

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1130 Session of
1975

INTRODUCED BY KISTLER, VANN, PERRY, M. E. MILLER,
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COLE, BRADLEY, FISCHER, MILANOVICH, GLEASON, GEORGE,
DREIBELBIS, GOODMAN, W. D. HUTCHINSON, WHELAN, KLINGAMAN
AND STOUT, APRIL 28, 1975

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 29, 1975

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 election;
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 electronic voting systems.

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

14 Section 1. The act of June 3, 1937 (P.L.1333, No.320), known
15 as the "Pennsylvania Election Code," is amended by adding an
16 article to read:

ARTICLE XI-A

Computer Electronic Voting Systems

19 Section 1101-A. Definitions.--As used in this article:

20 (1) "Automatic tabulating equipment" means apparatus which
21 automatically examines and counts votes recorded on paper

1 ballots or ballot cards and tabulates the results.

2 (2) "Paper ballot" means a printed paper ballot which
3 conforms in layout and format to the electronic voting system in
4 use.

5 (3) "Ballot card" means a tabulating card on which votes may
6 be recorded.

7 (4) "Ballot label" means the cards, papers, booklet, pages
8 or other material which contain the names of offices and
9 candidates and statements of measures to be voted on and which
10 are used in conjunction with ballot cards.

11 (5) "Ballot" means ballot cards or paper ballots.

12 (6) "Counting center" means one or more locations selected
13 by the county board of elections for the automatic counting of
14 ballots.

15 (7) "Electronic voting system" means a system in which a
16 voting device is used in conjunction with paper ballots or
17 ballot cards, so that votes may be recorded and then
18 subsequently counted and tabulated by automatic tabulating
19 equipment.

20 (8) "Voting device" means an apparatus in which paper
21 ballots or ballot cards are used in connection with either a
22 punch device for the piercing of ballots by the voter, or a
23 device for marking ballots with ink or other substance, or any
24 other method for recording votes on ballots so that the ballot
25 may be tabulated by means of automatic tabulating equipment.

26 Section 1102-A. Authorization of Electronic Voting Systems
27 for Use at Polling Places.--Any county may, by a majority vote
28 of its qualified registered electors voting thereon cast at any
29 primary or election, authorize and direct the use of an
30 electronic voting system for registering or recording and

1 computing the vote at all elections and primaries held at
2 polling places in such county.

3 Section 1103-A. Placing the Question on the Ballot; Election
4 Thereon.--(a) The county election board may, upon their own
5 motion, submit to the qualified registered electors of the
6 county, at any primary or election, the question "Shall an
7 electronic voting system be used at polling places in the county
8 of?"

9 (b) The county election board, upon the filing of a petition
10 with them signed by qualified registered electors of the county,
11 equal in number to at least one per centum of the total number
12 of electors who voted in said county, at the preceding general
13 or municipal election, but in no case less than fifty, shall, at
14 the next primary or election, occurring at least sixty days
15 thereafter, submit to the qualified registered electors of such
16 county, the question "Shall an electronic voting system be used
17 at polling places in the county of?"

18 (c) The county board shall cause the said question to be
19 submitted at the primary or election, in accordance with the
20 provisions of this act relating to elections.

21 (d) The election on said question shall be held at the
22 places, during the hours, and under the regulations, provided by
23 law for holding primary and elections, and shall be conducted by
24 the election officers provided by law to conduct such elections.
25 The election officers shall count the votes cast at the
26 elections on said question, and shall make return thereof to the
27 county election board of the county, as required by law. Said
28 returns shall be computed by the county election board, or other
29 return board, and, when so computed, a certificate of the total
30 number of electors voting "Yes" and of the total number of

1 electors voting "No" on such question shall be filed in the
2 office of the county election board, and copies thereof,
3 certified by the county election board, shall forthwith be
4 furnished to the Secretary of the Commonwealth, and to the
5 county commissioners or other appropriating authority.

6 (e) If a majority of the electors of any county, voting on
7 such question, shall vote against the adoption of an electronic
8 voting system the question shall not again be submitted to the
9 voters of such county within a period of one hundred three
10 weeks.

