



# Use of Emergency Paper Ballots

Date: March 11, 2024

Version: 2.0

## Background

Paper ballots may be used as emergency backup ballots if an electronic voting system fails or malfunctions and cannot be used at the polling place. The Election Code provides:

If any electronic voting system or any component thereof being used in any election shall become inoperable during [an] election, it shall, if possible, be repaired or another machine substituted by the custodian or county board of elections as promptly as possible, for which purpose the county board may purchase as many extra systems or system components as it may deem necessary, ***but in case such repair or substitution cannot be made, paper ballots, either printed or written and of any suitable form, may be used for registering votes.***<sup>1</sup>

On September 25, 2023, the Secretary of the Commonwealth re-issued a [Directive Concerning the Use, Implementation and Operation of Electronic Voting Systems by the County Boards of Elections](#). **Pages 3–5** of that document outline the required procedures for providing emergency paper ballots if the electronic voting systems used within a precinct become inoperable prior to or during the process of voting.

## Determining How Many Emergency Paper Ballots to Distribute

While there is no specific statutory “formula” in Section 1120-A(b) of the Election Code, 25 P.S. § 3031.20(b), for determining how many emergency paper ballots should be distributed to each election district identified, the Department of State believes the following serves as best practice guidance for determining the number of emergency paper ballots.

### Counties using hand-marked paper ballots for most voters

Since hand-marked paper ballots are pre-printed, there is no need to provide additional emergency paper ballots to be used when voting machines malfunction. Counties, however, must adhere to the recently enacted requirements in Section 1007 of the Election Code, 25 P.S. § 2967, which dictate that the number of Election Day (non-emergency) ballots to be printed and supplied to election districts must be as follows:

- In primary elections: Equal to at least 50% of the registered voters in the election district minus the number of voters who have requested absentee or mail-in ballots.

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<sup>1</sup> 25 P.S. § 3031.20(b) (emphasis added).

- In November elections: Equal to at least 100% of the registered voters in the election district minus the number of voters who have requested absentee or mail-in ballots.<sup>2</sup>

Additionally, counties using hand-marked paper ballots must train poll workers on the procedures for using the emergency bin on the precinct scanners to deposit un-scanned voted ballots, including the proper chain-of-custody procedures.

**Counties using ballot-marking devices or hybrid voting devices for most voters**

In jurisdictions where most voters use ballot-marking devices or hybrid devices, counties must provide the number of pre-printed emergency paper ballots equal to at least 20% of the number of registered electors in each district. These counties must also consider increasing the number of emergency paper ballots supplied to each district for expected high turnout elections. These counties must also ensure they have enough ballot paper stock to meet the recently enacted statutory requirements in Section 1007 of the Election Code, 25 P.S. § 2967.

Furthermore, each county should make sure that a sufficient number of pre-printed emergency paper ballots is available **on location** at each polling place and that logistical preparations are in place to quickly supplement that supply in any particular election district in the event that the voting system malfunction(s) cannot be promptly resolved. Making sure that enough emergency paper ballots are available on location is important because most malfunctions are likely to occur at the opening of the polls. This is also traditionally one of the busiest periods of voting during the day. Ensuring that voting can occur uninterrupted during this critical timeframe is extremely important.

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Version	Date	Description
1.0	2006	Use of emergency paper ballots
2.0	03.11.2024	Updates to reflect new legislation and remove references to DRE voting systems

<sup>2</sup> The Department notes that the numbers specified in 25 P.S. § 2967 serve as a statutory minimum. Counties should exercise judgment with respect to the precise number of ballots to be printed in excess of the minimum requirements in § 2967.