

MIAMI-DADE ELECTION REFORM COALITION

Final Report on the November 5th Election

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PART I

HISTORY OF THE MIAMI-DADE ELECTION REFORM COALITION

The massive and embarrassing voting problems of the September 10, 2002 Primary election once again put Miami-Dade County at the center of another national firestorm over election reform. The Miami-Dade Elections Reform Coalition (the “Coalition”) was born out of this controversy.

Holding its first meeting on September 19, 2002, in the fellowship hall of the Apostolic Revival Center in Liberty City, the Coalition brought together representatives from a broad spectrum of community organizations, civil rights and civil liberties groups, and citizen activists. Among participating groups and activists are ACORN, American Civil Liberties Union, American Association of University Women, Brothers of the Same Mind, Election Consultants and Community Overseers (ECCO), Fanm Ayisyen Nan Miyami (Haitian Women of Miami), Florida League of Conservation Voters, Haitian-American Grassroots Coalition, League of Women Voters of Dade County, The March for Justice, Miami Workers Center, Miami-Dade NAACP, National Women's Political Caucus of Miami-Dade, SAVE Dade, SEIU 1199, Southwest Voter Registration Education Project, Unite for Dignity/South Florida Jobs With Justice, and citizen activists Anthony Barthelemy (Professor, University of Miami), Jesse Brooks, the Rev. Butler (New Mt. Moriah MB Church), Dr. Mae Christian (Democratic Black Caucus), Richard P. Dunn II, (Word of Life Baptist Church), Vilma and Robert Fox, Evelyn Goodman, Marc Kevin Hall, Sara Iglesias, Katrice Jenkins, Len Kaminsky, Alan Kobrin (Miami-Dade Green Party), Cindy Lerner, Lorelei Loudis, Martha Mahoney (Professor, University of Miami School of Law), Bess McElroy, Max Rameau, Cheryl Roberts, Susan Schein, Diana Shinaberry, the Rev. Dr. Willie E. Sims, Jr. (African-American Council of Christian Clergy), Seth Sklarey (AFL-CIO), and a team of University of Miami law students.

In the best tradition of civic participation, the Coalition came together to call for and demand basic reforms to the County’s voting system. It worked without a budget and with a purely volunteer core. In spite of this, it swiftly put together a comprehensive list of solutions and demands aimed at correcting the problems of the September 10th election. Those demands were hand-delivered to the Miami-Dade Supervisor of Elections, to the Mayor and to the Board of County Commissioners on September 20, 2002, the same day that the Miami-Dade Inspector General delivered his report. (A copy of the September 20th Coalition letter is available on the Coalition’s web site at www.reformcoalition.org). But the Coalition’s work did not end there. In the days and weeks that followed the September 10th election, the Coalition became an aggressive advocate for change, as it pushed to have its demands met. To the County’s credit, County staff and elected leaders opened their doors to Coalition and listened to its concerns.

In the process of working for reform, the Coalition’s representatives logged an impressive number of hours at the County’s task force meetings and logistics and strategy sessions, in meetings with elected officials and County staff, in research sessions to fine-tune different reform proposals, in community outreach initiatives, rallies, forums, and discussions, and responding to media inquiries.

PART II

CREATING A GENERAL FRAMEWORK BY WHICH TO JUDGE THE SUCCESS OF THE NOVEMBER 5TH ELECTION

In their report entitled *Floridians Want Reform of the Election System....Now!*, The Collins Center for Public Policy and the James Madison Institute stated that three-fourths of Floridians surveyed responded that it was “very important” that the State of Florida reform its voting methods before the November 2002 elections.¹ The Report also stated that at 84%, South Floridians were among those who most strongly supported reforms. The Report was issued in April of 2001.

What happened in South Florida between April 2001 and September 10, 2002 to bring about the change that Floridians in general and South Floridians in particular so overwhelmingly demanded? Sadly, the answer is “almost nothing.” In fact, other than contracting for and purchasing 7,500 new touch screen voting machines in the Spring of this year and engaging in related training and the creation of a user manual, the County did very little to reform Miami-Dade County’s election system.

Meanwhile, the touch screen voting machines that were purchased by the County from Election Systems & Software, Inc. (“ES&S”), a vendor that claims to be “the world’s largest election management company,” came with a now well-documented series of problems or issues. The problems with the technology were admitted to by ES&S representatives in a presentation made before the County Commission.

Those at the County responsible for conducting elections either knew or should have known about the fact that the technology was untested, cumbersome, complex, people intensive and difficult to set up and that the software used by the company for recording, storing and counting votes, which is source code protected, is difficult, if not impossible, for outsiders to critique and test. The County’s elections officials therefore should have also anticipated the problems that would come as a result of the new technology.

That these problems and issues were seemingly not anticipated or wholly ignored by the very “experts” within the County whose job it is to keep abreast of the latest voting technology, is troubling and deserves further investigation. To this end, the Coalition fully supports the continued involvement and investigation on the part of the Inspector General.

The Coalition believes that the success of the November 5th election must therefore be judged against the needless and thoughtless exigency created by those at the County who apparently chose to put off meaningful reforms while limiting their efforts to spending tax payer monies on unproven and complex technology. In this respect, as this County attempts to create a model for conducting future elections, it needs to differentiate between reforms that are nothing more than successful damage control driven by bad technology and the neglect of voting officials, and meaningful and productive change driven by sound election reform practices.

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The troubling and embarrassing events that served to mobilize the agents of change do not in themselves cast a negative pall on the findings and conclusions in this report. As set forth below, Miami-Dade County staff and elected officials responded both well and poorly to the different challenges presented by the debacle of September 10th. The Community too, responded at times well and at times poorly. It is the aim of this report to put the successes and failures in a meaningful context. It is only by doing this that this County and this Community will be able to judge the success of November 5th and, at the same time, create a real framework for true voting reforms.

PART III

THE COALITION'S DEMANDS

The work of the Coalition, its effectiveness, preparation and full grasp of the issues, earned it the respect of elected officials, County staff and outside third parties who descended upon our County in the aftermath of the September 10th debacle. The Coalition's successes should be a source of pride for this County and this Community. In the process of making change, the Coalition bridged the chasm between the citizenry and its government and the end product was nothing short of revolutionary. The reason for this is simple; while the County focused its energies on "having a smooth-running election," the Coalition focused its efforts on bringing about meaningful reforms that would benefit and empower the voters of Miami-Dade County, rich or poor, black or white, immigrant or native born, English, Spanish or Creole speaking.

