

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 69

Session of
1977

INTRODUCED BY RENWICK, ENGLEHART, BRUNNER, E. H. SMITH, FISHER,
YAHNER, COLE, DeMEDIO, MILANOVICH, KOLTER, S. E. HAYES JR.,
C. GEORGE, LETTERMAN AND SWEET, FEBRUARY 7, 1977

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 7, 1977

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:

17 ARTICLE XI-A

18 Computer Electronic Voting Systems

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

20 "Automatic tabulating equipment" means any apparatus which
21 automatically examines and computes votes registered on paper
22 ballots, ballot cards or district totals cards or votes

1 registered electronically and which tabulates such votes.

2 "Ballot" means ballot cards or paper ballots upon which a
3 voter registers or records his vote or the apparatus by which
4 the voter registers his vote electronically and shall include
5 any ballot envelope, paper or other material on which a vote is
6 recorded for persons whose names do not appear on the ballot
7 labels.

8 "Ballot card" means a card which is compatible with automatic
9 tabulating equipment and on which votes may be registered.

10 "Ballot label" means the cards, papers, booklets, pages or
11 other materials which contain the names of offices and
12 candidates and the statements of questions to be voted on and
13 which are used in conjunction with the voting device.

14 "Counting center" means one or more locations selected by the
15 county board of elections for the automatic tabulation of votes.

16 "Custodian" shall mean the person charged with the duty of
17 testing and preparing voting devices and automatic tabulating
18 equipment for elections and instructing election officials in
19 the use of such voting devices and equipment.

20 "District totals cards" means a card which is compatible with
21 automatic tabulating equipment and may be used in any voting
22 system which provides for the initial computation and tabulation
23 of votes at the district level to record the total number of
24 votes cast for each candidate whose name appears on the ballot,
25 the total number of write-in votes properly cast for each office
26 on the ballot and the total number of votes cast for or against
27 any question appearing on the ballot.

28 "Election" and "elections" shall mean all general, municipal,
29 primary and special elections.

30 "Electronic voting system" means a system in which one or

more voting devices are used to permit the registering or recording of votes and in which such votes are computed and tabulated by automatic tabulating equipment.

"Municipality" means a city, borough, incorporated town and township.

"Official ballot" means the list of offices and candidates and the statement of questions reflected on the voting device.

"Paper ballot" means a printed paper ballot which conforms in layout and format to the voting device in use.

"Public counter" shall mean a counter or other element which shall at all times publicly indicate how many ballots have been cast during the course of the election.

"Question" shall mean the statement of a constitutional amendment or other proposition which is submitted to a popular vote at any election.

"Voting booth" shall mean the enclosure occupied by the voter when voting.

"Voting device" means either an apparatus in which paper ballots or ballot cards are used in connection with an implement by which a voter registers his votes with ink or other substance or by punching, or an apparatus by which such votes are registered electronically, so that in either case the votes so registered may be computed and tabulated by means of automatic tabulating equipment.

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

1 held at polling places in such county or municipality.

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

8 (b) The county election board, upon receipt of a request
9 from the governing body of a municipality, said request being
10 evidenced by the filing of a copy of a resolution certified by
11 the secretary or clerk of the municipality, or upon the filing
12 of a petition with them signed by qualified registered electors
13 of the county or municipality, equal in number to at least one
14 (1) per centum of the total number of electors who voted in said
15 county or municipality, at the preceding general or municipal
16 election, but in no case less than fifty, shall, at the next
17 primary or election, occurring at least sixty days thereafter,
18 submit to the qualified registered electors of such county or
19 municipality, the question "Shall an electronic voting system be
20 used at polling places in the (county or municipality) of
21?"

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

25 (d) The election on said question shall be held at the
26 places, during the hours, and under the regulations, provided by
27 law for holding primaries and elections, and shall be conducted
28 by the election officers provided by law to conduct such
29 elections. The election officers shall count the votes cast at
30 the elections on said question, and shall make return thereof to

1 the county election board of the county, as required by law.
2 Said returns shall be computed by the county election board, or
3 other return board, and, when so computed, a certificate of the
4 total number of electors voting "Yes" and of the total number of
5 electors voting "No" on such question shall be filed in the
6 office of the county election board, and copies thereof,
7 certified by the county election board, shall forthwith be
8 furnished to the Secretary of the Commonwealth, and to the
9 county commissioners or other appropriating authority of the
10 county or municipality.

11 (e) If a majority of the electors of any county or
12 municipality, voting on such question, shall vote against the
13 adoption of an electronic voting system the question shall not
14 again be submitted to the voters of such county or municipality
15 within a period of one hundred three weeks.

16 (f) Whenever, under the provisions of this act, the question
17 of the adoption of an electronic voting system is to be
18 submitted to the electors of any county, the county board of
19 elections shall purchase, lease or otherwise procure those parts
20 of the system used by the voter in a quantity sufficient for
21 reasonable demonstration of the system or systems in such county
22 prior to the general or municipal election in question.

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

24 (a) If a majority of the qualified registered electors voting
25 on the question in any county or municipality vote in favor of
26 the adoption of an electronic voting system, the county board of
27 elections of that county shall purchase, lease, or otherwise
28 procure for each election district of such county or
29 municipality, the components of an electronic voting system of a
30 kind approved, as hereinafter provided, by the Secretary of the

1 Commonwealth, and the board shall thereafter notify the
2 Secretary of the Commonwealth, in writing, that they have done
3 so.

4 (b) The installation throughout the county or municipality
5 of the electronic voting system adopted by the county board of
6 elections may be accomplished either simultaneously in all
7 election districts or in stages at the discretion of the county
8 board, and the manner of implementation as among election
9 districts shall also be at the discretion of the county board;
10 Provided, however, That the electronic voting system adopted by
11 the county board shall be fully implemented throughout the
12 county or municipality within one hundred and three weeks after
13 the approval of the adoption of an electronic voting system by
14 the electors of the county or municipality. Upon the
15 installation of an electronic voting system in any election
16 district, the use therein of paper ballots and of voting
17 machines shall be discontinued, except as otherwise provided
18 herein.

