



miami-dade election reform coalition

12 December 2003

Via Facsimile

George Burgess, County Manager
Stephen P. Clark Center
111 N.W. 1st Street, Suite 2910
Miami, Florida 33128

Re: Resolution #R-994-03 – 120 day study to implement voter-verified paper record mechanism for DRE's

Dear Mr. Burgess,

I'm writing on behalf of the Miami-Dade Election Reform Coalition (MDERC) and the voters of Miami-Dade County.

MDERC is finally in receipt of your response to our 27 October 2003 letter regarding details of staff's current 120-day study of the feasibility of implementing a voter-verified paper record capacity for voting technology in Miami-Dade. You were directed on 12 September 2003, by unanimous vote of the Board of County Commissioners, to conduct a "good faith" study. Our letter (attached) offered assistance in defining the study, asked specific questions about the study, and made a public records request for various documents.

Regrettably, your response, delivered two days ago, is woefully inadequate and does not reflect the "good faith" that is part of your direction. It consisted of 500+ photocopies of documents from the Elections Department with no cover and no reply to the points in our letter. It indicates there is little study taking place. Now 90 days into the 120-day time frame, with the holidays interrupting the few weeks left, it is doubtful either substance or good faith can be fulfilled in time to report in January to the BCC.

Demand is hereby made that corrective action be taken immediately. Little time remains before we embark upon the 2004 election process with dangerous deficiencies in our elections security. Your Department of Elections is aware, as hopefully you are, that requiring a voter-verified paper record capacity, for touch screen equipment like ours, is increasingly considered essential for elections integrity and voter confidence across America. California Secretary of State Kevin Shelly, within the last month, has required that all touch screen machines in California have that capacity by 2006.



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US Representative Rush Holt's House Bill, HR 2239, making similar requirements nationally, is now up to 96 bi-partisan co-sponsors. Florida Senator Bob Graham introduced companion bill S 1980 in the US Senate just this week. Two similar Senate bills are about to be offered. The Graham bill is to take effect in 2004, which is almost upon us. Sen. Graham said, "After the election of 2000 and the mid-term election - where stories of voter problems were not uncommon - we have to put an electoral system into place in which Americans can have full confidence. This legislation will take us one step further to ensure that every vote really counts and we do not have another debacle like the 2000 election."

Leading computer and political scientists around the country continue to raise the alarm that these systems are in considerable jeopardy without voter-verified paper records. That alarm is only further raised by an initial review of correspondence from the Elections Department. The movement is clearly and rapidly toward requiring this safeguard be an essential component of our new voting technology and new voting law.

Miami-Dade County's study must become substantive and fulfill the BCC's good faith direction without further delay. There remain many outstanding questions you are meant to be carefully studying now. They go beyond the cursory second round of price and availability inquiry that seems to constitute the study to date. That is not "good faith."

Among the unaddressed points called for in our letter:

- The courtesy of your reply, beyond partial production of public records.
- Public notice of the office, contact person, and process by which the study will be carried out.
- A Preliminary Report circulated for public comment in advance of the study.
- An open, transparent process, including public hearings and product demonstrations.
- Concurrent study of the various aspects of product availability, state certification, legal requirements, voting time impacts, maintenance impacts, ADA compliance, unintended consequences, cost, and other concerns, all of which were raised by Commissioners in calling for the study. Good faith requires more than conjecture in your study report.
- Production of all county documents on this issue, as described in our letter, including from the County Manager's and County Attorney's offices.

Opportunity has been squandered to get this right in the given time frame. Is this somehow not of sufficient importance to warrant staff's attention? Is



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unanimous, time-certain BCC direction considered optional? Of course not. Mr. Burgess, this requires your immediate and continuing attention. Too much is at stake. Too much time, money, and pain has already been suffered in Miami-Dade County. Voter confidence can not be allowed to erode further.

Your urgent reply to our *whole* letter would be very much appreciated. Your urgent attention to a meaningful study should be given without delay. We at MDERC remain committed to assisting the county in any way we can. By now, we have extensive contacts and access to resources all over the country. We are at your disposal if we can help. Meanwhile, we look forward to your earliest full and complete reply.

Very truly yours,

Dan McCrea, City Commissioner
City of South Miami
for The Miami-Dade Election Reform Coalition

cc Governor Jeb Bush
Secretary of State, Glenda Hood
Mayor Alex Peneles
The Miami-Dade BCC
Miami-Dade County League of Cities
MDERC members