1. Structural Reforms to Deal With Problem Technology

There have been few reports issued and no studies made of the effect of the purchase of the iVotronic Touch Screen Voting devices and counters from ES&S. However, there is absolutely no question that because the choice in technology caused many of the problems seen on September 10th, it also drove many of the reforms implemented by Miami-Dade County. In fact, both the Inspector General's report and the September 20, 2002 letter from this Coalition devoted much energy to recommending that voting machines be set up and activated the night before, that technicians be brought in and that poll workers receive sufficient training and testing. Those logistical demands were ostensibly met. The fact that they were met does not in and of itself answer the question of whether the November 5th election was "a success." In the pages that follow, the Coalition analyzes whether the County's formula for taming problem technology and for compensating for an ineffective elections staff, can really serve as a model for future elections.

2. Creation of a Checklist

In testimony provided to the Miami-Dade County Commission's Election Oversight Task Force on September 30, 2002, the Coalition demanded that the County develop minimum requirements for a standard checklist setting forth every function that should be completed before, during, and after an election; as well as the official, poll worker or County employee for each and every task that must be performed. The purpose of the checklist is to serve as an accountability tool, requiring specific designation of duties to individuals, and signatures that certify the accomplishment of each task.

The concept of an elections task checklist is neither new nor revolutionary. In its November 2001 report entitled *Election Reform: An Analysis of Proposals and the Commission's Recommendations for Improving America's Election System*,² the U.S. Commission on Civil Rights recommended that elections officials establish a standard elections tasks checklist. According to the U.S. Civil Rights Commission:

A checklist would be useful because it would help ensure that long enough before an election, the necessary systems and procedures were in order. It would enable

those responsible to identify problems in advance and correct them. Attaching timelines to actions would also ensure that appropriate steps are taken far enough in advance to correct problems. A checklist would also provide the opportunity for those responsible to verify to local, state, and federal officials, as well as the public, that they have prepared appropriately.

No checklist was ever provided by the County, despite repeated requests from the Coalition. The County's failure to provide the requested checklist makes it very difficult, if not impossible, for this Coalition to judge the success of the County's undertaking. This is especially true in light of the fact that the County spent millions of dollars on the November 5th election (some reports indicate \$4,000,000, and others allege that the amount was far in excess of this).

3. Line of Command – Police at the Helm

The Coalition's demands for the creation of a clear structure and clear lines of accountability were only partially met or not at all. This is troubling. It indicates that the County put its desire not to be embarrassed again, ahead of core democratic concepts and ahead of the creation of clear lines of accountability.

In an e-mail sent by the County Manager on September 22, 2002, the County Manager stated that he had designated the Director of the Miami-Dade Police Department to be the "project manager" for the November 5th election. A copy of the September 22nd e-mail is attached as Exhibit "A." Based upon this e-mail reference, at the September 30, 2002 hearing, the Coalition demanded that the County develop and circulate an organizational chart setting forth the line of command and reporting structure of the County's elections team. The purpose of the organizational chart was to publicize the lines of accountability and to "dispel myths and rumors that may serve to dissuade voters from turning out to the polls on election day."

At the September 30th Elections Oversight Task Force hearing, the various Commissioners present recognized the need to minimize the visible presence of police at the polls and emphasized the need with County officials. However, the Commissioners failed to focus on the bad precedent that was being set by having a "police-run" election.

The organizational chart was slow in coming. Interestingly, when it did come, it revealed that November 5th was a "police run" election. See Exhibit "B" attached. This is exactly what the Coalition feared.

The justification for turning the November 5th election into a "police run" election may have made sense on its face because of the short time frame and the police's "logistical" experience. However, the Coalition doubts that the police department is the only body in this County with the ability or willingness to prepare for, organize and run elections. In addition, the Coalition does not find the police department to be the appropriate body for performing these functions. The Coalition points out that the office of the Miami-Dade Supervisor of Elections, working in conjunction with civilian poll workers, is supposed to be able to do this. If the body charged with conducting elections cannot do so effectively and properly, it is time to analyze why and to consider reorganization.

The Coalition was at least apparently successful in forcing the County to minimize police presence at the polls. In fact, it was the Coalition that identified the problem of having investigators from the State Attorney's office roaming the precincts in shirts that read "POLICE" and the Coalition lobbied successfully for this not to be done. The fact remains, however, that in his memorandum titled *General Election Update*, which is dated October 25, 2002, the County Manager stated that the police department's involvement "has been crucial in helping me develop an achievable General Election plan that you now see unfolding before you and which will become the starting point for the formal recommendations as to how the County should prepare for and execute future elections." The Coalition's recommendations for how the police department should be used in future elections are set forth in Part IV, Section 11.

4. The Mailing of Sample Ballots

From the outset, the Coalition demanded that the County mail out a sample ballot in English, Spanish, and Creole to every registered voter in Dade County. The County agreed and an English/Spanish sample ballot was sent to every *household* in Miami-Dade County. Regrettably, through a yet unexplained deliberate decision, the County chose not to include the Creole translation in its mailing.

The decision was particularly galling in light of the fact that the language issue with respect to Creole is the subject of a Consent Decree that was the result of a lawsuit filed by the U.S. Department of Justice against the County. It is also troubling because it exposed the County's flawed belief that a different program for Spanish-speaking and Creole-speaking voters is not a problem. The bottom line is that regardless of what may be required by any Consent Decree, this County must be guided by considerations of fairness.

As a result of the demands of the Coalition, last minute efforts were made to hand-distribute approximately 30,000 Creole sample ballots in the waning days before the November 5th election. These efforts were sorely inadequate in light of the fact that there are over 60,000 Creole speaking registered voters in the County. Miami-Dade is a trilingual County. Those who reside here have the absolute right to vote, and to ready themselves to vote, in English, Spanish *or* Creole. In order for those in Miami-Dade County who are responsible for running elections, not to soon forget their embarrassing and reprehensible decision, the County Commission should therefore memorialize in an ordinance, this and other basic obligations of the County's elections officials.

On a happier note, the sample ballot proved crucial in reducing the time each voter had to spend at the voting machine. This helped keep lines moving. The success of the Coalition's sample ballot initiative was clearly evidenced by the fact that on the days preceding the election, the County's elected leaders and County officials were heard repeatedly urging voters to "study their sample ballots" before coming to the polls, in order to expedite the voting process and reduce the time voters had to spend in line waiting to vote.

5. The Mailing of Frequently Asked Questions Pamphlet

In its list of demands and suggestions hand-delivered on September 20, 2002, the Coalition requested that together with the sample ballot, the County mail out to every registered voter, a copy of the “Make Your Vote Count” pamphlet produced by the League of Women Voters of Dade County and the American Civil Liberties Union (the “Pamphlet”). (A copy of the Pamphlet is available on the Coalition’s web site at www.reformcoalition.org). The Pamphlet was provided to the County in English, Spanish, and Creole. The County agreed to mail out the Pamphlet, with fairly minor modifications, to every household in Miami-Dade County. As was the case with the sample ballot, the County failed to include a Creole translation in its mailing even though such a translation was provided by the Coalition. The decision, again, was both unexplained and inexplicable.

