

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 938 Session of 2009

INTRODUCED BY MCILHINNEY, RAFFERTY, O'PAKE, BOSCOLA, WILLIAMS,
EARLL AND D. WHITE, JUNE 5, 2009

REFERRED TO STATE GOVERNMENT, JUNE 5, 2009

AN ACT

1 Amending the act of June 3, 1937 (P.L.1333, No.320), entitled
2 "An act concerning elections, including general, municipal,
3 special and primary elections, the nomination of candidates,
4 primary and election expenses and election contests; creating
5 and defining membership of county boards of elections;
6 imposing duties upon the Secretary of the Commonwealth,
7 courts, county boards of elections, county commissioners;
8 imposing penalties for violation of the act, and codifying,
9 revising and consolidating the laws relating thereto; and
10 repealing certain acts and parts of acts relating to
11 elections," providing for emergency paper ballots.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. Section 1120-A of the act of June 3, 1937
15 (P.L.1333, No.320), known as the Pennsylvania Election Code,
16 added July 11, 1980 (P.L.600, No.128), is amended to read:

17 Section 1120-A. Unofficial Ballot Labels; Repair [and];
18 Alternate Use of Paper Ballots; and Emergency Paper Ballots.--

19 (a) If ballot labels for an election district at which an
20 electronic voting system is to be used, shall not be delivered
21 to the election officers of that district as required by section
22 1110-A, the judge of election of such district shall cause other

1 labels to be prepared, printed, or written, as nearly in the
2 form of official ballot labels as practicable, and the election
3 officers shall cause the labels so substituted, to be used at
4 the election insofar as is possible in the same manner as the
5 official labels. Such labels, so substituted, shall be known as
6 unofficial ballot labels.

7 (b) If any electronic voting system or any component thereof
8 being used in any election shall become inoperable during such
9 election, it shall, if possible, be repaired or another machine
10 substituted by the custodian or county board of elections as
11 promptly as possible, for which purpose the county board may
12 purchase as many extra systems or system components as it may
13 deem necessary, but in case such repair or substitution cannot
14 be made, paper ballots, either printed or written and of any
15 suitable form, may be used for registering votes.

16 (c) If the wait time to vote at any polling place in any
17 election exceeds one-half hour, voters in line shall be offered
18 the opportunity to register their votes on an emergency paper
19 ballot. Those voters who wish to register their votes on a paper
20 ballot shall, after signing the poll book and being registered
21 on the list of voters, be given an emergency paper ballot. After
22 the voter marks his or her ballot and seals it in the envelope,
23 the ballot shall be deposited in a secure container labeled
24 "emergency paper ballots," kept separate from provisional
25 ballots, and counted in the polling place on election night
26 after the close of the polls.

27 (d) The Secretary of the Commonwealth shall mandate that
28 each county shall print emergency paper ballots in a number
29 equal to or greater than twenty (20) per centum of the number of
30 registered electors of each party in each election district at

1 least thirty days before every primary and general election and
2 shall report this number to the Secretary of the Commonwealth.
3 The Secretary of the Commonwealth shall have the authority and
4 discretion to increase this number, should his or her judgment
5 be that it is insufficient to meet the needs of any of the
6 election districts. Should the supply of emergency ballots at
7 any polling place become depleted, election officials shall
8 print or copy additional emergency ballots. Emergency paper
9 ballots shall be available in every polling place from the
10 opening of the polling place to the closing of the polling place
11 on each primary and general election day.

12 Section 2. This act shall take effect in 60 days.