

19:16-3 & 19:16-4, 19:16-4.1
LEGISLATIVE HISTORY CHECKLIST
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LAWS OF: 2025 **CHAPTER:** 150

NJSA: 19:16-3 & 19:16-4, 19:16-4.1, Ensures boards of elections have discretion to make initial determination of validity of cast ballots; requires Secretary of State to establish uniform guidelines for assessing validity of ballots.

BILL NO: A4969 (Substituted for S3816 (1R))

SPONSOR(S) Peterpaul, Luanne M. and others

DATE INTRODUCED: 10/21/2024

COMMITTEE: **ASSEMBLY:** State & Local Government

SENATE: --

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** 05/22/2025

SENATE: 06/30/2025

DATE OF APPROVAL: 10/1/2025

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (A4969 Aa (1R) enacted)

ADVANCE LAW Yes

PAMPHLET LAW Yes

A4969

INTRODUCED BILL: (Includes sponsor(s) statement) Yes

REPRINT(S): Yes Assembly 12/19/24 1R

TECHNICAL REVIEW OF BILL: No

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: Yes

LEGISLATIVE FISCAL ESTIMATE: No

S3816 (1R)

INTRODUCED BILL: (Includes sponsor(s) statement)	Yes	
REPRINT(S):	Yes	SSG 2/25/25 1R
TECHNICAL REVIEW OF BILL:	No	
COMMITTEE STATEMENT:		
ASSEMBLY:	No	
SENATE:	Yes	

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT:	No
LEGISLATIVE FISCAL ESTIMATE:	No
VETO MESSAGE:	No
GOVERNOR'S PRESS RELEASE ON SIGNING:	Yes
LEGISLATOR STATEMENT:	No

FOLLOWING WERE PRINTED:

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REPORTS:	No
HEARINGS:	No
NEWSPAPER ARTICLES:	No

CL/MMcB

P.L. 2025, CHAPTER 150, *approved October 1, 2025*
Assembly, No. 4969 (*First Reprint*)

1 AN ACT concerning the counting of cast ballots by boards of
2 elections ¹**[and]** ¹amending R.S.19:16-3 and R.S.19:16-4 ¹, and
3 supplementing chapter 16 of Title 19 of the Revised Statutes¹.
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*
7

8 1. R.S.19:16-3 is amended to read as follows:

9 19:16-3. **[In]** Notwithstanding the provisions of any other law
10 to the contrary, when canvassing the ballots the district board shall
11 count the votes as follows:

12 a. If proper marks are made in the squares to the left of the
13 names of any candidates in any column and the total number voted
14 for, for each office, does not exceed the number of candidates to be
15 elected to each office, a vote shall be counted for each candidate so
16 marked.

17 b. If proper marks are made in the squares to the left of any
18 names of any candidates in any column and in addition thereto,
19 proper marks are made to the right of said names, a vote shall be
20 counted for each candidate so marked; but if the district board
21 canvassing the ballots or the county board, judge of the Superior
22 Court or other judge or officer conducting a recount thereof, shall
23 be satisfied that the placing of such marks to the left and right of
24 the names was intended to identify or distinguish the ballot, then
25 the ballot shall not be counted and shall be declared null and void.
26 The district board canvassing the ballots or the county board, as the
27 case may be, shall exercise its discretion and judgment in making a
28 determination as to whether the marks on a ballot were intended to
29 identify or distinguish the ballot.

30 c. If no marks are made in the squares to the left of the names of
31 any candidates in any column, but are made to the right of said
32 names, a vote shall not be counted for the candidates so marked,
33 but if the district board canvassing the ballot or the county board, as
34 the case may be, determines, in its judgment, that the voter's
35 intention of making the mark was to vote for the candidate whose
36 name the mark appears to the right of, the vote shall be counted. A
37 vote shall be counted for such other candidates as are properly
38 marked **[;** but if **]** . If the district board canvassing the ballot or
39 the county board, judge of the Superior Court or other judge or

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly floor amendments adopted December 19, 2024.

1 officer conducting a recount thereof, shall be satisfied that the
2 placing of the marks to the right of the names was intended to
3 identify or distinguish the ballot, the ballot shall be declared null
4 and void. The district board canvassing the ballots or the county
5 board, as the case may be, shall exercise its discretion and judgment
6 in making a determination as to whether the placement of the marks
7 on a ballot were intended to vote for a candidate for election on the
8 ballot, or to identify or distinguish the ballot.

9 d. Where the name of any person is written or pasted in the
10 column designated personal choice, and a cross x , plus + or check
11 X appears in the square to the left of the name, it shall be counted
12 as a vote for such person.

13 e. In the case of any public question printed on the ballot where
14 a proper mark is made in the square to the left of the word "Yes,"
15 it shall be counted as a vote in favor of such public question. If a
16 proper mark is made in the square to the left of the word "No," it
17 shall be counted as a vote against same. If no mark is made in the
18 square to the left of either the word "Yes," or "No," it shall not be
19 counted as a vote either in favor of or against said public question.
20 If a mark is made in each of the squares to the left of both the
21 words "Yes" and "No," it shall not be counted either as a vote in
22 favor of or against the public question nor shall it invalidate the
23 ballot.

24 f. If a voter marks more names than there are persons to be
25 elected to an office, or writes or pastes the name of any person in
26 the column designated personal choice, whose name is printed upon
27 the ballot as a candidate under the same title of office, or his choice
28 cannot be determined, his ballot shall not be counted for that
29 office, but shall be counted for such other offices as are plainly
30 marked.

31 g. If the mark made for any candidate or public question is
32 substantially a cross x , plus + or check X and is substantially
33 within the square, it shall be counted for the candidate or for or
34 against the public question, as the case may be. No vote shall be
35 counted for any candidate in any column or for or against any
36 public question unless the mark made is substantially a cross x ,
37 plus + or check X and is substantially within the square.
38 Notwithstanding the provisions of this subsection, if, in the
39 judgment of the district board canvassing the ballots or the county
40 board, as the case may be, the voter's intent in making the mark was
41 to vote for any candidate or public question, it shall be counted for
42 the candidate or for or against the public question, as the case may
43 be. The district board canvassing the ballots or the county board, as
44 the case may be, shall exercise its discretion and judgment in
45 making a determination as to whether a vote shall be counted
46 pursuant to this subsection, irrespective of the type of mark or its
47 location on the ballot ¹, provided that the mark is reasonably close

1 to the square that would be marked to indicate a vote for any
2 candidate or for or against any public question.

3 h. If a voter has written the name of a candidate reasonably
4 close to the position occupied on the ballot by a particular office for
5 election and has made a mark that is substantially a cross x , plus +
6 or check X, or written the word "Yes" reasonably close to the name
7 of such candidate, the district board canvassing the ballots or the
8 county board, as the case may be, shall count the vote for such
9 candidate if, in the judgment of the district board canvassing the
10 ballots or the county board, as the case may be, the voter's intent in
11 doing so was to vote for such candidate¹ .

