

No. 1980-128

AN ACT

HB 382

Amending the act of June 3, 1937 (P.L.1333, No.320), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," authorizing the joining of wards into election districts, further providing for the question of using voting machines, providing for electronic voting systems and further providing for filing of pre-election reports.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 501, act of June 3, 1937 (P.L.1333, No.320), known as the "Pennsylvania Election Code," reenacted April 4, 1945 (P.L.143, No.64), is amended to read:

Section 501. Townships, Boroughs and Wards to Constitute Election Districts.—Each borough and township, not divided into wards, and each ward of every city, borough and township now existing or hereafter created, shall constitute a separate election district, unless divided into two or more election districts *or formed into one election district*, as hereinafter provided.

Section 2. Section 502 of the act, amended July 1, 1976 (P.L.523, No.124), is amended to read:

Section 502. Court to Create New Election Districts.—Subject to the provisions of section 501 of this act, the court *of common pleas* of the county in which the same are located, may form or create new election districts by dividing or redividing any borough, township, ward or election district into two or more election districts of compact and contiguous territory, or alter the bounds of any election district, or form an election district out of two or more adjacent districts or parts of districts, or consolidate adjoining election districts *or form an election district out of two or more adjacent wards*, so as to suit the convenience of the electors and to promote the public interests. Election districts so formed shall contain between six hundred (600) and eight hundred (800) registered electors as nearly as may be. No election district shall be formed that shall contain less than one hundred (100) registered electors. When a school district crosses county lines, the regions of the school district shall be composed of contiguous election districts.

Section 3. Subsection (b) of section 1103 of the act is amended to read:

Section 1103. Placing the Question on the Ballot; Election Thereon.—

* * *

(b) The county election board, upon receipt of a request from the council of any city or borough, or from the commissioners or supervisors of any township, said request being evidenced by the filing of a copy of a resolution certified by the secretary or clerk of the council, commissioners or supervisors, or upon the filing of a petition with them signed by qualified electors of the county, city, borough or township, equal in number to at least [one] *ten* per cent of the total number of electors who voted in said county, city, borough or township at the preceding general or municipal election, but in no case less than fifty, unless the total number of electors who voted therein at the preceding general or municipal election was less than one hundred, in which case one-half of the number so voting shall be sufficient, shall, at the next general or municipal election, occurring at least sixty days thereafter, submit to the qualified electors of such county, city, borough or township, the question “Shall voting machines be used in the (county, city, borough or township) of?”

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Section 4. The act is amended by adding an article to read:

ARTICLE XI-A
Electronic Voting Systems

Section 1101-A. Definitions.—As used in this article:

“Automatic tabulating equipment” means any apparatus which automatically examines and computes votes registered on paper ballots, ballot cards or district totals cards or votes registered electronically and which tabulates such votes.

“Ballot” means ballot cards or paper ballots upon which a voter registers or records his vote or the apparatus by which the voter registers his vote electronically and shall include any ballot envelope, paper or other material on which a vote is recorded for persons whose names do not appear on the ballot labels.

“Ballot card” means a card which is compatible with automatic tabulating equipment and on which votes may be registered.

“Ballot label” means the cards, papers, booklets, pages or other materials which contain the names of offices and candidates and the statements of questions to be voted on and which are used in conjunction with the voting device.

“Counting center” means one or more locations selected by the county board of elections for the automatic tabulation of votes.

“Custodian” shall mean the person charged with the duty of testing and preparing voting devices and automatic tabulating equipment for elections and instructing election officials in the use of such voting devices and equipment.

“District totals cards” means a card or other data storage device which is compatible with automatic tabulating equipment and may be used in any voting system which provides for the initial computation and tabulation of votes at the district level to record the total number of votes cast for each candidate whose name appears on the ballot, the total number of write-in votes properly cast for each office on the ballot and the total number of votes cast for or against any question appearing on the ballot.

“Election” and **“elections”** shall mean all general, municipal, primary and special elections.

“Electronic voting system” means a system in which one or more voting devices are used to permit the registering or recording of votes and in which such votes are computed and tabulated by automatic tabulating equipment. The system shall provide for a permanent physical record of each vote cast.

“Municipality” means a city, borough, incorporated town and township.

“Official ballot” means the list of offices and candidates and the statement of questions reflected on the voting device.

“Paper ballot” means a printed paper ballot which conforms in layout and format to the voting device in use.

“Public counter” shall mean a counter or other element which shall at all times publicly indicate how many ballots have been cast during the course of the election.

“Question” shall mean the statement of a constitutional amendment or other proposition which is submitted to a popular vote at any election.

“Voting booth” shall mean the enclosure occupied by the voter when voting.

“Voting device” means either an apparatus in which paper ballots or ballot cards are used in connection with an implement by which a voter registers his votes with ink or other substance or by punching, or an apparatus by which such votes are registered electronically, so that in either case the votes so registered may be computed and tabulated by means of automatic tabulating equipment.

Section 1102-A. Authorization of Electronic Voting Systems for Use at Polling Places.—Any county or municipality may, by a majority vote of its qualified registered electors voting thereon cast at any primary or election, authorize and direct the use of an electronic voting system for registering or recording and computing the vote at all elections and primaries held at polling places in such county or municipality.

Section 1103-A. Placing the Question on the Ballot; Election Thereon.—(a) The county election board may, upon their own motion, submit to the qualified registered electors of the county or municipality, at any primary or election, the question **“Shall an electronic voting system be used at polling places in the (county or municipality) of?”**

(b) The county election board, upon receipt of a request from the governing body of a municipality, said request being evidenced by the filing of a copy of a resolution certified by the secretary or clerk of the municipality, or upon the filing of a petition with them signed by qualified registered electors of the county or municipality, equal in number to at least ten (10) per centum of the total number of electors who voted in said county or municipality, at the preceding general or municipal election, but in no case less than fifty, shall, at the next primary or election, occurring at least sixty days thereafter, submit to the qualified registered electors of such county or municipality, the question "Shall an electronic voting system be used at polling places in the (county or municipality) of?"

(c) The county board shall cause the said question to be submitted at the primary or election, in accordance with the provisions of this act relating to elections.

