FINAL REPORT

GET IT RIGHT THE FIRST TIME
Poll Closing Observation,
Ballot Accounting, and Electronic Voting Security

A study of the November 2, 2004 General Election
in Miami-Dade County, Florida

MIAMI-DADE ELECTION REFORM COALITION

May 25, 2005

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I. INTRODUCTION

During November 2004, the Miami-Dade Election Reform Coalition (MDERC, or "the Coalition") \(^1\) organized non-partisan, all-volunteer observers to monitor procedures at selected polling places on Election-day and at early voting sites.\(^2\) The early voting and Election-day monitoring was supplemented by an extensive review of thousands of pages of public documents, obtained from County government bodies through numerous public records requests.\(^3\) The two parts of this study together are the subject of this report.

This project did not attempt a comprehensive audit of Miami-Dade's election procedures, security, ballot accounting, or vote-counting.\(^4\)

Rather, the purpose of the poll closing observation project was twofold. First, by involving non-partisan citizen volunteers in the monitoring of early voting and Election-day poll closing procedures, the project sought to increase civic participation in the conduct of elections and to spread community awareness of the importance of the public's involvement in monitoring the most basic workings of our democratic system. Second, the project sought to assess the transparency (the ability of the public to see what goes on in elections) and the accuracy of the system of vote gathering and vote counting in Miami-Dade County during the November 2004 general election.

The findings of the Coalition, which are set forth more fully below, indicate that during the November election, the County experienced serious problems with policies and procedures that are supposed to protect the integrity of the ballot count. For example, in a large number of precincts, the number of persons who signed in to vote

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\(^1\)The Miami-Dade Election Reform Coalition (MDERC) is a non-partisan grass-roots organization dedicated to election reform. Our mission is to protect the rights of every eligible voter to cast a ballot and to have that ballot accurately recorded and counted.

\(^2\) Throughout early voting and on Election-day, volunteers observed a total of 88 separate poll closings. During the two weeks of early voting, 57 separate closings and several poll openings were observed over 18 of the 20 early voting sites in Miami-Dade County. On Election-day, 31 of 534 poll closings were observed.

\(^3\) After the election, we compared the number of ballots counted in each polling place to the forms filled out by poll workers on Election-day listing the number of voters who signed the registers. We looked obtained the records generated during early voting. For both Election-day and early voting, we compared the observations of Project participants with the detailed records in County documents.

\(^4\) The Project's methods built on pilot projects tested by the Coalition in elections held in March and August 2004. They are explained in Appendix A of this study, and the documents we developed for observing the polls appear in Appendix I.
was not tracked carefully or was not compared with the number of actual ballots cast. This failing, in one egregious instance in Precinct 816, permitted unintentional ballot stuffing when the votes deposited in one voting machine were added to the total count multiple times, without being detected or corrected. The vote-counting problems experienced in Precinct 816 could have been prevented or corrected if basic procedures had been followed at the precinct.

As detailed below, the Coalition also uncovered problems with access and transparency. Sometimes our observers were welcomed, and sometimes they were excluded. The ability of the public to witness ballot counting at poll closings was inconsistent and largely dependent on the whim of the poll workers who sometimes blocked all access to ballot counting.

Miami–Dade County has made public its inquiry into replacing direct recording electronic voting (DRE) voting machines with optical scan equipment. The problems discussed in this report go beyond the type of voting system used. Any system adopted by the county must be run well. Every system should account for ballots cast by counting the voters. The ability of the public to see what happens when votes are counted protects the integrity of the election and is vital to public confidence.

Observing polls in Miami–Dade is a challenging but important project. The 2000 census listed Miami–Dade as the eighth largest county in the nation, with a population of 2,253,362; this makes the county larger than seventeen states. In terms of geographic size, the county is larger than Rhode Island and slightly smaller than Delaware. The county's population base is very diverse, with the largest per capita immigrant population in the world. In November 2004 1,058,799 registered voters could vote on trilingual ballots in English, Spanish and Creole. Voter turnout was 73.6% or 778,953 total ballots cast, according to the official canvass.

The Coalition wishes to thank the volunteers who willingly and unselfishly gave of their time as organizers, observers, researchers and drafters of this report. The poll closing observation project was made possible through a grant from the Verified Voting Foundation.

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5 In any case, Miami–Dade would continue to use DRE machines for disabled voters, who are entitled to equal voting security.
6 On July 16, 2004, a front page article in the Miami Herald reported that a United Nations' study found Miami to have the highest percentage of immigrants calling it home of any large city worldwide.
7 For information on Verified Voting Foundation, see www.verifiedvoting.org.
II. WHAT SHOULD HAPPEN AT POLL CLOSINGS IN MIAMI-DADE COUNTY — COUNT, COMPARE, INVESTIGATE, AND REPORT

Poll closing begins after the last voter has cast a ballot. The polls officially close at 7 p.m., but everyone in line must be allowed to vote. When the last voter finishes, the public can enter to observe the poll closing. The last ballot also triggers the start of closing procedures for the election board, including securing equipment and materials against further voting.

Poll workers should count the number of signatures in the precinct registers, and the clerk should enter the total on a form called Certificate No. 2. The number of voters is the benchmark to measure the number of ballots that should be tallied. It will be compared to the number of ballots counted on the machines to be sure that both totals are correct.

The vote totals from each machine are used to produce a results tape. The clerk and elections specialist close the terminals and gather vote totals by putting a “master PEB” device into each machine. A printer connected to the last voting machine produces the results tape.

Each voting machine screen shows a “public count” of the number of ballots cast on that machine; the counter is set to zero at the beginning of each election and goes up by one with every ballot recorded. The results tape first shows both the public count for each machine and a total of the public counts on all the machines. Then the tape reports the total votes for each candidate and question.

Discrepancies between the number of voters and the number of ballots counted should be investigated immediately. The signatures may have been counted incorrectly. Mistakes in counting voter signatures should be corrected immediately. If the total number of voters is not correct, there will be no way to tell how many ballots should be there. Problems in electronic vote recording and counting have been found

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8 Poll workers also utilize the form to verify the packing of election results and equipment and the seal numbers on results and equipment. The form is signed by the clerk and assistant clerk and witnessed by the inspectors. On the same form, the elections specialist and the clerk sign a statement that they will transport the sealed equipment and the results to the collection center.
9 In Miami-Dade, a county employee works in every polling place as a technical elections specialist.
10 If more than one ballot style (the set of candidates and questions) was used in the precinct, the tape shows the “public count” and vote totals separately for each ballot style used in the election.
through investigating discrepancies between the number of voters and the number of ballots.

If the election board cannot reconcile the number of voters with the number of votes, they should report the discrepancy to the canvassing board.\(^{11}\) Equipment cannot be shut down or put away until the poll workers have run the results tapes, counted the number of voters, and accounted for all ballots cast.\(^{12}\)

The public should be able to witness poll closing proceedings. They should be able to see that all machines are downloaded, that the number of signatures has been compared with the number of ballots cast, and that the results and equipment are sealed and handled securely. The public should also see the results posted at the precinct.

During early voting, voters fill out certificates affirming that they are registered to vote. These paper certificates are the equivalent of signing a precinct register on Election–day. Results are not tabulated during early voting, but the public count of ballots showing on the machines should be verified by comparison to the number of voters. Ballot accounting must be completed at the end of each day of early voting.

Early voting should also be transparent. Members of the public should be able to witness the counting of voter certificates and the public count from the voting machines showing how many ballots had been recorded to date, the resolution of any discrepancies, and the accurate reporting of these totals to the Elections Department. The public should also be able to see that equipment is handled securely.

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\(^{11}\) According to a Memo from Supervisor of Elections Lester Sola, reproduced in Appendix G, Miami–Dade currently instructs poll workers to report large discrepancies. For reasons explained in this report, small discrepancies can also be extremely important. See Appendix F, Letter to Secretary of State Glenda Hood, for a discussion of the importance of reporting discrepancies in counties using electronic voting systems and a discussion of current Florida laws and rules.

\(^{12}\) If some machines are closed too quickly before results are produced and totals verified, it may be difficult to resolve problems if tapes must be re–run or votes re–gathered, or if the data on the machines must be re–checked.
III. FINDINGS:

A. TRACKING VOTER TURNOUT AND ACCOUNTING FOR BALLOTS

1. Early Voting Observations - See Tables 1 and 2

Early voting (EV) proved popular in Miami-Dade County in this election, attracting 244,156 ballots cast, or 31.3% of the total, according to the Elections Department. EV was conducted during the 15 days immediately prior to Election-day, at 20 sites spread across the county. Most sites opened for 14 of the 15 day duration, closing the Sunday before Election-day.

