

## **Pre-Election Day Procedures when an Electronic Voting System (EVS) will be used:**

**1.** Before delivering any EVS to an election district, the county election board shall examine or cause to have examined such equipment and shall make a certificate stating:

- The equipment's identifying number and election district designation;
- That the equipment is suitable for the election district's use;
- That the equipment has been tested to ascertain that it will accurately compute all votes cast;
- That the official ballot corresponds with the ballot labels assigned to such particular election district;
- That all counters (public, candidate position, and question) are at zero and that the element that prints a record of results of the election is functioning correctly;
- The number on the seal with which the equipment is sealed.

Pennsylvania Election Code §1110-A(e)

**2.** Custodian(s) of the EVS.

- The county election board shall appoint and compensate a custodian of the EVS, and such deputy custodians as may be necessary, to prepare the EVS and its components under the direction of the county election board for use in any election for which it is employed.
  - Each custodian shall take the constitutional oath of office, which shall be filed with the county election board.
  - The custodian, with the assistance of the deputy custodian, shall have charge of the EVS and represent the county election board during its preparation.

§1110-A(c)

**3.** On or before the 40<sup>th</sup> day preceding an election.

- The county election board shall mail times and places where the preparation of the system and its components will be started:
  - Chairman of the county committee of each political party entitled to participate in the county's primary elections;
  - Chairman or presiding officer of any citizen organization within the county, registered with the county election board at least 50 days before the election, which has as or among its purposes the investigation or prosecution of election frauds.

\* One certified representative of each is entitled to be present at the preparation, provided the representative does not interfere with the preparation and complies with the county election board's rules and regulations governing the representative's conduct.

§1110-A(d)

**4.** During the 30 days next preceding an election using any EVS.

- The county election board shall publicly exhibit those components of the EVS used by the voter and containing an instructional sample ballot, kept under the charge and care of a person competent as custodian or instructor.
- No prepared and sealed EVS, which is assigned for use in an election, shall be used for such exhibition.

§1111-A(a)

## **5. Testing of the central automated tabulating equipment.**

- The county election board shall have the central automated tabulating equipment tested by the 4<sup>th</sup> day prior to the election to ascertain that it will accurately count all votes cast.
- At least 48 hours in advance of the test a public notice of the time and place shall be given by newspaper publication in the county, pursuant to provisions for the Publication of Notices in the PA Election Code, §106.
- Each political party or political body represented on the official ballot is entitled to have one technically qualified and authorized person present during all tests of the central automated tabulating equipment and actual counting of the ballot or district totals cards. Such persons shall be allowed to make independent tests of the equipment prior to, during, and following the vote count, provided that such does not in any way interfere with the official tabulation of the ballots and district totals cards.
- All proceedings at the central tabulation center shall be under the direction of the county election board or its designated person(s) and open to public observation insofar as practical, but only those authorized may touch any ballot or district totals cards.
- Conduct the test:
  - Process a preaudited group of district totals card or ballots on which votes for each candidate and on each question are recorded with a different number of valid votes assigned to each candidate and for and against each question;
  - If any error is detected, ascertain and correct the cause;
  - An errorless count shall be made and certified to by the county election board prior to election day;
  - All test and program materials shall be sealed by the county election board until their use again on election day.

§1114-A

## Election Day Procedures when an Electronic Voting System (EVS) will be used:

### 6. At least 1 hour before the time set for poll opening:

- The county election board shall deliver any district components of the EVS necessary or required for the proper operation of the EVS at the district level, voting booths if necessary to insure secrecy, and any supplies necessary to prepare the automatic tabulating equipment for operation, pursuant to the provisions of the PA Election Code;
- The county election board shall position such automatic tabulating equipment for proper use in voting, with such remaining locked and sealed until its examination and preparation immediately preceding its use.

