

Committee Report

CONSENT CALENDAR

May 19, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Election Law to which was referred
SB 46,**

**AN ACT relative to the use of electronic poll books by
cities and towns. Having considered the same, report
the same with the recommendation that the bill OUGHT
TO PASS.**

Rep. Ross Berry

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Election Law
Bill Number:	SB 46
Title:	relative to the use of electronic poll books by cities and towns.
Date:	May 19, 2021
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

This bill makes permanent the option for towns and cities to use electronic poll books that are currently permitted by RSA 652:27 on a trial basis only. The electronic poll books must be approved by the Secretary of State and the Secretary is required to prepare instructions on how to use them at least once a calendar year. The towns that have used electronic poll books report that they are easy to use and decrease wait times at the polls.

Vote 20-0.

Rep. Ross Berry
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Election Law

SB 46, relative to the use of electronic poll books by cities and towns. **OUGHT TO PASS.**

Rep. Ross Berry for Election Law. This bill makes permanent the option for towns and cities to use electronic poll books that are currently permitted by RSA 652:27 on a trial basis only. The electronic poll books must be approved by the Secretary of State and the Secretary is required to prepare instructions on how to use them at least once a calendar year. The towns that have used electronic poll books report that they are easy to use and decrease wait times at the polls. **Vote 20-0.**

Original: House Clerk

Cc: Committee Bill File

Archived: Wednesday, May 26, 2021 2:55:17 PM

From: [Bgriffinlo](#)

Sent: Wednesday, May 26, 2021 10:08:32 AM

To: [Miriam Simmons](#); [Pam Smarling](#)

Subject: SB 46

Response requested: No

Importance: Normal

Approved

SB 46 AN ACT relative to the use of electronic poll books by cities and towns. OUGHT TO PASS Rep. Ross Berry for Election Law.

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Voting Sheets

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on SB 46

BILL TITLE: relative to the use of electronic poll books by cities and towns.

DATE: May 19, 2021

LOB ROOM: Remote / Hybrid

MOTIONS: OUGHT TO PASS

Moved by Rep. Berry

Seconded by Rep. Sweeney

Vote: 20-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Natalie Wells, Clerk



1/21/2021 9:37:57 AM
Roll Call Committee Registers
Report

2021 SESSION

Election Law

Bill #: SB 46 Motion: OTP AM #: — Exec Session Date: 5-19-21

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Griffin, Barbara J. Chairman	✓		
MacDonald, Wayne D. Vice Chairman	✓		
Prudhomme-O'Brien, Katherine J.	✓		
Sweeney, Joe	✓		
Hayward, Peter T.	✓		
Mooney, Maureen C.	✓		
Torosian, Peter E.	✓		
Berry, Ross	✓		
Groen, Fenton	✓		
Qualey, James R.	✓		
Wells, Natalie J. Clerk	✓		
Cote, David E.	✓		
Ward, Gerald W.R.	✓		
Bergeron, Paul R.	✓		
Sandler, Catt	✓		
Hamer, Heidi M.	✓		
Lane, Connie B.	✓		
Freitas, Mary C.	✓		
Hamblet, Joan L.	✓		
Muirhead, Russell	✓		
TOTAL VOTE:	20	0	

Hearing Minutes

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING ON SB 46

BILL TITLE: relative to the use of electronic poll books by cities and towns.

DATE: March 31, 2021

LOB ROOM: LOB Hybrid **Time Public Hearing Called to Order:** 10:30 a.m.

Time Adjourned: 11:25 a.m.

Committee Members: Reps. B. Griffin, W. MacDonald, Wells, Prudhomme-O'Brien, Sweeney, Hayward, Mooney, Torosian, Berry, Groen, Qualey, Cote, Ward, Bergeron, Sandler, Hamer, Lane, Freitas, Hamblet and Muirhead

Bill Sponsors:

Sen. Perkins Kwoka
Sen. Sherman

Sen. Rosenwald
Sen. Soucy

Sen. Gray

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

***Senator Rebecca Perkins, Senate District 21, sponsor.**

Testimony Given. The town clerk of Milford is very supportive of this program. Small administrative change on election day. Towns who choose, can use this. It is a quicker way to sign in. Poll books are approved by SOS, but not comfortable of registering at this time. SOS needs more time to vet this. Hope to have electronic books in towns for elections this year.

- **Question: Rep Peter Torosian** – I think I heard you say if adopted at some point it would have the ability for polling places to connect to the Internet?
Answer: It is not a proposal this year, but would enable the SOS process. Eventually software could be connected to the computer for same-day registrations.
- **Question: Rep. Connie Lane** – Why is the SOS approving this versus the Ballot Commission who approves ballot machines?
Answer: I am not sure, but defer it to another speaker.
- **Question: Rep Katherine Prudhomme-Obrien** – Section IV at the end talks about SOS pairing regular update instructions. Is that where online poll books connect to the Internet?
Answer: Yes, I think it could be, Section II approval of SOS, Yes both sections.
- **Question: Rep Wayne MacDonald** – In my town of Londonderry has been using electronic poll books for past couple of elections. Would they have to get approval from the SOS?
Answer: Under the pilot program, towns had to get approved, but ask a later speaker to confirm this.
- **Question: Rep Wayne MacDonald**- Basically, the purpose is to conform uniformity and careful regulation of this system should it go throughout the state?
Answer; Yes, The hope is to save our municipalities time. Uniformity is a good thing and options which are a good thing. Not all towns are ready. Since we have had success with the pilot program, it is giving towns and cities more tools.

Deputy David Scanlan: I'm here to support this bill. I've enjoyed working with Senator Perkins moving electronic books forward .

A little history, a few years ago the legislature approved trial of poll books to towns and cities interested in testing and make decisions to work with vendors, look at their securities and vulnerabilities. There have been 4 cities and towns in NH that have attempted to use this, but Londonderry and Milford have been using it right along now for a couple of years in a quasi-test form. Report evaluation from vendors at this point, are incomplete, but some poll books have vulnerabilities. There will be a report in November, simply looking at poll books in its entirety, lot to deal with. Towns that have been using them have been using them with parallel with check in. The benefits is efficiency in lines, gathering all data by end of night when polls close.

This bill allows the process to move forward for down the road. Issues to address will be hard-wire, wifi security concerns. We will be meeting with the towns of Milford and Londonderry to go over the process to move this process forward, review where they are at. It is an incremental way to approve the additional components of this system for moving voter registration. We believe this system uses benefits that are prudent to the state of NH. It allows towns and cities to reduce lines and information at the end of night. Representative Lane asked why not the Ballot Commission in charge of this.

It is in statute the Ballot Commission is in charge of electronic ballot devices, but polling books is different, not counting device.

Certainly, if the legislature wants to include them, we would not oppose this, but the Ballot Commission might not agree, more work for them.

- **Question: Rep. Peter Torosian** – I heard you say Londonderry and Milford are part of the test pilot. Are there any other municipalities?
Answer: I believe Rochester and Manchester did at one point tried them out. There are two different vendors, Milford uses Electac (?) and Londonderry uses No(?)
- **Question: Rep Peter Torosian** – Would you like to see more testing before becoming permanent, need more legislation? Do you need more towns to get data?
Answer: I think we have enough trials from these two towns. The trials have shown that they work and make the process in the towns more efficient. Need to continue to work to consider registration in future, but lots needs to be vetted in that. The bill is necessary to the program and end of year need to move the program forward. It is the next logical step to move the program forward.
- **Question: Rep Prudhomme-O'Brien** – I would like to know why the ward in Manchester and Rochester previously participated in the trial, but did not continue. What were the vulnerabilities found?
Answer: First question, I don't know the reason why Rochester and Manchester only used the devices once. Perhaps Senator Gray can comment on Rochester. Second question, vulnerability, I don't know specifics what they are. The evaluations of vendors not able to give clean bill of health. When that information is found, it will be made public. However, the voter check in process safeguards currently in place is a pretty safe system to use. The concern if devices crashed to be able to fall back on the paper system to continue the election. The trials undertaken in Londonderry and Milford have shown can do that.
- **Comment: Senator Gray:** Rochester has 6 wards. It was only done in one ward. Equipment was lent to us from one of the vendors. Due to other tests going on, there has not been opportunity to the other wards.
- **Question: Rep Prudhome-O'Brien** – Deputy Scanlan and Senator Gray, there was talk about paper backup so an election can continue. Any problems had to use paper backup in NH?
Answer: I am not aware of these issues in the trial towns using poll books. Both towns are using paper back-up systems so that keeping track of voters going thru. If at any

point a failure occurs, they'd be up-to-date within 10-15 minutes to put paper process in place with limited delay.

- **Question: Rep MacDonald** – Just a comment in my town and referring to my clerk in Londonderry, the system has worked very well so far and has proven beneficial from what I can see.

- **Representative Griffin – Deputy Scanlan**, I am aware that there are other voting precincts, not in NH who used electronic poll books where the EPB malfunctions resulting in court proceeding to extension to keep polls open for the amount of time poll books were down. I noticed we're doing paper in parallel with lag time, but if I go to line 26, Section I, provides "or" a paper check list parallel. Is a parallel check list required or not? If not, and EB's go down, how do you switch to get paper list parallel that has not been getting completed?

Answer: I believe the language wording of this bill gives flexibility to require a paper check list in parallel with poll books which is occurring in Londonderry and Milford. There may be at some point enough practice with devices and confidence we can move out from future process, but only if we can without failure. Were it to have happened, it has been catastrophic, and obviously don't want this in NH. We would make sure proper procedures were in place if it occurred. I do not believe that we would approve a system where we simply rely just on poll books until more information relative to system ability to malfunction.

- **Comment - Representative Griffin – Deputy Scanlan**, please take a look at bill. It is an alternative not required. I think it proposes exactly that, not an alternative.