Early voting in this election is best understood as one 18-day long Election-day, because the Elections Department set up sites and iVotronics were turned on up to three days before voting began. The machines stayed on for the duration and ballots were only harvested at the end of the final day. In off hours, election workers locked the machines in sleep mode with a password and screen saver. The cases were closed and secured with a numbered seal, but the machines were not turned off until the last day of early voting at each site.

This presented significant security concerns as sites averaged more than 30 machines apiece, for a total of more than 600 machines left on for approximately 400 hours straight, spread over 20 sites. For that duration, machines had to be secured against tampering and malfunction, and election workers had to work long hours in order to staff the sites.

Remarkably little State or County guidance exists for early voting procedures. Most guidance refers to Election-day procedures and does not address the unique security and operational concerned posed by early voting.\(^\text{13}\)

Election-day poll closing procedures are based on the election being over, which is never the case during early voting. In early voting, daily poll closings should be regarded as temporary closings. Daily ballot accounting should be considered incremental ballot accounting. So each day there is a temporary closing where the next increment of ballot accounting is performed. Each increment is just as important as an Election-day ballot accounting because it is the correct time to account for that day's

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\(^{13}\) For instance, early voting is not mentioned in the *Florida Polling Place Procedures Manual*, on page 13 under *Ballot Accounting, for counties using touchscreen voting systems*,

ballots by counting ballots and voters, comparing the two numbers, investigating any discrepancies, and reporting any unresolved discrepancies to the canvassing board. This is the time to find and correct any accumulating problems.

Our study found no mention of early voting ballot accounting in county training manuals. Two long-time clerks we interviewed confirmed the poll worker training is focused on collecting the electronic ballots from voting machines but that there is almost no training for counting signatures or certificates, comparing voter counts to vote counts, investigating or reporting discrepancies in early voting using the iVotronic voting system.

Miami-Dade’s Early Voting Site Procedures Manual does not mention daily incremental closing procedures at all, and does not mention any electronic ballot accounting procedures for the unique last day of early voting. It mentions collecting electronic ballots but it doesn’t discuss electronic ballot accounting procedures and counting voter certificates. It discusses paper ballot accounting, which is no longer our primary system.

Also remarkable is the absence of any provision for ballot accounting on early voting forms. Early Voting Site Security Forms (Security Forms) are filled out by poll workers each day. They record machine serial numbers, seal numbers, and daily electronic ballot counts. There is no place to record the number of voter certificates counted and no worksheet layout for ballot accounting. When certificate counts were recorded it was without consistency and varied from day to day, person to person, and site to site.

A second set of Security Forms is filled out at Elections Central, where election workers take down called-in information from poll workers at the end of each day. The Coalition requested copies of both sets of Security Forms. We labeled the first one, filled out by poll workers at the sites, Set A, and the second, filled out at Election Central, from phone calls, Set B. The information on the two sets sometimes varied. We worked from Set A because it was first-hand information and Set B was second-hand.

In the five sites that we studied, there were no certificate counts recorded on 40 of 71 days, or 56% of the time. What is most revealing in Table 2 is how many times there was no signature count recorded on the Security forms. At two sites, Lemon City Library and North Miami Library, there are no certificate counts recorded for the duration of early voting. An auditable record doesn’t exist for these sites except to retrieve all the voter certificates and recount them by hand.
We also found that Security Forms use the term “voter count” when they mean “ballot count.” They lacked a proper multi-page ledger protocol, such as a line to enter “total from page one” or “daily grand total.” As a result, page totals and daily totals, like certificate counts, are entered in a variety of places on the forms. The oath signed by the Clerk and the Election Specialist states only that they have examined the seals, the seal numbers, and the iVotronics and “found that the vote count matched.” With no mention of counting certificates the oath makes it unclear what counts are supposed to have matched what. And with no record of certificate counting, the oath is meaningless with regard to ballot accounting.

This lack of appropriate standards and safeguards in early voting rules, training, and procedures, by the both the State and the County, demonstrates an alarming lack of care for ballot accounting and its fundamental role in producing a valid canvass.

At 5 sites (9% of EV sample) observers could see that ballot counts and signature counts were not reconciled. At another 11 sites (19% of EV sample) observers could not determine whether the two counts were reconciled, usually because of restricted access. At 15 sites (26% of EV sample) closing procedures commenced before the last voter had voted, usually before the public was allowed in. And at one EV site, observers noted that the certificate count was adjusted to match the ballot count.

2. Election-day Observations – See Tables 1 and 3

The Coalition observed thirty-one precincts on Election-day. At five precincts, the process of comparing signatures to ballots cast was not visible enough for observers to be certain that it had occurred. At seven precincts, the signatures in precinct registers were not counted or were counted before the polls closed.

In ten precincts, there was no effort to compare or reconcile the number of ballots cast with the number of voters who had signed the registers. Two kinds of justifications were offered—that someone else would do it, or that it need not be done.

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14 Two tables in this report summarize the observations and data reported by our volunteers. Table 1, Summary of Poll Observations, categorizes our volunteers’ observations into five broad topic areas, transparency, ballot accounting, people, paper and machines. Table 3, Election-Day Ballot Accounting & Observations, compares the official canvass and certificate no. 2 signature counts to the data that our observers recorded.

15 This lack of transparency did hide poll workers’ failure to do reconciliation in combined precinct 923 & 951. The signature count was left blank on the Certificate No. 2 for this precinct.
At St. Francis de Sales Church on Alton Road in Miami Beach, (Precincts 39 & 46), our observer quotes a worker as saying that the "count is checked at the Election Office." At Precinct 576 in the Coral Gate Park Community Center, the observer reported that the clerk "told me that he wasn’t supposed to count the signatures in the registers ....he stated ‘That ain’t gonna happen here.’" This failure to engage in ballot accounting procedures occurred in 32% of the precincts that the Coalition observed on Election-day.

When discrepancies were deemed to be minor, efforts to reconcile the ballot count and signature count were abandoned at five precincts. Our observer at Precinct 606 quotes the clerk as saying: "It’s close, that’s good enough."

Machines were sometimes shut down prematurely, before the process of counting signatures, taking the public counts, and ballot accounting was complete. At Precinct 305 & 373 in the Miami Lakes Branch Library, the volunteer noted that the election specialist "shut down 5 or 6 machines before the last voter had voted and the observers had been let in."

Finally, our observer at precinct 816 reported that a voting machine broke down while the other machines were being closed. Poll workers counted signatures incorrectly and made no attempt to compare that count to the public count from the machines or to reconcile the totals. Our investigation of precinct 816 found many, many problems, including incorrect totals that counted results from the broken machine several times, as we discuss in detail below.

After Election-day the Coalition again found evidence that poll workers had adjusted the two counts to match rather than account for discrepancies. At Precinct 535, the Dunbar Elementary School, an observer saw no signatures being counted and reported a poll worker stating "they didn’t count them [signatures] and never had." However, when completing Certificate No. 2, the clerk entered the same number as the public count on the line for the signature count.

A parallel event happened at precinct 162. Two coalition observers noted that the signature count was 533, whereas the public count was 535. One volunteer quotes the Election Specialist as saying that "being off by two didn’t matter." However, the Certificate No. 2 shows that the poll workers filled in 535 for the signature count to produce a perfect match. Similarly, at precinct 215 our volunteers noted that the public count was 712 and the signature count was 710. But, again the entry on Certificate No. 2 shows that the signature count matched the public count.
3. Analysis of Reported Discrepancies from Certificate No. 2 Forms – See Table 4

The number of voter signatures must be the benchmark by which the number of ballots is measured. MD ERC compared two sets of data received from the county: the number of signatures recorded on Certificate No. 2 from each polling place, and the number of ballots counted in the precincts in the certified canvass.\(^{16}\) We subtracted the number of ballots cast from the number of signatures to find the difference between these numbers. Table 4 compares these two data sets. All discrepancies should, at a minimum, have triggered a review of the number of signatures and ballots from the precincts in question, and any discrepancies not resolved should have been reported to the canvassing board.\(^{17}\)

The comparison reported in Table 4 depended on the data reported on the Certificate No. 2 forms. Later events called into question some of the signature counts reported on Certificate No. 2.\(^{18}\) Even for some precincts in which Certificate No. 2 and the canvass matched, observations by MD ERC observers threw the accuracy of some of the reported signature counts into question. The following comparison, therefore, is limited to an analysis of the reported data from the precincts. If the data reported on Certificate No. 2 is not accurate, neither elections officials nor members of the public will be able to identify vote-counting problems.

