STATE’S
EXHIBIT NO. 10
Herald Special Report

You don't have to live in the city of Miami to vote there.

Even though that's against the law.

Dozens of voters cast ballots for Miami mayor and commissioners last November even though their homes are miles outside city limits, a two-month Herald investigation has found.

A Homestead janitor did it. So did a Miami Beach widow, a Kendall anti-porn

QUESTIONS OF VOTE FRAUD

in its continuing investigation of possible fraud in the Miami mayoral election last November, The Herald has reported that:

- Manuel Yip, who died four years ago, voted by absentee ballot. He had also voted three other times since his burial in a pauper's grave.
- Alberto Rossi, the produce peddler who allegedly witnessed the dead
activist and a high school teacher from Miramar -- in Broward County.

The Herald, after reviewing just 3 percent of the votes in the Nov. 4 election, has so far found 105 illegal votes for Miami's mayor and commissioners.

Of those, 68 votes came from people who lived outside the city. State law says that citizens cannot vote in a city election unless they actually live there.

Other illegal votes came from people who live in Miami, but outside the commission district where they have their voting registration -- also disallowed by state law.

"The only people who should be able to vote on issues that affect their government are those who have a direct stake in the election," said Mike Cochran, assistant general counsel of the state Division of Elections.

man's ballot, also witnessed 70 other absentee ballots. At least three ballots witnessed by Russi were cast in the names of residents who say they didn't vote.

- At least 40 possibly fraudulent absentee ballots came from homes linked to supporters of Miami Commission Chairman Humberto Hernandez, who was appointed by Mayor Xavier Suarez to investigate the Florida Department of Law Enforcement's inquiry into voter fraud.
- Homeless and poor people were rounded up outside St. John Baptist Church in Overtown and paid $10 to vote.
- Three elderly voters who live outside Miami, including a 96-year-old Hialeah Gardens woman, said someone cast ballots in their names.
- Former food stamp worker Conchita Minagorri gathered
But records show that many had been voting for years, in election after election -- canceling the votes of real Miami residents and taxpayers in the process.

The non-resident voters include:

- Alicia Santa Cruz, 69, a Havana-born widow who has lived in Miami Beach for the past 13 years -- and voted in the city of Miami all the while. "I know I shouldn't be doing it," Santa Cruz says. "But I don't want to forget my people, my blood."

- The Hernandez clan of Flagami on Miami's western edge. They pile into a dozens of votes from food stamp recipients for whom she still helps cut red tape.

Some voters said they were pressured to vote for Suarez; others said they didn't know who the candidates were. Minagarri's son, Manuel "Mickey" Minagarri, was hired by Suarez immediately after the election, but he resigned when the state attorney ruled that the hiring violated the city charter.

THIS ARTICLE IS BASED ON REPORTING BY THESE HERALD STAFF WRITERS:

Karen Branch, Tyler Bridges, Alfonso Chardy, Manny Garcia, Rick Jervis, John Lantigua, Marika Lynch, Patricia Maldonado, Maria Morales, Sandra Marquez Garcia, Connie Prater, Ken Rodriguez, Frances Robles, Joe Tanfani and Andres Viglucci. Joe Tanfani and Manny Garcia wrote the story. Herald Research Editor Dan Keating handled computer analysis and Researcher Elisabeth Donovan
van and provided research assistance.

Kinloch Park Middle School to vote every election day. "It's a tradition," Onelio Hernandez says. "The important things we do as a family together," adds his niece, Olga Hernandez Marco.

But Onelio and Olga live in Coral Gables, not Miami. Olga moved out of Miami nine years ago.

"Well, if it's against the law, we'll have to change next time," Onelio Hernandez said.

Willie Darby, 53, who moved to an apartment on Palm Avenue in Hialeah six months ago. He still cast a ballot from his old address in Miami's commission District 3. He changed his registration to Hialeah after being interviewed by The Herald.

"I've always felt more in tune with things in Miami than anywhere else," Darby said. He bristled when asked if he thought he could be breaking the law.

