Amendment to SB 46

1   Amend the bill by replacing section 1 with the following:

2

3   1 Electronic Poll Books; Authorization. Amend RSA 652:27 to read as follows:

4   652:27 Electronic Poll Books.

5   I. Cities and towns are hereby authorized to [conduct a trial of] *use* electronic poll book

6   devices for voter registration and check-in for elections[. The trial shall be compliant]*, provided*

7   *that any city or town using electronic poll book devices shall comply* with all statutes directly

8   or indirectly related to voter checklists and maintenance of the statewide centralized voter

9   registration database including the processes related to voter registration, voter check-in and check-

10   out, the processing of absentee ballots, the collection of all fields of data required for registration or

11   check-in, and the delivery of that data to the secretary of state in a format compatible with the

12   statewide centralized voter registration database. The provisions of RSA 654:34, RSA 659:55, RSA

13   659:13, RSA 659:14, and RSA 659:23, as they relate to manual entries on a paper checklist, are

14   hereby waived in order to accommodate an electronic poll book, provided the same information

15   required of the voter is obtained and recorded by the electronic poll book, and can be retrieved

16   and*/or* printed at any time including during an election. In addition, nonpublic data related to

17   individual voter data shall remain confidential, and no voter data shall be released or retained by an

18   electronic poll book vendor, including its agents, or any company or individual that provides

19   software, hardware, or services to the vendor for any purpose. An electronic poll book vendor shall

20   not have access to any voter data except as specifically necessary to setup, maintain, or train for an

21   electronic poll book program authorized under RSA 652:27. Adequate back-up systems shall be in

22   place as determined by the local election officials for local elections and the secretary of state for all

23   other elections. A back-up system shall include a "real time" download *or accurate account* of

24   voters who have checked in or registered on the day of the election. The electronic poll book shall

25   have the ability to generate a paper voter checklist completely marked to reflect participation in the

26   election up to the time of any system failure or malfunction[. A]*, and* sufficient number of high

27   speed printers shall be available in the polling place to produce a back-up paper checklist for use in

28   the event of a system failure*, or a paper checklist shall be marked in parallel with the*

29   *electronic poll book reflecting the real time check-in of voters with a lag time of no more*

30   *than 10 minutes*. A marked checklist shall be printed upon the completion of every election along

31   with any reports required by statute and shall be retained by the clerk.

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

2   electronic poll book [trial] program may proceed unless the electronic poll books system and

3   application has been recommended for approval by an evaluator of electronic election systems

4   *approved by the secretary of state* using requirements established by the secretary of state.

5   [Within 30 days of the effective date of this section, the secretary of state shall designate at least one

6   evaluator of electronic election systems to draft test cases, conduct tests, and make

7   recommendations.] Recommendations to the secretary of state from an evaluator of electronic

8   election systems shall be conditioned upon safe use procedures. The secretary of state may approve

9   electronic poll book systems*, in whole or in part,* based on recommendations from an evaluator of

10   electronic election systems. No city or town may use an electronic poll book system that has not

11   been approved by the secretary of state. [The secretary of state, within 30 days of the effective date

12   of this section, shall prepare requirements for conducting a trial of electronic poll book devices that

13   outline specific conditions that must be met for compliance with this section. An electronic poll book

14   trial program must originate with a city or town election before becoming eligible for use at a state

15   election in the same city or town.]

16   III. *For the initial use of an electronic poll book approved by the secretary of state,*

17   *in whole or in part,* the city or town clerk shall file with the secretary of state all documentation

18   that is necessary to show that all requirements in this section have been met no later than 30 days

19   before an electronic poll book [trial] program shall take place. Within 30 days after the initial use of

20   electronic poll books in accordance with this section, the city or town shall submit a report to the

21   secretary of state, who shall review such reports and forward them to 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. Each report shall describe the outcome of the

24   program, addressing voter experiences, wait times, voter throughput times, personnel costs,

25   hardware and software costs, and the completeness and accuracy of the data recorded, reported, and

26   submitted for import to the statewide centralized voter registration database.

27   *IV. The secretary of state shall prepare at least once each calendar year a regularly*

28   *updated set of instructions and best use practices for the use of electronic poll books in*

29   *state elections based on reports from the city and town clerks, evaluation vendors, and*

30   *electronic poll book system providers.*