12 (cf: P.L.1953, c.19, s.17)

13
14 2. R.S.19:16-4 is amended to read as follows:

15 19:16-4. **[In]** Notwithstanding the provisions of any other law
16 to the contrary, when counting the ballots **[the]** :

17 a. The board shall deem null and void all ballots which are
18 wholly blank, or on which more names have been marked for every
19 office than there are persons to be elected to such office, and on
20 which both "Yes" and "No" have been marked upon every public
21 question. All ballots still remaining in the ballot box after ballots
22 equal in number to the number of names of voters in the registry
23 binders who have voted at such election inclusive of void ballots,
24 have been counted shall be deemed null and void.

25 b. No ballot which shall have, either on its face or back, any
26 mark, sign, erasure, designation or device whatsoever, other than is
27 permitted by this Title, by which such ballot can be distinguished
28 from another ballot, shall be declared null and void, unless the
29 district board canvassing such ballots, or the county board, judge of
30 the Superior Court or other judge or officer conducting the recount
31 thereof, shall be satisfied that the placing of the mark, sign, erasure,
32 designation or device upon the ballot was intended to identify or
33 distinguish the ballot. The district board canvassing the ballots or
34 the county board, as the case may be, shall exercise its discretion
35 and judgment in making a determination as to whether any
36 unauthorized mark, sign, erasure, designation or device on a ballot
37 was intended to identify or distinguish the ballot.

38 c. No ballot shall be declared invalid by reason of the fact that
39 the mark made with ink or the mark made with lead pencil appears
40 other than black.

41 d. No ballot cast for any candidate shall be invalid by reason of
42 the fact that the name of such candidate may be misprinted, or his
43 Christian name or his initials may be omitted.

44 e. No ballot cast for any candidate shall be invalid by reason of
45 the use of any paster permitted by this Title on which the title of
46 office may be printed or the name of such candidate may be
47 misprinted or part of his Christian or surname or initials may be
48 omitted, or because the voter in writing the name of such candidate

1 may misspell the same or omit part of his Christian name or
2 surname or initials.

3 f. No ballot shall be declared null and void or invalid, by reason
4 of having a cross x , plus + or check X appearing in a square at
5 the left of a blank space, or a space wherein no name is printed.
6 (cf: P.L.1953, c.19, s.18)

7
8 ¹3. (New section) The Secretary of State, in consultation with
9 the county board of elections in each county, shall establish uniform
10 guidelines to assist the county boards and the district boards
11 canvassing the ballots in their assessment of the validity of marks
12 made and votes cast upon ballots used in this State, in accordance
13 with the requirements of R.S.19:16-3 and R.S.19:16-4.¹

14
15 ¹**[3.] 4.**¹ This act shall take effect immediately.

16

17

18

19

20 Ensures boards of elections have discretion to make initial
21 determination of validity of cast ballots; requires Secretary of State
22 to establish uniform guidelines for assessing validity of ballots.

CHAPTER 150
CORRECTED COPY

AN ACT concerning the counting of cast ballots by boards of elections, amending R.S.19:16-3 and R.S.19:16-4, and supplementing chapter 16 of Title 19 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. R.S.19:16-3 is amended to read as follows:

Counting votes; distinguishing marks; ballots improperly prepared.

19:16-3. Notwithstanding the provisions of any other law to the contrary, when canvassing the ballots the district board shall count the votes as follows:

a. If proper marks are made in the squares to the left of the names of any candidates in any column and the total number voted for, for each office, does not exceed the number of candidates to be elected to each office, a vote shall be counted for each candidate so marked.

b. If proper marks are made in the squares to the left of any names of any candidates in any column and in addition thereto, proper marks are made to the right of said names, a vote shall be counted for each candidate so marked; but if the district board canvassing the ballots or the county board, judge of the Superior Court, or other judge or officer conducting a recount thereof, shall be satisfied that the placing of such marks to the left and right of the names was intended to identify or distinguish the ballot, then the ballot shall not be counted and shall be declared null and void. The district board canvassing the ballots or the county board, as the case may be, shall exercise its discretion and judgment in making a determination as to whether the marks on a ballot were intended to identify or distinguish the ballot.

c. If no marks are made in the squares to the left of the names of any candidates in any column, but are made to the right of said names, a vote shall not be counted for the candidates so marked, but if the district board canvassing the ballot or the county board, as the case may be, determines, in its judgment, that the voter's intention of making the mark was to vote for the candidate whose name the mark appears to the right of, the vote shall be counted. A vote shall be counted for such other candidates as are properly marked. If the district board canvassing the ballot or the county board, judge of the Superior Court, or other judge or officer conducting a recount thereof shall be satisfied that the placing of the marks to the right of the names was intended to identify or distinguish the ballot, the ballot shall be declared null and void. The district board canvassing the ballots or the county board, as the case may be, shall exercise its discretion and judgment in making a determination as to whether the placement of the marks on a ballot were intended to vote for a candidate for election on the ballot or to identify or distinguish the ballot.

d. Where the name of any person is written or pasted in the column designated personal choice, and a cross x , plus + , or check ✓ appears in the square to the left of the name, it shall be counted as a vote for such person.

e. In the case of any public question printed on the ballot where a proper mark is made in the square to the left of the word "Yes," it shall be counted as a vote in favor of such public question. If a proper mark is made in the square to the left of the word "No," it shall be counted as a vote against same. If no mark is made in the square to the left of either the word "Yes," or "No," it shall not be counted as a vote either in favor of or against said public question. If a mark is made in each of the squares to the left of both the words "Yes" and "No," it shall not be counted either as a vote in favor of or against the public question nor shall it invalidate the ballot.

f. If a voter marks more names than there are persons to be elected to an office, or writes or pastes the name of any person in the column designated personal choice, whose name is printed upon the ballot as a candidate under the same title of office, or his choice cannot be determined, his ballot shall not be counted for that office, but shall be counted for such other offices as are plainly marked.

g. If the mark made for any candidate or public question is substantially a cross x , plus + , or check ✓ and is substantially within the square, it shall be counted for the candidate or for or against the public question, as the case may be. No vote shall be counted for any candidate in any column or for or against any public question unless the mark made is substantially a cross x , plus + , or check ✓ and is substantially within the square. Notwithstanding the provisions of this subsection, if, in the judgment of the district board canvassing the ballots or the county board, as the case may be, the voter's intent in making the mark was to vote for any candidate or public question, it shall be counted for the candidate or for or against the public question, as the case may be. The district board canvassing the ballots or the county board, as the case may be, shall exercise its discretion and judgment in making a determination as to whether a vote shall be counted pursuant to this subsection, irrespective of the type of mark or its location on the ballot, provided that the mark is reasonably close to the square that would be marked to indicate a vote for any candidate or for or against any public question.

h. If a voter has written the name of a candidate reasonably close to the position occupied on the ballot by a particular office for election and has made a mark that is substantially a cross x, plus + , or check ✓ , or written the word "Yes" reasonably close to the name of such candidate, the district board canvassing the ballots or the county board, as the case may be, shall count the vote for such candidate if, in the judgment of the district board canvassing the ballots or the county board, as the case may be, the voter's intent in doing so was to vote for such candidate.

2. R.S.19:16-4 is amended to read as follows:

Void ballots; distinguishing marks.