6. Independent Observers

In its list of demands and suggestions hand-delivered on September 20, 2002, the Coalition demanded that the County invite and bring independent experienced credible observers to Miami-Dade County for the November 5th election. The Coalition further asked that those observers be given full and unfettered access to every aspect of the voting process, including, but not limited to, poll worker training procedures and classes; machine operations procedures; poll location opening and machine activation; actual voting; delivery of ballots and voting machines; counting of ballots; and certification of results.

The persuasive and well-reasoned lobbying of the Coalition resulted in the Miami-Dade County Commission voting to bring the Center for Democracy to Miami-Dade County. In an unprecedented and historical vote, our County became the first governmental structure within the United States to open itself up to the independent outside observer process. As with any “first,” however, the decision was mired in controversy and fear. That fear was ultimately proven to be baseless. Contrary to the dooms-day protestations of the nay-sayers, the bringing in of independent outside observers on the part of the County lent credibility to the reform processes that the County was undertaking and it also created an air of transparency and accountability that was clearly not present in previous elections.

Furthermore, those who opposed the bringing of independent outside observers to Miami-Dade County, charging that by doing so we would look like a “Banana Republic,” were simply uninformed. On June 29, 1990, the United States of America, as a participating State in the Organization for Security and Co-operation in Europe (OSCE), signed on to the *Copenhagen Document*, a copy of which is attached as Exhibit “C.” On the issue of observers, Section 8 of the *Copenhagen Document* states as follows:

The participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place. They therefore invite observers from any other CSCE participating States and any appropriate private institutions and organizations who may wish to do so to observe the course of their national election proceedings, to the extent (sic) permitted by law. They will also endeavor to facilitate similar access for

election proceedings held below the national level. Such observers will undertake not to interfere in the electoral proceedings.

In the days and hours preceding the November 5th election, the Coalition had the opportunity to meet with representatives from the Center for Democracy. The Coalition also had the opportunity to raise all our issues and demands with representatives from the Office of Democratic Institutions and Human Rights of the OSCE, which was here at the invitation of the U.S. State Department.

While the Coalition applauded the Commission's vote to bring in independent, experienced observers, it also recognized that it would have been far preferable for the Commission to obtain public input into the choice and selection of who the observer would be. In the same vein, although County funds were well-spent on hiring independent observers, in the future, the County should investigate the possibility of outside funding to cover the costs of this important component of the election process. However, the Coalition firmly maintains that independent, credible, experienced observers should be made a part of Miami-Dade County's elections process, regardless of the availability of non-County funding, until the County has developed a clear track record of well-run, free and fair elections.

At the time of the Coalition's writing of this report, the reports of the various independent outside observers had not yet been released. However, one thing is clear: the historic presence of independent outside observers in Miami-Dade County for the November 5th election served to highlight the shortcomings of the current system which permits candidates and political parties to station unlimited numbers of poll watchers inside the polls, while at the same time denying entry into those very polls to non-partisan entities whose only aim is to protect the rights of voters.

This reality was starkly brought to light during the final days of the campaign when it was discovered that the Miami-Dade Supervisor of Elections had deputized some 450 partisan poll watchers who claimed to be part of a Political Action Committee created to "stop" a certain candidate. The deputizing of these 450 partisan poll watchers was bitterly ironic in light of the Supervisor of Elections' repeated refusal to permit members of the Coalition from gaining the same access to the inside of the polls. The stated aim of the Coalition, which was to protect the rights of voters irrespective of party, candidate, or issue affiliation was in stark contrast with the aim of the Political Action Committee, which could only accomplish its goals of "stopping" the candidate by "disenfranchising" voters who supported the candidate. This reality should have provided sufficient impetus for the Miami-Dade County Supervisor of Elections to level the playing field. However, it did not. Only 2 members of the Coalition were deputized (and this was at the insistence of the County Manager). Meanwhile, the de-certification of the 450 Political Action Committee poll watchers was accomplished not by the Supervisor of Elections, but only after the County was sued and lost an injunction in the Florida state courts.

The guidelines on the rights of partisan poll watchers are clear: They are permitted to challenge a voter's right to cast a ballot. *See* Exhibit "D," attached. Miami-Dade County currently has no system in place to counter the partisan influence of poll watchers. Those in Miami-Dade County who opposed independent outside observers, in fact opposed the only system devised thus far to provide access inside the polls, to non-partisans who are beholden not to candidates or parties, but to voters. Ironically, the opponents to independent outside observers

are many of the same voices who opposed the deputizing of non-partisan Coalition members whose only goal was to insure that eligible voters would not be turned away on election day. The question therefore needs to be asked whether these voices really have the best interests of voters at heart.

7. Expansion of Early Voting

In both its letter dated September 20, 2002 and in testimony provided to the Miami-Dade County Commission's Elections Oversight Task Force on September 30, 2002, the Coalition demanded that the County expand early voting facilities to accommodate locales with large numbers of employees, such as hospitals. It also proposed that early voting facilities be open for extended hours from 7:00 a.m. to 9:00 p.m. and on the two weekends preceding the Tuesday of the election.

While expansion of the facilities was not possible, the County did, based on the demands from the Coalition, expand early voting hours from 7:00 a.m. to 7:00 p.m. and add weekend voting. Saturday voting was made available at all 14 locations instead of just one, as had been the case for the September 10th election. As a result of Coalition demands, the Stephen P. Clark Center site was open from 8:00 a.m. to 5:00 p.m. on the two Sundays prior to the November 5th election.

Preliminary reports and anecdotal evidence seem to indicate that turnout of voters from minority communities, especially Black voters, was helped by the availability of early voting and the expanded voting times and weekend voting which made the system accessible to voters. However, continuing education and the creation of adequate safeguard for votes cast by early voters, is needed to assure the Community that early voting is a legitimate and valid form of voting. *See Part IV, Section 9.* Steps should also be taken to counteract any potential decrease in voter turnout due to implementation of early voting. *See Part II, Section 11.*

8. Back-up System of Paper Substitute Ballots

In both its letter dated September 20, 2002 and in testimony provided to the Miami-Dade County Commission's Elections Oversight Task Force on September 30, 2002, the Coalition demanded that the County create a back-up system of paper substitute ballots that could be used by voters in case of machine failure. Consistent with the Coalition's demands, the County Commission required the provision of back-up paper ballots at the level of 25% of the registered voters in each precinct.

On November 5th, the back-up system of substitute ballots proved crucial to over 120 voters at Precinct 653, South Miami/C.G. Elks Lodge, located at 6304 SW 78 Street. Precinct 653 reported that due to problems with the activators, the Precinct could not open ballots for voters on any of its machines. Voters cast their votes on substitute ballots until new machines were up and operational by 9:45 AM. Because of back-up system of substitute ballots, no voters were turned away and no delays were reported.