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Answer: The system works now. Poll places default to paper. Even doing so, they're realizing voters don't have to get in lines by alphabet, can get in any line, take their paper to the check list. There's time savings, helps keep lines moving, but at the end of the night the supervisor collects information of what voters checked in, what ballots were taken. As information is put into the poll book, the information is found immediately, savings for towns.

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- **Question - Representative Groen:** Deputy Scanlan, you mentioned vulnerability and security failure catastrophic in other states, would it be better at this point to extend the trial period versus going forward and making this permanent legislation?

Answer: I believe we are ready to move the ball forward, understanding a lot of functionality of these devices. It is, I think clear to me to approve this legislation, approve the functionality in increments saying we are comfortable. We are very very cautious with newer technology, other states that have experienced. We are not going to approve technology unless it is properly vetted and confident.

Peter Basillere: Town Moderator for the town of Milford for 13 years. We are one of the towns that participated. After the voter checklist is downloaded to the poll books, all the places are hard-wired one to another so there is no internet connections, no wireless features. When the voter checks in, the voter is handed a slip of paper that has public information on it, name, address and party affiliation. Before they leave the station, they can double check the information is correct. Once the voter has reviewed the slip, they go to a common place and exchange the paper for a ballot. That slip of paper, maintained by those giving out the ballots, set of clerks checking in the voter.

As Deputy Scanlan said, we are making copies of names checked in, in real time depending on people 10-15 minutes as referred to in legislation. Catastrophic failure, remember Milford is

hard wired to each other, all 6 books, 12 in November. If linked together and one goes down, bot others count. If all go down, would go to paper. We do have paper back up. It provides me the Moderator assurance if failure, it's a negligible delay from electronic to paper. Our implementation of Milford is well over two years of local, primary and general. No issues whatsoever. Last comment, if you take the books away from the Milford people, they'd be upset! they love them. No waiting in line by alphabet.

Joan Dargie: As co-chair of the city-town clerk's legislative committee

One thing Representative Griffin asked about the "or". That is referenced. We are required to have a high-speed color printer "or" a paper check list. We have paper checklist due to cost. In regards to catastrophic failure, I looked into this in U.S. They never set their books ups correctly. At 6am they were not put together correctly.

On another note, it was Bedford that did the test. I am not aware of Manchester ever doing it. Vulnerability, It has been working with vendors, no vulnerability I worked with. Another benefit, we had a person who had COVID. We were able to go into the electronic poll books, could look into the system, tell exactly what time this person checked in and which poll book the person checked in on.

Cordell Johnston from NHMA. We are in support of this legislation. I have talked to Peter Basillere from Milford and he praises this. Smaller towns probably would not make use of poll books as the books are born by the town, but it is a time savings for larger towns.

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- **Representative Griffin: Back to catastrophic failure**, there seems to be lot reliance on high-speed printers. If electricity goes down, printing a list would be impossible if it goes down.

Answer: Clerks I have talked to acknowledged this and they say they would show up at the polling places with a paper back up as their just as concerned. I strongly suggest a paper back up.

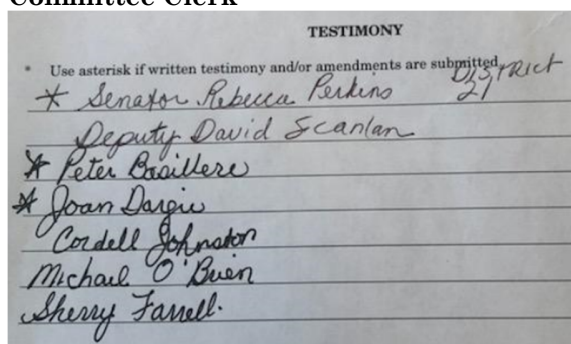
Sherry Farrell: I am the Clerk for Londonderry, Joan in Milford likes this, and I jumped on board. We have guidelines in Londonderry. Our seniors are very supportive of this technology. I too ask for your support.

- **Question: Rep Groen** – Miss Farrell, do you use the same process as Milford?

Answer: Absolutely. Our Secretary of State makes sure NH is 1st in the nation. I am proud to be part of this process, and the paper check list makes sure it all works.

Hearing adjourned at 11:25am

**Respectfully submitted by,
Representative Natalie Wells
Committee Clerk**



HOUSE COMMITTEE ON ELECTION LAW

BILL TITLE: XX PUBLIC HEARING on Bill # SB 46
DATE: 3-31-21 Relative to the Use of Electronic Poll Books by
Cities + Towns.

ROOM: 306

Time Public Hearing Called to Order: 10:30 AM

Time Adjourned: 11:25

All

(please circle if present)

Committee Members: Reps. B. Griffin, W. MacDonald, Wells, Prudhomme-O'Brien, Sweeney, Hayward, Mooney, Torosian, Berry, Groen, Qualey, Cote, Ward, Bergeron, Sandler, Hamer, Lane, Freitas, Hamblet and Muirhead

TESTIMONY

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- * Senator Rebecca Perkins District 21
- Deputy David Scanlan
- * Peter Basillere
- * Joan Dargie
- Cordell Johnston
- Michael O'Brien
- Sherry Farrell

ELECTION LAW PUBLIC HEARING

SB-46 Relative to the use of Electronic poll books by cities and towns

3-31-21

Open: 10:30am

*Senator Rebecca Perkins, Senate District 21, sponsor.

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Closing: 11:25am

House Remote Testify

Election Law Committee Testify List for Bill SB46 on 2021-03-31

Support: 85 Oppose: 2 Neutral: 1 Total to Testify: 4

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<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>S</u>
Basilieri, Pete	Milford, NH Moderator@Milford.NH.gov	An Elected Official	Myself	Support	Yes (5m)	3
Dargie, Joan	Milford, NH joan.dargie@milford.nh.gov	An Elected Official	Myself	Support	Yes (3m)	3
Perkins Kwoka, Senator Rebecca	Portsmouth, NH rebecca.perkinskwoka@leg.state.nh.us	An Elected Official	Myself (SD 21)	Support	Yes (3m)	3
Johnston, Cordell	Concord, NH cjohnston@nhmunicipal.org	A Lobbyist	NH Municipal Association	Support	Yes (2m)	3
Lewis, Elizabeth	Nashua, NH ecop.lewis@gmail.com	A Member of the Public	Myself	Support	No	3
Sayess, Polina	Lebanon, NH psayess@gmail.com	A Member of the Public	Myself	Support	No	3
Beihl, Brian	Alton Bay, NH brian@opendemocracy.me	A Lobbyist	Open Democracy Action	Support	No	3
Farrell, Sherry	Londonderry, NH sfarrell@londonderry.nh.org	An Elected Official	Myself	Support	No	3
Kipp, Jonathan	Londonderry, NH jkipp@londonderry.nh.org	An Elected Official	Myself	Support	No	3
Spencer, Louise	CONCORD, NH lpskentstreet@gmail.com	A Member of the Public	Myself	Support	No	3
Norlander, Susan	Alstead, NH susan.norlander@gmail.com	An Elected Official	Myself	Support	No	3
McClain, Betsy	Hanover, NH betsy.mcclain@hanover.nh.org	An Elected Official	Myself	Support	No	3
Serrell, James J.	Kingston, NH imjjserrell@yahoo.com	A Member of the Public	Myself	Support	No	3
Kelble, Janice	Hooksett, NH jkreflection@gmail.com	A Member of the Public	Myself	Support	No	3
Moore, Susan	FRANCONIA, NH susan.moore.franconia@gmail.com	A Member of the Public	Myself	Support	No	3
Rhoades, Charles	DOVER, NH chuckrhoades@comcast.net	A Member of the Public	Myself	Support	No	3
Whitney, Pj	Dover, NH pjwhitney8@gmail.com	A Member of the Public	Myself	Support	No	3
Milliken, Walter	Dover, NH wmilliken@me.com	A Member of the Public	Myself	Support	No	3
Fraysse, Michael	Epsom, NH mikefraysse@gmail.com	A Member of the Public	Myself	Support	No	3
Sherman, Senator Tom	SD24, NH jennifer.horgan@leg.state.nh.us	An Elected Official	SD24	Support	No	3
Levesque, Taylor	Dover, NH Tolevesque@gmail.com	A Member of the Public	Myself	Support	No	3
Gray, Senator James	Rochester, NH james.gray@leg.state.nh.us	An Elected Official	Senate District 6	Support	No	3

Tentarelli, Liz	Newbury, NH LWV@kenliz.net	A Member of the Public	Myself	Support	No	3
Hamer, Gary	Manchester, NH grhamer@aol.com	A Member of the Public	Myself	Support	No	3
Verschueren, James	Dover, NH jd.verschueren@gmail.com	A Member of the Public	Myself	Support	No	3
Kelley, Mary	DOVER, NH midgekelley1@gmail.com	A Member of the Public	Myself	Support	No	3
DeMark, Richard	Meredith, NH demarknh114@gmail.com	A Member of the Public	Myself	Support	No	3
almeida, zulmira	dover, NH mimi@mimialmeida.com	A Member of the Public	Myself	Support	No	3
Bruce, Susan	Concord, NH susanb.red@mac.com	A Member of the Public	Myself	Support	No	3
Fordey, Nicole	Litchfield, NH nikkif610@gmail.com	A Member of the Public	Myself	Support	No	3
Van Etten, William	Dover, NH williamvanetten@mac.com	A Member of the Public	Myself	Support	No	3
Vogt, Robin	Portsmouth, NH robin.w.vogt@gmail.com	A Member of the Public	Myself	Support	No	3
Spence, Richard	Dover, NH rtssds2@gmail.com	A Member of the Public	Myself	Support	No	3
Leger, Ann	Dover, NH annleger1970@gmail.com	A Member of the Public	Myself	Support	No	3
Lynch, Laura	Temple, NH lynch.lauranh@gmail.com	A Member of the Public	Myself	Oppose	No	3
Spielman, Kathy	Durham, NH Jspielman@comcast.net	A Member of the Public	Myself	Support	No	3
Robertson, Howard	KEENE, NH howardr113@gmail.com	A Member of the Public	Myself	Support	No	3
Custer, Judith	Dover, NH custerpie@comcast.net	A Member of the Public	Myself	Support	No	3
QUISUMBING-KING, Cora	Dover, NH coraq@comcast.net	A Member of the Public	Myself	Support	No	3
Leavitt, Deborah	Dover, NH daleavitt77@comcast.net	A Member of the Public	Myself	Support	No	3
Hatcher, Phil	Dover, NH phil.hatcher@gmail.com	A Member of the Public	Myself	Support	No	3
Hope, Lucinda	Tilton, NH lmhope46@gmail.com	A Member of the Public	Myself	Support	No	3
Hinkel, Robert	Dover, NH r.hinkel@gmail.com	A Member of the Public	Myself	Support	No	3
Smart, Rick	Dover, NH Richardsmart@comcast.net	A Member of the Public	Myself	Support	No	3
thompson, julie	durham, NH maple371@gmail.com	A Member of the Public	Myself	Support	No	3
Casino, Joanne	Concord, NH joannecasino@comcast.net	A Member of the Public	Myself	Support	No	3
Collea, Beth	Dover, NH bethcollea@aol.com	A Member of the Public	Myself	Support	No	3
Mower, Robin	Durham, NH melodyofharpists@gmail.com	A Member of the Public	Myself	Support	No	3
Hardwick, Bryant	Dover, NH portxejf@yahoo.com	A Member of the Public	Myself	Support	No	3