19:16-4. Notwithstanding the provisions of any other law to the contrary, when counting the ballots:

a. The board shall deem null and void all ballots which are wholly blank, or on which more names have been marked for every office than there are persons to be elected to such office, and on which both "Yes" and "No" have been marked upon every public question. All ballots still remaining in the ballot box after ballots equal in number to the number of names of voters in the registry binders who have voted at such election inclusive of void ballots have been counted shall be deemed null and void.

b. No ballot which shall have, either on its face or back, any mark, sign, erasure, designation, or device whatsoever, other than is permitted by this Title, by which such ballot can be distinguished from another ballot, shall be declared null and void unless the district board canvassing such ballots, or the county board, judge of the Superior Court, or other judge or officer conducting the recount thereof, shall be satisfied that the placing of the mark, sign, erasure, designation, or device upon the ballot was intended to identify or distinguish the ballot. The district board canvassing the ballots or the county board, as the case may be, shall exercise its discretion and judgment in making a determination as to whether any unauthorized mark, sign, erasure, designation, or device on a ballot was intended to identify or distinguish the ballot.

c. No ballot shall be declared invalid by reason of the fact that the mark made with ink or the mark made with lead pencil appears other than black.

d. No ballot cast for any candidate shall be invalid by reason of the fact that the name of such candidate may be misprinted or his Christian name or his initials may be omitted.

e. No ballot cast for any candidate shall be invalid by reason of the use of any paster permitted by this Title on which the title of office may be printed, the name of such candidate may be misprinted, part of his Christian or surname or initials may be omitted, or because the voter in writing the name of such candidate may misspell the same or omit part of his Christian name or surname or initials.

f. No ballot shall be declared null and void or invalid by reason of having a cross x , plus + , or check ✓ appearing in a square at the left of a blank space, or a space wherein no name is printed.

C.19:16-4.1 Uniform guidelines in assessment of validity, ballots.

3. The Secretary of State, in consultation with the county board of elections in each county, shall establish uniform guidelines to assist the county boards and the district boards canvassing the ballots in their assessment of the validity of marks made and votes cast upon ballots used in this State, in accordance with the requirements of R.S.19:16-3 and R.S.19:16-4.

4. This act shall take effect immediately.

Approved October 1, 2025.

ASSEMBLY, No. 4969

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED OCTOBER 21, 2024

Sponsored by:

Assemblywoman LUANNE M. PETERPAUL

District 11 (Monmouth)

Assemblywoman MARGIE DONLON, M.D.

District 11 (Monmouth)

Assemblyman CRAIG J. COUGHLIN

District 19 (Middlesex)

Co-Sponsored by:

**Assemblywomen Reynolds-Jackson, Carter and Assemblyman
Scharfenberger**

SYNOPSIS

Ensures boards of elections have discretion to make initial determination of validity of cast ballots.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/19/2024)

1 AN ACT concerning the counting of cast ballots by boards of
2 elections and amending R.S.19:16-3 and R.S.19:16-4.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. R.S.19:16-3 is amended to read as follows:

8 19:16-3. **[In]** Notwithstanding the provisions of any other law
9 to the contrary, when canvassing the ballots the district board shall
10 count the votes as follows:

11 a. If proper marks are made in the squares to the left of the
12 names of any candidates in any column and the total number voted
13 for, for each office, does not exceed the number of candidates to be
14 elected to each office, a vote shall be counted for each candidate so
15 marked.

16 b. If proper marks are made in the squares to the left of any
17 names of any candidates in any column and in addition thereto,
18 proper marks are made to the right of said names, a vote shall be
19 counted for each candidate so marked; but if the district board
20 canvassing the ballots or the county board, judge of the Superior
21 Court or other judge or officer conducting a recount thereof, shall
22 be satisfied that the placing of such marks to the left and right of
23 the names was intended to identify or distinguish the ballot, then
24 the ballot shall not be counted and shall be declared null and void.
25 The district board canvassing the ballots or the county board, as the
26 case may be, shall exercise its discretion and judgment in making a
27 determination as to whether the marks on a ballot were intended to
28 identify or distinguish the ballot.

29 c. If no marks are made in the squares to the left of the names of
30 any candidates in any column, but are made to the right of said
31 names, a vote shall not be counted for the candidates so marked,
32 but if the district board canvassing the ballot or the county board, as
33 the case may be, determines, in its judgment, that the voter's
34 intention of making the mark was to vote for the candidate whose
35 name the mark appears to the right of, the vote shall be counted. A
36 vote shall be counted for such other candidates as are properly
37 marked [; but if] . If the district board canvassing the ballot or
38 the county board, judge of the Superior Court or other judge or
39 officer conducting a recount thereof, shall be satisfied that the
40 placing of the marks to the right of the names was intended to
41 identify or distinguish the ballot, the ballot shall be declared null
42 and void. The district board canvassing the ballots or the county
43 board, as the case may be, shall exercise its discretion and judgment
44 in making a determination as to whether the placement of the marks

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 on a ballot were intended to vote for a candidate for election on the
2 ballot, or to identify or distinguish the ballot.

3 d. Where the name of any person is written or pasted in the
4 column designated personal choice, and a cross x , plus + or check
5 X appears in the square to the left of the name, it shall be counted
6 as a vote for such person.

7 e. In the case of any public question printed on the ballot where
8 a proper mark is made in the square to the left of the word "Yes,"
9 it shall be counted as a vote in favor of such public question. If a
10 proper mark is made in the square to the left of the word "No," it
11 shall be counted as a vote against same. If no mark is made in the
12 square to the left of either the word "Yes," or "No," it shall not be
13 counted as a vote either in favor of or against said public question.
14 If a mark is made in each of the squares to the left of both the
15 words "Yes" and "No," it shall not be counted either as a vote in
16 favor of or against the public question nor shall it invalidate the
17 ballot.

18 f. If a voter marks more names than there are persons to be
19 elected to an office, or writes or pastes the name of any person in
20 the column designated personal choice, whose name is printed upon
21 the ballot as a candidate under the same title of office, or his choice
22 cannot be determined, his ballot shall not be counted for that
23 office, but shall be counted for such other offices as are plainly
24 marked.

25 g. If the mark made for any candidate or public question is
26 substantially a cross x , plus + or check X and is substantially
27 within the square, it shall be counted for the candidate or for or
28 against the public question, as the case may be. No vote shall be
29 counted for any candidate in any column or for or against any
30 public question unless the mark made is substantially a cross x ,
31 plus + or check X and is substantially within the square.
32 Notwithstanding the provisions of this subsection, if, in the
33 judgment of the district board canvassing the ballots or the county
34 board, as the case may be, the voter's intent in making the mark was
35 to vote for any candidate or public question, it shall be counted for
36 the candidate or for or against the public question, as the case may
37 be. The district board canvassing the ballots or the county board, as
38 the case may be, shall exercise its discretion and judgment in
39 making a determination as to whether a vote shall be counted
40 pursuant to this subsection, irrespective of the type of mark or its
41 location on the ballot.

