc
bcc

Subject Re: Job Description for a Voter Fraud Project Consultant 

History:  This message has been replied to.

Karen:

I do have some changes to suggest to the language of this job description...I may not get to it this morning, but should get to it by early afternoon. Has Paul given you any comments on this?? Since Paul is the one pushing for this study to be conducted, it seems to me that he should do the "heavy lifting" on moving this forward. Just a thought.

I'll get back to you this afternoon.

Thanks.

RAY MARTINEZ III
Commissioner
U.S. Election Assistance Commission
1225 New York Avenue, N.W., Suite 1100
Washington, D.C. 20005

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www.eac.gov

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016257



"Job Serebrov"
[REDACTED]

05/20/2005 03:16 PM

To klyndyson@eac.gov

cc

bcc

Subject project

History:

✉ This message has been forwarded.

Dear Karen:

Thanks for calling about the potential voter fraud project. I spoke to Julie this morning and indicated that I had done some voter fraud research in the late 90s while proposing revisions in statutory language and criminal penalties for criminal election violations in Arkansas. I would be interested in the contract for this project.

I am looking forward to discussing the with you in the next few weeks.

Regards,

Job

016258

Raymundo
Martinez/EAC/GOV
06/22/2005 08:30 AM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc Thomas R. Wilkey/EAC/GOV@EAC, Juliet E.
Thompson/EAC/GOV@EAC, Gracia
Hillman/EAC/GOV@EAC, Paul
bcc

Subject Voter Fraud

History:  This message has been replied to.

Karen:

Per our discussion, I should have some names later today of possible academic researchers for the voter fraud/voter intimidation study. I assume you are collecting names from the other commissioners as well. Additionally, I ran across the article below in today's Seattle Times...

Wednesday, June 22, 2005, 12:00 A.M. Pacific

6 accused of casting multiple votes

By Keith Ervin
Seattle Times staff reporter

Criminal charges have been filed against six more King County voters for allegedly casting more than one ballot under a variety of circumstances in last November's election, prosecutors said yesterday.

Two defendants, William A. Davis of Federal Way and Grace E. Martin of Enumclaw, were accused of casting absentee ballots in the names of their recently deceased spouses, Sonoko Davis and Lawrence Martin, respectively.

A mother and daughter were also charged with casting a ballot in the name of the mother's dead husband. The mother, Harline H.L. Ng, and her daughter, Winnie W.Y. Ng, both of Seattle, signed their names as witnesses to the "X" marked on the ballot of Jacob Ng, who had died in February 2004.

Jared R. Hoadley of Seattle was accused of casting a ballot in the name of Hans Pitzen, who had lived at the same Seattle address as Hoadley and who died last May.

Dustin S. Collings, identified as a homeless Seattle resident, was charged with casting two ballots, both using the alias of Dustin Ocoilain, a name that was listed twice on the voter-registration rolls.

The defendants are charged with repeat voting, a gross misdemeanor that carries possible jail time of up to one year and a fine of up to \$5,000.

016259

Election officials asked prosecutors to investigate the voters after news reporters and a blogger reported that they may have voted twice. The voters will be arraigned July 5 in King County District Court.

Two other voters previously received deferred sentences — and avoided jail time — after they pleaded guilty to charges of repeat voting.

The King County Sheriff's Office is investigating several other cases, prosecutors reported yesterday. The investigations resulted from the intense scrutiny surrounding the governor's election in which Democrat Christine Gregoire defeated Republican Dino Rossi by 129 votes after he narrowly won two earlier vote counts.

After the November election, prosecutors also successfully challenged the voter registrations of 648 felons whose right to vote had not been restored.

Keith Ervin: 206-464-2105 or kervin@seattletimes.com

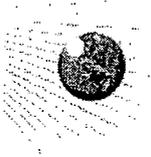
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(202) 566-3127 (FAX)
www.eac.gov

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016260



Paul DeGregorio/EAC/GOV
06/22/2005 05:35 PM

To Karen Lynn-Dyson/EAC/GOV
cc
bcc
Subject another article on voter fraud

I assume you saw this in the post.

Advertisement

washingtonpost.com

Vote Buying a Way of Life in W.Va. County

By LAWRENCE MESSINA
The Associated Press
Monday, June 20, 2005; 5:09 PM

HAMLIN, W.Va. -- According to political lore, just before John F. Kennedy's momentous win in the 1960 West Virginia primary, the Democratic boss of Logan County asked the Kennedy campaign for "35" _ meaning \$3,500 _ to buy votes for the presidential candidate. In an apparent misunderstanding, Kennedy's people delivered \$35,000 in cash in two briefcases.

West Virginia's coal country has a long and rich history of vote-buying_ which explains why many folks in Lincoln County all but shrugged over the indictment last month of five people on federal charges they secured votes for liquor or a \$20 bill or two.

Sharrell Lovejoy, 83, said he has heard rumors of vote-buying since he opened his Bobcat Restaurant on Hamlin's main drag, in 1948.

"It's gone on for ages," said Lovejoy, behind his diner's hand-cranked register. "I'm sure they're still doing it. They're just more careful about it."

As with past election fraud probes, the latest case targets solely Democrats, who dominate the voter rolls and local governments through the region. In Lincoln County, population 22,100, Democrats outnumber Republicans 4-to-1; the indictment focuses largely on the party's primary elections, going back to 1990.

Not that the GOP has clean hands. Republican former Gov. Arch Moore pleaded guilty to five corruption-related charges in 1990, including one that alleged he spent \$100,000 in unreported campaign cash during his successful 1984 campaign.

"This seems to be something that is just in the blood of people in southern West Virginia. They're always looking for ways to get away with this," said Ken Hechler, who fielded election fraud complaints as West Virginia's secretary of state from 1985 to 2000.

With Hechler's help, a state-federal task force secured more than two dozen election-related

016261

convictions in Mingo County in the 1980s. Ensnared officials included a former sheriff, a county commissioner, a school board president and a Democratic Party chairman.

In the 1990s, politicians in neighboring Logan County found themselves on the defensive. Two state legislators, the county assessor and a Circuit Court judge, among others, went to jail on corruption charges that included vote-buying.

Federal investigators revisited Logan County last year. The sheriff and a city police chief resigned and pleaded guilty to exchanging money for votes. Three other people were convicted on related charges.

The current case targets Circuit Court clerk Greg Stowers, 48, the son of Lincoln County's longtime Democratic Party chairman; his deputy, Clifford Odell "Groundhog" Vance, 49; Jackie David Adkins, 36, a state highway worker; Wandell "Rocky" Adkins, 49, no relation; and Toney "Zeke" Dingess, 34.

All five have pleaded not guilty. The defense alleges that two convicted felons used by the government as informants lied to investigators to avoid stiff sentences on weapons charges.

The defense also says the government used illegal tactics during its investigation, intimidating voters by filming at polling places and trailing voters home. Prosecutors countered that the U.S. Justice Department's Public Integrity Section approved the investigators' techniques.

Prosecutors allege the defendants enlisted precinct captains to pay off voters and hand out slates listing the preferred candidates. Most votes were bought for \$20 apiece, prosecutors said. The indictment also said Stowers drove to Kentucky and filled his pickup truck with booze for distribution to voters during the 1994 primary.

The indictment cites 16 voters who were allegedly paid off. Prosecutors have not said just how many voters, all told, were supposedly bought or how much was spent, but said the conspirators assembled \$25,000 for one election alone to bribe voters.

The evidence includes footage from a hidden camera and microphone that informant Wayne Watts wore during the 2004 primary as he tried to get people to talk about buying votes.

"Man," Watts is heard muttering as he walks away from one group of locals who professed to know nothing about money and candidate lists changing hands, "this ain't no way to run an election."

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Paul DeGregorio
Vice Chairman
US Election Assistance Commission
1225 New York Ave, NW
Suite 1100
Washington, DC 20005
1-866-747-1471 toll-free
202-566-3100
202-566-3127 (FAX)
pdegregorio@eac.gov
www.eac.gov

016263



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW - Suite 1100
Washington, DC 20005

MEMORANDUM FOR THE RECORD

Date: November 1, 2005

From: Karen Lynn Dyson

Re: Communication of Award of Contracts EAC 05-66 and EAC 05-67, Personal Services Contracts with Tova Wang and Job Serebrov

In late August and early September 2005 a series of emails and phone calls were exchanged with Job Serebrov and Tova Wang in order to communicate the details of personal services contracts that were awarded to them. The substance of these e-mails and phone calls related to Mr. Serebrov and Ms. Wang's contracts, described the various services they would perform for EAC related to researching and possibly developing a future project that would study and analyze voting fraud and intimidation. These emails included transmitting a statement of work that would govern their work as well as emails and phone calls to establish a kick-off meeting that would provide information to them so that Mr. Serebrov and Ms. Wang could begin work.

Since that time, Ms. Wang and Mr. Serebrov have engaged in substantial work on this project. This has included developing, outlining and providing to EAC staff, a work plan for the project, meeting and conversing with one another to discuss the focus and work of the project, interviewing prospective persons who would serve on the project's review panel and presenting this initial list of persons to the EAC to be considered as members of this project review panel who would assess and review the project's work.

016264

**Deliberative Process
Privilege**

Statement of Work

Assistance with developing an Election Assistance Commission (EAC) Voting Fraud and Voter Intimidation Project

(Job Serebrov)

Background

Section 241 of HAVA enumerates a number of periodic studies of election administration issues in which the U.S. Election Assistance Commission may elect to engage. In general "On such periodic basis as the Commission may determine, the Commission shall conduct and make available to the public studies regarding the election administration issues described in subsection (b)"

Sections 241(b) (6) and (7) list the following election administration issues:

(6) Nationwide statistics and methods of identifying, deterring and investigating voting fraud in election for Federal offices.

(7) Identifying, deterring and investigating methods of voter intimidation.

Building on this HAVA reference to studies of voting fraud and voter intimidation, the EAC Board of Advisors has indicated that further study of these issues to determine how the EAC might respond to them is a high priority.

The U.S. Election Assistance Commission (EAC) seeks to identify one or more senior-level project consultants to develop various project activities and studies related to voting fraud and voter intimidation affecting Federal elections.

The consultant(s) must of have knowledge of voting fraud and voter intimidation along with an understanding of the complexities, nuances and challenges which surround the topics. The EAC is particularly interested in candidates with experience in elections, with public policy and with the law. The consultant (s) must be able to demonstrate an ability to approach the issues of voting fraud and voter intimidation in a balanced, nonpartisan fashion.

