

Amendment to SB 113

1 Amend the bill by replacing all after the enacting clause with the following:

2
3 1 New Subdivision; Electronic Poll Books. Amend RSA 652 by inserting after section 26 the
4 following new subdivision:

5 Electronic Poll Books

6 652:27 Electronic Poll Books.

7 I. Cities and towns are hereby authorized to conduct a trial of electronic poll book devices
8 for voter registration and check-in for elections. The trial shall be compliant with all statutes
9 directly or indirectly related to voter checklists and maintenance of the statewide centralized voter
10 registration database including the processes related to voter registration, voter check-in and check-
11 out, the processing of absentee ballots, the collection of all fields of data required for registration or
12 check-in, and the delivery of that data to the secretary of state in a format compatible with the
13 statewide centralized voter registration database. The provisions of RSA 654:34, RSA 659:55, RSA
14 659:13, RSA 659:14, and RSA 659:23, as they relate to manual entries on a paper checklist, are
15 hereby waived in order to accommodate an electronic poll book, provided the same information
16 required of the voter is obtained and recorded by the electronic poll book, and can be retrieved and
17 printed at any time including during an election. In addition, nonpublic data related to individual
18 voter data shall remain confidential, and no voter data shall be released or retained by an electronic
19 poll book vendor, its agents, or any company or individual that provides software, hardware, or
20 services to the vendor for any purpose. Adequate back-up systems shall be in place as determined
21 by the local election officials for local elections and the secretary of state for all other elections. A
22 back-up system shall include a "real time" download of voters who have checked in or registered on
23 the day of the election. The electronic poll book shall have the ability to generate a paper voter
24 checklist completely marked to reflect participation in the election up to the time of any system
25 failure or malfunction. A sufficient number of high speed printers shall be available in the polling
26 place to produce a back-up paper checklist for use in the event of a system failure. A marked
27 checklist shall be printed upon the completion of every election along with any reports required by
28 statute and shall be retained by the clerk.

29 II. The cities and towns shall assume all costs associated with electronic poll books. No
30 electronic poll book trial program may proceed unless the electronic poll books system and
31 application has been recommended for approval by an evaluator of electronic election systems using
32 requirements established by the secretary of state. Within 30 days of the effective date of this

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

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

21 2 Report. The secretary of state shall file a report with the speaker of the house of
22 representatives, the president of the senate, and the chairpersons of the house and senate standing
23 committees with jurisdiction over election law, no later than November 1, 2021, that lays out a plan
24 for the implementation of an electronic poll book system based on successful electronic poll book
25 trials conducted under RSA 652:27.

26 3 Repeal. RSA 652:27, relative to electronic poll books, is repealed.

27 4 Effective Date.

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

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