11 (f) Whenever, under the provisions of this section, the
12 question of the adoption of an electronic voting system is about
13 to be submitted to the electors of any county, it shall be the
14 duty of the county commissioners, or other authority which
15 levies taxes for county purposes in such county, to ascertain
16 whether current funds will be available to pay for said system,
17 if adopted and purchased, or whether they have power to increase
18 the indebtedness of the county in an amount sufficient to pay
19 for such system without the consent of the electors and if such
20 current funds will not be available and the power to increase
21 the indebtedness of the county in a sufficient amount without
22 the consent of the electors is lacking, it shall be the duty of
23 the county commissioners, or other authority aforesaid, to
24 submit to the electors of the county, in the manner provided by
25 law, at the same primary or election at which the adoption of an
26 electronic voting system is to be voted on, the question whether
27 the indebtedness of such county shall be increased, in an amount
28 specified by them, sufficient to pay for such system, if
29 adopted.

30 Section 1104-A. Installation of Electronic Voting Systems.--

1 (a) If a majority of the qualified registered electors voting on
2 the question shall vote in the affirmative, the county election
3 board of the said county shall purchase, or lease, an electronic
4 voting system of a kind approved by the Secretary of the
5 Commonwealth, as hereinafter provided.

6 (b) If the question hereinbefore provided shall have been
7 submitted to the qualified registered electors of the county,
8 and the majority of the electors voting thereon shall have voted
9 favorably thereon, and if the county election board shall not,
10 within one year, have executed their contract or contracts
11 providing for the purchase or lease of an electronic voting
12 system for use at the next general, municipal or primary
13 election, occurring at least one year and sixty days after the
14 referendum, then the Secretary of the Commonwealth shall
15 forthwith, in writing, notify the said county election board
16 that, after the expiration of thirty days, he, under the
17 authority of this act, on behalf of the said county, will award,
18 make and execute such contract or contracts, unless the said
19 county election board meanwhile shall have made and executed
20 same.

21 (c) If, upon the expiration of said thirty days, the county
22 election board still shall not have made and executed the
23 contract or contracts providing for the purchase or lease of an
24 electronic voting system as aforesaid, the Secretary of the
25 Commonwealth, on behalf of the said county and upon the approval
26 of the Attorney General as to form, shall thereupon award, make,
27 and execute a contract or contracts for the purchase or lease of
28 an electronic voting system, approved as required by this act,
29 for each election district within such county, and the cost of
30 such system, including the preparation and printing of

1 specifications and all other necessary expense incidental
2 thereto, shall be the debt of the said county, and, upon the
3 certificate of the Secretary of the Commonwealth, it shall be
4 the duty of the controller, if any, to allow, and of the
5 treasurer of the county to pay, the sum out of any appropriation
6 available therefor, or out of the first unappropriated moneys
7 that come into the treasury of the county.

8 (d) Any county may, by a majority vote of its qualified
9 registered electors cast at any primary or election held not
10 earlier than one hundred three weeks after they have voted to
11 adopt such electronic voting system, direct the discontinuance
12 of the use of such system at elections and primaries held in
13 such county. The question for the discontinuance of the use of
14 such system shall be submitted to the voters, subject to the
15 same requirements as to resolution or petition and signatures
16 thereon, as is required for the submission of the question on
17 the authorization of the use of such electronic voting system.
18 Such question for discontinuance must be submitted to the
19 qualified registered electors of the county which voted on the
20 question of the adoption of such system.

21 Such question as to the discontinuance of the use of an
22 electronic voting system shall be submitted in the following
23 form:

24 "Shall the use of an electronic voting system be continued in
25 the county of?"

26 Section 1105-A. Examination and Approval of Electronic
27 Voting Systems by the Secretary of the Commonwealth.--(a) Any
28 person or corporation owning, manufacturing or selling, or being
29 interested in the manufacture or sale of, any electronic voting
30 system, may request the Secretary of the Commonwealth to examine

1 such system. Any ten or more persons, being qualified registered
2 electors of this Commonwealth, may, at any time, request the
3 Secretary of the Commonwealth to reexamine any electronic voting
4 system theretofore examined and approved by him. Before any such
5 examination or reexamination, the person, persons, or
6 corporation, requesting such examination or reexamination, shall
7 pay to the Treasurer of the Commonwealth an examination fee of
8 four hundred fifty dollars (\$450). The Secretary of the
9 Commonwealth may, at any time, in his discretion, reexamine any
10 such system.

