

# Periodic Reporting Guide



Issued November 6, 2023  
Reissued May 12, 2026

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## **Post-Election Periodic Reporting**

P.L.2023, c.131, amending N.J.S.A. 19:52-3.1, requires periodic reporting of election results beginning on Election Day for each primary and general election through final certification of the election results providing added transparency in reported election results. Each county clerk, in consultation with the county boards of election, must list in an easily accessible location on the county clerk's website, an unofficial report detailing the number and types of ballots that have been received and, to the extent practicable, the number and types of ballots that have been counted and that remain to be counted in that election.

The Secretary of State's office is required to post each county's unofficial reports on the Division of Election's website by the deadlines identified within the statute. Please take into account the tasks required by the individual offices to meet all statutory deadlines. The county election offices of each county are expected to work in consultation with one another and provide all reports in a timely manner to the applicable county offices and to the Secretary of State's office.

## **Election Night Reporting**

Under N.J.S.A. 19:52-3.1(b)(1), by 11:59 p.m. on the day of each primary and general election, each county clerk, in consultation with the county boards of elections, must list on the county clerk's website, an unofficial report that includes the following information:

1. a date and time stamp designating the date and time of the report, and
2. broken down by legislative district, municipality and county:
  - a) The number of early voting machines or voting equipment deployed, the number of deployed early voting machines or voting equipment not included in the early voting tally, and the total number of votes cast during the early voting period.
  - b) The number of Election Day machines or voting equipment deployed, the number of deployed Election Day machines not included in the tally, and the total number of votes cast in person on Election Day.
  - c) The number of vote-by-mail ballots issued and received into the Statewide Voter Registration System and the vote-by-mail ballots that have been tallied and remain to be processed.

It is important that the county clerk consult with the superintendent of elections and the board of elections to account for any voting machines that may have been taken out of service, and may have been replaced at polling locations during early voting and on Election Day. The template contains an optional field for comments should a county wish to provide additional information beneficial to maintaining confidence in the posted election results.

## **Day After Election Day Through Six Days Post-Election**

Under N.J.S.A. 19: 52-3.1(b)(1), , by 9:00 p.m. on the day after each primary and general election and continuing through the sixth day after the election, each county clerk, in consultation with the county boards of election must list on the county clerk's website, an unofficial report that

includes the following information:

1. a date and time stamp designating the date and time of each report, and
2. broken down by legislative district, municipality and county:
  - a) The number of early voting machines or voting equipment deployed, the number of deployed early voting machines or voting equipment not included in the early voting tally, and the total number of votes cast during the Early Voting period.
  - b) The number of Election Day machines or voting equipment deployed, the number of deployed Election Day machines not included in the tally, and the total number of votes cast in person on Election Day.
  - c) The number of vote by mail ballots issued and received into the Statewide Voter Registration System and the vote by mail ballots that have been tallied and remain to be processed.
  - d) Further, under N.J.S.A. 19:52-3.1(b)(4)(a), by 9:00 p.m. on the day after each primary and general election and continuing through the sixth day after the election, each county clerk, in consultation with the commissioner of registration and the county boards of elections, must list on the county clerk's website, an unofficial report that includes the total number of provisional ballots cast during the early voting period and on Election Day. This information will need to be obtained from your electronic poll book reports until a full physical accounting of all provisional ballots cast can be completed.

## **Seven Days After Election Day Through Election Certification**

Under N.J.S.A 19:52-3.1, 1, b.(1), by 9:00 p.m. on the seventh day after each primary and general election and continuing through the certification of the election, each county clerk, in consultation with the county boards of elections, must list on the county clerk's website, an unofficial report that includes the following information:

1. a date and time stamp designating the date and time of each report, and
2. broken down by legislative district, municipality and county:
  - a) The number of early voting machines or voting equipment deployed, the number of deployed early voting machines or voting equipment not included in the early voting tally, and the total number of votes cast during the early voting period.
  - b) The number of Election Day machines or voting equipment deployed, the number of deployed Election Day machines not included in the tally, and the total number of votes cast in person on Election Day.
  - c) The number of vote-by-mail ballots issued and received into the Statewide Voter Registration System, the vote-by-mail ballots that have been tallied and the vote-by-mail ballots that remain to be processed.

