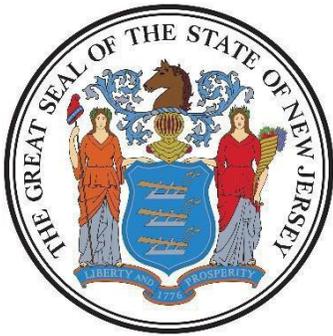


# Board of Elections Ballot Counting Guide



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## **General Information**

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The New Jersey Legislature enacted N.J.S.A. 19:63-22b, which allows a county board of elections to begin opening the inner envelopes and canvassing each Vote-by-Mail ballot (also referred to as mail-in ballot) no earlier than five days prior to the day of the election. “If 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.” N.J.S.A. 19:63-22b. Further, as provided under N.J.S.A. 19:34-13, “[a]ny person who is authorized to receive and canvass completed mail-in-ballots 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. 19:63-22b.

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 the close of the polls at 8:00 p.m. on the day of the election. 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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N.J.S.A. 19:63-22b P.L. 2022, Chapter 70 allows for Vote-by-Mail ballots to be opened and canvassed up to five days before the day of the election. For the purposes of this Guide, the period from the fifth day before the day of the election through the day immediately before election day, is referred to as the pre-Election Day period, while the 17 days immediately following election day through the deadline for applications to recheck voting machines used in the election 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, when the board is accepting, rejecting, and counting the Vote-by-Mail ballots. N.J.S.A. 19:7-5. Therefore, the boards of elections must advertise a schedule of meetings at which it will be accepting, rejecting, opening, and canvassing the Vote-by-Mail ballots. **Hand counting ballots may not occur until Election Day.**

Provisional ballots must be reviewed for voter eligibility and for confirmation that the voter has not already returned a Vote-by-Mail ballot for that election. An initial review of the Provisional ballots for voter eligibility may begin the first day after the election and continue during the six-day (144-hour) 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 municipality but must be further split if a town has wards, multiple Congressional Districts, or voting district contests. 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 count; noting any differences in the envelope and ballot counts.

<b>Batch Cover Sheet</b>	
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	_____

(For example, an 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. 19:63-22b allows for the early opening and canvassing of Vote-by-Mail ballots but requires that “[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 Election Day.

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. If the audit log reveals that a tabulation/results report was generated at any point before 8:00 p.m. on election day, such will be reported to law enforcement. These records are to be submitted to the Division of Elections no later than noon on the day immediately following election day.

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

Every county board of elections member/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 “any person who is authorized to receive and canvass completed mail-in-ballots. . . knowingly discloses to the public the contents of a mail-in ballot prior to the time designed by law for the closing of the polls for each election 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.



## Summary of N.J.S.A. 19:63-22b

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### **The statute permits the Boards to:**

- a.) open the inner envelopes
- b.) separate the certificates
- c.) take out the ballots
- d.) create batch envelopes with batch cover sheets to organize VBM's and
- e.) scan the ballots during the 5 days before Election Day.

A quorum of the board must be present during EACH of these steps. As, the notice of a public meeting must be properly advertised, as well as, courtesy notification to the commissioner of registration (Superintendent of Elections), or the designee thereof.

### **If a Board elects to begin this process 5 days before Election Day, they must adhere to all of the following:**

1. Every county board of elections member/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 page 6 of the Ballot Counting Guide acknowledging they have read and understand this Guide and that under N.J.S.A. 19:34-13b “any person who is authorized to receive and canvass completed mail-in-ballots. . . knowingly discloses to the public the contents of a mail-in ballot prior to the time designed by law for the closing of the polls for each election shall be guilty of a crime of the third degree.” (Ballot Counting Guide, p. 5)
  2. If a county board of elections begins opening the inner envelopes and removing 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. (Ballot Counting Guide, p. 2)
  3. 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 Election Day. (Ballot Counting Guide, p. 5)
  4. **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. If the audit log reveals that a tabulation/results report was generated at any point before 8:00 p.m. on election day.**
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