9. Provisional Ballots

Under Florida Statute Section 101.048, a voter claiming to be properly registered in the County and eligible to vote but whose eligibility cannot be determined is entitled to vote a provisional ballot.³ However, the Statute clearly states that such a vote will only be counted if the voter voted at his or her properly designated precinct. Because of this requirement that the voter be at the correct precinct when casting a provisional ballot, the Coalition demanded that the County inform voters that they must be at the correct precinct when casting a provisional ballot. The County did so, including the following instruction in the Miami-Dade Elections Procedures Manual: “Make it clear to voter that if they are in the wrong precinct, their provisional ballot will not be accepted by the canvassing board. If you have determined that the voter resides in another precinct, direct the voter to the proper precinct.” *See* Elections Manual Update #2, Exhibit “E.” Preliminary review, however, has already suggested that a great deal more training is necessary in order to ensure that poll workers direct voters to the proper precinct before issuing a provisional ballot. *See* Part IV, Section 2.

As a result of repeated requests, County officials on November 1, 2002 also amended the Elections Procedures Manual to note that if the 25 provisional ballots issued ran out, substitute ballots could be used as provisional ballots without obtaining authorization of the Supervisor of Elections. *See* Exhibit “E”. The instructions directed the Clerk to call the Logistics Help Desk to have additional provisional ballot envelopes delivered. The change was important because in cases where authorization of the Supervisor might be required, votes could be lost if the authorization could not be readily obtained due to busy phone lines and related problems. However, as the Coalition commented at the November 4th meeting of the Elections Oversight Task Force, the County provided no indication of how Clerks would be notified of this important last-minute change.

Part IV

WHAT WE LEARNED DURING THE ELECTIONS

Putting aside the Coalition's concern that the November 5th election was a "police run" election that failed to provide an appropriate framework for the conduct of future elections, the generally smooth election on November 5th was the product of the County's successful damage control after the disastrous election of September 10th. Yet despite the relatively quiet day of voting, November 5th was far from problem-free.

At the precinct level, fundamental and systemic problems disenfranchised voters and caused others to have to argue for their right to cast a ballot. Perhaps most disturbingly, the majority of these problems were ones of which the County has been aware since November 2000. Two years later, they remain unsolved even in the face of an unprecedented, but often misdirected, commitment of County staff and resources. To these problems that have long plagued Miami-Dade County voters were added a slew of new difficulties brought on by the change in technology and voting procedures.

The following paragraphs separate election issues by category and make suggestions for future reform. The bulleted items underneath each numerical section are intended only as election day examples of the described problem, not as cumulative or complete reports of all of the problems throughout the County.

1. Staffing the Polling Place

In his memorandum dated October 25, 2002, titled *2002 Elections Staff Assignment*, the County Manager stated that despite efforts to remedy the problems of September 10th, "it is evident that the key to a successful election will absolutely depend upon the required participation of our County employees." The County Manager's assessment is telling and very accurate. The success of the November 5th election was due in large part to the massive training and mobilization of County employees to work the polls. However, while the forced conscription of County workers may have been appropriate under emergency circumstances, it is not a model that should be institutionalized for future elections. The reason for this is two-fold.

Citizen participation in the running of elections is one of the hallmarks of American democracy. Lay persons staffing the polls out of a sense of civic duty serve as an important "check and balance" in a system that could otherwise face a serious conflict of interest by being run by those who may stand to gain or lose, directly or indirectly, according to the votes cast. Furthermore, it is unwise to demand that County workers perform duties that are far outside their normal job responsibilities. In fact, this Coalition received numerous complaints from County employees who felt that the County was unfairly burdening them with duties that belong to both the elections officials in the County and concerned citizens who need to be empowered to do their civic duty.

√ The Coalition recommends that efforts be made to reproduce the County "triangle" (the Quality Assurance Manager, the Verification Specialist, and the Technical

Support Specialist) utilizing primarily citizen poll workers. In order to retain the benefit of County expertise, one of the three positions could continue to be staffed by a County employee. Most likely, this would either be the Quality Assurance Manager or the Technical Support Specialist.

√ Non-County employees in the remaining two triangle positions should receive additional pay as necessary to attract competent individuals willing to perform these duties and undergo more intensive training. While the cost involved will be more than the general cost of poll worker pay and training in past elections (excluding November 5th), the amount will be far lower than the excessive funds necessary to compensate the large number of County employees for their time and effort on November 5th. In this regard, the County's elected and un-elected leaders should take it upon themselves to use their positions of leadership to encourage the private sector to continue America's tradition of civilian run elections.

2. Poll Worker Training

Given the increased demands brought on by the new technology and the need to continue citizen participation in election administration, poll worker training clearly must play a more important role than in elections past. Election day reports indicated that some poll workers were ill prepared to perform their duties. At the polling places for precincts 538 and 595, one poll worker described working next to someone who could not even locate voters' names on the registration rolls, apparently due to a reading problem. Although the County supposedly tested poll workers after training, some persons who underwent the training said they were never tested at all, while others described the manner in which the tests were offered as "a joke."

In addition to the new training regime that must be implemented to teach the new technology, complaints by Coalition organizations and individuals indicated the continued need for additional poll worker training in areas that have been identified as problems since the November 2000 elections – namely, changes of address, picture identification, voter assistance, use of provisional ballot, and the distribution of materials outside the polling place. To provide just a few examples:

- At precincts 501 and 753, voters who had moved within the County but had not updated their addresses with the Elections Department, were told to return to their old precinct rather than filling out a change of address form and voting as usual at the precincts for their new addresses. In both cases, extensive advocacy was necessary in order to convince poll workers to let the person vote in the precinct for their new address. Poll workers did not seem to be aware that it would be a felony for the person to return to their old precinct and vote.
- At precinct 258, there were reports of voters being turned away solely for failure to have picture identification.
- At precinct 517, a daughter was told she could not help her father vote even though the daughter asserted her right to sign a form and then assist. At precinct

831, a voter was told his 11-year old son could not accompany him into the voting booth even though the voter simply wanted his son to witness him performing this important civic duty.

- In precincts 237 and 504, there were reports of people being pushed out beyond the fifty-foot limit for handing out campaign materials. Fortunately, the problem was resolved at both precincts, in one case by a poll worker or workers. Nonetheless, continued receipt of such complaints indicates a need to emphasize the “fifty-foot rule.”

The continued failure of the County to adequately train poll workers in order to prevent mistakes in these areas has disenfranchised voters, and if not corrected, will continue to do so in the future.