When there are more voters at the precinct than ballots, the missing ballots are called “lost” votes. If poll workers reported that 100 voters signed in, but only 90 ballots were counted, we would subtract 90 from 100 and find 10 presumed lost votes. If a machine failed to record votes, the only way to detect the problem would be by investigating lost votes. When there are more ballots counted in the canvass than voters who cast ballots, these are called “ghost” votes. If 100 voters were

\(^{16}\) See Appendix E for an example of Certificate No. 2 (from Precinct 816). Some polling places house more than one precinct. When the Certificate No. 2 forms reported the total number of signatures from more than one precinct, we combined the number of ballots in both precincts in the canvass to make the comparison.

\(^{17}\) Florida Statutes § 101.5614 requires that the election board report to the county canvassing board any differences between the total number of voted ballots and the number of ballots issued. See Appendix F, Letter to Secretary of State Glenda Hood.

\(^{18}\) When the Daily Business Review learned from MD ERC about the discrepancies, reporter Jessica Walker counted voter signatures in several precincts and found that “in some instances the differences were due to sloppy counting of signatures by poll workers.” Jessica M. Walker, *Number Please*, Daily Business Review, May 6, 2004.
reported to have signed in, but 110 ballots were counted in the canvass, we would subtract 110 from 100 and report −10 because there were fewer signatures than ballots.

For some polling places, we received no data. In 75 polling places, the line for the signature count on Certificate No. 2 was left blank.\textsuperscript{19} For five polling places, we noted apparent clerical errors, because the number entered on the signature count line on Certificate No. 2 bore no relation to the number of voters. (These five polling places had discrepancies of more than 500 ballots.)

In the 436 polling places for which we had data, MDERC compared the number of reported voter signatures with the number of ballots shown in the canvass. Excluding the five apparent clerical errors, there were 2,208 presumed “lost votes” with more signatures than ballots, and 1,564 presumed “ghost votes” with fewer signatures than ballots, for a total of 3,772 ballot discrepancies.\textsuperscript{20} The following list summarizes our findings, which appear in detail in Table 4.

REPORTED SIGNATURES EQUAL TO BALLOTS IN CANVASS
In 176 polling places, these numbers matched perfectly - there were 0 discrepancies between the number of voters and the canvass report of ballots cast. (However, observers at the closings of three of these precincts found discrepancies in the counts or were told that signatures had not been counted.\textsuperscript{21})

MORE VOTER SIGNATURES THAN BALLOTS / PRESUMED “LOST” VOTES
28 polling places had one more voter than there were ballots.
40 polling places had between 2 and 5 more voters than ballots.
19 polling places had between 6 and 10 more voters than ballots.
19 polling places had between 11 and 39 more voters than ballots.
7 polling places had between 50 and 99 more voters than ballots.
4 polling places had over 100 more voters than ballots (156, 232, 281, 296).

FEWER VOTER SIGNATURES THAN BALLOTS / PRESUMED “GHOST” VOTES

\textsuperscript{19} These numbers are consistent with the findings of the poll closing observers; who noted that at four of 31 precincts, poll workers did not count the signatures in the precinct registers. See Table 1, Summary of Observations.

\textsuperscript{20} If the five precincts with apparent clerical errors were included in the total, the total number of discrepancies would increase greatly: 2,208 “lost votes” with more signatures reported than ballots; 5,917 “ghost votes” with fewer signatures than ballots recorded; for a total of 8,125 ballot discrepancies.

\textsuperscript{21} See discussion of precincts 162, 215, and 535 in preceding section.
26 polling places had one more ballot than voters.
60 polling places had between 2 and 5 more ballots than voters.
26 polling places had between 6 and 10 more ballots than voters.
19 polling places had between 11 and 37 more ballots than voters.
6 polling places had between 52 and 100 more ballots than voters.
1 polling place (Precinct 816) had 282 more ballots than voters.

“Ghost” votes do not cancel out “lost” votes. If one precinct has 100 more signatures than ballots and another precinct has 100 more ballots than signatures, the total number of ballot discrepancies is 200, not zero. Otherwise, someone could lose 100 votes at a precinct and claim to have made up for the loss by stuffing a ballot box with 100 votes at a different precinct!

This point is important because a 2004 report by the Miami–Dade County Department of Audit and Management Services (AMS) used an “aggregate” method that used ghost votes in some precincts to offset lost votes in others. AMS produced an “Analysis of Voter Signature Counts to Ballots Cast” for 31 precincts. (See Appendix C.) The table on the September 2002 election included 21 precincts that had more voter signatures than ballots counted (lost votes); taken together, those 21 precincts had 315 lost votes. The table also included 10 precincts that had more ballots than voters (ghost votes); taken together, those 10 precincts had a total of 94 ghost votes. Since both lost votes and ghost votes are discrepancies between the number of voters in a precinct and the number of ballots counted, these numbers should be added together to find the total number of ballot discrepancies. That would yield a total of 409 discrepancies (315 + 94) in 31 precincts. But AMS did not add these errors together. Instead, the AMS report subtracted ghost votes from lost votes across precincts and computed a “total” number of 221 “variances,” stating that “aggregate voter signatures for these precincts exceeded ballots cast by 221.”

The AMS analysis makes the mistake of combining apples with oranges, effectively hiding ballot discrepancies. AMS focused on the number of signatures exceeding ballots to rebut lost vote numbers reported in a 2002 study by the Florida ACLU. But AMS understated the number of lost votes by 30 percent (221 instead of 315) by subtracting the 94 ghost votes. AMS failed to recognize that ghost votes are also problems rather than corrections to lost votes. The AMS report understated the ghost vote discrepancies by 100 percent. Finally, by subtracting those 94 ghost votes instead of adding them, AMS understated the total number of ballot discrepancies by 46 percent (finding a “total” of 221 instead of 409).
Ballot accounting has some similarity to accounting for dollars. We cannot take 100 dollars wrongly from one person’s account and fix the problem by giving 100 dollars to someone else. The different precinct discrepancies found in our study of the Certificate No. 2 forms cannot be used to offset each other. Every voter has the right to have his or her vote counted accurately. It is important to the integrity of the canvass that all discrepancies be investigated and resolved, whether those discrepancies come from finding too few ballots or too many.

B. VOTE COUNTING PROBLEMS IN PRECINCT 816

Everything went wrong in Precinct 816. There were far more ballots counted than voters. A voting machine broke down, its memory corrupted. The votes from that machine were added to the canvass multiple times. Voter signatures were counted incorrectly. The “total public count” on the machines was added incorrectly by the computer. When it added votes repeatedly or added numbers incorrectly, the voting system did not disclose to poll workers what it was doing with the count. Two different sets of results tapes showed different sets of mistakes that went unaddressed. Elections personnel did not catch the counting errors. Neither poll workers nor department personnel compared voter signatures with ballots cast. The vendor’s report on the broken machine was not delivered in a timely manner. State rules and procedures were completely inadequate: the state polling place procedure manual did not direct the poll workers to report electronic ballot accounting problems, and state recount rules would not have discovered the vote-counting problems. All these problems except the broken machine could have been avoided or corrected if the Coalition’s recommendations to the Secretary of State and the County had been followed.

1. Counting Problems

Error in signature counting

The number of voters is crucial to finding vote counting problems and understanding the scope of errors. Poll workers in Precinct 816 miscounted the signatures and wrote a total of 834 on Certificate No. 2. A later report by the county and a report in the Daily Business Review found that 945 voters had signed in to vote. The error in failing to count 111 signatures was serious, and it made the discrepancy look larger than it was. With correct signature counting, the discrepancy would have

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22 A copy of the Certificate No. 2 from Precinct 816 appears in Appendix E.
been 171 ballots. In the study of the Certificate No. 2 forms, Precinct 816 showed 282 ghost votes, one of the largest discrepancies found. The fact that nobody investigated such a large gap between voters and ballots is obviously a problem with the system.

If poll workers make errors counting signatures in some precincts, that does not mean those precincts have no vote counting problems. It means that it is harder to find any problems with vote counting. One error can hide another. In some other precincts, poll workers reported too many signatures rather than too few. If poll workers in Precinct 816 had made a similar mistake and reported too many signatures, the discrepancy would have been reduced and the vote counting problem might never have been found. Accurate signature counts are building blocks for the integrity of the canvass.