King, Marcia	Peterborough, NH mchking@gmail.com	A Member of the Public	Myself	Support	No	3
King, Charles	Peterborough, NH mchking@gmail.com	A Member of the Public	Myself	Support	No	3
Coon, Kate	Peterborough, NH kate2coon@gmail.com	A Member of the Public	Myself	Support	No	3
Garland, Ann	Lebanon, NH annhgarland@gmail.com	A Member of the Public	Myself	Support	No	3
Northrop, Faith	Durham, NH f.northrop@comcast.net	A Member of the Public	Myself	Support	No	3
Judkins, Carter	Dover, NH judkinsc4@gmail.com	A Member of the Public	Myself	Support	No	3
Emus, Joanne	Hollis, NH jremus0322@aol.com	A Member of the Public	Myself	Support	No	3
Dodge, Corinne	Corinne Dodge, Derry, NH corinnedodge@hotmail.com	A Member of the Public	Myself	Support	No	3
Bundy, Linda	Antrim, NH n_bundy@mcttelecom.com	A Member of the Public	Myself	Support	No	3
Jacome, Jan	Derry, NH janjake22@gmail.com	A Member of the Public	Myself	Support	No	3
McClory, Lorie	Grantham, NH lorie-yaya@comcast.net	An Elected Official	Myself	Support	No	3
ambrose, jill	Glen, NH jrose2@gmx.com	A Member of the Public	Myself	Support	No	3
O'Rorke, Terri	Keene, NH terrio21@yahoo.com	A Member of the Public	Myself	Support	No	3
Pietroviato, Janet	Francestown, NH jpietroviato@me.com	A Member of the Public	Myself	Support	No	3
Pauer, Eric	Brookline, NH secretary@BrooklineGOP.org	A Member of the Public	Myself	Neutral	No	3
Waterman, Raymond	Merrimack, NH prwaterman@aol.com	A Member of the Public	Myself	Support	No	3
Waterman, Patricia	Merrimack, NH prwaterman@aol.com	A Member of the Public	Myself	Support	No	3
Letellier, Kathleen	Dover, NH Kathleenletellier@gmail.com	A Member of the Public	Myself	Support	No	3
Lightfoot, Jean	Hopkinton, NH Jnlightfoot@comcast.net	A Member of the Public	Myself	Support	No	3
Hansen, Marcus	Alstead, NH marcuschristian@hotmail.com	A Member of the Public	Myself	Support	No	3
Barretto, Tim	Dover, NH timbarretto@comcast.net	A Member of the Public	Myself	Support	No	3
LaMontagne, Jessica	DOVER, NH finnlamontagne@gmail.com	A Member of the Public	Myself	Support	No	3
Stocker, Kathleen	Dover, NH k-stocker@comcast.net	A Member of the Public	Myself	Support	No	3
Schmidt, Jan	Nashua, NH tesha4@gmail.com	An Elected Official	Myself	Support	No	3
Westlake, Janej	Center Barnstead, NH janewestlake57@gmail.com	A Member of the Public	Myself	Support	No	3
Dunker, Susan	Dover, NH Sedunker15@gmail.com	A Member of the Public	Myself	Support	No	3
Campbell, Karen	Epsom, NH klynncampbell50@gmail.com	A Member of the Public	Myself	Support	No	3

Holtz, Anthony	Dover, NH awave28@live.com	A Member of the Public	Myself	Support	No	3
Fieseher, James	NH, NH mypersonalmd@comcast.net	A Member of the Public	Myself	Support	No	3
Baber, Kristine	Dover, NH kmbaber@gmail.com	A Member of the Public	Myself	Support	No	3
Burcalow, Sarah	Dover, NH sarah.burcalow@gmail.com	A Member of the Public	Myself	Support	No	3
Huggins, Dallas	Nottingham, NH dallas.a.huggins@gmail.com	A Member of the Public	Myself	Support	No	3
Hardwick, Emmett	Dover, NH emmetthardwick@gmail.com	A Member of the Public	Myself	Support	No	3
Rosenwald, Cindy	Concord, NH cindy.rosenwald@leg.state.nh.us	An Elected Official	SD 13	Support	No	3
Perry, Bob	Strafford, NH perry4nh@gmail.com	A Member of the Public	Myself	Support	No	3
Martin, Patricia	Rindge, NH pmartin2894@yahoo.com	A Member of the Public	Myself	Support	No	3
Tallon, Thomas	Dover, NH txtallon@gmail.com	A Member of the Public	Myself	Support	No	3
Clancy, Michelle	Dover, NH suchatreat@gmail.com	A Member of the Public	Myself	Support	No	3
Insolia, Janet	Dover, NH jinsolia@comcast.net	A Member of the Public	Myself	Oppose	No	3

Testimony

Town of Milford, NH
March 12, 2019 Election
E-Poll Book Results

The town of Milford conducted an e-poll book trial during our Town Election held on March 12th 2019.

The participants of this trial included Electec and we had Michael Narducci in attendance for the entire election to help us set up and handle any questions. We also had CyberScout on hand with 3 members of their team on-site for the entire election.

We had a turnout of 2127 voters which was confirmed by the total number of ballots cast as well as the number of voters checked in by the E-Poll book.

The process started by training election volunteers on the use of the E-Poll books the night before Deliberative Session in February as well as we had an E-Poll book on loan for the week before the elections so that the ballot clerks could come in at their convenience and get trained. Training took 5 to 10 minutes. We trained 6 ballot clerks per 5 hour shift for a total of 18 ballot clerks. One clerk on each shift was trained to do the extra steps of Adding a new voter, absent ballot entry, name change and address change. Otherwise the rest of the ballot clerks just checked people in.

During the day we never experienced a line of any significance the most at one time may have been 2 people in the queue. We set up the check in like a bank line; there were no specific lines for last names so all voters just went to any clerk that was available. If the voter was new to town there was a specific ballot clerk that they were instructed to go to. This worked very well.

All the voters seemed very pleased with the process we did not have any issues of significance. For this trial we did not have any significant change in election workers as we used our other ballot clerks to fill in the backup checklist that we maintained in case the e-poll books might go down.

Where we saw a significant amount of savings was in the time it took to get a number on how many voters we had checked in for the day it was instantaneous. As well as all the related data it was basically a click on the laptop and we knew how many absentee voters we had as well as CVA's and new registered voters.

Total number of ballots cast 2127

Total number of voters checked in 2127

Total number school ballots received 2507

Total number uncast 419

Total number spoiled 9

Total number cast 2126

Total ballots 2554

Absentee ballots -45

Total ballots 2509

Total number of Town Ballots Received

Page 1 2500

Page 2 2501

Page 3 2504

Page 4 2501

Total number of Ballots Cast

*Page 1 2128- 45 absentee = 2083
Page 2 2127- 45 absentee = 2082
Page 3 2126 -45 absentee = 2081
Page 4 2125 -45 absentee = 2080

Total number of Uncast and Spoiled Ballots

Page 1 $412 + 8 = 420 + 2083 = 2503$

Page 2 $417 + 1 = 418 + 2082 = 2500$

Page 3 $421 + 1 = 422 + 2081 = 2503$

Page 4 $417 + 3 = 420 + 2080 = 2500$

Total number of ballots cast 2127

We did find that at least one person was given 2 of the same ballot.

SB46 Testimony presented by Joan Dargie Town Clerk Milford

While I am in favor of this bill I also understand that the e-poll books are not just a plug and play item and as the current RSA is written and as this bill is written the e-poll books cannot be implemented. I submitted proposed changes to the bill to make it possible for these poll books to be implemented understanding that a lot of work is still required to make them work. In a conversation with Deputy Scanlan I understand that he is recommending that this bill be re-referred for interim study till next session.

I implemented the e-poll books in Milford in March of 2019. I worked closely with the e-poll book vendor as well as the Secretary of State's office to insure that our final result after the election met with all the requirements of the law. During this time there was a lot of back and forth between the SOS office and myself and the poll book vendor. We worked out all the issues to make sure that we met the requirements of the state of NH. The way we are using the poll books in Milford is not the way they are using the poll books in any other state. In Milford we ran a trial with the State's certification vendor Cyber Scout on site. In 2019 the e-poll book vendor and Cyber Scout worked together to determine what items still needed to be addressed. In review of these items it was determined by me, the SOS office and the vendor that the few items to be addressed were minor, basically some in the background auditing requirements. These auditing requirements if you compared them to a paper checklist do not even exist.

