



Election Equipment Funding Talking Points

May 2019

The need for purchase of new voting machines is based on a legally binding settlement, and so counties are moving diligently to meet its April 2020 deadline.

- Regardless of how the Stein settlement came about, it is legally binding on the commonwealth – and thus on counties.
- In compliance with the settlement agreement, it is believed the Department of State will decertify all current equipment in February 2020.
- CCAP explored whether counties might have the opportunity to intervene or seek another judicial remedy, but have found no mechanism that would guarantee a timely or favorable result for counties.
- While counties recognize that this experience suggests a review of the decertification process may be prudent for the future, their immediate obligation and priority is to comply with the settlement and to seek state and federal funding to offset that cost.

Efforts to delay the April 2020 deadline are unlikely to be successful, and counties cannot risk awaiting the outcome of legislative efforts to make their plans to purchase new equipment.

- The General Assembly is currently considering legislation ([SB 48](#)) that is portrayed as delaying the decertification of current voting systems and the implementation of the Stein settlement.
- Counties appreciate support for county discretion in the purchasing timeline, but believe this legislation likely violates the settlement agreement and would likely lead to a gubernatorial veto.
- The equipment replacement timeline is already compressed enough that few counties would risk waiting for the outcome on passage of such legislation
- In addition, most counties are too far down the road in the equipment procurement process to change course now.

Therefore, counties seek maximum funding from the state and federal government for equipment replacement as part of the upcoming state budget process – any dollars counties spend that do not come from state or federal funds will be property tax dollars.

- Elections are the most fundamental government function in support of our democracy – every level of government has a stake in assuring they are secure, fair, and accurate.
- The Stein settlement has replaced county discretion with an aggressive and mandatory replacement schedule, regardless of counties' available resources.
- Gov. Wolf's funding proposal reflects about half of the estimated cost for equipment replacement.

- With property tax dollars making up the difference between final costs and state and federal appropriations, counties are seeking a maximum state and federal commitment.
- Counties are exercising significant diligence in their equipment selections, seeking the best taxpayer value through COSTARS cooperative purchasing contracts and additional vendor negotiations.

The proposed five-year funding schedule in the Governor’s budget should be compressed, ideally, to a single year.

- Counties must replace equipment by April 2020, but many are moving more quickly to have equipment in place by November 2019 to enable a roll-out in a municipal election rather than a Presidential primary.
- Funding should match the county timeline – if counties must achieve replacement within the 2019-2020 fiscal year, the state appropriation should be for the 2019-2020 fiscal year.
- While the funding recommended by the Administration totals \$75 million, the only appropriation under the current proposal would be \$15 million for FY 2019-2020.
- Future funding would be subject to the legislature’s budget process across each of the next four fiscal years, with no guarantee that the remaining \$60 million the Governor proposes would be approved.
- Alternatives for consideration include a single-year general fund appropriation, a supplemental appropriation (from any projected FY 2018-2019 surplus) or a state bond issue; the latter could be offset by the annual appropriation proposed by the Governor.

Counties acknowledge that the Administration is working to partner with counties in the procurement process.

- The Governor’s acknowledgement of the need for the commonwealth to partner in equipment funding, however structured, is appreciated.
- The Department of State (DOS) has expedited the certification of equipment that meets the paper audit trail requirements.
- DOS has sponsored vendor showcases across the state to help familiarize counties, election workers and voters with the available equipment options.
- DOS is working with vendors and the Department of General Services to have all certified equipment available for purchase on the COSTARS system.
- CCAP, election directors, and other stakeholders acknowledge and appreciate the work being done by the General Assembly and DOS on a variety of election reform issues to help improve efficiency and reduce cost of election administration,