√ The Coalition recommends that the County mail out questionnaires to all County employees and polling place clerks who worked the polls on election day in order to obtain feedback on the training received and on problems that arose during the course of voting on November 5th. The questionnaires should be anonymous and should be returned directly to the County Commission’s Elections Oversight Task Force via the office of Commissioner Dennis Moss.

√ The Coalition recommends that poll worker training include a special section to provide particular emphasis on voters’ rights with regard to identification, changes of address, and assistance in the voting booth. Currently, all these items except change of address are reiterated in Section 26, “Do’s and Don’ts” of the Election Day Procedures Manual. However, the Do’s and Don’ts e-mail should be divided into sections with particular emphasis, through the use of bold-faced type, etc., on these problematic scenarios. These three areas should also be emphasized verbally during the poll worker training as a part of a required section on voters’ rights.

√ The Coalition recommends that effective testing of potential poll workers be conducted at the conclusion of training and that poll workers who fail to pass the test be prohibited from working the polls. Tests should be “closed book,” should include questions that emphasize an understanding of voters’ rights, and should be graded by the individual(s) conducting the training. Results, with names redacted, should be made part of the public record.

√ The Coalition recommends that both poll workers and polling place site contacts (i.e., the person responsible for the agreement to use a given location as a polling place) be clearly informed of the fifty-foot rule, and that any disputes with owners of private property to be used as polling places be identified and addressed prior to election day.

Provisional Balloting

As indicated in Part 3, Section 9, a preliminary review has already suggested that a great deal more training is necessary in order to ensure that poll workers direct voters to the proper precinct

before issuing a provisional ballot. An evaluation of provisional ballots rejected in the September 10th election, attached as Exhibit “F,” indicates that 23 of the 71 rejects, or 32%, were deemed ineligible because the ballots were voted in a precinct other than the one in which the voter was currently registered. Even more disturbingly, six of the provisional ballots were rejected even though the voters had written on the ballot that they had gone to the nearest precinct to vote because their proper precinct was down due to machine failure. Poll workers apparently were not informed that no excuse would be accepted for casting a provisional ballot in the wrong precinct. Evaluation of the provisional ballots rejected from November 5th and the reasons for their rejection will be conducted in order to garner more information on the extent of this problem.

√ The Coalition recommends that the County modify the Elections Procedures Manual to further emphasize the need to make sure the voter is in the correct precinct. The instructions should direct the poll worker not only to make it clear to the voter that the provisional ballot will not be accepted if the voter is in the wrong precinct (as the instructions currently indicate), but that the poll worker should check the precinct for each and every voter who wishes to use a provisional ballot before a provisional ballot is issued.

√ The Coalition recommends that the County devote a special section during all poll workers’ training to the need to check a voter’s precinct before issuing a provisional ballot.

√ The Coalition recommends that, as an aid to poll workers and voters alike, the County take steps to affirmatively educate voters as to the meaning of “proper” or “correct” precinct (e.g., if you have moved within the County, your correct precinct is the one for your new address, even if you are not on that precinct’s voter rolls).

Substitute Balloting

In another issue related to the use of paper ballots, various poll workers complained that there was no training on the use of substitute ballots in the case of total machine failure.

√ The Coalition recommends that instruction on the use of substitute ballots, also known as “back-up” ballots, be included in the training for *all* poll workers, and not just that of the Quality Assurance Managers, and that a specific section of instructions on use of the back-up system be included in the Elections Procedures Manual.

3. Language Assistance

In order to make Miami-Dade County truly trilingual for the purposes of voting, two goals must be accomplished – all written voting and elections materials must be available in Creole, and spoken assistance in Creole must be available at polling places and at the Elections Department. In recent elections, County officials have taken major strides toward reflecting our County’s trilingual make-up in written voting materials. However, serious mistakes were made in the provision of written materials, and assistance at the polls on election day remained patchy and insufficient. These deficiencies highlighted the County’s insensitivity toward the language needs of one of its major communities.

On November 5th, for the first time in our County's history, every precinct had ballots in English, Spanish and Creole. Also in another "first," the County created and mailed to every household a sample ballot with frequently asked questions. The sample ballots, however, were in English/Spanish and English/Creole, and no steps were taken to distribute the English/Creole versions until the Coalition and others brought it to the County's attention. Even then, the distribution to organizations and print media could not reach the level of community saturation that would have been achieved through direct mail.

√ The Coalition recommends that the County continue its use of sample ballots and that the sample ballots be mailed out in a single mailing that includes English, Spanish, and Creole versions. If the trilingual format becomes too cumbersome, the three versions can be printed separately and folded into a single trilingual cover sheet that indicates the availability of all three within.

To put the language issue in a historical perspective, the County failed to provide trilingual absentee ballots or even absentee ballots in English/Creole for the September 10th election. Instead, only English/Spanish absentee ballots were available, even though the County had previously decided to provide ballots in English, Spanish, and Creole at all precincts. The County's clear recognition of the need for Creole ballots on election day renders inexplicable and inexcusable its failure to provide absentee ballots in Creole.

On November 5th, absentee, provisional, and substitute ballots were in English/Spanish and English/Creole. The dual printing presumably would have made it necessary for the County to decide, in the case of provisional ballots, how many of each language format would be placed in a given polling place – a decision that could prove crucial to voters given that only 25 provisional ballots total were to be provided for each precinct. In the case of substitute ballots, the County indicated that English/Creole substitute ballots were placed in the precincts formerly designated as having a high portion of the electorate that is Haitian-American, potentially disenfranchising, in the case of machine failure, the many primarily Creole-speaking voters residing outside those areas. The overly simplistic approach of printing these paper ballots in two formats, English/Spanish and English/Creole, was symbolic of officials' general reluctance to recognize and address the County's language needs. As in the case of sample ballots, a method should have been devised to provide trilingual ballots across the board, particularly for ones (whether paper or computer) located in polling places.

√ The Coalition recommends that the County print all paper ballots – absentee, provisional, and substitute – in a trilingual format, thus making such ballots available to everyone in all precincts.

The availability of verbal assistance in Creole at the polls on November 5th was patchy. Coalition members noted Creole assistance being provided in some precincts. However, even within the precincts formerly designated by the Supervisor of Elections as being ones where a significant portion of the electorate is Haitian-American (for the purposes of providing Votomatics with English/Creole ballots), a bilingual English/Creole translator was sometimes not available.

- In precinct 242, formerly a “designated precinct” due to the fact that a high portion of the electorate is Haitian-American, no English/Creole interpreter was available to provide assistance. It appeared that no one had been assigned. Instead, the duty fell to the Verification Specialist and another poll worker, both of whom spoke English and Creole. One stated that he found it difficult to perform his assigned duties because he was constantly assisting people, probably at least 100 individuals, with the language.