In Milford we will be using the e-poll books for the 6th time in March. This was only made possible by the many hours and meetings with our e-poll book vendor and the SOS office. I tried to make an amendment that would allow any town clerk to implement e-poll books however, it is not that easy. I personally have a degree in Industrial Technology and worked as a Manufacturing Engineer for many years. I focused on time studies, efficiencies and work instructions. All of this background and experience led me to the conclusion that the e-poll books were the one thing that I could implement in our Town that would make a large impact on our resident voter experience.

In addition to my time the e-poll books also required the cooperation and time of the Town Moderator who needed understand and agree to use these poll books and get the volunteers and set up training.

Therefore, once again I would like to state that I am in support of the bill however, with the understanding that Deputy Scanlan is going to recommend that this be re-referred to interim study and will be completed by November. I must state that this is very important that if there is agreement to re-refer this bill that there should be a completion date on it. This bill can't be pushed out another year. If for any reason we could not continue to use e-poll books in Milford we would have a voter revolt as they are all so used to no lines, no waiting.

I would also like to note that the Town Clerk's Association is also in favor of the bill as recommended by Deputy Scanlan to re-refer.

Thank you for taking the time to consider my testimony.

Respectfully submitted,

Joan Dargie
Town Clerk Milford, joan.dargie@milford.nh.gov

Archived: Wednesday, June 9, 2021 9:53:11 AM

From: Daniel Healey

Sent: Tuesday, March 30, 2021 5:01:38 PM

To: ~House Election Law Committee

Subject: SB46

Response requested: No

Importance: Normal


Attachments:

[epollbookresultsreportMilford2019.docx](#)  [SB46 Testimony presented by Joan Dargie Town Clerk Milford.docx](#) 

All,

Please see the attached testimony and information related to SB46. Co-Chair Joan Dargie of the NHCTCA Association Legislative Committee has signed up to testify on this tomorrow.

Daniel R. Healey, Town Clerk
14 Manning Street
Derry, NH 03038
phone 603.432.6105

Archived: Wednesday, June 9, 2021 9:53:11 AM
From: [Milford Moderator](#)
Sent: Monday, March 29, 2021 1:47:22 PM
To: [~House Election Law Committee](#)
Subject: NH House Remote Testify: 10:30 am - SB46 in House Election Law
Response requested: No
Importance: Normal
Attachments:
[ePoll Book Testimony - Basiliere-compressed.pdf](#) 

Hello,

I have been involved with the ePoll books used in Milford since the beginning. I support SB46 and its ultimate passage.

I made a presentation about ePoll books – what they are, what is involved and the pros and cons – to the SB2 moderator training course held by the NHMA earlier this year.

A copy of my presentation, “Voting in a Pandemic: The ePoll Book Solution” is attached for background on the merits of ePoll books.

Thank you for your time,

Pete

Pete Basiliere
Town Moderator

IMPORTANT: The Right-to-Know Law (NH RSA 91-A) provides that most email communications to or from town officials regarding Town of Milford business are government records available to the public upon request. This email communication (and your response) may be subject to public disclosure.

Archived: Wednesday, June 9, 2021 9:53:11 AM
From: [Miriam Simmons](#)
Sent: Thursday, April 1, 2021 1:09:41 PM
To: [Miriam Simmons](#)
Subject: SB 46 Election Law
Response requested: No
Importance: Normal

SB 46 Testimony

-----Original Message-----

From: John Tuthill <jtuthill@sover.net>
Sent: Thursday, April 1, 2021 1:03 PM
To: ~House Election Law Committee <HouseElectionLawCommittee@leg.state.nh.us>
Subject: SB46 and SB54 / Election Law

Dear Chairman Griffin and Members of the Election Law Committee,

I was unable to participate in the hearings on SB46 and SB54 on Wednesday, March 31, 2021 but would like to register my opinion on these two important pieces of legislation. I am assuming, perhaps incorrectly, that they were not taken up in executive session following yesterday's hearings. Will know better when tomorrow's House calendar is posted.

In the interest of expanding access and simplifying voting procedures I urge the committee to oppose SB54 and to support SB46. I would also encourage committee members to reconsider the ITL recommendation on HB428.

Sincerely,

John Tuthill
Acworth, NH
03601

603-863-6366

Archived: Wednesday, June 9, 2021 9:53:11 AM

From: [John Tuthill](#)

Sent: Thursday, April 1, 2021 1:04:21 PM

To: [~House Election Law Committee](#)

Subject: SB46 and SB54 / Election Law

Response requested: No

Importance: Normal

Dear Chairman Griffin and Members of the Election Law Committee,

I was unable to participate in the hearings on SB46 and SB54 on Wednesday, March 31, 2021 but would like to register my opinion on these two important pieces of legislation. I am assuming, perhaps incorrectly, that they were not taken up in executive session following yesterday's hearings. Will know better when tomorrow's House calendar is posted.

In the interest of expanding access and simplifying voting procedures I urge the committee to oppose SB54 and to support SB46. I would also encourage committee members to reconsider the ITL recommendation on HB428.