016265

Duties

The consultant(s), whose contract would run for the period September-February, 2005, would be responsible for the following.

1. Identifying what constitutes voting fraud and voter intimidation affecting Federal elections.
2. Performing background research, including Federal and state-by state administrative and case law review related to voting fraud and voter intimidation, and a review of current voting fraud and voter intimidation activities taking place with key government agencies, civic and advocacy organizations. A written summary of this research, and a copy of any source documentation used, will be presented to EAC.
3. Identifying, in consultation with EAC, and convening a working group of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation. The working group's goals and objectives and meeting agendas will be vetted with key EAC staff.
4. Developing a project scope of work and a project work plan related to voting fraud and voter intimidation. The consultants (s) will develop a draft scope of work and project work plan for EAC's consideration based on research into the topics, the deliberations and findings of the working group, and the consultants' understanding of EAC's mission and agency objectives.
5. Authoring a report summarizing the key findings of this preliminary study of voting fraud and voter intimidation. The report will also include suggestions for specific activities that EAC may undertake to address these topics.

From this initial research and exploration of these topics the consultant (s) may be retained to help oversee follow-on research projects and contracts EAC may pursue on the topics of voting fraud and voter intimidation.

Special Considerations

Work for Hire. The services performed under the terms of this agreement are considered "work for hire," and any intellectual property or deliverables, including but not limited to, research, policies, procedures, manuals, and other works submitted; or which are specified to be delivered; or which are developed or produced and paid for by EAC, shall be owned exclusively by EAC, including copyright. EAC or its assignees have the exclusive right to reproduce all work products from this agreement without further payment to the Contractor.

016265

Terms and Conditions

The period of performance for this consulting contract is six months, with a fixed price ceiling of \$XXXXXX for labor. The consultant (s) is expected to work at least 200 hours in performing this work. The EAC estimates that the most efficient distribution of these hours would be as follows: XXXXX. The period of performance and level of effort can be revised in writing by mutual agreement of the EAC and the consultant, as required.

The Consultant is required to travel to the EAC Washington, D.C. offices on a periodic, as needed basis, throughout the duration of the contract. The Consultant will be reimbursed, at the Federal government rates, for hotel and ground transportation costs, other approved incidental expenses, and per diem costs while working on-site at the EAC offices. An estimated \$XXXXXX has been allocated for reimbursement for travel and other allowable expenses.

Invoicing

Invoices may be submitted monthly in equal payments for labor. Expenses claimed for reimbursement shall be itemized with appropriate receipts provided. Invoices shall be delivered to Ms. Diana Scott, Administrative Officer, U.S. Election Assistance Commission, 1225 New York Avenue, N.W., Suite 1100, Washington DC 20005.

Deliverables and Timetable

Deliverable	Due Date
Draft project work plan (Phase I)	ASAP after award
Progress Reports to Contracting Officer's Representative (COR)	Monthly
A written summary of background research on voting fraud and voter intimidation.	TBD
Identifying and convening a working group knowledgeable about voting fraud and voter intimidation.	TBD
Developing a project scope of work and project work plan (Phase II)	TBD
Summary report describing key findings of this preliminary study of voting fraud and	TBD

016267

**Deliberative Process
Privilege**

Karen Lynn-Dyson/EAC/GOV
09/20/2005 04:57 PM

To "Tova Wang" <wang@tcf.org>@GSAEXTERNAL
cc Thomas R. Wilkey/EAC/GOV@EAC, Gavin S.
Gilmour/EAC/GOV@EAC, Carol A.
Paquette/EAC/GOV@EAC
bcc
Subject Re: Voting Fraud and Intimidation contract

Tova-

The contracts are completed, although not formally signed by the Chair of the Commission (a formality)

As discussed, the contract will be for six months-September 26- February 28 for a fixed contract fee of \$50,000 plus and additional \$5,000 for expenses.

\$10,000 has been set aside in the FY 05 EAC budget to cover working group costs.

Gavin Gilmour will be the EAC staff project manager, to whom you and Job will be reporting.

Gavin should be in touch in the next day or so, with more details and specifics related to getting the project started.

Thanks

K
Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tova Wang" <wang@tcf.org>



"Tova Wang"
<wang@tcf.org>
09/20/2005 04:38 PM

To klynndyson@eac.gov, nmortellito@eac.gov
cc
Subject

Hi Karen and Nicole,

I know you guys have been swamped, but I wanted to check in because I haven't heard from you and I am getting all sorts of information from Job, second hand. I would rather not operate that way. Is it the case that the contracts have been finalized? Can you give me a hint about the terms? When might I be seeing a copy? Thanks so much.

Best wishes,

Tova

016263

Tova Andrea Wang
Senior Program Officer and Democracy Fellow
The Century Foundation
41 East 70th Street - New York, NY 10021
phone: 212-452-7704 fax: 212-535-7534

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016269

**Deliberative Process
Privilege**

Statement of Work

Assistance with developing an Election Assistance Commission (EAC) Voting Fraud and Voter Intimidation Project

(Tova Wang)

Background

Section 241 of HAVA enumerates a number of periodic studies of election administration issues in which the U.S. Election Assistance Commission may elect to engage. In general "On such periodic basis as the Commission may determine, the Commission shall conduct and make available to the public studies regarding the election administration issues described in subsection (b)"

Sections 241(b) (6) and (7) list the following election administration issues:

(6) Nationwide statistics and methods of identifying, deterring and investigating voting fraud in election for Federal offices.

(7) Identifying, deterring and investigating methods of voter intimidation.

Building on this HAVA reference to studies of voting fraud and voter intimidation, the EAC Board of Advisors has indicated that further study of these issues to determine how the EAC might respond to them is a high priority.

The U.S. Election Assistance Commission (EAC) seeks to identify one or more senior-level project consultants to develop various project activities and studies related to voting fraud and voter intimidation affecting Federal elections.

The consultant(s) must of have knowledge of voting fraud and voter intimidation along with an understanding of the complexities, nuances and challenges which surround the topics. The EAC is particularly interested in candidates with experience in elections, with public policy and with the law. The consultant (s) must be able to demonstrate an ability to approach the issues of voting fraud and voter intimidation in a balanced, nonpartisan fashion.

016270

voter intimidation	

016271

Duties

The consultant(s), whose contract would run for the period September-February, 2005, would be responsible for the following.

1. Identifying what constitutes voting fraud and voter intimidation affecting Federal elections.
2. Performing background research, including Federal and state-by state administrative and case law review related to voting fraud and voter intimidation, and a review of current voting fraud and voter intimidation activities taking place with key government agencies, civic and advocacy organizations. A written summary of this research, and a copy of any source documentation used, will be presented to EAC.
3. Identifying, in consultation with EAC, and convening a working group of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation. The working group's goals and objectives and meeting agendas will be vetted with key EAC staff.
4. Developing a project scope of work and a project work plan related to voting fraud and voter intimidation. The consultants (s) will develop a draft scope of work and project work plan for EAC's consideration based on research into the topics, the deliberations and findings of the working group, and the consultants' understanding of EAC's mission and agency objectives.
5. Authoring a report summarizing the key findings of this preliminary study of voting fraud and voter intimidation. The report will also include suggestions for specific activities that EAC may undertake to address these topics.

From this initial research and exploration of these topics the consultant (s) may be retained to help oversee follow-on research projects and contracts EAC may pursue on the topics of voting fraud and voter intimidation.

Special Considerations

Work for Hire. The services performed under the terms of this agreement are considered "work for hire," and any intellectual property or deliverables, including but not limited to, research, policies, procedures, manuals, and other works submitted; or which are specified to be delivered; or which are developed or produced and paid for by EAC, shall be owned exclusively by EAC, including copyright. EAC or its assignees have the exclusive right to reproduce all work products from this agreement without further payment to the Contractor.

016272

Terms and Conditions

The period of performance for this consulting contract is six months, with a fixed price ceiling of \$XXXXX for labor. The consultant (s) is expected to work at least 200 hours in performing this work. The EAC estimates that the most efficient distribution of these hours would be as follows: XXXXX. The period of performance and level of effort can be revised in writing by mutual agreement of the EAC and the consultant, as required.

The Consultant is required to travel to the EAC Washington, D.C. offices on a periodic, as needed basis, throughout the duration of the contract. The Consultant will be reimbursed, at the Federal government rates, for hotel and ground transportation costs, other approved incidental expenses, and per diem costs while working on-site at the EAC offices. An estimated \$XXXXX has been allocated for reimbursement for travel and other allowable expenses.

Invoicing

Invoices may be submitted monthly in equal payments for labor. Expenses claimed for reimbursement shall be itemized with appropriate receipts provided. Invoices shall be delivered to Ms. Diana Scott, Administrative Officer, U.S. Election Assistance Commission, 1225 New York Avenue, N.W., Suite 1100, Washington DC 20005.

Deliverables and Timetable

Deliverable	Due Date
Draft project work plan (Phase I)	ASAP after award
Progress Reports to Contracting Officer's Representative (COR)	Monthly
A written summary of background research on voting fraud and voter intimidation.	TBD
Identifying and convening a working group knowledgeable about voting fraud and voter intimidation.	TBD
Developing a project scope of work and project work plan (Phase II)	TBD
Summary report describing key findings of this preliminary study of voting fraud and	TBD

016273

voter intimidation	

016274

**Deliberative Process
Privilege**

MEMORANDUM

TO: EAC Commissioners Hillman, DeGregorio, Martinez, Davidson
FROM: Thomas Wilkey, EAC Executive Director
DATE: September 16, 2005
RE: Consulting assistance with developing an Election Assistance Commission (EAC) Voting Fraud and Voter Intimidation Project

Background

“On such periodic basis as the Commission may determine, the Commission shall conduct and make available to the public studies regarding the election administration issues described in subsection (b)” Sections 241(b) (6) and (7) list the following election administration issues:

(6) Nationwide statistics and methods of identifying, deterring and investigating voting fraud in election for Federal offices.

(7) Identifying, deterring and investigating methods of voter intimidation.

Building on this HAVA reference to studies of voting fraud and voter intimidation, the EAC Board of Advisors has indicated that further study of these issues, to determine how the EAC might respond to them, is a high priority.

The U.S. Election Assistance Commission (EAC) has identified two senior-level project consultants to develop various project activities and studies related to voting fraud and voter intimidation affecting Federal elections. The consultants, whose contracts would run for the period September-February, 2005, would be responsible for helping the EAC identify what constitutes voting fraud and voter intimidation affecting Federal elections.

