

Bill No. 2432-06

No. 06-06-RE

A RESOLUTION

A Resolution of the County of Allegheny, Commonwealth of Pennsylvania, urging the Allegheny County Chief Executive to select new voting machines in accordance with the requirements of the Help America Vote Act, 42 U.S.C. §15301 *et. seq.*, that allow for the creation of voter verified paper records (VVPRs) for each voter, expressing Council's support for the concept of auditing randomly selected ballots after each election to verify machine accuracy and performance, and supporting House Bill 2000 and Senate Bill 977, each of which is currently pending in the Pennsylvania General Assembly.

WHEREAS, the Help America Vote Act, 42 U.S.C. §15301 *et. seq.*, makes federal funding available to jurisdictions that modernize their voting systems through the purchase of new systems; and

WHEREAS, under the terms of the Help America Vote Act, Allegheny County must replace all lever voting systems in qualifying precincts within the County in time for the first election for federal office held after January 1, 2006 in order to qualify for this funding; and

WHEREAS, the Chief Executive and members of the Administration are currently evaluating voting machines for purchase; and

WHEREAS, while the Help America Vote Act does require that new voting systems purchased with the available federal funding generate a paper record that can be used to audit election results, it does not specifically require that a paper summary of individual voting decisions be made available to every voter before they confirm their selections; and

WHEREAS, the Commission on Federal Election Reform has issued the following recommendation regarding voting machines: "Congress should pass a law requiring that all voting machines be equipped with a voter verifiable paper audit trail and, consistent with HAVA, be fully accessible to voters with disabilities. This is especially important for direct recording electronic (DRE) machines for four reasons: (a) to increase citizens' confidence that their vote will be counted accurately, (b) to allow for a recount, (c) to provide a backup in cases of loss of votes due to computer malfunction, and (d) to test - through a random selection of machines - whether the paper result is the same as the electronic result."; and

WHEREAS, the Commission on Federal Election Reform advocates retrofitting VVPR capabilities into voting machines that do not currently produce such paper records;

WHEREAS, the Report of the Commission on Federal Election Reform, issued in September of 2005, notes that as of August 2005, 25 states had already mandated VVPRs for

each voter before they confirm their selections, and another 14 had introduced legislation to do so; and

WHEREAS, Pennsylvania is currently among the states with legislation pending to mandate VVPRs, in the form of Senate Bill 977 and House Bill 2000; and

WHEREAS, both Senate Bill 977 and House Bill 2000 provide for audits of randomly selected ballots to ensure voting machine reliability; and

WHEREAS, Senate Bill 977 and House Bill 2000 were referred to committee on November 1 and September 27, 2005, respectively, with no subsequent action on either bill as of this date;

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

SECTION 1.

The Council of the County of Allegheny, Commonwealth of Pennsylvania, supports the selection of voting machines for Allegheny County that produce voter verified paper records for each voter before they confirm their voting choices. The Council of Allegheny County urges the Chief Executive to select machines that produce such VVPRs, rather than face the possibility of being required to retrofit VVPR capabilities into voting machines at a later date, should state or federal law require it.

SECTION 2.

The Council of Allegheny County further resolves that it supports the efforts of the General Assembly to require VVPRs and audits to check the reliability and accuracy of voting machines on a statewide basis, as described in Senate Bill 977 and House Bill 2000, and urges the House and Senate to take action on each of these bills with all deliberate speed.

SECTION 3.

The Council of Allegheny County further resolves that copies of this Resolution be provided to the Governor and the General Assembly.

SECTION 4.

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

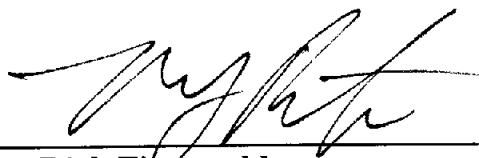
SECTION 5.

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

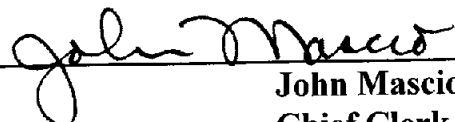
SPONSORED BY COUNCIL PRESIDENT FITZGERALD and COUNCIL MEMBERS DeFAZIO and ROBINSON

Enacted in Council, this 21st day of February, 2006

Council Agenda No. 2432-06

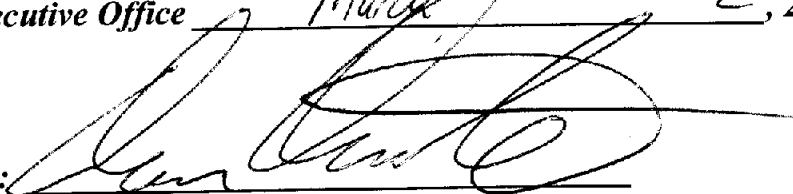


Rich Fitzgerald
President of Council

Attest: 

John Mascio
Chief Clerk of Council

Chief Executive Office  2, 2006

Approved: 

Dan Onorato
Chief Executive

Attest: 

Donna Beltz
Executive's Secretary