

Elections

Unwieldy solution

Miami-Dade officials say fixing software glitch in new voting system will be costly, time consuming

June 11, 2004

By: Matthew Haggman

The office of Miami-Dade Supervisor of Elections Constance A. Kaplan is acknowledging criticism that the temporary solution it plans for remedying a glitch in its touch-screen voting system will be costly and logistically difficult.

Kaplan's spokesman, Seth Kaplan, said that under the proposed plan, it will take several days to complete an audit and ensure that all the votes cast are recorded. The Broward Supervisor of Elections plans to use that same temporary solution.

Constance Kaplan's office and the manufacturer of the iVotronic touch-screen system, Omaha-based Elections Systems and Software, are locked in a dispute over who will pay for the equipment and staff time needed to implement the so-called work-around solution.

The audit glitch, first reported by the Daily Business Review last month, has caused national concern because Florida is expected to be pivotal in the November presidential election.

A recently discovered e-mail sent to Kaplan last October by a Miami-Dade County elections official sharply criticized the temporary solution being adopted by Miami-Dade and Broward counties to remedy the system glitch.

In the Oct. 17 e-mail to Kaplan, Orlando Suarez, division manager of Miami-Dade County's Enterprise Technology Service Department, criticized the temporary solution being proposed by ES&S for the Aug. 31 and Nov. 2 elections. Suarez said the proposed solution will be too time consuming, isn't suitable for elections involving more than 100 touch-screen machines — and may not even work.

Miami-Dade will use 7,200 machines and Broward roughly 6,000 in the election this fall. Voters in 11 Florida counties will cast their ballots this fall on iVotronic touch-screen machines.

Seth Kaplan, who is not related to the elections supervisor, acknowledged the difficulties with the planned work-around solution.

"We are in the middle of figuring out the logistics," he said. "It will be an extremely labor-intensive operation but we could have the audits completed several days after the election."

He said the elections office is determining how many laptops it will need. He said the office "may have to hire some extra people or people will work overtime." He said his office had no estimates of how much the work-around solution ultimately would cost.

That statement, along with the conclusions in Suarez's e-mail and a May 18 letter to ES&S from Constance Kaplan demanding that the company provide personnel and financial support, stands in stark contrast to the confident statements previously made by ES&S, Kaplan, and Secretary of State Glenda Hood, who was appointed by Gov. Jeb Bush. All of them have insisted the temporary work-around solution is sound.

Suarez declined to comment for this article.

Suarez's Oct. 17 e-mail memo, which was obtained by the Daily Business Review, was not released by Kaplan's office. The disclosure has prompted new allegations that Kaplan withheld important information from the Miami-Dade County Commission about the audit glitch and concerns about the workaround solution.

"This work-around was criticized by county employees themselves and Constance Kaplan never revealed this criticism to elected officials and the community," said Lida Rodriguez-Taseff, chairwoman of the Miami-Dade Election Reform Coalition. "In reassuring everyone that the problem was resolved, she led them to believe that this was a workable solution and no one had objections to it."

Kaplan declined to discuss the Oct. 17 e-mail when reached by phone in Key West, where she is attending a gathering of elections supervisors from around the state.

"I am at the supervisor of elections banquet. I have people to see. I don't have the document in front of me. Sorry."

She then hung up.



Miami-Dade Supervisor of Elections Constance A. Kaplan

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Seth Kaplan initially said he was not aware of the Oct. 17 memo, and said it was not turned over because of an "oversight."

Broward Supervisor of Elections Brenda Snipes and her spokeswoman did not return calls for comment. In response to a public records request filed by the Daily Business Review earlier this month, Snipes' office said it has no records containing any discussion of the iVotronic audit problems.

The discovery of the e-mail has triggered fresh charges that Constance Kaplan violated state open records law in not immediately disclosing the document in response to public records requests made repeatedly between October and April by the Miami-Dade Election Reform Coalition, a group of civic activists.

The Daily Business Review reported last month that Secretary of State Hood's office also knew about the audit glitch months before Hood said her office had been notified.

Laptop audits

Suarez first discovered a serious problem in the audit reports produced by the iVotronic machines while analyzing municipal election outcomes last year in North Miami Beach and Homestead. He reported it to ES&S in an e-mail on June 6, 2003 and in a e-mail memo to Kaplan on Oct. 10, 2003.