To accomplish this the consultants will: perform background research, including Federal and state-by state administrative and case law review related to voting fraud and voter intimidation, along with a review of current voting fraud and voter intimidation activities taking place with key government agencies, civic and advocacy organizations; in consultation with EAC, identify and convene, a working group of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation; develop an EAC project scope of work and a project work plan related to

016275

voting fraud and voter intimidation and; author a report summarizing the key findings of this preliminary study of voting fraud and voter intimidation.

Recommendation

Attached is the Statement of Work for the voting fraud and voter intimidation project consultants. The consultant contract fees total \$110,000 (\$55,000 per person). An additional \$10,000 is allotted for the voting fraud and intimidation project working group. The total project amount is \$120,000.

016276

Statement of Work

Assistance with developing an Election Assistance Commission (EAC) Voting Fraud and Voter Intimidation Project

Background

Section 241 of HAVA enumerates a number of periodic studies of election administration issues in which the U.S. Election Assistance Commission may elect to engage. In general “On such periodic basis as the Commission may determine, the Commission shall conduct and make available to the public studies regarding the election administration issues described in subsection (b)”

Sections 241(b) (6) and (7) list the following election administration issues:

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(7) Identifying, deterring and investigating methods of voter intimidation.

Building on this HAVA reference to studies of voting fraud and voter intimidation, the EAC Board of Advisors has indicated that further study of these issues to determine how the EAC might respond to them is a high priority.

The U.S. Election Assistance Commission (EAC) seeks to identify one or more senior-level project consultants to develop various project activities and studies related to voting fraud and voter intimidation affecting Federal elections.

The consultant(s) must of have knowledge of voting fraud and voter intimidation along with an understanding of the complexities, nuances and challenges which surround the topics. The EAC is particularly interested in candidates with experience in elections, with public policy and with the law. The consultant (s) must be able to demonstrate an ability to approach the issues of voting fraud and voter intimidation in a balanced, nonpartisan fashion.

016277

Duties

The consultant(s), whose contract would run for the period September-February, 2005, would be responsible for the following.

1. Identifying what constitutes voting fraud and voter intimidation affecting Federal elections.
2. Performing background research, including Federal and state-by state administrative and case law review related to voting fraud and voter intimidation, and a review of current voting fraud and voter intimidation activities taking place with key government agencies, civic and advocacy organizations. A written summary of this research, and a copy of any source documentation used, will be presented to EAC.
3. Identifying, in consultation with EAC, and convening a working group of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation. The working group's goals and objectives and meeting agendas will be vetted with key EAC staff.
4. Developing a project scope of work and a project work plan related to voting fraud and voter intimidation. The consultants (s) will develop a draft scope of work and project work plan for EAC's consideration based on research into the topics, the deliberations and findings of the working group, and the consultants' understanding of EAC's mission and agency objectives.
5. Authoring a report summarizing the key findings of this preliminary study of voting fraud and voter intimidation. The report will also include suggestions for specific activities that EAC may undertake to address these topics.

From this initial research and exploration of these topics the consultant (s) may be retained to help oversee follow-on research projects and contracts EAC may pursue on the topics of voting fraud and voter intimidation.

Special Considerations

Work for Hire. The services performed under the terms of this agreement are considered "work for hire," and any intellectual property or deliverables, including but not limited to, research, policies, procedures, manuals, and other works submitted; or which are specified to be delivered; or which are developed or produced and paid for by EAC, shall be owned exclusively by EAC, including copyright. EAC or its assignees have the exclusive right to reproduce all work products from this agreement without further payment to the Contractor.

016278

Terms and Conditions

The period of performance for this consulting contract is six months, with a fixed price ceiling of \$50,000 for labor. The consultant (s) is expected to work at least 450 hours in performing this work. The EAC estimates that the most efficient distribution of these hours would be for the consultant to work 20 hours per week. The period of performance and level of effort can be revised in writing by mutual agreement of the EAC and the consultant, as required.

The Consultant is required to travel to the EAC Washington, D.C. offices on a periodic, as needed basis, throughout the duration of the contract. The Consultant will be reimbursed, at the Federal government rates, for hotel and ground transportation costs, other approved incidental expenses, and per diem costs while working on-site at the EAC offices. A fixed price ceiling of \$5,000 has been allocated for reimbursement for travel and other allowable expenses.

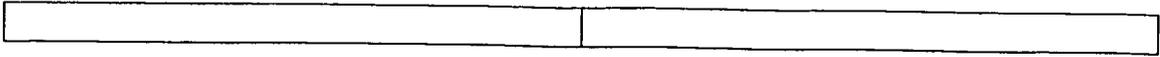
Invoicing

Invoices may be submitted monthly in equal payments for labor. Expenses claimed for reimbursement shall be itemized with appropriate receipts provided. Invoices shall be delivered to Ms. Diana Scott, Administrative Officer, U.S. Election Assistance Commission, 1225 New York Avenue, N.W., Suite 1100, Washington DC 20005.

Deliverables and Timetable

Deliverable	Due Date
Draft project work plan (Phase I)	ASAP after award
Progress Reports to Contracting Officer's Representative (COR)	Monthly
A written summary of background research on voting fraud and voter intimidation.	TBD
Identifying and convening a working group knowledgeable about voting fraud and voter intimidation.	TBD
Developing a project scope of work and project work plan (Phase II)	TBD
Summary report describing key findings of this preliminary study of voting fraud and voter intimidation	TBD

018279



016280

Karen Lynn-Dyson/EAC/GOV
09/22/2005 10:16 AM

To "Job Serebrov"
[REDACTED]@GSAEXTERNAL
cc
bcc Diana Scott/EAC/GOV@EAC; Bola Olu/EAC/GOV@EAC
Subject Re:EAC project oversight by Gavin Gilmour

Job-

I haven't, as yet, been able to get an answer for you.

I'm going to ask Gavin to pursue this for you.

Thanks

K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Job Serebrov" [REDACTED]t>



"Job Serebrov"
[REDACTED]
09/22/2005 10:01 AM

To klynndyson@eac.gov, wang@tcf.org
cc
Subject Re:EAC project oversight by Gavin Gilmour

Karen:

Were you able to get any answers as to my questions on salary? Specifically, when will we receive our first check and do we have to invoice for it or only for expenses, and if we need to invoice for salary, when do we need to mail, fax or e-mail the invoice so we are paid on time?

Job

--- klynndyson@eac.gov wrote:

> Job and Tova-
>
> As I think you both know, Gavin Gilmour, EAC's
> Deputy General Counsel,
> will be providing agency oversight for your project.
>
>
> Gavin will be in touch in the next day or so, to go

016281

> over next steps on
> this project. Also, I believe your contracts will
> be in the mail later
> today.
>
> Regards-
>
> Karen Lynn-Dyson
> Research Manager
> U.S. Election Assistance Commission
> 1225 New York Avenue , NW Suite 1100
> Washington, DC 20005
> tel:202-566-3123
>

016282

Karen Lynn-Dyson/EAC/GOV
09/26/2005 11:58 AM

To "Job Serebrov"
<[REDACTED]>@GSAEXTERNAL
cc Margaret Sims/EAC/GOV@EAC
bcc
Subject Re: Gavin

You and Tova will be hearing from Peg Sims today.

Peg will be managing your project.

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Job Serebrov" <[REDACTED]>



"Job Serebrov"
<[REDACTED]>
09/26/2005 11:38 AM

To klynndyson@eac.gov
cc
Subject Gavin

Karen:

Still no work from Gavin. Can you remind him to contact us. We are holding up travel plans as well as project plans while we wait.

Regards,

Job

016283

[REDACTED]

[REDACTED]

[REDACTED]

**Deliberative Process
Privilege**

Karen Lynn-Dyson/EAC/GOV

To Nicole Mortellito/CONTRACTOR/EAC/GOV@EAC

09/16/2005 12:52 PM

cc Carol A. Paquette/EAC/GOV@EAC

bcc

Subject Voting fraud and intimidation project tally vote material

Here is the material for the voting fraud and intimidation project tally vote



voterfraud project consultant tally vote.doc voterfraud project consultantsow.doc
K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

016284

**Deliberative Process
Privilege**

Karen Lynn-Dyson/EAC/GOV
09/15/2005 06:00 PM

To "Job Serebrov"
[REDACTED]@GSAEXTERNAL
cc
bcc
Subject Re: Schedule 

Job-

EAC staff is recommending that you and Tova serve as the project consultants on this project. Academic perspectives and balance on the issues will/should be achieved through the voting fraud and intimidation working group the two of you will manage.

EAC staff is recommending \$120,000 be allotted for this project at the it run from September 26- February 28, 2006.

Will have a final figure for you and Tova tomorrow afternoon,once the final budget figures have been negotiated.

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

016285

Karen Lynn-Dyson/EAC/GOV
09/09/2005 03:04 PM

To "Stephen Ansolabehere"
<sda@MIT.EDU>@GSAEXTERNAL
cc
bcc
Subject Re: consulting 

Steve-

Excuse my delay in responding. I've had several personal emergencies this week- they come in threes so I'm awaiting the third (smile)

Am working on your fee this afternoon. I don't think the EAC can offer a fee a nearly the rate you quote but I will have a firm figure to you in time for our conference call on Monday morning at 9:30.

Also, how was your wife's singing!!! What an honor! One day I'll have to bore you with my Fenway Park stories

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Stephen Ansolabehere" <sda@MIT.EDU>



"Stephen Ansolabehere"
<sda@MIT.EDU>
09/08/2005 04:48 PM

To klynndyson@eac.gov
cc
Subject consulting

Hi Karen,

I haven't heard back from you about consulting fees and contracts for the fraud project.

Things seem to be moving ahead. Does that mean that the EAC has approved hiring me at my consulting rate of \$250/hour, \$2500/day?

Steve

016286

Karen Lynn-Dyson/EAC/GOV
09/13/2005 03:28 PM

To "Job Serebrov"
[REDACTED]@GSAEXTERNAL
cc wang@tcf.org, Diana Scott/EAC/GOV@EAC
bcc
Subject Re: Consulting fees 

Job-

Tell me again, what your normal compensation rates are (hourly, weekly or monthly). I thought you had sent me an e-mail on this but can't locate one.

Tom Wilkey and I must wrap this up by Thursday (so that we can commit the necessary funds).

You and Tova will know, by then, how we will be proceeding with the voting fraud consulting team and what your compensation will be.

Thanks for your patience.

