

CHAPTER 276
SB 364 - FINAL VERSION

05/26/2022 2101EBA

2022 SESSION

22-3020
11/10

SENATE BILL

364

AN ACT relative to the use of electronic poll books.

SPONSORS: Sen. Perkins Kwoka, Dist 21; Sen. Watters, Dist 4; Sen. Sherman, Dist 24; Sen. Rosenwald, Dist 13; Sen. Whitley, Dist 15; Sen. Soucy, Dist 18; Sen. Kahn, Dist 10; Sen. Cavanaugh, Dist 16; Sen. Prentiss, Dist 5; Rep. Hamblet, Rock. 31

COMMITTEE: Election Law and Municipal Affairs

ANALYSIS

This bill extends the time requirement for markup of a backup checklist in the use of 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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Two

AN ACT relative to the use of electronic poll books.

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

1 276:1 Elections; Electronic Poll Books; Backup Checklist. Amend RSA 652:27, I to read as follows:

2 I. Cities and towns are hereby authorized to use electronic poll book devices for voter registration
3 and check-in for elections, provided that any city or town using electronic poll book devices shall comply
4 with all statutes directly or indirectly related to voter checklists and maintenance of the statewide
5 centralized voter registration database including the processes related to voter registration, voter check-in
6 and check-out, the processing of absentee ballots, the collection of all fields of data required for
7 registration or check-in, and the delivery of that data to the secretary of state in a format compatible with
8 the statewide centralized voter registration database. The provisions of RSA 654:34, RSA 659:55, RSA
9 659:13, RSA 659:14, and RSA 659:23, as they relate to manual entries on a paper checklist, are hereby
10 waived in order to accommodate an electronic poll book, provided the same information required of the
11 voter is obtained and recorded by the electronic poll book, and can be retrieved and/or printed at any time
12 including during an election. In addition, nonpublic data related to individual voter data shall remain
13 confidential, and no voter data shall be released or retained by an electronic poll book vendor, including
14 its agents, or any company or individual that provides software, hardware, or services to the vendor for
15 any purpose. An electronic poll book vendor shall not have access to any voter data except as specifically
16 necessary to setup, maintain, or train for an electronic poll book program authorized under RSA 652:27.
17 Adequate back-up systems shall be in place as determined by the local election officials for local elections
18 and the secretary of state for all other elections. A back-up system shall include a "real time" download or
19 accurate account of voters who have checked in or registered on the day of the election. The electronic
20 poll book shall have the ability to generate a paper voter checklist completely marked to reflect
21 participation in the election up to the time of any system failure or malfunction, and sufficient number of
22 high speed printers shall be available in the polling place to produce a back-up paper checklist for use in
23 the event of a system failure, or a paper checklist shall be marked in parallel with the electronic poll book
24 reflecting the real time check-in of voters with a lag time of no more than [10] 30 minutes. A marked
25 checklist shall be printed upon the completion of every election along with any reports required by statute
26 and shall be retained by the clerk.

276:2 Effective Date. This act shall take effect 60 days after its passage.

Approved: June 24, 2022
Effective Date: August 23, 2022