The audit log is supposed to record all activity that occurs on the touch-screen voting machines from boot-up to shutdown. The Oct. 10 memo from Suarez to Kaplan said that his review of the Oct. 7 Homestead municipal election found that the system's audit log failed to account for 162 ballots cast. The system's audit log did not recognize five of the touch-screen machines used in the election.

At an April 19 meeting of the Miami-Dade County Commission's elections subcommittee, Kaplan confirmed the existence of the problem and said it also had arisen in a March 2004 election. ES&S said the glitch did not affect the accuracy of the final vote tabulations.

But some computer experts say that if the audit log does not work, the credibility of the election process is thrown into doubt because there is no other way to verify that all votes cast were recorded. The audit log is particularly important because the iVotronic machines do not produce paper records of individual votes, which could be recounted.

As a proposed solution, Miami-Dade and Broward County elections officials plan to use laptop computers to extract the audit data through the serial port of the touch-screen voting machines. Elections official believe that method is certified by the state; although the issue is not entirely clear.

Under the plan, a county worker would take a laptop to each individual voting machine to extract the audit information. The two counties combined have a total of about 13,000 machines. It takes about five minutes to audit each machine, said Kaplan's spokesman, Seth Kaplan.

Previously, the counties saved the audit data by downloading it from each machine onto a device known as a flashcard. ES&S has attributed the audit glitch to the flashcards.

Who will pay?

In his Oct. 17 e-mail to Kaplan, Suarez questioned the proposed work-around solution.

"I do not feel this is an adequate solution," he wrote. "It will require the elections department to spend a considerable amount of labor hours to accomplish something that the system is touted as being able to do automatically." He also said he could not understand how "collecting the data from the iVotronic in a different manner (using the serial port rather than using the flash card) ... will correct the situation."

Other critics note that it will be expensive for the counties to buy enough laptops to do the job. It remains unclear how many will be needed.

Indeed, a fight is brewing over who will pay for the new laptops and for the staff time required to conduct the audits. On May 18, Constance Kaplan wrote to ES&S chief executive Aldo Tessi about paying for the temporary fix. "This will be a time-consuming, labor-intensive [and thus expensive] procedure for which, I trust, ES&S will either pay or provide the necessary manpower, given that the procedure is made necessary due to a flaw in your equipment," she wrote.

But ES&S spokeswoman Jill Friedman told the Review that "I cannot answer who will pay for the laptops."

Despite the uncertainties, officials in Broward and Miami-Dade are moving ahead with preparations for the work-around. In Broward, Snipes' spokeswoman Gisela Salas said training for county elections staffers starts on June 22.

The disclosure of Suarez's Oct. 17 memo also raises new questions about whether Kaplan withheld important information from county commissioners and the public. While discussing the proposed work-around solution at the April 19 meeting of the County Commission's elections subcommittee, Kaplan made no mention of Suarez's Oct. 17 memo or of any concerns raised about the proposed solution.

Leaders of the Miami-Dade Election Reform Coalition contend that Kaplan violated Florida's public records law by not turning over Suarez's memos when the group filed repeated requests between October and April for all documents related to the iVotronic audit glitch.

New software stalled

ES&S continues to struggle to develop upgraded software to solve the audit glitch. Previously, it said that it would have new software certified by June 1 to fix the problem.

But last week, state certification testing was called off by the Florida Division of Elections within Secretary of State Hood's office.

In an e-mail sent June 1 to election supervisors throughout the state, Florida elections official Paul Craft wrote that the reason for the cancellation is that "ES&S would not agree to sign our proposed test plan."

In response to that, Kurt Browning, election supervisor in Pasco County, which also is using the iVotronic touch-screen system, wrote back: "What's going on? What is it that ES&S will not sign off on? This change really needs to be made and made now!"

ES&S spokeswoman Friedman said that ES&S and the state are working on a "specific protocol for carrying on the test."

Broward County has said that it will use the work-around solution even if new software is certified. Miami-Dade has waffled as to whether it will use any software certified between now and election.

In an interview, U.S. Rep. Robert Wexler, D-Boca Raton, who has filed suit in state and federal court claiming that touch-screen machines violate state law because they do not allow a manual recount in close elections, expressed skepticism about the proposed work-around solution using laptop computers.

"The fix to me is remarkably problematic," said Wexler, who has pressed for installation of paper printers to allow a recount. "They told me there is not enough time to certify ballot printers. So how is there enough time to certify laptop computers?"

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