

# Senate Election Law and Internal Affairs Committee

*Kelly Flathers 271-3093*

**SB 113**, relative to an electronic poll book trial program.

**Hearing Date:** February 21, 2017

**Time Opened:** 9:00 a.m.

**Time Closed:** 9:41 a.m.

**Members of the Committee Present:** Senators Birdsell, Gray, Sanborn, Soucy and Woodburn

**Members of the Committee Absent :** None

**Bill Analysis:** This bill authorizes a trial of electronic poll book devices for voter registration and check-in.

**Sponsors:**

Sen. Lasky	Sen. D'Allesandro	Sen. Fuller Clark
Sen. Gray	Sen. Hennessey	Sen. Innis
Sen. McGilvray	Sen. Reagan	Sen. Soucy
Sen. Watters	Sen. Woodburn	Rep. P. Long

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**Who supports the bill:** Sen. Bette Lasky - District 13; Sen. Dan Innis - District 24; Lori Radke - Bedford Town Clerk; Sen. Jeff Woodburn - District 1; Sen. Donna Soucy - District 18; Liz Tentarelli - League of Women Voters; Sen. Fuller Clark - District 21; Mary Till; Bonnie Wright; David Scanlan - Deputy Secretary of State (as amended); Devon Chaffee - ACLU NH; Cordell Johnston - NH Municipal Association; Rep. Pat Long - Hillsborough 10; Darryl W. Perry - Liberty Lobby LLC; Nancy Marashio - League of Women Voters; Sylvia Gale; Gwen Mikailu; Timothy McKernan - Granite State Progress

**Who opposes the bill:** No one

**Who is neutral on the bill:** No one

**Summary of testimony presented in support:**

**Senator Bette Lasky – District 13**

- About a year ago, Manchester City Clerk Matt Norman started researching the possibility of using electronic poll books for our state. ePollbooks deliver a state of the art, seamless voter check-in and verification process for election officials.
- The system enables election officials, with the swipe of a driver's license, to

check the voter in and confirm that he or she has not already voted

- It dramatically reduces wait time and improves the efficiency of the process.
- It can also be used to process same day registrations and add them to the checklist immediately.
- It reduces lines; voters can go to any station.
- The Nashua City Clerk confirmed that Nashua had 5,800 new voters in the last election and the Clerk's Office just finished scanning those into the checklist in mid-January. After that was completed, they started scanning in the 43,000 others. They have just finished that process. Every city and town has to go through this process.
- The company KnowInk demonstrated their product to legislators and town officials last spring.
- The ePollbook has been used in hundreds of elections since 2011, when it was first introduced.
- Massachusetts used the system in 2016 and reportedly had a positive experience.
- Bedford will be using the system in March for their local election in conjunction with paper lists.
- I am distributing a letter from an Elections Manager in Minnesota about their positive experience with ePollbook.
- Last spring, the Senate moved this along with bipartisan support and passed it 15-9 in 2016. It was held up in the House because the issue had already been dealt with in the first session.
- We can make our voting system more efficient, voter friendly, and secure with the adoption of 21<sup>st</sup> century technology.
- The Secretary of State's office has been meeting with stakeholders and vendors and I believe we can work together to bring this forward.
- I know that Sen. Gray has an amendment. I haven't had a chance to look at it and currently have no opinion. He will bring it forward for discussion.

#### **Senator Sanborn**

- (Q) On page 2 line 8 of the bill as introduced, did you mean to include a date? On page 1 lines 12-14, if we're looking to perform a test, should this require that the paper checklists are kept in place for now?
  - (A) **Senator Lasky:** Yes, there should be a date. I agree; we should clarify that this is a trial in the language. I do believe that we should be moving toward replacing the paper system in the long run.

#### **David Scanlan – Deputy Secretary of State**

- I am speaking in support of this bill, as well as the amendment that will be brought forward by Senator Gray.
- This bill came up in the past and we didn't have enough time to vet the system.

Now that we're in the first half of the biennium, we have a chance to take a closer look.