**Machine breaks down**

A Coalition observer witnessed the Election–day problems in Precinct 816. After the poll closed to voters, machine #5116121 abruptly shut down, producing a message that stated: “Internal Malfunction / Unit Closed to Save Data/ Vote Data Corrupted.” A poll worker interrupted the closing process in a nearby machine and put the master PEB into #5116121. At first, neither machine could be closed. After consulting with technical specialists, poll workers ran a results tape at 8:23 which had multiple errors. (See Appendix D, Results Tapes from Precinct 816.)

The electronic audit records from this machine, examined later, showed that a discrepancy had developed in its electronic records. The event log, which should show every event that happened to the machine, recorded 84 events in which ballots were cast. The vote image report showed 85 ballots with votes for candidates. These records should be identical—obviously, one of the numbers is wrong.

**Votes added multiple times to the canvass**

Most importantly, the votes on machine #5116121 were added to the canvass three times instead of once. The report from ES&S recognized that votes were added repeatedly to the PEB.23 The results tape run at 8:23 on election night showed 1031 ballots cast for candidates and questions.24 Two tapes run at the Elections

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23 In its report, ES&S admits that the votes from the machine were added to the PEB repeatedly. See Appendix H.
24 Two results tapes for precinct 816 appear in Appendix D: the tape run in the precinct at 8:23 p.m. on November 2, and the tape run at the Elections Department on November 5. This precinct included two
Department, on November 3 and again on November 5, both showed the tally rising even further, to a total of 1116 ballots. This last incorrect number, 1116 ballots, was the official total certified in the canvass.

While the votes were being uploaded into the canvass, no error messages warned poll workers about the multiple-counting problems. The results tapes continued to show that the machine had not closed when its votes had been added three times. This is the wrong message for the problem—it raises concerns about whether votes were counted even once rather than whether they are being counted again and again. Poll workers should have checked the signature count and found out how many ballots should be there. They should have found the problem. But the machine should also have told them what it was doing. Repeated vote counting is a critical failure, and so is the failure of the system to catch the repetition.

Errors in addition—public counts on results tapes don’t add up

The machine also had trouble with simple addition. There were 861 ballots recorded on the other machines in this precinct. Depending on which computer file was used, either 84 or 85 ballots should have been added from machine #5116121. Therefore, the “total public count” should have been 945 (if 84 ballots were added) or 946 (if 85 ballots were added). But the “total public count” on the tape run at the precinct was 947, and the “total public count” on the tape run at the elections department was 1032. These numbers simply do not add up. Neither the County report nor the ES&S report discuss the failures in adding the public counts.

Election workers and the public assume that machines designed to add numbers will do their jobs correctly. There are no instructions anywhere telling poll workers to check the addition done by the machines—only accurate signature counts provide a check on the number of ballots. In this case, there was a discrepancy of 2 ballots between the 945 signatures on precinct registers and the “total public count” on the

different parts, with different ballot styles. The two parts of the precinct are added together to reach a precinct total in the canvass, but they are shown separately on the results tape. On the tape run on November 2 at 8:23, there were 1019 ballots on this tape in one part of the precinct, and 12 in the other.

25 See the tape from November 5 in Appendix D. Both of the later tapes showed 1102 ballots in one part of the precinct, and 14 in the other.

26 The votes for each candidate and question can be seen on the results tapes in Appendix D. In the presidential election, the final tally in the canvass for precinct 816 showed 270 votes for Bush, 834 votes for Kerry, 1 vote each for Peroutka, Badnarik, and Brown, 4 votes for Nader, and 5 “undervote” ballots that showed no choice for President. (Although the results tapes do not show the votes according to the machine on which they were cast, none of the undervotes for president appeared on machine #5116121.)
results tape run at the precinct. *If a discrepancy of 2 was ignored as unimportant, the faulty addition done by the machine would never be discovered.* This proves the importance of investigating even small discrepancies in the counts.

Voting machines should be able to add correctly. We cannot determine what caused this error in addition, but investigation of the error is vitally important. If numbers were changed somehow when the machine broke down, if the machine added them wrong, if the machine added some numbers and subtracted others, or if some entirely different problem occurred—the nature of this mistake in addition must be investigated and documented.

The investigation cannot be left to the vendor. ES&S studied this machine in December 2004, but the county apparently received the results in May 2005. (See Appendix H, Report from ES&S.) The ES&S report does not adequately address all the problems revealed on the results tape. An independent expert should evaluate the machine problems, the system failures, and the vote counting problems from Precinct 816.

*Results tapes riddled with conflicting numbers*

When a machine adds the same numbers three different ways, it ought to figure out that it has a problem. It should call for help, and it should tell the human beings who are working with it what is going wrong. This machine allowed different errors to be produced on the same tapes without warning anyone about the conflict.

The results tapes in precinct 816 ultimately showed three different ballot counts. These include a “total public count” from all machines, the separate public counts from each individual machine, and the total count of the number of ballots counted for candidates and questions on each ballot style within the precinct. Different errors appeared on the tapes run at the precinct and at the elections department.

The tape run at the precinct on November 2 showed individual machines that should have added up to 945, a “total public count” of 947, and a total of 1031 ballots cast with the vote totals for candidates and questions. The tapes run at the elections department showed individual machines that should have added up to 945, a “total public count” of 1032, and a total of 1116 ballots with vote totals for the candidates
and questions. Even though there were really three different counts on each results tape, the tapes did not include an error message about the conflicting numbers.

2. Inadequacy of state rules and procedures

The ballot-counting problems in precinct 816 also reveal gaps and problems in Florida election rules and procedures. The procedures in the Florida Polling Place Procedures Manual would not have identified or corrected the problem. If the presidential election had been close enough for a recount, neither the "machine recount" rule nor the "manual recount" rule would have found the vote-counting problem. Finally, even though an important security report identified a high-risk danger that votes could be uploaded to the tally multiple times, the State of Florida had not created special instructions to poll workers to guard against multiple uploading of votes.

State law requires that poll workers verify the number of voted ballots to determine whether that number correspond with the number of ballots issued, and that they report discrepancies to the canvassing board. Before the election, MDERC wrote to Secretary of State Glenda Hood, explaining that the only way to verify the number of electronic ballots was to count the number of voter signatures. We pointed out that the Florida Polling Place Procedures Manual did not include a procedure for accounting for voted electronic ballots in DRE counties. We urged Secretary Hood to take action so that all counties would count signatures and verify the number of voted ballots, but she did not. (See Appendix F, Letter to Secretary of State Glenda Hood.) The procedures specified in the state Manual would not have detected this vote-counting error or required it to be corrected.

State recount rules would have failed to detect and correct the vote-counting error. The rules do not check on whether the machine correctly added the votes. The "machine recount" rule in DRE counties compares the printed result from the precinct to the total reported for that precinct in the canvass. This is not really a recount—it

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27 The different ballot styles in the precinct were reported separately on the tape. See Note 24. The total number of votes on both ballot styles is 1116.

28 The Florida administrative rule, 1S–2.031(5)(c), Touchscreen Ballot Machine Recounts, states:
"1. The county canvassing board shall be required to produce printed vote totals for the affected race or races for each precinct.
2. The county canvassing board shall verify that the total votes for the recounted race or races taken from the printed vote totals for each precinct are the same as the total votes shown on the county totals from election night. If there is a discrepancy, the county canvassing board shall investigate and resolve the discrepancy."
is basically a revisit of the printed results. In Precinct 816, the final results tapes run on November 3 and November 5 showed 1116 ballots. The canvass matched the votes on the final tapes. Because the two final tapes matched each other and matched the canvass, the “machine recount” would not have found the vote-counting problem.

In contrast, the manual recount statute looks only for ballots that were not already counted by the computer; it calls for counting overvotes and undervotes. Florida Statutes § 102.166. In October 2004, the state Division of Elections published an emergency manual recount rule that was in effect during the November election.\(^{29}\) The emergency rule required that a ballot image report be produced for every machine on which an undervote for president had been recorded.\(^{30}\) The undervotes in the ballot image report were to be counted manually and compared with the total number of undervotes in the precinct.

The procedure in the Emergency Recount Rule would not have identified the vote-counting problem in Precinct 816 if there had been a recount in the Presidential election. Therefore, the votes from that machine could be added to the tally several times without triggering review in a manual recount or changing the number of undervotes in the precinct.