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

016287

Karen Lynn-Dyson/EAC/GOV
09/15/2005 12:18 PM

To "Job Serebrov"
[REDACTED]>@GSAEXTERNAL
cc
bcc
Subject Re: question 

Hi-

Tom and I just met on this. Will have a final answer to you and Tova by the end of today.

FYI- we are looking at a fixed price contract figure closer to the costs/fees you normally charge and to having you and Tova manage the project.

K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Job Serebrov" [REDACTED]



"Job Serebrov"
[REDACTED]
09/15/2005 12:00 PM

To "Karen Lynn Dyson" <klynndyson@eac.gov>
cc
Subject question

Karen:

What time will you be getting with us today on our contracts. I do not want to be out when you do.

Job

016288

Statement of Work

Assistance with developing an Election Assistance Commission (EAC) Voter Fraud and Voter Intimidation Project

Background

Section 241 of HAVA enumerates a number of periodic studies of Election Administrations issues in which the U.S. Election Assistance Commission may elect to engage. Specifically, Section 241b 6 and 7 describe Election administration issues such as:

6. Nationwide statistics and methods of identifying, deterring and investigating voting fraud in election for Federal offices and
7. Identifying, deterring and investigation methods of voter intimidation.

Building on this reference to studies of voter fraud and voter intimidation, the EAC Board of Advisors has indicated a priority interest in further study of this issue to determine how the EAC might respond to it.

The U.S. Election Assistance Commission (EAC) seeks to identify senior-level project consultants to develop various project activities and studies related to U.S. election voter fraud and voter intimidation.

The consultant(s) must of have knowledge of voter fraud and intimidation along with an understanding of the complexities, nuances and challenges which surround the topics. The EAC is particularly interested in candidates with experience in elections, with public policy and the law. The consultant (s) must be able to demonstrate an ability to approach the issues of voter fraud and intimidation in a balanced, nonpartisan fashion.

Duties

The consultant (s), whose contract would run for the period September-February, 2005, would be responsible for the following.

1. Performing background research, including a state-by state administrative and case law review related to voter fraud and intimidation, and a review of current voter fraud and intimidation activities taking place with key government agencies, civic and advocacy organizations. This review will be summarized and presented to the EAC.

016289

2. Identifying and convening a working group of key individuals and organizations knowledgeable about the topics of voter fraud and intimidation. The list of working group members and the methods used to identify the groups members will be shared with EAC staff prior to the confirmation of the working group. The working group's goals and objectives and meeting agendas will be vetted with key EAC staff.
3. Developing a project scope of work and a project work plan related to voter fraud and intimidation. Based on research into the topics, the deliberations and findings of the working group, and the consultants' understanding of the EAC's mission and agency objectives, develop a draft scope of work and project work plan for the EAC's consideration.
4. Authoring a report summarizing the key findings of this preliminary study of voter fraud and intimidation. The report will also include suggestions for specific activities the EAC may undertake around these topics.

From this initial research and exploration of these topics the consultant (s) may be retained to help oversee follow-on research projects and contracts EAC may develop on the topics of voter fraud and intimidation.

Special Considerations

The Consultants will be required to sign a Non-Disclosure Agreement???

The Consultants are also required to sign a Conflict of Interest declaration???

Terms and Conditions

The period of performance for this consulting contract is six months, with a fixed price ceiling of \$XXXXXX for labor. The consultant (s) is expected to work at least 200 hours in performing this work. The EAC estimates that the most efficient distribution of these hours would be as follows: XXXXX. The period of performance and level of effort can be revised in writing by mutual agreement of the EAC and the consultant, as required.

016290

Job Description

**U.S. Election Assistance Commission (EAC) Voter Fraud and Voter Intimidation
Project Consultant**

The U.S. Election Assistance Commission (EAC) seeks to identify a senior-level project consultant to develop various project activities and studies related to U.S. election voter fraud and voter intimidation.

The consultant must have knowledge of voter fraud and intimidation along with an understanding of the complexities, nuances and challenges which surround the topics. The EAC is particularly interested in candidates with experience in elections, with public policy and the law. The consultant must be able to demonstrate an ability to approach the issues of voter fraud and intimidation in a balanced, nonpartisan fashion.

This consultant, whose contract would run for the period June-November, 2005, would be responsible for:

- Identifying and convening a working group of key individuals and organizations knowledgeable about the topics of voter fraud and intimidation;
- Developing a project scope of work and a project work plan related to voter fraud and intimidation;
- Authoring a report summarizing the key findings of this preliminary study of voter fraud and intimidation. The report will also include suggestions for specific activities the EAC may undertake around these topics.

From this initial research and exploration of these topics the consultant may be retained to help oversee research projects and contracts EAC may develop on the topics of voter fraud and intimidation.

EAC's consultant fees are competitive and are awarded based on the candidate's relevant background and experience.

016291

**Deliberative Process
Privilege**

Karen Lynn-Dyson/EAC/GOV

To Juliet E. Thompson/EAC/GOV@EAC

cc

11/01/2005 03:04 PM

bcc

Subject Chron memo on Job and Tova

Here is the revised memo.

Checked the files- Tally Vote was initiated September 16 and was due back on September 20.

Job and Tova asked about the status of their signed contract on September 20. A series of e-mails were exchanged around September 22 regarding who would be overseeing their contract-(Gavin, Peg, etc.)

Carol Paquette sent several internal e-mails with the altered Statement of Work on the voting fraud and intimidation project, starting on September 21.

Sorry you feel awful- this place just about does you in every October 1

:-)

Hang in there

K



chron for tova and job.doc Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

016292

**Deliberative Process
Privilege**

Karen Lynn-Dyson/EAC/GOV

08/16/2005 02:52 PM

To Carol A. Paquette/EAC/GOV@EAC, Diana
Scott/EAC/GOV@EAC, Margaret Sims/EAC/GOV@EAC
cc Juliet E. Thompson/EAC/GOV@EAC, Nicole
Mortellito/CONTRACTOR/EAC/GOV@EAC
bcc Thomas R. Wilkey/EAC/GOV@EAC
Subject Finishing touches on the Statement of Work for the Voter
Fraud/Intimidation consultants

All-

This morning the Commissioners approved the Statement of Work for the Voter Fraud/Voter Intimidation project consultants, with the caveat that some additional language would be added and the SOW polished up.

Tom, Peg and I are scheduled to interview the first candidate tomorrow morning at 10:00 am and will need your edits to this SOW by COB today.

I am attaching the item again, just in case you don't have a copy. Since I have an appointment out of the office and will be leaving at 4:00 today, I ask that you get your changes and edits to Nicole so that she may enter them and get the revised copy to the candidate first thing in the morning.

Thanks for your input on this.



voterfraud project consultants.2.doc

K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

016293

Statement of Work

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Background

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016294

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From this initial research and exploration of these topics the consultant (s) may be retained to help oversee follow-on research projects and contracts EAC may develop on the topics of voter fraud and intimidation.

Special Considerations

Work for Hire Agreement (insert language)

Terms and Conditions

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016295

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016296

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016297

Karen Lynn-Dyson/EAC/GOV
07/01/2005 11:02 AM

To "Job Serebrov"
<[REDACTED]>@GSAEXTERNAL
cc Juliet E. Thompson/EAC/GOV@EAC, Thomas R.
Wilkey/EAC/GOV@EAC
bcc Paul DeGregorio/EAC/GOV@EAC; Raymundo
Martinez/EAC/GOV@EAC
Subject Re: project [REDACTED]

Job-

Thanks ever so much for following up. Indeed, the Commissioners have reviewed the issue and have agreed in principle, to an approach that would entail hiring a consultant or consultants to help the EAC study and frame the issues of voter fraud and intimidation.

The idea would be that after a period of time, the consultants, and, perhaps, a working group of the EAC, would make a series of recommendations on next steps for the agency to take regarding voter fraud and intimidation.

Thanks for your patience; I hope to have a definitive answer for you by mid-July at the latest.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

016298

Karen Lynn-Dyson/EAC/GOV

To Thomas R. Wilkey/EAC/GOV@EAC

06/21/2005 12:03 PM

cc Jeannie Layson/EAC/GOV@EAC

bcc

Subject Employing Tova Wang and others to start writing " Trends in Election Administration"

Tom and Jeannie-

At yesterday's research briefing, the Commissioners approved the concept of a series of scholarly articles that would cover various "Trends in Election Administration"

There was general agreement that the EAC would produce, by the end of this year, two of these articles that might be on topics such as early voting, restoration of felon rights, vote centers, etc.

I'd like to have a brief meeting the end of this week or the beginning of next with you, Jeannie and myself to go over some of the finer points of this idea and to put in place a process to get this project moving.

Shall we meet Friday morning at 11:00?

I'd like for us to identify the writers we want to use and the process we will use to determine the selection of topics for articles. As the Chair suggested, we should also discuss in some detail, the editorial guidelines we will use that will guide the work that our writers will do for us.

Thanks

K

Karen Lynn-Dyson
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
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tel:202-566-3123

016299

**Deliberative Process
Privilege**



Gracia Hillman /EAC/GOV

12/14/2006 12:07 PM

To "Paul DeGregorio" <pdegregorio@eac.gov>, "Donetta Davidson" <Ddavidson@eac.gov>, Thomas R. Wilkey/EAC/GOV@EAC, Juliet E. cc "Sheila Banks" <sbanks@eac.gov>

bcc

Subject People For

I know that People For the American Way delivered petitions to EAC about release of the Fraud report but I need to know what other communications EAC has had with People For about the study.

Was it represented on the study's working group? If so, by whom? Did they write to us and did we answer? Did anybody from there talk with anybody at EAC about the study and our work? Thanks.

Sent from my BlackBerry Wireless Handheld

016300

Donetta L.
Davidson/EAC/GOV
01/11/2007 09:32 AM

To Paul DeGregorio/EAC/GOV@EAC, Matthew
Masterson/EAC/GOV@EAC

cc

bcc

Subject Fw: Draft EAC report on Voter Identification

History:  This message has been replied to.

Please print for Paul to take on the trip

— Forwarded by Donetta L. Davidson/EAC/GOV on 01/11/2007 09:30 AM —

Karen Lynn-Dyson/EAC/GOV

To Donetta L. Davidson/EAC/GOV@EAC, twilkey@eac.gov

01/04/2007 04:27 PM

cc

Subject Draft EAC report on Voter Identification

Chair Davidson and Tom-

You may recall that during your last Commissioner's meeting you requested that a draft of the EAC Voter ID report be ready by January 5. Attached please find the first draft of such a report that I have prepared, based on the Eagleton Voter ID report and study.