19 (c) If the question hereinbefore provided shall have been
20 submitted to the qualified registered electors of the county or
21 municipality and the majority of the electors voting thereon
22 shall have voted favorably thereon, and if the county board of
23 elections shall not, within one year after such vote, have
24 executed a contract or contracts providing for the purchase,
25 lease or other procurement of an electronic voting system for
26 use at the general, municipal, primary or special election
27 occurring at least one year and sixty days after such vote, then
28 the Secretary of the Commonwealth shall forthwith in writing,
29 notify the said county board of elections that, after the
30 expiration of thirty days, he, under the authority of this act,

1 will award, make and execute such contract or contracts on
2 behalf of the said county, unless the said county board of
3 elections shall make and execute the same prior to the
4 expiration of that period and shall notify him, in writing, that
5 they have done so.

6 (d) If, upon the expiration of said thirty days, the county
7 board of elections still shall not have made and executed a
8 contract or contracts providing for the purchase, lease or other
9 procurement of an electronic voting system as aforesaid, the
10 Secretary of the Commonwealth, on behalf of the said county and
11 upon the approval of the Attorney General as to form, shall
12 thereupon award, make and execute a contract or contracts for
13 the purchase, lease or other procurement of an electronic voting
14 system, approved as required by this act, for each election
15 district within such county or municipality, and the cost of
16 such system, including the preparation and printing of
17 specifications and all other necessary expenses incidental
18 thereto, shall be the debt of the said county, and upon the
19 certificate of the Secretary of the Commonwealth, it shall be
20 the duty of the controller, if any, to allow, and of the
21 treasurer of the county to pay, the sum out of any appropriation
22 available therefore or out of the first unappropriated moneys
23 that come into the treasury of the county. If the Secretary of
24 the Commonwealth shall find it impracticable to procure an
25 electronic voting system for installation in each election
26 district of the county or municipality for use at the election
27 then next ensuing, he shall provide for the installation of such
28 a system in as many election districts of the county or
29 municipality as shall be practicable and, as soon thereafter as
30 practicable, shall provide for the installation of such system

1 in the remainder of the election districts of the county or
2 municipality.

3 (e) Any county or municipality may, by a majority vote of
4 its qualified registered electors cast at any general or
5 municipal election held not earlier than one hundred and three
6 weeks after they have voted to adopt an electronic voting
7 system, direct the discontinuance of the use of such a system at
8 all elections held in such county or municipality. Upon the
9 receipt by the county board of elections of a petition signed by
10 qualified registered electors of the county or municipality
11 equal in number to at least twenty-five (25) per centum of the
12 total number of electors who voted in said county or
13 municipality at the last preceding gubernatorial election, the
14 question for the discontinuance of the use of such an electronic
15 voting system shall be submitted to the qualified registered
16 electors of that county or municipality, subject to the same
17 requirements as to the conduct of the election as is required
18 for the submission of the question on the authorization of the
19 use of an electronic voting system. The question as to the
20 discontinuance of the use of an electronic voting system shall
21 be submitted in the following form: "Shall the use of an
22 electronic voting system be continued in the (county or
23 municipality) of?"

24 Section 1105-A. Examination and Approval of Electronic
25 Voting Systems by the Secretary of the Commonwealth.--(a) Any
26 person or corporation owning, manufacturing or selling, or being
27 interested in the manufacture or sale of, any electronic voting
28 system, may request the Secretary of the Commonwealth to examine
29 such system. Any ten or more persons, being qualified registered
30 electors of this Commonwealth, may, at any time, request the

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

9 (b) Upon receipt of a request for examination or
10 reexamination of an electronic voting system as herein provided
11 for or in the event he determines to reexamine any such system,
12 the Secretary of the Commonwealth shall require such electronic
13 voting system to be examined or reexamined by three examiners
14 whom he shall appoint for that purpose, of whom one shall be an
15 expert in patent law and the other two shall be experts in
16 electronic computer systems, automatic tabulating equipment or
17 such other fields as in the judgment of the Secretary of the
18 Commonwealth shall be reasonably related to the operation of the
19 electronic voting system under examination, and he shall require
20 of them a written report on such system, attested by their
21 signatures; and the Secretary of the Commonwealth himself shall
22 examine the electronic voting system and shall make and file in
23 his office, together with the reports of the examiners appointed
24 by him, his own report, attested by his signature and the seal
25 of his office, stating whether, in his opinion and in
26 consideration of the reports of the examiners aforesaid, the
27 system so examined can be safely used by voters at elections as
28 provided in this act and meets all of the requirements
29 hereinafter set forth. If his report states that the system can
30 be so used and meets all such requirements, such system shall be

1 deemed approved and may be adopted for use at elections, as
2 herein provided. With respect to any electronic voting system
3 approved for use in this Commonwealth by the secretary, the
4 report of the secretary shall specify the capacity of the
5 components of that system, the number of voters who may
6 reasonably be accommodated by the voting devices and automatic
7 tabulating equipment which comprise such system and the number
8 of additional clerks, if any, that may be required based on the
9 number of registered electors in any election district in which
10 the voting system is to be used, such specifications being based
11 upon the reports of the examiners and the secretary's own
12 examination of the system. Any county which thereafter may adopt
13 any such approved system shall provide the components of such
14 system in a number no less than that sufficient to accommodate
15 the voters of that county or municipality in accordance with the
16 minimum capacity standards so prescribed by the secretary.

17 (c) No electronic voting system not so approved shall be
18 used at any election, and if, upon the reexamination of any such
19 system previously approved, it shall appear that the system so
20 reexamined can no longer be used safely by voters at elections
21 as provided in this act or does not meet the requirements
22 hereinafter set forth, the approval of that system shall
23 forthwith be revoked by the Secretary of the Commonwealth, and
24 that system shall not thereafter be used or purchased for use in
25 this Commonwealth.

26 (d) When an electronic voting system has been so approved,
27 no improvement or change that does not impair its accuracy,
28 efficiency or capacity or its compliance with the requirements
29 hereinafter set forth, shall render necessary the reexamination
30 or reapproval of such system.

1 (e) Neither the Secretary of the Commonwealth, nor any
2 examiner appointed by him for the purposes prescribed by this
3 section, nor any member of a county board of elections shall
4 have any pecuniary interest in any electronic voting system or
5 in any of the components thereof, or in the design, manufacture
6 or sale thereof.

