

**CHAPTER 200**  
**SB 113 - FINAL VERSION**

03/09/2017 0538s  
1Jun2017... 1770h  
1Jun2017... 2081h

2017 SESSION

17-0949  
03/01

SENATE BILL            ***113***

AN ACT                    relative to an electronic poll book trial program.

SPONSORS:            Sen. Lasky, Dist 13; Sen. D'Allesandro, Dist 20; Sen. Fuller Clark, Dist 21; Sen. Gray, Dist 6; Sen. Hennessey, Dist 5; Sen. Innis, Dist 24; Sen. McGilvray, Dist 16; Sen. Reagan, Dist 17; Sen. Soucy, Dist 18; Sen. Watters, Dist 4; Sen. Woodburn, Dist 1; Rep. P. Long, Hills. 10

COMMITTEE:          Election Law and Internal Affairs

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ANALYSIS

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

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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                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Seventeen*

AN ACT                    relative to an electronic poll book trial program.

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

1            200:1 New Subdivision; Electronic Poll Books. Amend RSA 652 by inserting after section 26 the  
2 following new subdivision:

Electronic Poll Books

3  
4            652:27 Electronic Poll Books.

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

29            II. The cities and towns shall assume all costs associated with electronic poll books. No

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

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

24 200:2 Report. The secretary of state shall file a report with the speaker of the house of  
25 representatives, the president of the senate, and the chairpersons of the house and senate standing  
26 committees with jurisdiction over election law, no later than November 1, 2021, that lays out a plan  
27 for the implementation of an electronic poll book system based on successful electronic poll book  
28 trials conducted under RSA 652:27.

29 200:3 Repeal. RSA 652:27, relative to electronic poll books, is repealed.

30 200:4 Effective Date.

31 I. Section 3 of this act shall take effect January 1, 2023.

II. The remainder of this act shall take effect 30 days after its passage.

Approved: July 05, 2017

Effective Date:

I. Section 3 effective January 1, 2023

II. Remainder effective August 4, 2017