

Checks and Balances in New Jersey: The Post-Election Day Process

American elections are run by local and state officials alongside tens of thousands of our friends and neighbors from both political parties. These bipartisan teams count, canvass, and audit every ballot — whether in person or by mail — verifying identities, inspecting ballots, and ensuring each is counted as intended. This rigorous process leads to the final step: certification. This is the straightforward phase of the process, in which election officials declare the winners.

This memo outlines the checks and balances in New Jersey that ensure all state and local rules are followed. Importantly, this is nonpartisan educational research intended for 501(c)(3)-compliant purposes only. It is not to be used for any partisan, political, or electioneering activities by any organization.

Counting: Technology and Bipartisan Oversight Work to Triple-Check Results for Accuracy

New Jersey statutes provide general guiding principles governing the counting of ballots. Among these principles are requirements that only official ballots be counted.¹ New Jersey law also provides that a ballot not be rejected because of a technical error in marking if the voter's intent can be determined.² If a voter's intent cannot be determined for a particular office or public question, that uncertainty does not prevent the remainder of the ballot from being counted where the voter's intent is clear.³

New Jersey establishes separate procedures for reviewing and counting different ballot types, including in-person ballots, mail-in ballots, and provisional ballots. The county board of elections must review mail-in ballots before being accepted for counting.⁴ Provisional ballots are reviewed pursuant to statutory procedures to determine whether the voter was

¹ N.J.S.A. 19:16-1

² N.J.S.A. 19:16-4

³ N.J.S.A. 19:16-5

⁴ N.J.S.A. 19:63-17

eligible to cast a provisional ballot and whether the ballot may be counted.⁵

Quality-Tested Technology Leads to Trustworthy Results

New Jersey requires voting machines and voting systems used in elections to be approved before they may be used in an election.⁶ Before voting machines are prepared for an election, the county board of elections, superintendent of elections, or municipal clerk, as applicable, must provide written notice to the county chairs of at least two principal political parties stating the time and place where the machines will be prepared. Representatives of those political parties must be allowed to examine the machines and verify that they are in proper condition for use.

During this preparation process, election officials and party representatives verify that machine counters are set to zero, emergency ballot boxes are properly prepared, and required seals are applied before voters use the machines. These testing and inspection procedures provide an additional safeguard by allowing election officials and authorized political party representatives to confirm that voting equipment is properly functioning before Election Day.⁷

Election Officials and Public Observation Support a Transparent Process

New Jersey divides responsibility for election administration among district boards of elections, county boards of elections, county clerks, and the secretary of state. District boards of elections are responsible for conducting elections within election districts and overseeing polling-place operations.⁸

County boards of elections are responsible for reviewing and processing mail-in ballots and performing other election administration duties related to the counting process.⁹ After polls close, election officials transmit unofficial election results through the statutory reporting process. These results remain unofficial until completion of the canvass and certification process.¹⁰ The county board of canvassers subsequently reviews election returns and certifies county election results according to statutory procedures.¹¹

New Jersey law also provides transparency through authorized observation of election proceedings. Authorized challengers may be present at polling places and may observe designated election activities, subject to statutory limitations.¹² Authorized challengers may

⁵ N.J.S.A. 19:53C-1 et seq.

⁶ N.J.S.A. 19:48-1

⁷ Id.

⁸ N.J.S.A. 19:6-1

⁹ N.J.S.A. 19:17-1; N.J.S.A. 19:63-17

¹⁰ N.J.S.A. 19:19-1

¹¹ N.J.S.A. 19:20-1

¹² N.J.S.A. 19:7-1 through N.J.S.A. 19:7-6.1

also participate in the review of mail-in ballots and raise challenges regarding the acceptance of ballots during the county board's review process.¹³

Audits Provide an Additional Check Before Certification

New Jersey law requires election officials to conduct post-election audits of election results to verify the accuracy of the vote count. The audit process requires a manual examination of randomly selected paper ballots and compares the audit results against the reported election results.¹⁴ The secretary of state is responsible for establishing the procedures for conducting post-election audits, including selecting the contests subject to audit and determining the methodology used to select ballots for review.¹⁵