7 (f) Each examiner appointed hereunder shall receive a
8 compensation of one hundred and fifty dollars (\$150) for each
9 type of electronic voting system examined by him.

10 Section 1106-A. Experimental Use of Electronic Voting
11 Systems.--The county board of elections of any county may
12 provide for experimental use at any primary or election in one
13 or more election districts of said county, of an electronic
14 voting system, and the use of such system shall be as valid for
15 all purposes as if the electronic voting system had been adopted
16 in accordance with the provisions of this act.

17 Section 1107-A. Requirements of Electronic Voting Systems.--
18 No electronic voting system shall, upon any examination or
19 reexamination, be approved by the Secretary of the Commonwealth,
20 or by any examiner appointed by him, unless it shall be
21 established that such system, at the time of such examination or
22 reexamination:

23 (1) Provides for voting in absolute secrecy and prevents any
24 person from seeing or knowing for whom any voter, except one who
25 has received or is receiving assistance as prescribed by law,
26 has voted or is voting.

27 (2) Provides facilities for voting for such candidates as
28 may be nominated and upon such questions as may be submitted.

29 (3) Permits each voter, at other than primary elections, to
30 vote a straight political party ticket by one mark or act and,

1 by one mark or act, to vote for all the candidates of one
2 political party for presidential electors and, by one mark or
3 act, to vote for all the candidates of one political party for
4 every office to be voted for, and every such mark or act shall
5 be equivalent to and shall be counted as a vote for every
6 candidate of the political party so marked including its
7 candidates for presidential electors, except with respect to
8 those offices as to which the voter has registered a vote for
9 individual candidates of the same or another political party or
10 political body, in which case the automatic tabulating equipment
11 shall credit the vote for that office only for the candidate
12 individually so selected, notwithstanding the fact that the
13 voter may not have individually voted for the full number of
14 candidates for that office for which he was entitled to vote.

15 (4) Permits each voter, at other than primary elections, to
16 vote a ticket selected from the nominees of any and all
17 political parties, from the nominees of any and all political
18 bodies, and from any persons whose names are not in nomination
19 and do not appear upon the official ballot.

20 (5) Permits each voter to vote for any person and any office
21 for whom and for which he is lawfully entitled to vote, whether
22 or not the name of such person appears upon the ballot as a
23 candidate for nomination or election.

24 (6) Permits each voter to vote for as many persons for any
25 office as he is entitled to vote for and to vote for or against
26 any question upon which he is entitled to vote and precludes
27 each voter from voting or from having his vote tabulated for any
28 candidate, or upon any question, for whom or upon which he is
29 not entitled to vote.

30 (7) If it is of a type that registers the vote

electronically, the voting system shall preclude each voter from voting for more persons for any office than he is entitled to vote for or upon any question more than once.

(8) Precludes each voter from voting or from having his vote tabulated more than once for any candidate for the same office or upon any question, except in districts and for offices where cumulative voting is authorized by law.

(9) Permits each voter at a primary election to vote only for the candidates seeking nomination by a political party in which such voter is registered and enrolled, and for any candidate for nonpartisan nomination, and for any question upon which he is entitled to vote.

(10) If it is of a type that registers the vote electronically, the voting system shall permit each voter to change his vote for any candidate or upon any question appearing on the official ballot up to the time that he takes the final step to register his vote and to have his vote computed. If it is of a type that uses paper ballots or ballot cards to register the vote and automatic tabulating equipment to compute such votes, the system shall provide that a voter who spoils his ballot may obtain another ballot; any ballot thus returned shall be immediately cancelled and at the close of the polls shall be enclosed in an envelope marked "spoiled" which shall be sealed and returned to the county board.

(11) Is suitably designed for the purpose used, is constructed in a neat and workmanlike manner of durable material of good quality, is safely and efficiently useable in the conduct of elections and, with respect to the counting of ballots cast at each district, is suitably designed and equipped to be capable of absolute accuracy, which accuracy shall be

1 demonstrated to the Secretary of the Commonwealth.

2 (12) Provides acceptable ballot security procedures and
3 impoundment of ballots to prevent tampering with or substitution
4 of any ballots or ballot cards.

5 (13) When properly operated, records correctly and computes
6 and tabulates accurately every valid vote registered.

7 (14) Is safely transportable.

8 (15) Is so constructed that a voter may readily learn the
9 method of operating it.

10 (16) If the voting system is of a type which provides for
11 the computation and tabulation of votes at the district level,
12 the district component of the automatic tabulating equipment
13 shall include the following mechanisms or capabilities:

14 (i) A public counter, the register of which is visible from
15 the outside of the automatic tabulating equipment component into
16 which the ballots are entered, which shall show during any
17 period of operation the total number of ballots entered for
18 computation and tabulation.

19 (ii) A lock, or locks, by the use of which all operation of
20 the tabulation element of the automatic tabulating equipment is
21 absolutely prevented immediately after the polls are closed or
22 where the tabulation of votes is completed.

23 (iii) It shall be so constructed and controlled that, during
24 the progress of voting, it shall preclude every person from
25 seeing or knowing the number of votes theretofore registered for
26 any candidate or question; and it shall preclude every person
27 from tampering with the tabulating element.

28 (iv) If the number of choices recorded for any office or on
29 any question exceeds the number for which the voter is entitled
30 to vote, it shall reject all choices recorded on the ballot for

1 that office or question, provided, that if used during the
2 period of voting it may also have the capacity to indicate to a
3 voter that he has improperly voted for more candidates for any
4 office than he is entitled to vote for, and in such case it
5 shall have the capacity to permit the voter to mark a new ballot
6 or to forego his opportunity to make such correction.

7 (v) It shall be equipped with an element which generates a
8 printed record at the beginning of its operation which verifies
9 that the tabulating elements for each candidate position and
10 each question and the public counter are all set to zero and
11 with an element which generates a printed record at the finish
12 of its operation of the total number of voters whose ballots
13 have been tabulated, the total number of votes cast for each
14 candidate whose name appears on the ballot, and the total number
15 of votes cast for, or against, any question appearing on the
16 ballot.