There are several points in the document where I raise questions about the data or Eagleton's findings from their analysis. Certainly, before we would publish this report, we would need Eagleton to review it and to verify that we have accurately represented their findings and conclusions.

Hopefully, this is a first good step towards publishing something on voter identification. I look forward to your suggestions for next steps.



EAC Voter ID Report.doc

K

Karen Lynn-Dyson
Research Director
U.S. Election Assistance Commission
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Washington, DC 20005
tel:202-566-3123

016301

EAC Report on Voter Identification

Executive Summary

The Help America Vote Act of 2002 (HAVA) authorizes the United States Election Assistance Commission (EAC) to conduct periodic studies of election administration issues. HAVA Section 303 (b) mandates that first time voters who register by mail are required to show proof of identity before being allowed to cast a ballot. The law prescribes certain requirements concerning this section, but also leaves considerable discretion to the States for its implementation. The EAC sought to examine how these voter identification requirements were implemented in the 2004 general elections and to prepare guidance for the states on this topic.

In May 2005 EAC entered into a contract with the Eagleton Institute of Politics at Rutgers, the State University of New Jersey and the Moritz College of Law at the Ohio State University to perform a review and legal analysis of state legislation, administrative procedures and court cases, and to perform a literature review on other research and data available on the topic of voter identification requirements. Further, the contractor was to analyze the problems and challenges of voter identification, to hypothesize alternative approaches and recommend various policies that could be applied to these approaches.

The contractor also performed a statistical analysis of the relationship of various requirements for voter identification to voter turnout in the 2004 election. Using two sets of data, aggregate turnout data at the county level for each state, and reports of individual voters collected in the November 2004 Current Population Survey conducted by the U.S. Census Bureau, the contractor found the overall relationship between the stringency of ID requirements and turnout to be fairly small, but statistically significant.

Based on The Eagleton Institute year-long inquiry into voter identification requirements EAC will implement one or more of the following recommendations:

- Further research into the connection between voter ID requirements and the number of ballots cast and counted;
- A state-by-state review of the impact that voter ID requirements are having on voter's participation;
- A state-by-state review of the relationship between ballot access and ballot security and the number of voters whose ballot is counted;
- A state-by-state review of time periods between voters casting of provisional ballots and the time allowed to return with an ID as well as a review of acceptable forms of identification other than photo ID.

016302

Introduction

This study was conducted at a time in which considerable attention is being paid to the issue of voter identification. Proponents of stricter identification requirements base their case on improving the security of the ballot by reducing opportunities for multiple voting or voting by those who are not eligible. The goal is to ensure that only those legally entitled to vote do so, and do so only once at each election. Opponents of stricter ID requirements seek to ensure broad access to a regular ballot. There is a fear that some voters -- racial and ethnic minorities, young and elderly voters-- lack convenient access to required ID documents, or that these voters may be fearful of submitting their ID documents for official scrutiny.

This report considers policy issues associated with the voter ID debate. It examines the relationships between voter ID requirements and voter turnout along with the various policy implications of the issue.

Methodology of the Study

In May 2005, under contract with the EAC, the Eagleton Institute of Politics at Rutgers, the State University of New Jersey, and the Moritz College of Law at the Ohio State University undertook a review and legal analysis of state statutes, regulations and litigation concerning voter identification and provisional voting as well as a statistical analysis of the relationship of various requirements for voter identification to turnout in the 2004 election. The contract also included research and study related to provisional voting requirements. These research findings were submitted and reviewed by the EAC as a separate study.

The Eagleton Institute of Politics gathered information on the voter identification requirements in 50 states and the District of Columbia for 2004. Based on interpretations of state statutes and supplemental information provided through conversations with state election officials, state ID requirements were divided into five categories, with each category of identification more rigorous than the one preceding: stating name, signing name, signature match, presenting an ID, and the most rigorous, presenting a government photo ID. The Eagleton Institute also categorized and identified each state according to maximum and minimum identification requirements. Maximum requirements refer to the most that voters may be asked to do or show at the polling place. Minimum requirements refer to the most that voters can be required to do or show in order to cast a regular ballot. These definitions and the subsequent state-by-state analysis of voter identification requirements omitted those cases in which a particular voter's eligibility might be questioned using a state's voter ballot challenge process.

Two data sets were used to apply the criteria (variables) that were developed above: aggregate voter turnout data at the county level which was gathered from the EAC's 2004 Election Day Survey and; reports of individual voters collected through the November 2004 Current Population Survey administered by the U.S. Census Bureau. Use of EAC

survey data and Census Bureau CPS data provided a way to cross-check the validity of the analysis and conclusions that would be drawn regarding the effect of voter ID requirements on voter turnout.

Study Oversight and Methodological Review

A draft of the Eagleton Institute report and findings on voter identification requirements was critiqued by a peer review group convened by the Eagleton Institute. A second review of the study's research and statistical methodologies was conducted using a group of research and statistical experts independently convened by the EAC. Comments and insights of the peer review group members were taken into account in the drafting of a study report although there was not unanimous agreement among the individual reviewers regarding the study findings and recommendations.

The Eagleton Institute of Politics Peer Review Group

R Michael Alvarez, California Institute of Technology
John C. Harrison, University of Virginia School of Law
Martha E. Kropf, University of Missouri-Kansas City
Daniel H. Lowenstein, University of California at Los Angeles
Timothy G. O'Rourke, Salisbury University
Bradley Smith, Capital University Law School
Tim Storey, National Conference of State Legislatures
Peter G. Verniero, former Attorney General, State of New Jersey

The EAC Peer Review Group

Jonathan Nagler, New York University
Jan Leighley, University of Arizona
Adam Berninsky, Massachusetts Institute of Technology

Summary of the Research

Maximum and Minimum Voter Identification Requirements

In order to analyze what, if any, correlation may exist between a State's voter identification requirements and voter turnout, the Eagleton Institute first coded a state according to how demanding its voter ID requirement was. The voter ID requirement, ranked from lowest to highest was as follows: stating one's name, signing one's name, matching one's signature to a signature on file, providing a form of identification and, providing a form of photo identification. Several possible caveats to this ranking system were noted. For all states which had photo identification requirements in 2004, voters

016304

without a photo ID were permitted to cast a regular ballot after signing an affidavit regarding his or her identity and eligibility. These voters were also allowed to provide other forms of ID. The researchers also noted that while each state may be assigned to a category, that categorization may not reflect the actual practice related to voter identification that may or may not have taken place at many polling places.

Research performed for this study by the Moritz College of Law found that states had five different types of **maximum** identification requirements in place on Election Day 2004. For the purposes of this study a requirement that called for a signed affidavit or the provision of other forms of ID was considered the most rigorous or the “maximum” requirement. At the polling place voters were asked to:

- State his or her name (10 states)
- Sign his or her name (13 states and the District of Columbia)
- Sign his or her name, which would be matched to a signature on file (seven states)
- Provide a form of identification that did not necessarily include a photo (15 states)
- Provide a photo identification (five states)

Using the same criteria, but applying them as **minimum** rather than maximum criteria for voting the research showed: **(check this section- it doesn't really make sense)**

- State his or her name (12 states)
- Sign his or her name (14 states and the District of Columbia)
- Matching the voter's signature to the signature on file (6 states)
- Provide a non-photo identification (14 states)
- Swear by an affidavit (4 states)

The results of the research are summarized in Table 1.

Election laws in several states offer exceptions to these ID requirements if potential voters lack the necessary form of identification. Laws in these states set a minimum requirement that a voter may be required to satisfy in order to vote using a regular ballot. In 2004 none of the states required photo identification as a minimum standard for voting with a regular ballot. That is, voters who lacked photo ID were allowed to vote in all states, if he or she was able to meet another ID requirement.

The Relationship of Voter Identification Requirements to Voter Turnout

A statistical analysis examining the variation in turnout rates based on the type of voter ID required by each state in the 2004 election was conducted using two sets of data: 1) aggregate turnout data at the county level for each state (compiled by the Eagleton Institute of Politics-**footnote about how they collected the data**) and 2) individual level survey data included in the November 2004 Current Population Survey (CPS), conducted by the U.S. Census Bureau.

016305

The analysis looked at the voter identification requirements as a continuous variable and as a series of discrete variables. As a continuous variable the maximum voter identification requirements were ranked according to how demanding they were judged to be, with photo identification considered to be the most demanding requirement (**what about affidavit????**). Used as discrete variable, the statistical analysis considered stating the name as the least demanding ID requirement; the other ID requirements were then compared to that requirement.

Aggregate-level statistical analysis

The statistical analysis performed by the Eagleton Institute of Politics found that when averaging across counties in each state, statewide turnout is negatively correlated to maximum voter identification requirements ($r = -.30$, p less than .05). When a statistical analysis is performed on the other minimum voter ID requirements (with affidavit being the most demanding requirement), the correlation between voter identification and turnout is negative, but not statistically significant ($r = -.20$, $p = .16$). These findings would suggest that the relationship between turnout rates and minimum requirements may not be linear.

The aggregate data show that 60.9 percent of the estimated citizen voting age population voted in 2004. Taking into account the maximum requirements, an average of 64.6 percent of the voting age population turned out in states that required voters to state their names, compared to 58.1 percent in states that required photo identification. A similar trend was found when analyzing minimum ID requirements. Sixty-three percent of the voting age population turned out in states requiring voters to state their name, compared to 60.1 percent in states that required an affidavit from voters. This analysis showed there was not a clear, consistent linear relationship between turnout and minimum identification requirements.

(insert table 2- Variation in 2004 State Turnout Based on Voter Identification Requirements)

Multivariate models of analysis using aggregate-level data

The Eagleton Institute of Politics performed an additional analysis that would estimate the effects of voter identification requirements, that took into account the electoral context in 2004 and, the demographic characteristics of the population in each county. The model also considers such variables as whether or not the county was 1) in a presidential battleground state, 2) if the county was in a state with a competitive race for government and/or the U.S. Senate, 3) the percentage of voting-age population in each county that was Hispanic or African-American 4) the percentage of county residents age 65 and older, 5) the percent of county residents below the poverty line, and 6) the number of days between each state's registration deadline and the election.

016306

The results of this statistical modeling and subsequent analysis indicated that the stricter voter ID requirements of matching a voter's signature to a signature on file or with presenting a non-photo identification are associated with lower voter turnout when compared to voter turnout in states that required voters to simply state his or her name. These conclusions were reached when variables 1-5 listed above were held constant.