- We are concerned about security and want to make sure that the system is dependable so that if there were some type of failure, the backup is seamless and won't cause problems for voters.
- We want to make sure it's compatible with our statewide voter database and that it's cost efficient.
- We have an ePollbook Working Group made up of approximately 40 individuals. We've been talking to experts in the field regarding security and dependability issues.
- We have invited various vendors to display and present their products on March 30<sup>th</sup>. We've been talking about KnowInk, but we want to look at the other options as well. We're inviting states and counties around the country who have adopted these systems so we can get their perspective.
- This legislation creates a trial program; it would be up to the town or city to decide which product they will use. They will be responsible for paying for the trial. The legislation does waive certain requirements on the paper checklist, but it also charges towns with making sure there's a backup system in place.
- Sen. Gray's amendment suggests that towns and cities would be responsible for their backup system in municipal elections, but the Secretary of State would be responsible for state and federal elections.
- The amendment also puts in an effective date for 30 days after passage.
- The bill sunsets in 2027. It is my hope that we come up with a statewide solution before then.

**Sen. Gray**

- (Q) Lines 11-14 waive the paper checklist requirement. Does this provide the necessary carryover of the paper checklist during the trial period?
  - (A) **David Scanlan:** The key language is on line 17, which requires an adequate backup system.

**Sen. Sanborn**

- (Q) Should there be something in this to require these systems to be isolated from the internet?
  - (A) **David Scanlan:** This is a concern that we share. These systems are adaptable and a lot is determined by the nature of the polling place itself. These systems can be very secure. At larger polling places, you'll need quite a few of these that are capable of communicating with each other.
- (Q) Could we require that the tablets be hardwired together, or have a prohibition of their ability to connect to the internet wirelessly?
  - (A) **David Scanlan:** I wouldn't want to make that leap before understanding how other states have dealt with that. It's very possible to

make these secure; we want to make sure we implement that correctly.

**Sen. Gray**

- (Q) In lines 24-25 of the bill as introduced and lines 24-27 in the amendment, the memorandum discussed there would address Sen. Sanborn's concerns, correct?
  - (A) **David Scanlan:** I think you're right. We want to have a better understanding than we do now, so that what shows up on the memorandum is appropriate.

**Sen. Sanborn**

- (Q) Is ten years too long?
  - (A) **David Scanlan:** I would say 5 or 6 years.

**Sen. Birdsell**

- (Q) Doesn't that date give us more flexibility?
  - (A) **David Scanlan:** If we do our due diligence, I don't foresee any issues. Things will move along once we start implementing this.

**Sen. Gray**

- (Q) It doesn't matter if the program is great and we implement it right away or if the trial lasts the whole 10 years, right?
  - **David Scanlan:** Yes, I agree with that.

**Cordell Johnston – NH Municipal Association**

- I am speaking in support of this bill.
- We supported this last year as well. I don't have the knowledge to get into too much detail, but many clerks, moderators, and local election officials support this legislation.
- I have one concern about the amendment and the memorandum of understanding. It takes away the hard deadline to get it completed. I would prefer that those words "requirements for" be taken out of the amendment.

**Liz Tentarelli – President, League of Women Voters NH**

- I am speaking in support of this bill.
- We're a non-partisan organization dedicated to improving elections and voter turnout.
- This will increase the efficiency and security of the polling place.
- This bill does include an evaluation of the system a month after its use, which means that improvements can be made after each election.
- The Secretary of State recently authorized Bedford to use ePollbooks in their municipal election next month.
- This bill does put the costs on the local communities. As of last year, NH had \$11 million left in the HAVA fund to modernize our elections. I suggest using

these funds for this trial.

- I am distributing an article on ePollbooks in Bedford.

**Sen. Sanborn**

- (Q) What's motivating you to support ePollbooks instead of paper lists? Have there been problems with paper lists?
  - (A) **Liz Tentarelli:** I don't think the biggest concern is accuracy, although mistakes can happen with paper lists. From our view, it's the efficiency of the system. There were issues in the last presidential primary and there has to be a better way to do this. It doesn't require as much staff and lines will move faster. We also know that a number of other states are using this effectively.
  - (A) **Sen. Lasky:** The City of Nashua has just completed the transferring of data from the last election. That would be done immediately with ePollbooks. 39 other states use this. It's not that anyone is doing anything wrong in our current system; it's time to take advantage of the technology available to us.

**Summary of testimony presented in opposition:** None

**Neutral Information Presented:** None

**Future Action:** Ought to Pass with Amendment

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Date Hearing Report completed: February 21, 2017