11 (b) The Secretary of the Commonwealth shall thereupon
12 require such electronic voting system to be examined or
13 reexamined by three examiners, whom he shall appoint for the
14 purpose, of whom one shall be an expert in patent law, and the
15 other two shall be experts in electronic computer systems, and
16 shall require of them a written report on such system, attested
17 by their signatures; and the Secretary of the Commonwealth
18 himself shall examine the electronic voting system, and shall
19 make and file in his office, together with the reports of the
20 examiners appointed by him, his own report, attested by his
21 signature and the seal of his office, stating whether, in his
22 opinion and in consideration of the reports of the examiners
23 aforesaid, the kind of system so examined can be safely used by
24 electors at elections and primaries, as provided in this act. If
25 this report states that the system can be so used, such system
26 shall be deemed approved, and may be adopted for use at
27 primaries and elections, as herein provided.

28 (c) No kind of an electronic voting system not so approved
29 shall be used at any primary or election, and if, upon the
30 reexamination of any such system previously approved, it shall

1 appear that the system so reexamined can no longer be safely
2 used by electors at primaries and elections as provided in this
3 act, the approval of the same shall forthwith be revoked by the
4 Secretary of the Commonwealth, and no such electronic voting
5 system shall thereafter be purchased for use in this
6 Commonwealth.

7 (d) When an electronic voting system has been so approved,
8 no improvement or change that does not impair its accuracy,
9 efficiency or capacity, shall render necessary a reexamination
10 or reapproval of such system, or of its kind.

11 (e) Neither the Secretary of the Commonwealth, nor any
12 examiner appointed by him for the purpose prescribed by this
13 section, nor any member of a county election board shall have
14 any pecuniary interest in any electronic voting system, or the
15 manufacture or sale thereof.

16 (f) Each examiner appointed hereunder shall receive a
17 compensation of one hundred fifty dollars (\$150) for each
18 different type of electronic voting system examined by him.

19 Section 1106-A. Experimental Use of Electronic Voting
20 Systems.--The county board of elections of any county may
21 provide for experimental use at any primary or election in one
22 or more election districts of said county, of an electronic
23 voting system, and the use of such system shall be as valid for
24 all purposes as if the electronic voting system had been adopted
25 in accordance with the provisions of this act.

26 Section 1107-A. Requirements of Electronic Voting Systems.--
27 No electronic voting system shall, upon any examination or
28 reexamination, be approved by the Secretary of the Commonwealth,
29 or by any examiner appointed by him, unless it shall, at the
30 time, satisfy the following requirements:

1 (1) Provide for voting in secrecy, except in the case of
2 voters who have received assistance as provided by law.

3 (2) Permit each voter, at other than primary elections, to
4 vote a straight political party ticket by one mark or punch and,
5 by one mark or punch, to vote for all the candidates of one
6 political party for Presidential electors, and by one mark or
7 punch, to vote for all the candidates of one political party for
8 every office to be voted for, and every such mark or punch shall
9 be equivalent to and be counted as a vote for every candidate of
10 a political party so marked, including its candidates for
11 Presidential electors, except those offices to which the voter
12 has indicated by mark or punch a choice for individual
13 candidates of the same or another political party or political
14 body in any office block, in which case the automatic tabulating
15 equipment shall credit the vote only for the candidates thus
16 individually marked or punched, notwithstanding the fact that
17 the voter has made a mark or punch for a straight political
18 party ticket, and even though in the case of an office for which
19 more than one candidate is to be voted for, the voter has not
20 marked or punched for such office the full number of candidates
21 for which he is entitled to vote.

22 (3) Permit each voter to vote, at any election or primary,
23 for all persons and offices for whom and for which he is
24 lawfully entitled to vote, whether or not the name of such
25 person appears upon a ballot label as a candidate for nomination
26 or election, and to vote for as many persons for an office as he
27 is entitled to vote for, and to vote for or against any question
28 upon which he is entitled to vote, and the automatic tabulating
29 equipment shall reject choices recorded on his ballot if the
30 number of choices exceeds the number for which he is entitled to

1 vote.

2 (4) Permit each voter, at other than primary elections, to
3 vote for the nominees of one or more parties and for independent
4 candidates.

