



MEMORANDUM

TO: The Pennsylvania House State Government Committee

FROM: Elizabeth Randol, Legislative Director, ACLU of Pennsylvania

DATE: January 7, 2022

RE: OPPOSITION TO HB 1663 P.N. 1858 (DOWLING)

Bill summary: [HB 1663](#) (PN 1858) would amend the Pennsylvania Election Code to require that voting machines be manufactured in the United States and sold by a vendor with a primary place of business within the United States.

On behalf of over 100,000 members and supporters of the ACLU of Pennsylvania, I respectfully urge you to oppose House Bill 1663.

HB 1663 would likely result in widespread decertification of voting machines.

If enacted, HB 1663 would take effect in 60 days. Without knowing which machines are used in each of the 67 counties in the commonwealth, HB 1663 may result in widespread decertification of non-compliant voting machines. It would then, of course, require those counties to purchase new machines, including those who have just recently acquired new voting machines that comply with paper trail requirements.

Determining where voting machines are manufactured is not always easy or obvious.

It is not always clear in what location voting machines are manufactured. Some are assembled fully in the United States with components that are manufactured in other countries. Most computer chips are manufactured in other countries. Moreover, some machines incorporate wholly built commercial off the shelf products from major manufacturers that are also produced overseas. This lack of clarity would certainly make compliance with HB 1663 difficult, if not confusing.

HB 1663 would not address the election-related problems cited by the bill sponsor.

In his co-sponsorship memo, the bill sponsor cited problems in Fayette County, including “major problems with its voting machines, in particular in the form of the machines rejecting ballots. This major difficulty resulted in delays for voters, long lines, and even voters being turned away.”¹

Fayette County did encounter problems with its voting machines rejecting ballots. The issue was reported to be a problem with the ballots not having barcodes,² an issue that the bill sponsor himself acknowledged.³ Other problems arose from ink bleeding outside of bubbles. So the issue was purportedly with the ballots, **not the machines**. Requiring that machines be manufactured in the U.S. would not prevent the problems encountered by Fayette County voters.

The “fix” proposed by HB 1663 is not a substitute for robust security procedures that include strong chain of custody protocols for voting machines, paper ballots and other artifacts of voting; strong physical security and routines; and statistically sound post-election audits to check whether computers counted ballots accurately.

For these reasons, we urge you to oppose House Bill 1663.

¹ Representative Matthew Dowling, [House Co-Sponsorship Memorandum](#), June 8, 2021.

² Hofmann, Mark. [Missing bar codes on ballots causes issues in Fayette's primary](#). Herald Standard, May 18, 2021.

³ Earle, Rick and Gregory Deffenbaugh, [Fayette Co. district attorney confirms search warrant to be executed at board of elections](#). WPXI, May 20, 2021.