√ The Coalition recommends that the County assign poll workers dedicated to providing assistance in English/Creole and English/Spanish at all precincts whenever possible. In particular, English/Creole interpreters must be provided in those precincts formerly designated as having a high portion of the electorate that is Haitian-American. Having a bilingual poll worker designated specifically to provide assistance is crucial under the new compartmentalized staff assignments of the polling place. Depending on poll workers with specific assignments to provide language assistance necessarily means that other equally important duties will be neglected.

√ The Coalition recommends that the Elections Department have on duty throughout the year and during all office hours a bilingual English/Creole employee. On election day, a sufficient number of English/Creole employees should be provided to allow the intake of calls from voters who may have questions or be experiencing difficulties. Steps should be taken to let the community know that such bilingual assistance will be available.

4. Overcrowding and the Use of Back-Up Systems

Thanks to early voting, sample ballots, and the timely opening of polling places, on November 5th, lines in Miami-Dade County were generally kept to a minimum. However, there were some complaints of overcrowding. These instances highlighted the need for and usefulness of having both additional machines available for delivery and back-up paper substitute ballots.

- At the polling place for precincts 445 and 448, there were only four machines when there were supposed to have been ten or twelve. This appeared to be a logistical snafu, especially given the fact that each of the two precincts housed by this polling place contain more than 1,000 registered voters. Wait time reached an hour to an hour and a half around midday. Upon contact by the Coalition, the County Manager had two more machines sent out, thus improving the outlook for the after-five voter rush.
- Precincts 506 and 517 were assigned the same polling place despite the fact that the same location had already been overcrowded even with only one precinct.
- Precinct 653 experienced total machine failure. Fortunately, voters were not turned away due to the availability of the paper substitute ballots that had been demanded by the Coalition.

√ The Coalition recommends the continued availability of back-up machines for future elections.

√ The Coalition recommends that paper ballots be available during future elections in the case of total machine failure, and that poll workers be allowed, with the authorization of the Supervisor of Elections, to use paper ballots to alleviate lines that have reached more than an hour in length.

5. Absentee Balloting

The unfortunate and unprecedented length of this year's ballot led to complications in the returning of paper absentee ballots. Instead of the customary regular first-class letter postage, mailing back the absentee ballot this year cost \$0.60. The only indication of this was a very small notation included in a two-paragraph notice on a quarter-page yellow slip of paper inserted into the ballot package. County officials' failure to alert voters to this important change risked disenfranchising many whose ballots may have been returned to them at too late a date to make the deadline if mailed again.

√ The Coalition recommends that the cost of mailing the ballot be clearly indicated on the postage section of the envelope. The Department of Elections' address should also be printed as the return address on absentee ballot envelopes. This will allow absentee ballots without sufficient postage to be returned to the County instead of the sender, thus preventing the loss of votes.

√ The Coalition recommends, as noted in Section 3, "Language Assistance," that absentee ballots be printed in a trilingual format that includes English, Spanish, and Creole each ballot.

Absentee Voting for Pretrial Detainees/Individuals with Misdemeanors

To the knowledge of those in the Coalition, County officials have also done little to extend the right to vote to those who have not been convicted of a felony but who are being detained at the time of elections in jails within the County. In Florida, conviction of a felony results in loss of the right to vote. But a high percentage of people booked into county jails are often not found guilty of the alleged crime or are guilty only of misdemeanors, which do not result in loss of voting rights. Without access to absentee ballots, hundreds and even thousands of citizens can lose their vote just because they are not able to get to the polls. Those with little money can be particularly susceptible because they are often not able to post the bail necessary for release.

The Supervisor of Elections has the ability and the responsibility to extend democracy to these citizens. Indeed, it is the County's obligation to do so since individuals confined to County jails are in the custody and supervision of the County. In Polk County, Florida, Supervisor of Elections Lori Edwards and Polk County Sheriff's Colonel Willie Hall and his staff partnered together in order to make sure that pretrial detainees and those with misdemeanor convictions who were registered to vote were also able to cast their ballots.

√ The Coalition recommends that the office of the Miami-Dade County Supervisor of Elections take the initiative to contact Miami-Dade County jails and arrange for the delivery, distribution, and pick-up of absentee ballots from eligible detainees who are registered to vote.

6. Maintaining Accurate Voter Rolls

The accuracy of the list of registered voters continues to be a problem. As in November 2000, the inaccuracies are often due to the erroneous removal of voters as felons when they are not. Florida's system of felony disenfranchisement, through which nearly a half million Florida citizens have lost the right to vote, makes list maintenance difficult, has a disproportionate racial impact on minority communities already unduly impacted by voting problems, and denies persons who have completed their punishment the right to be full, productive citizens of the community.

- At precinct 258, at least one citizen reported having been listed as a felon when he said he was not. He was given a provisional ballot.

√ The Coalition recommends that the Supervisor of Elections obtain the list of erroneously purged voters from the November 2000 elections and reinstate those voters to the rolls. The voters should then be mailed a letter to let them know that they have been reinstated. Returned letters should be kept for future records.

√ The Coalition recommends that the County Commission consider passing a resolution opposing the continued disenfranchisement of the hundreds of thousands of Florida citizens who have completed the period of supervision assigned for their felony convictions. The Coalition recommends that the County Commission take steps to support state legislative action to place before voters an amendment to the Florida Constitution to automatically restore voting rights after release from supervision.

7. Machine Calibration

Machine calibration appeared to be an issue in some precincts. Reports of voters touching one candidate's name only to see their choice come up as a different candidate served to undermine some voters' trust in the new system.

- In precincts 258, 756, and 849, voters reported that when they touched the name of one candidate, another candidate popped up, presumably due to calibration problems on the computer.
- In precinct 415, the screen on one computer rotated ninety degrees to the right. The computer was locked and voting continued normally.
- In precinct 513, the calibration on one of the voting machines went off track. A voter apparently noticed upon reviewing her choices that some of them were noted incorrectly. The Technical Support Specialist did not know how to fix it.

√ The Coalition recommends that future voter education materials for the iVotronic machines include information about what a voter should do in the case of a calibration-type problem, e.g., see a poll worker immediately if you notice any movement of the screen or if the choices noted on screen do not match the choices you made.

√ The Coalition recommends that poll worker training materials make note of this potential problem, provide examples of how the problem might manifest itself, and give instructions on how to handle it.

√ The Coalition recommends that the County collect information about calibration issues that have occurred in other areas of the United States that use ES&S machines, particularly the iVotronics. This information should be collected from elections offices, newspaper clippings, and other third party sources.

√ The Coalition recommends that the County ask ES&S to report to the County on the calibration problems and the steps that are being taken to remedy them.

√ The Coalition recommends that, to the extent possible, the County conduct its own technical research into the source of the calibration problem.

