

CHAPTER 101
SB 46 - FINAL VERSION

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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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:

1 101:1 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.

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

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

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

101:2 Repeal. 2017, 200:3, relative to the prospective repeal of the electronic poll book trial program, is repealed.

101:3 Effective Date. This act shall take effect 60 days after its passage.

Approved: July 01, 2021
Effective Date: August 30, 2021