42 (cf: P.L.1953, c.19, s.17)

43

44 2. R.S.19:16-4 is amended to read as follows:

45 19:16-4. **[In]** Notwithstanding the provisions of any other law
46 to the contrary, when counting the ballots **[the]** :

47 a. The board shall deem null and void all ballots which are
48 wholly blank, or on which more names have been marked for every

1 office than there are persons to be elected to such office, and on
2 which both "Yes" and "No" have been marked upon every public
3 question. All ballots still remaining in the ballot box after ballots
4 equal in number to the number of names of voters in the registry
5 binders who have voted at such election inclusive of void ballots,
6 have been counted shall be deemed null and void.

7 b. No ballot which shall have, either on its face or back, any
8 mark, sign, erasure, designation or device whatsoever, other than is
9 permitted by this Title, by which such ballot can be distinguished
10 from another ballot, shall be declared null and void, unless the
11 district board canvassing such ballots, or the county board, judge of
12 the Superior Court or other judge or officer conducting the recount
13 thereof, shall be satisfied that the placing of the mark, sign, erasure,
14 designation or device upon the ballot was intended to identify or
15 distinguish the ballot. The district board canvassing the ballots or
16 the county board, as the case may be, shall exercise its discretion
17 and judgment in making a determination as to whether any
18 unauthorized mark, sign, erasure, designation or device on a ballot
19 was intended to identify or distinguish the ballot.

20 c. No ballot shall be declared invalid by reason of the fact that
21 the mark made with ink or the mark made with lead pencil appears
22 other than black.

23 d. No ballot cast for any candidate shall be invalid by reason of
24 the fact that the name of such candidate may be misprinted, or his
25 Christian name or his initials may be omitted.

26 e. No ballot cast for any candidate shall be invalid by reason of
27 the use of any paster permitted by this Title on which the title of
28 office may be printed or the name of such candidate may be
29 misprinted or part of his Christian or surname or initials may be
30 omitted, or because the voter in writing the name of such candidate
31 may misspell the same or omit part of his Christian name or
32 surname or initials.

33 f. No ballot shall be declared null and void or invalid, by reason
34 of having a cross x , plus + or check X appearing in a square at
35 the left of a blank space, or a space wherein no name is printed.

36 (cf: P.L.1953, c.19, s.18)

37
38 3. This act shall take effect immediately.
39
40

41 STATEMENT

42
43 Under current law, ballots cast in an election are canvassed and
44 counted by the district boards of elections, or the county boards of
45 elections with respect to mail-in ballots. After a determination is
46 made by the board of elections counting the ballots, a challenge,
47 recount, or dispute concerning whether certain ballots should be
48 counted may then result in a judge of the Superior Court or other

1 official making a determination. These officials are tasked with
2 assessing the validity of cast ballots under various circumstances.

3 This bill ensures that the initial determination of the validity of a
4 ballot is made by the district board canvassing the ballot or the
5 county board of elections, as the case may be. This bill provides
6 that, upon reviewing any mark, sign, erasure, designation or device
7 made on the ballot, the board will have the discretion to determine
8 whether such mark, sign, erasure, designation or device was
9 intended to identify or distinguish the ballot, and thereby should
10 constitute a cause for the ballot to be rejected. The bill also
11 provides that the board will have the discretion to determine
12 whether any marks made next to the name of a particular candidate
13 for election were intended to cast a vote for that candidate, whether
14 or not the mark falls within or touches upon the designated space
15 for such mark on the ballot.

16 Per current law, when a dispute over the ballot reaches a judge
17 of the Superior Court or another official, the judge or the other
18 official will have the same discretion to determine whether the cast
19 ballot is valid.

[First Reprint]

ASSEMBLY, No. 4969

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED OCTOBER 21, 2024

Sponsored by:

Assemblywoman LUANNE M. PETERPAUL

District 11 (Monmouth)

Assemblywoman MARGIE DONLON, M.D.

District 11 (Monmouth)

Assemblyman CRAIG J. COUGHLIN

District 19 (Middlesex)

Senator VIN GOPAL

District 11 (Monmouth)

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

Co-Sponsored by:

Assemblywomen Reynolds-Jackson, Carter, Assemblyman Scharfenberger, Assemblywoman Drulis, Assemblyman Freiman and Senator Greenstein

SYNOPSIS

Ensures boards of elections have discretion to make initial determination of validity of cast ballots; requires Secretary of State to establish uniform guidelines for assessing validity of ballots.

CURRENT VERSION OF TEXT

As amended by the General Assembly on December 19, 2024.

(Sponsorship Updated As Of: 6/30/2025)

1 AN ACT concerning the counting of cast ballots by boards of
2 elections ¹**[and]**, ¹ amending R.S.19:16-3 and R.S.19:16-4 ¹, and
3 supplementing chapter 16 of Title 19 of the Revised Statutes¹.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. R.S.19:16-3 is amended to read as follows:

9 19:16-3. **[In]** Notwithstanding the provisions of any other law
10 to the contrary, when canvassing the ballots the district board shall
11 count the votes as follows:

12 a. If proper marks are made in the squares to the left of the
13 names of any candidates in any column and the total number voted
14 for, for each office, does not exceed the number of candidates to be
15 elected to each office, a vote shall be counted for each candidate so
16 marked.

17 b. If proper marks are made in the squares to the left of any
18 names of any candidates in any column and in addition thereto,
19 proper marks are made to the right of said names, a vote shall be
20 counted for each candidate so marked; but if the district board
21 canvassing the ballots or the county board, judge of the Superior
22 Court or other judge or officer conducting a recount thereof, shall
23 be satisfied that the placing of such marks to the left and right of
24 the names was intended to identify or distinguish the ballot, then
25 the ballot shall not be counted and shall be declared null and void.
26 The district board canvassing the ballots or the county board, as the
27 case may be, shall exercise its discretion and judgment in making a
28 determination as to whether the marks on a ballot were intended to
29 identify or distinguish the ballot.

30 c. If no marks are made in the squares to the left of the names of
31 any candidates in any column, but are made to the right of said
32 names, a vote shall not be counted for the candidates so marked,
33 but if the district board canvassing the ballot or the county board, as
34 the case may be, determines, in its judgment, that the voter's
35 intention of making the mark was to vote for the candidate whose
36 name the mark appears to the right of, the vote shall be counted. A
37 vote shall be counted for such other candidates as are properly
38 marked **[; but if]** . If the district board canvassing the ballot or
39 the county board, judge of the Superior Court or other judge or
40 officer conducting a recount thereof, shall be satisfied that the
41 placing of the marks to the right of the names was intended to
42 identify or distinguish the ballot, the ballot shall be declared null
43 and void. The district board canvassing the ballots or the county
44 board, as the case may be, shall exercise its discretion and judgment

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly floor amendments adopted December 19, 2024.

1 in making a determination as to whether the placement of the marks
2 on a ballot were intended to vote for a candidate for election on the
3 ballot, or to identify or distinguish the ballot.

4 d. Where the name of any person is written or pasted in the
5 column designated personal choice, and a cross x , plus + or check
6 X appears in the square to the left of the name, it shall be counted
7 as a vote for such person.

8 e. In the case of any public question printed on the ballot where
9 a proper mark is made in the square to the left of the word "Yes,"
10 it shall be counted as a vote in favor of such public question. If a
11 proper mark is made in the square to the left of the word "No," it
12 shall be counted as a vote against same. If no mark is made in the
13 square to the left of either the word "Yes," or "No," it shall not be
14 counted as a vote either in favor of or against said public question.
15 If a mark is made in each of the squares to the left of both the
16 words "Yes" and "No," it shall not be counted either as a vote in
17 favor of or against the public question nor shall it invalidate the
18 ballot.

