

CHAPTER 80

AN ACT concerning electronic poll books and supplementing Title 19 of the Revised Statutes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

C.19:31-35 Use of electronic poll books.

1. Each county commissioner of registration and county board of elections may adopt, as further provided by this act, P.L.2019, c.80 (C.19:31-35 et seq.), electronic poll books for use at each polling place on the day of any election, in place of the paper polling record or signature copy register, to access the registration record, eligibility, signature, and other information of each registered voter in the election district. The electronic poll books shall enable at least the same functionality currently provided by the paper polling records or signature copy register to be accomplished in the conduct of an election. An electronic poll book shall not be used unless it has been certified by the Secretary of State. The Secretary of State shall adopt and publish electronic poll books standards and regulations governing the certification and use of electronic poll books. The Secretary of State shall not certify an electronic poll book unless it is in compliance with at least the capabilities and standards specified under section 2 of P.L.2019, c.80 (C.19:31-36) and the Secretary of State's standards and regulations. The Secretary of State shall provide each county commissioner of registration and board of elections that adopts the use of electronic poll books under this act with rules, regulations, and instructions regarding the examination, testing, and use of electronic poll books, including rules regarding the security and protection of the information stored in such electronic poll books.

C.19:31-36 Capabilities, standard of electronic poll book technology.

2. The electronic poll book technology certified by the Secretary of State shall meet at least the following capabilities and standards:

a. The ability to enable a poll worker to perform by electronic means all of the same functions performed using a paper polling record and signature copy register, during the conduct of an election, including but not limited to, the following:

(1) retrieving a registered voter's name, address, and date of birth and identifying the municipality and the particular election district therein from which the person is registered;

(2) verifying whether additional identifying documents or proof of residency are needed to complete a voter's registration;

(3) accessing a registered voter's voting record and an imprint of the digitized image of the registered voter's signature;

(4) recording a registered voter's signature at the polls;

(5) assigning a sequential number of each voter permitted to vote;

(6) inspecting whether a registered voter already voted or was mailed a mail-in ballot;

(7) redirecting a voter to the correct polling place;

(8) recording any necessary notation of remarks on the voter's record as provided by R.S.19:15-23 and any other challenge and the determination thereof by the district board in connection with the conduct of an election;

(9) providing an auditable record of the election; and

(10) in the case of a primary election, the electronic poll books shall indicate for each registered voter the political party, if any, of which the voter is a member for the purpose of voting at that primary;

b. compatibility with the Statewide voter registration system established pursuant to section 1 of P.L.2005, c.145 (C.19:31-31), which shall include the ability of the electronic

poll books to import the records of all registered voters in the election district and updates to those records before election day, to record edits to those records on election day, and to export to the Statewide voter registration system all of the election activity and voter participation information at the closing of the polls or, as an alternative to the export capability, the capability to generate a report of the election activity and voter participation information for manual entry into the Statewide voter registration system;

c. a proven ability to successfully meet requirements concerning technology documentation, user safety, accessibility, durability, data encryption, non-interference with and separation from the voting system in use during an election, device and system security, audit log, data and power backup, compatibility, and functionality, as demonstrated under actual performance and use in other United States election administration jurisdictions; and

d. any other capability or standard deemed appropriate by the county commissioner of registration, county board of elections, or Secretary of State, or deemed necessary to comply with any provision of Title 19 of the Revised Statutes.

C.19:31-37 Request for approval for use of electronic poll books.

3. A county commissioner of registration and county board of elections opting to use electronic poll books shall submit to the Secretary of State a request for approval in the form, content, and timeframe specified by the Secretary of State. Within 10 days of receiving the request, the Secretary of State shall review the request for compliance with the Secretary of State's standards and regulations and all of the capabilities and standards required under this act, P.L.2019, c.80 (C.19:31-35 et seq.). A county commissioner of registration and county board of elections approved to use electronic poll books shall furnish at least two electronic poll books for each polling place and a backup paper polling record or signature copy register. Electronic poll books for each election shall be prepared by the commissioner of registration no later than the 10th day preceding the election. At each election, the delivery of the electronic poll books to the municipal clerk and to the district boards or other officials charged with the same duties as the district boards in connection with the conduct of an election, and the return of those electronic poll books by the district boards or such other election officials to the commissioner of registration, shall be made in the manner prescribed by the commissioner of registration and shall comply with Title 19 of the Revised Statutes. The commissioner of registration shall retain the electronic poll books records for any election for a period of not less than six years following that election.

C.19:31-38 Rules, regulations.

4. Notwithstanding any provision of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the Secretary of State shall adopt immediately upon filing with the Office of Administrative Law, within 90 days of the effective date of this act, P.L.2019, c.80 (C.19:31-35 et seq.), such rules and regulations as the Secretary of State deems necessary to implement the provisions of this act, which shall be effective during an interim period and may thereafter be amended, adopted, or readopted by the Secretary of State in accordance with the requirements of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

5. This act shall take effect immediately.

Approved May 2, 2019.