

**DIRECTIVE CONCERNING THE OPERATION AND CONDUCT OF RECOUNTS UTILIZING ELECTRONIC VOTING SYSTEMS**  
**11/03/2008**

**DIRECTIVE CONCERNING THE OPERATION AND CONDUCT OF RECOUNTS UTILIZING ELECTRONIC VOTING SYSTEMS<sup>1</sup>**

The use and operation of electronic voting systems by county boards of elections when conducting a recount pursuant to Section 1404(e) of the Pennsylvania Election Code, 25 P.S. § 3154(e), are governed by the following procedures, which supplement the Secretary's guidance in the Statewide Recount Procedures memorandum:

**CONDUCTING THE RECOUNT AND RECANVASS**

1. In a county in which an election district uses an electronic voting system that does not utilize paper ballots, the county board must conduct the recanvass similar to the procedure used to recanvass the vote cast on voting machines:
  - The county board must make a record of the number of the seal upon the voting machine and the number on the protective counter or other device.
  - The county board must make visible the registering counters of the machine, and without unlocking the machine against voting, recanvass the vote cast on the machine.
  - The county board shall conduct the recanvass by examining the totals tape on each machine, which shall constitute the recount total.
  - If, upon such recanvass, it appears that the original canvass of the returns has been correctly made from the electronic voting system (system), and that the discrepancy, **if applicable**, still remains unaccounted for, the county board of elections must unlock the voting and counting mechanism of the system and examine and test the system to determine the cause of the discrepancy. In this case, the counter must be reset at zero before it is tested, after which it must be operated at least 100 times. After the examination and test has been completed, the machine inspector must prepare a written statement detailing the result of the examination and test. The written statement must be witnessed by the persons present and filed with the county board of elections.
  - If, upon such recanvass, it appears that the original canvass of the returns was incorrect, the returns and all papers being prepared by the board of elections shall be corrected accordingly: Provided, however, that in the case of returns from an election district wherein the election was held by the use of a voting system equipped with a mechanism for printing paper proof sheets, the proof sheets, if mutually consistent, shall be deemed to be the primary evidence of the result of the election.

---

<sup>1</sup> This directive and instruction is issued by the Secretary of the Commonwealth pursuant to section 1105-A(a) of the Pennsylvania Election Code, 25 P.S. § 3031.5(a).

**DIRECTIVE CONCERNING THE OPERATION AND CONDUCT OF RECOUNTS UTILIZING  
ELECTRONIC VOTING SYSTEMS**

**11/03/2008**

2. Due to the requirement to use a different type of manual, mechanical or electronic device in a recount than was used in the specific election, as required by section 1404(e)(3)(i) of the Election Code, 25 P.S. § 3154(e)(3)(i), in counties in which an election district uses an electronic voting system utilizing paper ballots (that is, optical scan):

- The county board of elections must recount all ballots using manual, mechanical or electronic devices of a different type than that used for the specific election.
  - Counties using a central-count tabulator shall conduct the recanvass using a precinct-count tabulator or conduct the recanvass by a hand count of the paper ballots.
  - Counties using a precinct-count tabulator shall conduct the recanvass by using a central-count tabulator or conduct the recanvass by a hand count of the paper ballots.
  
- All ballots containing overvotes must be counted **manually**.

**3. Under section 1407(a) of the Election Code (25 P.S. § 3157(a)), appeals of determinations made by a county board of elections following an order for a recount by the Secretary of the Commonwealth relate to the offices or ballot questions that are the subject of the statewide recount must be taken to the Commonwealth Court – even after the recount and recanvass ordered by the Secretary has been completed.**