19 f. If a voter marks more names than there are persons to be
20 elected to an office, or writes or pastes the name of any person in
21 the column designated personal choice, whose name is printed upon
22 the ballot as a candidate under the same title of office, or his choice
23 cannot be determined, his ballot shall not be counted for that
24 office, but shall be counted for such other offices as are plainly
25 marked.

26 g. If the mark made for any candidate or public question is
27 substantially a cross x , plus + or check X and is substantially
28 within the square, it shall be counted for the candidate or for or
29 against the public question, as the case may be. No vote shall be
30 counted for any candidate in any column or for or against any
31 public question unless the mark made is substantially a cross x ,
32 plus + or check X and is substantially within the square.
33 Notwithstanding the provisions of this subsection, if, in the
34 judgment of the district board canvassing the ballots or the county
35 board, as the case may be, the voter's intent in making the mark was
36 to vote for any candidate or public question, it shall be counted for
37 the candidate or for or against the public question, as the case may
38 be. The district board canvassing the ballots or the county board, as
39 the case may be, shall exercise its discretion and judgment in
40 making a determination as to whether a vote shall be counted
41 pursuant to this subsection, irrespective of the type of mark or its
42 location on the ballot ¹, provided that the mark is reasonably close
43 to the square that would be marked to indicate a vote for any
44 candidate or for or against any public question.

45 h. If a voter has written the name of a candidate reasonably
46 close to the position occupied on the ballot by a particular office for
47 election and has made a mark that is substantially a cross x , plus +
48 or check X, or written the word "Yes" reasonably close to the name

1 of such candidate, the district board canvassing the ballots or the
2 county board, as the case may be, shall count the vote for such
3 candidate if, in the judgment of the district board canvassing the
4 ballots or the county board, as the case may be, the voter's intent in
5 doing so was to vote for such candidate¹ .

6 (cf: P.L.1953, c.19, s.17)

7
8 2. R.S.19:16-4 is amended to read as follows:

9 19:16-4. **[In]** Notwithstanding the provisions of any other law
10 to the contrary, when counting the ballots **[the]** :

11 a. The board shall deem null and void all ballots which are
12 wholly blank, or on which more names have been marked for every
13 office than there are persons to be elected to such office, and on
14 which both "Yes" and "No" have been marked upon every public
15 question. All ballots still remaining in the ballot box after ballots
16 equal in number to the number of names of voters in the registry
17 binders who have voted at such election inclusive of void ballots,
18 have been counted shall be deemed null and void.

19 b. No ballot which shall have, either on its face or back, any
20 mark, sign, erasure, designation or device whatsoever, other than is
21 permitted by this Title, by which such ballot can be distinguished
22 from another ballot, shall be declared null and void, unless the
23 district board canvassing such ballots, or the county board, judge of
24 the Superior Court or other judge or officer conducting the recount
25 thereof, shall be satisfied that the placing of the mark, sign, erasure,
26 designation or device upon the ballot was intended to identify or
27 distinguish the ballot. The district board canvassing the ballots or
28 the county board, as the case may be, shall exercise its discretion
29 and judgment in making a determination as to whether any
30 unauthorized mark, sign, erasure, designation or device on a ballot
31 was intended to identify or distinguish the ballot.

32 c. No ballot shall be declared invalid by reason of the fact that
33 the mark made with ink or the mark made with lead pencil appears
34 other than black.

35 d. No ballot cast for any candidate shall be invalid by reason of
36 the fact that the name of such candidate may be misprinted, or his
37 Christian name or his initials may be omitted.

38 e. No ballot cast for any candidate shall be invalid by reason of
39 the use of any paster permitted by this Title on which the title of
40 office may be printed or the name of such candidate may be
41 misprinted or part of his Christian or surname or initials may be
42 omitted, or because the voter in writing the name of such candidate
43 may misspell the same or omit part of his Christian name or
44 surname or initials.

45 f. No ballot shall be declared null and void or invalid, by reason
46 of having a cross x , plus + or check X appearing in a square at
47 the left of a blank space, or a space wherein no name is printed.

48 (cf: P.L.1953, c.19, s.18)

1 ¹3. (New section) The Secretary of State, in consultation with
2 the county board of elections in each county, shall establish uniform
3 guidelines to assist the county boards and the district boards
4 canvassing the ballots in their assessment of the validity of marks
5 made and votes cast upon ballots used in this State, in accordance
6 with the requirements of R.S.19:16-3 and R.S.19:16-4.¹

7

8 ¹**[3.]** 4.¹ This act shall take effect immediately.

ASSEMBLY STATE AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4969

STATE OF NEW JERSEY

DATED: DECEMBER 12, 2024

The Assembly State and Local Government Committee reports favorably Assembly Bill No. 4969.

Under current law, ballots cast in an election are canvassed and counted by the district boards of elections, or the county boards of elections with respect to mail-in ballots. After a determination is made by the board of elections counting the ballots, a challenge, recount, or dispute concerning whether certain ballots should be counted may then result in a judge of the Superior Court or other official making a determination. These officials are tasked with assessing the validity of cast ballots under various circumstances.

This bill ensures that the initial determination of the validity of a ballot is made by the district board canvassing the ballot or the county board of elections, as the case may be. This bill provides that, upon reviewing any mark, sign, erasure, designation or device made on the ballot, the board will have the discretion to determine whether such mark, sign, erasure, designation or device was intended to identify or distinguish the ballot, and thereby should constitute a cause for the ballot to be rejected. The bill also provides that the board will have the discretion to determine whether any marks made next to the name of a particular candidate for election were intended to cast a vote for that candidate, whether or not the mark falls within or touches upon the designated space for such mark on the ballot.

Per current law, when a dispute over the ballot reaches a judge of the Superior Court or another official, the judge or the other official will have the same discretion to determine whether the cast ballot is valid.

STATEMENT TO

ASSEMBLY, No. 4969

with Assembly Floor Amendments
(Proposed by Assemblywoman PETERPAUL)

ADOPTED: DECEMBER 19, 2024

These Assembly floor amendments specify that, when assessing whether a mark made on the ballot indicates the voter's intention to vote for a candidate, or for or against any ballot question, the district board canvassing the ballots or the county board should consider whether the mark is made in an area reasonably close to the square that would ordinarily be marked to indicate the voter's choice.

The amendments provide that the district board canvassing the ballots or the county board may count a vote when a voter has written the name of a candidate reasonably close to the position that an office occupies on the ballot and made an appropriate mark or written the word "Yes" next to such candidate's name.

The amendments also require that the Secretary of State, in consultation with the county board of elections in each county, establish uniform guidelines to assist the county board and the district board canvassing the ballot in assessing the validity of marks made and votes cast on ballots used in this State.

SENATE, No. 3816

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED OCTOBER 24, 2024

Sponsored by:
Senator VIN GOPAL
District 11 (Monmouth)

SYNOPSIS

Ensures boards of elections have discretion to make initial determination of validity of cast ballots.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the counting of cast ballots by boards of
2 elections and amending R.S.19:16-3 and R.S.19:16-4.