17 (vi) If used during voting hours, it shall be so designed
18 that only those ballots which have write-in choices shall be
19 subject to handling after the voter has cast his ballot; all
20 such ballots shall be handled only at the close of the polls and
21 only by the officers of the district election board who shall
22 visually verify and tabulate the write-in votes cast. All
23 ballots containing no write-in votes shall be subject to further
24 handling, after having been cast, only by order of any court of
25 competent jurisdiction, or judge thereof, in connection with a
26 recount ordered in accordance with the provisions of this act,
27 or by direction of any legislative committee to investigate and
28 report upon contested primaries or elections affected by the use
29 of such machines, and such data and such figures shall be
30 examined by such committee in the presence of the officer having

1 custody of such ballots.

2 (17) If the voting system is of a type which provides for
3 the computation and tabulation of all votes at a central
4 counting center or if it provides for the tabulation of district
5 totals at such a central counting center, the central automatic
6 tabulating equipment shall include the following mechanisms or
7 capabilities:

8 (i) It shall be constructed so that every person is
9 precluded from tampering with the tabulating element during the
10 course of its operation.

11 (ii) If the number of choices for any office or on any
12 question exceeds the number for which the voter is entitled to
13 vote, it shall reject all choices recorded on the ballot for
14 that office or question.

15 (iii) It shall have a means by which to verify that the
16 tabulating elements for each candidate position and for each
17 question are all set to zero and shall be able to generate a
18 printed record of each election district showing the total
19 number of voters whose ballots have been tabulated, the total
20 number of votes cast for each candidate whose name appears on
21 the ballot, and the total number of votes cast for, or against,
22 any question appearing on the ballot. It shall also be capable
23 of generating cumulative election reports.

24 Section 1108-A. Payment for Machines.--The county
25 commissioners or such other authority as levies the taxes for
26 county purposes of any county which adopts an electronic voting
27 system shall, upon the purchase, lease or other procurement
28 thereof, provide for payment therefor by the county: Provided,
29 however, That bonds or other evidences of indebtedness may be
30 issued in accordance with the provisions of the act of July 12,

1 1972 (P.L.781, No.185) known as the "Local Government Unit Debt
2 Act," to meet all or any appropriate part of the cost of any
3 such system.

4 Section 1109-A. Forms.--(a) (1) Ballot labels used in
5 conjunction with ballot cards shall, as far as practicable, be
6 in the same order or arrangement as provided for paper ballots
7 or voting machine ballots, except that such information may be
8 printed in vertical columns or in a number of separate pages
9 which are placed on the voting device.

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

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

1 (b) Ballot labels shall be printed in plain clear type in
2 black ink, of such size and arrangement as to fit the
3 construction of the voting device; and they shall be printed on
4 clear white material or on material of different colors to
5 identify different ballots or parts of the ballot and in primary
6 elections to identify each political party.

7 (c) On all ballot labels the titles of offices and the names
8 of candidates shall in all elections be arranged in columns or
9 rows in a series of separate pages and, in primary elections,
10 the names of candidates for an office shall appear in the order
11 that was established under the provisions of sections 915 and
12 916. The office titles shall be printed above or at the side of
13 the names of candidates so as to indicate clearly the candidates
14 for each office and the number to be elected. In partisan
15 elections the party designation of each candidate shall be
16 printed to the right or below the candidate's name. All
17 candidates for one office shall be grouped on one page where
18 practical; in case there are more candidates for an office than
19 can be printed in one column or on one ballot page, the ballot
20 label shall clearly indicate that the list of candidates is
21 continued on the following column or page, and so far as
22 possible, the same number of names shall be printed on each
23 column or page. Arrows may be used to indicate the place to vote
24 for each candidate and for or against every question presented.

25 (d) In partisan elections the ballot cards shall include a
26 voting square or position whereby the voter may by one punch
27 record a straight party ticket vote for all the candidates of
28 one party or may vote a split ticket for the candidates of his
29 choice.

30 (e) In primary elections, the Secretary of the Commonwealth

1 shall choose a color for each party eligible to have candidates
2 on the ballot and a separate color for independent voters. The
3 ballot cards or paper ballots and ballot pages shall be printed
4 on card or paper stock of the color of the party of the voter
5 and the appropriate party affiliation or independent status
6 shall be printed on the ballot card or at the top of the paper
7 ballot and on the ballot pages.

8 (f) Ballot cards, or the portion thereof on which the voter
9 registers his vote, shall be of a size, design and stock
10 suitable for processing by the automatic tabulating equipment
11 used in the voting system. Each ballot card shall have an
12 attached serially numbered perforated stub, which shall be
13 removed by an election officer before the ballot card is
14 deposited in the district automatic tabulating equipment or in a
15 secure ballot box. The name of the county, and a facsimile of
16 the signature of the members of the county board shall be
17 printed on the ballot card stub.

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

23 Section 1110-A. Supplies; Preparation of the Voting System
24 and of Polling Places.--(a) Prior to any election in which an
25 electronic voting system is to be used, the county board of
26 elections shall furnish to each election district, at the
27 expense of the county, the elements of such voting system,
28 including voting devices, automatic tabulating equipment, ballot
29 boxes, ballot labels, ballots, ballot envelopes, forms of
30 certificates, returns and other records and supplies, as are

1 necessary for the proper operation of the voting system at the
2 election district level or as are required under the provisions
3 of this act, all of which shall be in the form and according to
4 the specifications prescribed from time to time by the Secretary
5 of the Commonwealth.

6 (b) Unless the voting device itself enables the voter to
7 register his vote in secret, the county board of elections shall
8 provide voting booths for each election district, which shall be
9 of a size and design which shall enable the voter to register
10 his vote in secret. The county board shall determine the number
11 of voting devices and voting booths to be provided in each such
12 district in order to satisfy the minimum capacity standards
13 prescribed by the Secretary of the Commonwealth.

14 (c) The county board of elections shall appoint a custodian
15 of the electronic voting system and such deputy custodians as
16 may be necessary, and it shall be the duty of such custodians to
17 prepare the voting system and all of its components for use in
18 any election in which such system is employed. Each custodian
19 and deputy custodian shall receive from the county, for each day
20 he is actually employed under the provisions of this act, such
21 compensation as shall be fixed by the county board of elections.
22 Such custodian shall, under the direction of the county board of
23 elections, have charge of and represent the county election
24 board during the preparation of the electronic voting system as
25 required by this act, and he and the deputy custodians, whose
26 duty it shall be to assist him in the discharge of his duties,
27 shall serve at the pleasure of the county board of elections.
28 Each custodian shall take the constitutional oath of office,
29 which shall be filed with the county board of elections.