Sincerely,

John Tuthill
Acworth, NH
03601

603-863-6366



Voting in a Pandemic: *The ePoll Book Solution*

Pete Basiliere
Milford Town & School District Moderator

With Thanks to Joan Dargie, Milford Town Clerk

Written Testimony to the Election Law and Municipal Affairs Committee

Safe



Trustworthy

Secure

My goal as a Moderator is to provide safe, secure and trustworthy elections

ePoll books are a viable solution for many towns and wards

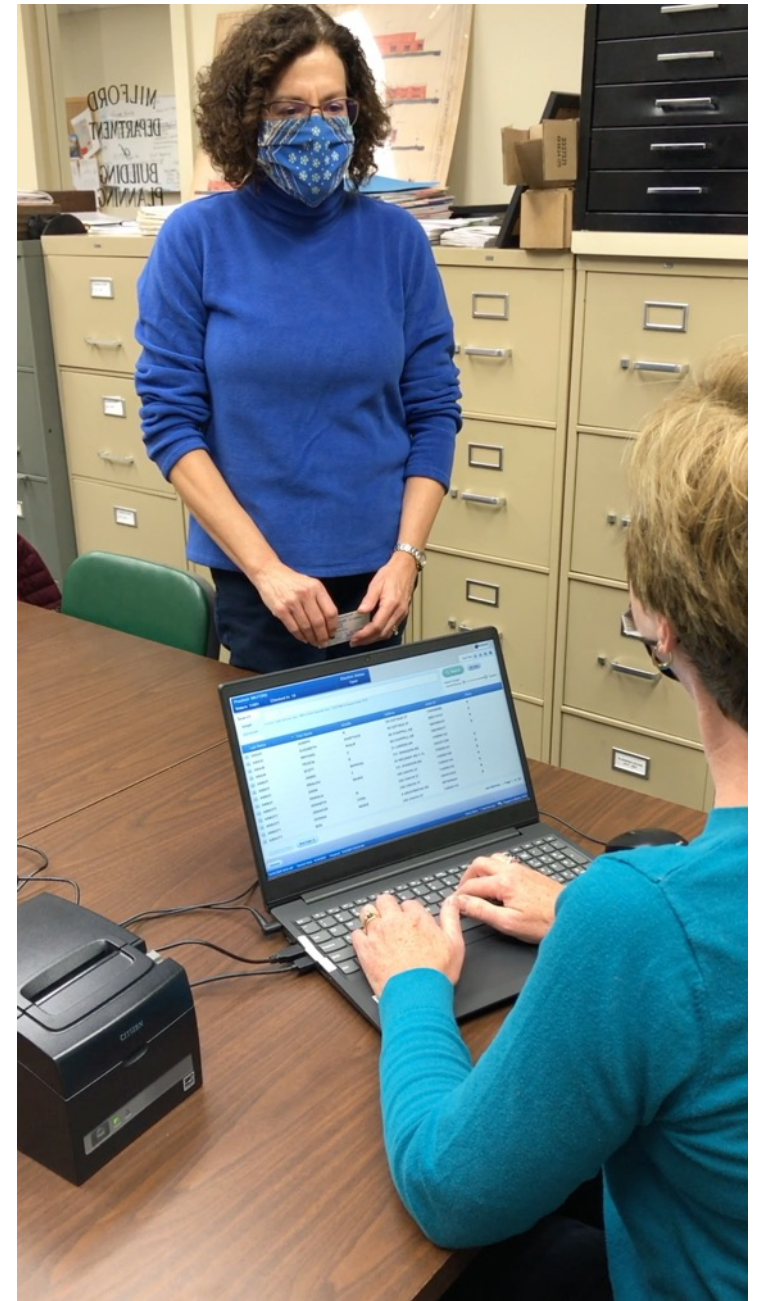
ePoll books are accepted by voters

ePoll books are accurate

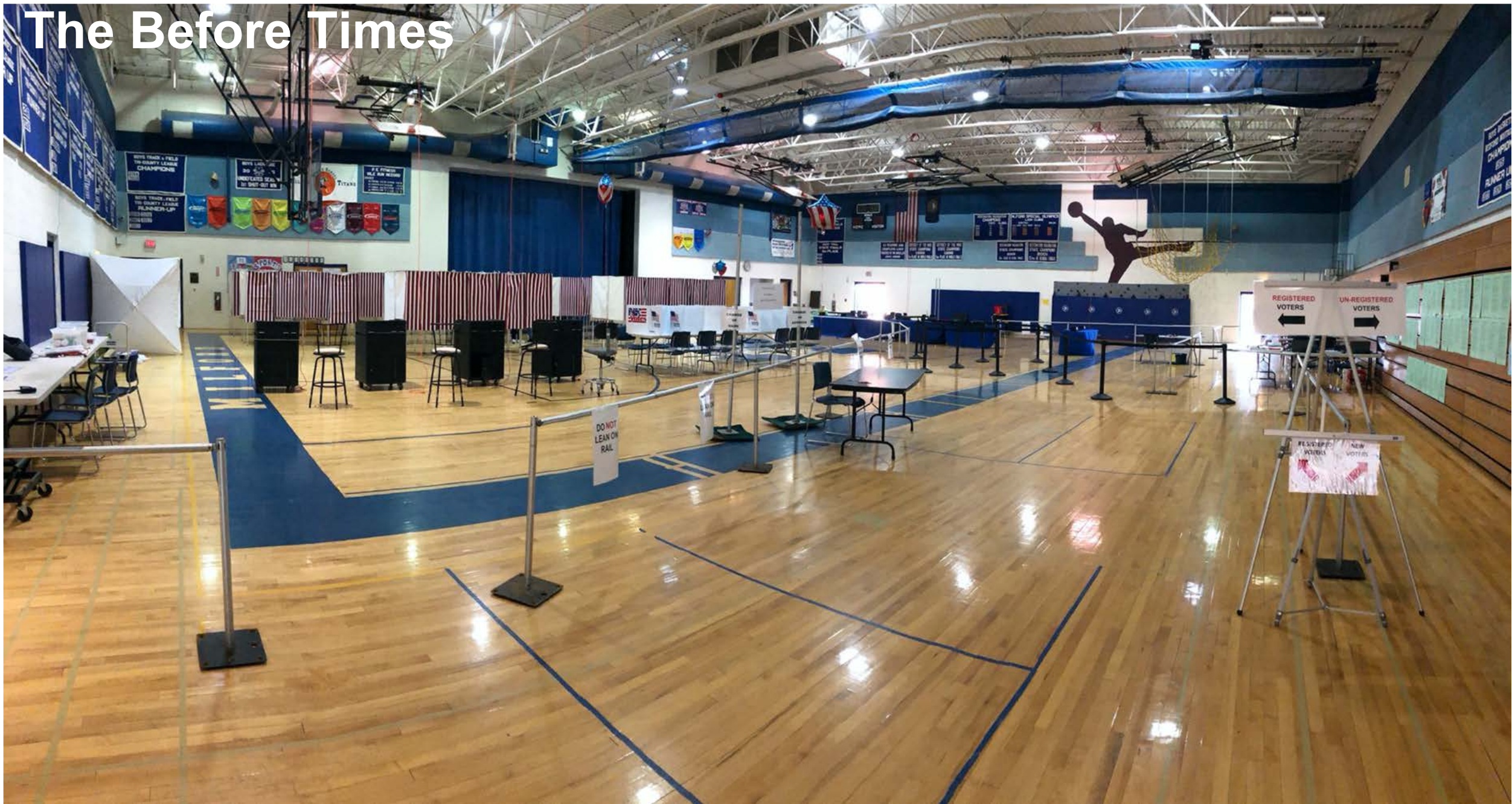
ePoll books enable trustworthy elections

Agenda

- What is an ePoll book?
- How does the ePoll book process differ from traditional check-in?
- What are the pros and cons of ePoll books?
- Where do we go from here?



The Before Times



2016 Presidential Election

- 10,384 registered Milford voters
- Middle School gym
 - Registered and new voter lines merged at ballot clerk
- Includes space for the Supervisors
 - Registered 1,000 new voters; provided 2 additional clerks
- 14 paper checklist stations with clerks on three shifts
 - Letter groupings ranged from 381 (A) to 956 (F, G) voters
- 90 booths and 15 table-top booths; 1 accessible booth

Paper Checklists Spell Trouble

- Long lines form in front of the ballot clerk
 - *Inevitably the one that you're in!*
- Loud environment
- Poor lighting
- Clerks feel rushed
- The result?
 - Flipping pages back and forth, picking up pencils, putting down pencils, checking the box (or not!), red pen for in-person voter, pencil for absentee voter, etc., etc.

Even the best, most experienced ballot clerks make mistakes!

The Hidden Cost of Paper Checklists

- Counting time required on election night
- Addition errors erode confidence in the outcome
- Time spent by Supervisors of the Checklist finding and fixing errors

Real but hidden expenses that hide the true cost of paper

What is an ePoll Book?

- An ePoll book is a desktop or mobile device with a digital register of voter information that is used to check-in voters and provide management report
 - Updates all other ePoll books within a Precinct; Also, can process ballot-on-demand requests, same day registration applications and maintain voter history
 - COTS laptop/mobile device (WIN / IOS / Android); ~\$600
 - Receipt printer (Citizen, Dymo, others); ~\$150
 - Linked ePoll books with ethernet switch (~\$100) or Wi-Fi
 - USB adapter; ~\$25
 - Software application provided by the vendor
 - Voter information database provided locally



ElecTec ePoll Book



KNOWiNK Poll Pad



A Brief History of ePoll Books in NH

2017 Legislature passes [RSA 652:27 Electronic Poll Books](#) that authorizes cities and towns to conduct a trial of electronic poll book devices for voter registration and check-in for elections

The trial shall be compliant with all statutes related to voter checklists and the centralized voter registration database including:

- Voter registration, check-in and check-out
- Processing of absentee ballots
- Delivery of data in a format compatible with the centralized voter registration database

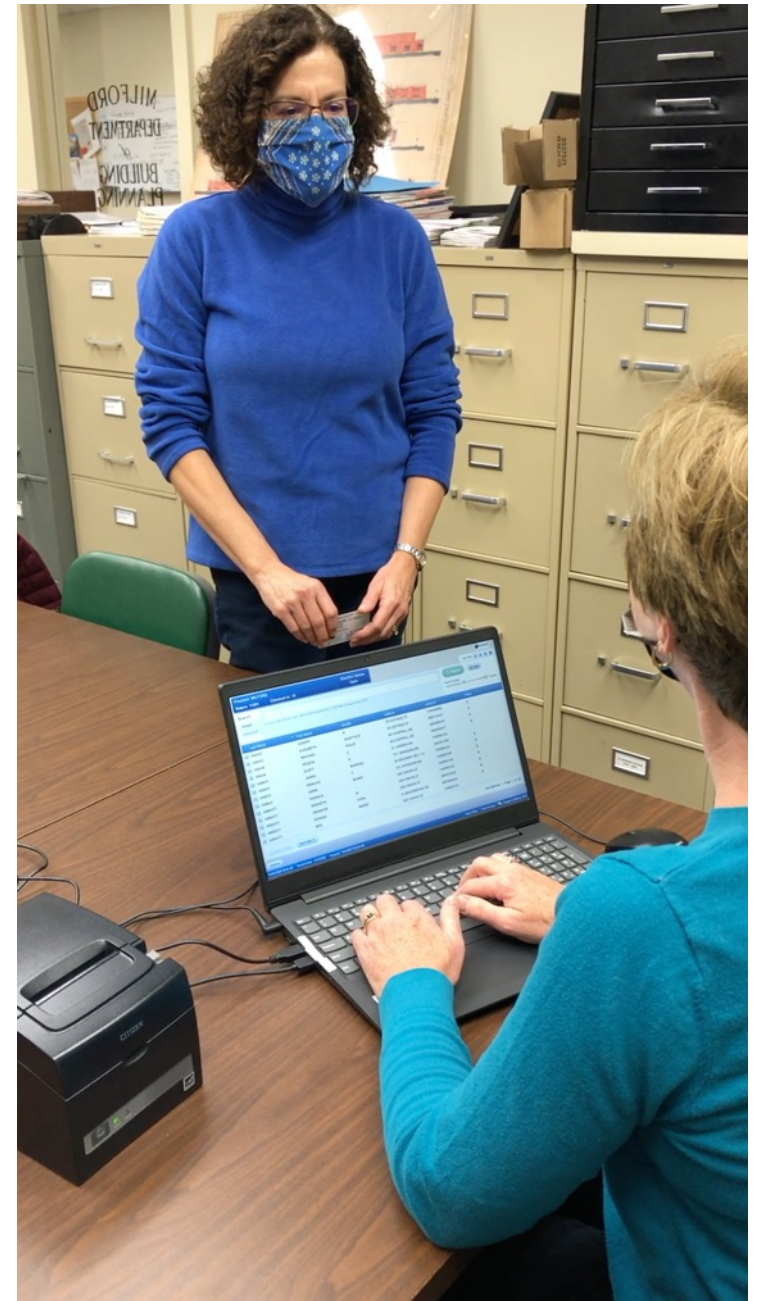


A Brief History of ePoll Books in NH, continued

- 2016 Bedford tests Poll Pads
- 2017 Rochester tests ePoll books ([WMUR's coverage](#))
- 2019 Milford's first test of ePoll books during March local elections
- 2020 Milford and Londonderry use ePoll books for presidential primary, local elections, state primary and general election
- 2021 Milford will use ePoll books for local elections

Agenda

- What is an ePoll book?
- How does the ePoll book process differ from traditional check-in?
- What are the pros and cons of ePoll books?
- Where do we go from here?