- d) Further, under N.J.S.A. 19:52-3.1(4)(b), by 9:00 p.m. beginning on the seventh day after each primary and general election and continuing through the certification of the election, each county clerk, in consultation with the commissioner of registration and the county boards of elections, must list on the county clerk's website the following information:
  - 1) the number of eligible provisional ballots received, and
  - 2) the number of eligible provisional ballots counted, until all eligible provisional ballots have been counted and the election is certified.

## **After Certification of Election**

Upon the certification of the results of a primary or general election, each county clerk in consultation with the commissioner of registration and the county boards of election must list on the county clerk's website, the district level results for the early voting period, the Election Day vote and the vote-by-mail totals unless when the reporting requirement would cause a voter's privacy to be violated, the election results shall be reported in a manner that maintains the privacy of the vote. P.L.2023, c.131. A disclaimer shall accompany the results stating that the results reported for some districts reflect measures to protect the privacy of the vote while the general tally accurately reflects the results.

## **Periodic Reporting Requirements**

The Secretary of State, has provided a template to facilitate standardized reporting for all counties to follow. Each night before posting on the county's website, data shall be updated as available. The appropriate template worksheet will need to be printed to a pdf file before posting on the county's website. The time and date will appear in the upper left hand corner of each sheet of the template. Posted reports should be updated daily as required by P.L. 2023, c.131, even if there are no changes to the data. The statute does not require the county boards of elections to conduct the count of ballots on a daily basis.

Each county clerk in consultation with the county boards of elections, must send to the Secretary of State the reports outlined in this document at the time they are posted on the county's website. Each county clerk shall note on their website that the reports and postings are unofficial and subject to change, as each county clerk and county boards of elections may continue to receive and process ballots that have been cast in the election. The unofficial tally of election results and the daily reports shall not be interpreted to serve as the legal basis for a request for a recount or to contest any election.

## **Periodic Reporting Template Set-up**

County clerks should set up and test the template as soon as possible by filling in their county's legislative districts and municipality names. "Legislative District" and "Municipality" rows may be added or deleted as necessary, though column total formulas may need to be reset.

In general, the County Totals row, Legislative District Totals row, and Municipal Totals row should all match and serve as a control for data input quality. If a municipality or a voting district

is split by legislative district borders, basic vendor reports may be overstated for municipal totals or legislative district totals of ballots cast, depending upon the set-up of the election tally system(s). Manual reconciliation of some ballot types may be required to resolve overstatements.

## **Additional Required Election Reporting**

### **Early Voting Daily Reporting**

Pursuant to N.J.S.A. 19:15A-3, during each early voting period, the county board shall make available to the public a tally of the total number of voters who cast a ballot at each early voting location during the previous day.

The county boards shall prepare an electronic data file listing the names of the individual voters who cast a ballot during the early voting period. N.J.S.A. 19:15A-3. This information shall be made available to the public in an electronic format pursuant to rules adopted by the county board and subject to review each year by the Secretary of State. Ibid. Early voting voter lists are run with protections in place for voters protected under Daniel's Law, N.J.S.A. 47:1B-2, and otherwise confidential voters.

The information shall be updated and made available to the public no later than noon of each day during the early voting period and shall at the same time be provided to the county clerk and to the Secretary of State. N.J.S.A. 19:15A-3.

### **Election Day Polling Place Two-hour Reports**

P.L. 2023,c.131, amending Section 1 of P.L.2018, c.110 (C.19:52-3.1) requires, the district boards of election at each polling place, on the day of each primary and general election, to create and publicly display a notice containing an unofficial count of the cumulative number of voters who have voted at each election district, indicating;

1. the number of voters who have voted at the election district using a voting machine or voting equipment and
2. the number of voters who have voted using a provisional ballot.

The first notice shall be produced two hours from the opening of the polls and updated every two hours thereafter until the time the polls close. N.J.S.A. 19:52-3.1.

## **Reporting Not Required By Statute**

If any reports are provided outside of those statutorily required, the county elections offices must ensure that all protections are in place to keep confidential the addresses of Daniel's Law voters and the identities and addresses of any otherwise confidential voters. Additionally, the county elections officials must ensure that the privacy of a vote is not violated by the release of any reports not required by statute.