(d) The election on said question shall be held at the places, during the hours, and under the regulations, provided by law for holding primaries and elections, and shall be conducted by the election officers provided by law to conduct such elections. The election officers shall count the votes cast at the elections on said question, and shall make return thereof to the county election board of the county, as required by law. Said returns shall be computed by the county election board, or other return board, and, when so computed, a certificate of the total number of electors voting "Yes" and of the total number of electors voting "No" on such question shall be filed in the office of the county election board, and copies thereof, certified by the county election board, shall forthwith be furnished to the Secretary of the Commonwealth, and to the county commissioners or other appropriating authority of the county or municipality.

(e) If a majority of the electors of any county or municipality, voting on such question, shall vote against the adoption of an electronic voting system the question shall not again be submitted to the voters of such county or municipality within a period of one hundred three weeks.

(f) Whenever, under the provisions of this act, the question of the adoption of an electronic voting system is to be submitted to the electors of any county, the county board of elections shall purchase, lease or otherwise procure those parts of the system used by the voter in a quantity sufficient for reasonable demonstration of the system or systems in such county prior to the general or municipal election in question.

Section 1104-A. Installation of Electronic Voting Systems.—

(a) If a majority of the qualified registered electors voting on the question in any county or municipality vote in favor of the adoption of an electronic voting system, the county board of elections of that county shall purchase, lease, or otherwise procure for each election district of such county or municipality, the components of an elec-

tronic voting system of a kind approved, as hereinafter provided, by the Secretary of the Commonwealth, and the board shall thereafter notify the Secretary of the Commonwealth, in writing, that they have done so.

(b) The installation throughout the county or municipality of the electronic voting system adopted by the county board of elections may be accomplished either simultaneously in all election districts or in stages at the discretion of the county board, and the manner of implementation as among election districts shall also be at the discretion of the county board: Provided, however, That the electronic voting system adopted by the county board shall be fully implemented throughout the county or municipality within one hundred and three weeks after the approval of the adoption of an electronic voting system by the electors of the county or municipality. Upon the installation of an electronic voting system in any election district, the use therein of paper ballots and of voting machines shall be discontinued, except as otherwise provided herein.

(c) If the question hereinbefore provided shall have been submitted to the qualified registered electors of the county or municipality and the majority of the electors voting thereon shall have voted favorably thereon, and if the county board of elections shall not, within one year after such vote, have executed a contract or contracts providing for the purchase, lease or other procurement of an electronic voting system for use at the general, municipal, primary or special election occurring at least one year and sixty days after such vote, then the Secretary of the Commonwealth shall forthwith in writing, notify the said county board of elections that, after the expiration of thirty days, he, under the authority of this act, will award, make and execute such contract or contracts on behalf of the said county, unless the said county board of elections shall make and execute the same prior to the expiration of that period and shall notify him, in writing, that they have done so.

(d) If, upon the expiration of said thirty days, the county board of elections still shall not have made and executed a contract or contracts providing for the purchase, lease or other procurement of an electronic voting system as aforesaid, the Secretary of the Commonwealth, on behalf of the said county and upon the approval of the Attorney General as to form, shall thereupon award, make and execute a contract or contracts for the purchase, lease or other procurement of an electronic voting system, approved as required by this act, for each election district within such county or municipality, and the cost of such system, including the preparation and printing of specifications and all other necessary expenses incidental thereto, shall be the debt of the said county, and upon the certificate of the Secretary of the Commonwealth, it shall be the duty of the controller, if any, to allow, and of the treasurer of the county to pay, the sum out of any appropriation available therefore or out of the first

unappropriated moneys that come into the treasury of the county. If the Secretary of the Commonwealth shall find it impracticable to procure an electronic voting system for installation in each election district of the county or municipality for use at the election then next ensuing, he shall provide for the installation of such a system in as many election districts of the county or municipality as shall be practicable and, as soon thereafter as practicable, shall provide for the installation of such system in the remainder of the election districts of the county or municipality.

(e) Any county or municipality may, by a majority vote of its qualified registered electors cast at any general or municipal election held not earlier than one hundred and three weeks after they have voted to adopt an electronic voting system, direct the discontinuance of the use of such a system at all elections held in such county or municipality. Upon the receipt by the county board of elections of a petition signed by qualified registered electors of the county or municipality equal in number to at least ten (10) per centum of the total number of electors who voted in said county or municipality at the last preceding general or municipal election, the question for the discontinuance of the use of such an electronic voting system shall be submitted to the qualified registered electors of that county or municipality, subject to the same requirements as to the conduct of the election as is required for the submission of the question on the authorization of the use of an electronic voting system. The question as to the discontinuance of the use of an electronic voting system shall be submitted in the following form: "Shall the use of an electronic voting system be continued in the (county or municipality) of ?"

Section 1105-A. Examination and Approval of Electronic Voting Systems by the Secretary of the Commonwealth.—(a) Any person or corporation owning, manufacturing or selling, or being interested in the manufacture or sale of, any electronic voting system, may request the Secretary of the Commonwealth to examine such system. Any ten or more persons, being qualified registered electors of this Commonwealth, may, at any time, request the Secretary of the Commonwealth to reexamine any electronic voting system theretofore examined and approved by him. Before any such examination or reexamination, the person, persons, or corporation, requesting such examination or reexamination, shall pay to the Treasurer of the Commonwealth an examination fee of four hundred fifty dollars (\$450). The Secretary of the Commonwealth may, at any time, in his discretion, reexamine any such system therefore examined and approved by him. The Secretary of the Commonwealth may issue directives or instructions for implementation of electronic voting procedures and for the operation of electronic voting systems.

(b) Upon receipt of a request for examination or reexamination of an electronic voting system as herein provided for or in the event he

determines to reexamine any such system, the Secretary of the Commonwealth shall require such electronic voting system to be examined or reexamined by three examiners whom he shall appoint for that purpose, of whom one shall be an expert in patent law and the other two shall be experts in electronic computer systems, automatic tabulating equipment or such other fields as in the judgment of the Secretary of the Commonwealth shall be reasonably related to the operation of the electronic voting system under examination, and he shall require of them a written report on such system, attested by their signatures; and the Secretary of the Commonwealth himself shall examine the electronic voting system and shall make and file in his office, together with the reports of the examiners appointed by him, his own report, attested by his signature and the seal of his office, stating whether, in his opinion and in consideration of the reports of the examiners aforesaid, the system so examined can be safely used by voters at elections as provided in this act and meets all of the requirements hereinafter set forth. If his report states that the system can be so used and meets all such requirements, such system shall be deemed approved and may be adopted for use at elections, as herein provided. With respect to any electronic voting system approved for use in this Commonwealth by the secretary, the report of the secretary shall specify the capacity of the components of that system, the number of voters who may reasonably be accommodated by the voting devices and automatic tabulating equipment which comprise such system and the number of additional clerks, if any, that may be required based on the number of registered electors in any election district in which the voting system is to be used, such specifications being based upon the reports of the examiners and the secretary's own examination of the system. Any county which thereafter may adopt any such approved system shall provide the components of such system in a number no less than that sufficient to accommodate the voters of that county or municipality in accordance with the minimum capacity standards so prescribed by the secretary.

