

New Jersey Election Audit Procedure

(Updated 11/20/2020)

N.J.S.A. 19:61-9 requires each county Board of Elections (BOE) to perform a traditional, fixed percentage audit after the November 3, 2020 General Election. Under normal circumstances, the current law requires each county BOE to audit a random sample of at least 2% of the election districts in which each audited election contest appears on the ballot. Each county BOE will conduct a hand-to-eye manual count of the voter-verifiable paper records and compare those results to the results produced by the voting machine.

N.J.S.A. 19:63-31a requires the November 3, 2020 General Election be conducted primarily via Vote-by-Mail ballots. In addition, voting at polling places will be conducted using a paper provisional ballot except for those voters that, due to a disability, cannot independently vote a paper ballot. Those voters with disabilities will have access to an ADA compliant accessible voting machine. As a result of the change in voting procedures for the November 3, 2020 General Election, the audit shall be conducted in accordance with section N.J.S.A 19:61-9 c(5) which requires Vote-by-Mail and provisional ballots to be divided into “batches,” also referred to as “audit units.” For purposes of this document, the term batches will be used. Each batch shall be comprised of either 100, 200, or 300 ballots. The counties will randomly select 2% of the total number batches in each congressional district in place of 2% of the election districts in each congressional district. If a discrepancy is discovered beyond the number set by law, the audit will be expanded to include additional batches as necessary.

Selection of the election contests to be audited.

In an effort to exceed certain minimum requirements of the law, county election officials will audit all eligible contests on every ballot, from each of the batches selected for audit.

- The current law requires each election held for federal or State office be included in the audit as well as county and municipal offices selected by the Secretary of State.
- All eligible county and municipal contests that appear on the ballot in the batches selected for the federal audits will be included in the audit.
- School board elections, fire district elections, and public questions are excluded from the auditing requirements.

Random selection of the audit units.

- No sooner than 24 hours prior to the audit or on the day of the audit, the county election officials will place an individual piece of paper containing the name of each batch and its associated storage box into a container suitable for the purpose of mixing and selecting individual batches at random. There shall be a separate container for each congressional district.

- Vote-by-Mail ballots and provisional ballots (if counted electronically) will be divided into municipal batches unless the municipality contains split congressional districts or wards. When a municipality contains a split congressional district or wards, the batches shall be divided based on the split congressional district or wards. These batches will be uniquely identified and placed in the container with the corresponding batches for random selection.
- Each container will represent a congressional district within the county and only contain those batches that are part of that congressional district.
- All those present at the audit who wish to participate in the random selection of batches to be audited will put their names into a container suitable for the purpose of mixing and selecting names.
- A volunteer chosen at the audit will select the first name out of the container to begin the selection process.
- The individual chosen will select one batch out of the container in which the individual batches are contained. If there is more than one congressional district in the county, the congressional districts will be processed in order, one at a time, starting from the lowest numbered congressional district to the highest numbered congressional district.
- The batch chosen will be recorded and will be available for public inspection.
- After the batch has been recorded, the individual who made the selection will choose the name of the next participant to select a batch.
- This process will continue until the required number of batches have been selected.
- If there are not enough individual participants, once all names have been selected, all of the names will be placed back into the container and the process will continue until all batches have been selected. If there are no volunteers present to select batches, then the county election officials will select the batches using the same selection process as above.

Hand-to-eye counting of the ballots.

- Each county Board of Elections shall assemble count teams of four members consisting of Democrats, Republicans, other political parties, and Unaffiliated voters. No more than two members of the count team can belong to the same political party.
- Two team members, not of the same political party, shall retrieve the ballot storage box for the batch selected.
- Two team members, not of the same political party, shall open the ballot storage box and retrieve the batch of ballots selected for audit.

- Two members of the count team, not of the same political party, shall read out loud the selections made on each ballot being audited. One member shall read the selections made while the other member observes and verifies the selections being read out loud are correct. The two members shall consist of one Democrat and one Republican, except that if the county board is unable to fill the positions from among qualified members of those two political parties, the county board shall appoint to any such unfilled position an otherwise qualified person who is a member of another political party or is unaffiliated with any political party.
- Two members of the count team, not of the same political party, shall separately record the selections being read out loud for each ballot being audited. The two members shall consist of one Democrat and one Republican, except that if the county board is unable to fill the positions from among qualified members of those two political parties, the county board shall appoint to any such unfilled position an otherwise qualified person who is a member of another political party or is unaffiliated with any political party.
- The selections shall be recorded on a form approved by the New Jersey Division of Elections.
- In increments of five votes cast for each candidate, the count team shall confirm they are in agreement with the count and proceed. If the two count team members are not in agreement, the count will stop to determine the discrepancy. If the discrepancy cannot be verified and corrected, the hand-to-eye count for that batch shall start over.
- Upon completion of the counting, the results from the hand-to-eye count will be compared to the final results report produced for each individual batch.

Post audit reporting.

- In accordance with N.J.S.A. 19:61-9c(7) after the completion of audit, the results will be announced publicly and posted on the website of the Secretary of State.