§1110-A(a, b, f)

### 7. At least one-half hour before the opening of the polls district election board members shall arrive. Prior to commencement of the election, the district election board shall:

- Inspect district components of EVS to see that they are in proper working order;
- Check all ballots, supplies, records, and forms;
- Post sample ballots, instruction cards, and notice of penalties;
- If the EVS provides for initial computation and tabulation of votes at the district level:
  - Break the seal on the automatic tabulating equipment and ensure that it is properly prepared for that district;
  - Determine that all counters (public, candidate position, and question) are set to zero;
- If the EVS provides for tabulation of ballots after polls close, conduct such a test prior to its use;
- Post a zero print-out sheet or appropriate certificate by the district election board reflecting its examination (to be delivered to the county election board with the election returns).

§1110-A(g)

### 8. Instruction of voters during the Election Day.

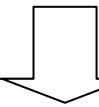
- Any voter so desiring shall be instructed by an election officer in the operation of the EVS, with the aid of appropriate diagrams and a model, before entering the voting booth.
- If any voter requests further instruction after entering the voting booth, an election officer may give audible instructions but may not request, suggest, or seek to persuade or induce any such voter's votes.

§1111-A(b)

### 9. The process of voting in an election district which uses an EVS shall commence pursuant to the provisions of the PA Election Code §1112-A. Of note:

- If an EVS which utilizes paper ballots or ballot cards to register votes is used, the voter shall retire to the one of the voting booths in which the voting devices are located upon receipt of the ballot from district election officials.
  - Spoiled Ballots.
    - Any voter who spoils a ballot may return it and secure another, with the first labeled across its face as "spoiled" and placed in the "Spoiled Ballots" envelope.
  - Upon completion of voting.
    - The voter shall return their ballot to the election officer in a means designed to insure its secrecy. The election officer shall remove the ballot stub and the voter shall insert the ballot into either the district tabulating equipment or a secure ballot box, if applicable. Any ballot card from which the stub has been removed will not be accepted by an election officer, but shall be treated as "spoiled."

§1112-A(b)



**10. Closing procedures.**

**(a) Closing procedures for an EVS that provides for district tabulation of votes.**

**(i) If the EVS employs paper ballots or ballot cards:**

- The district election board shall immediately at the close of polls and after the last elector present has voted:
  - Announce to all present, and enter on the general returns of votes cast:
    - The number of ballots issued to electors, as shown by the stubs;\*
    - And the number of any ballots spoiled, returned, and cancelled by voters;\*
  - \*At primary elections, the number for each party.
  - Compare the number of names marked as voting in the district register, “Voting Check List,” and numbered lists of voters and announce the result. Any existing differences shall be reconciled where possible and, if irreconcilable, noted on the general returns;
  - Enter on the general returns the number of electors who have voted, as shown by the “Voting Check List;”
  - Before the tabulation of any ballots, place in separate packages, containers, or envelopes and seal the:
    - District register;
    - “Voting Check List;”
    - Numbered lists of voters;
    - Stubs of all ballots used, together with all unused ballots, and all spoiled and cancelled ballots;
    - And all rejected voters certificates.

**(ii) If the EVS does not employ paper ballots or ballot cards:**

- The district election board shall immediately at the close of polls:
  - Cause the automatic tabulating equipment to tabulate all ballots cast during the election;
  - Prepare duplicate records of the total number of:
    - Voters whose votes were tabulated;
    - Votes cast for each candidate whose name appears on the ballot;
    - Write-in votes properly cast for each office on the ballot;
    - Votes for or against any question appearing on the ballot;
  - \*Such recording may also be done on a district totals card.
  - Publicly post a copy of one such record at the district polling place.

**(iii) For all EVSs that provide for district tabulation of votes:**

- All properly cast write-in votes which have been recorded on the voting device shall be counted and recorded on a standard form provided for this purpose, pursuant to PA Election Code §1113-A(b, c, d, e). (If central counting is utilized, write-in ballots may be recorded at either the election district or central counting center.)
- District totals cards or other appropriate data storage device reflecting the district voting results may also be prepared by the district election board.
- It is the job of the judge of elections to deliver such reporting forms and district totals cards to the county election board. All district election officers shall sign all reports and returns. (The minority inspector shall keep duplicate copies of the aforementioned.)

