

MOTION OF THE COUNCIL OF ALLEGHENY COUNTY

Endorsing the provisions of H.R. 5036, currently pending before the United States House of Representatives, and urging the Allegheny County Board of Elections to take certain actions relevant to inquiries made by citizens of the County regarding the County's voting system.

WHEREAS, the Help America Vote Act, 42 U.S.C. §15301 *et. seq.*, (HAVA) made federal funding available to jurisdictions that conduct mandatory modernizations their lever operated voting systems through the purchase of new electronic voting systems; and

WHEREAS, under the terms of the Help America Vote Act, Allegheny County was required to 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 conducted an exhaustive evaluation of voting machines for purchase, but were not able to purchase machines that generate voter verified paper records, because no such machines were certified for use by the Pennsylvania Department of State; 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 voter verified paper record capabilities into voting machines that do not currently produce such paper records; and

WHEREAS, Allegheny County Council has repeatedly urged the Commonwealth of Pennsylvania to adopt legislation that would require a voter verified paper record for all electronic voting machines, and has also already allocated the funds that would be necessary for retrofitting the County's system with such a capability; and

WHEREAS, United States Representative Rush Holt of New Jersey has introduced HR 5036, a bill that would provide some funding for jurisdictions that purchase voting machines that produce an individual paper ballot that would allow voters to verify their choices and purchase emergency paper ballots, and at least 46 other Representatives have co-sponsored this bill; and

WHEREAS, various voting rights advocacy groups have expressed their support of H.R. 5036 as written to our representatives in both the House and Senate; and

WHEREAS, voting rights advocacy groups within Allegheny County, including VoteAllegheny, have requested that the Board of Election establish a website to provide information to the public about the Board's decisions, have forwarded various questions to the Board regarding the County's voting system and voter verified paper records, and assert that the Board had indicated that a copy of a letter from the Secretary of the Commonwealth addressing the groups' concerns would be made available to them; and

WHEREAS, at least one of these groups now alleges that the requested actions have not been taken and that the proffered questions have not been answered by the Board;

NOW THEREFORE, IT IS MOVED, BY THE COUNCIL OF ALLEGHENY COUNTY,

SECTION 1.

The Council of the County of Allegheny, Commonwealth of Pennsylvania, supports the production of voter verified paper records for each voter before they confirm their voting choices. The Council of Allegheny County accordingly urges the United States Congress to adopt the provisions of HR 5036 as currently written, such that jurisdictions can obtain funding for the purchase of electronic voting machines that produce such records under the terms of the Help America Vote Act.

SECTION 2.

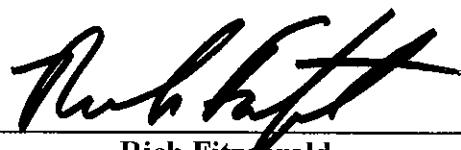
The Council of the County of Allegheny, Commonwealth of Pennsylvania, requests that the Board of Elections determine whether the factual assertions and allegations of VoteAllegheny are correct and, if so, requests that the Board provide any and all appropriate responses to the inquiries, and undertake any other appropriate measures in addressing those inquiries with all deliberate speed.

PRIMARY SPONSORS: VICE PRESIDENT MARTONI

CO-SPONSORS: COUNCIL PRESIDENT FITZGERALD AND COUNCIL MEMBERS MACEY, DROZD, FINNERTY, FUTULES, BURN, CLEARY, ROBINSON, GREEN, DEFAZIO, REA, & ELLENBOGEN

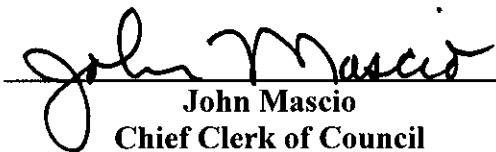
In Council MARCH 18, 2008.

Read and Approved.



Rich Fitzgerald
President of Council

Attest:



John Mascio
John Mascio
Chief Clerk of Council

Mascio, John R.

From: Mascio, John R.
Sent: Tuesday, March 25, 2008 3:21 PM
To: Onorato, Daniel; Defazio, John P; McCullough, Charles; McCullough, Charles P.; Flynn, James; Congressman Jason Altmire ; Congressman John Murtha; Congressman Mike Doyle; Congressman Tim Murphy
Subject: Bill No. 3858-08 Motion of Allegheny County Council
Attachments: 3858-08.PDF

At the Regular Meeting of Allegheny County Council held on March 18, 2008, Council unanimously approved the attached Motion endorsing the provisions of H.R. 5036, currently pending before the United States House of Representatives, and urging the Allegheny County Board of Elections to take certain actions relevant to inquiries made by citizens of the County regarding the County's voting system.

Your attention to this Motion is requested.

John Mascio
Chief Clerk
Allegheny County Council