30 (d) On or before the fortieth day preceding any election,

1 the county board of elections shall mail to the chairman of the
2 county committee of each political party which shall be entitled
3 under existing laws to participate in primary elections within
4 the county, and to the chairman or presiding officer of any
5 organization of citizens within the county which has as its
6 purpose or among its purposes the investigation or prosecution
7 of election frauds and which has registered its name and address
8 and the names of its principal officers with the county board of
9 elections at least fifty days before the election, a written
10 notice stating the times when and the place or places where
11 preparation of the system and its components for use in the
12 several election districts in the county or municipality will be
13 started. One representative of each such political party,
14 certified by the respective chairman of the county committee of
15 such party, and one representative of each such organization of
16 citizens, certified by the respective chairman or presiding
17 officer of such organization shall be entitled to be present
18 during the preparation of the voting system and its components
19 and to see that they are properly prepared and are in proper
20 condition and order for use: Provided, however, That such
21 representatives shall not interfere with the preparation of the
22 system and its components, and the county board may make
23 reasonable rules and regulations governing the conduct of such
24 representatives.

25 (e) Prior to the delivery of any automatic tabulating
26 equipment to any election district the county board of elections
27 shall examine or cause to have examined such equipment and shall
28 make a certificate stating:

29 (1) the identifying number and election district designation
30 of the equipment;

1 (2) that the equipment is suitable for use in the particular
2 election district designated;

3 (3) that the equipment has been tested to ascertain that it
4 will accurately compute the votes cast for all offices and all
5 questions;

6 (4) that the offices and questions on the official ballot
7 correspond in all respects with the ballot labels assigned to
8 such particular election district;

9 (5) that the element which generates a printed record that
10 the public counter and the tabulating element for each candidate
11 position and each question are all set at zero and which
12 generates a printed record of the results of the election is
13 functioning correctly; and

14 (6) the number on the seal with which the equipment is
15 sealed.

16 (f) At least one hour before the time set for the opening of
17 the polls at each election, the county board of elections shall
18 deliver to each election district any district components of the
19 electronic voting system and any supplies necessary to prepare
20 the automatic tabulating equipment for operation in the
21 district, and they shall position such automatic tabulating
22 equipment for proper use in voting. Any tabulating equipment so
23 placed shall remain locked and sealed until its examination and
24 preparation immediately preceding its use as prescribed by this
25 act.

26 (g) The members of the district election board shall arrive
27 at the polling place at least one-half hour before the opening
28 of the polls. Prior to the commencement of the election, the
29 district election board shall inspect the district components of
30 the electronic voting system to see that they are in proper

1 working order, and they shall check all ballots, supplies,
2 records and forms and shall post the sample ballots, the cards
3 of instruction and the notices of penalties. If the voting
4 system provides for the initial computation and tabulation of
5 votes at the district level during voting hours, the district
6 election board shall also break the seal on the automatic
7 tabulating equipment and insure that the equipment is properly
8 prepared for the particular election district designated, and
9 the district board shall then determine that the tabulating
10 element for each candidate position and for each question and
11 the public counter are all set to zero. If the system provides
12 for tabulation of ballots after the polls are closed, such test
13 shall be conducted immediately prior to its actual use. If any
14 such element or counter is not set to zero, the district
15 election board shall immediately notify the county board of
16 elections which shall forthwith cause one of its representatives
17 to ascertain and correct any error. Thereupon, a zero print-out
18 sheet or an appropriate certificate by the district election
19 board reflecting its examination shall be posted on the wall of
20 the polling place by the district election board and such sheet
21 or certificate shall remain posted until the polls are closed.
22 At the close of the polls, the district election board shall
23 deliver such sheet or certificate together with the election
24 returns to the county board of elections.

25 Section 1111-A. Instruction of Voters.--(a) During the
26 thirty days next preceding an election at which any electronic
27 voting system is to be used, the county board of elections shall
28 place on public exhibition, in such public places and in such
29 quantity and at such times as it shall deem most suitable for
30 the instruction and information of the voters of the county,

1 those components of the electronic voting system which are used
2 by the voter, containing so far as may be practicable, ballot
3 labels showing the offices and questions to be voted upon, the
4 names and arrangement of the parties and the names and
5 arrangement of the candidates to be voted for. Such components
6 shall be under the charge and care of a person competent as
7 custodian and instructor. No voting system component which is
8 assigned for use in an election shall be used for such public
9 exhibition and instruction after having been prepared and sealed
10 for the election.

11 (b) At the polling place on the day of the election, each
12 voter who desires shall be instructed, by means of appropriate
13 diagrams and a model, in the operation of the voting device
14 before he enters the voting booth. If any voter shall ask for
15 further instructions concerning the manner of voting after
16 entering the voting booth, any election officer may give him
17 audible instructions without entering such booth, but no such
18 election officer shall when giving such instructions in any
19 manner request, suggest or seek to persuade or induce any such
20 voter to vote any particular ticket or for any particular
21 candidate or other person or for or against any particular
22 question.

23 Section 1112-A. Election Day Procedures and the Process of
24 Voting.--(a) In an election district which uses an electronic
25 voting system in which votes are registered electronically, the
26 following procedures will be applicable for the conduct of the
27 election at the election district:

28 (1) At primary elections, the election officer in charge
29 shall adjust the voting system before the voter records any vote
30 so that the voter will only be able to register a vote for

1 candidates on the ballot of the party in which he is registered
2 and enrolled or for persons whose names are not on the official
3 ballot, for candidates for nonpartisan nominations, if any, and
4 for any questions upon which he is entitled to vote.

