

Bill No. 2540-06

No. 18-06-RE

A RESOLUTION

A Resolution of the County of Allegheny, Commonwealth of Pennsylvania, urging the United States Congress to extend the deadline for compliance with the provisions for the Help America Vote Act.

WHEREAS, Section 102 of the Help America Vote Act (HAVA) requires that certain states using lever or punch card voting systems replace those systems in time for the first election for federal office held after January 1, 2006; and

WHEREAS, the Commonwealth of Pennsylvania is one of the states affected by this deadline for HAVA compliance; and

WHEREAS, the Pennsylvania Department of State had certified only two voting systems as HAVA-compliant as of mid-December 2005, has still, as of April 10, 2006, certified only 12 voting systems in this fashion, with eight of those certifications being granted only with restrictive conditions attached, and has not certified any voting systems that provide voters with a verifiable paper record of their choices; and

WHEREAS, the Pennsylvania Department of State notified Allegheny County in mid-April that the voting system that the County had intended to purchase would not be granted certification; and

WHEREAS, Allegheny County has therefore been forced to purchase a voting machine that was not originally selected by its Board of Elections and which does not provide a voter verified paper record; and

WHEREAS, the vendor that produces the voting system to be purchased has indicated that it can only provide the County with a fraction of the approximately 4,700 voting machines that it would require for a full voting system replacement before the May 16, 2006 Primary Election date, and this circumstance has forced the County to adopt an unusual, hybrid voting system that incorporates both direct record electronic and optical scan voting for that election; and

WHEREAS, the lack of flexibility in the deadline for HAVA compliance and the delays inherent in the certification process have effectively forced Allegheny County to acquire a new voting system, train thousands of poll workers in the operation of that system, and educate over 870,000 registered voters about the new system to the extent that they are confident in its reliability and accuracy less than five weeks before Election Day; and

WHEREAS, it appears that the experience of Allegheny County is by no means unique, and that many counties across the country are being confronted with similar logistical difficulties; and

WHEREAS, as President Bush signed HAVA into law on October 29, 2002, he resoundingly and unequivocally noted that "[t]he vitality of America's democracy depends on the fairness and accuracy of America's elections. Over two centuries our country has broadened the right to vote and sealed that right in law, making our government more accountable to the people, and more representative of the people. When problems arise in the administration of elections we have a responsibility to fix them. Every registered voter deserves to have confidence that the system is fair and elections are honest, that every vote is recorded, and that the rules are consistently applied;"

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

SECTION 1.

Allegheny County Council hereby finds that the time frame for replacing the County's current voting system imposed by HAVA is inadequate to meet its own goals, as eloquently summarized by the President, and that the rigid application of the existing HAVA compliance deadline will in practice create precisely the problems in the administration of elections that HAVA was intended to eliminate. Accordingly, Allegheny County Council urges the Congress of the United States to extend the compliance deadline found within Section 102 of HAVA to require the replacement of lever and punch card voting systems in time for the first election for federal office held after January 1, 2007.

SECTION 2.

Copies of this Resolution shall be transmitted to regional representatives of U.S. Congress and the U.S. Senate.

SECTION 3.

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 4.

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.

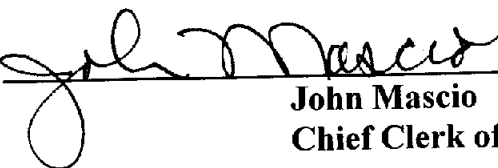
***SPONSORED BY COUNCIL MEMBER DeFAZIO , PRESIDENT FITZGERALD,
AND COUNCIL MEMBERS BURN, FINNERTY, CLEARY, AND FRAZIER***

Enacted in Council, this 18th day of APRIL, 2006

Council Agenda No. 2540-06



Rich Fitzgerald
President of Council


Attest: 

John Mascio
Chief Clerk of Council

Chief Executive Office April 19, 2006

Approved: 

Dan Onorato
Chief Executive

Attest: 

Donna Beltz
Executive's Secretary

Mascio, John

From: Mascio, John

Sent: Thursday, April 20, 2006 3:42 PM

To: Congressman John Murtha; Congressman Mike Doyle; Congressman Tim Murphy; Congresswoman Melissa Hart

Subject: Resolution No. 18-06-RE - Allegheny County Council

At the Regular Meeting of Allegheny County Council held on April 18, 2006, Council unanimously approved Resolution No. 18-06-RE (attached) sponsored by Council President Rich Fitzgerald and Council Members John DeFazio, Joan Cleary, Jim Burn, Michael Finnerty, and Brenda Frazier. As you will read, the Resolution urges the United States Congress to extend the deadline for compliance with the provisions for the Help America Vote Act.

Your attention to this Resolution is requested.

John Mascio
Chief Clerk
Allegheny County Council

4/20/2006