

Bill No. 2513-06

No. 03-07-0R

AN ORDINANCE

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, providing for the creation of an Allegheny County Citizens' Election System Advisory Panel in order to identify, anticipate, and remedy any issues arising from the implementation of a new voting system in Allegheny County.

WHEREAS, under the requirements of the Help America Vote Act (HAVA), Allegheny County is required to replace its current lever voting system; and

WHEREAS, the first election at which the new voting system will be in use is the Primary Election scheduled for May 16, 2006; and

WHEREAS, it is not currently known with any precision what issues affecting the voters of Allegheny County may arise before and/or during the voting process; and

WHEREAS, it is also not known with any precision what issues may arise during the May 2006 primary that will require remedial measures before the General Election scheduled for November 7, 2006;

WHEREAS, Allegheny County Council has repeatedly and in a variety of circumstances reaffirmed the fundamental importance of protecting the Constitutionally guaranteed right to vote for all County residents; and

WHEREAS, throughout the process of determining what system should replace the existing lever voting system, members of the public have generously stepped forward and offered their time and expertise in order to assist with the difficult and complicated task of determining the best course of action for the County; and

WHEREAS, it is the desire of Council to ensure the continued participation of the residents of the County as the new system is implemented;

The Council of the County of Allegheny hereby enacts as follows:

Section 1. Establishment of Allegheny County Citizens' Election System Advisory Panel.

There is hereby established a nine (9) member Allegheny County Citizens' Election System Advisory Panel (hereinafter "Panel" or "the Panel"). The Panel generally shall be empowered to study and make recommendations to Allegheny County Council with regard to the identification, anticipation and remediation of issues that arise in connection with the implementation of a new voting system in Allegheny County under the terms of the Help America Vote Act.

The President of Allegheny County Council shall nominate each of the nine members of the Panel no later than April 18, 2007. Appointees shall be confirmed by an affirmative vote of at least a majority of the seated members of Council.

Section 2. Member Qualifications.

Members of the Panel shall be voters of the County both before and throughout their service, and no more than four (4) of the members shall have the same political party affiliation. Members of the Panel shall be appointed as follows:

- A. Two members of the Panel shall have demonstrated proficiency in the computer sciences, specifically as they relate to voting machine security, reliability, or operation;
- B. Two members of the Panel shall be members of community rights advocacy groups focusing upon election issues and operating within Allegheny County;
- C. Two members of the Panel should be attorneys with demonstrable expertise in the field of election law; and
- D. The remaining members of the Panel shall be appointed at the President's discretion.

Section 3. Prohibitions.

No more than one member of the Panel may be a County Officer or employee.

Section 4. Terms of Office.

The initial members of the Panel shall be appointed to terms to expire on December 31, 2007.

Section 5. Filling of Vacancies.

In the case of a vacancy, the President of Allegheny County Council shall, within thirty (30) days of the vacancy, make an appointment to fill the unexpired term.

Section 6. Removal.

Panel members may be removed only for cause by County Council. Any Panel member so removed may request, and be granted, a hearing before the County Council at which time such member may show cause why he or she should not be removed.

Section 7. Organization of the Panel.

Within thirty (30) days of the appointment of the Panel, the appointed members shall convene at a time and place of their choosing. At this meeting, the Panel shall elect one of its members as Chairperson.

Section 8. Quorum.

Five (5) Panel members shall constitute a quorum for the transaction of business. The Panel shall conduct no business except in the presence of a quorum.

Section 9. Compensation.

Members of the Panel shall receive no compensation for the performance of their duties.

Section 10. Minutes and Records.

The Chairman of the Panel shall ensure that appropriate measures are taken to keep minutes of the Commission's proceedings. Such records shall be kept and preserved in accordance with applicable law.

Section 11. Rules and Procedures.

