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Also of possible interest:

Committee meeting of Assembly Judiciary Committee : Assembly Bill No. 4619, requires new voting machines purchased or leased for use in elections in this State to produce paper record of each vote cast

[October 26, 2017, Trenton, New Jersey]

Call number: 974.90 E38, 2017a

Available online at <http://hdl.handle.net/10929/45915>

RWH

P.L. 2019, CHAPTER 80, *approved May 2, 2019*  
Assembly, No. 5159 (*First Reprint*)

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:

**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:

<sup>1</sup>Assembly AAP committee amendments adopted March 18, 2019.

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

1 timeframe specified by the Secretary of State. <sup>1</sup>**[The]** Within 10 days  
2 of receiving the request, the<sup>1</sup> Secretary of State shall review the  
3 request for compliance with the Secretary of State’s standards and  
4 regulations and all of the capabilities and standards required under this  
5 act, P.L. , c. (C. ) (pending before the Legislature as this bill). A  
6 county commissioner of registration and county board of elections  
7 approved to use electronic poll books shall furnish at least two  
8 electronic poll books for each polling place and a backup paper polling  
9 record or signature copy register. Electronic poll books for each  
10 election shall be prepared by the commissioner of registration no later  
11 than the 10th day preceding the election. At each election, the delivery  
12 of the electronic poll books to the municipal clerk and to the district  
13 boards or other officials charged with the same duties as the district  
14 boards in connection with the conduct of an election, and the return of  
15 those electronic poll books by the district boards or such other election  
16 officials to the commissioner of registration, shall be made in the  
17 manner prescribed by the commissioner of registration and shall  
18 comply with Title 19 of the Revised Statues. The commissioner of  
19 registration shall retain the electronic poll books records for any  
20 election for a period of not less than six years following that election.

21

22 <sup>1</sup>4. Notwithstanding any provision of the “Administrative  
23 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary,  
24 the Secretary of State shall adopt immediately upon filing with the  
25 Office of Administrative Law, within 90 days of the effective date of  
26 this act, P.L. , c. (C. ) (pending before the Legislature as this bill),  
27 such rules and regulations as the Secretary of State deems necessary to  
28 implement the provisions of this act, which shall be effective during an  
29 interim period and may thereafter be amended, adopted, or readopted  
30 by the Secretary of State in accordance with the requirements of the  
31 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et  
32 seq.).<sup>1</sup>

33

34 <sup>1</sup>**[4.]** 5.<sup>1</sup> This act shall take effect immediately.

35

36

37

38

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

# ASSEMBLY, No. 5159

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED MARCH 7, 2019

**Sponsored by:**

**Assemblywoman VERLINA REYNOLDS-JACKSON**

**District 15 (Hunterdon and Mercer)**

**Assemblyman ANTHONY S. VERRELLI**

**District 15 (Hunterdon and Mercer)**

**Assemblyman ROBERT J. KARABINCHAK**

**District 18 (Middlesex)**

**Co-Sponsored by:**

**Assemblywoman Jones, Assemblyman McKeon and Assemblywoman McKnight**

**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:

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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.

35

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.

12

13 4. This act shall take effect immediately.

14

15

16

#### STATEMENT

17

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.

ASSEMBLY STATE AND LOCAL GOVERNMENT  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 5159**

**STATE OF NEW JERSEY**

DATED: MARCH 11, 2019

The Assembly State and Local Government Committee reports favorably Assembly Bill No. 5159.

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

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

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

# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 5159**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MARCH 18, 2019

The Assembly Appropriations Committee reports favorably and with committee amendments, Assembly Bill No. 5159

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

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

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

#### COMMITTEE AMENDMENTS:

The committee amended the bill to require the Secretary of State to:

- (1) review a county's request for approval to use electronic poll books within 10 days of receiving it; and
- (2) issue temporary regulations within 90 days of the bill's effective date, until permanent regulations are promulgated.