5 (2) At primary elections, the voter shall vote for each
6 candidate individually by operating the key, handle, pointer,
7 knob or button, upon or adjacent to which the name of such
8 candidate is placed. At all other elections, he may vote for
9 each candidate individually by operating the key, handle,
10 pointer, knob or button, upon or adjacent to which the names of
11 candidates of his choice are placed, or he may vote a straight
12 political party ticket in one operation by operating the
13 straight political party mechanism of the political party or
14 political body of his choice. He may also, after having operated
15 the straight party mechanism and before recording his vote,
16 cancel the vote for any candidate of such political party or
17 political body by deactivating the individual key, handle,
18 pointer, knob or button of such candidate, and may thereupon
19 vote for a candidate of another party, or political body for the
20 same office by operating the key, handle, pointer, knob or
21 button upon or adjacent to which the name of such candidate
22 appears. In the case of a question submitted to the vote of the
23 electors, the elector shall operate the key, handle, pointer,
24 knob or button corresponding to the answer which he desires to
25 give.

26 (3) A voter may, at any primary or other election, vote for
27 any person for any office for which his name does not appear
28 upon the ballot label as a candidate, by marking the write-in
29 position for the office in question and by writing the
30 identification of the office and the name of such person in or

1 upon the appropriate receptacle or device provided in or on the
2 voting device for that purpose, and in no other manner. Where
3 two or more persons are to be elected to the same office, and
4 the name of each candidate is placed upon or adjacent to a
5 separate key, handle, pointer, knob or button, and the voting
6 device requires that all write-in votes voted for that office be
7 written in or upon a single receptacle or device, an elector may
8 vote in or by such receptacle or device for one or more persons
9 whose names do not appear upon the ballot label with or without
10 the names of one or more persons whose names do so appear. With
11 these exceptions, no write-in vote shall be cast on a voting
12 device for any person for any office, whose name appears on the
13 ballot label as a candidate for that office, and any ballot so
14 cast shall be void and not counted.

15 (4) At any general election at which presidential electors
16 are to be chosen, each elector shall be permitted to vote by one
17 operation for all the presidential electors of a political party
18 or political body. For each party or body nominating
19 presidential electors, a ballot label shall be provided
20 containing only the words "Presidential Electors," preceded by
21 the names of the party or body and followed by the names of the
22 candidates thereof for the office of President and Vice-
23 President, and the corresponding counter or registering device
24 shall register votes cast for said electors when thus voted for
25 collectively. If any elector desires to vote a ticket for
26 presidential electors made up of the names of persons nominated
27 by different parties or bodies, or partially of names of persons
28 so in nomination and partially of names of persons not in
29 nomination by any party or body, he may write or deposit a paper
30 ballot prepared by himself in the receptacle provided in or on

1 the voting device for that purpose. The voting device shall be
2 so constructed that it will not be possible for any one voter to
3 vote a straight party ticket for presidential electors and at
4 the same time to deposit a ballot for presidential electors in a
5 receptacle as hereinabove provided. When the votes for
6 presidential electors are counted, the votes appearing upon the
7 counter or registering device corresponding to the ballot label
8 containing the names of the candidates for President and Vice-
9 President of any party or body shall be counted as votes for
10 each of the candidates for presidential elector of such party or
11 body, and thereupon all candidates for presidential elector
12 shall be credited, in addition, with the votes cast for them
13 upon the ballots deposited in the machine, as hereinabove
14 provided.

15 (5) As soon as the elector has adjusted the voting device so
16 that it will record his choices for the various candidates to be
17 voted for, and his answers to the various questions submitted,
18 he shall operate the recording mechanism of the voting device
19 and forthwith leave the voting booth.

20 (b) In an election district which uses an electronic voting
21 system which utilizes paper ballots or ballot cards to register
22 the votes, the following procedures will be applicable for the
23 conduct of the election at the election district:

24 (1) The voter, after receiving his ballot from the district
25 election officials, shall retire to one of the voting booths in
26 which the voting devices are located, shut the voting booth
27 enclosure and prepare his ballot.

28 (2) At primary elections, the voter shall vote for the
29 candidates of his choice for nomination, according to the number
30 of persons to be voted for by him, for each office by making a

1 cross (X) or check () mark or by making a punch or mark sense
2 mark in the square opposite the name of the candidate, or he may
3 so mark the write-in position provided on the ballot for the
4 particular office and, in the space provided therefor on the
5 ballot and/or ballot envelope, write the identification of the
6 office in question and the name of any person not already
7 printed on the ballot for that office, and such mark and written
8 insertion shall count as a vote for that person for such office.

9 (3) At all other elections, the voter shall vote for the
10 candidates of his choice for each office to be filled, according
11 to the number of persons to be voted for by him for each office,
12 by making a cross (X) or check () mark or by making a punch or
13 mark sense mark in the square opposite the name of the
14 candidate, or he may so mark the write-in position provided on
15 the ballot for the particular office and, in the space provided
16 therefor on the ballot and/or ballot envelope, write the
17 identification of the office in question and the name of any
18 person not already printed on the ballot for that office, and
19 such mark and written insertion shall count as a vote for that
20 person for such office.

21 (4) If the voter desires to vote for every candidate of a
22 political party or political body, except its candidates for
23 offices as to which he votes for individual candidates in the
24 manner hereinafter provided, he may make a cross (X) or check
25 () or punch or mark sense mark in the square opposite the name
26 of the party or political body so marked, including its
27 candidates for presidential electors, except for those offices
28 as to which he has indicated a choice for individual candidates
29 of the same or another party or political body, by making a
30 cross (X) or check () or punch or mark sense mark opposite

1 their names in the manner hereinabove provided, as to which
2 offices his ballot shall be counted only for the candidates
3 which he has thus individually marked, notwithstanding the fact
4 that he made a mark in the party column, and even though in the
5 case of an office for which more than one candidate is to be
6 voted for, he has not individually marked for such office the
7 full number of candidates for which he is entitled to vote. If
8 he desires to vote for the entire group of presidential electors
9 nominated by any party or political body, he may make a cross
10 (X) or check () or punch or mark sense mark in the appropriate
11 space opposite the names of the candidates for President and
12 Vice-President of such party or body. If he desires to vote a
13 ticket for presidential electors made up of the names of persons
14 nominated by different parties or political bodies, or partially
15 of names of persons so in nomination and partially of names of
16 persons not in nomination by any party or political body, or
17 wholly of names of persons not in nomination by any party or
18 political body, he shall insert the names of the candidates for
19 presidential electors for whom he desires to vote in the blank
20 spaces provided therefor under the title of the office
21 "Presidential Electors". In case of a question submitted to the
22 vote of the electors, he may make a cross (X) or check () or
23 punch or mark sense mark in the appropriate square opposite the
24 answer which he desires to give.