"Look, I'm an American citizen and I feel you don't violate the law when you vote," he said. "It's my right as an American citizen."

A MATTER OF PRINCIPLE

Voting by non-residents also violates state law.

Voting where you live is a bedrock principle of elections, a guarantee that a city's leaders are chosen by the people who are affected most -- those who have to pay the taxes and
live with the services.

State elections law also enshrines that fundamental rule, saying that voters must be registered at their legal residence, and must live within the borders of a town to vote there. It's a third-degree felony for an ineligible voter to "willfully" cast a ballot.

In Miami, that law is routinely ignored.

The Herald already has reported widespread irregularities among the 4,740 absentee ballots cast in Miami's Nov. 4 primary election -- out-of-Miami residents registering at phony addresses, forged signatures and at least one ballot cast in the name of a dead man. The Florida Department of Law Enforcement is investigating and has made three arrests.

The Herald's investigation also shows that not all of the illegal votes were on absentee ballots. Dozens of ineligible voters came and voted at the polls, public records show.

On Feb. 9, Miami-Dade Circuit Judge Thomas S. Wilson Jr. will hear a lawsuit by ex-Mayor Joe Carollo, alleging that absentee ballot fraud was so pervasive that he should be declared the winner. Carollo won the Nov. 4 election at the polls but was forced into a runoff by Xavier Suarez's 2-1 advantage in absentee voting. Suarez won the runoff and went on to become the city's first strong mayor.

The voting irregularities also have attracted the attention of the Miami-Dade elections department and a special state Senate subcommittee crafting legislation that would tighten election rules.

"The allegations of vote fraud have always been out there, but I believe they are much
worse this year," said David Leahy, Miami-Dade elections supervisor.

- A VARIETY OF EXCUSES
  Some preferred Miami's exciting brand of politics

  Non-resident voters gave all kinds of excuses for continuing to vote in Miami: Traffic. Tradition. Love of Miami's blood-and-guts politics. Some say they voted for Miami Mayor Xavier Suarez, others for former Mayor Joe Carollo. All of them interviewed for this story said they had no connection to the campaigns.

  Some say they were just too busy to change their registration. And some say they believed they really lived in the city.

  Pedro and Lillian Roque moved out of Miami more than 10 years ago to a house at 13382 NW Second Ter. in unincorporated Dade west of Sweetwater. That's at the edge of the Everglades -- 13 miles from their old precinct.

  On Election Day, the Roques drive for a half-hour into the city to vote at their old precinct, Iglesia Bautista Resurreccion at Southwest 27th Avenue and 23rd Street.

  The Roques say they thought they were still eligible to vote in Miami elections because "Miami" is the address on their mail.

  But Lillian Roque also said: "When we moved, I couldn't vote for the people I liked here."

  Whatever their reasons, illegal voters have one thing in common: No one has to worry much about being caught.
Leahy says his office -- overwhelmed by the volume of Dade voters, hamstrung by laws meant to encourage voting -- is all but "helpless" to enforce residency rules. Voting is more or less on the honor system, he said.

SAFEGUARDS LACKING
The law is on the side of nonresident voters

When people register or change their address, elections workers simply take them at their word. By law, they can't ask for identification. There are more legal safeguards against a teenager buying a six-pack of beer at a convenience store.

"Currently as the law stands, there isn't much that we can do about it," Leahy says. "We don't know how big the problem is, but the potential problem is very real."

Leahy says the department sometimes stumbles across non-resident voters, if mail comes back as undeliverable or if the elections staff finds a change of mailing address.

But the department does not purge them from the roll.

For instance, the elections department found out last February that Santa Cruz, the Miami Beach widow, had apparently changed her mailing address. She was put on inactive voter status. But Santa Cruz was allowed to vote anyway when she showed up at the polls last November.

Leahy says the new "motor-voter" law meant to encourage voter registration does not allow him to remove such inactive voters. And he says a mailing will catch only people who need a reminder to change their voting registration.
"It's meant to catch those who just don't understand the process," Leahy said. "It's not going to catch those who want to beat the system.

``You've got a perfect opportunity for fraud."