The audit is conducted using a statistically valid process designed to provide a high level of confidence that the reported election results accurately reflect the votes cast.¹⁶ Election officials conducting the audit must manually examine selected paper ballots and compare the voter selections recorded on the ballots with the results produced by the voting system. If the audit identifies discrepancies, election officials must follow procedures established by the secretary of state to determine whether additional review is required.¹⁷ The audit results provide an additional safeguard before election results are finalized through the canvass and certification process.¹⁸

Canvassing: Boards of Election Check Ballots Have Been Counted Correctly

New Jersey law establishes a canvassing process through which election officials review election returns, verify vote totals, and certify official election results. The canvass process includes reviewing election returns submitted by election districts and completing the procedures necessary to determine the official results of an election.¹⁹

County Canvass: An Open Meeting of the County Board of Elections

Following each election, the county board of canvassers meets to review and canvass the election returns from the county's election districts. The county board of canvassers must meet on the **15th day after the election** to conduct the county canvass and review the election results.²⁰ During the county canvass, the county board of canvassers reviews the official election returns submitted from the election districts and determines the official vote totals for contests within the county.²¹

¹³ N.J.S.A. 19:63-11

¹⁴ N.J.S.A. 19:61-1 et seq.

¹⁵ N.J.S.A. 19:61-3

¹⁶ N.J.S.A. 19:61-3

¹⁷ N.J.S.A. 19:61-4

¹⁸ N.J.S.A. 19:61-1; N.J.S.A. 19:20-1

¹⁹ N.J.S.A. 19:20-1 et seq.

²⁰ N.J.S.A. 19:19-1

²¹ N.J.S.A. 19:20-1; N.J.S.A. 19:20-2

After completing the canvass, the county board of canvassers prepares and certifies statements of the election results. The county clerk must transmit the certified election results to the secretary of state within **five days after the meeting of the county board of canvassers**.²² The county canvass provides an additional layer of review before election results become final by requiring election officials to examine and certify the official election returns through a formal statutory process.²³

State Canvass: State Board of Elections Verifies and Finalizes Vote Count

After county election results have been certified, the board of state canvassers meets to canvass and estimate statewide election results. The board must meet **as soon as practicable after receiving the county certifications, but no later than the 30th day after the election**, to canvass election returns, determine statewide vote totals, and declare the winners of statewide and multi-county offices and the results of statewide public questions.

²⁴

The board of state canvassers reviews the certified county election return. It determines the official results for offices including members of Congress, governor and lieutenant governor, members of the legislature, and other statewide offices, as well as statewide public questions. Once the state canvass is completed, the board of state canvassers certifies the statewide election results, declares the candidates elected, and determines the outcome of statewide public questions.²⁵

Certification: The Voters Have Spoken

Once canvassing is complete, New Jersey election officials certify the official election results and issue certificates of election to elected candidates. For county and local offices, the appropriate county or municipal election officials issue certificates of election following certification of the election results.²⁶

For offices certified through the state canvass process, the board of state canvassers certifies the statewide election results and declares the candidates elected based on the official returns.²⁷ Following certification, certificates of election are issued to successful candidates as required by law. The secretary of state maintains official records of statewide election certifications and provides notice to the appropriate officials regarding individuals elected to certain offices.²⁸

Although the 2026 election cycle does not include the election of presidential electors, the following procedures apply during presidential election years:

²² N.J.S.A. 19:20-6

²³ N.J.S.A. 19:20-1

²⁴ N.J.S.A. 19:21-1

²⁵ Id.

²⁶ N.J.S.A. 19:20-6.

²⁷ N.J.S.A. 19:21-1

²⁸ Id.

1. After the board of state canvassers certifies the results of the presidential elector election, the secretary of state prepares and transmits the certificate of ascertainment identifying the individuals elected as presidential electors.²⁹
2. The governor issues a certificate of ascertainment identifying the appointed presidential electors and causes the certificate to be transmitted in accordance with federal law.³⁰
3. The presidential electors meet at the time and place designated by federal law to cast New Jersey's electoral votes for president and vice president.³¹

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²⁹ N.J.S.A. 19:21-2; 3 U.S.C. §§ 5, 6

³⁰ N.J.S.A. 19:36-2

³¹ N.J.S.A. 19:36-3; 3 U.S.C. § 7