N.J. can count mail-in ballots early, judge says in defeat for Trump campaign
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New Jersey can begin counting mail-in ballots 10 days before Election Day, a federal judge said Tuesday.

The decision was a blow to President Donald Trump's campaign team and New Jersey Republicans, who had sued to alter the state's plan to send ballots to every registered voter.

U.S. District Judge Michael Shipp also said officials may accept mail-in ballots without a postmark up to two days after Nov. 3. Democratic lawmakers and the state attorney general's office had argued both changes were necessary to help counties handle the upcoming surge in mail-in ballots amid the coronavirus pandemic.

Stopping those changes was "against the public interest," Shipp wrote, and Republicans failed to show that either would cause "immediate, irreparable harm." Blocking the changes during the final weeks of the campaign could "prompt such confusion or distrust" in mail-in ballots that more voters might end up risking their health by voting in person, he said.

Quoting from another court case, Shipp said a "State legislature's decision ... to make changes to election rules to address COVID-19 ordinarily should not be subject to second-guessing by an unelected federal judiciary."

The case is not over, but the decision dimmed the chances that either of the GOP's election lawsuits will affect the state before Nov. 3.

Republicans have said early counting raises the risk results could be leaked early, and they argued both changes improperly stretched an election "day" to more than a week.

Representatives for the state GOP and Trump's campaign did not immediately respond to a request for comment.

A spokesman for Gov. Phil Murphy, who launched the plan for a largely mail-in election, declined comment.

The judge did remind officials that they cannot release any results before polls close.

NJ Advance Media staff writer Rebecca Everett contributed to this report.