

No. _____

ORDINANCE

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending and supplementing the Administrative Code of Allegheny County through the creation of a new Article 1300, entitled “Election Practices,” and a new §5-1300.01, entitled “Audit Watchers,” in order to establish a uniform policy governing public observation of Commonwealth-mandated election audits.

WHEREAS, existing Commonwealth of Pennsylvania law, specifically the Election Code (25 P.S. §2642(e)) empowers the various county Boards of Election “[t]o issue certificates of appointment to watchers at primaries and elections;” and

WHEREAS, although originally enacted in 1937 and amended in 1943, 1961, 1965, 1998, 2004, 2006, and 2020, neither the original language nor any of the subsequent amendments have expressly addressed the issue of authorizing watchers at any election audits that may be conducted pursuant to Commonwealth law; and

WHEREAS, it is the desire of Council to foster transparency in the election process within Allegheny County by providing clear statutory direction regarding the appointment of watchers during election audits; and

WHEREAS, it is the judgment of Council that such direction will inure to the benefit of the County’s residents and voters by increasing public confidence in the audit process;

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

SECTION 1. Incorporation of the Preamble.

The provisions set forth in the preamble to this Ordinance are incorporated by reference as set forth in their entirety herein.

SECTION 2. Amendment of the Code.

The Administrative Code of Allegheny County, is hereby amended as follows:

ARTICLE 1300
Election Practices

§5-1300.01. Audit watchers.

In the event that Allegheny County conducts any “risk limiting audit,” “two percent (2%) audit,” or any other audit procedure relating to election procedures, equipment, or results conducted pursuant to applicable Commonwealth law, the Allegheny County Board of Elections shall issue certificates of appointment to watchers in the same fashion and pursuant to the same process as that utilized for issuing such certificates of appointment to watchers at Primary and General Elections under the terms of 25 P.S. §2642(e).

SECTION 3. Effective Date.

The provisions of this Ordinance shall become effective immediately upon final approval.

SECTION 4. 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 5. 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 Resolution.*

Primary Sponsor: COUNCIL MEMBER DeMARCO

Co-Sponsor(s):

Enacted in Council, this _____ day of _____, 2021.

Council Agenda No. _____

Patrick Catena
President of Council

Attest: _____
Jared Barker
Chief Clerk of Council

Chief Executive Office _____, 2021

Approved: _____
Rich Fitzgerald
County Executive

Attest: _____
Sonya Dietz
Executive's Secretary