

HONORABLE JOHN CONYERS, JR.

April 11, 2005

President Jimmy Carter  
The Carter Center  
One Copenhill  
453 Freedom Parkway  
Atlanta, GA 30307

Dear Mr. President:

I write not only to congratulate you on your appointment as Chairman of the Commission on Federal Election Reform, but also to request the ability to testify at your hearings, and to draw several important matters to your attention.

First, I would like to bring to your attention an important new report that was released on March 31, 2005 by US Count Votes, a group comprised of a collection of university professors, statisticians, mathematicians, and pollsters from all over the country, that raises very serious concerns about discrepancies in between the exit poll and final election results in the recent presidential election.<sup>1</sup> Among other things, this study provides for the first time an overwhelmingly strong rebuttal to the rationalizations offered by Edison Media Research and Mitofsky International (Edison/Mitofsky) to explain how their national exit poll results projected a Kerry victory by 3.0% on the afternoon of November 2, whereas the final official count on the morning of November 3 had President Bush winning by 2.5%.<sup>2</sup> As a matter of fact, the respected US Count Votes study concludes that the likelihood of random chance explaining a discrepancy this great is somewhere in the neighborhood of one million to one.

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<sup>1</sup>Analysis of the 2004 Presidential Election Exit Poll  
Discrepancies, report by US Count Votes' National Election Data Archive  
Project, March 31, 2005.

<sup>2</sup>See "Evaluation of Edison/Mitofsky Election System 2004",  
prepared by Edison Media Research and Mitofsky International for the  
National Election Pool (NEP), p. 20, Jan. 19, 2005.

As a result, I believe it imperative that a representative author of the study, as well as a representative of Edison/Mitofsky be called to testify before your commission on these discrepancies.<sup>3</sup> I have myself sought to resolve doubts about the exit polling data, but have been rebuffed by the Edison/Mitofsky representatives.

Second, I believe it is important that your hearings include a wide array of interested parties. In addition to traditional voting rights activists, I believe your Commission would benefit from the input of a number of new election reform advocates who have organized on the internet and who have been long-time supporters and tireless advocates of voting and election reform. Most recently, these advocates have called for a withholding of federal funding to voting machine companies unless and until they meet minimal standards of reliability, auditability, and security.

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<sup>3</sup>In their report of January 19, 2005, Edison/Mitofsky hypothesized that Kerry voters were more amenable to completing the poll questionnaire than Bush voters. In addition, the Edison/Mitofsky report hypothesized that the "within precinct error" (WPE) is the reason for the exit poll discrepancy, and discusses many factors that may have contributed to this WPE, including factors such as the distance of the exit poll workers from the actual election polling area, the weather conditions, and interviewer characteristics (such as age). The Edison/Mitofsky report proposed that all of these factors contributed to the skew of the initial exit polls towards John Kerry.

However, the US Count Votes study found no evidence that John Kerry supporters were over-sampled and points out that this Edison/Mitofsky hypothesis is flawed, since these same exit polls had the strange result of being significantly more accurate at predicting the outcome of the U.S. Senate races, than the result of the Presidential election. This difference between the accuracy of the Senate and Presidential exit poll is particularly puzzling as it is reasonable to expect that the same voters who voted for John Kerry were also the mainstay of support for the Democratic candidates in the Senate.

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The elections of 2000 and 2004 demonstrated just how critical an updating of the American election system is. American democracy runs on faith in that system, and after experiencing two consecutive elections where issues were raised concerning irregularities and improprieties in the election process, too many voters have lost their faith. In this area, I wanted to express my strong opposition to the appointment of people who have expressed partisan or conflicting interests in the past to your esteemed Commission. Specifically, I am concerned about the inclusion of Mr. James Baker, III as a Commission Member. For many of us, Mr. Baker will be forever remembered for his ultimately successful efforts to shut down the counting of votes in the 2000 Florida election and I am concerned that his involvement in that election may present a conflict with the goals and initiatives of your Commission.

I greatly appreciate your taking the time to work on this very important issue, and I look forward to working with your Commission as I do my part to ensure that all Americans are represented in a fair and impartial election system. Thank you for your attention to this request.

Sincerely,

A handwritten signature in black ink, reading "John Conyers, Jr." in a cursive style.

John Conyers, Jr.