

[First Reprint]

SENATE JOINT RESOLUTION

No. 37

STATE OF NEW JERSEY

217th LEGISLATURE

INTRODUCED FEBRUARY 16, 2016

Sponsored by:

Senator CHRISTOPHER "KIP" BATEMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Senator JIM WHELAN

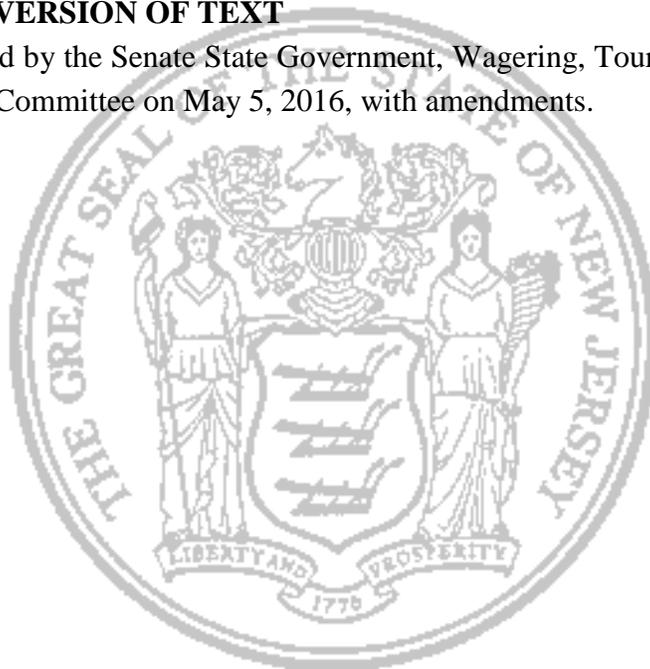
District 2 (Atlantic)

SYNOPSIS

Permits county commissioners of registration and boards of election to conduct "Electronic Poll Book Demonstration Project" in certain districts during 2017 elections; requires Division of Elections review and approval of proposed projects.

CURRENT VERSION OF TEXT

As reported by the Senate State Government, Wagering, Tourism & Historic Preservation Committee on May 5, 2016, with amendments.



(Sponsorship Updated As Of: 4/22/2016)

1 **A JOINT RESOLUTION** permitting county election officials to
2 conduct an “Electronic Poll Book Demonstration Project” in
3 certain election districts during the ¹**[2016]** 2017¹ elections.

4
5 **BE IT RESOLVED** *by the Senate and General Assembly of the*
6 *State of New Jersey:*

7
8 1. This joint resolution shall be known and may be cited as the
9 “Electronic Poll Book Demonstration Project.”

10
11 2. Each county commissioner of registration, in consultation
12 with the county board of elections in each county, may develop a
13 plan to test the utility of replacing the paper polling record used at a
14 polling place on election day with an electronic version of that
15 record, known as an electronic poll book, that provides access to the
16 registration record, eligibility, signature, and other information of
17 each registered voter in the election district, and that enables the
18 same functionality currently provided by the paper polling record to
19 be accomplished by electronic means in the conduct of an election.
20 Each plan developed by a county commissioner of registration shall
21 conform to the following criteria:

22 a. designation of the location and number of election districts
23 at which the demonstration project will be conducted, which shall
24 constitute not more than 5% of the total number of election districts
25 in the county per election cycle;

26 b. specification of the electronic poll book technology to be
27 used during the demonstration project, which shall be acquired in
28 sufficient quantities to successfully undertake the demonstration
29 project and which shall be capable of performing by electronic
30 means all of the same functions performed by a paper polling record
31 during the conduct of an election, and comply with additional
32 requirements specified under section 3 of this joint resolution;

33 c. provision of a full set of paper polling records at each
34 election district participating in the demonstration project, which
35 shall be brought into use during the election if the electronic poll
36 book technology fails;

37 d. production by the county commissioner of registration of an
38 estimate of the full costs of developing and implementing the
39 demonstration project, which shall be submitted to the county
40 governing body for approval at the planning stage, and the costs of
41 the demonstration project shall be paid by the county out of county
42 government funds;

43 e. detailed description of procedures and requirements for the
44 training of poll workers on the use of the selected electronic poll

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SSG committee amendments adopted May 5, 2016.

