



Pennsylvania
Department of State

Directive Concerning the Use, Implementation, and Operation of Electronic Voting Systems by County Boards of Elections

Directive 2 of 2026

Date: April 6, 2026

Version: 1.3

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The following Directive is issued April 6, 2026, by the Secretary of the Commonwealth pursuant to authority contained at Sections 201 and 1105-A of the Pennsylvania Election Code, 25 P.S. §§ 2621, 3031.5(a).

The use, implementation, and operation of electronic voting systems by county boards of elections are governed by the following procedures. Electronic voting systems are defined at Section 1101-A of the Pennsylvania Election Code, 25 P.S. § 3031.1.

Activities prior to selecting voting system

1. **Review Department of State's list of certified voting equipment.** All voting systems in Pennsylvania must be approved by the Secretary of the Commonwealth and must meet other federal qualification standards.¹ Counties can review which voting systems have been approved by the Secretary on the Department's [Voting Systems in Pennsylvania](#) webpage. Counties should review the list of certified voting systems when contemplating the selection of any new voting systems.
2. **Ensure that the county procurement process for voting system accounts for selection of qualifying systems.** As counties prepare to select new voting systems, they should prepare for submissions by vendors whose systems may not yet be certified. Counties should consult with their solicitors and, if appropriate, their procurement office to ensure that the process accounts for these submissions and that the county plans accordingly. Successful examination to federal standards, while a prerequisite to examination and certification in Pennsylvania, does not guarantee certification by the Secretary of the Commonwealth in a separate examination process under state law. The Pennsylvania Election Code contains distinct requirements for voting systems to be certified for use in elections. County selection of a voting system prior to Commonwealth certification does not guarantee that the system will be certified under Commonwealth standards.
3. **Prepare contingency plans for non-certification.** Counties anticipating the use of a voting system that has not yet been certified must make plans to ensure that voting on election day can occur without that system.

¹ Section 1105-A of the Election Code, at 25 P.S. § 3031.5. Once a voting system has been found to meet any set of federal standards, it may be examined by the Secretary for approval and remain approved unless and until the Secretary removes certification for that system or withdraws it from permissible use. The issuance of new federal standards or latter determinations by a federal body relating to that voting system do not impact the use of that voting system in the Commonwealth.



Activities prior to opening the polls on Election Day

1. **Notice of voting system preparation.** On or before the fortieth (40th) day preceding any primary or election, a county board of elections shall mail a notice stating the times and places where preparation of the voting system will be started.² This letter shall be sent to the chairmen of the county committee of each political party that is entitled to participate in primary elections in the county, as well as to the presiding officer of any organization of citizens in the county whose purpose is to investigate or prosecute election frauds and which organization has registered with the county board of elections at least fifty (50) days before the primary or election. For more information, see the [Directive on Logic & Accuracy Testing](#).
2. **Instructions on use of electronic voting systems.** A county board of elections shall instruct voters on the use of electronic voting systems in the following way.
 - a. *Public exhibition thirty (30) days before each primary or election.* During the thirty (30) days before an election, the county board of elections shall place on public exhibition the components of an electronic voting system that are used by the voter, containing a sample ballot for instructional use. "Such components shall be under the charge and care of a person competent as custodian and instructor. No voting system component which is assigned for use in an election shall be used for such public exhibition and instruction after having been prepared and sealed for the election."³
3. **Testing central automatic tabulating equipment.** A county that uses an electronic voting system that provides for central tabulation of ballots shall have the central automatic tabulating equipment publicly tested to ascertain that it will accurately count the votes cast for all offices and all questions consistent with the [Directive on Logic & Accuracy Testing](#). A county may publicly test the central automatic tabulating equipment as part of its logic and accuracy testing for voting system preparation, or it may hold a separate test that is open to the public no later than four days before the election. Testing of the central automatic tabulating equipment must be done publicly, and public notice must be given at least forty-eight (48) hours prior to the test.
4. **Secrecy in voting.** To assure compliance with the constitutional and statutory requirements that secrecy in voting be preserved,⁴ boards of elections should use privacy screens or hoods or take other physical measures that prevent other individuals in the polling place from seeing how an elector has cast their ballot on

² Section 1110-A(d) of the Election Code, 25 P.S. § 3031.10(d).

³ Section 1111-A(a) of the Election Code, 25 P.S. § 3031.11(a).

⁴ See, e.g., Pa. Const. Art. VII, § 4; and 25 P.S. § 3031.7(1).

the machine. Electronic voting machines shall be positioned in the polling place in such a manner that other individuals may not watch an elector casting their ballot.

Activities while the polls are open on Election Day

1. **Instructions on use of electronic voting systems.** Elections officials may use diagrams to show a voter how to use an electronic voting system before the voter enters the voting booth and may give the voter audible instructions while the voter is in the voting booth whenever the voter asks for such help.⁵ When providing this help, elections officials shall not enter the voting booth with the voter or while the voter occupies the voting booth, and shall not request, suggest, or try to persuade or induce the voter in any manner to vote for any particular candidate, ticket of candidates, or other persons, or in favor of or against a ballot question.
2. **Inoperable electronic voting systems — repairs, substitutes and emergency back-up paper ballots.** If a county board of elections uses a voting machine as both a ballot marking device and tabulator and if at least 50% of the electronic voting machines in a precinct are inoperable, then the county board of elections must ensure that “paper ballots, either printed or written and of any suitable form” for registering votes (described herein as “emergency back-up paper ballots”) are distributed immediately to eligible voters.⁶ These emergency back-up paper ballots shall be used thereafter until the county board of elections is able to make the necessary repairs to the machine(s) or can place into operation a suitable substitute machine(s).