Other results from the Eagleton Institute analysis of stricter voter identification requirements showed that:

- Increased voter turnout was associated with whether the county was in a battleground state or whether that state have a competitive race for governor and/or U.S.Senate.
- A slight negative effect on turnout was correlated with those state's with a longer time between the closing date for registration and the election.
- Voter turnout declined as the percentage of Hispanics in a county's population increased.
- Higher turnout (and a positive correlation) was associated with a higher percentage of senior citizens and household median income.
- The percentage of African-Americans in the county did not have a significant effect on turnout.

The Eagleton Institute analysis of minimum voter identification requirements showed that:

- A relationship between minimum voter ID requirements and turnout was not demonstrated.
- Battleground states and those with competitive state races had a significant and positive correlation to turnout.
- A higher percentage of senior citizens in the county and higher household median income were associated with higher turnout and showed a positive correlation to turnout.
- The percentage of Hispanics in the county was associated with reduced turnout.
- The increased number of days between the closing date for registration was associated with reduced turnout.

The analysis of these aggregate, county-level data showed a significant correlation, between maximum voter identification requirements (a signature match and non-photo

016307

identification, but not a photo identification) and lower turnout in the 2004 election. This correlation was also significant when compared to the minimum voter ID requirement of the voter simply having to state his or her name.

Multivariate analysis using individual level turnout data

This analysis which used November 2004 Current Population Survey data conducted by the U.S. Census Bureau is based on reports from self-described registered voters. Not included in the analysis are persons who said they are not registered to vote, those who said they cast absentee ballots and those who said they were not U.S. citizens. The CPS' Voting and Registration Supplement consisted of interviews, either by telephone or in person, with 96,452 respondents. (**why is the N is Table 3 54,973?**)

In addition to the five maximum voter identification requirements (enumerated on page XX) the analysis performed included other socioeconomic, demographic and political factors that could have influenced turnout in the 2004 election. These independent variables were analyzed against the dependent variable of whether or not the respondent said he or she voted in the November 2004 election.

In this analysis three of the voter identification requirements were shown to have a statistically significant correlation with whether or not the survey respondents said they have voted in 2004. Lower voter turnout was associated with:

- those states with maximum voter requirements to sign one's name,
- those states with maximum voter requirements to provide a non-photo ID or photo ID, or
- those states with the minimum voter requirement to swear by an affidavit in order to cast a ballot without the state-required identification

Increased voter turnout showed:

- A significant correlation with the competitiveness of the Presidential race **(explain)**.
- African-American voters were more likely than white or other voters to say they have voted.
- Income and marital status were positive predictors of voting **(high income or low income, single, married?)**,
- Women were more likely to say they voted than men.
- Those ages 45 to 64 and 65 and older were more likely to say they voted than those ages 18 to 24.
- Those who earned a high school diploma, attended some college, graduated from college or attended graduate school were more likely to say they have voted than those who had not finished high school.

016308

Analysis of the predicted probability of voter turnout using the individual data

Using this Census Bureau Current Population Survey data the Eagleton Institute of Politics performed an additional statistical analysis in which they calculated the effect of various independent variables on the probability that a respondent said he or she voted. This analysis, involving 54,973 voters cross-tabulated the maximum and minimum voter identification requirements in each state with the five levels of voting requirements: stating name, signing name, matching the signature, a non-photo ID, photo-ID signing an affidavit. The results of these **Predicted Probability of Voter Turnout for all Voter** tabulations are summarized in Table 3 below:

From this analysis, the Eagleton Institute of Politics found that three of the voter identification requirements (**which ones?**) exerted a statistically significant, negative effect on whether or not the CPS survey respondents said they had voted in 2004. That is, compared to states that require voters to only state their name, those states which require the voter to sign his or her name, to provide a non-photo ID, or to provide a photo ID as a maximum requirement, were shown to have a negative influence on turnout. Also, a negative influence on turnout was found when comparing those states that require voters to only state their name, as compared to those states which have as a minimum requirement for verifying voter ID, signing an affidavit.

This probability analysis also found that the competitiveness of the presidential race had a significant effect on turnout as well as some significant demographic and educational effects. For the entire voting population signature, non-photo identification and photo identification requirements were all associated with lower turnout rates compared to the requirements that voter simply state their names. The analysis further found that:

- The predicted probability that Hispanics would vote in states that required non-photo identification was about 10 percentage points lower than in states where Hispanic voters gave their names and that Hispanic voters were less likely to vote in states that required non-photo identification as opposed to only having to state one's name.
- Hispanic voters were 10 percent less likely to vote in non-photo identification states compared to states where voters only had to give their name. African American and Asian-American voters were about 6 percent less likely, while white voters were about 2 percent less likely.
- Asian-American voters were 8.5 percent less likely to vote in states that required non-photo identification compared to states that require voters to state their names under the maximum requirements, while they were 6.1

percent less likely to vote where non-photo identification was the minimum requirement.

- For those with less than a high school diploma, the probability of voting was 5.1 percent lower in states that required photo identification as the maximum requirement and 7 percent lower in those states that required an affidavit as the minimum requirement. These percentages were arrived at when comparing these states to ones that use as a minimum or maximum requirement, the voter to merely state his or her name.

Conclusions from the statistical analysis

The statistical analysis found that as voter identification requirements vary, so do voter turnout rates. These findings were borne out through analyses conducted on aggregate data and individual-level data. There were, however, some distinctions found depending upon whether or not the state's particular voter identification requirements were set as minimums or maximums.

- The overall relationship between voter identification requirements and turnout for all registered voters was found to be small but statistically significant.
- Using the aggregate data the signature match and the non-photo identification requirement correlated with lower turnout. The photo identification requirement did not have a statistically significant effect.
- In the individual-level data the signature, no-photo identification and photo identification requirement were all correlated with lower turnout when compared to the requirements that voter simply state their names.
- Across various demographic groups (African-Americans, Asian-Americans and Hispanics) a statistically significant relationship was found between the non-photo identification requirement and voter turnout

Caveats to the Analysis

The Eagleton Institute for Politics and the EAC make note that while this analysis is a good beginning, significant questions remain regarding the relationship between voter identification requirements and turnout. These analyses are unable, for example, to capture how or why identification requirements might lower turnout. That is, is it because voters are aware of the identification requirements and stay away from the polls because of them? Alternatively, do the requirements result in some voters being turned away when they cannot provide the identification, or must cast a provisional ballot?

016310

Knowing more about the “on the ground” experience of voters regarding various identification requirements will guide state and local level policy makers in their efforts to educate voters about the requirements. These experiences could also help instruct election judges on how to handle questions and possible disputes over voter identification requirements.

Public Policy and Administrative Considerations

Voter Identification, often described as the critical step in protecting the integrity of the ballot, is a process which can ensure that the potential voter is eligible and, if eligible, is permitted to cast one ballot. A voting system that requires voters to produce an identification document or documents may prevent the ineligible from voting, but also may prevent the eligible from casting a ballot.

Evaluating the effect of different voter identification regimes can be most effective when based on clear legal, equitable and practical standards. The questions outlined below might point policymakers to standards that can be created around voter identification requirements.

1. Is the voter ID system designed on the basis of valid and reliable empirical studies the will address concerns regarding certain types of voting fraud?
2. Does the voter ID requirement comply with the letter and spirit of the Voting Rights Act?
3. How effective is the voter ID requirement on increasing the security of the ballot and can it be coordinated with the statewide voter registration database?
4. How feasible is the voter identification requirement? That is, are there administrative or budgetary considerations or concerns? How easy or difficult will it be for pollworkers who must administer the requirement?
5. How cost effective is the voter ID system? That is, what are the monetary and non-monetary costs to the voter and to the state for implementing the ID system?
6. If voter ID requirements are shown to reduce voter turnout (generally, or with some particular groups), what possible steps should be taken to ameliorate this problem?

Recommendations and Next Steps

As the Federal agency charged with informing election officials and the public about various issues related to the administration of elections EAC believes it should, in its capacity as a supporter of elections research, undertake additional study into the topic of voter identification requirements and the implementation of them in the following ways:

- Longitudinal studies of jurisdictions that have changed voter identification requirements.

016311

- State-by-state and precinct-level analyses that will examine the correlations between various voter identification requirements and voter registration and turnout
- Alternative forms and methods for verifying a voter's identity.
- Continuing research into the connection between various voter identification requirements and the number of ballots cast and counted
- A continuing state-by-state update on changes to voter identification requirements.
- Continued collection of state-by-state data which will help examine the impact that voter identification requirements are having on the number of voters who are casting provisional ballots because of voter identification verification issues.

Appendix A: Summary of Voter Identification Requirements by State

Appendix B: Court Decisions and Literature on Voter Identification and Related Issue
Court Decisions

Appendix C: Annotated Bibliography on Voter Identification Issues

**Deliberative Process
Privilege**

Juliet E. Hodgkins/EAC/GOV
02/06/2007 03:53 PM

To "Davidson, Donetta" <ddavidson@eac.gov>, Gracia Hillman/EAC/GOV@EAC, Paul DeGregorio/EAC/GOV@EAC, Thomas R.

cc

bcc

Subject Questions for Eagleton

Commissioners,

Commissioner Davidson asked that I forward to each of you the following questions that I drafted at her request last week. She also asked that I let you know that she is interested in asking questions 3, 5, and 7.

1. What is meant by "statistically significant"? Please explain in plain language when a result is considered statistically significant. Also, please provide an academic definition of that term. How did you calculate the mean and standard deviations from the mean?
2. What data was used to derive these research findings?
3. Did you attempt to find information or data related to elections prior to 2004 in states that have voter identification requirements?
4. What other variables other than voter identification were tested? Contested race? Historical voter turnout? Weather? Media attention to the area? Candidate activities/campaign?
5. What was the impact (positive or negative) of these other factors on voter turnout?
6. How did you control these variables/factors when measuring the impact of voter ID on voter turnout or on prospective voter turnout? For example, did you only apply the factor to like circumstances – similar historical turnout, same level of contention in the races of the ballot, etc.
7. Would the study and your conclusions have been more reliable if additional data had been analyzed? Data such as voter turn out in states that have had voter ID in past Federal elections?
8. What data did you use to identify voter turnout?
9. What data did you use to identify whether people or groups of people were more or less likely to vote when identification is required?
10. Why did you use census data as opposed to data on registered voters? Doesn't census data also include information from people who are not registered voters and people who are not even eligible to be registered voters?

