

**United States Senate  
Committee on Rules and Administration**

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Thank you for the opportunity to submit material for the record on this critically important topic. Few tasks in a democracy are as important as ensuring public confidence in the outcome of elections.

Our organization, the Miami-Dade Election Reform Coalition [MDERC or “the Coalition”] is a non-partisan, grass-roots organization dedicated to election reform. Our mission is to protect the rights of every voter to cast a ballot and to have that ballot accurately recorded and counted.

As the Committee is aware, Miami-Dade County has been at the epicenter of voting “reform” since November 2000. At present the county votes on a Direct Recording Electronic [DRE] system that was adopted in haste and implemented without sufficient planning. The last two elections in the County show that this system is a failed experiment.

Our recent work has primarily focused on the auditing of election results through proper ballot accounting procedures. Because an electronic ballot does not have a tangible form, it is critically important that poll workers ensure that the number of ballots cast on Direct Recording Electronic [DRE] machines *exactly* matches the number of voter signatures in the precinct registers. Otherwise error and fraud can easily taint the canvass.

The Coalition’s emphasis on ballot accounting uncovered a clear instance of electronic ballot stuffing in the November 2004 general election. In addition, our work demonstrates the critical role that proper ballot accounting procedures must play in producing an accurate canvass.

During last fall’s general election, MDERC organized a large-scale poll closing observation effort in Miami-Dade County with funding from the Verified Voting Foundation. This work was then supplemented by a large-scale voluntary research effort of members of the MDERC to produce a Final Report entitled *Get It Right the First Time: Poll Closing Observation, Ballot Accounting, and Electronic Voting Security*. We are submitting a copy of this report for the record. Several aspects of this Final Report have national significance.

First, a little background is necessary. During last fall’s general election, volunteers from the Coalition observed a total of 88 separate poll closings on Election Day and 57 separate closings at early voting sites in Miami-Dade County. This work was supplemented by volunteer researchers who reviewed

thousands of pages of public documents, including all of the "Certificate No.2" documents which are supposed to record information regarding the number of signatures of voters who signed in to vote in each precinct (information regarding the number signatures is the most accurate record of the number of voters who actually showed up to vote at a particular precinct). In addition, these researchers also reviewed audit records produced by the voting machines, as well as other data available from the November 2004 election and other earlier elections.

The Report is especially important for the nation as a whole, because it details a clear instance of electronic ballot stuffing in Precinct 816 during the November 2004 election. As summarized at pages 14-20 of the attached report:

Everything went wrong in Precinct 816. There were far more ballots counted than voters. A voting machine broke down, its memory corrupted. The votes from that machine were added to the canvass multiple times. Voter signatures were counted incorrectly. The "public count" on the machines was added incorrectly by the computer, reaching impossible totals. Two different sets of results tapes showed two different sets of mistakes that went unaddressed. When machines failed, election systems and personnel did not catch the errors. Neither poll workers nor department personnel compared voter signatures with ballots cast. The vendor's report on the broken machine was not delivered in a timely manner. State rules and procedures were completely inadequate...

As the report further explains, this incident points out a flaw in the DRE voting machines used in Miami-Dade County - a flaw that the vendor, ES&S, had previously claimed had never affected and would never effect actual elections.

The discovery of this flaw and the resulting ballot stuffing should sound the alarm across this country. It proves the assertions of computer scientists such as Professor David Dill that DRE technology cannot be trusted to ensure that all of the votes are accurately recorded and counted.

A second aspect of our findings is important nationally. Accurate ballot accounting must occur in the precinct. The number of voter signatures must be the benchmark by which the number of ballots is measured. MDERC compared two sets of data received from the county: the number of signatures recorded on Certificate #2 from each polling place [where data was available] and the number of ballots counted in the precincts in the certified canvass. See Section III. A. 3 of the Attached Report at pages 11-14. What we found was disturbing and we think these results could easily be replicated nationwide.

A little terminology is necessary to explain what we found. When there are more voters at the precinct than ballots, the missing ballots are called "lost" votes. If poll workers reported that 100 voters signed in, but only 90 ballots were counted,

we would subtract 90 from 100 and find 10 presumed lost votes. If a machine failed to record votes, the only way to detect the problem would be by investigating lost votes. When there are more ballots counted in the canvass than there were voters who cast ballots, these are called “ghost” votes. If 100 voters were reported to have signed in, but 110 ballots were counted in the canvass, we would subtract 110 from 100 and reported -10 because there were fewer signatures than ballots.

In the 436 polling places with data, MDERC compared the number of reported voter signatures with the number of ballots shown in the canvass. Excluding five apparent clerical errors, there were 2,208 presumed “lost votes” with more signatures than ballots, and 1,564 presumed “ghost votes” with fewer signatures than ballots, for a total of 3,772 ballot discrepancies. The following list summarizes our findings.

#### Reported Signatures Equal To Ballots in Canvass

In 176 polling places, these numbers matched perfectly – there were 0 discrepancies between the number of voters and the canvass report of ballots cast.

#### More Voter Signatures than Ballots / Presumed “Lost” Votes

28 polling places had one more voter than there were ballots.  
40 polling places had between 2 and 5 more voters than ballots.  
19 polling places had between 6 and 10 more voters than ballots.  
19 polling places had between 11 and 39 more voters than ballots.  
7 polling places had between 50 and 99 more voters than ballots.  
4 polling places had between over 100 more voters than ballots

#### Fewer Voter Signatures than Ballots / Presumed “Ghost” Votes

26 polling places had one more ballot than voters.  
60 polling places had between 2 and 5 more ballots than voters.  
26 polling places had between 6 and 10 more ballots than voters.  
19 polling places had between 11 and 37 more ballots than voters.  
6 polling places had between 52 and 100 more ballots than voters.  
1 polling place (Precinct 816) had 282 more ballots than voters.

“Ghost” votes do not cancel out “lost” votes. If one precinct has 100 more signatures more than ballots and another precinct has 100 more ballots than signatures, the total number of ballot discrepancies would be 200, not zero. Otherwise, one could lose 100 votes at a precinct and claim to have made up for the loss by stuffing a ballot box with 100 votes at a different precinct.

These findings point out why ballot accounting must become a key aspect of voting procedure. Our Coalition has developed a basic mantra to summarize these findings: “count, compare, investigate and report.” These are the basics of getting the vote count RIGHT the first time.

These lessons are of national import; Miami-Dade is the eighth largest county in the United States with a population base larger than seventeen states. Last fall, our 1,058,799 registered voters cast ballots in English, Spanish and Creole. If a county of this size has as many demonstrated problems using DRE technology as these results show, the scalability of such systems is seriously called into question.

Miami-Dade County again encountered problems using DREs in a single issue referendum election this spring. Afterwards both the Mayor of Miami and the County Supervisor directed the Supervisor of Elections to study the feasibility of converting from touchscreen systems to an optical scan system. In a May 27, 2005 Memorandum entitled "Desirability and feasibility of converting to an optical scan voting system" the Supervisor of Elections clearly states that " the Department would ensure full enfranchisement of our disabled community by maintaining ADA-equipped audio units, which could include the retention of the 1,000 audio iVotronic units in our current inventory."