3
4 BE IT ENACTED *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. R.S.19:16-3 is amended to read as follows:

8 19:16-3. **[In]** Notwithstanding the provisions of any other law
9 to the contrary, when canvassing the ballots the district board shall
10 count the votes as follows:

11 a. If proper marks are made in the squares to the left of the
12 names of any candidates in any column and the total number voted
13 for, for each office, does not exceed the number of candidates to be
14 elected to each office, a vote shall be counted for each candidate so
15 marked.

16 b. If proper marks are made in the squares to the left of any
17 names of any candidates in any column and in addition thereto,
18 proper marks are made to the right of said names, a vote shall be
19 counted for each candidate so marked; but if the district board
20 canvassing the ballots or the county board, judge of the Superior
21 Court or other judge or officer conducting a recount thereof, shall
22 be satisfied that the placing of such marks to the left and right of
23 the names was intended to identify or distinguish the ballot, then
24 the ballot shall not be counted and shall be declared null and void.
25 The district board canvassing the ballots or the county board, as the
26 case may be, shall exercise its discretion and judgment in making a
27 determination as to whether the marks on a ballot were intended to
28 identify or distinguish the ballot.

29 c. If no marks are made in the squares to the left of the names of
30 any candidates in any column, but are made to the right of said
31 names, a vote shall not be counted for the candidates so marked,
32 but if the district board canvassing the ballot or the county board, as
33 the case may be, determines, in its judgment, that the voter's
34 intention of making the mark was to vote for the candidate whose
35 name the mark appears to the right of, the vote shall be counted. A
36 vote shall be counted for such other candidates as are properly
37 marked [; but if] . If the district board canvassing the ballot or
38 the county board, judge of the Superior Court or other judge or
39 officer conducting a recount thereof, shall be satisfied that the
40 placing of the marks to the right of the names was intended to
41 identify or distinguish the ballot, the ballot shall be declared null
42 and void. The district board canvassing the ballots or the county
43 board, as the case may be, shall exercise its discretion and judgment
44 in making a determination as to whether the placement of the marks

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 on a ballot were intended to vote for a candidate for election on the
2 ballot, or to identify or distinguish the ballot.

3 d. Where the name of any person is written or pasted in the
4 column designated personal choice, and a cross x , plus + or check
5 X appears in the square to the left of the name, it shall be counted
6 as a vote for such person.

7 e. In the case of any public question printed on the ballot where
8 a proper mark is made in the square to the left of the word "Yes,"
9 it shall be counted as a vote in favor of such public question. If a
10 proper mark is made in the square to the left of the word "No," it
11 shall be counted as a vote against same. If no mark is made in the
12 square to the left of either the word "Yes," or "No," it shall not be
13 counted as a vote either in favor of or against said public question.
14 If a mark is made in each of the squares to the left of both the
15 words "Yes" and "No," it shall not be counted either as a vote in
16 favor of or against the public question nor shall it invalidate the
17 ballot.

18 f. If a voter marks more names than there are persons to be
19 elected to an office, or writes or pastes the name of any person in
20 the column designated personal choice, whose name is printed upon
21 the ballot as a candidate under the same title of office, or his choice
22 cannot be determined, his ballot shall not be counted for that
23 office, but shall be counted for such other offices as are plainly
24 marked.

25 g. If the mark made for any candidate or public question is
26 substantially a cross x , plus + or check X and is substantially
27 within the square, it shall be counted for the candidate or for or
28 against the public question, as the case may be. No vote shall be
29 counted for any candidate in any column or for or against any
30 public question unless the mark made is substantially a cross x ,
31 plus + or check X and is substantially within the square.
32 Notwithstanding the provisions of this subsection, if, in the
33 judgment of the district board canvassing the ballots or the county
34 board, as the case may be, the voter's intent in making the mark was
35 to vote for any candidate or public question, it shall be counted for
36 the candidate or for or against the public question, as the case may
37 be. The district board canvassing the ballots or the county board, as
38 the case may be, shall exercise its discretion and judgment in
39 making a determination as to whether a vote shall be counted
40 pursuant to this subsection, irrespective of the type of mark or its
41 location on the ballot.

42 (cf: P.L.1953, c.19, s.17)

43

44 2. R.S.19:16-4 is amended to read as follows:

45 19:16-4. **【In】** Notwithstanding the provisions of any other law
46 to the contrary, when counting the ballots **【the】** :

47 a. The board shall deem null and void all ballots which are
48 wholly blank, or on which more names have been marked for every

1 office than there are persons to be elected to such office, and on
2 which both "Yes" and "No" have been marked upon every public
3 question. All ballots still remaining in the ballot box after ballots
4 equal in number to the number of names of voters in the registry
5 binders who have voted at such election inclusive of void ballots,
6 have been counted shall be deemed null and void.

7 b. No ballot which shall have, either on its face or back, any
8 mark, sign, erasure, designation or device whatsoever, other than is
9 permitted by this Title, by which such ballot can be distinguished
10 from another ballot, shall be declared null and void, unless the
11 district board canvassing such ballots, or the county board, judge of
12 the Superior Court or other judge or officer conducting the recount
13 thereof, shall be satisfied that the placing of the mark, sign, erasure,
14 designation or device upon the ballot was intended to identify or
15 distinguish the ballot. The district board canvassing the ballots or
16 the county board, as the case may be, shall exercise its discretion
17 and judgment in making a determination as to whether any
18 unauthorized mark, sign, erasure, designation or device on a ballot
19 was intended to identify or distinguish the ballot.

20 c. No ballot shall be declared invalid by reason of the fact that
21 the mark made with ink or the mark made with lead pencil appears
22 other than black.

23 d. No ballot cast for any candidate shall be invalid by reason of
24 the fact that the name of such candidate may be misprinted, or his
25 Christian name or his initials may be omitted.

26 e. No ballot cast for any candidate shall be invalid by reason of
27 the use of any paster permitted by this Title on which the title of
28 office may be printed or the name of such candidate may be
29 misprinted or part of his Christian or surname or initials may be
30 omitted, or because the voter in writing the name of such candidate
31 may misspell the same or omit part of his Christian name or
32 surname or initials.

33 f. No ballot shall be declared null and void or invalid, by reason
34 of having a cross x , plus + or check X appearing in a square at
35 the left of a blank space, or a space wherein no name is printed.

36 (cf: P.L.1953, c.19, s.18)

37
38 3. This act shall take effect immediately.
39
40

41 STATEMENT

42
43 Under current law, ballots cast in an election are canvassed and
44 counted by the district boards of elections, or the county boards of
45 elections with respect to mail-in ballots. After a determination is
46 made by the board of elections counting the ballots, a challenge,
47 recount, or dispute concerning whether certain ballots should be
48 counted may then result in a judge of the Superior Court or other

1 official making a determination. These officials are tasked with
2 assessing the validity of cast ballots under various circumstances.