In addition to the questions above, I provided the following feedback to Commissioner Davidson concerning the draft report provided by Eagleton:

- I am troubled by the concept that Eagleton compared states as if they were equal. They assume that, all factors being equal, that the voter turn out in each state would be equal. I am not at all certain that this is the case. Further, there is no evidence that the statistician actually compared previous years' turnout in the same state to determine whether 2004 was some sort of anomaly for that state (high or low). Long story short, I am very skeptical of the data that they used to draw conclusions. We should ask questions about what data they used, how they parsed it, why they used the data, what other data could have been used to provide better, more reliable results.
- My second concern is how they (statistically speaking) differentiate between a minimum requirement

016313

718910

(i.e. state name, photo i.d., etc) and a maximum requirement (i.e., state name, photo i.d., etc.). It makes no sense to me how they could possibly arrive at a different percentage for these requirement levels.

- My third issue is the persistent use of the phrases "ballot access" and "ballot integrity" without some definition or some explanation of what those concepts are.

Commissioner Davidson also asked that I ask some questions related to the first bullet, above, specifically relating to the comparison of states without validation that the state's turn out for 2004 was "normal" for that state as opposed to an anomaly.

Last, Commissioner Davidson asked that you all coordinate your selected questions to avoid having two commissioners wanting to ask the same question.

Please let me know if you have any questions or concerns about these questions or if I can explain my reasoning behind the questions.

Juliet Thompson Hodgkins
General Counsel
United States Election Assistance Commission
1225 New York Ave., NW, Ste 1100
Washington, DC 20005
(202) 566-3100

016314

**Deliberative Process
Privilege**

Juliet E. Hodgkins/EAC/GOV
02/06/2007 03:53 PM

To "Davidson, Donetta" <ddavidson@eac.gov>, Gracia Hillman/EAC/GOV@EAC, Paul DeGregorio/EAC/GOV@EAC, Thomas R.

cc

bcc

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5. What was the impact (positive or negative) of these other factors on voter turnout?
6. How did you control these variables/factors when measuring the impact of voter ID on voter turnout or on prospective voter turnout? For example, did you only apply the factor to like circumstances – similar historical turnout, same level of contention in the races of the ballot, etc.
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- My second concern is how they (statistically speaking) differentiate between a minimum requirement

016315

Margaret Sims/EAC/GOV
09/25/2006 12:36 PM

To Juliet E. Hodgkins/EAC/GOV@EAC, twilkey@eac.gov
cc Karen Lynn-Dyson/EAC/GOV@EAC
bcc

Subject Preparation for Vote Fraud Conference in Utah

History:

 This message has been replied to.

Matt (and Amy) are working on a speech for the Chairman to deliver at the Vote Fraud conference in Utah at the end of the week. Matt has asked for the consultants' definition of vote fraud/voter intimidation and the draft recommendations. As neither have been through full Commission review, I would like to speak with one or both of you before I drop this information in any one Commissioner's lap. Matt is looking for this information today. FYI, attached are copies of the consultants' definition and the draft recommendations from the consultants and others from the working group. Also attached is a summary of concerns expressed by the working group. --- Peggy



Fraud Project Definition-rev 6-27.doc



RECOMMENDATIONS - final2.doc



Working Group Recommendations final.doc



Key Working Group Comments and Observations AND concerns final.doc

016316

Margaret Sims/EAC/GOV
09/27/2006 12:51 PM

To bwhitener@eac.gov
cc Juliet E. Hodgkins/EAC/GOV@EAC, Karen
Lynn-Dyson/EAC/GOV@EAC
bcc

Subject Status Report on Voting Fraud-Voter Intimidation Study

History:

 This message has been replied to and forwarded.

Bryan:

An electronic copy of the status report is attached, as requested for the USA Today inquiry. The status report includes the attachment listing the Working Group members. I suggest that you check to ensure that I have protected the copy against any manipulation, and protect it yourself if I have not, before sending it out to anyone. --- Peggy



EAC Boards VF-VI Status Report.doc

016317

Margaret Sims/EAC/GOV
06/27/2006 12:12 PM

To Jeannie Layson/EAC/GOV@EAC
cc twilkey@eac.gov, Karen Lynn-Dyson/EAC/GOV@EAC
bcc
Subject U.S. News & World Report

Jeannie

We suspect that someone from the Voting Fraud-Voter Intimidation Project Working Group has been talking to reporters, tipping them off about what we are finding in our preliminary study, and referring them to our consultants (although the information could have come from anyone on the EAC boards, too). Apparently, the U.S. News & World Report reporter who contacted me also contacted both consultants working on the project.

Based on my recommendation, Tova Wang and, possibly, Job Serebrov, who are on EAC personal services contracts for our voting fraud and voter intimidation research, will seek further clarification from you about what they can and cannot say to reporters and in public fora about vote fraud and voter intimidation and about EAC's research. I have previously advised Tova and Job not to discuss the work they are doing for us as this is EAC research, the Commissioners have not yet received and accepted the final report, and the Commission has not approved their speaking about the EAC research.

Tova plans to call you tomorrow (Tuesday, June 27) about the issue. In addition to the reporter's inquiry, she has been invited to speak on the subject at the summer conference of the National Association of State Legislatures. She has plenty of knowledge of the subject in her own right (apart from our study), but is having trouble differentiating between her own work and the work she is doing for us. Please, just let me know what you advise her to do.

--- Peggy

016318

Margaret Sims/EAC/GOV
07/17/2006 10:15 AM

To jthompson@eac.gov
cc twilkey@eac.gov, Karen Lynn-Dyson/EAC/GOV@EAC
bcc
Subject Voting Fraud-Voter Intimidation Draft Report

Julie:

I received pieces of the draft final report on voting fraud-voter intimidation this morning. If it is OK with you, I'll hold it until all I have all of the pieces, so that you can review it as a whole document. --- Peggy

016319

Jeannie Layson/EAC/GOV
03/13/2006 06:09 PM

To klynndyson@eac.gov
cc
bcc

Subject Fw: Standards Board and Study on Voting Fraud

History: This message has been replied to.

Karen,

I need info from you for question number 2.... Thanks.

----- Forwarded by Jeannie Layson/EAC/GOV on 03/13/2006 05:10 PM -----

"ROY SALTMAN" <roysaltman@msn.com>

03/13/2006 05:01 PM

To "Jeannie Layson" <jlayson@eac.gov>
cc
Subject Standards Board and Study on Voting Fraud

Dear Ms. Layson:

I have two questions about the 2005 Annual Report that you gave me.

(1) Who are, currently, the nine members of the Executive Board of the Standards Board?

(2) On p. 27 of the 2005 Annual Report, it states that EAC contracted with two consultants to conduct preliminary research on the issues of voting fraud and voter intimidation. Can you tell me who these organizations or individuals are, and when their reports might be available? If they are available now, how can I obtain them?

Regards,
Roy Saltman

016320



Laiza N. Otero/EAC/GOV
02/24/2006 08:56 AM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc
bcc
Subject Re: Fw: Tova Wang/Job Serebrov/Improving Election Data
Collection Project--FY06 Budget

History: This message has been replied to.

Sounds good. Would later this afternoon work for you? Right now I'm working on the management guidelines with Brian. Let me know, thank you!

Laiza N. Otero
U.S. Election Assistance Commission
1225 New York Avenue, Suite 1100
Washington, DC 20005
(202)566-1707
Karen Lynn-Dyson/EAC/GOV

Karen Lynn-Dyson/EAC/GOV

02/24/2006 08:41 AM

To Laiza N. Otero/EAC/GOV@EAC
cc
Subject Fw: Tova Wang/Job Serebrov/Improving Election Data
Collection Project--FY06 Budget

FYI-

On the budget figure for Improving Election Data Collection

Also, when you're ready let's go through more of the detail on your proposed agenda.

For example, I'd like for us to have some presentations (brief) on various subject areas, so that folks have a basis for their discussion and conclusions.

As we discussed, I think we also will want to have some breakout working groups which focus on particular issues/areas of concern.

Let me know when you're ready to pursue.

K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 02/24/2006 08:34 AM -----

Diana Scott/EAC/GOV
02/23/2006 05:04 PM

To Thomas R. Wilkey/EAC/GOV@EAC,
klynndyson@eac.gov@EAC, Margaret
Sims/EAC/GOV@EAC

016321

**Deliberative Process
Privilege**



Gracia Hillman/EAC/GOV
11/09/2005 12:40 PM

To Paul DeGregorio/EAC/GOV@EAC, Donetta L. Davidson/EAC/GOV, Raymundo Martinez/EAC/GOV, Juliet E. Thompson/EAC/GOV, Thomas R. Wilkey/EAC/GOV
cc Karen Lynn-Dyson/EAC/GOV
bcc

Subject Re: Call from Paul Vinovich

History: This message has been forwarded.

What Paul V said is NOT at all an accurate statement of what Tova said. I was there. This is very disappointing to read. I may call Mr. V myself.

I watched and heard what was said and by whom. I will be glad to brief you tomorrow morning.

Sent from my BlackBerry Wireless Handheld
Paul DeGregorio

From: Paul DeGregorio
Sent: 11/09/2005 11:28 AM
To: Gracia Hillman; Donetta Davidson; Raymundo Martinez; Juliet Thompson; Thomas Wilkey
Cc: Karen Lynn-Dyson
Subject: Call from Paul Vinovich

I took a telephone call this morning from Paul Vinovich. He had attempted to reach Gracia, but since she was not here, he asked Sheila if I was in the office so he spoke to me.

Paul was very upset with comments that Tova Wang had made at yesterday's AEI's meeting in which she basically indicated that voter fraud did not exist in the USA. He asked how a person who believes that voter fraud does not exist--or not seem at least willing to listen to both sides--can be hired by the EAC to do a study on voter fraud/voter intimidation. I explained to Paul (as I have now had to explain to many others) that Tova was "balanced" on the study with Job Severbrov. He did not know Job but was well-aware of Tova's positions and was concerned that her public comments indicate that she will not be fair in looking at this issue. I explained to Paul that we were monitoring the work of our consultants on this study and no report would be issued publicly without the support of at least three commissioners. I sent him some background information on Job. I think this study will need close monitoring.

Paul DeGregorio
Vice Chairman
US Election Assistance Commission
1225 New York Ave, NW
Suite 1100
Washington, DC 20005
1-866-747-1471 toll-free
202-566-3100
202-566-3127 (FAX)
pdegregorio@eac.gov
www.eac.gov

016322

**Deliberative Process
Privilege**



Gracia Hillman/EAC/GOV
11/09/2005 12:40 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc
bcc
Subject Re: Draft Letter to Linda Lamone

History:

This message has been replied to.