(c) No electronic voting system not so approved shall be used at any election, and if, upon the reexamination of any such system previously approved, it shall appear that the system so reexamined can no longer be used safely by voters at elections as provided in this act or does not meet the requirements hereinafter set forth, the approval of that system shall forthwith be revoked by the Secretary of the Commonwealth, and that system shall not thereafter be used or purchased for use in this Commonwealth.

(d) When an electronic voting system has been so approved, no improvement or change that does not impair its accuracy, efficiency or capacity or its compliance with the requirements hereinafter set forth, shall render necessary the reexamination or reapproval of such system.

(e) Neither the Secretary of the Commonwealth, nor any examiner appointed by him for the purposes prescribed by this section, nor any

member of a county board of elections shall have any pecuniary interest in any electronic voting system or in any of the components thereof, or in the design, manufacture or sale thereof.

(f) Each examiner appointed hereunder shall receive a compensation of one hundred and fifty dollars (\$150) for each type of electronic voting system examined by him.

Section 1106-A. Experimental Use of Electronic Voting Systems.—The county board of elections of any county may provide for experimental use at any primary or election in one or more election districts of said county, of an electronic voting system, and the use of such system shall be as valid for all purposes as if the electronic voting system had been adopted in accordance with the provisions of this act.

Section 1107-A. Requirements of Electronic Voting Systems.—No electronic voting system shall, upon any examination or reexamination, be approved by the Secretary of the Commonwealth, or by any examiner appointed by him, unless it shall be established that such system, at the time of such examination or reexamination:

(1) Provides for voting in absolute secrecy and prevents any person from seeing or knowing for whom any voter, except one who has received or is receiving assistance as prescribed by law, has voted or is voting.

(2) Provides facilities for voting for such candidates as may be nominated and upon such questions as may be submitted.

(3) Permits each voter, at other than primary elections, to vote a straight political party ticket by one mark or act and, by one mark or act, to vote for all the candidates of one political party for presidential electors and, by one mark or act, to vote for all the candidates of one political party for every office to be voted for, and every such mark or act shall be equivalent to and shall be counted as a vote for every candidate of the political party so marked including its candidates for presidential electors, except with respect to those offices as to which the voter has registered a vote for individual candidates of the same or another political party or political body, in which case the automatic tabulating equipment shall credit the vote for that office only for the candidate individually so selected, notwithstanding the fact that the voter may not have individually voted for the full number of candidates for that office for which he was entitled to vote.

(4) Permits each voter, at other than primary elections, to vote a ticket selected from the nominees of any and all political parties, from the nominees of any and all political bodies, and from any persons whose names are not in nomination and do not appear upon the official ballot.

(5) Permits each voter to vote for any person and any office for whom and for which he is lawfully entitled to vote, whether or not the name of such person appears upon the ballot as a candidate for nomination or election.

(6) Permits each voter to vote for as many persons for any office as he is entitled to vote for and to vote for or against any question upon which he is entitled to vote and precludes each voter from voting or from having his vote tabulated for any candidate, or upon any question, for whom or upon which he is not entitled to vote.

(7) If it is of a type that registers the vote electronically, the voting system shall preclude each voter from voting for more persons for any office than he is entitled to vote for or upon any question more than once.

(8) Precludes each voter from voting or from having his vote tabulated more than once for any candidate for the same office or upon any question, except in districts and for offices where cumulative voting is authorized by law.

(9) Permits each voter at a primary election to vote only for the candidates seeking nomination by a political party in which such voter is registered and enrolled, and for any candidate for nonpartisan nomination, and for any question upon which he is entitled to vote.

(10) If it is of a type that registers the vote electronically, the voting system shall permit each voter to change his vote for any candidate or upon any question appearing on the official ballot up to the time that he takes the final step to register his vote and to have his vote computed. If it is of a type that uses paper ballots or ballot cards to register the vote and automatic tabulating equipment to compute such votes, the system shall provide that a voter who spoils his ballot may obtain another ballot; any ballot thus returned shall be immediately cancelled and at the close of the polls shall be enclosed in an envelope marked "spoiled" which shall be sealed and returned to the county board.

(11) Is suitably designed for the purpose used, is constructed in a neat and workmanlike manner of durable material of good quality, is safely and efficiently useable in the conduct of elections and, with respect to the counting of ballots cast at each district, is suitably designed and equipped to be capable of absolute accuracy, which accuracy shall be demonstrated to the Secretary of the Commonwealth.

(12) Provides acceptable ballot security procedures and impoundment of ballots to prevent tampering with or substitution of any ballots or ballot cards.

(13) When properly operated, records correctly and computes and tabulates accurately every valid vote registered.

(14) Is safely transportable.

(15) Is so constructed that a voter may readily learn the method of operating it.

(16) If the voting system is of a type which provides for the computation and tabulation of votes at the district level, the district component of the automatic tabulating equipment shall include the following mechanisms or capabilities:

(i) A public counter, the register of which is visible from the outside of the automatic tabulating equipment component into which the ballots are entered, which shall show during any period of operation the total number of ballots entered for computation and tabulation.

(ii) A lock, or locks, by the use of which all operation of the tabulation element of the automatic tabulating equipment is absolutely prevented immediately after the polls are closed or where the tabulation of votes is completed.

(iii) It shall be so constructed and controlled that, during the progress of voting, it shall preclude every person from seeing or knowing the number of votes theretofore registered for any candidate or question; and it shall preclude every person from tampering with the tabulating element.

(iv) If the number of choices recorded for any office or on any question exceeds the number for which the voter is entitled to vote, it shall reject all choices recorded on the ballot for that office or question, provided, that if used during the period of voting it may also have the capacity to indicate to a voter that he has improperly voted for more candidates for any office than he is entitled to vote for, and in such case it shall have the capacity to permit the voter to mark a new ballot or to forego his opportunity to make such correction.

(v) It shall be equipped with an element which generates a printed record at the beginning of its operation which verifies that the tabulating elements for each candidate position and each question and the public counter are all set to zero and with an element which generates a printed record at the finish of its operation of the total number of voters whose ballots have been tabulated, the total number of votes cast for each candidate whose name appears on the ballot, and the total number of votes cast for, or against, any question appearing on the ballot.

(17) If the voting system is of a type which provides for the computation and tabulation of all votes at a central counting center or if it provides for the tabulation of district totals at such a central counting center, the central automatic tabulating equipment shall include the following mechanisms or capabilities:

(i) It shall be constructed so that every person is precluded from tampering with the tabulating element during the course of its operation.

(ii) If the number of choices for any office or on any question exceeds the number for which the voter is entitled to vote, it shall reject all choices recorded on the ballot for that office or question.

(iii) It shall have a means by which to verify that the counters for each candidate position and for each question are all set to zero and shall be able to generate a printed record of each election district showing the total number of voters whose ballots have been tabulated, the total number of votes cast for each candidate whose name appears

on the ballot, and the total number of votes cast for, or against, any question appearing on the ballot. It may also be capable of generating cumulative election reports.

Section 1108-A. Payment for Machines.—The county commissioners or such other authority as levies the taxes for county purposes of any county which adopts an electronic voting system shall, upon the purchase, lease or other procurement thereof, provide for payment therefor by the county. Bonds or other evidences of indebtedness may be issued in accordance with the provisions of the act of July 12, 1972 (P.L.781, No.185) known as the "Local Government Unit Debt Act," to meet all or any appropriate part of the cost of any such system.

Section 1109-A. Forms.—(a) (1) Ballot labels used in conjunction with ballot cards shall, as far as practicable, be in the same order or arrangement as provided for paper ballots or voting machine ballots, except that such information may be printed in vertical columns or in a number of separate pages which are placed on the voting device.

(2) The pages placed on the voting device shall be of sufficient number to include, following the listing of particular candidates, the names of candidates for any nonpartisan offices and any measures for which a voter may be qualified to vote on a given election day, provided further that for municipal, general or special elections, the first ballot page shall list in the order that such political parties are entitled to priority on the ballot, the names of such political parties with designating arrows so as to indicate the voting square or position on the ballot card where the voter may insert by one mark or punch the straight party ticket of his choice.

(3) In a primary election the pages placed on the voting device may be arranged with the entire ballot label consisting of several groups of pages, so that a separate group can be used to list the names of candidates seeking nomination of each qualified political party, with additional groups used to list any nonpartisan offices or measures. Groups of pages may be identified by color or other suitable means, and voters shall be instructed to vote only for candidates of the party of their choice and thereafter to vote for any nonpartisan candidates or measures.

(b) Ballot labels shall be printed in plain clear type in black ink, of such size and arrangement as to fit the construction of the voting device; and they shall be printed on clear white material or on material of different colors to identify different ballots or parts of the ballot and in primary elections to identify each political party.

(c) On all ballot labels the titles of offices and the names of candidates shall in all elections be arranged in columns or rows in a series of separate pages and, in primary elections, the names of candidates for an office shall appear in the order that was established under the provisions of sections 915 and 916. The office titles shall be printed above or at the side of the names of candidates so as to

indicate clearly the candidates for each office and the number to be elected. In partisan elections the party designation of each candidate shall be printed to the right or below the candidate's name. All candidates for one office shall be grouped on one page where practical; in case there are more candidates for an office than can be printed in one column or on one ballot page, the ballot label shall clearly indicate that the list of candidates is continued on the following column or page, and so far as possible, the same number of names shall be printed on each column or page. Arrows may be used to indicate the place to vote for each candidate and for or against every question presented.

(d) In partisan elections the ballot cards shall include a voting square or position whereby the voter may by one punch or mark record a straight party ticket vote for all the candidates of one party or may vote a split ticket for the candidates of his choice.

(e) In primary elections, the Secretary of the Commonwealth shall choose a color for each party eligible to have candidates on the ballot and a separate color for independent voters. The ballot cards or paper ballots and ballot pages shall be printed on card or paper stock of the color of the party of the voter and the appropriate party affiliation or independent status shall be printed on the ballot card or at the top of the paper ballot and on the ballot pages.

(f) Ballot cards, or the portion thereof on which the voter registers his vote, shall be of a size, design and stock suitable for processing by the automatic tabulating equipment used in the voting system. Each ballot card shall have an attached serially numbered perforated stub, which shall be removed by an election officer before the ballot card is deposited in the district automatic tabulating equipment or in a secure ballot box. The name of the county, and a facsimile of the signature of the members of the county board shall be printed on the ballot card stub.

(g) Sample ballots, which shall be facsimile copies of the official ballot or ballot labels, shall be provided and posted in each polling place on election day as required by law. Sample ballots may be printed on a single page or on a number of pages stapled together.

Section 1110-A. Supplies; Preparation of the Voting System and of Polling Places.—(a) *Prior to any election in which an electronic voting system is to be used, the county board of elections shall furnish to each election district, at the expense of the county, the elements of such voting system, including voting devices, automatic tabulating equipment, ballot boxes, ballot labels, ballots, ballot envelopes, forms of certificates, returns and other records and supplies, as are necessary for the proper operation of the voting system at the election district level or as are required under the provisions of this act, all of which shall be in the form and according to the specifications prescribed from time to time by the Secretary of the Commonwealth.*

(b) Unless the voting device itself enables the voter to register his vote in secret, the county board of elections shall provide voting booths for each election district, which shall be of a size and design which shall enable the voter to register his vote in secret. The county board shall determine the number of voting devices and voting booths to be provided in each such district in order to satisfy the minimum capacity standards prescribed by the Secretary of the Commonwealth.

(c) The county board of elections shall appoint a custodian of the electronic voting system and such deputy custodians as may be necessary, and it shall be the duty of such custodians to prepare the voting system and all of its components for use in any election in which such system is employed. Each custodian and deputy custodian shall receive from the county, for each day he is actually employed under the provisions of this act, such compensation as shall be fixed by the county board of elections. Such custodian shall, under the direction of the county board of elections, have charge of and represent the county election board during the preparation of the electronic voting system as required by this act, and he and the deputy custodians, whose duty it shall be to assist him in the discharge of his duties, shall serve at the pleasure of the county board of elections. Each custodian shall take the constitutional oath of office, which shall be filed with the county board of elections.

(d) On or before the fortieth day preceding any election, the county board of elections shall mail to the chairman of the county committee of each political party which shall be entitled under existing laws to participate in primary elections within the county, and to the chairman or presiding officer of any organization of citizens within the county which has as its purpose or among its purposes the investigation or prosecution of election frauds and which has registered its name and address and the names of its principal officers with the county board of elections at least fifty days before the election, a written notice stating the times when and the place or places where preparation of the system and its components for use in the several election districts in the county or municipality will be started. One representative of each such political party, certified by the respective chairman of the county committee of such party, and one representative of each such organization of citizens, certified by the respective chairman or presiding officer of such organization shall be entitled to be present during the preparation of the voting system and its components and to see that they are properly prepared and are in proper condition and order for use. Such representatives shall not interfere with the preparation of the system and its components, and the county board may make reasonable rules and regulations governing the conduct of such representatives.

(e) Prior to the delivery of any automatic tabulating equipment to any election district the county board of elections shall examine or cause to have examined such equipment and shall make a certificate stating:

(1) the identifying number and election district designation of the equipment;

(2) that the equipment is suitable for use in the particular election district designated;

(3) that the equipment has been tested to ascertain that it will accurately compute the votes cast for all offices and all questions;

(4) that the offices and questions on the official ballot correspond in all respects with the ballot labels assigned to such particular election district;

(5) that the public counter and the counters for each candidate position and each question are all set at zero and that element that generates a printed record of the results of the election is functioning correctly; and

(6) the number on the seal with which the equipment is sealed.

(f) At least one hour before the time set for the opening of the polls at each election, the county board of elections shall deliver to each election district any district components of the electronic voting system and any supplies necessary to prepare the automatic tabulating equipment for operation in the district, and they shall position such automatic tabulating equipment for proper use in voting. Any tabulating equipment so placed shall remain locked and sealed until its examination and preparation immediately preceding its use as prescribed by this act.

(g) The members of the district election board shall arrive at the polling place at least one-half hour before the opening of the polls. Prior to the commencement of the election, the district election board shall inspect the district components of the electronic voting system to see that they are in proper working order, and they shall check all ballots, supplies, records and forms and shall post the sample ballots, the cards of instruction and the notices of penalties. If the voting system provides for the initial computation and tabulation of votes at the district level during voting hours, the district election board shall also break the seal on the automatic tabulating equipment and insure that the equipment is properly prepared for the particular election district designated, and the district board shall then determine that the counters for each candidate position and for each question and the public counter are all set to zero. If the system provides for tabulation of ballots after the polls are closed, such test shall be conducted immediately prior to its actual use. If any such counter is not set to zero, the district election board shall immediately notify the county board of elections which shall forthwith cause one of its representatives to ascertain and correct any error. Thereupon, a zero print-out sheet or an appropriate certificate by the district election board reflecting its examination shall be posted on the wall of the polling place by the district election board and such sheet or certificate shall remain posted until the polls are closed. At the close of the polls, the district election board shall deliver such sheet or certificate together with the election returns to the county board of elections.

Section 1111-A. Instruction of Voters.—(a) During the thirty days next preceding an election at which any electronic voting system is to be used, the county board of elections shall place on public exhibition, in such public places and in such quantity and at such times as it shall deem most suitable for the instruction and information of the voters of the county, those components of the electronic voting system which are used by the voter, containing a sample ballot designed 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.

(b) At the polling place on the day of the election, each voter who desires shall be instructed, by means of appropriate diagrams and a model, in the operation of the voting device before he enters the voting booth. If any voter shall ask for further instructions concerning the manner of voting after entering the voting booth, any election officer may give him audible instructions without entering such booth, but no such election officer shall when giving such instructions in any manner request, suggest or seek to persuade or induce any such voter to vote any particular ticket or for any particular candidate or other person or for or against any particular question.

Section 1112-A. Election Day Procedures and the Process of Voting.—(a) In an election district which uses an electronic voting system in which votes are registered electronically, the following procedures will be applicable for the conduct of the election at the election district:

(1) At primary elections, the election officer in charge shall adjust the voting system before the voter records any vote so that the voter will only be able to register a vote for candidates on the ballot of the party in which he is registered and enrolled or for persons whose names are not on the official ballot, for candidates for nonpartisan nominations, if any, and for any questions upon which he is entitled to vote.

(2) At primary elections, the voter shall be able to vote for each candidate individually by the means provided. At all other elections, he may vote for each candidate individually, or he may vote a straight political party ticket in one operation by operating the straight political party mechanism of the political party or political body of his choice. He may also, after having operated the straight party mechanism and before recording his vote, cancel the vote for any candidate of such political party or political body and may thereupon vote for a candidate of another party, or political body for the same office. The voter may also vote individually for or against a question submitted to the vote of the electors.

(3) A voter may, at any primary or other election, vote for any person or persons for any office for which his name does not appear

upon the ballot label as a candidate, by writing the identification of the office and the name of such person in or upon the appropriate receptacle or device provided for that purpose. No write-in vote shall be cast on a voting device for any person for any office, whose name appears on the ballot label as a candidate for that office, and any ballot so cast shall be void and not counted.

(4) At any general election at which presidential electors are to be chosen, each elector shall be permitted to vote by one operation for all the presidential electors of a political party or political body. For each party or body nominating presidential electors, a ballot label shall be provided containing only the words "Presidential Electors," preceded by the names of the party or body and followed by the names of the candidates thereof for the Office of President and Vice-President, and the corresponding counter or registering device shall register votes cast for said electors when thus voted for collectively. If any elector desires to vote a ticket for presidential electors made up of the names of persons nominated by different parties or bodies, or partially of names of persons so in nomination and partially of names of persons not in nomination by any party or body, he may write or deposit a paper ballot prepared by himself in the receptacle provided in or on the voting device for that purpose, or he may list their names on the write-in ballot or envelope provided for that purpose. The voting device shall be so constructed that it will not be possible for any one voter to vote a straight party ticket for presidential electors and at the same time to deposit a ballot for presidential electors in a receptacle as hereinabove provided. When the votes for presidential electors are counted, the votes appearing upon the counter or registering device corresponding to the ballot label containing the names of the candidates for President and Vice-President of any party or body shall be counted as votes for each of the candidates for presidential elector of such party or body, and thereupon all candidates for presidential elector shall be credited, in addition, with the votes cast for them upon the ballots deposited in the machine, as hereinabove provided.

(5) As soon as the elector has adjusted the voting device so that it will record his choices for the various candidates to be voted for, and his answers to the various questions submitted, he shall operate the recording mechanism of the voting device and forthwith leave the voting booth.

(b) In an election district which uses an electronic voting system which utilizes paper ballots or ballot cards to register the votes, the following procedures will be applicable for the conduct of the election at the election district:

(1) The voter, after receiving his ballot from the district election officials, shall retire to one of the voting booths in which the voting devices are located.

(2) At primary elections, the voter shall vote for the candidates of his choice for nomination, according to the number of persons to be

voted for by him, for each office by making a cross (X) or check () mark or by making a punch or mark sense mark in the square opposite the name of the candidate, or he may so mark the write-in position provided on the ballot for the particular office and, in the space provided therefor on the ballot and/or ballot envelope, write the identification of the office in question and the name of any person not already printed on the ballot for that office, and such mark and written insertion shall count as a vote for that person for such office.

(3) At all other elections, the voter shall vote for the candidates of his choice for each office to be filled, according to the number of persons to be voted for by him for each office, by making a cross (X) or check () mark or by making a punch or mark sense mark in the square opposite the name of the candidate, or he may so mark the write-in position provided on the ballot for the particular office and, in the space provided therefor on the ballot and/or ballot envelope, write the identification of the office in question and the name of any person not already printed on the ballot for that office, and such mark and written insertion shall count as a vote for that person for such office.

(4) If the voter desires to vote for every candidate of a political party or political body, except its candidates for offices as to which he votes for individual candidates in the manner hereinafter provided, he may make a cross (X) or check () or punch or mark sense mark in the square opposite the name of the party or political body so marked, including its candidates for presidential electors, except for those offices as to which he has indicated a choice for individual candidates of the same or another party or political body, by making a cross (X) or check () or punch or mark sense mark opposite their names in the manner hereinabove provided, as to which offices his ballot shall be counted only for the candidates which he has thus individually marked, notwithstanding the fact that he made a mark in the party column, and even though in the case of an office for which more than one candidate is to be voted for, he has not individually marked for such office the full number of candidates for which he is entitled to vote. If he desires to vote for the entire group of presidential electors nominated by any party or political body, he may make a cross (X) or check () or punch or mark sense mark in the appropriate space opposite the names of the candidates for President and Vice-President of such party or body. If he desires to vote a ticket for presidential electors made up of the names of persons nominated by different parties or political bodies, or partially of names of persons so in nomination and partially of names of persons not in nomination by any party or political body, or wholly of names of persons not in nomination by any party or political body, he shall insert the names of the candidates for presidential electors for whom he desires to vote in the blank spaces provided therefor on the write-in ballot under the title of the office "Presidential Electors." In case of a question

submitted to the vote of the electors, he may make a cross (X) or check () or punch or mark sense mark in the appropriate square opposite the answer which he desires to give.

(5) Any voter who spoils his ballot may return it and secure another. The word "spoiled" shall be written across the face of the ballot, and it shall be placed in the envelope marked "Spoiled Ballots".

(6) Following the completion of his vote, the voter shall leave the voting booth and return the ballot to the election officer by a means designed to insure its secrecy; upon removal of the stub of the ballot by the election officer, the voter shall insert the ballot into the district automatic tabulating equipment or, in the event district tabulation is not provided for by the voting system or such district tabulation equipment is inoperative for any reason, into a secure ballot box. No ballot card from which the stub has been detached shall be accepted by the election officer in charge of such equipment or ballot box, but it shall be marked "spoiled" and shall be placed in the envelope marked "Spoiled Ballots."

Section 1113-A. Post Election Procedures.—(a) As soon as the polls have been closed and the last elector has voted in districts having an electronic voting system which employs paper ballots or ballot cards, and district tabulation is provided for, the number of such ballots issued to electors (at primary elections, the number issued to the electors of each party), as shown by the stubs, and the number of ballots (at primaries the number of ballots of each party), if any, spoiled and returned by voters and cancelled, shall be announced to all present in the polling place and entered on the general returns of votes cast at such primary or election. The district election officers shall then compare the number of names marked as voting in the district register, "Voting Check List" and numbered lists of voters, shall announce the result, and shall enter on the general returns the number of electors who have voted, as shown by the "Voter's Check List." Any differences which exist shall be reconciled where possible, and where reconciliation is not possible such differences shall be noted on the general returns. The district register, the "Voting Check List," the numbered lists of voters and the stubs of all ballots used, together with all unused ballots, and all spoiled and cancelled ballots, and all rejected voters certificates shall then be placed in separate packages, containers or envelopes and sealed before the tabulation of any ballots.

(b) If ballots are computed and tabulated in the election district, all write-in votes which have been properly cast and recorded on the voting device shall be counted and recorded on a standard form provided for this purpose. District totals cards or other appropriate data storage device may also be prepared by the district board of election reflecting the results of the voting in that district. Such cards and reporting forms of write-in vote tabulation shall be delivered to

the county board of elections. In cases where central counting is utilized, write-in ballots may be recorded either at the election district or at the counting center.

(c) In any case in which the write-in ballot is a separate entity from the ballot or ballot card, and the write-in ballot has been used, both sections shall be given a unique identifying number prior to their separation for tabulation.

(d) In returning any votes cast for any person whose name is not printed on the official ballot, the election officers shall record any such names exactly as they were written, stamped or applied to the ballot by sticker.

(e) If, as a result of an otherwise properly cast write-in vote, the voter has registered more votes for an office than he is entitled to vote for that office, the entire vote cast for that office shall be void and shall not be counted; and such write-in ballots shall be fastened to the write-in vote tabulation form and shall be delivered to the county board of elections.

(f) In the event district tabulation of votes is provided for by the voting system, the district election officers shall, immediately upon the close of the polls, cause the automatic tabulating equipment to tabulate the ballots cast during the election and shall prepare duplicate records of the total number of voters whose ballots have been tabulated; the total number of votes cast for each candidate whose name appears on the ballot; the total number of write-in votes properly cast for each office on the ballot; and the total number of votes cast for or against any question appearing on the ballot. One such record shall be publicly posted at the district polling place. All votes so cast and tabulated in the district may also be recorded on a district totals card and all properly cast write-in votes may also be recorded on the district totals card, and the delivery of such district totals cards and reporting forms to the county board of elections shall be the responsibility of the judge of election. The minority inspector shall keep duplicate copies of all such reports and returns. At the close of the election and after the tabulation of all ballots, the automatic tabulating equipment or other component of the voting system which contains ballots shall be locked and sealed so that no further ballots may be deposited in or removed from any such equipment or component, and all components of the voting system, suitably packaged and secured for storage, shall be held for delivery to the county election board.

(g) In the event district tabulation of votes is not provided for by the voting system, the judge of election shall prepare a report of the number of voters who have voted, as indicated by the "Voting Check List" and numbered lists of voters poll list. He shall also prepare a report of the number of spoiled ballots and the number of unused ballots. He shall deliver the original copy of this report to the county board of elections under seal. The minority inspector shall keep a

duplicate copy of this report. The judge of election and minority inspector shall forthwith deliver the sealed transport carrier containing all voted ballot cards to the county board of elections or to such places as the county board may designate. The county board of elections may provide that the ballot container and reports may upon proper certification and signature instead be picked up at the polling places by two authorized election deputies of opposite parties.

(h) All reports and returns shall be signed by all district election officers.

(i) In the event that district tabulation of votes is not provided for by the voting system, it shall be the responsibility of the county board of elections to make available to the public at the central tabulating center, the election results for each election district. It shall be the further duty of the county board of elections to post such results in each election district no later than 5:00 P.M. of the second day following the election.

Section 1114-A. Returns.—(a) By the fourth day prior to each election, the county board of elections shall have the central automatic tabulating equipment tested to ascertain that it will accurately count the votes cast for all offices and all questions. Public notice of the time and place of the test shall be given at least forty-eight hours prior to the test by newspaper publication in the county in accordance with section 106, such notice to be published once. The test shall be conducted by processing a preaudited group of district totals cards or ballots on which are recorded votes for each candidate and on each question. In such test a different number of valid votes shall be assigned to each candidate for an office and for and against each question. If any error is detected, the cause of it shall be ascertained and corrected and an errorless count shall be made and certified to by the county board of elections prior to election day. All test and program materials shall then be sealed by the county board of elections until their use on election day. The central automatic tabulating equipment shall pass the same test at the conclusion of the actual election count before the election returns are approved as official. On completion of the count, the programs, test materials, and district totals cards or ballots shall be sealed and retained according to the provisions contained in this act for the retention of paper ballots.

(b) (1) All proceedings at the central tabulation center shall be under the direction of the county board of elections or of such persons as it may designate and shall be conducted under the observation of the public insofar as is practical, but no persons except those authorized for the purpose shall touch any ballot or district totals card. 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.

(2) Each political party or political body represented on the official ballot may have one technically qualified person, authorized by

the county chairman and deputized by the county board of elections, present during the testing of the central automatic tabulating equipment and the 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, however, That such testing shall in no way interfere with the official tabulation of the ballots and district totals cards. In addition, 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 board of elections, sufficient to permit accurate observation of the receipt, handling, duplication, and processing of all ballots and district totals cards.

(3) If any ballots or district totals cards are damaged or defective so that they cannot properly be counted by the central automatic tabulating equipment, a true duplicate copy shall be made and substituted for any such damaged ballot or card. All such duplicate ballots or cards shall also be clearly labeled "duplicate," and shall bear a serial number which shall be recorded on the damaged or defective ballot or card.

(c) The return printed by the central automatic tabulating equipment, to which have been added write-in votes as recorded on the district reporting form and absentee votes, shall, when certified by the county board of elections, constitute the official return of each election district. Upon completion of the count, the official returns shall be open to the public.

(d) If for any reason it becomes impracticable to count all or a part of the ballots or district totals cards with automatic tabulating equipment, the county board of elections may direct that such ballots or cards be counted manually, following as far as practicable the provisions of this act governing the counting of paper ballots.

(e) During the course of central tabulation of ballots or district totals cards, the county board of elections may unofficially report the progress of the count for each candidate and on any question.

Section 1115-A. Absentee Ballots.—Absentee votes may be cast on paper ballots or on ballot cards.

Section 1116-A. Ballots and Ballot Labels; Disposition.—(a) Upon completion of the count, all ballots, absentee ballots and district totals cards shall be securely packaged, suitably labeled and sealed, and delivered to the county board of elections. The board shall likewise package and seal a true copy of the ballot label used in each election district. Thereafter these packages are to be retained and disposed of in the same manner as paper ballots and related materials are disposed of under the provisions of this act.

(b) The county board of elections shall likewise package and retain all tabulating cards and other materials used in the preparation of the automatic tabulating equipment but may have access to these tabulating cards and other materials. It shall not alter or make changes to

these materials but may make copies of them and make changes to the copies, and all such materials shall be preserved and maintained by the board in accordance with the terms of section 309.

Section 1117-A. Statistical Sample.—The county board of elections, as part of the computation and canvass of returns, shall conduct a statistical recount of a random sample of ballots after each election using manual, mechanical or electronic devices of a type different than those used for the specific election. The sample shall include at least two (2) per centum of the votes cast or two thousand (2,000) votes whichever is the lesser.

Section 1118-A. Recounts.—Should a recount of votes be ordered as provided by law, the ballots shall be recounted in accordance with the provisions of Article XVII. Manual, mechanical or electronic methods may be used as determined by the county board.

Section 1119-A. Voting by Ballot.—If in any case the number of candidates nominated or seeking nomination for any office, or if a method of election for any candidate or office which is prescribed by law, renders the use of an electronic voting system impracticable, or if, for any other reason the use of an electronic voting system is not possible or practicable at a particular election, the county board of elections may arrange to have the voting at any such election and for any such offices conducted by paper ballots. In such cases, the ballots shall be printed for any such election or office and the election shall be conducted by the election officers herein provided for, and the ballots counted and the return thereof made in the manner required by law for such offices insofar as paper ballots are used.

Section 1120-A. Unofficial Ballot Labels; Repair and Alternate Use of Paper Ballots.—(a) If ballot labels for an election district at which an electronic voting system is to be used, shall not be delivered to the election officers of that district as required by section 1110-A, the judge of election of such district shall cause other labels to be prepared, printed, or written, as nearly in the form of official ballot labels as practicable, and the election officers shall cause the labels so substituted, to be used at the election insofar as is possible in the same manner as the official labels. Such labels, so substituted, shall be known as unofficial ballot labels.

(b) If any electronic voting system or any component thereof being used in any election shall become inoperable during such 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.

Section 1121-A. Custody of Electronic Voting Systems and Keys.—(a) The county board of elections shall designate a person or persons who shall have the custody of the county's electronic voting

system and its components and of the keys therefor when the system is not in use at an election, and the board shall provide for his compensation and for the safe storage and care of the system and placement of its keys in a security vault.

(b) All electronic voting systems and their components, when not in use, shall be properly boxed or covered and stored in a suitable place or places.

Section 1122-A. Construction.—The provisions of this article shall constitute an additional method of voting and all provisions of this act shall be construed to be in full force and effect unless inconsistent with the provisions of this article.

Section 5. Section 1303 of the act, amended August 13, 1963 (P.L.707, No.379), is amended to read:

Section 1303. Official Absentee Voters Ballots.—(a) In districts in which ballots are used, the ballots for use by such absentee electors under the provisions of this act shall be the official ballots printed in accordance with sections 1002 and 1003: Provided, however, That the county board of elections when detaching the official ballots for absentee electors shall be required to indicate on the stub of each ballot so detached the name of the applicant to which that precise ballot is being sent. The county board of elections shall also be required to remove the numbered stub from each such ballot and shall thereupon print, stamp or endorse in red color upon such official ballots the words, Official Absentee Ballot. Such ballots shall be distributed by such boards as hereinafter provided.

(b) In districts in which voting machines are used and in those districts in which paper ballots are used and the county board of elections therein do not print official absentee ballots in accordance with sections 1002 and 1003, the ballots for use by such absentee electors under the provisions of this act shall be prepared sufficiently in advance by the county board of elections and shall be distributed by such boards as hereinafter provided. Such ballots shall be marked Official Absentee Ballot but shall not be numbered and shall otherwise be in substantially the form for ballots required by article ten of this act, which form shall be determined and prescribed by the Secretary of the Commonwealth.

(c) In districts in which electronic voting systems are utilized, the absentee ballot may be in the form of a ballot card which shall be clearly stamped on its face "Absentee Ballot."

(d) In cases where there is not time, in the opinion of the county boards of election, to print on said ballots the names of the various candidates for district, county, and local offices, the ballots shall contain blank spaces only under the titles of such offices in which electors may insert the names of the candidates for whom they desire to vote, and in such cases the county boards of election shall furnish to electors lists containing the names of all the candidates named in nomination petitions or who have been regularly nominated under the

provisions of this act, for the use of such electors in preparing their ballots.

Section 6. Section 1308 of the act is amended by adding a subsection to read:

Section 1308. Canvassing of Official Absentee Ballots.—

* * *

(b.1) (1) In the event that an electronic voting system provides for central tabulations of ballots, such absentee ballots shall be opened and deposited in the ballot box without being counted except as to the number of absentee ballots cast. The absentee ballots shall be counted along with the other ballots from the election district at the location and in the manner specified by the county board of elections and provided for by the electronic voting system utilized.

(2) In the event that an electronic voting system provides for tabulation of votes at the election district, such absentee ballots shall be opened, checked for write-in votes in accordance with section 1113-A and then either hand-counted or counted by means of the automatic tabulation equipment, whatever the case may be.

* * *

Section 7. Subsection (d) of section 1404 of the act is amended by adding clauses to read:

Section 1404. Computation of Returns by County Board; Certification; Issuance of Certificates of Election.—

* * *

(d) * * *

(4) In districts where electronically tabulated ballots are used in conjunction with central ballot tabulation, the return board shall compare the number of persons voting as indicated on the computer return sheets, with the number voting as indicated on the sealed general return from the election district. In the case of a discrepancy, the procedures specified for paper ballots in subsection (d)(1) shall be followed.

(5) In districts where ballots are tabulated at the election district, the procedures specified for paper ballots in subsection (d)(1) shall be followed.

* * *

Section 8. Subsection (d) of section 1626 and section 1628 of the act, added October 4, 1978 (P.L.893, No.171), are amended to read:

Section 1626. Reporting by Candidate and Political Committees and other Persons.—

* * *

(d) Pre-election reports by candidates for offices to be voted for by the electors of the State at large and all political committees, which have expended money for the purpose of influencing the election of such candidate, shall be filed not later than **[forty-five (45) days] the sixth Tuesday before** and **[ten (10) days prior to] the second Friday before** an election, provided that the initial pre-election report shall be

complete as of fifty (50) days prior to the election and the subsequent pre-election report shall be complete as of fifteen (15) days prior to the election. Pre-election reports by all other candidates and political committees which have received contributions or made expenditures for the purpose of influencing an election shall be filed not later than **[ten (10) days prior to] the second Friday before** an election, provided that such report be complete as of fifteen (15) days prior to the election.

* * *

Section 1628. Late Contributions and Independent Expenditures.—

Any candidate or political committee, authorized by a candidate and created solely for the purpose of influencing an election on behalf of that candidate, which receives any contribution or pledge of five hundred dollars (\$500) or more, and any person making an independent expenditure, as defined by this act, of five hundred dollars (\$500) or more after the final pre-election report has been deemed completed shall report such contribution, pledge or expenditure to the appropriate supervisor by telegram *or mailgram*. Such telegram *or mailgram* shall be sent by the candidate, chairman or treasurer of the political committee within twenty-four (24) hours of receipt of the contribution. It shall be the duty of the supervisor to confirm the substance of such telegram *or mailgram*. Any candidate *in his own behalf, or chairman, [or] treasurer or candidate in behalf of the political committee* may also comply with this section by appearing personally before such supervisor and reporting such late contributions or pledges.

Section 9. This act shall take effect immediately.

APPROVED—The 11th day of July, A. D. 1980.

DICK THORNBURGH