25 (5) Any voter who spoils his ballot may return it and secure
26 another. The word "spoiled" shall be written across the face of
27 the ballot, and it shall be placed in the envelope marked
28 "Spoiled Ballots".

29 (6) Following the completion of his vote, the voter shall
30 leave the voting booth and return the ballot to the election

1 officer by a means designed to insure its secrecy; upon removal
2 of the stub of the ballot by the election officer, the voter
3 shall insert the ballot into the district automatic tabulating
4 equipment or, in the event district tabulation is not provided
5 for by the voting system or such district tabulation equipment
6 is inoperative for any reason, into a secure ballot box. No
7 ballot card from which the stub has been detached shall be
8 accepted by the election officer in charge of such equipment or
9 ballot box, but it shall be marked "spoiled" and shall be placed
10 in the envelope marked "Spoiled Ballots."

11 Section 1113-A. Post Election Procedures.--(a) As soon as
12 the polls have been closed and the last elector has voted in
13 districts having an electronic voting system which employs paper
14 ballots or ballot cards, the number of such ballots issued to
15 electors (at primary elections, the number issued to the
16 electors of each party), as shown by the stubs, and the number
17 of ballots (at primaries the number of ballots of each party),
18 if any, spoiled and returned by voters and cancelled, shall be
19 announced to all present in the polling place and entered on the
20 general returns of votes cast at such primary or election. The
21 district election officers shall then compare the number of
22 names marked as voting in the district register, "Voting Check
23 List" and numbered lists of voters, shall announce the result,
24 and shall enter on the general returns the number of electors
25 who have voted, as shown by the "Voter's Check List." Any
26 differences which exist shall be reconciled where possible, and
27 where reconciliation is not possible such differences shall be
28 noted on the general returns. The district register, the "Voting
29 Check List," the numbered lists of voters and the stubs of all
30 ballots used, together with all unused ballots, and all spoiled

and cancelled ballots, and all rejected voters certificates shall then be placed in separate packages, containers or envelopes and sealed before the tabulation of any ballots.

(b) If ballots are computed and tabulated in the election district, all write-in votes which have been properly cast and recorded on the voting device shall be counted and recorded on a standard form provided for this purpose. District totals cards may also be prepared by the district board of election reflecting the results of the voting in that district. Such cards and reporting forms of write-in vote tabulation shall be delivered to the county board of elections. In cases where central counting is utilized, write-in ballots may be recorded either at the election district or at the counting center.

(c) In any case in which the write-in ballot is a separate entity from the ballot or ballot card, both sections shall be given a unique identifying number prior to their separation for tabulation.

(d) In returning any votes cast for any person whose name is not printed on the official ballot, the election officers shall record any such names exactly as they were written, stamped or applied to the ballot by sticker.

(e) If, as a result of an otherwise properly cast write-in vote, the voter has registered more votes for an office than he is entitled to vote for that office, the entire vote cast for that office shall be void and shall not be counted; and such ballots shall be fastened to the write-in vote tabulation form and shall be delivered to the county board of elections.

(f) In the event district tabulation of votes is provided for by the voting system, the district election officers shall, immediately upon the close of the polls, cause the automatic

1 tabulating equipment to tabulate the ballots cast during the
2 election and shall prepare duplicate records of the total number
3 of voters whose ballots have been tabulated; the total number of
4 votes cast for each candidate whose name appears on the ballot;
5 the total number of write-in votes properly cast for each office
6 on the ballot; and the total number of votes cast for or against
7 any question appearing on the ballot. One such record shall be
8 publicly posted at the district polling place. All votes so cast
9 and tabulated in the district may also be recorded on a district
10 totals card and all properly cast write-in votes may also be
11 recorded on the district totals card, and the delivery of such
12 district totals cards and reporting forms to the county board of
13 elections shall be effected by a means established by the county
14 board. At the close of the election and after the tabulation of
15 all ballots, the automatic tabulating equipment or other
16 component of the voting system which contains ballots shall be
17 locked and sealed so that no further ballots may be deposited in
18 or removed from any such equipment or component, and all
19 components of the voting system, suitably packaged and secured
20 for storage, shall be held for delivery to the county election
21 board.

22 (g) In the event district tabulation of votes is not
23 provided for by the voting system, the district election
24 officers shall prepare a report of the number of voters who have
25 voted, as indicated by the "Voting Check List" and numbered
26 lists of voters poll list, and shall deliver the original copy
27 of this report to the county board of elections under seal. The
28 judge of election and minority inspector shall forthwith deliver
29 the sealed transport carrier containing all voted ballot cards
30 to the county board of elections or to such places as the county

1 board may designate. The county board of elections may provide
2 that the ballot container may upon proper certification and
3 signature be picked up at the polling places by two authorized
4 election deputies of opposite parties.

5 Section 1114-A. Returns.--(a) By the fourth day prior to
6 each election, the county board of elections shall have the
7 central automatic tabulating equipment tested to ascertain that
8 it will accurately count the votes cast for all offices and all
9 questions. Public notice of the time and place of the test shall
10 be given at least forty-eight hours prior to the test by
11 newspaper publication in the county in accordance with section
12 106, such notice to be published once. The test shall be
13 conducted by processing a preaudited group of district totals
14 cards or ballots on which are recorded votes for each candidate
15 and on each question. In such test a different number of valid
16 votes shall be assigned to each candidate for an office and for
17 and against each question. If any error is detected, the cause
18 of it shall be ascertained and corrected and an errorless count
19 shall be made and certified to by the county board of elections
20 prior to election day. All test and program materials shall then
21 be sealed by the county board of elections until their use on
22 election day. The central automatic tabulating equipment shall
23 pass the same test at the conclusion of the actual election
24 count before the election returns are approved as official. On
25 completion of the count, the programs, test materials, and
26 district totals cards or ballots shall be sealed and retained
27 according to the provisions contained in this act for the
28 retention of paper ballots.