3 This bill ensures that the initial determination of the validity of a
4 ballot is made by the district board canvassing the ballot or the
5 county board of elections, as the case may be. This bill provides
6 that, upon reviewing any mark, sign, erasure, designation or device
7 made on the ballot, the board will have the discretion to determine
8 whether such mark, sign, erasure, designation or device was
9 intended to identify or distinguish the ballot, and thereby should
10 constitute a cause for the ballot to be rejected. The bill also
11 provides that the board will have the discretion to determine
12 whether any marks made next to the name of a particular candidate
13 for election were intended to cast a vote for that candidate, whether
14 or not the mark falls within or touches upon the designated space
15 for such mark on the ballot.

16 Per current law, when a dispute over the ballot reaches a judge
17 of the Superior Court or another official, the judge or the other
18 official will have the same discretion to determine whether the cast
19 ballot is valid.

[First Reprint]

SENATE, No. 3816

STATE OF NEW JERSEY
221st LEGISLATURE

INTRODUCED OCTOBER 24, 2024

Sponsored by:

Senator VIN GOPAL

District 11 (Monmouth)

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

Co-Sponsored by:

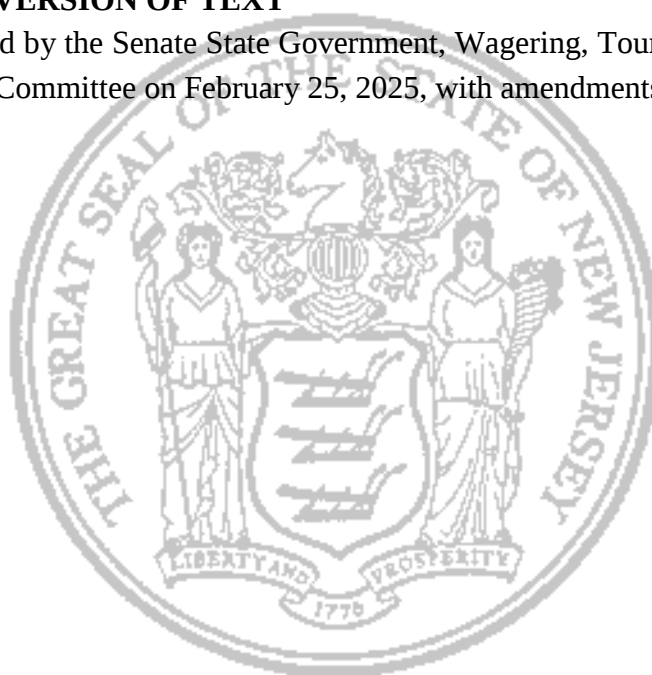
Senator Greenstein

SYNOPSIS

Ensures boards of elections have discretion to make initial determination of validity of cast ballots; requires Secretary of State to establish uniform guidelines for assessing validity of ballots.

CURRENT VERSION OF TEXT

As reported by the Senate State Government, Wagering, Tourism & Historic Preservation Committee on February 25, 2025, with amendments.



(Sponsorship Updated As Of: 6/30/2025)

1 AN ACT concerning the counting of cast ballots by boards of
 2 elections ¹**[and]**, ¹ amending R.S.19:16-3 and R.S.19:16-4 ¹, and
 3 supplementing chapter 16 of Title 19 of the Revised Statutes¹.
 4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
 6 of New Jersey:
 7

8 1. R.S.19:16-3 is amended to read as follows:

9 19:16-3. **[In]** Notwithstanding the provisions of any other law to
 10 the contrary, when canvassing the ballots the district board shall count
 11 the votes as follows:

12 a. If proper marks are made in the squares to the left of the names
 13 of any candidates in any column and the total number voted for, for
 14 each office, does not exceed the number of candidates to be elected to
 15 each office, a vote shall be counted for each candidate so marked.

16 b. If proper marks are made in the squares to the left of any names
 17 of any candidates in any column and in addition thereto, proper marks
 18 are made to the right of said names, a vote shall be counted for each
 19 candidate so marked; but if the district board canvassing the ballots
 20 or the county board, judge of the Superior Court or other judge or
 21 officer conducting a recount thereof, shall be satisfied that the placing
 22 of such marks to the left and right of the names was intended to
 23 identify or distinguish the ballot, then the ballot shall not be counted
 24 and shall be declared null and void. The district board canvassing the
 25 ballots or the county board, as the case may be, shall exercise its
 26 discretion and judgment in making a determination as to whether the
 27 marks on a ballot were intended to identify or distinguish the ballot.

28 c. If no marks are made in the squares to the left of the names of
 29 any candidates in any column, but are made to the right of said names,
 30 a vote shall not be counted for the candidates so marked, but if the
 31 district board canvassing the ballot or the county board, as the case
 32 may be, determines, in its judgment, that the voter's intention of
 33 making the mark was to vote for the candidate whose name the mark
 34 appears to the right of, the vote shall be counted. A vote shall be
 35 counted for such other candidates as are properly marked **;** but if .
 36 If the district board canvassing the ballot or the county board, judge of
 37 the Superior Court or other judge or officer conducting a recount
 38 thereof, shall be satisfied that the placing of the marks to the right of
 39 the names was intended to identify or distinguish the ballot, the ballot
 40 shall be declared null and void. The district board canvassing the
 41 ballots or the county board, as the case may be, shall exercise its
 42 discretion and judgment in making a determination as to whether the
 43 placement of the marks on a ballot were intended to vote for a

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SSG committee amendments adopted February 25, 2025.

1 candidate for election on the ballot, or to identify or distinguish the
2 ballot.

3 d. Where the name of any person is written or pasted in the
4 column designated personal choice, and a cross x , plus + or check X
5 appears in the square to the left of the name, it shall be counted as a
6 vote for such person.

7 e. In the case of any public question printed on the ballot where a
8 proper mark is made in the square to the left of the word "Yes," it
9 shall be counted as a vote in favor of such public question. If a proper
10 mark is made in the square to the left of the word "No," it shall be
11 counted as a vote against same. If no mark is made in the square to
12 the left of either the word "Yes," or "No," it shall not be counted as
13 a vote either in favor of or against said public question. If a mark is
14 made in each of the squares to the left of both the words "Yes" and
15 "No," it shall not be counted either as a vote in favor of or against the
16 public question nor shall it invalidate the ballot.

17 f. If a voter marks more names than there are persons to be elected
18 to an office, or writes or pastes the name of any person in the column
19 designated personal choice, whose name is printed upon the ballot as a
20 candidate under the same title of office, or his choice cannot be
21 determined, his ballot shall not be counted for that office, but shall be
22 counted for such other offices as are plainly marked.

23 g. If the mark made for any candidate or public question is
24 substantially a cross x , plus + or check X and is substantially within
25 the square, it shall be counted for the candidate or for or against the
26 public question, as the case may be. No vote shall be counted for any
27 candidate in any column or for or against any public question unless
28 the mark made is substantially a cross x , plus + or check X and is
29 substantially within the square. Notwithstanding the provisions of this
30 subsection, if, in the judgment of the district board canvassing the
31 ballots or the county board, as the case may be, the voter's intent in
32 making the mark was to vote for any candidate or public question, it
33 shall be counted for the candidate or for or against the public question,
34 as the case may be. The district board canvassing the ballots or the
35 county board, as the case may be, shall exercise its discretion and
36 judgment in making a determination as to whether a vote shall be
37 counted pursuant to this subsection, irrespective of the type of mark or
38 its location on the ballot ¹, provided that the mark is reasonably close
39 to the square that would be marked to indicate a vote for any candidate
40 or for or against any public question.

