

North Miami campaigns take voters into the booth. Are they helping voters or themselves?

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During last year's local election in North Miami, first-time candidate Laura Hill noticed something she found strange: an "abnormal" number of voters being accompanied into the early voting site at North Miami Public Library by city employees and campaign workers.

More than one in 10 voters received assistance at the polls from non-poll workers in the city's May 2021 election under a Florida provision designed to help people with disabilities or those who can't read or write, according to records first obtained by Hill and independently acquired by the Miami Herald. During early voting, the number was closer to four in 10 — far higher than in any other election in Miami-Dade County last year.

But experts say the situation in North Miami is unique due to its scale and who is doing the helping. Records show that more than two-thirds of the assisted voters were helped either by city employees, some of whom were taking time off from work, or by campaign workers.

The Miami-Dade State Attorney's Office is looking into it. A source familiar with the matter told the Herald the office's public corruption unit began investigating after Hill sent a December email to elected officials and the Miami-Dade Commission on Ethics and Public Trust, laying out her concerns that campaigns are abusing the process to get an edge.

North Miami officials say it's all above board, improving voter access in a community with many Creole-speaking Haitian immigrants, some of whom have difficulty with reading and writing in both Creole and English. They point to low literacy rates in Haiti and differences in the two countries' election systems that increase the likelihood that a mistake might lead to an invalidated vote.

"If you want to go to vote and you don't know how to vote, you have someone to help you out," Mayor Philippe Bien-Aime said. "I don't see the problem."

But the volume of the city's operation is unusual, according to election lawyers, political operatives and public records — and raises questions about whether campaigns are more interested in improving accessibility for voters or wielding influence inside the polls.

"It's like the defense attorney or the prosecutor going into the jury room and saying, 'Let me just assist you with your deliberations,'" said Kevin Burns, a former North Miami mayor who made an unsuccessful run for city council last year.

While poll workers are required to assist voters who request it, bringing an assistant to the polls is also perfectly legal in Florida under most circumstances. But entering the booth with a voter who hasn't requested help, or soliciting voters for assistance within 150 feet of a polling place, is a first-degree misdemeanor.

The right to cast a secret ballot "is so sacrosanct," a Miami-Dade grand jury report noted in 2012, "that a statute makes it unlawful for another person to be in the voting booth" — with the one exception for voters who need assistance.

Countywide, just 1.4% of voters received assistance from people other than poll workers in the November 2020 general election, according to the Miami-Dade elections department. Across city elections last November in Miami, Hialeah and Miami Beach, less than 1% of voters received assistance.

In North Miami last May, that number was 10.7%.

In a June runoff for North Miami's District 2 council seat, 71 voters received assistance from the campaign manager of Kassandra Timothe, a first-time candidate who defeated Burns in the runoff by 154 votes.

Others who helped voters at the polls in May included city-employed staff assistants for Bien-Aime and Councilwoman Mary Estime-Irvin, both of whom were up for re-election.

The city's housing administrator, Keren Frederick, also assisted voters — 50 in total — including several who have received housing grants from the city, according to city records. Hill has filed a federal complaint alleging Frederick violated the Hatch Act, which bars officials whose positions are federally funded from using their authority to interfere in an election.

But municipal employees are allowed to work on campaigns while they're off the clock, and Frederick says she did nothing wrong. Records show she took time off during early voting and Election Day. In an interview, she said she assists voters as a volunteer on her own time and never tells people who to vote for.

"I'm there to assist," Frederick said. "I don't care who you are voting for."

State law allows voters to bring anyone to assist them, as long as it's not their "employer, an agent of the employer, or an officer or agent of his or her union."

Elections officials, meanwhile, are careful not to deny support to any voter who may need it.

"Any voter requesting assistance is entitled to receive it, regardless of reason," Miami-Dade County's poll worker manual states, an instruction meant to ensure compliance with the Americans with Disabilities Act. "Never ask why the voter needs help."

Historically, Haitian-American voters in Miami-Dade County haven't always received the support they need. The federal government sued the county after the 2000 election, alleging it had denied help to Haitian Americans with limited English abilities at the polls.

In an interview, Bien-Aime said the Haitian community has stepped up to ensure voters are supported. He acknowledged that campaigns in the city take a liberal approach to voter assistance, entering the polls with people who don't always meet the state standard of "blindness, disability, or inability to read or write."

But the goal is to make sure every vote counts, he said, including by instructing inexperienced voters to fill in the circle instead of marking a check or an 'X,' which he said is typically accepted on ballots in Haiti but could lead to their vote being invalidated in Florida.

The mayor brushed off concerns that city employees and campaign workers are often the ones guiding voters through the process.

"There are people in the community that they trust," Bien-Aime said, adding that "99%" of people who receive assistance "already know who they're going to vote for."

State Attorney's Office spokesperson Ed Griffith would not confirm or deny the existence of an investigation, citing office protocol. Ethics commission Executive Director Jose Arrojo also declined to comment.

'I DON'T HAVE A DISABILITY'

Voting accessibility has lately been a top-line political issue in Florida, with voting rights groups arguing that legislation passed last year at the urging of Gov. Ron DeSantis has created new roadblocks, especially for minority voters. Those concerns are acute in immigrant communities like North Miami, where more residents may need help reading the ballot or registering to vote.

About one-third of North Miami residents are Haitian, according to the latest available data, and Haitians have built political power over the past two decades in North Miami and more recently in neighboring North Miami Beach.

