

ASSEMBLY, No. 5159

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED MARCH 7, 2019

Sponsored by:

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SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/19/2019)

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 of
45 the digitized image of the registered voter's signature;

46 (4) recording a registered voter's signature at the polls;

47 (5) assigning a sequential number of each voter permitted to
48 vote;

1 (6) inspecting whether a registered voter already voted or was
2 mailed a mail-in ballot;

3 (7) redirecting a voter to the correct polling place;

4 (8) recording any necessary notation of remarks on the voter's
5 record as provided by R.S.19:15-23 and any other challenge and the
6 determination thereof by the district board in connection with the
7 conduct of an election;

8 (9) providing an auditable record of the election; and

9 (10) in the case of a primary election, the electronic poll books
10 shall indicate for each registered voter the political party, if any, of
11 which the voter is a member for the purpose of voting at that
12 primary;

13 b. compatibility with the Statewide voter registration system
14 established pursuant to section 1 of P.L.2005, c.145 (C.19:31-31),
15 which shall include the ability of the electronic poll books to import
16 the records of all registered voters in the election district and
17 updates to those records before election day, to record edits to those
18 records on election day, and to export to the Statewide voter
19 registration system all of the election activity and voter
20 participation information at the closing of the polls or, as an
21 alternative to the export capability, the capability to generate a
22 report of the election activity and voter participation information for
23 manual entry into the Statewide voter registration system;

24 c. a proven ability to successfully meet requirements
25 concerning technology documentation, user safety, accessibility,
26 durability, data encryption, non-interference with and separation
27 from the voting system in use during an election, device and system
28 security, audit log, data and power backup, compatibility, and
29 functionality, as demonstrated under actual performance and use in
30 other United States election administration jurisdictions; and

31 d. any other capability or standard deemed appropriate by the
32 county commissioner of registration, county board of elections, or
33 Secretary of State, or deemed necessary to comply with any
34 provision of Title 19 of the Revised Statues.

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36 3. A county commissioner of registration and county board of
37 elections opting to use electronic poll books shall submit to the
38 Secretary of State a request for approval in the form, content, and
39 timeframe specified by the Secretary of State. The Secretary of
40 State shall review the request for compliance with the Secretary of
41 State's standards and regulations and all of the capabilities and
42 standards required under this act, P.L. , c. (C.) (pending before
43 the Legislature as this bill). A county commissioner of registration
44 and county board of elections approved to use electronic poll books
45 shall furnish at least two electronic poll books for each polling
46 place and a backup paper polling record or signature copy register.
47 Electronic poll books for each election shall be prepared by the
48 commissioner of registration no later than then the 10th day

1 preceding the election. At each election, the delivery of the
2 electronic poll books to the municipal clerk and to the district
3 boards or other officials charged with the same duties as the district
4 boards in connection with the conduct of an election, and the return
5 of those electronic poll books by the district boards or such other
6 election officials to the commissioner of registration, shall be made
7 in the manner prescribed by the commissioner of registration and
8 shall comply with Title 19 of the Revised Statutes. The
9 commissioner of registration shall retain the electronic poll books
10 records for any election for a period of not less than six years
11 following that election.

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13 4. This act shall take effect immediately.

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STATEMENT

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18 This bill permits a county commissioner of registration and
19 county board of elections to adopt the use of electronic poll books,
20 and requires the Secretary of State to adopt and publish electronic
21 poll books standards and regulations governing the certification and
22 use of electronic poll books.

23 Under the bill, electronic poll book technology is required to
24 meet certain capabilities and standards, including but not limited to,
25 the ability to enable a poll worker to perform by electronic means
26 all of the same functions performed using a paper polling record
27 and signature copy register during the conduct of an election,
28 compatibility with the Statewide voter registration system, a proven
29 ability to successfully meet requirements concerning data
30 encryption, non-interference with and separation from the voting
31 system in use during an election, device and system security, audit
32 log, and data and power backup, and any other capability or
33 standard deemed appropriate by the county commissioner of
34 registration, county board of elections, or Secretary of State.

35 A county commissioner of registration and county board of
36 elections opting to use electronic poll books are required to furnish
37 at least two certified electronic poll book systems for each polling
38 place. The electronic poll books for each election are required to be
39 prepared by the commissioner of registration no later than the 10th
40 day preceding the election. The commissioner of registration is
41 required to retain the electronic poll books records for any election
42 for a period of not less than six years following that election.