A DEMOCRATIC PROCESS?
Home for some voters is outside the county

For real Miami residents -- who pay some of the highest property taxes in South Florida -- this means their decisions are being diluted by a steady stream of out-of-town votes.

"It really bothers me. You have people coming into Miami and affecting the democratic process when they don't know what's going on," said Kenneth Merker, a Northeast Miami community activist and former mayoral candidate.

"The system is unfairly being manipulated to our detriment."

Some out-of-town voters don't even live in Miami-Dade County.

One example is Horace Givens Jr., a social studies teacher at MacArthur South Alternative School at 11035 SW 84th St. Givens -- a political science major in college -- is registered to vote at his aunt and uncle's house on Northwest 47th Street. But records show he lives across the county line -- in Miramar.

Givens did not respond to three letters and six phone messages.

Dario Moreno, a political science professor at Florida International University, says the spectrum of bad votes in Miami runs the gamut from organized fraud by campaign
operatives to the missteps of confused innocents.

"For some, they are really into Miami politics, Cuban-American politics," Moreno said. "They listen to the radio stations, they care about the people, they're related to a candidate. They care dearly -- or they want a favor.

"Things have gotten so sloppy in Miami -- even if you put the best spin on it, if people are making innocent mistakes, it's still wrong and it still undermines the system," Moreno said.

A FAMILY'S EXPERIENCE
Six voted from one house, but some didn't live there

One example is the Diaz family of Morningside. Six adults voted from the same house -- yet only one of them lives there, according to son Osvaldo Diaz Jr., who did not vote. Two sisters and a brother-in-law voted from the Morningside address even though they live in Miami Shores, records show. The family patriarch, Osvaldo Diaz Sr., said he splits his time between Miami and Miami Beach.

Property records show that Diaz Sr. still owns the Morningside home and has his homestead exemption there.

"I have two houses," said Diaz Sr., a Little Havana surgeon, reached by phone at the Beach condo. "I have the right to live anywhere. That is my right." Asked if he preferred to vote in Miami, the doctor said: "Absoluto."

He said he supports Suarez. His wife and daughter contributed a total of $450 to
Suarez's campaign, using the address of Diaz's clinic.

Jorge Antonio Miranda, a 50-year-old civil engineer employed by Recchi America, lives in West Dade but votes out of his parents' house at 5310 SW Second St. Miranda said that's where he registered when he became a U.S. citizen, and he never changed it. He still owns half the house.

"I visit my parents all the time . . . and to be honestly true, I like following the Miami politics, and that's why I never changed my address," Miranda said. "Very dynamic, like the old-fashioned Cuban politics."

Another fan of Miami politics: David Mariano Cruz, son of postman Mariano Cruz, who lost in his bid last November to unseat Miami Commissioner Willy Gort.

Cruz, a Miami-Dade bus driver, says he has lived in a North Miami condominium for eight years -- while keeping his address at his parents' home on Northwest 26th Street in Hialeah. "I says it's convenient because the polling place is near the bus headquarters where he works.

"I live in North Miami, but 99 percent of the time I'm there at my parents' house," he said. "I've always voted in Miami, ever since I was 18."

CONVENIENCE A FACTOR
For some outsiders, it's easier to vote in Miami

Rene and Georgina Espinosa kept their Little Havana registration even after they moved to a Flagler Street trailer park in West Dade, just east of Sweetwater. Carillo fans, they said they wanted to make sure they could be
counted in his corner.

"I think he was doing a good job," Georgina Espinosa said.

For some of the non-Miami members of the Miami electorate, the big lure of voting in Miami wasn't politics. It was convenience:

- Eduardo Diaz, 64, moved out of Miami to a trailer park in Homestead more than a year ago. But he kept his old voting address at Southwest Eighth Street and 32nd Avenue because the polling place is a lot closer to his job. He's a window washer at Miami International Airport.

"I work at the airport, so that's why I vote there," said Diaz, who said he was a Carollo supporter. Diaz said he's voted only twice since becoming a citizen.

