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Miami-Dade's purchase of voting machines called a 'bad business deal'

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Miami Bureau

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Miami · Miami-Dade County likely would have been unable to seek compensation from manufacturers of the iVotronic voting machines used in the disastrous September primary election because the county's contract with the manufacturer was flawed, a report from the Miami-Dade inspector general said.

In a report released on Tuesday, Inspector General Chris Mazella concluded that negotiations between the Miami-Dade officials and Elections Systems & Software were inadequate. As a result, county commissioners purchased \$24.5 million in flawed equipment based on "a bad business decision," he said.

At issue, Mazella said, were provisions in the county's contract with ES&S that returned the company's \$23 million performance bond in a short timeframe, tying the hands of Miami-Dade officials if they suspected later that the 7,200 voting machines performed inadequately. Under the terms of the contract, he said, Miami-Dade had to return most of the company's bond after the state election officials certified the results of the primary. County officials returned the rest after the state certified the Nov. 5 general election -- "regardless of any operational problems experienced by the county."

Mazella also concluded that the electronic voting machines sold to Miami-Dade contained technology that is more than a decade old -- and inherently flawed software that was unable to handle ballots in English, Spanish and Creole without a backup system.

Given his findings on the contract, stunned county commissioners said that they want County Manager Steve Shiver to find out what went wrong.

"It's like a slap in the face," County Commissioner Rebecca Sosa said on Wednesday. "These are things that should not happen and that can be prevented. I'm surprised and very disappointed. What they presented in front of the commission is not what we're finding now."

The problem for Miami-Dade is that the County Attorney's Office, which was charged with reviewing the contract before approval, strongly disagreed with Mazella's take on the documents.

Assistant County Attorney Susan Torres said that although the county has returned the \$23 million bond to ES&S, the county still has a warranty on the machines and continues to be protected by the contract.

"I firmly believe that the bond decision was well-crafted," Torres said. "The county still has all the legal options. We can still sue ES&S and pursue money damages if the commission chooses to do so."

Officials with ES&S said they had dealt fairly with the county during contract negotiations.

"We never misled or tried to conceal any of the facts," said Mike Limas, chief operating officer for ES&S. "There was an opportunity to ask all the questions to be asked. The contract that was arrived at was fair to the parties involved, including ES&S."

The company has promised to deliver by 2004 more sophisticated technology to Miami-Dade that would prevent more election mishaps.

But the company is not the only entity under fire. The defense of the contract by the County Attorney's Office angered election reform advocates, who say the department is merely covering up for its mistakes.

"They're not a completely independent party," said Lida Rodriguez-Taseff, chairwoman of the Election Reforms Coalition. "The County Attorney's Office messed up, and now they're covering up for their own mistakes. They're not defending the county; they're defending their own mistakes."

Miami-Dade Mayor Alex Penelas, however, said the county's focus shouldn't be on the contract with ES&S but avoiding a problematic election next year.

"Bottom line, we screwed up," Penelas said. "I don't want to get in the middle of the inspector general and the county attorney. I respect them both. I want to focus more on getting people to the polls, training poll workers, not about contracts and performance

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