41 h. If a voter has written the name of a candidate reasonably close
42 to the position occupied on the ballot by a particular office for election
43 and has made a mark that is substantially a cross x , plus + or check
44 X, or written the word "Yes" reasonably close to the name of such
45 candidate, the district board canvassing the ballots or the county board,
46 as the case may be, shall count the vote for such candidate if, in the
47 judgment of the district board canvassing the ballots or the county

1 board, as the case may be, the voter's intent in doing so was to vote for
2 such candidate¹.

3 (cf: P.L.1953, c.19, s.17)

4
5 2. R.S.19:16-4 is amended to read as follows:

6 19:16-4. **【In】** Notwithstanding the provisions of any other law
7 to the contrary, when counting the ballots **【the】** :

8 a. The board shall deem null and void all ballots which are
9 wholly blank, or on which more names have been marked for every
10 office than there are persons to be elected to such office, and on
11 which both "Yes" and "No" have been marked upon every public
12 question. All ballots still remaining in the ballot box after ballots
13 equal in number to the number of names of voters in the registry
14 binders who have voted at such election inclusive of void ballots,
15 have been counted shall be deemed null and void.

16 b. No ballot which shall have, either on its face or back, any
17 mark, sign, erasure, designation or device whatsoever, other than is
18 permitted by this Title, by which such ballot can be distinguished
19 from another ballot, shall be declared null and void, unless the
20 district board canvassing such ballots, or the county board, judge of
21 the Superior Court or other judge or officer conducting the recount
22 thereof, shall be satisfied that the placing of the mark, sign, erasure,
23 designation or device upon the ballot was intended to identify or
24 distinguish the ballot. The district board canvassing the ballots or
25 the county board, as the case may be, shall exercise its discretion
26 and judgment in making a determination as to whether any
27 unauthorized mark, sign, erasure, designation or device on a ballot
28 was intended to identify or distinguish the ballot.

29 c. No ballot shall be declared invalid by reason of the fact that
30 the mark made with ink or the mark made with lead pencil appears
31 other than black.

32 d. No ballot cast for any candidate shall be invalid by reason of
33 the fact that the name of such candidate may be misprinted, or his
34 Christian name or his initials may be omitted.

35 e. No ballot cast for any candidate shall be invalid by reason of
36 the use of any paster permitted by this Title on which the title of
37 office may be printed or the name of such candidate may be
38 misprinted or part of his Christian or surname or initials may be
39 omitted, or because the voter in writing the name of such candidate
40 may misspell the same or omit part of his Christian name or
41 surname or initials.

42 f. No ballot shall be declared null and void or invalid, by reason
43 of having a cross x , plus + or check X appearing in a square at
44 the left of a blank space, or a space wherein no name is printed.

45 (cf: P.L.1953, c.19, s.18)

46
47 ¹3. (New section) The Secretary of State, in consultation with the
48 county board of elections in each county, shall establish uniform

1 guidelines to assist the county boards and the district boards
2 canvassing the ballots in their assessment of the validity of marks
3 made and votes cast upon ballots used in this State, in accordance with
4 the requirements of R.S.19:16-3 and R.S.19:16-4.¹

5

6 ¹**[3.]** 4.¹ This act shall take effect immediately.

SENATE STATE GOVERNMENT, WAGERING, TOURISM & HISTORIC PRESERVATION COMMITTEE

STATEMENT TO

SENATE, No. 3816

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 25, 2025

The Senate State Government, Wagering, Tourism & Historic Preservation Committee reports favorably and with committee amendments Senate Bill No. 3816.

As amended by the committee, this bill ensures that the initial determination of the validity of a ballot is made by the district board canvassing the ballot or the county board of elections, as the case may be. This bill provides that, upon reviewing any mark, sign, erasure, designation or device made on the ballot, the board will have the discretion to determine whether such mark, sign, erasure, designation or device was intended to identify or distinguish the ballot, and thereby should constitute a cause for the ballot to be rejected. The bill also provides that the board will have the discretion to determine whether any marks made next to the name of a particular candidate for election, or for or against a public question, were intended to cast a vote for that candidate or public question, whether or not the mark falls within or touches upon the designated space for such mark on the ballot, provided that the mark is reasonably close to the square that would be marked to indicate a vote for any candidate or for or against any public question.

Under current law, ballots cast in an election are canvassed and counted by the district boards of elections, or the county boards of elections with respect to mail-in ballots. After a determination is made by the board of elections counting the ballots, a challenge, recount, or dispute concerning whether certain ballots should be counted may then result in a judge of the Superior Court or other official making a determination. These officials are tasked with assessing the validity of cast ballots under various circumstances. Further, per current law, when a dispute over the ballot reaches a judge of the Superior Court or another official, the judge or the other official will have the same discretion to determine whether the cast ballot is valid. The bill does not alter the court's discretion in these matters.

As amended, the bill also requires that the Secretary of State, in consultation with the county board of elections in each county, to establish uniform guidelines to assist the county board and the district

board canvassing the ballot in assessing the validity of marks made and votes cast on ballots used in this State.

COMMITTEE AMENDMENTS:

The committee amendments specify that, when assessing whether a mark made on the ballot indicates the voter's intention to vote for a candidate, or for or against any ballot question, the district board canvassing the ballots or the county board should consider whether the mark is made in an area reasonably close to the square that would ordinarily be marked to indicate the voter's choice.

The amendments provide that the district board canvassing the ballots or the county board may count a vote when a voter has written the name of a candidate reasonably close to the position that an office occupies on the ballot and made an appropriate mark or written the word "Yes" next to such candidate's name.

The amendments also require that the Secretary of State, in consultation with the county board of elections in each county, establish uniform guidelines to assist the county board and the district board canvassing the ballot in assessing the validity of marks made and votes cast on ballots used in this State.

Governor Phil Murphy

Governor Murphy Takes Action on Legislation

Posted on - 10/1/2025

TRENTON – Today, Governor Murphy signed the following bills into law:

A-1675/S-2078 (Lampitt, Bagolie, Stanley/Gopal, Greenstein) – Extends membership in TPAF to 10 years after discontinuance of service and to 15 years for those who were laid off or had 10 or more years of continuous service upon voluntary termination

A-4544/S-3429 (Schnall, Reynolds-Jackson, Pintor Marin/Ruiz, Mukherji) – Expands eligibility requirements of State's child care assistance program to include full-time graduate and post-graduate students

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(<https://d31hzhkh6di2h5.cloudfront.net/20251001/2c/6b/ce/9b/5f7d41d35f215a7d83535d8d/A4544.pdf>).

A-4954/S-3797 (Kennedy, Karabinchak/McKeon) – Requires members of historic preservation commissions to complete historic preservation planning course

A-4969/S-3816 (Peterpaul, Donlon, Coughlin/Gopal, Turner) – Ensures boards of elections have discretion to make initial determination of validity of cast ballots; requires Secretary of State to establish uniform guidelines for assessing validity of ballots

Governor Phil Murphy

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