

New Jersey Election Audit Procedure – General Election 2023

N.J.S.A. 19:61-9 requires each county board of elections (BOE) to perform a traditional, fixed percentage audit after the November 7, 2023 General Election. The current law requires each BOE to audit a random sample of at least 2% of the election districts in which each audited election contest appears on the ballot. Counties having less than 100 election districts shall audit at least two election districts. 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. This 2% audit of election districts is required to be conducted on all voter-verifiable paper records.

Selection of Audited Contests

- 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.
- School board elections, fire district elections, and public questions are excluded from the auditing requirements.

Audit Units

Due to the various methods and technologies used to cast and tabulate ballots across the state, election districts may be replaced by “audit units” for early voting, vote-by-mail ballots, and provisional ballots as follows.

Early Voting Ballots

Each tabulation device used in an early voting location will constitute a single audit unit.

Vote-by-Mail Ballots

An individual batch of vote-by-mail ballots will constitute a single audit unit and shall be no larger than 300 ballots.

Provisional Ballots

An individual batch of provisional ballots will constitute a single audit unit and shall be no larger than 300 ballots.

Election Day

All ballots cast on the voting machines in each election district on Election Day will constitute a single audit unit.

The sample of ballots to be audited will be drawn from all audit units.

Audit Sample Size

For each legislative district, the BOE must randomly select:

- 2% of audit units if there are 100 or more election districts within the legislative district;
- or

- 2 audit units if there are fewer than 100 election districts within the legislative district.
- Prior to the selection of Audit Units, a “ballot manifest” (spreadsheet, etc) of all batches should be created that includes, at a minimum:
 - County Name
 - Audit Unit (Vote-by-Mail batch, Provisional batch, Voting machine)
 - Number of ballots within the batch

Random Selection of Audit Units

- No sooner than 24 hours prior to the audit or on the day of the audit, the BOE will designate a separate container to be used in the selection of audit units for each legislative district within the county.
- Individual pieces of paper will be created for each audit unit and placed into the designated container.
 - Early voting audit units will include the name of the legislative district that the early voting location was in and placed in the container corresponding to that legislative district.
 - Vote-by-Mail ballots and provisional ballots will be divided into municipal batches unless the municipality contains split legislative districts or wards. When a municipality contains a split legislative district or ward, the batches shall be divided based on the split legislative district or ward.
- The slips of paper placed in each container will be the audit units that belong to that legislative 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 separate container.
- 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 audit unit out of the container.
 - If there is more than one legislative district in the county, the legislative districts will be processed in order, one at a time, starting from the lowest numbered legislative district to the highest numbered legislative district.
- The audit unit chosen will be recorded and will be available for public inspection.
- After the audit unit has been recorded, the individual who made the selection will select the next name out of the participants container and the selected individual will select the next audit unit.
- This process will continue until the required number of audit units 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 participants container and the process will continue until all audit units have been selected.
 - If there are no volunteers present to select batches, then two county election officials, not of the same political party, will select the audit units using the same selection process as above.

Hand-to-eye Counting of the Ballots

- Each BOE 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 aloud 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 aloud are correct. The two members shall consist of one Democrat and one Republican, except that if the BOE is unable to fill the positions from among qualified members of those two political parties, the BOE 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 aloud for each ballot being audited. The two members shall consist of one Democrat and one Republican, except that if the BOE is unable to fill the positions from among qualified members of those two political parties, the BOE 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.
- 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 and shall include a post-audit report from each county indicating who participated in the audit, the audit units selected for each legislative district, and any discrepancies between the official results and the results from the hand-to-eye count.