Registered Voter Check-in and Voting

- 1) Approach ballot clerk
- 2) Go through validation process (name, address, ID)
- 3) Receive slip of paper
 - unique printed receipt with voter's name, address and affiliation
- 4) Exchange slip of paper for a ballot at the central desk
 - receipts are given to workers who mark paper checklist and saved
- 5) Vote

ePoll Book Clerk's View – Alpha Search

Precinct: MILFORD Election Status: Open
Voters: 6315 Checked In: 4384

Text Size: A A A A

Search: ko
Simple
Advanced
Example: Smith, Amanda, Jean, 1980 or Smith, Amanda, Jean, 11/23/1980 or Prospect Street, 2010

Search Scope: Current Precinct Citywide

Last Name	First Name	Middle	Address	Voter ID	Party
KOS	BASIL	A			
KOS	KATHERINE	ANN			
KOS	KRISTIN	C			
KOSLOWSKI	DANIELLE	ANN			
KOSLOWSKI	ETHAN	RANDOLPH			
KOTEK	JAROSLAVA	TASNER			
KOTZ	AMY	C			
KOTZ	COREY	J			
KOUA	VERONIQUE	AMOIN			
KOULETSIS	CASSANDRA	MARIA			
KOULETSIS	JAMES				
KOULETSIS	MARTHA				
KOVACS	JOHN	MARTIN			

< Previous Page Next Page >

55 Matches | Page 4 of 5

Options Show Keyboard

1/10/2020 8:33 PM Election Date: 11/3/2020 Prepared: 11/1/2020 11:34:28 PM Status: Alone | 1 Total Device(s) Plugged in (Battery 42%)

ePoll Book – One Check-in per Voter

Precinct: MILFORD | Voters: 6315 | Checked In: 4384 | Election Status: Open

Search: ko
Example: Smith, Amanda, Jean, 1980 or Smith, Amanda, Jean, 11/23/1980 or Prospect Street, 2010

Search Scope: Current Precinct | Citywide

Last Name	First Name	Middle	Address	Voter ID	Party
KOS	BASIL	A			
KOS	KATHERINE	ANN			
KOS	KRISTIN	C			
KOSLOWSKI	DANIELLE	ANN			
KOSLOWSKI	ETHAN	RANDOLPH			
KOTEK	JAROSLAVA	TASNER			
KOTZ	AMY	C			
KOTZ	COREY	J			
KOUA	VERONIQUE	AMOIN			
KOULETSIS	CASSANDRA	MARIA			
KOULETSIS	JAMES				
KOULETSIS	MARTHA				
KOVACS	JOHN	MARTIN			

55 Matches | Page 4 of 5

Options | Show Keyboard

1/10/2020 8:33 PM | Election Date: 11/3/2020 | Prepared: 11/1/2020 11:34:28 PM | Status: Alone | 1 Total Device(s) | Plugged in (Battery 42%)

Red Stripe
=
Checked-In

ePoll Book Clerk's View – Alpha Search

Precinct: MILFORD
Voters: 6315 | Checked In: 4384
Election Status: Open

Text Size: A A A A

Search: Search Clear

Search Scope: Current Precinct Citywide

Last Name	First Name	Middle	Address	Voter ID	Party
KOS	BASIL	A			
KOS	KATHERINE	ANN			
KOS	KRISTIN	C			
KOSLOWSKI	DANIELLE	ANN			
KOSLOWSKI	ETHAN	RANDOLPH			

5 Matches | Page 1 of 1

Options Show Keyboard

11/10/2020 8:34 PM Election Date: 11/3/2020 Prepared: 11/1/2020 11:34:28 PM Status: Alone | 1 Total Device(s) Plugged in (Battery 43%)

ePoll Book Clerk's View – Voter Details

Precinct: MILFORD | **Election Status:** Open
Voters: 6315 | **Checked In:** 4384

Voter Details

Party: UND | Address: [Redacted] | VoterId: [Redacted]
Last Name/Suffix: KOSLOWSKI | PrecinctName: MILFORD
First Name: ETHAN
Middle Name: RANDOLPH
Absentee: FALSE (No)

Election Day Flags

- 1. Absentee Ballot
- 2. Name Change
- 3. CVA
- 4. New Address
- 5. Out of State Photo ID
- 6. New Voter on Election Day

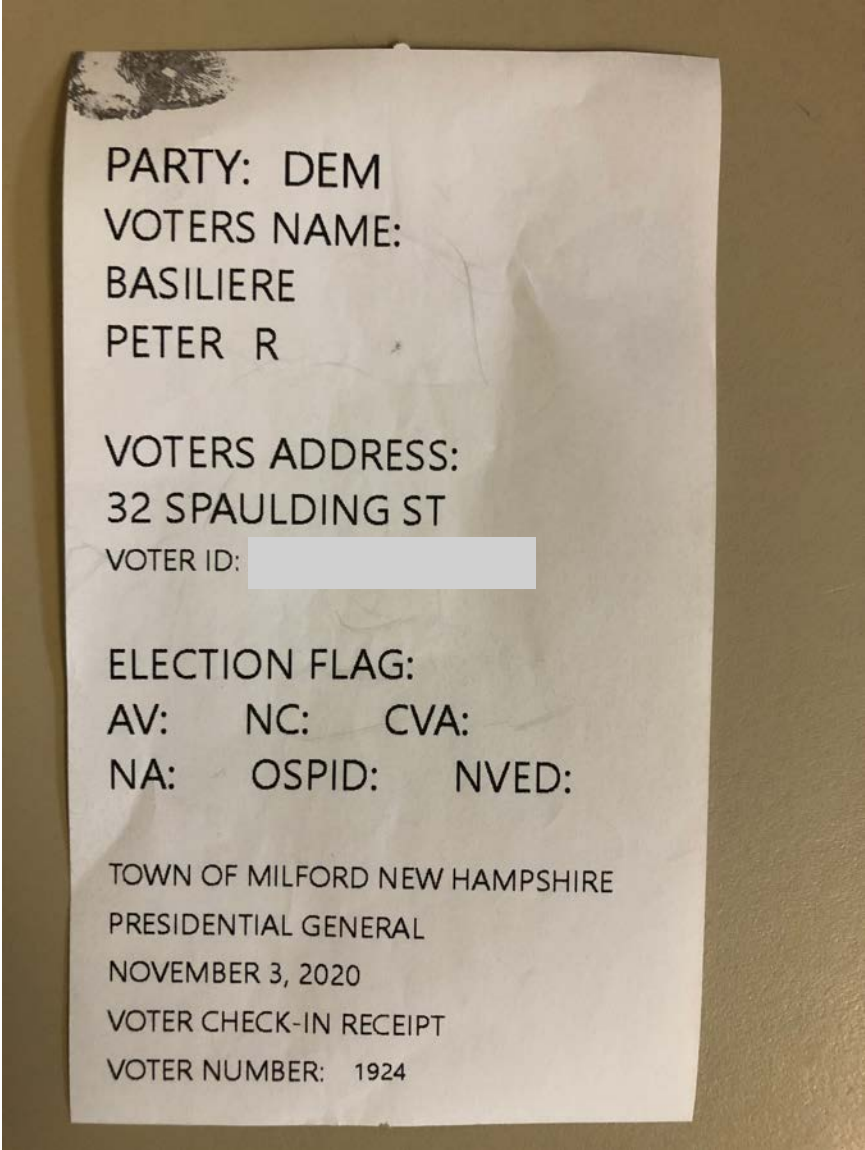
Voter Messages

Ready to Check In

Buttons: Check Voter In, Edit Voter, Same Address, Back To List, Voter Notes

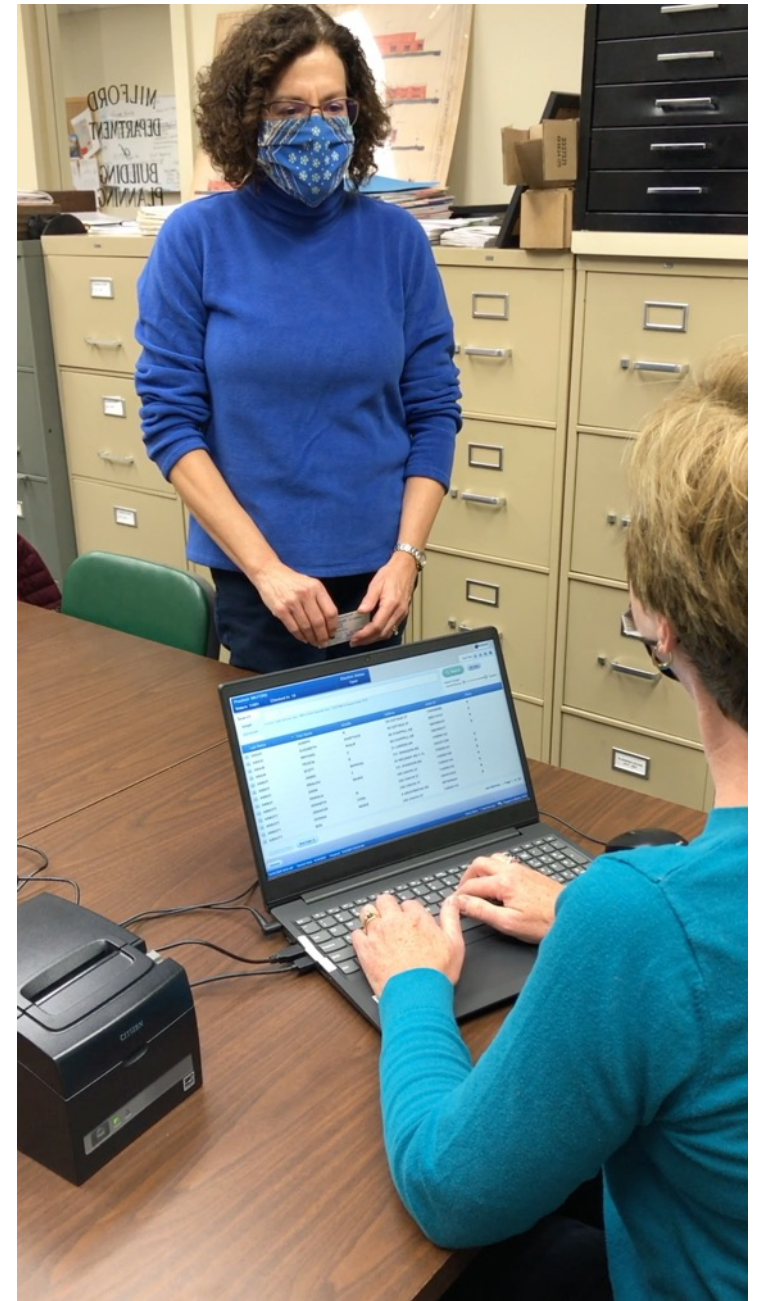
Footer: 11/10/2020 8:34 PM | Election Date: 11/3/2020 | Prepared: 11/1/2020 11:34:28 PM | Status: Alone | 1 Total Device(s) | Plugged in (Battery 43%)

