

# Board of Elections Vote-by-Mail Ballot Review Guide



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## Table of Contents

Process and Review of a Vote-by-Mail Ballot Upon Receipt .....	2
Hand Delivery of Vote-by-Mail Ballot .....	2
Receipt of Vote-by-Mail Ballot.....	3
Vote-by-Mail Inner and Outer Envelope Review .....	3
Signature Comparison and Cure Process .....	4
Vote-by-Mail Ballot Storage, Security and Retention .....	5

## **Process and Review of a Vote-by-Mail Ballot Upon Receipt**

Upon receipt of a Vote-by-Mail ballot by the board of elections, the ballot shall be immediately marked as “Received” in the Statewide Voter Registration System (“SVRS”), indicating the receipt of the ballot, the voter’s name and the date and time of receipt by the board of elections. If the ballot was returned through the use of a bearer, indicate that in the SVRS, as well.

Promptly after receiving each Vote-by-Mail ballot and entering the required receipt information into the SVRS, the ballot’s outer envelope shall be reviewed to determine if the bearer portion has been completed. If the bearer portion is completed, the ballot shall be checked against the SVRS to ensure that the bearer has not returned more than three ballots for qualified voters in that election.

## **Hand Delivery of Vote-by-Mail Ballot**

Voters may return their own Vote-by-Mail ballot in-person to the board of elections. N.J.S.A. 19:63-16d(1). When a person delivers a Vote-by-Mail ballot for another, that person is a bearer. A person may serve as a bearer for up to three qualified voters in an election. N.J.S.A. 19:63-4, 19:63-16d(3). No person who is a candidate in the election for which the voter requests or receives a Vote-by-Mail ballot is permitted to serve as a bearer. N.J.S.A. 19:63-4.

Any Vote-by-Mail ballot received by in-person delivery after the close of the polls (8 p.m.) on Election Day shall be rejected. N.J.S.A. 19:63-16d(1).

Whenever a person hand delivers a Vote-by-Mail ballot to the board of elections, that person must provide ID in the form of a NJ driver’s license, or another form of identification issued or recognized as official by the federal, State, county or municipal government and the ID shall contain the full address and signature of the person delivering the ballot. N.J.S.A. 19:63-16d(2). In addition to the ID requirements, the person who hand delivers a Vote-by-Mail ballot, shall sign a record maintained by the board of elections of all Vote-by-Mail ballots it received by in-person delivery. N.J.S.A. 19:63-16d(2). This record is normally referred to as the “bearer book” but it is to be signed by bearers, as well as any voter who hand delivers their own ballot. A person may serve as a bearer for up to three qualified voters in an election. N.J.S.A. 19:63-4, 19:63-16d(3).

## **Receipt of Vote-by-Mail Ballot**

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Any Vote-by-Mail ballot postmarked on or before November 3, 2020 at 8 p.m., and received from the United States Post Office by 8 p.m. on November 10, 2020 shall be accepted and canvassed if it meets all other statutory requirements. If the Board has any question about the legitimacy of or date and/or time stamp on the postmark, the Board shall consult with the United States Post Office to determine the validity of the postmark. N.J.S.A. 19:63-31(m).

Any Vote-by-Mail ballot postmarked after November 3, 2020, but received from the United States Post Office by 8 p.m. on November 5, 2020, with evidence from the United States Post Office that the ballot was in the mail stream on or before November 3, 2020, shall be accepted and canvassed if it meets all other statutory requirements. N.J.S.A. 19:63-31(m). If the Board has any question about the legitimacy of or date and/or time stamp on the postmark, the Board shall consult with the United States Post Office to determine the validity of the postmark.

Any Vote-by-Mail ballot with no postmark that is received from the United States Post Office by 8 p.m. on November 5, 2020, shall be accepted and canvassed if it meets all other statutory requirements. N.J.S.A. 19:63-31(m).

The board of elections commissioners shall review each individual unopened Vote-by-Mail ballot envelope that has been flagged by staff as having a late or missing postmark. The board must make the ultimate decision whether to accept or reject each ballot based upon a missing or late postmark.

## **Vote-by-Mail Inner and Outer Envelope Review**

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Any Vote-by-Mail ballot received by the board of elections which has an unsealed inner envelope shall be rejected unless the inner envelope is unsealed because there was insufficient glue or no glue on the inner envelope to allow it to be sealed. N.J.S.A. 19:63-17. If the outer envelope is unsealed but the inner envelope is sealed, the ballot is to be referred to the board, which is to count the ballot unless there is evidence of fraud or tampering with the ballot. IMO Application of Langbaum, 201 N.J. Super. 484 (App. Div. 1985).

