

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2711 Session of
2008

INTRODUCED BY QUINN, BOYD, CLYMER, FLECK, GEORGE, GOODMAN,
HARHAI, HARHART, HERSHEY, HESS, KILLION, KORTZ, KOTIK, KULA,
LONGIETTI, MAHONEY, MANN, MELIO, MOUL, MURT, O'NEILL, ROCK,
RUBLEY, SCAVELLO, SURRA, SWANGER, WATSON, YOUNGBLOOD,
J. WHITE, GALLOWAY AND K. SMITH, JULY 14, 2008

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JULY 14, 2008

AN ACT

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

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

15 Section 1. The definition of "electronic voting system" in
16 section 1101-A of the act of June 3, 1937 (P.L.1333, No.320),
17 known as the Pennsylvania Election Code, added July 11, 1980
18 (P.L.600, No.128), is amended to read:

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

20 * * *

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

1 more voting devices are used to permit the registering or
2 recording of votes and in which such votes are computed and
3 tabulated by automatic tabulating equipment. The system shall
4 provide for a permanent physical record of each vote cast. This
5 term shall include a paper-ballot-based voting system
6 established under section 1108.1-A.

7 * * *

8 Section 2. The act is amended by adding a section to read:

9 Section 1108.1-A. Commonwealth Funding.--(a) The
10 Commonwealth shall provide funds necessary to those counties who
11 elect to convert to a paper-ballot-based voting system. For the
12 purposes of this section, a paper-ballot-based voting system is
13 one that uses a paper ballot marked by the voter by hand or a
14 paper ballot marked by the voter with the assistance of a
15 nontabulating ballot marking device. The Department of State
16 shall pay to each eligible county an amount equal to the sum of
17 the following:

18 (1) Documented reasonable costs paid or incurred by a county
19 board of elections to replace any voting system used to conduct
20 elections that did not use a paper ballot marked by the voter by
21 hand or a paper ballot marked by the voter with the assistance
22 of a nontabulating ballot marking device.

23 (2) The documented reasonable costs paid or incurred by a
24 county board of elections to obtain nontabulating ballot marking
25 devices that are accessible for individuals with disabilities in
26 accordance with the requirements of section 301(a)(3) of the
27 Help America Vote Act of 2002 (Public Law 107-252, 116 Stat.
28 1704).

29 (3) The documented reasonable costs paid or incurred by a
30 county board of elections to obtain ballot marking stations or

1 voting booths for the protection of voter privacy.

2 (4) The documented reasonable costs paid or incurred by a
3 county board of elections to obtain paper ballots.

4 (5) The documented reasonable costs paid or incurred by a
5 county board of elections to obtain precinct-based equipment
6 that scans and tabulates paper ballots.

7 (6) The documented reasonable administrative costs paid or
8 incurred by a county board of elections that are associated with
9 meeting the requirements of this act.

10 (7) The determination of whether costs paid or incurred by a
11 county are reasonable shall be made by the Department of State.

12 (b) In order to receive funding, the county must submit the
13 following information to the Department of State indicating
14 that:

15 (1) In the last regularly scheduled election the voting
16 system that was used was not a paper-ballot-based voting system.

17 (2) Upon the next election only paper-ballot voting systems
18 will be used.

19 (3) A nontabulating ballot marking device will be available
20 and accessible for individuals with disabilities in each polling
21 place in accordance with the requirements of section 301(a)(3)
22 of the Help America Vote Act of 2002.

23 (4) A sufficient number of ballot making stations or voting
24 booths will be available for the protection of voter privacy.

25 (5) A sufficient number of paper ballots will be available.

26 (6) Any other such information that may be required by the
27 Department of State to verify compliance with this act.

28 Section 3. This act shall take effect immediately.