The Panel shall offer consensus recommendations to Council with regard to any issues that arise with respect to the effect of implementation of the County's new voting system on the rights of voters in Allegheny County. These consensus recommendations shall be agreed upon by a vote of a majority of the Panel members present, and the Chair of the Panel shall only vote in the event of a tie. Consensus recommendations may be offered in writing to Council for distribution at any Regular Meeting of Council.

The Panel shall also offer two cumulative reports of their consensus recommendations. These cumulative reports shall identify the issues raised, the recommendations for remedying these issues, and what progress has been made in remedying these issues. The cumulative reports shall be issued to Council in writing no later than July 15, 2007 and December 15, 2007, respectively.

The Panel shall adopt other necessary procedures and rules of conduct for its activities within thirty (30) days of its first meeting.

Section 12. Administrative Support.

The Council shall furnish to the Panel such clerical assistance and supplies as may be deemed reasonable by the President.

Section 13. Limitations.

The Panel shall serve in a purely advisory capacity to Allegheny County Council. Nothing in this Ordinance shall be read or construed to empower the Panel to in any fashion establish or change any policy, procedure, or rule pertaining to the conduct of elections, or to define or otherwise alter the rights, duties or obligations of any individual, County department or office, or any other entity.

Section 14. Severability.

If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance which shall be in full force and effect.

Section 15. Repealer.

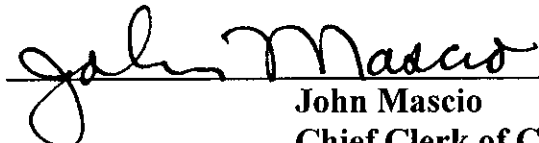
Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.

SPONSORED BY COUNCIL MEMBER ROBINSON

Enacted in Council, this 6th day of February, 2007,

Council Agenda No. 2513-06


Rich Fitzgerald
President of Council

Attest: 
John Mascio
Chief Clerk of Council

Chief Executive Officer _____, 2007

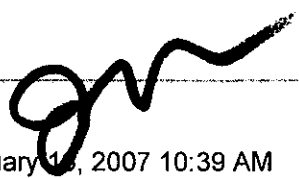
Approved: _____
Dan Onorato
Chief Executive

Attest: _____
Donna Beltz
Executive's Secretary

I do hereby certify that the foregoing Ordinance, duly engrossed and certified, was delivered by me to the Chief Executive for his approval or disapproval and that the Chief Executive failed to approve or disapprove the same, whereupon, it became law without his approval under the provisions of Section 311.07(E) of the Administrative Code of Allegheny County.


John Mascio
Chief Clerk of Council

Mascio, John

From: Mascio, John 
Sent: Friday, February 16, 2007 10:39 AM
To: /o=County of Allegheny/ou=DCS/cn=Recipients/cn=William.Lestitian; Bob Macey; Brenda Frazier; Burn, Jr., James; Caldwell, Susan; Charles Martoni; Cleary, Joan; david.fawcett@bipc.com; Defazio, John P; Drozd, Matt; Fawcett, Dave; Finnerty, Michael J.; Jan Rea; Jim Burn; Joan Cleary; John Defazio; Lestitian, William E; Macey, Robert J.; Martoni, Charles; Mike Finnerty; Rich Fitzgerald; Susan Caldwell; Vince Gastgeb; Vince Gastgeb; William E. Lestitian; William Robinson
Subject: Bill No. 2513-06 - Returned Unsigned

Dear Members of Council,

This is to inform you that Bill No. 2513-06, entitled, "An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, providing for the creation of an Allegheny County Citizens' Election System Advisory Panel in order to identify, anticipate, and remedy any issues arising from the implementation of a new voting system in Allegheny County." was delivered by me to the Chief Executive for his approval or disapproval, and having failed to approve or disapprove of the Legislation, it became law under the provisions of Section 311.07(E) of the Administrative Code.

Mr. Onorato did not provide a letter explaining his reasons for not signing the bill.

I will place a hard copy of this e-mail in your mail slots.

John Mascio