8. Scheduling Municipal Elections

County officials did not foresee that the primaries in Opa-locka's municipal elections were scheduled too close to the general elections to accommodate programming deadlines for the November 5th ballot. The miscalculation forced Opa-locka voters to endure two lines and vote on two different sets of machines – one for the general election and one for the municipal.

- In precinct 235, one voter reported that the tickets given to voters authorizing them to vote in each line (municipal and general) were the same, thus opening the way for potential fraud, especially given the confusion caused by long lines.

√ The Coalition recommends that the County accurately calculate the deadlines by which municipal elections must occur in order to accommodate programming needs for the general election. Municipalities should then be asked to follow procedures for amending their current primary election dates if those dates do not permit the general municipal and statewide elections to be placed on the same ballot.

9. Safeguards

Nationwide scandals in regarding the shoddy accounting practices of corporate entities and institutions have taught Americans that any system, whether private or public, that does not create accounting safeguards that are actually designed to prevent fraud and create transparency, is a system that is destined to fail. Miami-Dade County's voting system is no different. This is why the Coalition demands that the County take a very close look at early voting, absentee voting, possibilities for machine manipulation, vote tabulations, the reconciliation of votes cast

with voters who actually signed up to vote, and the use of public funds in the conduct of elections, in order to create adequate accounting safeguards for Miami-Dade's elections system. Several examples of accounting lapses follow. However, these are not exhaustive.

Printing of Zero Report Tapes

The fact that the new voting machines had to be set up the night before the elections added new importance to the printing of zero report tapes, a procedure utilized on November 5th to indicate that the machine counts were at zero at the time of lockdown. Currently, the Election Day Procedures Manual instructs that zero report tapes be printed out after set-up on the day before the election and that the public count be verified as zero prior to poll opening on election day. However, the signing of an affirmation attesting to the public count on the morning of the election is insufficient protection against fraud during the nighttime hours.

√ The Coalition recommends that written and oral poll worker training be revised to instruct that zero report tapes be printed after set-up on the day before the election and in the morning of election day prior to poll opening.

Collecting of Lost Vote and Ghost Vote Data (Election Day and Early Voting)

With the elimination of paper ballots and the advent of paperless voting, there is only one way to compare the number of people signing the register with the number of people who voted. That is by tallying the number of votes cast on the voting machines and comparing these numbers with the numbers of people who signed in. However, this crucial accounting step is currently not a part of the close-down procedures used at each polling place on election day.

Failure to take this step squanders an important opportunity to boost public faith in the paperless system. First, collection of data on the number of "lost votes" (observed when a greater number of people sign in than are recorded on the machines) and "ghost votes" (observed when a lesser number of people sign in than are recorded on the machines), is crucial to determining whether the paperless voting system is being used to commit fraud. Just as importantly, the lost vote data can and should be used by the County to analyze whether there are differences among precincts, specific groups and various communities. History has shown that some of the County's voting procedures and many of its voting problems have disproportionately impacted minority communities. For example, the African American community was severely and disproportionately impacted by practices utilized during the November 2000 election, as documented in a report by the U.S. Commission on Civil Rights. More recently, the American Civil Liberties Union issued a report released on October 21, 2002, documenting the disproportionate impact suffered by African Americans as a result of the problems of the September 10th election.

The Coalition emphasizes that the mere collection of the data, while crucial, is meaningless unless there is a concerted effort made to analyze the data and use it to bring about change. Furthermore, the Coalition demands that the data be collected and analyzed for early voting as well as on election day.

√ The Coalition recommends that the County make reconciling the number of sign-ins versus the number of votes cast a routine part of the closing procedure for each precinct.

√ The Coalition recommends that procedures for tallying and recording these numbers be incorporated into poll worker training.

√ The Coalition recommends that at the end of each day of early voting, the number of votes cast on the machines be matched against the number of ballot variation forms collected, and that any differences in the totals be recorded and investigated. At the end of the day, the running totals (for that day and all prior days of early voting) should also be checked against the number of people marked on the computer as having voted early. Any discrepancies should be noted and checked against the ballot variation forms.

√ The Coalition recommends that procedures for tallying the numbers as described above be clearly laid out in training materials for poll workers who are to staff early voting.

√ The Coalition recommends that the County use the data collected to investigate possible instances of fraud.

Transfer of Early Voting Lists

Early voting contributed significantly to the overall success of the November 5th election. However, the transfer of lists of persons who voted on Monday, November 4th or at the Stephen P. Clark Center on November 5th was not always so smooth. Some poll workers complained that the list of November 4th voters arrived at their polling places well after the start of voting, thus opening the door to fraud in the hours preceding receipt of the list. Instructions to poll workers at the start of early voting were also somewhat inadequate. Apparently some poll workers did not realize that they had to click “save” on the laptop in order to make sure the list showed that the person had voted.

- In precincts 415 and 416, early voter lists arrived around 10:00 a.m., three hours after the start of voting.
- In precinct 513, one voter, concerned about whether her early vote had been counted, came in to check. The precinct had no record of her having voted, nor did the downtown elections office.
- In precinct 538, one voter who was also a poll worker voted early but noted that the list with her name on it did not reach the precinct until 8:30 or 9:00 a.m., when the names were called in by phone. There was at least one person on that list who should have been on the list for another precinct.

√ The Coalition recommends that lists of Monday early voters be delivered to all polling places no later than 6:30 a.m. on election day.

√ The Coalition recommends that poll workers be provided precise instructions as to how these lists should be handled (i.e., should the voters be marked on the registration rolls?). The list should not simply be incorporated into the computer since doing so would mean that only the names of persons going through the Verification Specialist would be checked against the early voting list.

√ The Coalition recommends that greater emphasis be placed on how poll workers at early voting sites are to record that an individual has voted.

√ The Coalition recommends that as noted in Section 9, “Collecting Data,” that the number of votes cast be reconciled with the number of ballot variation forms collected at the end of each day of early voting, and that running totals of each be kept throughout the two-week period.

Establishing Communication with Community Groups

Many election day problems on November 5th were solved quickly or avoided altogether because there was a system of contact established between County officials and the Coalition. The Office of the County Manager assigned a representative to attend most pre-election Coalition meetings. The Coalition was also able to appoint an individual to accompany the County Manager on election day. These actions allowed the Coalition to quickly communicate its concerns prior to election day and to notify County officials of problems that were occurring on election day. On November 5th, this system of communication led to the removal of a police checkpoint located near a polling place where it might have intimidated voters and the delivery of voting machines to a polling place that did not have enough.

The Coalition also recognizes the important role that the Miami-Dade County Commission played in establishing the Commission’s Elections Oversight Task Force. The regular meetings of the Task Force provided a way for the community to receive regular updates on the progress of preparations. They also provided a venue through which the Coalition and the community could raise concerns.