5 (5) Permit each voter to vote for candidates in the primary
6 of the political party of his choice, and reject any votes cast
7 for candidates of another party.

8 (6) Prevent the voter from voting for the same person more
9 than once for the same office.

10 (7) Be suitably designed for the purpose used, of durable
11 construction, and may be used safely, efficiently and accurately
12 in the conduct of elections and counting ballots.

13 (8) When properly operated, record correctly and count
14 accurately every vote cast.

15 (9) If the system is designed to provide automatic
16 tabulation at a polling place:

17 (i) It shall provide facilities for rejecting the vote for
18 an office if the voter has voted for more persons for any office
19 than he is entitled to vote for, or for any questions that the
20 voter has voted on more than once.

21 (ii) It shall have a counter, or other device, which is
22 visible from the outside of the machine, which shall show during
23 any period of operation the total number of ballots entered for
24 tabulation.

25 (iii) It shall be provided with a lock, or locks or other
26 sealing provision by which, immediately after the tabulation
27 operation is completed, all movement of the registering
28 mechanism is absolutely prevented.

29 (iv) It shall be so constructed that a voter, or the
30 district election board may readily enter the ballot cards for

1 tabulation.

2 (v) It shall be safely transportable.

3 (vi) It shall be so constructed and controlled that, during
4 the progress of voting, it shall preclude every person from
5 seeing or knowing the number of votes registered for any
6 candidate, or questions: and it shall preclude every person from
7 tampering with any of the registering mechanism.

8 (vii) It shall be equipped with mechanism for printing
9 return sheets upon which shall be imprinted the cumulative total
10 number of voters whose ballot cards have been tabulated; the
11 cumulative total number of votes cast for each candidate whose
12 name appears on the ballot; and the cumulative total number of
13 votes cast for, or against, any measure appearing on the ballot.

14 (viii) It shall be equipped with mechanism for printing zero
15 (000) proof sheets upon which shall be imprinted the code and
16 identification number of each candidate, each measure, and the
17 ballots cast counter to verify that the counting mechanism for
18 each candidate, each measure, and the ballots cast counter is
19 set at zero (000).

20 (ix) It shall provide for delivery of voted and counted
21 ballots and test ballots to a central counting center for a
22 verification count as provided in section 1112-A: provided
23 further that said counting center may be available to tabulate
24 ballots in the event of a malfunction of the automatic
25 tabulating equipment at the polls; or for delivery of voted and
26 counted ballots and test ballots, under proper seal, to the
27 county board of elections when making the official election
28 returns.

29 Section 1108-A. Forms.--(a) Ballot labels used in
30 conjunction with ballot cards shall, as far as practicable, be

1 in the same order or arrangement as provided for paper ballots
2 or voting machine ballots, except that such information may be
3 printed in vertical columns or in a number of separate pages
4 which are placed on the voting device.

5 The pages placed on the voting device may be of sufficient
6 number to include, following the listing of particular
7 candidates, the names of candidates for any nonpartisan offices
8 and any measures for which a voter may be qualified to vote on a
9 given election day, provided further that for municipal, general
10 or special elections, the first ballot page shall list in the
11 order that such political parties are entitled to priority on
12 the ballot, the names of such political parties with designating
13 arrows so as to indicate the voting square or position on the
14 ballot card where the voter may insert by one mark or punch the
15 straight party ticket of his choice.

16 In a primary election the pages placed on the voting device
17 may be arranged with the entire ballot label consisting of
18 several groups of pages, so that a separate group can be used to
19 list the names of candidates seeking nomination of each
20 qualified political party, with additional groups used to list
21 any nonpartisan offices or measures. Groups of pages may be
22 identified by color or other suitable means, and voters shall be
23 instructed to vote only for candidates of the party of their
24 choice and thereafter to vote for any nonpartisan candidates or
25 measures.

26 (b) Ballot labels shall be printed in plain clear type in
27 black ink, of such size and arrangement as to fit the
28 construction of the voting device; and they shall be printed on
29 clear white material or on material of different colors to
30 identify different ballots or parts of the ballot and in primary

1 elections to identify each political party.