Tom's response was that the letter looked fine. Setting aside NAS, I wanted to make certain that pilot projects on list sharing were a part of our thinking on this study, irrespective of who handles the project for us. You will notice that I did not mention NAS in my letter to Linda.

Sent from my BlackBerry Wireless Handheld
Karen Lynn-Dyson

From: Karen Lynn-Dyson
Sent: 11/08/2005 05:22 PM
To: Thomas Wilkey
Cc: Sheila Banks; Bert Benavides
Subject: Re: Draft Letter to Linda Lamone

Tom-

I'll defer to you on this one since I'm not at all aware of how things have been left with NAS (what , if anything, has been said to Herb Lin) and what the timelines are for possibly working with him on the technology refresh project .

K
Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

016323

Carol A. Paquette/EAC/GOV
09/21/2005 07:45 PM

To klynndyson@eac.gov@EAC
cc
bcc

Subject SOW for voting fraud consultants

History: This message has been forwarded.

Karen -

Did some tightening up on language in this SOW. Let me know if you have any changes you want to make ASAP so this can go in for contract processing tomorrow. Thanks!



Wang consulting contract.doc

Carol A. Paquette
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov

016324



"Job Serebrov"

09/06/2005 11:42 AM

To twilkey@eac.gov, klynndyson@eac.gov, sda@mit.edu,
wang@tcf.org, jthompson@eac.gov

cc

bcc

Subject Draft Schedule Proposal for Vote Fraud Group

History: This message has been forwarded.

I have attached a draft proposed schedule of events for our discussion today. Please keep in mind that this is only a proposal but I thought that we needed somewhere to start from.

Regards,



Job Task Contractor Deadline EAC

016325

**Deliberative Process
Privilege**

Carol A. Paquette/EAC/GOV
09/01/2005 06:41 PM

To gvogel@eac.gov@EAC
cc klynndyson@eac.gov@EAC
bcc
Subject reference materials for vote count/recount RFP

Gaylin -

There are 3 files of reference materials for this RFP: the spreadsheet of vote definitions and two summaries of statutory provisions on recounts (which are not consistent in information provided, e.g., one provides statutory language without commentary - the other provides summarized commentary without statutory language). We need a brief paragraph to accompany each to explain what the Offeror can glean from it. For example, the spreadsheet on vote definitions has references in it such as "See pdf of Arkansas statutes in file.", "There is a pdf of the manual in the document folder", "See .doc in file." "I was not able to find copies of these manuals." So this is clearly an internal working draft, not really a final product. How would the Offeror use this in preparing their proposal? Similarly, the two disparate summaries of statutes on recounts - we need to explain that this is a preliminary collection of information and that the two files are different in terms of content. Again, how would the Offeror use this information in preparing their proposal? Also, the title that printed out on first file citing statutory language is not correct and needs to be changed. It currently reads "Voting System Certification by State as of April 22, 2005." There is no heading on the second file.

This is a voluminous amount of information. We need to think about whether it is needed for the preparation of proposals. I will be considering this point this evening when I review the SOW and proposal instructions. Would appreciate your thoughts on this tomorrow.

Carol A. Paquette
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov

016326

Margaret Sims/EAC/GOV
08/16/2005 04:45 PM

To Karen Lynn-Dyson/EAC/GOV@EAC, Nicole
Mortellito/CONTRACTOR/EAC/GOV@EAC
cc
bcc

Subject Suggested Changes for Voting Fraud SOW

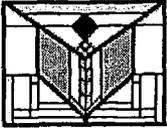
Karen and Nicole:

Please see suggested changes in the attached (highlighted as tracked changes). In some cases, I could only note that we should insert something to address a particular issue. I don't have specifics for the inserts because we have not had time to discuss or confirm exactly what should be added. --- Peggy



voterfraud project consultants.2changes.doc

016327



Adam Ambrogi/EAC/GOV

04/21/2005 05:29 PM

To klynndyson@eac.gov

cc gvogel@eac.gov

bcc

Subject Voter Fraud Research

You've probably seen this already, but I wanted to toss it your direction. It's an interesting report on the topic that Demos did last year. Might not be a bad starting point for ideas, ect.

Best,
Adam

Adam D. Ambrogi
Special Assistant to Commissioner Ray Martinez III
U.S. Election Assistance Commission
1225 New York Ave. NW - Suite 1100
Washington, DC 20005



202-566-3105 EDR_-_Securing_the_Vote.pdf

016328

**Deliberative Process
Privilege**

Margaret Sims/EAC/GOV
12/14/2006 12:40 PM

To Gracia Hillman/EAC/GOV@EAC
cc "Donetta Davidson" <Ddavidson@eac.gov>, "Jeannie Layson" <jlayson@eac.gov>, Juliet E. Thompson/EAC/GOV@EAC, "Karen Lynn-Dyson"
bcc
Subject Re: People For 

Commissioner Hillman:

PFAW was not represented on the Working Group for the Voting Fraud-Voter Intimidation research project. Also, I have had no communications with the organization about the study. I did work with Jeannie and Gavin on a response to PFAW's FOIA request for the study. Jeannie should have the final copy of that reply.

Peggy Sims
Election Research Specialist

Gracia
Hillman/EAC/GOV

12/14/2006 12:07
PMDear Commissioner
Hillman:

To "Paul DeGregorio" <pdegregorio@eac.gov>, "Donetta Davidson" <Ddavidson@eac.gov>, Thomas R. Wilkey/EAC/GOV@EAC, Juliet E. Thompson/EAC/GOV@EAC, Margaret Sims/EAC/GOV@EAC, "Jeannie Layson" <jlayson@eac.gov>, "Karen Lynn-Dyson" <klynn-dyson@eac.gov>
cc "Sheila Banks" <sbanks@eac.gov>
Subjec People For
t

I know that People For the American Way delivered petitions to EAC about release of the Fraud report but I need to know what other communications EAC has had with People For about the study.

Was it represented on the study's working group? If so, by whom? Did they write to us and did we answer? Did anybody from there talk with anybody at EAC about the study and our work? Thanks.

Sent from my BlackBerry Wireless Handheld

016329



U.S. ELECTION ASSISTANCE COMMISSION

FAX COVER SHEET

Fax: 202/566-3127

Direct: 202/566-3100

Toll Free: 866-747-1471

DATE: November 23, 2005

TO: Craig Donsanto, U.S. Department of Justice

Fax Number: 202-514-3003

FROM: Peggy Sims

NUMBER OF PAGES (INCLUDING COVER PAGE): 3

MESSAGE

ORIGINAL TO FOLLOW BY MAIL.

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U.S. ELECTION ASSISTANCE COMMISSION
1225 NEW YORK AVENUE, N.W., SUITE 1100
WASHINGTON, D.C. 20005

OFFICE OF THE CHAIR

November 23, 2005

Craig C. Donsanto
Election Crimes Branch
U.S. Department of Justice
Bond Building
1400 New York Avenue, NW, 12th Floor
Washington, DC 20005

Dear Mr. Donsanto:

The U.S. Election Assistance Commission (EAC) has undertaken a short term project to research voting fraud and voter intimidation. As an expert in the prosecution of election crimes, your expertise and unique experience would be a valuable resource as we move forward. I am writing to ask if you will be available to advise and inform our efforts.

As you know, EAC is a federal agency established in accordance with section 201 of the Help America Vote Act of 2002 (HAVA), Public Law 107-252. HAVA requires EAC to conduct research regarding election administration issues. The election administration issues itemized in the statute include:

- Collecting nationwide statistics and methods of identifying, deterring, and investigating voting fraud in elections for federal office [section 241(b)(6)]
- Identifying, deterring, and investigating methods of voter intimidation [section 241(b)(7)]

The EAC Board of Advisors, established in accordance with HAVA section 211, recommended that EAC place a high priority on these topics when initiating our research projects. Subsequently, EAC obtained the services of two consultants (Tova Wang and Job Serebrov) to:

- **Define Voting Fraud and Voter Intimidation** - develop a comprehensive description of what constitutes voting fraud and voter intimidation in the context of federal elections;
- **Research Available Resources** - perform background research (including federal and state administrative and case law review), identify

current activities of key government agencies, and civic and advocacy organizations regarding these topics, and summarize this research and all source documentation;

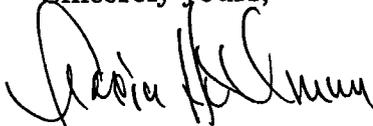
- **Establish a Project Working Group** - in consultation with EAC, establish a working group composed of key individuals and representatives of organizations knowledgeable about voting fraud and voter intimidation, provide a description of what constitutes voting fraud and voter intimidation and the results of the background research to the group, and convene the group to discuss potential avenues for future EAC research on this topic;
- **Produce a Report** - Provide a report to EAC summarizing the preliminary research and working group deliberations, including recommendations for future EAC research, if any;
- **Assist EAC in Initiating Future Research** - if EAC decides to pursue one or more recommendations for future research, draft the project scope and statement of work for the request for proposals.

The EAC manager for this project is Peggy Sims. It would be most helpful if you could offer your expertise to Ms. Sims and our team of consultants. Ms. Sims will contact you to follow up on this request. If you are able to assist us, she will set up an initial interview, which will focus on the identification and prosecution of offenses involving voting fraud and voter intimidation, as well as possible resources on these subjects for our consultants' review. Our consultants and project manager may have follow up questions as the research proceeds. It also would be helpful if you would be able to attend the working group meeting to contribute to its discussion. This meeting will likely be held in February 2006.

If you have any questions about the research or this request, please contact Peggy Sims by email at psims@eac.gov or by phone at 202-566-3120.

Thank you so much for your consideration of this request.

Sincerely yours,



Gracia Hillman
Chair

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U.S. Department of Justice

Criminal Division

Washington, D.C. 20530

December 1, 2005

The Honorable Garcia Hillman
Chair
United States Election Assistance Commission
1225 New York Avenue, N.W.
Washington, DC 20005

Dear Madam Chair:

I am in receipt of your letter of November 23, 2005 requesting my assistance in the development of a statutorily mandated report on voter fraud and intimidation that the Commission is currently undertaking.

I would be pleased, indeed honored, to assist you and the Commission in this matter and invite Ms. Sims of your staff to contact me at her convenience to discuss this matter further with me.

Sincerely,

A handwritten signature in black ink, appearing to read "Craig C. Donsanto", with a large, sweeping flourish extending to the right.

Craig C. Donsanto
Director, Election Crimes Branch
Public Integrity Section

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