Counting only undervotes ignores problems in machines that have no undervotes. This creates a random effect in recounts. Multiple-counting will be detected for machines that have at least one undervote in the contest, but multiple-counted votes on other machines will not be found. To verify that all votes cast by

\(^{29}\) The emergency recount rule, 1SER04-1, Manual Recount Procedures for Touchscreen Voting Systems, has since expired. The emergency rule was written after a rule barring all manual recounts on touchscreen voting systems was struck down in a lawsuit brought by the Florida American Civil Liberties Union, Southwest Voter Registration Project, Common Cause Florida, Florida Southern Christian Leadership Conference Chapter, and the Florida Voters League.

\(^{30}\) The emergency recount rule, 1SER04-1(7)(a), states: “The canvassing board shall order the printing of one (1) official copy of the ballot image report from each touchscreen voting machine that has recorded undervotes for the affected race or issue.” The manual rule defined an “undervote” to mean “that the tabulator recorded no vote for the office or issue or that the elector did not designate the number of choices allowed for the office or issue.” 1SER04-1(4)(e).

Counting votes multiple times does not turn them into “overvotes” under the manual recount rule, because an “overvote” means the voter made too many choices, not that the votes were counted too many times: “‘overvote’ means that the elector designated more names than there are persons to be elected to an office or designated more than one answer to a ballot issue.” 1SER04-1(4)(d). The rule did not try to count overvotes because touchscreen voting machines cannot record overvotes. Both the statute and the rule are structured so that a manual recount does not look for votes that were counted more than once.
voters were counted once and only once, a recount rule must verify how many ballots should have been found at the precinct.

Finally, the state failed to respond effectively after a security flaw was found in the ES&S iVotronic. In 2003, a security study of several voting systems was conducted by the Compuware Corporation for the Secretary of State of Ohio. The study warned that the iVotronic system permitted votes to be added to the tally multiple times when a machine broke down. The system offered election workers the choice to “add to” or “replace” vote totals, but the system did not warn that it was adding a machine repeatedly.

When inadvertent ballot stuffing was identified as a security risk, the state should have created procedures to avoid it. The Compuware report recommended that the Ohio Secretary of State “require that administrative policies and procedures be put into place regarding use of the ‘Add To’ feature.” Florida should have done the same. It is not yet clear whether the “add to” feature caused the vote counting problems in precinct 816. Perhaps study of the problems in this precinct will ultimately reveal an additional way to add votes repeatedly to the tally. However, if poll workers and election personnel had been warned about double-counting votes and trained in special procedures for adding totals from broken machines, the problem might have been avoided entirely.

It is more important to get the count right the first time, every time, than to seek corrections through a recount. The measures recommended by MDERC would have detected the vote-counting problem and helped to correct it, whether it was caused by known flaws or new ones. If election workers had checked signatures against ballots, they would have found and corrected the problems with counting votes and counting signatures in Precinct 816.

C. ACCESS AND TRANSPARENCY

Effective access for the public was a problem at many locations during the entire election. From the beginning of early voting, MDERC found that poll workers at many

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32 Compuware study, page 132.
33 Florida law clearly provides for public access on Election-day. Fla Stat. 101.5614 provides in relevant part:
of the 20 early voting sites deliberately blocked the public’s ability to observe poll closings. On October 22, 2004, the Coalition wrote to the Miami–Dade County Supervisor of Elections detailing difficulties that observers had encountered and asking the County to allow greater public access during early voting. Our letter was ignored, but several high-ranking Elections Department officials stated orally that County policy was to allow the public limited access and not to share the counts of voter certificates or the public counts on the machines.34

Early voting is a new process under Florida law and written County procedures do not directly address what type of public access should be provided during closing. Both the County and the Secretary of State should interpret Florida law broadly to ensure public access and to provide greater transparency in ballot accounting. In the November election, approximately thirty-one percent of voters cast their ballots during early voting. For all these voters and for the public, transparency is a vital procedural safeguard. If existing laws and procedures are not adequate to ensure public scrutiny, the Miami–Dade delegation should press for changes in Florida law. Access and transparency are central values in improving voter confidence in the integrity of the canvass and as a consequence public witnessing of closings and ballot accounting is essential.

Election workers displayed confusion about the County’s access policy, and implementation varied from site to site. As a consequence, we could not collect accurate, uniform data. However, this spurred the Coalition to document the extent of the access limitations imposed by the County and how this made early voting a less transparent process..

(1) As soon as the polls are closed, the election board shall secure the voting devices against further voting. The election board shall thereafter, in the presence of members of the public desiring to witness the proceedings, verify the number of voted ballots, unused ballots, provisional ballots, and spoiled ballots to ascertain whether such number corresponds with the number of ballots issued by the supervisor.

The Coalition’s position on public access during early voting is stated in an October 22, 2004 letter to Constance Kaplan that is attached as Appendix B to this report. The Secretary of State’s opinion on access during early voting for both partisan observers and the public can be found in an August 11, 2004 letter to the Elections Supervisor of Osceola County, available online at the Division of Elections Web site.

34 Observers sought to find out the daily total of voters signing in to vote and of ballots recorded on voting machines. They did not seek to discover the number of votes for candidates or questions during early voting. Election results, by law, cannot be disclosed until the polls have closed on Election–day.
Three kinds of transparency problems arose during early voting. The most common was restricted physical access; our volunteers reported this twenty-nine times, which was 33% of the sample. Observers were often sequestered so that they could not see the number of machines at the site, as happened at North Shore and Kendall Libraries. These restrictions were so limiting that on eleven occasions the observer could not determine whether any effort was made to count voter certificates and compare them to the public counts on the machines. At the Election Department site, an observer was denied access to the polling area where the machines were, although she was allowed into an outer area.

At many of the sites no count was made of voter certificates during the time the public could observe the proceedings. Poll workers regularly stated that the certificates had been counted during the day and that this process was finished by the time observers were allowed to enter.

Finally, poll workers often refused to reveal either the certificate tally and/or the public counts on the machines. After workers had extracted the votes at some sites they made every effort not to communicate the totals publicly. One observer at the Lemon City Library site described the situation as follows:

_E.S. [Election Specialist] blocked the screens with his body in an exaggerated manner and read the count to the Clerk in Spanish and in a very low voice. I asked him to please read the numbers in English. He became visibly annoyed... I was told that the tallies were public only later in the evening or the next day._

Another volunteer was prematurely escorted from the North Shore Library site before the count was called in. These were not isolated occurrences. Early voting was observed over six days at the Coral Gables Library and the results were never communicated publicly.

In many cases, these access restrictions precluded observers from determining whether certificates had been counted and compared to the public counts on the machines. Therefore our finding that reconciliation did not occur six percent of the time is most likely an underestimate of the problem.

Transparency and access problems continued on Election day. In Precinct 24 at the Nautilus Middle School poll workers barred access to the stage of a school auditorium where they counted signatures and reconciled the count. As the observer noted, this was "[n]ot very transparent. No way to check the signatures or the total." Similar verifiability problems occurred at precincts 111, 162, and 548 where all the registers were put away by the time the observers were allowed into the polling place.
Complete denial of physical access was also a problem. On Election-day poll workers at Precinct 37 in Miami Beach City Hall denied access to a civic-minded teenager, who properly identified herself to the staff. She was told to wait outside after the last voter entered and only after the closing was completed did a poll worker tell her that it was “illegal” for her to watch any of the proceedings.

Finally, even straightforward statutory transparency requirements were not satisfied. Florida St. 102.07135 and county procedures require poll workers to post a copy of the results tape on the entrance to the polling place. Workers at 10% of the observed precincts failed to do so.

D. ADDITIONAL PROBLEMS

1. Security

The Coalition remains concerned about the county’s practice of turning on machines the night before the election, or in the case of early voting in this election, up to three days before voting began, rather than the morning of the election. Leaving the machines on for these additional hours, with varying degrees of site security, exposes elections to additional threats of mishap and mischief. While the County has recognized these dangers, it continues the practice to avoid delays in poll openings in case the machines do not boot up promptly in the morning. This is a security issue that should be resolved.

The Coalition documented other chain of custody problems at several polling places. On five occasions during early voting observers noted that machines were closed or shipped without seals. On the last day of early voting at Coral Reef Library, our observer watched the Election Specialist download unsealed machines that had been taken out of service at some point. The specialist stated that these machines had never been sealed and had been left in the polling room unsealed. 36

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35 This section provides in part: “The election board shall post at the polls, for the benefit of the public, the results of the voting for each office or other item on the ballot as the count is completed.”

36 Twice during early voting poll workers did not fill in security forms at Miami Beach City Hall. This also occurred at Precinct 576. In addition, poll workers at Precinct 548 did not properly store and/or transport paper ballots. Seals, chain of custody and proper record-keeping are vital steps in assuring the integrity of the canvass.
2. West Dade Regional Library

Observers filed multiple reports of conditions at early voting site #10, West Dade Regional Library, which raised a number of concerns that the Coalition believes warrant further investigation by the County. Two of the reports are summarized here.