√ The Coalition recommends that a system of communication and responsiveness between County officials and community groups be incorporated into standard operating procedures for all elections, and that the designated community representative to accompany County officials on election day be given complete access to all meetings and events as they transpire.

√ The Coalition recommends that the County Commission continue meetings of its Elections Oversight Task Force until such time as permanent reforms have been implemented.

Financial Auditing

Miami-Dade County allegedly received funds from the State of Florida which were to be used for the purpose of establishing an audit team and conducting a financial audit. Broward County, which is alleged to also have received similar funding, has already conducted its own audit and the results were instructive. To date, the Coalition is not aware of how Miami-Dade County has used the State provided audit funds. The Coalition is also not aware that a financial audit of this sort has even been conducted.

√ The Coalition recommends that an audit team be employed by the County to conduct a full financial review of the Elections Department and of the September 10th and November 5th elections in Miami-Dade County. The Coalition recommends that such a team be established for future elections.

10. Increasing Voter Turnout

The importance of early voting was clearly evident on November 5th and should be continued for future elections. Nonetheless, a study released by the Committee for the Study of the American Electorate in September of 2000 found that early voting “actually harms voter turnout.”⁴ According to the study, “[b]ased on the aggregate turnout of the 13 states which have adopted early voting as opposed to those which have not, the early voting states have lesser turnout increases in years in which the national turnout has increased (1994 and 2000) and greater declines in years of decline (1996 and 1998) than the states which did not adopt these procedures.”

The study concluded that only election day registration, of the reforms studied, showed a positive impact on turnout. The study cautioned that election day registration could open the system to fraud, so it may not be advisable for adoption in every state. In addition, the study went on to say that in states where such registration was not possible, consideration should be given to shortening the time between the close of registration and elections, “consistent with protecting the integrity of the list of those registered.” At present, the following states have election day registration: Idaho, Maine, Minnesota, New Hampshire, Wisconsin and Wyoming. Florida’s current deadline is 29 days before the election.

√ The Coalition recommends that early voting, especially with the inclusion of weekend voting and early morning/evening hours, be continued and made a regular part of future elections.

√ The Coalition recommends that Miami-Dade County study the feasibility of election day registration in the State of Florida. The Coalition further urges that the County lobby for appropriate statewide legislative changes to either permit election day registration or to shorten the time between registrations and elections in Florida.

√ The Coalition recommends that the County undertake voter registration campaigns at regular intervals throughout the year in order to balance out the possible diminishing effects of early voting on turnout.

11. Logistics

Based on Part III, Section 3, the Coalition maintains that the police department is not the appropriate agency for handling election day logistics. It is also not the only agency capable of doing so.

√ The Coalition recommends that County officials examine ways in which the Miami-Dade Police Department's model for handling logistics can be used to establish a logistics component of the Elections Department. This new component must include meaningful civilian participation.

12. Creating a Board of Elections

The Coalition proposes that the County Commission establish a citizen's board of elections as a non-partisan agency, composed of civilians, elections experts, voting rights experts and County logistics experts, responsible for overseeing the office of the Supervisor of Elections, and for creating policies and procedures to ensure that all aspects of the electoral process, from voter registration to election results, are conducted and function in a fair, efficient and cost effective manner. The citizen's board of elections should have as its central mission, a commitment to encouraging voter participation, administering fair and accurate elections, regulating disclosure and limitation, and protecting the rights of voters within the County. In addition to supporting the laws and regulations governing elections, the citizen's board of elections must preserve the voters' confidence in the democratic process. Over the following weeks and months, the Coalition will campaign and lobby for the creation of such a board.

PART V

CONCLUSION

The overhaul of Miami-Dade County's elections system did not end in the spring of this year when the County spent \$25,000,000 in new technology. In fact, that was only the beginning. The reforms that preceded the November 5th election were a step forward. However, they also represented a dangerous move toward the creation of a technology driven, "police run" system of elections with few accounting safeguards and few, if any institutionalized improvements to guarantee that every eligible voter has the opportunity to cast a ballot for candidates and issues of his choice, and that his ballot will be counted.

As concluded in this report, the Coalition believes that the framework for meaningful voter reform involves three key elements: (1) the broadest voter participation possible, through language assistance, early voting, absentee voting, provisional and substitute voting, and felon re-enfranchisement; (2) the creation of a system of voting with ample meaningful citizen participation, through returning to a process of civilian run elections and through the creation of a citizen's board of elections; and (3) the creation of a transparent system with adequate accounting safeguards, through the continued use of independent outside observers and through the implementation of financial audits of funds designated for the conduct of elections, the creation of accounting and procedural safeguards, data collection and analysis.

¹ MacManus, Susan A., Dr., et al., *Floridians Want Reform of the Election System....Now*, April 16, 2001. Report sponsored by the Collins Center for Public Policy, Inc. and the James Madison Institute and available from the CalTech/MIT Voting Technology Project.

² U.S. Commission on Civil Rights, *Election Reform: An Analysis of Proposals and the Commission's Recommendations for Improving America's Election System*, November 2001, Washington, D.C. The report is available at <http://www.usccr.gov/>.

³ Florida Statutes Section Florida 101.048 (2002).

⁴ Gans, Curtis, *Mobilization Propels Modest Turnout Increase, GOP Outorganizes Democrats, Registration Lower, Parties in Trouble, Reforms Fail to Boost Turnout*, August 30, 2000. The report was prepared by the Committee for the Study of the American Electorate.

Provisional Ballots Evaluation Results – September 10, 2002 Election

Rejected: 40
 Ineligible (but not stamped rejected): 25
 Unclear from copy: 8
 Eligible: 156

Form rejection letters sent to voters Amount

Not eligible to vote where registered and did not respond to administrative hearing notices regarding registration status	4 (5.6%)
Previously moved out of Miami-Dade County	6 (8.4%)
Name was removed from voter registration roll pursuant to State Law since previous attempts to contact you by mail were unsuccessful and you did not vote or make any changes to your registration records through the last two federal general elections	3 (4.2%)
Name was removed from the rolls of active voters pursuant to Section 98.093 Fl.Stat. when the Clerk of the Court notified our office that you were convicted of a felony	13 (18.3%)
The court adjudicated you as “mentally incapacitated with respect to voting”	1
Not currently registered to vote in Dade County	16 (22.5%)
Registered elsewhere	5 (7%)
Voted in a precinct other than the one in which you are registered to vote	23 (32%)

Percentages:

Total: 71

Registration problems: 16+5+23+4+3=51, **71.8%**

Felons: 13, **18.3%**

Registered outside Dade County: 16+5= 21, **29.5%**

Other: 7

The majority of rejections were because of registration problems. However, 12 of the provisional ballot certificates noted reasons why they voted in a different precinct, half of which were because their precinct was down at the time (6). These ballots were still rejected.