2 (c) In all ballot labels the titles of offices and the names
3 of candidates shall in all elections and primaries be arranged
4 in vertical columns or in a series of separate pages. The office
5 titles shall be printed above or at the side of the names of
6 candidates so as to indicate clearly the candidates for each
7 office and the number to be elected. All candidates for one
8 office shall be grouped on one page. In case there are more
9 candidates for an office than can be printed in one column or on
10 one ballot page, the ballot label shall be clearly marked that
11 the list of candidates is continued on the following column or
12 page, and so far as possible, the same number of names shall be
13 printed on each column or page. In partisan elections the party
14 designation of each candidate shall be printed to the right or
15 below the candidate's name. Arrows may be used to indicate the
16 place to vote for each candidate and on each measure.

17 (d) In partisan elections the ballot cards shall include a
18 voting square or position whereby the voter may by one punch
19 record a straight party ticket vote for all the candidates of
20 one party or may vote a split ticket for the candidates of his
21 choice.

22 (e) In primary elections, the Secretary of the Commonwealth
23 shall choose a color for each party eligible to have candidates
24 on the ballot and a separate color for independent voters. The
25 ballot cards or paper ballots and ballot pages shall be printed
26 on card or paper stock of the color of the party of the voter
27 and the appropriate party affiliation or independent status
28 shall be printed on the ballot card or at the top of the paper
29 ballot and on the ballot pages.

30 (f) Ballot cards shall be of the size, design and stock

1 suitable for processing by automatic data processing machines.
2 Each ballot card shall have an attached serially numbered
3 perforated stub, which shall be removed by an election officer
4 before it is deposited in the ballot box. The name of the
5 county, the words "official ballot," and a facsimile of the
6 signature of the members of the county board shall be printed on
7 the ballot card stub.

8 (g) Sample ballots, which shall be facsimile copies of the
9 official ballot or ballot labels, shall be provided and posted
10 in each polling place on election day as required by law. Sample
11 ballots may be printed on a single page or on a number of pages
12 stapled together.

13 (h) In primaries and elections in which voters are
14 authorized to vote for persons whose names do not appear on the
15 ballot, a separate write-in ballot, which may be in the form of
16 a paper ballot, card or envelope in which the voter places his
17 ballot card after voting, shall be provided to permit voters to
18 write in the title of the office and the name of the person or
19 persons for whom he wishes to vote.

20 Section 1109-A. Polling Places; Supplies.--(a) Prior to any
21 election or primary at which electronic voting devices are used,
22 the county board shall have the voting devices, voting booths,
23 ballots, ballot boxes, ballot labels, ballot cards, write-in
24 ballots and such other records and supplies as required:
25 Provided, that in the event the electronic voting system is of
26 the type that provides for vote tabulation at the polling place,
27 the county board shall deliver, at least one hour before the
28 time set for the opening of the polls at each primary or
29 election, such vote tabulator and shall position the same for
30 proper use. Whereupon, such tabulator shall remain locked and

sealed until the examination and tests of sample ballot cards
immediately preceding its use, as prescribed by this act:
provided further, that prior to the delivery of the automatic
vote tabulator to the polling place the county election board
shall make a certificate stating:

(1) The identifying number and election district designation
of the tabulator;

(2) That the tabulator has been correctly set up and
instructed for the particular election district designated;

(3) That the automatic vote tabulator was tested to
ascertain that it will accurately count the votes cast for all
offices and all measures;

(4) That the offices and measures correspond in all respects
with the ballot labels assigned to such particular election
district;

(5) That the mechanism for printing the return sheets is
functioning correctly; and

(6) The number on the seal with which the tabulator is
sealed.

(b) Unless the voting device enables the voter to mark his
choices in secret, the county board shall provide voting booths
for each voting district, which shall be of a size and design so
as to enable the voter to mark his ballot in secret. The board
shall determine the number of voting devices and voting booths
to be provided.

Section 1110-A. Preparation; Voting Instructions.--(a) The
district election board shall arrive at the polling place thirty
minutes before the opening of the polls, open the voting
devices, and examine them to see that they are in proper working
order. They shall open and check the ballots, supplies, records

1 and forms, and post the sample ballots and instruction to
2 voters.

