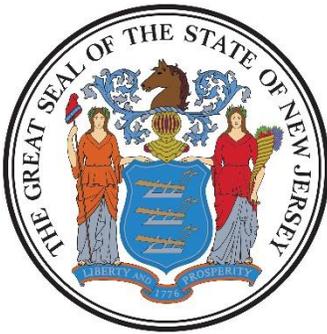


# Board of Elections Ballot Counting Guide



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## General

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The New Jersey Legislature enacted N.J.S.A. 19:63-31m, which allows a county board of elections to begin opening the inner envelopes and canvassing each Vote-by-Mail ballot from the inner envelopes no earlier than ten days prior to Election Day. In accordance with N.J.S.A. 19:63-31m, “[i]f a county board of elections begins opening the inner envelopes and canvassing the mail-in ballots from the inner envelopes prior to the day of the election, the county board shall implement the measures necessary to ensure the security and secrecy of the mail-in ballots.” Further, “[a]ny person who is authorized to receive and canvass completed mail-in-ballots pursuant to P.L.2009, c.79 (C.19:63-1) who knowingly discloses to the public the contents of a mail-in ballot prior to the time designated by law for the closing of the polls for each election shall be guilty of a crime of the third degree.” N.J.S.A. 19:34-13b.

This Guide will lay out the steps necessary to process Vote-by-Mail ballots both pre- and post-Election Day and to ensure the secrecy of the vote tally results prior to 8:00 p.m. on Election Day. The Guide will also lay out the steps necessary to process Provisional ballots. Vote-by-Mail and Provisional ballots must be organized, batched, and counted in accordance with these guidelines in order to conduct post-election audits as required by N.J.S.A. 19:61-9.

## Scheduling

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Although not required, N.J.S.A. 19:63-31m allows for Vote-by-Mail ballots to be opened and canvassed ten days prior to Election Day. As the General Election is to be held on November 3, 2020, the boards of election may begin opening and canvassing the Vote-by-Mail ballots on Saturday, October 24, 2020. For the purposes of this Guide, the period from October 24, 2020 through November 2, 2020, is referred to as the pre-Election Day period, while November 4, 2020 through November 20, 2020 is referred to as the post-Election Day period.

Each county board of elections must determine when they wish to begin the opening and counting of Vote-by-Mail ballots. County boards of Elections may choose to only open the inner envelopes and prepare the Vote-by-Mail ballots for canvassing during the pre-Election Day period but not start canvassing until Election Day; while other county boards of elections may choose to open and canvass during the pre-Election Day period. Regardless of when a county board

of elections chooses to begin the process, a quorum of the board must be present during the acceptance, rejection, opening, and canvassing of the Vote-by-Mail ballots. Further, authorized challengers have the statutory right to be present, whether in-person or virtually as the case may be to adhere to the CDC guidelines, as well as those of the state and local departments of health, when the board is accepting, rejecting, and counting the Vote-by-Mail ballots. Therefore, the boards of election must advertise a schedule of meetings at which it will be accepting, rejecting, opening, and canvassing the Vote-by-Mail ballots.

Provisional ballots must be reviewed for voter eligibility and to confirm that the voter has not returned a Vote-by-Mail ballot. An initial review of the Provisional ballots for voter eligibility should begin the first day after the election and continue during the seven-day period after the election, while Vote-by-Mail ballots are still being received. Once all Provisional ballots have been reviewed initially for voter eligibility and all Vote-by-Mail ballots have been received, a second review of Provisional ballots must be conducted to ensure no Provisional ballot voter returned a Vote-by-Mail ballot. Provisional ballots may be released for signature comparison and counting on a rolling basis as the two-step review process is completed. When the Provisional ballots are ready to be counted, the Provisional ballots shall be counted in accordance with this Guide.

## Assigning Batches

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Before Vote-by-Mail and Provisional ballots are opened, they should be sorted by ballot style. A ballot style is generally defined by town but must be further split if a town has wards or multiple Congressional Districts. A physical count of envelopes for each ballot style should be conducted and compared to the number of ballots received in SVRS to ensure all ballots were properly checked in.