  - Elida Morfi-Ricard is registered to vote at St. Michael's Catholic Church at 2987 W. Flagler St., where she works as a receptionist. It's convenient -- there's also a precinct at the church. But she says she really lives on Genoa Street in Coral Gables.

  - Emie Cook, who lives in Carol City in far northwest Dade, said she's going to keep her mother's Liberty City home as her voting address -- whether it's legal or not.

    "I am not going to change my address," she said. "Too much rigamarole."

ILLEGAL?YOU DON'T SAY!
'I thought I was a Miami resident,' one voter said

Some pleaded ignorance.
"I thought I was a Miami resident," said Maria Emma Castro de Garzon of unincorporated West Dade, who says she voted for Suarez. "When I write down my address, I write down 'Miami, Fla.'"

Her home is 3.1 miles west of the Miami border.

Former Miami City Manager Howard Gary violated the rules, too. Gary voted in District 3, where he lived for 27 years, even though he now lives in a condo in District 2.

"It was just an oversight on my part," said Gary, an investment banker and potential government witness in the unrelated Operation Greenpalm corruption probe. "I failed to change from one city district to another after I moved. That's all."

Andre Whittle, basketball coach at the Academy for Community Education alternative school, has lived in Carol City, part of unincorporated Northwest Dade, for five years. He voted from his mother's Miami home last November.

"I live in Carol City, but I never knew that you have to vote in the city where you live," Whittle said.

Moreno, the FIU political scientist, believes many voters are in fact innocently confused about the county's two-tier system of government. For instance, every Miami-Dade voter can vote for the office of county executive mayor, while only people who live within a city's borders can vote in city elections.

"The boundaries here are sometimes anti-commonsensical," he said. "Some of the irregularities are just people who are ignorant and are uninformed of just what
they're supposed to be voting on."

TELLTALE SIGNATURES
Voters sign at the polls, next to official address

Yet Leahy, the elections supervisor, points out a contradiction in the stories of blissful ignorance: When voters show up at the polls, the precinct worker asks them if they still live at the address on their voter registration.

They sign the voter book right next to that address -- though Leahy says that doesn't count as a legal oath.

Still others offer no reason at all:

Locksmith Peter Pick, with his wife Ely, voted out of an apartment building they own in Little Havana. The Picks are longtime activists who work to protect the neighborhood where they really live: Snapper Creek in Kendall.

Corporate records list Peter Pick as president of the Snapper Creek Park Lake Association, a homeowners group. Ely Pick played a leadership role in a 1991 neighborhood effort to chase away an adult video store.

They would not speak to a reporter who visited their Kendall Drive home and asked for an explanation of the residency issue.

"It's none of your business. Get off my property," Peter Pick said.

Records show that a ballot was cast in the name of Marjorie Share, who now lives in Surfside -- not the address where her vote came from, an apartment house in Miami's
commission District 3.

She phoned a reporter after a letter was left at her Surfside apartment.

"I haven't voted in five years," she said. "I don't know where you're getting your information from." She says someone must have stolen her vote.

"Somebody took my name. They could do that, you know. I used to live in that area."

She and her husband offered differing explanations of why she could not have voted on Nov. 4. Her husband, Jorge Enriquez, said she didn't vote because she was in bed with asthma that day. In the background, Share said no, she was working.

"She was in bed and working," Enriquez said.

Elections department records show she did vote.

ONE COMMUTER'S BLUES
Traffic is 'awful,' so he votes where he can

Several out-of-Miami voters said they thought they were doing their civic duty.

Julian Manduley, 43, says he's just another harried commuter, driving from his house in Kendall to his job as a purchasing executive at a Knight Ridder office in Coral Gables. Knight Ridder owns The Miami Herald.

"The traffic going west is awful," he said. "By the time I pick up the kids and get home, it's too late to vote."

His solution: He registers on Southwest 10th
Avenue, home of his in-laws, Isabel and Eugene Tuero.

"No, I didn't know it was illegal," he said. "I mean, in the paper and everywhere, they were saying, 'Vote. Vote.' So I voted."

Copyright 1999 Miami Herald