

ASSEMBLY JOINT RESOLUTION

No. 59

STATE OF NEW JERSEY

217th LEGISLATURE

INTRODUCED FEBRUARY 13, 2017

Sponsored by:

Assemblyman JOHN F. MCKEON

District 27 (Essex and Morris)

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 introduced.



1 **A JOINT RESOLUTION** permitting county election officials to
2 conduct an “Electronic Poll Book Demonstration Project” in
3 certain election districts during the 2017 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
45 book technology, protections to ensure the electronic and physical
46 security of the electronic poll books and the voter information they
47 contain, and planning for any other potential contingencies; and

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

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

9
10 3. Each county commissioner of registration developing an
11 electronic poll book demonstration project in consultation with the
12 county board of elections shall evaluate various kinds of electronic
13 poll book technology currently available, and shall select the
14 technology that would best fit the needs of the election officials,
15 local boards of election, and registered voters of the election
16 districts participating in the demonstration project. Notwithstanding
17 this provision, an electronic poll book technology shall meet at least
18 the following capabilities and standards:

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

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

43 c. proven ability to successfully meet requirements concerning
44 technology documentation, user safety, accessibility, durability,
45 data encryption, non-interference with and separation from the
46 voting system in use during an election, device and system security,
47 audit log, data and power backup, compatibility, and functionality,

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1 as demonstrated under actual performance and use in other United
2 States election administration jurisdictions; and

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

7
8 4. A county commissioner of registration shall submit a
9 complete electronic poll book demonstration project plan to the
10 Director of the Division of Elections in the Department of State at
11 least 90 days ahead of the election during which the demonstration
12 project will be implemented. The director shall review each plan for
13 conformance with the provisions of this joint resolution within 30
14 days of receiving the plan, and shall either approve, approve with
15 changes, or disapprove the plan.

16
17 5. Each county commissioner of registration implementing an
18 electronic poll book demonstration project approved by the director
19 under this joint resolution shall, within 120 days following the
20 implementation of the project, develop a report to be submitted to
21 the Governor, the Secretary of State, and to the Legislature pursuant
22 to section 2 of P.L.1991, c.164 (C.52:14-19.1), documenting the
23 results of the demonstration project. The report shall specifically
24 describe the nature and scope of the demonstration project, provide
25 voter participation data, detail the electronic poll book technology
26 used, and address the election administration experience with the
27 technology and whether the use of the technology resulted in any
28 improvement in the productivity and efficiency of election
29 administration on election day.

30
31 6. This joint resolution shall take effect immediately, and shall
32 expire 120 days following the date of the November 2017 general
33 election.

34
35 **STATEMENT**

36
37 This joint resolution permits each county commissioner of
38 registration, in consultation with the respective board of elections,
39 to conduct an “Electronic Poll Book Demonstration Project” in
40 certain election districts during the 2017 elections, upon review and
41 approval of each project’s plan by the Director of the Division of
42 Elections in the Department of State. The purpose of this voluntary
43 project is to allow county commissioners of registration to test the
44 utility of replacing the paper polling record used at a polling place
45 on election day with an electronic version of that record. That
46 technology, known as an electronic poll book, provides access to
47 the registration record, eligibility, signature, and other information
48 of each registered voter in the election district, and enables the

1 same functionality currently provided by the paper polling record to
2 be accomplished by electronic means in the conduct of an election.

3 Under the joint resolution, each county commissioner of
4 registration would work with the county board of elections in each
5 county to develop a plan. However, plans would be required to
6 conform to the following specific criteria: (1) designation of the
7 location and number of election districts at which the demonstration
8 project will be conducted, which cannot constitute more than 5% of
9 the total number of election districts in the county per election
10 cycle; (2) specification of the electronic poll book technology to be
11 used during the demonstration project, which must be acquired in
12 sufficient quantities and be capable of performing by electronic
13 means all of the same functions performed by a paper polling
14 record; (3) provision of a full set of paper polling records at each
15 election district participating in the demonstration project, which
16 must be brought into use during the election if the electronic poll
17 book technology fails; (4) production by the county commissioner
18 of registration of an estimate of the full costs of developing and
19 implementing the demonstration project, which must be submitted
20 to the county governing body for approval at the planning stage,
21 with the costs of the demonstration project required to be paid by
22 the county out of county government funds; (5) detailed description
23 of procedures and requirements for poll worker training, protections
24 for electronic and physical security of the electronic poll books, and
25 planning for any other potential contingencies; and (6) any other
26 criteria deemed appropriate by the commissioner, board, county
27 governing body, or Secretary of State. A county commissioner of
28 registration shall be empowered to cancel the implementation of an
29 approved electronic poll book demonstration project if the
30 commissioner determines that emergency or other circumstances
31 warrant cancelation.

32 The joint resolution authorizes each county commissioner of
33 registration in consultation with the county board of elections to
34 evaluate the kinds of electronic poll book technology available and
35 to select the technology that would best fit the needs of the district.
36 The joint resolution requires the selected electronic poll book
37 technology to meet at least the following capabilities and standards:
38 (1) ability to enable a poll worker to perform by electronic means
39 all of the same functions performed using a paper polling record
40 during the conduct of an election, including, but not limited to,
41 retrieving a registered voter's record and digitized signature to
42 determine eligibility to vote, verifying whether additional
43 identifying documents or proof of residency are needed to complete
44 a voter's registration, recording that person's signature at the polls,
45 assigning a sequential number to each voter permitted to vote,
46 recording any necessary notations on the voter's record, providing
47 an auditable record of the election, redirecting a voter to the correct
48 polling place, notifying whether a registered voter already voted or

1 was mailed a mail-in ballot, and otherwise appropriately marking
2 the voter's record on election day; (2) compatibility with the
3 Statewide voter registration system, which must include the ability
4 of the electronic poll book to import the records of all registered
5 voters in the election district and updates those records, record edits
6 to those records, and export to the Statewide voter registration
7 system all of the election activity and voter participation
8 information at the closing of the polls or, as an alternative to the
9 export function, the capability to generate a report of the same
10 activity and participation that can be manually entered into the
11 Statewide voter registration system; (3) proven ability to
12 successfully meet requirements concerning technology
13 documentation, user safety, accessibility, durability, data
14 encryption, non-interference with and separation from the voting
15 system in use during an election, device and system security, audit
16 log, data and power backup, compatibility, and functionality, as
17 demonstrated under actual performance and use in other United
18 States election administration jurisdictions; and (4) any other
19 capability or standard deemed appropriate by the commissioner,
20 board, or Secretary of State, or deemed necessary to comply with
21 any provision of the election laws.

22 The joint resolution further requires a county commissioner of
23 registration to submit a complete electronic poll book
24 demonstration project plan to the Director of the Division of
25 Elections in the Department of State at least 90 days ahead of the
26 election during which the demonstration project will be
27 implemented. The director is required to review each plan for
28 conformance with the provisions of this joint resolution within 30
29 days of receiving the plan, and is empowered to either approve,
30 approve with changes, or disapprove the plan.

31 Each county commissioner of registration implementing an
32 electronic poll book demonstration project approved by the director
33 would be required to develop and submit a report to the Governor,
34 the Secretary of State, and the Legislature documenting the results
35 of the demonstration project within 120 days following the
36 completion of the project.