

March 8, 2001

Via Facsimile and U.S. Mail

The Honorable John Ellis Bush
Governor
Office of the Governor
The Florida Capitol
Tallahassee, FL 32399-0001

Dear Governor Bush:

I am writing to express my deep disappointment with your statement of priorities that was presented during the opening of the Florida legislative session, in which you did not address the most serious problems that occurred in Florida during the 2000 elections. My disappointment is based on my preliminary assessment that these problems would not be resolved even if the legislature approved your request that new technology for recording votes be acquired and put into place. Voting technology reforms are necessary and your support of them is a step in the right direction. These measures standing alone, however, are insufficient to address the significant and distressing issues and barriers that prevented qualified voters from participating in the recent Presidential election.

As you know, the Commission has undertaken a formal investigation into allegations by Floridians of voting irregularities arising out of the November 7, 2000 Presidential election. The Commission has held two fact-finding hearings in Florida to examine whether eligible voters faced avoidable barriers that undermined their ability to cast ballots and have their ballots counted in this closely contested election.

In total, over 100 witnesses testified under oath before the Commission, including approximately 65 scheduled witnesses who were selected for the two hearings due to their knowledge of and/or experience with the issues under investigation. The Commission heard testimony from top elected and appointed state officials, including your own testimony, that of the Secretary of State, the Attorney General, the Director of the Florida Division of Elections and other Florida state and county officials. A representative of Database Technologies, Inc. [Choicepoint], a firm involved in the controversial, state-sponsored removal of felons from the voter registration rolls also testified.

We also heard the sworn testimony of registered voters and experts on election reform issues, election laws and procedures and voting rights. Also, the Chair and Executive Director of the Select Task Force on Election Reforms that you established testified before the Commission. Testimony was also received from the supervisors of elections for several counties, county commission officials, law enforcement personnel, and a states attorney. In addition to the scheduled witnesses, the Commission extended an opportunity for concerned persons, including Members of Congress and members of the Florida State Legislature, to submit testimony under oath that was germane to the issues under investigation. Significantly, the Commission subpoenaed scores of relevant documents to assist with this investigation.

The evidence points to an array of problems. These problems cry out for solutions, for example, a process for insuring the equitable allocation of resources to insure that poor and or people of color areas are not disproportionately affected. They also include a better process for identifying felons who are ineligible to vote, insuring coordination between the DMV and election boards to make sure registrations are actually filed and on a timely basis, funds for better training of poll workers, improved and updated communication systems, funds for voter education, and clarifications in the law to permit provisional ballots to be cast, when appropriate. As you know, counties have uneven funding bases and priorities.

Because I believe the need to address these problems is serious, I have determined that the Commission should hold additional hearings in Florida after the conclusion of the legislative session to bring state and local officials before us to assess what changes have been legislated or enacted at the state and local level and to report to the public on what progress has been made.

I expect the Commission to formally endorse the new hearings at our meeting on March 9, 2001. We intend to keep a steady focus on these developments to ensure that the voting rights of all eligible persons are protected.

Respectfully,

Mary Frances Berry
Chairperson