After a physical count of all envelopes has been conducted, the Vote-by-Mail and Provisional ballots should be opened in batches of 100, 200, or 300. Using a Batch Cover Sheet, record the ballot style, initial envelope count, and the final ballot

### Batch Cover Sheet

Processing Team  
Ballot style \_\_\_\_\_  
Initial envelope count \_\_\_\_\_  
Number of ballots \_\_\_\_\_  
Differences \_\_\_\_\_

Tabulation Team  
Number of ballots tabulated \_\_\_\_\_  
Number of ballots not tabulated \_\_\_\_\_  
Differences \_\_\_\_\_  
Tabulator batch number \_\_\_\_\_

count; noting any differences in the envelope and ballot counts. (Ex. empty envelope). Affix the Batch Cover Sheet to the batch of ballots and secure for counting.

## Counting Ballots

When Vote-by-Mail and Provisional ballots are counted, the tabulation team is to review the Batch Cover Sheet and compare the number of ballots tabulated with the number of ballots physically counted by the processing team. These numbers should match and be recorded on the Batch Cover Sheet, noting any differences.

After a batch of ballots is counted, the tabulator will provide a specific system batch number for the batch. This number is to be recorded on the Batch Cover Sheet and is key to ensuring a batch can be properly audited post-election.

Once tabulation is complete for a batch of ballots, re-bundle the batch of ballots with the Batch Cover Sheet and prepare for storage. Before placing the batch in a storage container, record the ballot style, container name, tabulator batch number, and number of ballots counted on the Batch Tracking Sheet and the Box Label. These records ensure well organized ballot storage and easy batch retrieval.

Ballot Style	Container Name/Number	Tabulator Batch Number	Number of Ballots

Box Label

Container Name \_\_\_\_\_  
Ballot Style \_\_\_\_\_  
Batch Numbers \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## **Results Reporting Process and Post-Election Requirements**

N.J.S.A. 19:63-31m allows for the early opening and canvassing of Vote-by-Mail ballots but requires “[t]he contents of the mail-in ballots and the results of the ballot canvassing shall remain confidential and shall be disclosed only in accordance with the provisions of Title 19 of the Revised Statutes, regulations and guidelines concerning the disclosure of election results, and in no circumstances disclosed prior to the close of polls on the day of the election.”

The scanning and tabulation system must restrict tabulation/results report generation to system administrators only. The administrator passwords shall not be shared. No tabulation/results report is to be run before 8:00 p.m. on November 3, 2020.

To ensure no tabulation/results reports were generated or printed before 8:00 p.m. on Election Day, every county board of elections is required to submit to the Division of Elections a complete copy of the scanning and tabulation system’s audit log from the time scanning began to 8:00 p.m. on Election Day, no later than 5:00 p.m. on November 4, 2020. If the audit log reveals that a tabulation/results report was generated at any point before 8:00 p.m. on Elections, such will be reported to law enforcement.

## **Certification of Board of Elections Commissioners and Staff**

Every county board of elections commissioner and all individuals involved in the process of opening and canvassing Vote-by-Mail ballots on or before 8:00 p.m. on Election Day are required to sign the certification on the next page acknowledging they have read and understand this Guide and that under N.J.S.A. 19:34-13b anyone “who is authorized to receive and canvass completed mail-in-ballots pursuant to P.L.2009, c.79 (C.19:63-1) and knowingly discloses to the public the contents of a mail-in ballot prior to [8:00 p.m. on November 3, 2020] shall be guilty of a crime of the third degree.”

The county board of elections shall gather and submit copies of all of the signed certifications by anyone involved in the process of opening and canvassing Vote-by-Mail ballots on or before 8:00 p.m. on Election Day to the Division of Elections before beginning the opening and canvassing of Vote-by-Mail ballots.