3 (b) Each voter shall be instructed how to operate the voting
4 device before he enters the voting booth. If any voter, after
5 entering the voting machine booth and before the closing of such
6 booth, shall ask for further instructions concerning the manner
7 of voting, any one of the election officers may give him such
8 instructions, but no person giving a voter such instructions
9 shall in any manner request, suggest or seek to persuade or
10 induce any such elector to vote any particular ticket or for any
11 particular candidate or for or against any particular question.
12 After giving such instructions, and before the elector closes
13 the booth or votes, the election officer shall retire, and the
14 elector shall forthwith vote.

15 (c) Any voter who spoils his paper ballot or ballot card may
16 return it and secure another. The word "spoiled" shall be
17 written across the face of the ballot and it shall be placed in
18 the envelope for spoiled ballots.

19 (d) After the voter has marked his paper ballot or ballot
20 card, he shall place the ballot inside the envelope provided for
21 this purpose and return it to the election officer, who shall
22 remove the stub and deposit the envelope with the ballot inside
23 the ballot box. No ballot card from which the stub has been
24 detached shall be accepted by the election officer in charge of
25 the ballot box, but it shall be marked "spoiled" and placed with
26 the spoiled ballot cards.

27 (e) As soon as the polls have been closed and the last
28 qualified voter has voted, all unused ballots shall be placed in
29 a container and sealed for return to the county board. The
30 ballot box shall be opened, and any ballots containing write-in

1 votes shall be separated, counted, and tabulated on a standard
2 form provided for this purpose. If the voter has cast more votes
3 for an office than he is entitled to vote for that office as a
4 result of the write-in vote, the entire vote cast for that
5 office shall be declared void, and shall not be counted. Any
6 such ballots shall be returned with the reporting form for
7 write-in vote tabulation with proper notation to the election
8 board at the counting center to disregard all votes cast for
9 such office on such ballot card, and placed in the ballot
10 container with all other voted ballots for delivery to the
11 counting center, and the voting devices shall be placed in their
12 containers for returning to the county board.

13 (f) The election officers shall prepare a report of the
14 number of voters who have voted, as indicated by the poll list,
15 and shall place the original copy of this report in the ballot
16 container for delivery to the counting center, which shall then
17 be sealed so that no additional ballots may be deposited or
18 removed. The duplicate copy of this report shall be returned to
19 the election board with other records. The judge of election and
20 minority inspector shall forthwith deliver the ballot container
21 to the counting center or other designated place. The county
22 board may provide that the ballots shall be picked up at the
23 polling places by two authorized election deputies of opposite
24 parties.

25 Section 1111-A. Voting; Returns.--(a) Prior to the start of
26 the counting of the ballots, the board of elections shall have
27 the automatic tabulating equipment tested to ascertain that it
28 will accurately count the votes cast for all offices and all
29 measures. Public notice of the time and place of the test shall
30 be given at least forty-eight hours prior to it by publication

1 once in one or more daily or weekly newspaper published in the
2 county, city or jurisdiction where the equipment is used, if a
3 newspaper is published there, otherwise in a newspaper of
4 general circulation there. The test shall be conducted by
5 processing a preaudited group of paper ballots or ballot cards
6 on which are recorded a predetermined number of valid votes for
7 each candidate and on each measure and shall include for each
8 office one or more ballots which have votes in excess of the
9 number allowed by law in order to test the ability of the
10 automatic tabulating equipment to reject such votes. In such
11 test a different number of valid votes shall be assigned to each
12 candidate for an office, and for and against each measure. If
13 any error is detected, the cause of it shall be ascertained and
14 corrected and an errorless count shall be made and certified to
15 by the board before the count is started. The tabulating
16 equipment shall pass the same test at the conclusion of the
17 count before the election returns are approved as official. On
18 completion of the count, the programs, test materials, and
19 ballots shall be sealed and retained as provided for paper
20 ballots.

21 (b) All proceedings at the counting center shall be under
22 the direction of the county board or persons designated by it
23 and shall be conducted under the observation of the public, but
24 no persons except those authorized for the purpose shall touch
25 any ballot or ballot card or return. All persons who are engaged
26 in processing and counting of the ballots shall be deputized and
27 take an oath that they will faithfully perform their assigned
28 duties.

