



December 5, 2006

Honorable Chairman Joe A. Martinez
And Members of the Board of County Commissioners
Miami-Dade County

RE: Agenda Items: Resolutions 11 (A) (3) and (4)

Dear Chairman Martinez and Members of the BOCC,

We write with regard to the two linked Resolutions that are referenced above, and appear on your agenda for today's meeting of the BOCC.

These Resolutions request State Elections officials to certify a voter verifiable paper trail for touchscreen voting systems, and (presumably following such certification by State officials) direct the County Manager to make a recommendation regarding the continued use of touchscreen voting machines or optical scan readers with trilingual reading capability.

We support the efforts of Commissioner Gimenez to encourage State election officials to address the severe deficiencies in the voting systems now in use in the 15 most populous Florida Counties that use touchscreen voting machines.

It should not be a comfort to members of the Commission (or the County Manager or the Supervisor of Elections) that Miami-Dade County has not experienced significant voting problems of the kind that would cast the outcome of an election in doubt – problems such as we are now witnessing in Sarasota County, another Florida County using the very same ES&S iVotronic touchscreen voting machines as used in Miami-Dade County.

If Miami-Dade County were to experience an extremely close election in which, pursuant to Florida law, a recount would be mandated, we would indeed experience the very same problems now being played out in Sarasota County. These problems include not only the public controversy surrounding the failed election because there is no capacity to perform a meaningful recount to assess the intention of voters, but the lawsuits that result as well as the loss of voter confidence in the legitimacy of the election.

While we support efforts to encourage State election officials to address these problems, we fear that the Resolutions under consideration, particularly 11 (A) (3), is worded far too narrowly. We urge that you pass these resolutions – but with the following important amendments.

1. State officials should be encouraged not merely to *approve* the use of a verifiable paper trail system, but to *require* that whatever system is chosen by County SOEs and BOCCs, a voter verifiable paper trail is produced, and shall be the vote of record in case a recount is necessary.
2. There is a broader (and perhaps better) range of choices than either the County's iVotronic system or an optical scan system with trilingual capacity. The iVotronic voting machines do not meet basic standards to merit the confidence of voters, and simply adding a verifiable paper trail is not an adequate fix.

We direct your attention to the forthcoming report of the National Institute for Standards and Technology (see *The Miami Herald*, December 2, 2006) which points to concerns about the vulnerability of touchscreen voting machines to undetectable errors and malicious attacks as well as the absence of the capacity to produce independent data needed to confirm the results of an election.

3. We urge that the Resolution be rewritten to encourage State Election officials to approve a variety of voting equipment – **but only if such equipment meets the following standards:** (a) voting systems must **accurately count**, tabulate and report votes cast by voters; (b) voting systems must have a means by which the vote can be **meaningfully recounted** in order to verify the accuracy of the vote; (c) voting systems must be **fully accessible** to every eligible voter; (d) voting systems must not compromise the **right to vote with anonymity**; (e) voting systems must be designed to **prevent** negligent programming or operational errors or **malicious tampering**, which could lead to election fraud; and (f) voting systems must be subject to **independent testing**, certification and verification of their operational soundness.

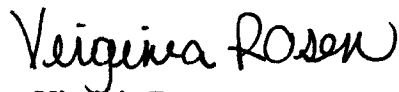
We urge that you encourage State Election officials address the severe inadequacies of the touchscreen voting equipment now in use in Florida. Continued resistance to the need to address these problems has lead directly to problems such as the disputed Congressional election in Sarasota, and undermines the confidence of voters in our electoral democracy.

We urge that you pass Commissioner Gimenez's proposed Resolutions – but only after they are amended, and broadened, in the manner we have suggested.

Sincerely,



Howard L. Simon
Executive Director
American Civil Liberties Union of Florida



Virginia Rosen
President
Greater Miami Chapter