If the voter certificate is not included with the inner envelope, the ballot is to be rejected. N.J.S.A. 19:63-17.

If someone assists the voter with completion of the voter's ballot, that person is an assistor and must complete the assistor portion of the inner envelope. N.J.S.A. 19:63-13. No person, at the time of assisting a voter in completing the Vote-by-Mail ballot and Vote-by-Mail ballot materials, may campaign or electioneer on behalf of any candidate. N.J.S.A. 19:63-16c. In no event may a candidate for election assist a voter completing any portion of the Vote-by-Mail ballot. N.J.S.A. 19:63-16c.

## **Signature Comparison and Cure Process**

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Please see the New Jersey Guide to Signature Verification of Vote-by-Mail and Provisional Ballots and Cure of Discrepant and Missing Signatures for a thorough discussion of the signature review and cure process to be conducted. This section provides a concise overview of those responsibilities and is not to be substituted for the required review of the New Jersey Guide to Signature Verification of Vote-by-Mail and Provisional Ballots and Cure of Discrepant and Missing Signatures.

After removing the inner envelope containing the ballot from the outer envelope, the information and signature contained on the certificate of the inner envelope shall be reviewed and compared with the voter's SVRS record. N.J.S.A. 19:63-17.

No one other than the registered voter may sign the inner envelope certificate as the voter. N.J.S.A. 19:63-17.

Any Vote-by-Mail ballot where the inner envelope certificate is signed by the voter, or where an assistor portion has been signed, but is missing other required information, shall be referred to the board for its review. N.J.S.A. 19:63-17.

If an inner envelope certificate is not signed or the board of elections determines that the signature on the ballot does not match that in the voter's voting record, the voter must be afforded the opportunity to cure the signature deficiency as set forth in detail in the New Jersey Guide to Signature

Verification of Vote-by-Mail and Provisional Ballots and Cure of Discrepant or Missing Signatures. N.J.S.A. 19:63-17(b)(1). Variations in voter signatures caused by the substitution of initials for the first name, middle name or both, shall not be grounds for the board of elections to determine that the signatures are non-conforming or do not match. N.J.S.A. 19:63-17d (P.L. 2020, c. 71). If the staff believes the signature on the inner envelope flap certificate does not match, staff shall forward the ballot to the board of elections to determine whether to accept or reject the ballot.

Pursuant to N.J.S.A. 19:63-17(b), if an inner envelope certificate is not signed or the board of elections determines that the signature on the certificate does not match that in the voter's voting record, the board of elections must send, via mail or email, if an email address is in the voter's record, a cure letter with a cure form, to the voter within 24 hours, informing the voter of the reason for the rejection of the ballot and provide the voter with information about how they can cure the signature deficiency. The board of elections must also attempt to contact the voter by telephone if a telephone number is in the voter's record. The voter must complete, sign, date, and return the cure form to the board of elections in person, by mail, by fax or by email, not later than 48 hours prior to the final certification of the election results. For the November 3, 2020 General Election the results will be certified on November 20, 2020. If the cure form is timely received by the board of elections, and the information provided by the voter verifies the voter's identity, the Vote-by-Mail ballot shall be counted. N.J.S.A. 19:63-17(c).

Please consult the New Jersey Guide to Signature Verification of Vote-by-Mail and Provisional Ballots and Cure of Discrepant or Missing Signatures for a detailed explanation of the board of elections responsibilities, education on signature comparison, and forms for the cure process.

## **Vote-by-Mail Ballot Storage, Security and Retention**

All Vote-by-Mail ballots received by the board of elections shall be kept secured in a locked storage area.

All Vote-by-Mail ballots not being reviewed or canvassed shall be kept locked in a secured storage area.

A written log shall be kept for all Vote-by-Mail ballots whenever they are removed from or returned to the secured storage area.

All Vote-by-Mail ballots and materials, from both accepted and rejected Vote-by-Mail ballots, shall be kept in a locked, secured location, before and after the ballots have been canvassed. All accepted and rejected Vote-by-Mail ballots and materials are to be kept by the board of elections for two years. N.J.S.A. 19:63-17e; 19:63-24.