1 book technology, protections to ensure the electronic and physical
2 security of the electronic poll books and the voter information they
3 contain, and planning for any other potential contingencies; and

4 f. any other criteria deemed appropriate by a county
5 commissioner of registration, county board of elections, county
6 governing body pursuant to subsection d. of this section, or the
7 Secretary of State pursuant to section 4 of this joint resolution.

8 A county commissioner of registration shall be empowered to
9 cancel the implementation of an approved electronic poll book
10 demonstration project if the commissioner determines that
11 emergency or other circumstances warrant cancelation.

12

13 3. Each county commissioner of registration developing an
14 electronic poll book demonstration project in consultation with the
15 county board of elections shall evaluate various kinds of electronic
16 poll book technology currently available, and shall select the
17 technology that would best fit the needs of the election officials,
18 local boards of election, and registered voters of the election
19 districts participating in the demonstration project. Notwithstanding
20 this provision, an electronic poll book technology shall meet at least
21 the following capabilities and standards:

22 a. ability to enable a poll worker to perform by electronic
23 means all of the same functions performed using a paper polling
24 record during the conduct of an election, including, but not limited
25 to, retrieving a registered voter's record and digitized signature to
26 determine eligibility to vote, verifying whether additional
27 identifying documents or proof of residency are needed to complete
28 a voter's registration, recording that person's signature at the polls,
29 assigning a sequential number to each voter permitted to vote,
30 recording any necessary notations on the voter's record, providing
31 an auditable record of the election, redirecting a voter to the correct
32 polling place, notifying whether a registered voter already voted or
33 was mailed a mail-in ballot, and otherwise appropriately marking
34 the voter's record on election day;

35 b. compatibility with the Statewide voter registration system
36 established pursuant to section 1 of P.L.2005, c.145 (C.19:31-31),
37 which shall include the ability of the electronic poll book to import
38 the records of all registered voters in the election district and
39 updates to those records before election day, to record edits to those
40 records on election day, and to export to the Statewide voter
41 registration system all of the election activity and voter
42 participation information at the closing of the polls or, as an
43 alternative to the export capability, the capability to generate a
44 report of the election activity and voter participation information for
45 manual entry into the Statewide voter registration system;

46 c. proven ability to successfully meet requirements concerning
47 technology documentation, user safety, accessibility, durability,
48 data encryption, non-interference with and separation from the

1 voting system in use during an election, device and system security,
2 audit log, data and power backup, compatibility, and functionality,
3 as demonstrated under actual performance and use in other United
4 States election administration jurisdictions; and

5 d. any other capability or standard deemed appropriate by the
6 commissioner of registration, board of elections, or Secretary of
7 State, or deemed necessary to comply with any provision of Title 19
8 of the Revised Statutes.

9
10 4. A county commissioner of registration shall submit a
11 complete electronic poll book demonstration project plan to the
12 Director of the Division of Elections in the Department of State at
13 least 90 days ahead of the election during which the demonstration
14 project will be implemented. The director shall review each plan for
15 conformance with the provisions of this joint resolution within 30
16 days of receiving the plan, and shall either approve, approve with
17 changes, or disapprove the plan.

18
19 5. Each county commissioner of registration implementing an
20 electronic poll book demonstration project approved by the director
21 under this joint resolution shall, within 120 days following the
22 implementation of the project, develop a report to be submitted to
23 the Governor, the Secretary of State, and to the Legislature pursuant
24 to section 2 of P.L.1991, c.164 (C.52:14-19.1), documenting the
25 results of the demonstration project. The report shall specifically
26 describe the nature and scope of the demonstration project, provide
27 voter participation data, detail the electronic poll book technology
28 used, and address the election administration experience with the
29 technology and whether the use of the technology resulted in any
30 improvement in the productivity and efficiency of election
31 administration on election day.

32
33 6. This joint resolution shall take effect immediately, and shall
34 expire 120 days following the date of the November ¹~~2016~~ 2017¹
35 general election.