Timothe, the council member who defeated Burns last year, said she learned during her campaign how important it was to offer assistance to voters.

“The majority of people we assisted could not read and could not write,” she said. “I didn’t realize how much it was needed.”

But several North Miami voters who received assistance last May told the Herald they didn’t need the help.

“Helped me with what?” said Reginald Pierre, 35, when asked if he remembered getting assistance from Timothe’s campaign manager, as records indicate. “I don’t have a disability.”

“I don’t have a disability so I don’t know why I would need assistance,” said another voter, who was helped by a staff assistant for Estime-Irvin and asked for anonymity to talk about her experience with the Herald. If she did fill out an assistance form, the voter said, “they probably didn’t explain thoroughly what it was for.”

Jesuka Joseph, 35, said a friend connected her with Ricardo Dormevil, the campaign manager for Timothe. Joseph said Dormevil picked her up and brought her to the polls during early voting, telling her it would speed up the process.

“He said to come with him so the line would be shorter,” Joseph said. “I believe that’s why I requested the assistance.”

Once inside, Dormevil “was explaining to me how to fill in the answers ... He read it to me and then I made my own choice,” Joseph said.

Dormevil says he only assisted voters who said they needed help, typically because they didn’t know how to read — information he said he gleaned from door-knocking during the campaign. Once inside the polls, he said, he would explain what was on the ballot and stay at a distance after voters entered the booth.

“They have people watching what you’re doing,” Dormevil said. “If you do something against the law, they’re going to stop me.”

Frederick, the city’s housing administrator, said she is among numerous people who stand outside the polls offering to assist voters during early voting and Election Day, making sure to stay more than 150 feet from the entrance as the law requires. Some voters ask for help but don’t admit they can’t read or write until after they go inside, Frederick said — a matter of “pride.”

Each time Frederick escorts a voter to the voting booth, she said, she asks a poll worker to observe and ensure there is no undue influence in filling out the ballot.

If the voter can’t grip a pen, Frederick said, she holds their hand and helps them pick the candidates of their choice.

In other cases, she said, voters ask her to escort them into the polls simply because they want her to see that they voted for a Haitian candidate.

“That’s our Haitian community. We are special. We are unique,” Frederick said. “If someone tells me to come with them, why not?”

‘YOU HELP THEM VOTE THE RIGHT WAY’

Once inside the polling place, voting assistants must complete a form swearing that the voter sought their help. The voters, if they have never previously asked for assistance, must fill out a separate form swearing that they requested it.

State law allows the assistants to read the ballot aloud to the voter outside the voting booth “without suggestion or interference.” Then the voter and assistant can enter the booth together.

Still, getting inside the polls or even the voting booth with voters gives campaigns “a considerable competitive advantage,” said Keith Donner, a political consultant who has worked on campaigns around South Florida.

“Talk about voter contact, up close and personal,” Donner said. “You help them to vote and you help them to vote the right way.”

Miami-Dade County is no stranger to scandal in local elections, but the biggest controversies in recent memory have all involved absentee ballots. A voter-assistance effort like the one in North Miami is rare, Donner said, because of the resources it requires.

“It’s most suited to down-ticket, off-year elections where a few hundred votes make a difference,” he said.

Due to a lack of available public records from elections before 2020, it’s unclear whether North Miami is an historical outlier in its use of voter assistance.

But countywide voter data from early 2021 obtained by the Herald suggest the practice isn’t new in North Miami. At least 340 of the 583 voters who got assistance in last year’s election had requested it in at least one previous election in Miami-Dade County, the data show.

‘WE HAVE TO TRUST THE VOTER’

Miami-Dade Supervisor of Elections Christina White said the county ensures voting is accessible for everyone, including Creole speakers. Every polling place has a voting unit with touchscreen and audio technology to help voters with vision impairment or who can’t read or write, and all ballots and other election-related materials are available in Creole, English and Spanish.

At the North Miami Public Library voting site, every poll worker speaks Creole, White said.

Still, White said that while she understands concerns about voters being assisted by city employees or campaign workers, it’s not her department’s role to question voters who request assistance from a person of their choice.

“That’s really not within our purview,” she said. “We have to trust the voter that that is what they want.”

Juan-Carlos Planas, an election attorney and former state representative, said Florida’s voter assistance statute may be somewhat antiquated given the technology now available to voters with disabilities. But any attempt to crack down on abuse could be fraught if it’s seen as imposing new restrictions on non-English speaking and non-white voters.

In 2013, Planas — then a Republican election lawyer who is now a registered Democrat — advocated for an amendment to Florida’s voter assistance statute to limit the number of voters one person could assist.

But it met resistance from Democrats and voting rights advocates and was ultimately removed from a bill.

“Do I think you could use some reform? Perhaps,” Planas said in a recent interview. But the concern, he said, “is always that minority votes are under attack.”

Planas recalled that during early voting in 2014 — when he was working on Republican Gov. Rick Scott’s re-election — his team noticed the same pattern at North Miami Public Library that Hill saw last year: people “would go in for voter assistance, leave and come back with another voter,” sometimes recruiting voters for assistance while they waited in line.

“We were up in arms,” Planas said.

But Ringo Cayard, a longtime political consultant in local Haitian communities, suggested scrutiny of voter assistance in North Miami is unfair, singling out Haitian Americans for acting shrewdly within the law.

“Some communities understand exactly how to do it and do it better than any other community,” Cayard said. “If there was any wrongdoing, somebody would have already paid the price.”

Miami Herald data reporter Rosmary Izaguirre contributed to this report.