• Report 1. On Thursday, October 28, 2004, two members of the Coalition arrived at the site at approximately 7:40 PM to observe closing procedures. They were directed to a man from Team Metro who described himself as the "site supervisor" and who said he was "in charge" of the site.
  o The man was courteous, professional, and forthcoming with information.
  o The man said that he and "his team" had relieved poll workers to take lunch breaks

• Report 2. On Saturday, October 30, 2004, a different pair of Coalition members arrived at the site at approximately 7:00 PM to observe closing procedures. They inquired about Team Metro’s presence at the polling place and were told that several of the poll workers and goodwill ambassadors were Team Metro employees in their regular jobs. They were directed to the man "who was in charge of Team Metro" at the site.
  o The man told them he was the "supervisor" of the West Dade polling place and only the West Dade polling place.
  o The man told them he had three other Miami-Dade employees under his supervision who were not at the polling place in any other capacity (e.g. poll workers, goodwill ambassadors)
  o The man told them that he and his employees had substituted for the poll workers during the day so they could get lunch and have breaks without slowing down the traffic through the polling place.
  o The man was quite open about who he was and what he was doing.

Report 1 noted the man’s name, and a subsequent review of county records by the Coalition finds no one by that name on records of "County Employees", "Non-County Employees", or "Temps" lists. Several signatures on the Election Board’s oath are indecipherable, so we cannot tell from looking at them who was a member of the board.37

37 Copies of oath and payroll records were provided by the Elections Department, a spokesman for which said it was a complete record of personnel in that site so far as they could determine.
The Coalition has the following concerns:

1. Who were the members of the man's "team"? Were the persons who were alleged by the man to have relieved poll workers themselves sworn members of the election board?

2. Have all resources devoted to this election been fully accounted for in the county’s reports of the cost of the election? Knowing the true cost of an election, including comp time and other “soft costs,” is vital to assessing the value and efficiency of a given voting system.

3. Resource Allocation

On the opening morning of early voting, October 18, 2004, the Coalition received multiple accounts from its own members and others of inadequate resources at the Government Center early voting site. The AFL-CIO and other groups had organized a march and rally from the Lyric Theater in Overtown to Government Center, to bring voters to the polls. National figures such as Rev. Al Sharpton attended.

Rally organizers and participants told MDERC observers that senior Elections officials had promised additional resources, especially laptop computers for checking in voters, would be put in place in anticipation of heavy demand from the march and rally. However, only four laptops were on hand, resulting in a significant back-up of voters wishing to vote. Many voters had to leave. The AFL-CIO provided busses to take voters to alternate polling places, which provided some relief. A large contingent of the public was left frustrated. At the same event, a Coalition member found that there were no provisional ballots on hand at the site; one voter who required a provisional ballot waited 30 minutes or more and ultimately returned the next day.

Resource and training problems occurred at the Lemon City Library, located in a predominately Haitian-American community. Election workers were poorly trained and confused by the pressure placed on them by partisan poll-watchers who raised objections to translators attempting to give assistance to Creole-speaking voters who had requested assistance. Both poll workers and voters were intimidated by the conditions at the site. Translators were told they had to hold their hands behind their backs, change out of union shirts, and assist only one voter at a time, including waiting with a single voter in long lines, according to reports. Haitian-American community
leaders took their concerns to County officials and to the US Justice Department. This was also reported in the press.\(^\text{38}\)

The events at Lemon City are of particular concern because of historic problems with assistance for Haitian voters. After the 2000 election, the United States Department of Justice and Miami-Dade County negotiated a consent decree regarding the rights of Haitian voters. The decree requires the county to provide language assistance and allow Haitian voters to bring assistants into the voting booth. The county should have trained its poll workers sufficiently to protect assistance for Haitian voters.

The Coalition is concerned that the differences in number of votes cast at early voting sites may be a question not only of voter turnout but also of resource allocation. For example, the West Dade site produced the greatest number of votes cast of any early voting site – more than Government Center, which had twice as many machines, and three times more than Lemon City which was open for the same number of hours but is a smaller site. In order to determine the effects of allocation of resources on voting, the County should make public cost and personnel breakdowns for the various sites.

\textit{Cost}

This report did not concentrate on cost, but cost is obviously a factor in resource allocation. Costs have risen sharply since the County adopted the iVotronic system. The Elections Department and the County Manager are currently reviewing this voting system.

The initial investment in the system cost the County $24.5 million dollars. The ongoing operating costs have been greater than anticipated. County records put the cost of the November 2004 general election at $6.643 million and this may understate the true cost once comp time and impacts on other county departments are fully factored. The Elections Department drew staff from many other County Departments in order to run this election. A partial review of early voting payroll records show

\(^{38}\) November 2, 2004, Sun Sentinel, HUNDREDS TO MONITOR S. FLORIDA POLL SITES, states: “A group of Haitian-American leaders also met with a representative from the U.S. Justice Department on Monday to complain about difficulties faced by Haitian-Americans voting early in Little Haiti.

Jean-Robert LaFortune, of the Haitian American Grassroots Coalition, said Republican poll workers were challenging the use of translators at the Lemon City and North Miami public libraries.”
extraordinarily long days that the staff had to work, fifteen and sixteen hour days in some cases.

4. Long Delays & System Stress

Two other problems are noteworthy. During early voting, long delays were not uncommon. This was partially due to heavy turnout, but staffing and equipment shortages also contributed. On the last day of early voting our volunteers noted that slow electronic equipment typically contributed to extremely long close-outs times, extending the process late into the night or the next morning.

IV. CONCLUSION

Miami–Dade County has made public its interest in replacing direct recording electronic voting machines with optical scan equipment. The issues raised in this report apply no matter what form of technology is used to record and tally votes. Good procedures and accountability are crucial to every voting system.

Ballot accounting in the precincts is crucial—get it right the first time. Without correct data, no one will know where to look for problems. New legislation now awaiting the governor’s signature will require the canvassing board to certify that they have reconciled the number of voters and ballots. But the devil is in the details—if ballot accounting procedures are not carried out correctly or numbers from the precincts are not reported accurately, it will be difficult to know whether the totals really match without counting the signatures again.

Count, compare, investigate and report. The signature count must be correct. The total numbers of ballots and voters signatures must be compared to be sure that no vote is lost or counted repeatedly. Even small discrepancies may reveal big problems. When new developments such as early voting require new methods to keep track of all ballots, good procedures must rise to the challenge.

Make sure the public can see the process and understand it—protect transparency in elections. Public participation is a cornerstone of democracy. Voters should be able to trust that everything done with their ballots happens in the sunshine. To gain that trust, voters must be able to see what happens.
# Table 1 – Summary of Poll Observations

Miami–Dade Election Reform Coalition

November 2, 2004 General Election – Miami–Dade County, Florida

<table>
<thead>
<tr>
<th>Category</th>
<th>Issue</th>
<th>Early Voting Occurrences</th>
<th>Election Day Occurrences</th>
<th>Total Occurrences</th>
<th>Percent Of Sample</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transparency</td>
<td>Observers were refused access or not readily granted access</td>
<td>Elections Department, North Shore Regional Library</td>
<td>37 [denied] &amp; 828 [challenged but finally allowed in]</td>
<td>4</td>
<td>5%</td>
</tr>
<tr>
<td></td>
<td>Restricted access left observers unable to witness the proceedings.</td>
<td>North Dade Library, North Miami Library [2], Lemon City Library, Northeast Library, Miami Beach City Hall [2], Coral Gables Library [5], South Dade Library, Kendall Library [3], Model City Library, Miami City Hall [4], JFK Library, Elections Department, North Shore Library = 24</td>
<td>24, 39 &amp; 46, 111, 535, 606 = 5</td>
<td>20</td>
<td>33%</td>
</tr>
<tr>
<td></td>
<td>Poor Identification of Poll Workers and their Roles</td>
<td>Typical</td>
<td>Typical</td>
<td>Typ</td>
<td>Typ</td>
</tr>
<tr>
<td></td>
<td>Failure to Post Results Tape on Election Day</td>
<td>24, 535, 576</td>
<td>3</td>
<td>10 (E-Day Only)</td>
<td></td>
</tr>
</tbody>
</table>
Table 1 – Summary of Poll Observations
Miami-Dade Election Reform Coalition
November 2, 2004 General Election – Miami-Dade County, Florida