**FISCAL IMPACT:**

This bill is permissive in application. If a county commissioner of registration and county board of elections are approved to use electronic poll books, the bill specifies that at least two electronic poll books are required to be furnished at each polling place in the county. In the past, the OLS has estimated that one electronic poll book can cost between \$1,000 and \$3,000 each. Additional costs would be associated with the maintenance of the electronic poll books and the training of poll workers in the use of electronic poll books.

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

## ASSEMBLY, No. 5159

### 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

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2 and thereafter</u></b>
<b>State Expenditure Increase</b>	Indeterminate	Indeterminate
<b>Local Government Expenditure Increase</b>	\$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.

*Section: State Government*  
*Analyst: Raysa Martinez Kruger*  
*Principal Research Analyst*  
*Approved: Frank W. Haines III*  
*Legislative Budget and Finance Officer*

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.).

**SENATE, No. 3544**

**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

INTRODUCED MARCH 5, 2019

**Sponsored by:**

**Senator PATRICK J. DIEGNAN, JR.**

**District 18 (Middlesex)**

**Senator LINDA R. GREENSTEIN**

**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 introduced.



**(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:

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12 access the registration record, eligibility, signature, and other  
13 information of each registered voter in the election district. The  
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15 currently provided by the paper polling records or signature copy  
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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  
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32 2. The electronic poll book technology certified by the  
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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;

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2 mailed a mail-in ballot;
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  - 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.
- 35
- 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.

12

13 4. This act shall take effect immediately.

14

15

16

#### STATEMENT

17

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.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### **SENATE, No. 3544**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MARCH 18, 2019

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 3544, with committee amendments.

Senate Bill No. 3544 permits a county commissioner of registration and county board of elections to adopt the use of electronic poll books, and requires the Secretary of State to adopt and publish electronic poll books standards and regulations governing the certification and use of electronic poll books.

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

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

#### COMMITTEE AMENDMENTS

The amendments require the Secretary of State to:

(1) review a county's request for approval to use electronic poll books within 10 days of receiving it; and

(2) issue temporary regulations within 90 days of the bill's effective date, until permanent regulations are promulgated.

**FISCAL IMPACT:**

This bill is permissive in application. If a county commissioner of registration and county board of elections are approved to use electronic poll books, the bill specifies that at least two electronic poll books are required to be furnished at each polling place in the county. In the past, the OLS has estimated that one electronic poll book can cost between \$1,000 and \$3,000 each. Additional costs would be associated with the maintenance of the electronic poll books and the training of poll workers in the use of electronic poll books.

# 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

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2 and thereafter</u></b>
<b>State Expenditure Increase</b>	Indeterminate	Indeterminate
<b>Local Government Expenditure Increase</b>	\$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.

*Section:* State Government  
*Analyst:* Raysa Martinez Kruger  
Principal Research Analyst  
*Approved:* Frank W. Haines III  
Legislative Budget and Finance Officer

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.).





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# Newark, N.J.

## Governor Murphy Takes Action on Legislation

05/2/2019

**Trenton** – Today, Governor Phil Murphy signed the following bills into law:

**S368** (Rice, Turner/Verrelli, Reynolds-Jackson, Swain) – Authorizes political subdivisions to set aside 0.5 percent of public works funds to recruit and train women and minorities and promote local hiring.

**S768** (Cunningham, Cruz-Perez/Pinkin, Jasey, DeAngelo, Danielsen, Wimberly, McKnight, Taliaferro) – Requires institutions of higher education to develop open textbook plan.

**S1857** (Turner, Diegnan/Pinkin, Jasey, Karabinchak, Holley) – Designates Thomas Alva Edison as State Inventor.

**A4897** (Lopez, Benson/O’Scanlon, Singleton) – Permits 20 year ferry boat local public contracts; permits 50 year local public contracts for certain capital improvements and extends prevailing wage requirements to certain work performed under those contracts.

**A5159** (Reynolds-Jackson, Verrelli, Karabinchak/Diegnan, Greenstein) – Permits county commissioner of registration and board of elections to use electronic poll books

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