29 Each political party or political body represented on the
30 ballot may have one technically qualified person, authorized by

1 the county chairman, and deputized by the county board present
2 during the testing of equipment and actual counting of the
3 ballots. Such persons shall be allowed to make independent tests
4 of the equipment prior to, during, and following the vote count;
5 however, such testing shall in no way interfere with the
6 official tabulation of the ballots. In addition, each political
7 party or political body shall be entitled to have watchers at
8 the counting center in sufficient number, to be determined by
9 the board, as to permit accurate observance of the receipt,
10 handling, duplication, and processing of all ballots.

11 If any ballot is damaged or defective so that it cannot
12 properly be counted by the automatic tabulating equipment, a
13 true duplicate copy shall be made and substituted for the
14 damaged ballot. All duplicate ballots shall be clearly labeled
15 "duplicate," and shall bear a serial number which shall be
16 recorded on the damaged or defective ballot. The election board
17 may prior to the conduct of the official count conduct an
18 unofficial count in order to provide early unofficial returns to
19 the public.

20 (c) The return printed by the automatic tabulating
21 equipment, to which have been added write-in and absentee votes,
22 shall, when certified by the election board constitute the
23 official return of each voting district. This board may from
24 time to time release unofficial returns. Upon completion of the
25 count, the official returns shall be open to the public.

26 (d) If for any reason it becomes impracticable to count all
27 or a part of the ballots with tabulating equipment, the board
28 may direct that they be counted manually, following as far as
29 practicable the provisions governing the counting of paper
30 ballots.

1 (e) The election board may report the progress of the count
2 for each candidate during the actual counting of ballots after
3 the polls are closed.

4 (f) Notwithstanding the foregoing provisions of this
5 section, nothing contained in this section shall prevent
6 counties wherein automatic vote tabulating equipment is used at
7 polling places, from generating the returns from each election
8 district for input into a centralized counting system.

9 Section 1112-A. Absentee Ballots.--Absentee votes may be
10 cast on paper ballots or ballot cards, or both methods may be
11 used. Such ballots shall first be counted for write-in votes by
12 the election officers provided in accordance with subsection (e)
13 of section 1110-A of this act and then either hand-counted or
14 automatically counted on the electronic system, whichever is
15 most convenient. Such ballots may be counted at the counting
16 center. A true copy of absentee paper ballots may be made on
17 ballot cards, which after being duly verified in the presence of
18 witnesses, shall be counted in the same manner as other ballot
19 cards. These true copies may be made no earlier than the opening
20 of the polls on election day. Counting of absentee ballots or
21 the true copies may begin no earlier than the time set forth in
22 this act for the closing of the polls.

23 Section 1113-A. Ballots and Ballot Labels; Dispositions.--
24 Upon completion of the count, all ballot cards, absentee
25 ballots, write-in ballots and paper ballots shall be securely
26 packaged, suitably labeled and sealed, and delivered to the
27 election board. The board shall likewise package and seal a true
28 copy of the ballot label used in each voting district.
29 Thereafter these packages are to be retained and disposed of in
30 the same manner as ballots and related materials are disposed of

1 under the provisions of this act.

2 The board shall likewise package and retain all tabulating
3 cards and other materials used in the programming of the
4 automatic tabulating equipment but may have access to these
5 tabulating cards and other materials. It shall not alter or make
6 changes to these materials, but may make copies of them and make
7 changes to the copies. Within twelve months after the election
8 in which they were used, the board may dispose of these
9 materials or not, as it sees fit.

10 Section 1114-A. Statistical Sample.--The county board of
11 elections, as part of the computation and canvass of returns,
12 shall conduct a statistical recount of a random sample of
13 ballots after each election using manual, mechanical or
14 electronic devices of a type different than those used for the
15 specific election. The sample shall include at least two per
16 centum of the votes cast or two thousand (2,000) votes whichever
17 is the lesser.

18 Section 1115-A. Recounts.--Should a recount of votes be
19 ordered as provided by law, the ballots shall be recounted in
20 accordance with the provisions of Article XVII of this act.
21 Manual mechanical or electronic methods may be used as
22 determined by the county board.

23 Section 1116-A. Construction.--The provisions of this
24 article shall constitute an additional method of voting and all
25 provisions of this act shall be construed to be in full force
26 and effect unless inconsistent with the provisions of this
27 article.

28 Section 2. This act shall take effect in 30 days.