Continued

- At the close of the election and after the tabulation of all ballots:
  - Automatic tabulating equipment and other EVS components which contain ballots shall be locked and sealed so that no further ballots may be deposited in or removed from any such equipment or component;
  - All EVS components, suitably packaged and secured for storage, shall be held for delivery to the county election board.

§1113-A(a-f, h)

**(b)** Closing procedures for an EVS that does not provide for district tabulation of votes.

- The judge of election shall prepare reports of the number of:
  - Voters who have voted (as indicated by the “Voting Check List” and numbered lists of voters poll list);
  - Spoiled ballots and the number of unused ballots.
- The judge of election shall deliver the original copy of these reports to the county election board under seal, with the minority inspector keeping duplicate copies. All district election officers shall sign all reports and returns.
- The judge of election and minority inspector shall forthwith deliver the sealed transport carrier containing all voted ballot cards to the county election board or a county election board designated place or places.
  - The county election board may provide that the ballot container and reports instead be picked up at the polling place by 2 authorized election deputies of opposite parties under proper certification and signature.
- It is the responsibility of the county election board to make the election results of each election district available to the public at the central tabulating center and to post such results in each election district no later than 5:00pm of the second day following the election.

§1113-A(g, i)

**Post-Election Day Procedures  
when an Electronic Voting System (EVS) will be used:**

**11.** By 2:00am on the day following the election, all of the following shall be returned to the county election board:

- Envelopes;
- Supplies;
- Returns.

§1113-A(j)

**12.** Central Tabulation Center

- All proceedings at the central tabulation center shall be under the direction of the county election board or its designated person(s) and open to public observation insofar as practical, but only those authorized may touch any ballot or district totals cards.
- All persons who are engaged in processing and counting the ballots and district totals cards shall be deputized and take an oath that they will faithfully perform their assigned duties.
- In addition to the one aforementioned representative per political party or political body authorized to be present, each political party or political body shall be entitled to have observers at the central tabulation center, in a number, as determined by the county election board, sufficient to permit accurate observation of the receipt, handling, duplication, and processing of all ballots and district totals cards.

§1114-A(b1-2)

**13.** Upon completion of the count:

- In each election district, all ballots, absentee ballots, and district totals card shall be securely packaged, suitably labeled and sealed, and delivered to the county election board;
- The county election board shall likewise package and seal a true copy of the ballot label used in each election district;
- These packages shall then be retained and disposed of in the same manner as paper ballots and related materials under the provisions of the PA Election Code;
- The county election board shall follow the same procedures for all tabulating cards and other materials used in preparation of the automatic tabulating equipment;
  - The county election board may have access to these but may not alter the originals. Copies may be made, altered, and preserved likewise.

§1116-A

**14.** The Returns of Primaries and Elections shall be computed by the county election board according to the provisions of Article XIV of the PA Election Code.

**15. Re-testing the central automated tabulating equipment.**

- At the conclusion of the actual count and before the election returns are approved as official, the central automated tabulating equipment shall pass the same test as before the election, using the same materials and supplies that were retained after the previous test.
- On completion of the count, the programs, test materials, and district totals cards or ballots shall be sealed and retained according to provisions in the PA Election Code for the retention of paper ballots.

§1114-A(a)

**16. Statistical Sample.**

- The county election board shall conduct a statistical recount of a random sample of ballots after each election as part of the computation and canvass of returns.
  - The sample shall include at least 2 per centum of the votes cast or 2,000 votes whichever is the lesser.
  - The recount shall be done using manual, mechanical, or electronic devices of a different type than those used for the specific election.

§1117-A

**17. Custody and Storage of the EVS and Keys.**

- The county election board shall designate a person or persons who shall have custody of the EVS, its components, and the keys therefore when not in use at an election.
- The keys shall be placed in a security vault.
- When not in use, all EVSs and their components shall be properly boxed or covered and stored in a suitable place or places.
- The county election board shall cover the expenses of such and compensate such person(s).

§1121-A