<table>
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<th>Election Day Occurrences</th>
<th>Total Occurrences</th>
<th>Percent Of Sample</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Ballot Accounting</strong></td>
<td>EV Machine counts and certificate counts were not reconciled.</td>
<td>North Miami Library [2],</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Government Center, West</td>
<td></td>
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<td></td>
<td></td>
<td>Miami City Hall, West</td>
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<tr>
<td></td>
<td></td>
<td>Dade Public Library</td>
<td>5</td>
<td>9% (EV only)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>EV – Certificate count adjusted to match public count</td>
<td>West Dade Library</td>
<td>1</td>
<td>0.2% (EV only)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Election Day – Signature count adjusted to match public count</td>
<td>162, 215, 535</td>
<td>3</td>
<td>10% (E-Day only)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Election Day – No effort to reconcile</td>
<td>39 &amp; 46, 162, 215,</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>517, 524 &amp; 588, 535,</td>
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<td></td>
<td></td>
<td>548, 576, 628, 923 &amp;</td>
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<td></td>
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<td></td>
<td></td>
<td>951 = 10</td>
<td>10</td>
<td>32% (E-Day only)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Election Day – Ballot accounting efforts abandoned</td>
<td>261 &amp; 288, 418, 511,</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>609, 717 &amp; 794</td>
<td>5</td>
<td>18% (E-Day only)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Election Day – Ballot accounting abandoned, Machine</td>
<td></td>
<td>818</td>
<td>3% (E-Day only)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>malfunction. Ballots counted into certified canvass multiple times.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Remains unresolved to date.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Machines were locked down or sealed prior to reconciliation</td>
<td>North Miami Library,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Government Center</td>
<td>305 &amp; 373</td>
<td>3%</td>
<td></td>
</tr>
<tr>
<td><strong>Total Observed Occurrences of</strong></td>
<td>Counts Not Reconciled – EV and E-Day</td>
<td></td>
<td>26</td>
<td>30%</td>
<td></td>
</tr>
<tr>
<td><strong>Primary Source</strong></td>
<td>EV – Observers uncertain whether machine counts and certificate</td>
<td>Kendall Public Library,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>counts were reconciled.</td>
<td>JFK Library, North</td>
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<td></td>
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<td>Shore Library, Coral</td>
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<tr>
<td></td>
<td></td>
<td>Gables Library [5],</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Miami Beach City Hall [2],</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Coral Reef Library</td>
<td>11</td>
<td>19% (EV only)</td>
<td></td>
</tr>
</tbody>
</table>
Table 1 – Summary of Poll Observations
Miami–Dade Election Reform Coalition
November 2, 2004 General Election – Miami–Dade County, Florida

<table>
<thead>
<tr>
<th>Category</th>
<th>Issue</th>
<th>Early Voting Occurrences</th>
<th>Election Day Occurrences</th>
<th>Total Occurrences</th>
<th>Percent Of Sample</th>
</tr>
</thead>
<tbody>
<tr>
<td>People</td>
<td>Election Day – Observers uncertain whether reconciliation occurred</td>
<td>30, 606, 816, 828, 923 &amp; 951</td>
<td>5</td>
<td>18% (E-Day only)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Observers allowed in before last voter finished voting</td>
<td>North Miami Library, Lemon City, Coral Gables Library [4], West Kendall Library, Model City Library, Coral Reef Library, Miami City Hall [2], North Shore Branch Library = 12</td>
<td>417 &amp; 458, 535, 548, 576, 816 = 5</td>
<td>17</td>
<td>19%</td>
</tr>
<tr>
<td></td>
<td>Long Delays due to heavy turnout and difficulties in closing operations</td>
<td>South Dade Library, West Kendall Library, Model City Library, JFK Library, West Miami City Hall</td>
<td>5</td>
<td>8% (EV only)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Team Metro personnel reported supervising site and relieving election workers for breaks</td>
<td>West Dade Library [2]</td>
<td>2</td>
<td>4% (EV only)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Compensation complaints &amp; excessive focus on payroll forms</td>
<td>West Miami City Hall, Miami City Hall</td>
<td>111</td>
<td>3</td>
<td>3%</td>
</tr>
<tr>
<td></td>
<td>Poll Workers were confused about procedures</td>
<td>North Miami Library, Lemon City Library, West Dade Library, Coral Reef Library</td>
<td>548</td>
<td>5</td>
<td>6%</td>
</tr>
<tr>
<td>Paper</td>
<td>Register Signatures were not counted</td>
<td>535, 548, 576, 923 &amp; 951</td>
<td>4</td>
<td>13% (E-Day only)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Register Signatures counted before closing</td>
<td>111, 162, 548</td>
<td>3</td>
<td>10% (E-Day only)</td>
<td></td>
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<tr>
<td></td>
<td>Paper Ballots were not stored and transported according to procedure</td>
<td>548</td>
<td>1</td>
<td>3% (E-Day only)</td>
<td></td>
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</tbody>
</table>
Table 1 – Summary of Poll Observations
Miami-Dade Election Reform Coalition
November 2, 2004 General Election – Miami-Dade County, Florida

<table>
<thead>
<tr>
<th>Category</th>
<th>Issue</th>
<th>Early Voting Occurrences</th>
<th>Election Day Occurrences</th>
<th>Total Occurrences</th>
<th>Percent Of Sample</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Machines</strong></td>
<td>Security Forms were not properly filled out</td>
<td>Miami City Hall [2]</td>
<td>576</td>
<td>3</td>
<td>3%</td>
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<tr>
<td></td>
<td>Individual machine counts not recorded</td>
<td></td>
<td>548</td>
<td>1</td>
<td>6%</td>
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<tr>
<td></td>
<td>Balloons from malfunctioning machine uploaded into canvass multiple times. See Section III B.</td>
<td></td>
<td>816</td>
<td>1</td>
<td>3% (E-Day only)</td>
</tr>
<tr>
<td></td>
<td>Machines closed during EV without seals and/or shipped in transit unsealed</td>
<td>Coral Reef Library, Coral Gables Library, West Miami City Hall, Miami City Hall [2]</td>
<td>5</td>
<td>9% (EV only)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Long delays caused by slow electronic equipment close-out process on final day of EV</td>
<td>North Miami Library, Miami Beach City Hall, Coral Gables Library, Model City Library, JFK Library =5</td>
<td>5</td>
<td>Typical</td>
<td></td>
</tr>
</tbody>
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### Table 2
Early Voting Ballot Accounting and Observations

#### Site #2: North Miami Library
Miami Dade Election Reform Coalition
November 2, 2004 General Election - Miami-Dade County, Florida

<table>
<thead>
<tr>
<th>Date of Polling</th>
<th>Election Records</th>
<th>MDERC Poll-Closing Observations &amp; Analysis</th>
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</thead>
<tbody>
<tr>
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<td>Early Voting Site Security Forms</td>
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<td>18-Oct</td>
<td>660</td>
<td>NDR</td>
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<tr>
<td>19-Oct</td>
<td>126</td>
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<tr>
<td>20-Oct</td>
<td>1901</td>
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<tr>
<td>21-Oct</td>
<td>2604</td>
<td>NDR</td>
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<tr>
<td>22-Oct</td>
<td>4429</td>
<td>NDR</td>
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<tr>
<td>23-Oct</td>
<td>3833</td>
<td>NDR</td>
</tr>
<tr>
<td>24-Oct</td>
<td>4343</td>
<td>NDR</td>
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<tr>
<td>25-Oct</td>
<td>6612</td>
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<tr>
<td>26-Oct</td>
<td>6928</td>
<td>NDR</td>
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<td>27-Oct</td>
<td>6421</td>
<td>NDR</td>
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<tr>
<td>28-Oct</td>
<td>6841</td>
<td>NDR</td>
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<td>29-Oct</td>
<td>NDR</td>
<td>1225</td>
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<td>30-Oct</td>
<td>NDR</td>
<td>1036</td>
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<td>NDR</td>
<td>1026</td>
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1-Nov

<table>
<thead>
<tr>
<th>Results Tape Total Public Count: 13567</th>
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</thead>
<tbody>
<tr>
<td>Total Cert Sig Count: CC</td>
</tr>
<tr>
<td>Number of days of NDR: 14</td>
</tr>
<tr>
<td>Percent of total days NDR: 100%</td>
</tr>
</tbody>
</table>

**KEY**

NDR: No data recorded.

CC: Cannot calculate values since data is not available.