ePoll Book Clerk's View – Paper Receipt



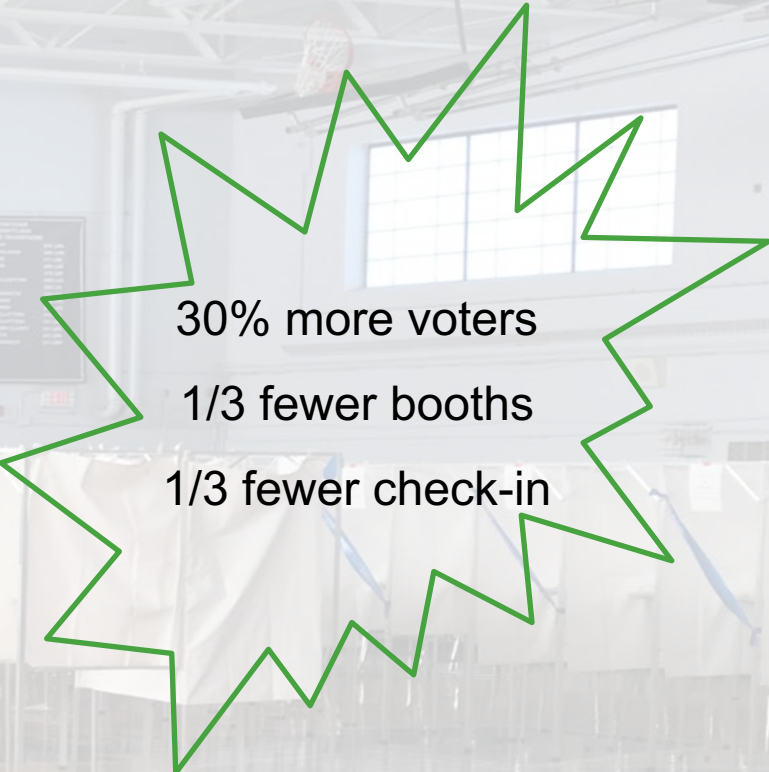
Agenda

- What is an ePoll book?
- How does the ePoll book process differ from traditional check-in?
- What are the pros and cons of ePoll books?
- Where do we go from here?



2020 Presidential Election

- 13,101 registered Milford voters
 - Includes 795 new voters registered on Election Day
- High School gym and cafeteria
 - Two separate paths through the school
- 12 ePoll book workers on three shifts
 - 10 for registered voters, two for new voters
 - Two letter groupings, A-K and L-Z, in the lobby; each side separate
- 60 booths and 15 table-top booths; 1 accessible booth



30% more voters

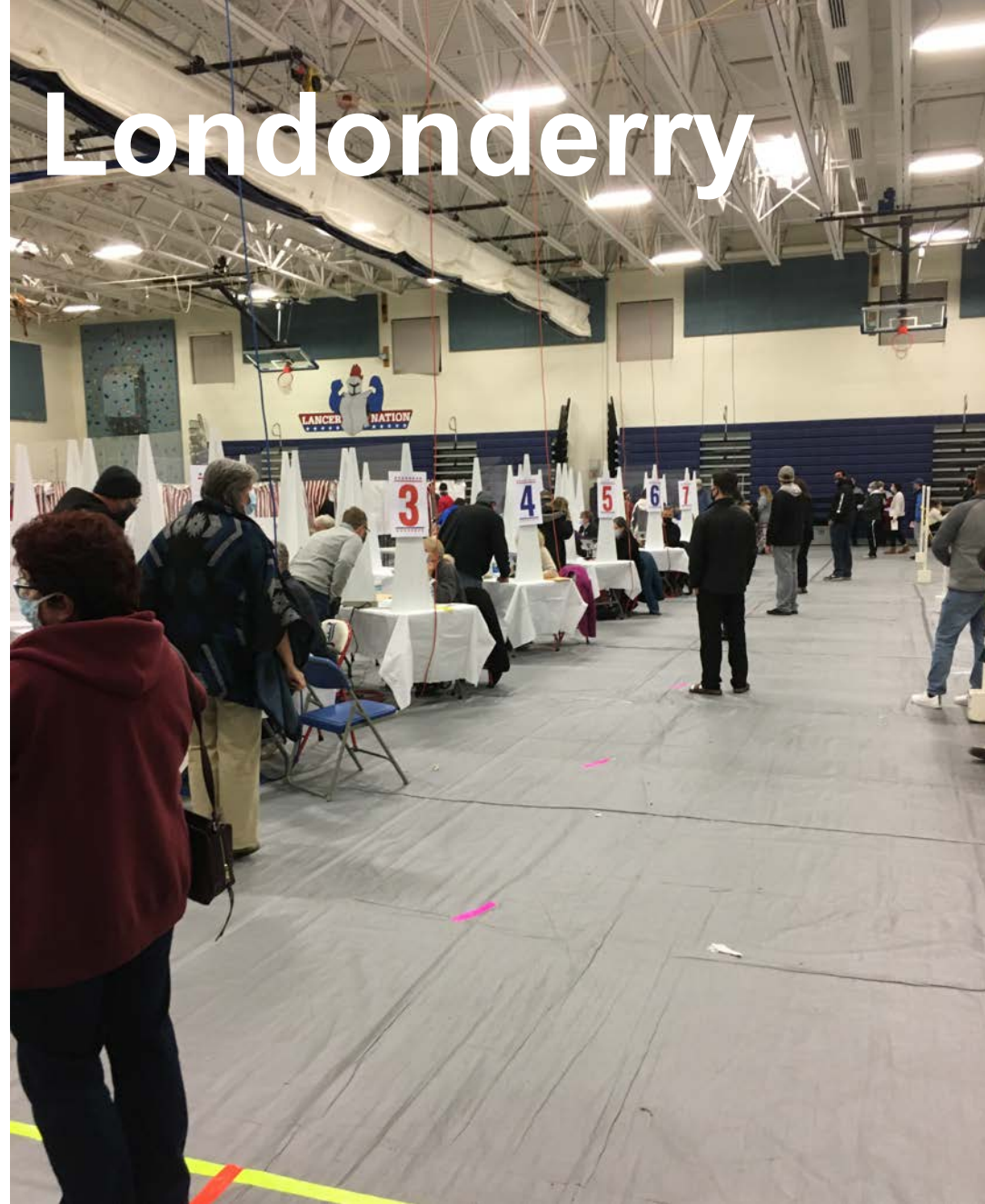
1/3 fewer booths

1/3 fewer check-in

COVID-19 Times



Londonderry



ePoll Book Benefits – Voters

- *First come, first served*
 - Long lines evaporate
- Faster throughput
 - No waiting while the clerk flips checklist pages
 - *Londonderry – 8 Poll Pads checked-in 12 voters per minute*
- Scanning NH drivers' licenses
 - Immediately pulls up the voter's name
 - Faster than typing the first letters of last name



ePoll Book Benefits – Moderator

- Streamlines the check-in of voters
 - Shorter lines (15 minute goal)
 - Fewer people upset by waiting
- Count of voters checked-in available immediately after polls close
 - And during the day
- *Moderator's Worksheet* and *Names on Checklist* data quickly available
 - Both as a report and as a spreadsheet
- Contact tracing
 - Check-in log includes date and time; also know who checked-in before and after

Poll Pad – Moderator’s Dashboard (end of Election Day)

epulse AT A GLANCE Jonathan Kipp
Town of Londonderry
GENERAL ELECTION

ELECTION DAY

- ISSUE TRACKING
- REPORTING
- BALLOTS
- MESSAGES
- POLL PADS
- VOTERS
- POLLING PLACES
- POLL WORKERS
- ELECTION SETUP
- ACCOUNT SETTINGS
- LOGOUT

20,424
REGISTERED VOTERS

72%
TURN OUT

14,901
TOTAL CHECK-INS

9,191 ELECTION DAY
5,710 EARLY
0 ABSENTEE

0 ADDED
0 PROVISIONAL
9 CANCELLED

POLL PAD
12 IN USE

0 OPTIMAL
0 ACCEPTABLE
12 CRITICAL

VOTER WAIT TIME

MIN SEC
OVERALL AVERAGE

0 OPTIMAL
0 ACCEPTABLE
0 CRITICAL

0 - 10 Minutes 10 - 20 Minutes 20+ Minutes

ePoll Book Considerations – Moderator

- Vendor ensures ePoll books are secure from hacking
 - Certification by state is a requirement for moving from the test phase
- Vendor ensures ePoll books can handle the volume across the network
 - Eliminate potential latency issues
- Moderator must prepare for Election Day switch from digital to paper
 - Signage, desks, etc. must be ready to go
- More workers are required
 - Paper checklist as back-up more than doubles the number of check-in workers

ePoll Book Benefits – Town Clerk

- Communicates with the voter registration system
 - Download of file from ElectionNet
- Records voter activity as it happens
 - Same as before – with wide red stripe across entire name and address
- Personally identifiable slip of paper for every voter
 - Fix errors at polls (not worker; ePoll book admin privileges limited to Town Clerk and Moderator)
 - Use slip to correct on paper checklist

ePoll Book Considerations – Town Clerk

- Acquiring and storing ePoll books
 - Laptop, mobile devices could be used for other purposes
 - Laptops, mobile devices and receipt printers must be securely stored for months
- Time required to download checklist to ePoll books
 - Less than an hour but a new step in the pre-election process
- Time required to enter absentee voters (if preprocessed)
 - Volume dependent