29 (b) (1) All proceedings at the central tabulation center
30 shall be under the direction of the county board of elections or

1 of such persons as it may designate and shall be conducted under
2 the observation of the public in so far as is practical, but no
3 persons except those authorized for the purpose shall touch any
4 ballot or district totals card. All persons who are engaged in
5 processing and counting the ballots and district totals cards
6 shall be deputized and take an oath that they will faithfully
7 perform their assigned duties.

8 (2) Each political party or political body represented on
9 the official ballot may have one technically qualified person,
10 authorized by the county chairman and deputized by the county
11 board of elections, present during the testing of the central
12 automatic tabulating equipment and the actual counting of the
13 ballot and district totals cards. Such persons shall be allowed
14 to make independent tests of the equipment prior to, during, and
15 following the vote count: Provided, however, That such testing,
16 shall in no way interfere with the official tabulation of the
17 ballots and district totals cards. In addition, each political
18 party or political body shall be entitled to have observers at
19 the central tabulation center, in a number, as determined by the
20 county board of elections, sufficient to permit accurate
21 observation of the receipt, handling, duplication, and
22 processing of all ballots and district totals cards.

23 (3) If any ballots or district totals cards are damaged or
24 defective so that they cannot properly be counted by the central
25 automatic tabulating equipment, a true duplicate copy shall be
26 made and substituted for any such damaged ballot or card. All
27 such duplicate ballots or cards shall be clearly labeled
28 "duplicate," and shall bear a serial number which shall be
29 recorded on the damaged or defective ballot or card.

30 (c) The return printed by the central automatic tabulating

equipment, to which have been added write-in votes as recorded on the district reporting form and absentee votes, shall, when certified by the county board of elections, constitute the official return of each election district. Upon completion of the count, the official returns shall be open to the public.

(d) If for any reason it becomes impracticable to count all or a part of the ballots or district totals cards with automatic tabulating equipment, the county board of elections may direct that such ballots or cards be counted manually, following as far as practicable the provisions of this act governing the counting of paper ballots.

(e) During the course of central tabulation of ballots or district totals cards, the county board of elections may unofficially report the progress of the count for each candidate and on any question.

Section 1115-A. Absentee Ballots.--Absentee votes may be cast on paper ballots or on ballot cards. Such ballots shall first be counted for write-in votes by the election officers in accordance with section 1113-A, and then either hand-counted or counted by means of automatic tabulating equipment, as the case may be. Such ballots may be counted at the election district, at the central tabulation center or at such other places as the county board of elections may, in its discretion, designate.

Section 1116-A. Ballots and Ballot Labels; Disposition.--(a) Upon completion of the count, all ballots, absentee ballots and district totals cards shall be securely packaged, suitably labeled and sealed, and delivered to the county board of elections. The board shall likewise package and seal a true copy of the ballot label used in each election district. Thereafter these packages are to be retained and disposed of in the same

1 manner as paper ballots and related materials are disposed of
2 under the provisions of this act.

3 (b) The county board of elections shall likewise package and
4 retain all tabulating cards and other materials used in the
5 preparation of the automatic tabulating equipment but may have
6 access to these tabulating cards and other materials. It shall
7 not alter or make changes to these materials but may make copies
8 of them and make changes to the copies, and all such materials
9 shall be preserved and maintained by the board in accordance
10 with the terms of section 309.

11 Section 1117-A. Statistical Sample.--The county board of
12 elections, as part of the computation and canvass of returns,
13 shall conduct a statistical recount of a random sample of
14 ballots after each election using manual, mechanical or
15 electronic devices of a type different than those used for the
16 specific election. The sample shall include at least two (2) per
17 centum of the votes cast or two thousand (2,000) votes whichever
18 is the lesser.

19 Section 1118-A. Recounts.--Should a recount of votes be
20 ordered as provided by law, the ballots shall be recounted in
21 accordance with the provisions of Article XVII. Manual
22 mechanical or electronic methods may be used as determined by
23 the county board.

24 Section 1119-A. Voting by Ballot.--If in any case the number
25 of candidates nominated or seeking nomination for any office, or
26 if a method of election for any candidate or office which is
27 prescribed by law, renders the use of an electronic voting
28 system impracticable, or if, for any other reason the use of an
29 electronic voting system is not possible or practicable at a
30 particular election, the county board of elections may arrange

1 to have the voting at any such election and for any such offices
2 conducted by paper ballots. In such cases, the ballots shall be
3 printed for any such election or office and the election shall
4 be conducted by the election officers herein provided for, and
5 the ballots counted and the return thereof made in the manner
6 required by law for such offices insofar as paper ballots are
7 used.

8 Section 1120-A. Unofficial Ballot Labels; Repair and
9 Alternate Use of Paper Ballots.--(a) If ballot labels for an
10 election district at which an electronic voting system is to be
11 used, shall not be delivered to the election officers of that
12 district as required by section 1110-A, the judge of election of
13 such district shall cause other labels to be prepared, printed,
14 or written, as nearly in the form of official ballot labels as
15 practicable, and the election officers shall cause the labels so
16 substituted, to be used at the election in so far as is possible
17 in the same manner as the official labels. Such labels, so
18 substituted, shall be known as unofficial ballot labels.

19 (b) If any electronic voting system or any component thereof
20 being used in any election shall become inoperable during such
21 election, it shall, if possible, be repaired or another machine
22 substituted by the custodian or county board of elections as
23 promptly as possible, for which purpose the county board may
24 purchase as many extra systems or system components as it may
25 deem necessary, but in case such repair or substitution cannot
26 be made, paper ballots, either printed or written and of any
27 suitable form, may be used for registering votes.

28 Section 1121-A. Custody of Electronic Voting Systems and
29 Keys.--(a) The county board of elections shall designate a
30 person or persons who shall have the custody of the county's

1 electronic voting system and its components and of the keys
2 therefor when the system is not in use at an election, and the
3 board shall provide for his compensation and for the safe
4 storage and care of the system and placement of its keys in a
5 security vault.

6 (b) All electronic voting systems and their components, when
7 not in use, shall be properly boxed or covered and stored in a
8 suitable place or places.

9 Section 1122-A. Construction.--The provisions of this
10 article shall constitute an additional method of voting and all
11 provisions of this act shall be construed to be in full force
12 and effect unless inconsistent with the provisions of this
13 article.

14 Section 2. This act shall take effect immediately.