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Sponsored by:

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District 18 (Middlesex)

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District 14 (Mercer and Middlesex)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on March 18, 2019, with amendments.



(Sponsorship Updated As Of: 3/15/2019)

1 AN ACT concerning electronic poll books and supplementing Title
2 19 of the Revised Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. Each county commissioner of registration and county board
8 of elections may adopt, as further provided by this act, P.L. ,
9 c. (C.) (pending before the Legislature as this bill), electronic poll
10 books for use at each polling place on the day of any election, in
11 place of the paper polling record or signature copy register, to
12 access the registration record, eligibility, signature, and other
13 information of each registered voter in the election district. The
14 electronic poll books shall enable at least the same functionality
15 currently provided by the paper polling records or signature copy
16 register to be accomplished in the conduct of an election. An
17 electronic poll book shall not be used unless it has been certified by
18 the Secretary of State. The Secretary of State shall adopt and
19 publish electronic poll books standards and regulations governing
20 the certification and use of electronic poll books. The Secretary of
21 State shall not certify an electronic poll book unless it is in
22 compliance with at least the capabilities and standards specified
23 under section 2 of P.L. , c. (C.) (pending before the Legislature as
24 this bill) and the Secretary of State's standards and regulations.
25 The Secretary of State shall provide each county commissioner of
26 registration and board of elections that adopts the use of electronic
27 poll books under this act with rules, regulations, and instructions
28 regarding the examination, testing, and use of electronic poll books,
29 including rules regarding the security and protection of the
30 information stored in such electronic poll books.

31
32 2. The electronic poll book technology certified by the
33 Secretary of State shall meet at least the following capabilities and
34 standards:

35 a. The ability to enable a poll worker to perform by electronic
36 means all of the same functions performed using a paper polling
37 record and signature copy register, during the conduct of an
38 election, including but not limited to, the following:

39 (1) retrieving a registered voter's name, address, and date of
40 birth and identifying the municipality and the particular election
41 district therein from which the person is registered;

42 (2) verifying whether additional identifying documents or proof
43 of residency are needed to complete a voter's registration;

44 (3) accessing a registered voter's voting record and an imprint
45 of the digitized image of the registered voter's signature;

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 SBA committee amendments adopted March 18, 2019.

- 1 (4) recording a registered voter's signature at the polls;
- 2 (5) assigning a sequential number of each voter permitted to
- 3 vote;
- 4 (6) inspecting whether a registered voter already voted or was
- 5 mailed a mail-in ballot;
- 6 (7) redirecting a voter to the correct polling place;
- 7 (8) recording any necessary notation of remarks on the voter's
- 8 record as provided by R.S.19:15-23 and any other challenge and the
- 9 determination thereof by the district board in connection with the
- 10 conduct of an election;
- 11 (9) providing an auditable record of the election; and
- 12 (10) in the case of a primary election, the electronic poll books
- 13 shall indicate for each registered voter the political party, if any, of
- 14 which the voter is a member for the purpose of voting at that
- 15 primary;
- 16 b. compatibility with the Statewide voter registration system
- 17 established pursuant to section 1 of P.L.2005, c.145 (C.19:31-31),
- 18 which shall include the ability of the electronic poll books to import
- 19 the records of all registered voters in the election district and
- 20 updates to those records before election day, to record edits to those
- 21 records on election day, and to export to the Statewide voter
- 22 registration system all of the election activity and voter
- 23 participation information at the closing of the polls or, as an
- 24 alternative to the export capability, the capability to generate a
- 25 report of the election activity and voter participation information for
- 26 manual entry into the Statewide voter registration system;
- 27 c. a proven ability to successfully meet requirements
- 28 concerning technology documentation, user safety, accessibility,
- 29 durability, data encryption, non-interference with and separation
- 30 from the voting system in use during an election, device and system
- 31 security, audit log, data and power backup, compatibility, and
- 32 functionality, as demonstrated under actual performance and use in
- 33 other United States election administration jurisdictions; and
- 34 d. any other capability or standard deemed appropriate by the
- 35 county commissioner of registration, county board of elections, or
- 36 Secretary of State, or deemed necessary to comply with any
- 37 provision of Title 19 of the Revised Statues.
- 38
- 39 3. A county commissioner of registration and county board of
- 40 elections opting to use electronic poll books shall submit to the
- 41 Secretary of State a request for approval in the form, content, and
- 42 timeframe specified by the Secretary of State. ¹~~【The】~~ Within 10
- 43 days of receiving the request, the¹ Secretary of State shall review
- 44 the request for compliance with the Secretary of State's standards
- 45 and regulations and all of the capabilities and standards required
- 46 under this act, P.L. , c. (C.) (pending before the Legislature as
- 47 this bill). A county commissioner of registration and county board
- 48 of elections approved to use electronic poll books shall furnish at

1 least two electronic poll books for each polling place and a backup
2 paper polling record or signature copy register. Electronic poll
3 books for each election shall be prepared by the commissioner of
4 registration no later than the 10th day preceding the election. At
5 each election, the delivery of the electronic poll books to the
6 municipal clerk and to the district boards or other officials charged
7 with the same duties as the district boards in connection with the
8 conduct of an election, and the return of those electronic poll books
9 by the district boards or such other election officials to the
10 commissioner of registration, shall be made in the manner
11 prescribed by the commissioner of registration and shall comply
12 with Title 19 of the Revised Statutes. The commissioner of
13 registration shall retain the electronic poll books records for any
14 election for a period of not less than six years following that
15 election.

16
17 ¹4. Notwithstanding any provision of the “Administrative
18 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.) to the
19 contrary, the Secretary of State shall adopt immediately upon filing
20 with the Office of Administrative Law, within 90 days of the
21 effective date of this act, P.L. , c. (C.) (pending before the
22 Legislature as this bill), such rules and regulations as the Secretary
23 of State deems necessary to implement the provisions of this act,
24 which shall be effective during an interim period and may thereafter
25 be amended, adopted, or readopted by the Secretary of State in
26 accordance with the requirements of the “Administrative Procedure
27 Act,” P.L.1968, c.410 (C.52:14B-1 et seq.).¹

28
29 ¹**[4.] 5.**¹ This act shall take effect immediately.