A: Ballots cast reported changed from 124 to 24 and from 4 to 8 in two Votronics m/e overnight.
<table>
<thead>
<tr>
<th></th>
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<tbody>
<tr>
<td>16-Oct</td>
<td>327</td>
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<td>CC</td>
<td>CC</td>
<td>CC</td>
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<tr>
<td>19-Oct</td>
<td>642</td>
<td>NDR</td>
<td>B</td>
<td>315</td>
<td>CC</td>
<td>CC</td>
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<tr>
<td>20-Oct</td>
<td>912</td>
<td>NDR</td>
<td>B</td>
<td>270</td>
<td>CC</td>
<td>CC</td>
<td>CC</td>
<td>CC</td>
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<tr>
<td>21-Oct</td>
<td>1199</td>
<td>NDR</td>
<td>B</td>
<td>277</td>
<td>CC</td>
<td>CC</td>
<td>CC</td>
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<td>1468</td>
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<td>23-Oct</td>
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<td>NDR</td>
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<td>CC</td>
<td>CC</td>
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<td>24-Oct</td>
<td>1933</td>
<td>NDR</td>
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<td>219</td>
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<td>CC</td>
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<td>254</td>
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<td>27-Oct</td>
<td>3740</td>
<td>NDR</td>
<td>C</td>
<td>374</td>
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<td>29-Oct</td>
<td>4581</td>
<td>NDR</td>
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<td>441</td>
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<td>CC</td>
<td>CC</td>
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<td>30-Oct</td>
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<td>NDR</td>
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<tr>
<td>31-Oct</td>
<td>6547</td>
<td>NDR</td>
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<td>597</td>
<td>CC</td>
<td>CC</td>
<td>CC</td>
<td>CC</td>
<td></td>
</tr>
</tbody>
</table>

| Results Tape Total Public Count: | 6547 |
| Total Cert. Sig. Count: | CC |
| Number of days of NDR: | 14 |
| Percent of total days NDR: | 100% |

**Total Vote Discrepancies**

**KEY**

- NDR: No data recorded
- CC: Cannot calculate values since data is not available.
- B: Observer was not provided count even after requesting it.
- C: Missing Site Security Form
## Table 2: South Dade Regional Library

Miami Dade Election Reform Coalition  
November 2, 2004 General Election - Miami-Dade County, Florida

<table>
<thead>
<tr>
<th></th>
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<tbody>
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<td>18-Oct</td>
<td>572</td>
<td>NDR</td>
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<td>705</td>
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<td>22-Oct</td>
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<td>488</td>
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<td>4330</td>
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<td>25-Oct</td>
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<td>986</td>
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<tr>
<td>1-Nov</td>
<td></td>
<td></td>
<td>13213</td>
<td>Total Vote Discrepancies</td>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

**Results Tape Total Public Count:** 13213

**Total Cert Sig Count:** 9241

**Number of days NDR:** 0

**Percent of total days NDR:** 0%

**Key**

- **NDR:** No data recorded
- **CC:** Cannot calculate values since data is not available.
<table>
<thead>
<tr>
<th>Date of Polling</th>
<th>Election Records</th>
<th>MDREC Poll-Closing Observations &amp; Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>18-Oct</td>
<td>1052 NDR</td>
<td>1052 CC</td>
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<td>19-Oct</td>
<td>2134 NDR</td>
<td>1082 CC</td>
</tr>
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<td>20-Oct</td>
<td>3050 NDR</td>
<td>916 CC</td>
</tr>
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<td>21-Oct</td>
<td>4158 1069</td>
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<td>22-Oct</td>
<td>5157 1001</td>
<td>1001 CC</td>
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<td>5038 701</td>
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<td>6048 810</td>
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<td>8504 1856</td>
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<td>Results Tape Total Public Count: 19740</td>
<td>Total Vote Discrepancies: 0</td>
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<tr>
<td></td>
<td>Total Cert Slg Count: 15437</td>
<td>Number of days of NDR: 4</td>
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<td></td>
<td>Percent of total days NDR: 25%</td>
<td>KEY</td>
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NDR: No data recorded.
CC: Cannot calculate values since data is not available.
D: At first it was announced that certificate count was 2100 and changed to 2094 without any recount.
<table>
<thead>
<tr>
<th>Date of Polling</th>
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<th>Reported Daily Cert. Sig. Count</th>
<th>617</th>
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Results Tape Total Public Count: 16231
Total Cert Sig Count: 14345
Number of days NDR: 5
Percent of total days NDR: 33%

**Table 2**

Early Voting Ballot Accounting and Observations

Site #14: SPCC Govt. Center

Miami Dade Election Reform Coalition
November 2, 2004 General Election - Miami-Dade County, Florida

**Election Records**

<table>
<thead>
<tr>
<th>Date of Polling</th>
<th>Cum. Ballots Cast</th>
<th>Reported Daily Cert. Sig. Count</th>
<th>617</th>
<th>617</th>
<th>617</th>
<th>CC</th>
<th>0</th>
<th>CC</th>
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</table>

**MDERC Poll-Closing Observations & Analysis**

<table>
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<tr>
<th>Date of Polling</th>
<th>Cum. Ballots Cast</th>
<th>Reported Daily Cert. Sig. Count</th>
<th>617</th>
<th>617</th>
<th>617</th>
<th>CC</th>
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<th>CC</th>
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**KEY**

NDR: No data recorded
CC: Cannot calculate values since data is not available.
<table>
<thead>
<tr>
<th>Precinct</th>
<th>Ballots Cast</th>
<th>Signature Count (from Certificate No. 2 Forms)</th>
<th>MDERC Poll-Closing Observations &amp; Analysis</th>
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<tbody>
<tr>
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<td>Note (See Key)</td>
<td>Ballots Cast as recorded by poll closing observers</td>
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<td>I</td>
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<tr>
<td>37</td>
<td>286</td>
<td>C</td>
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<td>39 in w/46 but separate cert #2</td>
<td>618</td>
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<td>E</td>
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<td>E</td>
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**KEY**

- "A" Signature count on Certificate No. 2 was left blank
- "B" Signature count on Certificate No. 2 contained an apparent clerical error
- "ROP" Reported with Other Precinct on Certificate No.2
- "C" observer noted - not allowed access to record data
- "D" observer noted - signatures not counted at all or count not observed
- "E" observer did not record some data
- "F" observer noted - pollworkers could not retrieve votes from one machine - it was removed from site by the ES
- "G" observer unable to get public count data
Table 4 - Comparing Certificate #2 with Ballots in Canvass  
November 2, 2004 General Election  
Miami-Dade County, Florida

<table>
<thead>
<tr>
<th>Precinct(s)</th>
<th>Registered Voters</th>
<th>Ballot Cast</th>
<th>Sigs from Cert #2's</th>
<th>Difference between Sig Count and Ballots Cast</th>
<th>% Difference above or below Sig Count from Cert #2</th>
<th>Notes</th>
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<tr>
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<td>232</td>
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<td>11</td>
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<td>952</td>
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<td>3.55%</td>
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<tr>
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<td>937</td>
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</table>
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November 2, 2004 General Election
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<table>
<thead>
<tr>
<th>Precinct(s)</th>
<th>Registered Voters</th>
<th>Ballot Cast</th>
<th>Sigs from Cert #2's</th>
<th>Difference between Sig Count and Ballots Cast</th>
<th>% Difference above or below Sig Count from Cert #2</th>
<th>Notes</th>
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<tr>
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<td>828</td>
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<td>1146</td>
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Table 4 - Comparing Certificate #2 with Ballots in Canvass
November 2, 2004 General Election
Miami-Dade County, Florida

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Table 4 - Comparing Certificate #2 with Ballots in Canvass  
November 2, 2004 General Election  
Miami-Dade County, Florida

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### Table 4 - Comparing Certificate #2 with Ballots in Canvass

**November 2, 2004 General Election**

**Miami-Dade County, Florida**

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# Table 4 - Comparing Certificate #2 with Ballots in Canvass
November 2, 2004 General Election
Miami-Dade County, Florida

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Table 4 - Comparing Certificate #2 with Ballots in Canvass
November 2, 2004 General Election
Miami-Dade County, Florida

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<th>Precinct(s)</th>
<th>Registered Voters</th>
<th>Ballot Cast</th>
<th>Sigs from Cert #2's</th>
<th>Difference between Sig Count and Ballots Cast</th>
<th>% Difference above or below Sig Count from Cert #2</th>
<th>Notes</th>
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Key: B - Apparent Clerical Error

The following 75 polling places returned the Certificate #2 form with the signature line left blank: