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Martin Bernard O'Malley  
113 Sharon Drive  
Pittsburgh, PA 15221

Dear Mr. O'Malley:

Thank you for your email expressing your concern about the availability and use of paper ballots as a back-up in the event that voting systems malfunction on Election Day.

I am sure you will be happy to learn that the Pennsylvania Department of State, through its Bureau of Commissions, Elections and Legislation, had already taken action on this important issue well in advance of receiving your communication. It is critical that every person who makes the effort to go to the polls on Election Day have the opportunity to cast a ballot. The Department of State provided direction to all 67 county boards of elections procedures for ensuring that no voter is turned away from a polling place because a voting system is inoperable.

Under Pennsylvania law, the county board of elections is required to make necessary repairs or to use substitute electronic voting systems as promptly as possible whenever an electronic voting system or any of its components become inoperable during the time the polls are open. If repairs cannot be made promptly or suitable substitute voting systems are not promptly available, Pennsylvania law provides for the use of back-up paper ballots.

Back-up paper ballots are not an alternative to voting on available and functioning electronic voting systems. Back-up paper ballots may be used by voters only if an electronic voting system or its components become inoperable during the time the polls are open.

County election boards can provide back-up paper ballots in different formats. They can design a ballot to be used specifically as a back-up paper ballot. They can use ballots that were printed originally for the purpose of being used as absentee ballots, alternative ballots, or provisional ballots, so long as they are identified as back-up paper ballots for use as regular ballots. The Department has instructed county boards of elections that voted back-up paper ballots, regardless of the format chosen for use by a county, should be deposited by voters in a ballot box or other secure receptacle designated by the board of elections.

By following the provisions of the law and these instructions on the use and processing of back-up paper ballots, I am confident that every polling place in Pennsylvania will be equipped to administer an election if its electronic voting systems become inoperable.

I want to thank you for taking the time to write to me about this important issue and applaud you for your interest in promoting and preserving the democratic process.

Sincerely,

Pedro A. Cortés