A county board of elections must supply an adequate amount of emergency back-up paper ballots to ensure that voting continues uninterrupted until the voting machines become operable.

County boards of elections may use the following as emergency back-up paper ballots: ballots specifically designed for use as emergency back-up paper ballots; surplus, uncompleted absentee ballots; surplus, uncompleted alternative ballots; ballots that the county board of elections has supplied to the district election board for use as provisional ballots; or other paper ballots that are “either printed or written and of any suitable form.”

3. **Inoperable precinct scanners – repairs, substitutes, and emergency ballot box.** A county board of elections that uses a precinct scanner must ensure that if all precinct scanners in a precinct are inoperable, district election boards must allow voters to drop completed ballots in a secure container to be tabulated after

⁵ See Section 1111-A(b) of the Election Code, 25 P.S. § 3031.11(b).

⁶ See Section 1120-A(b) of the Election Code, 25 P.S. § 3031.20.

the polls close. County boards of elections can use the emergency bin on the precinct ballot box used by precinct scanners. County boards of elections must train poll workers on proper methods for instructing voters to insert the ballots into the secure ballot box.

4. **Accessible electronic voting systems.** County boards of elections must direct the district election boards to prepare, in the manner provided by the Election Code, an electronic voting system for voting in a precinct where such system is necessary to provide to a disabled voter the same opportunity for access and participation in the voting process as is afforded voters who do not have a disability.⁷ Audio components for the visually impaired must be in working order and must present instructions and information in a user-friendly and understandable format. **All district election boards must comply with this requirement regardless of whether the district board anticipates that a disabled voter will present themselves to vote on the day of the primary or election.**

Activities after closing the polls on Election Day

1. **Computation and canvass of returns – random sampling.** As part of the computation and canvass of returns, the county board of elections must conduct a statistical recount of a random sample of at least two percent (2%) of the ballots cast or two thousand (2,000) ballots, whichever number is fewer.⁸
 - a. For those counties using optical scan electronic voting systems, the county board of elections shall conduct the statistical recount manually or by scanning on a scanner of a separate make and model than used originally; provided that **the method used for the statistical recount must also comply with the conditions for certification identified in the Department’s final examination and certification report for the county’s electronic voting system.**
2. **Sealing voting system terminals for recounts and election contests.** A county board of elections shall keep voting terminals sealed or otherwise locked against voting for at least twenty (20) days or longer if there are recounts or election contests pending, unless a court should order the terminals to be opened.⁹

⁷ See Section 1110-A(g) of the Election Code, 25 P.S. § 3031.10(g); see also Section 301(a)(3) of the Help America Vote Act, 52 U.S.C. § 21081(a)(3).

⁸ Section 1117-A of the Election Code, 25 P.S. § 3031.17.

⁹ See Section 1230 of the Election Code, 25 P.S. § 3070.



3. **Reuse of memory cards and retention of ballot images.** A county board of elections may reuse memory cards for the next election if the board fully reformats the cards and the county maintains either a printed or electronic copy of the ballot images contained in the system. For federal elections, a county board of elections must retain these ballot images for twenty-two (22) months from the date of the election.¹⁰ For municipal elections, the county board of elections must retain the ballot images for at least twenty (20) days, unless ordered otherwise by a court.¹¹

Conducting recounts

1. In counties with an election district that uses an electronic voting system utilizing paper ballots (that is, optical scan systems), the recount should be conducted as follows:¹²
 - a. The county board of elections must recount all ballots using manual, mechanical, or electronic devices of a different type than what was used for the specific election.¹³ Moreover:
 - i. Counties using a central-count tabulator shall conduct the recount using a precinct-count tabulator or conduct the recounts by a hand count of the paper ballots.
 - ii. Counties using a precinct-count tabulator shall conduct the recounts by using a central-count tabulator or conduct the recounts by a hand count of the paper ballots.
 - b. All ballots containing overvotes must be counted **manually**.
 - i. For additional guidance on recounts, please review the Department's [Directives and Procedures for Statewide Returns and Recounts Under Section 1404\(E\)](#).
2. Appeals of determinations made by a county board of elections following an order for a recount by the Secretary of the Commonwealth subject to the statewide recount must be taken to the Commonwealth Court — even after the recount and recounts ordered by the Secretary have been completed.¹⁴

¹⁰ 52 U.S.C. § 20701.

¹¹ See Section 1230 of the Election Code, 25 P.S. § 3070.

¹² See Section 1404(e)(3)(i) of the Election Code, 25 P.S. § 3154(e)(3)(i) (requiring that the recount be conducted using manual, mechanical or electronic devices of a different type used for the specific election.)

¹³ See Section 1404(e)(3)(i) of the Election Code, 25 P.S. § 3154(e)(3)(i) (requiring that the recount be conducted using manual, mechanical or electronic devices of a different type used for the specific election.)

¹⁴ See Section 1407(a) of the Election Code, 25 P.S. § 3157(a).

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Version	Date	Description
1.0	06.09.11	Initial document release
1.1	09.25.23	Updates for paper-based voting machines
1.2	09.22.25	Updates to reference related directives and voting system certifications
1.3	04.06.26	Updates to activities prior to selecting a voting system