



Directive Regarding the Uniform Reporting of Voting System Malfunctions to the Department of State

Date: September 22, 2023

Directive 2 of 2023

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The following Directive is issued September 22, 2023, by the Secretary of the Commonwealth (Secretary) pursuant to authority contained at Sections 201(e) and 1105-A(a) of the Pennsylvania Election Code, 25 P.S. §§ 2621(e), 3031.5(a):

- 1) All counties must report no later than 60 days after every election (this includes all primary, general, municipal and special elections) any electronic voting system malfunction reported to the county by any source or otherwise known to the county which either:
 - a. prevented or delayed any voter from casting a vote; or
 - b. prevented or delayed the tabulation or reporting of results.

Malfunctions shall be reported to the Secretary in the Election Equipment malfunction form attached as Appendix A to this Directive.

NOTE: Any system errors or anomalies observed during testing or outside the voting or tabulation process may be reported to the Secretary. The form prescribed herein should not be used for such a report.

- 2) For purposes of this Directive, voting system malfunctions include any anomaly that indicates a voting system component is not operating per system specifications. This does not include irregularities resulting from human error, except where the voting system is designed to correct that human error but did not. Malfunctions within the scope of this Directive include:
 - a. Recurring scanning, printing, or ballot marking errors that indicate a voting system component is not operating correctly.
 - b. Tabulation errors that, after reasonable investigation during post-election reconciliation, cannot be conclusively attributed to human error.
 - c. Equipment failures that require reconfiguration of voting system settings, such as touchscreen recalibration.

Counties shall report on the attached Voting System Malfunction Report: (1) a description of each type of malfunction and nature thereof; (2) source(s) for the report; (3) time span the malfunction occurred; (4) location (including precincts affected); (5) voting system component(s) affected; (6) number of voters/ballots affected; and (7) any actions taken to resolve the malfunction and whether resolution was achieved. For the purposes of reporting, each malfunction may be grouped by type, with the number of voters affected accumulating across instances of the same malfunction. For example, if a touchscreen needed

recalibration five times, affecting two voters each time, this would be reported as one malfunction, occurring multiple times, affecting an aggregate of ten voters.

- 3) For reporting to the Secretary, voting system malfunctions DO NOT include:
- a. Isolated paper jams in printers and other voting system peripherals.
 - b. Isolated paper jams in precinct and central scanners/tabulators.
 - c. Scanner errors where local election officials have determined that the ballot was incorrectly inserted into the scanner.
 - d. Scanner errors where local election officials have determined that the ballot was incorrectly or inadequately marked. This is a system feature and is not considered a system anomaly.
 - e. Power failures resulting from misuse. For example, the battery or battery backup is not properly installed by county or local election official(s).
 - f. Physical damage caused by misuse. For example, a voting system component is dropped and damaged during transit or setup.

NOTE: The Department of State (Department) strongly recommends that the events listed in section 3 be reported to the county board of elections for purposes of training and quality control. They may be reported to the Secretary, but county election officials should not use the form prescribed herein.

- 4) If no voting system malfunctions occurred in a given election, the county must submit a declaration to the Department no later than 60 days after that election that it has no malfunctions to report by completing the final section of the form attached as Appendix A to this directive.
- 5) Voting system malfunctions or the declaration of no malfunctions must be reported to the Secretary on the attached Voting System Malfunction Report.
- 6) To effectively carry out the requirements of this Directive, counties must have a mechanism in place for voters, watchers, and other election observers to report malfunctions to local polling place officials or to county officials, when applicable. Counties must also have a formal mechanism for polling place officials to report voting system malfunctions to the county board of elections.
- 7) The Department will post all received Voting System Malfunction Reports on its website within 105 days after each respective election, redacted as necessary for purposes of election security, confidentiality, and preventing misinformation.

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Version	Date	Description
1.0	9/23/23	Initial Document Release

Appendix A

Voting System Malfunction Report

Reported Pursuant to Directive 2 of 2023

Note, if you require additional space for any field, please attach a separate document to this Report

County:	Election Date:	Date Incident Identified:
Person Completing Report	<i>Name & Title</i>	<i>Phone/Email</i>
Voting System Name:		
Equipment Malfunction Description <i>(summarize and describe the nature of the incident here):</i>		
Time span of the malfunction:	Source(s) who reported the malfunction to the county:	
Location <i>(note all affected precincts):</i>	Voting System Component(s) and Model(s) affected:	
Impact of the malfunction <i>(check and provide numbers for all that apply):</i> <ul style="list-style-type: none"> <input type="checkbox"/> Prevented the casting of ballots by ____ voters <input type="checkbox"/> Delayed the casting of ballots by ____ voters <input type="checkbox"/> Prevented the tabulation of ____ ballots <input type="checkbox"/> Delayed the tabulation of ____ ballots 		
Action taken to resolve the malfunction/ensure continued voting <i>(this section must describe all actions that the county has taken to resolve the malfunction and/or ensure continued voting; describe the level of success achieved with any of these attempts):</i>		
Declaration of no reportable malfunction (only complete if you have nothing to report under Directive 2 of 2023)		
<input type="checkbox"/> <i>By checking this box, I hereby declare and report to the Secretary of the Commonwealth that county of [] has experienced no known voting systems malfunctions under Directive 2 of 2023 affecting the casting or tabulating of any ballots for the election held on the date specified above.</i>		

Signature of Chief Clerk
or Authorized Representative

Name of Chief Clerk
or Authorized Representative

Date