

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 3544

STATE OF NEW JERSEY  
218th LEGISLATURE

DATED: MARCH 29, 2019

SUMMARY

**Synopsis:** Permits county commissioner of registration and board of elections to use electronic poll books.

**Type of Impact:** Multiyear State and local government expenditure increase.

**Agencies Affected:** Department of State; Local Governments.

Office of Legislative Services Estimate

Fiscal Impact	Year 1	Year 2 and thereafter
State Expenditure Increase	Indeterminate	Indeterminate
Local Government Expenditure Increase	\$1,500 to \$2,004 per electronic poll book	Indeterminate

- The Office of Legislative Services (OLS) estimates that enactment of this bill will result in a one-time State expenditure increase related to the adoption of standards and regulations for the certification and use of electronic poll books by county boards of elections. The State will incur additional, periodic costs to the extent that counties choose to change over to electronic polling records from paper records as the Secretary of State is required to certify that all proposed electronic poll books meet minimum levels of standards and functionality.
- Local government costs are estimated to be between \$1,500 and \$2,004 per electronic poll book in the first year for counties that switch to the new technology, with periodic costs thereafter for hardware and software updates and for the training of poll workers.

BILL DESCRIPTION

This bill permits county commissioners of registration and boards of elections to use electronic poll books, upon approval by the Secretary of State. Counties opting to do so and approved to implement electronic poll books on election day would be required to furnish at least two electronic poll books for each polling place in the county.

Under the bill, electronic poll books certified by the Secretary of State must meet several minimum capabilities and standards. At a minimum, the electronic poll books must allow a poll worker to retrieve a registered voter's name, address, and date of birth; identify the municipality and the particular election district from which the voter is registered; verify whether additional identifying documents or proof of residency are needed to complete a voter's registration; access a registered voter's voting record and an imprint of the digitized image of the registered voter's signature; record a registered voter's signature at the polls; assign a sequential number of each voter permitted to vote; inspect whether a registered voter already voted or was mailed a mail-in ballot; redirect a voter to the correct polling place; record any necessary notation of remarks on the voter's record concerning a challenge to that voter's right to vote; and provide an auditable record of the election. In the case of a primary election, the electronic poll books must indicate for each registered voter the political party, if any, of which the voter is a member for the purpose of voting at that primary. Technical requirements also include compatibility with the Statewide voter registration system. Election officials must be able to import the records of all registered voters in the election district and to make updates to those records before election day, to record edits to those records on election day, and to export to the Statewide voter registration system all of the election activity and voter participation information at the closing of the polls. As an alternative to the export capability, the electronic poll books must have the capability to generate a report of the election activity and voter participation information for manual entry into the Statewide voter registration system.

The bill also requires electronic poll books to have a proven ability to successfully meet requirements concerning technology documentation, user safety, accessibility, durability, data encryption, non-interference with and separation from the voting system in use during an election, device and system security, audit log, data and power backup, compatibility, and functionality, as demonstrated under actual performance and use in other United States election administration jurisdictions. County commissioners of registration, county boards of elections, or the Secretary of State may require any other capability or standard deemed appropriate or necessary.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

#### **State Expenditure Increase**

The OLS estimates that enactment of this bill will result in one-time State expenditure increases related to the adoption of standards and regulations for the certification and use of electronic poll books by county boards of elections. The State will incur additional, periodic costs to the extent that counties choose to change over to electronic polling records from paper records as the Secretary of State is required to certify that all proposed electronic poll books meet minimum levels of standards and functionality. The timing of these costs for the State will depend on when the counties choose to make the switch to electronic poll books and how long it will take vendors to customize the new electronic poll books to New Jersey's standards and regulations. However, OLS does note that the Secretary of State will review a county's request for compliance with these standards and regulations within ten days of receiving it.

Local Government Expenditure Increase

Based on estimates for the development, deployment, and maintenance of electronic poll books in another state, the OLS estimates that the costs of implementing the provisions of this bill would range from \$1,500 to \$2,004 per electronic poll book purchased from vendors in the first year of implementation, including the costs of development, implementation, hardware, and software along with maintenance and support fees. However, future costs would increase whenever hardware replacements become necessary. Additional costs would also result from poll worker training.

This estimate is derived from a detailed cost-benefit analysis conducted by the Wisconsin Elections Commission (WEC) in 2017, which included specific cost categories and cost estimates provided by two existing electronic poll book vendors (referred to as “vendor one” and “vendor two” here). The major cost categories are: (1) development and implementation (functionality, data loading, training, and support); (2) hardware and software (such as the software license, laptop or tablet, pre-wired case, barcode scanning gun, printer, and signature pad); and (3) ongoing costs (annual maintenance and support fees). Based on these categories, the WEC estimated vendor one’s costs to range from \$175,495 to \$200,395 for the laptop options, and \$150,095 for the tablet option, for each purchase of 100 electronic poll books (about \$1,500 to \$2,004 per one electronic poll book). The WEC estimated vendor two’s costs to range from \$135,380 to \$138,345 for tablet options, plus about \$15,150 for annual ongoing costs such as licensing, maintenance, and programming, resulting in \$150,530 to \$153,495 for each purchase of 100 electronic poll books (about \$1,505 to \$1,535 per one electronic poll book).

Based on this information, counties that choose to implement electronic poll books and are approved to do so by the Secretary of State could incur a cost of about \$1,500 to \$2,004 per electronic poll book in the first year, possibly decreasing to about \$500 to \$750 per electronic poll book in the second and subsequent years. However, additional hardware costs would be needed in subsequent years due to replacements.

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This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).