

## **SPECIAL ADOPTION**

**STATE**

**SECRETARY OF STATE**

**Electronic Poll Book Rules**

**Special Adopted New Rules: N.J.A.C. 15:10-7**

Adopted: July 31, 2019, by the Hon. Tahesha Way, Secretary of State, Department of State.

Filed: July 31, 2019, as R.2019 d.091.

Authority: P.L. 2019, c. 80 (N.J.S.A. 19:31-35 et seq.).

Effective Date: July 31, 2019.

Expiration Date: Pursuant to N.J.S.A. 19:31-38, N.J.A.C. 15:10-7 shall be effective during an interim period pending adoption of a final rulemaking in accordance with the requirements of the Administrative Procedure Act.

**Take notice** that, in compliance with P.L. 2019, c. 80 (the Act), the Secretary of State is promulgating new rules to implement the Act. The rules implement the use of electronic poll books by county commissioners of registration and county boards of elections at each polling place in each election district on the day of any election in place of the paper polling record or signature copy register.

The Act signed and effective on May 2, 2019, seeks to introduce the use of electronic poll books in New Jersey, which currently records the names of registered voters in paper registers. The Act allows county commissioners of registration and county boards of elections to decide to use electronic poll books for an election, so long

as the book has been certified by the Secretary of State. At a minimum, the electronic books must be able to perform all the functions performed using a paper polling record or signature copy register and be compatible with the Statewide voter registration system. The electronic books also must meet security and audit standards delineated by the Secretary.

For the purpose of building experience with electronic poll books, the special adopted new rules include creation of a pilot program allowing use of electronic poll books that are on the certification list from the State of Indiana. Where the Secretary of State has approved a commissioner of registration or board of election's request to pilot electronic poll books and the specific type of poll book the county plans to utilize, the commissioner of registration or board of elections must provide at least two electronic poll books per polling place, along with a backup paper polling register or signature copy register. Electronic poll book records must be retained for at least six years after the election. The Act requires the Secretary of State to promulgate rules within 90 days of the effective date of the law, that are effective immediately on filing with the Office of Administrative Law.

**Full text** of the special adopted new rules follows:

## CHAPTER 10

### ELECTIONS

#### SUBCHAPTER 7. ELECTRONIC POLL BOOKS

##### 15:10-7.1 Purpose and scope

P.L. 2019, c. 80 (N.J.S.A. 19:31-35 et seq.) allows for the use of electronic poll books at each polling place in each election district on the day of any election in place of a paper polling record or signature copy register.

##### 15:10-7.2 Definitions

As used in this subchapter, the following words and terms shall have the following meanings, unless the context indicates otherwise:

“Electronic poll book” means an electronic list of registered voters for use at polling places on election day and includes all software (for example, operating systems, vendor applications, etc.) and connected hardware (for example, electronic poll books, laptops, and peripherals including scanners, printers, signature pads, routers, servers, removable media devices, chargers, batteries, etc.) configured to support the creation of an electronic list of registered voters.

##### 15:10-7.3 General requirements

(a) An electronic poll book shall include, but not be limited to, all the capabilities and standards set forth at N.J.S.A. 19:31-36.

(b) County boards of elections shall provide training for board workers on the use of any electronic poll books prior to their use in an election.

#### 15:10-7.4 Security; certification of electronic poll books

- (a) In accordance with N.J.S.A. 19:31-35, any electronic poll book that is to be used in New Jersey shall be submitted to the Secretary of State for review and testing. No electronic poll book shall be used by any county prior to having received certification from the Secretary of State for use within New Jersey.
- (b) The components of the electronic poll book to be used at the polling place shall have the capability to be locked and sealed in carrying cases with tamper-evident security seals when transported to and from the county commissioners of registration or county boards of elections.
- (c) In the event of a temporary loss of power, the electronic poll book must have the capability to permit a voter to check-in. The electronic poll book system's battery supply must allow for at least six hours of operation without an external power supply.
- (d) The file containing active and inactive registered voter information must reside within the electronic poll book. The file must be encrypted, employing cryptographic safeguards to protect sensitive information in transmission, in use, and at rest, from a loss of confidentiality, unauthorized access, or disclosure, using industry standard Federal Information Processing Standards (FIPS) 140-2 cryptographic standards, such as AES256.
- (e) In the event there is a need to connect to a network drive or a removable drive in order to protect the integrity of the voting process, the electronic poll book file must be password protected using strong password and access methods. If connected to a network, the electronic poll book shall be connected over an encrypted link, with secure

access to the internet or intranet connection. The methodology used is to be reviewed and approved by the Secretary of State, following information security standards as set by the New Jersey Cybersecurity and Communications Integration Cell (NJCCIC) in the Office of Homeland Security and Preparedness.

(f) All electronic poll books shall be password protected.

(g) At the close of the polls, the electronic poll book file shall be immediately closed so that it is password protected. The electronic poll book shall also be locked and sealed in carrying cases with tamper-evident security seal when transported from the polling place to the county commissioners of registration or county boards of elections.

#### 15:10-7.5 Examination and testing of electronic poll books by Secretary of State

(a) Any person or corporation owning or having an interest in any electronic poll book may apply to the Secretary of State for the examination and testing of such electronic poll book for use in the State of New Jersey. The Secretary of State shall establish a set of requirements, including information security standards as set by the NJCCIC in the Office of Homeland Security and Preparedness, for the examination and testing, as well as setting appropriate fees for costs associated with the examination and testing of any electronic poll book. At the completion of said examination and testing, the Secretary of State shall determine whether, in the Secretary's opinion, the electronic poll book can be safely used by the voters at elections under the conditions prescribed in this chapter. If it is determined that the electronic poll book can be so used, it shall be deemed approved and may be adopted for use at elections. Any electronic poll book not so approved shall not be used at any election.

(b) The certification of approval, or a certified copy thereof, shall be conclusive evidence that the electronic poll book so examined complies with the provisions of this chapter.

#### 15:10-7.6 Electronic Poll Book Pilot Program prior to certification

(a) County commissioners of elections and county boards of elections may, upon approval from the Secretary of State, use an electronic poll book in any election in their jurisdiction during the interim effective period of this subchapter. Any electronic poll book a county chooses to use must adhere to security protocols designated by the Secretary of State including, but not limited to, the use of air-gap protocols that prohibit the electronic poll book from having a direct connection to a computer from which the New Jersey Statewide Voter Registration System (NJSVRS) is accessed. To accomplish this, an electronic poll book export file from NJSVRS must be produced and copied to a single-use, removable drive, which would then be connected to the electronic poll book to download the voter registration data for the district using the pilot program.

(b) A county commissioner of registration and county board of elections approved to conduct an electronic poll book pilot program shall furnish at least two electronic poll books for each election district and a backup paper polling record or signature copy register.

(c) Any electronic poll book chosen by a county, for the purposes of this pilot program, must be on the certification list from the State of Indiana.

(d) An electronic poll book pilot program approval application shall be provided by the Secretary of State to all county commissioners of registration and county boards of elections interested in participating.