ePoll Book Benefits – Checklist Supervisors

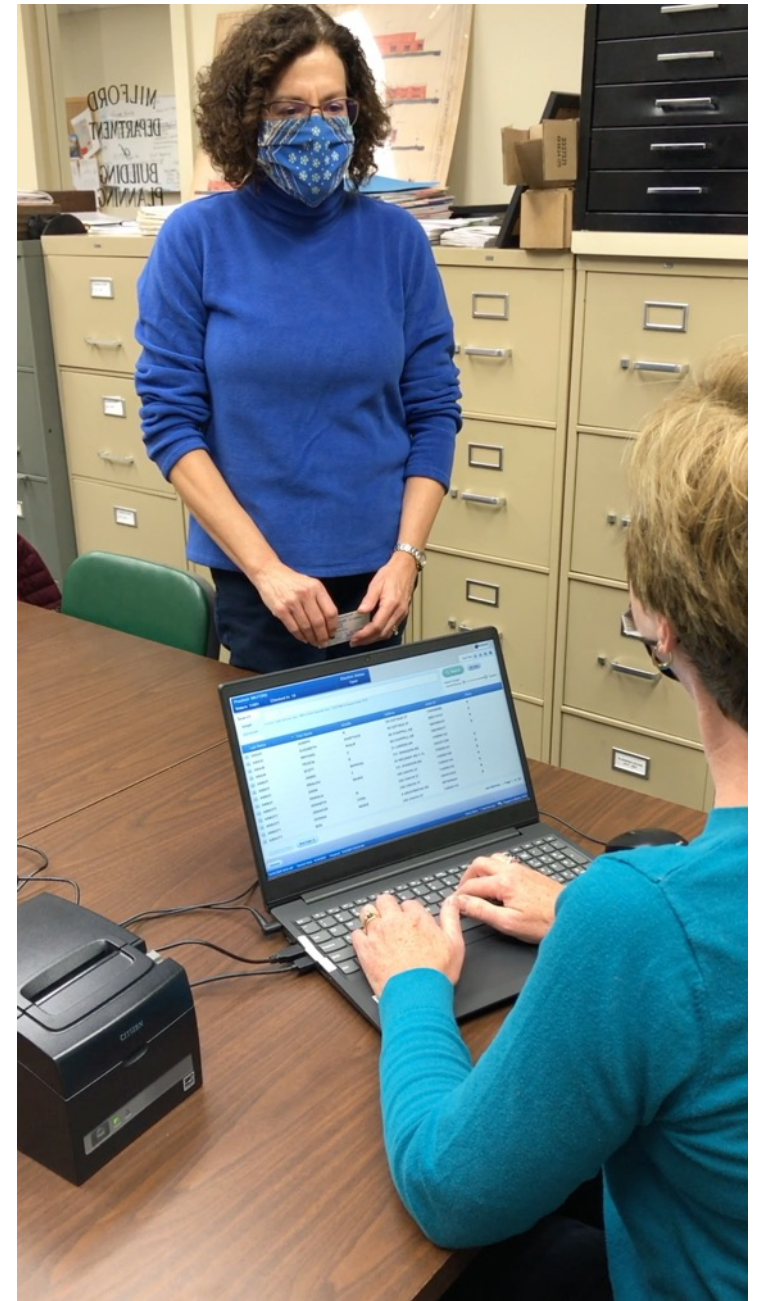
- Alleviate the need for bulky paper registers
 - Counts at the bottom of printed pages disappear – *especially at primaries*
- Improved accuracy
 - Lines are digitally drawn, checkmark in the box
 - Party affiliation captured
 - Absentee Ballot, Out of State license, UOCAVA and FOO recorded
- New voter names, addresses and affiliations digitally captured
 - Ultimately could be downloaded to ElectionNet

ePoll Book Considerations – Checklist Supervisors

- Not linked to ElectionNet
- New voter list is helpful for count but doesn't contain all the fields
 - Conscious decision, not wanting to delay voters with excessive data entry

Agenda

- What is an ePoll book?
- How does the ePoll book process differ from traditional check-in?
- What are the pros and cons of ePoll books?
- Where do we go from here?



What's Next?

- Near term
 - Continued trials by Milford and Londonderry
 - Expansion to other communities with SOS approval
- Medium term
 - Review RFP; determine if other state certifications are acceptable (whole/part)
 - Approve one or more ePoll book vendors by the September 2022 primary
 - Widespread ePoll book use at September and November 2022 elections
- Long term
 - Connectivity between ElectionNet and ePoll books to securely transfer data

Recommendations

- Investigate ePoll book and Poll Pad vendors by bringing them in for demonstrations to your election and other public officials
- Get the real story by checking with vendors' reference clients in NH and elsewhere
- Seek approval to test ePoll books at your 2021 and 2022 town or city elections by working with the Secretary of State's office
- Use ePoll books at the 2022 state elections after securing SOS approval

ePoll books are a viable solution for most towns and wards

ePoll books are accepted by voters

ePoll books are accurate

ePoll books enable trustworthy elections



Voting in a Pandemic: *The ePoll Book Solution*

Pete Basiliere

Milford Town & School District Moderator

With Thanks to Joan Dargie, Milford Town Clerk

Written Testimony to the Election Law and Municipal Affairs Committee

Bill as
Introduced

SB 46 - AS AMENDED BY THE SENATE

03/04/2021 0419s

2021 SESSION

21-0989

11/06

SENATE BILL **46**

AN ACT relative to the use of electronic poll books by cities and towns.

SPONSORS: Sen. Perkins Kwoka, Dist 21; Sen. Rosenwald, Dist 13; Sen. Gray, Dist 6; Sen. Sherman, Dist 24; Sen. Soucy, Dist 18

COMMITTEE: Election Law and Municipal Affairs

ANALYSIS

This bill permits cities and towns to use electronic poll books.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to the use of electronic poll books by cities and towns.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Electronic Poll Books; Authorization. Amend RSA 652:27 to read as follows:

2 652:27 Electronic Poll Books.

3 I. Cities and towns are hereby authorized to ~~[conduct a trial of]~~ **use** electronic poll book
 4 devices for voter registration and check-in for elections~~[-The trial shall be compliant],~~ **provided**
 5 **that any city or town using electronic poll book devices shall comply** with all statutes directly
 6 or indirectly related to voter checklists and maintenance of the statewide centralized voter
 7 registration database including the processes related to voter registration, voter check-in and check-
 8 out, the processing of absentee ballots, the collection of all fields of data required for registration or
 9 check-in, and the delivery of that data to the secretary of state in a format compatible with the
 10 statewide centralized voter registration database. The provisions of RSA 654:34, RSA 659:55, RSA
 11 659:13, RSA 659:14, and RSA 659:23, as they relate to manual entries on a paper checklist, are
 12 hereby waived in order to accommodate an electronic poll book, provided the same information
 13 required of the voter is obtained and recorded by the electronic poll book, and can be retrieved
 14 **and/or** printed at any time including during an election. In addition, nonpublic data related to
 15 individual voter data shall remain confidential, and no voter data shall be released or retained by an
 16 electronic poll book vendor, including its agents, or any company or individual that provides
 17 software, hardware, or services to the vendor for any purpose. An electronic poll book vendor shall
 18 not have access to any voter data except as specifically necessary to setup, maintain, or train for an
 19 electronic poll book program authorized under RSA 652:27. Adequate back-up systems shall be in
 20 place as determined by the local election officials for local elections and the secretary of state for all
 21 other elections. A back-up system shall include a "real time" download **or accurate account** of
 22 voters who have checked in or registered on the day of the election. The electronic poll book shall
 23 have the ability to generate a paper voter checklist completely marked to reflect participation in the
 24 election up to the time of any system failure or malfunction~~[-A],~~ **and** sufficient number of high
 25 speed printers shall be available in the polling place to produce a back-up paper checklist for use in
 26 the event of a system failure, **or a paper checklist shall be marked in parallel with the**
 27 **electronic poll book reflecting the real time check-in of voters with a lag time of no more**
 28 **than 10 minutes.** A marked checklist shall be printed upon the completion of every election along
 29 with any reports required by statute and shall be retained by the clerk.

30 II. The cities and towns shall assume all costs associated with electronic poll books. No
 31 electronic poll book ~~[trial]~~ program may proceed unless the electronic poll books system and

SB 46 - AS AMENDED BY THE SENATE

- Page 2 -

1 application has been recommended for approval by an evaluator of electronic election systems
2 **approved by the secretary of state** using requirements established by the secretary of state.
3 ~~[Within 30 days of the effective date of this section, the secretary of state shall designate at least one~~
4 ~~evaluator of electronic election systems to draft test cases, conduct tests, and make~~
5 ~~recommendations.]~~ Recommendations to the secretary of state from an evaluator of electronic
6 election systems shall be conditioned upon safe use procedures. The secretary of state may approve
7 electronic poll book systems, **in whole or in part**, based on recommendations from an evaluator of
8 electronic election systems. No city or town may use an electronic poll book system that has not
9 been approved by the secretary of state. ~~[The secretary of state, within 30 days of the effective date~~
10 ~~of this section, shall prepare requirements for conducting a trial of electronic poll book devices that~~
11 ~~outline specific conditions that must be met for compliance with this section. An electronic poll book~~
12 ~~trial program must originate with a city or town election before becoming eligible for use at a state~~
13 ~~election in the same city or town.]~~

14 **III. For the initial use of an electronic poll book approved by the secretary of state,**
15 **in whole or in part**, the city or town clerk shall file with the secretary of state all documentation
16 that is necessary to show that all requirements in this section have been met no later than 30 days
17 before an electronic poll book ~~trial~~ program shall take place. Within 30 days after the initial use of
18 electronic poll books in accordance with this section, the city or town shall submit a report to the
19 secretary of state, who shall review such reports and forward them to the speaker of the house of
20 representatives, the president of the senate, and the chairpersons of the house and senate standing
21 committees with jurisdiction over election law. Each report shall describe the outcome of the
22 program, addressing voter experiences, wait times, voter throughput times, personnel costs,
23 hardware and software costs, and the completeness and accuracy of the data recorded, reported, and
24 submitted for import to the statewide centralized voter registration database.

25 **IV. The secretary of state shall prepare at least once each calendar year a regularly**
26 **updated set of instructions and best use practices for the use of electronic poll books in**
27 **state elections based on reports from the city and town clerks, evaluation vendors, and**
28 **electronic poll book system providers.**

29 2 Repeal. 2017, 200:3, relative to the prospective repeal of the electronic poll book trial
30 program, is repealed.

31 3 Effective Date. This act shall take effect 60 days after its passage.