

# ASSEMBLY, No. 5366

## STATE OF NEW JERSEY

### 221st LEGISLATURE

INTRODUCED FEBRUARY 25, 2025

**Sponsored by:**

**Assemblyman ROBERT AUTH**

**District 39 (Bergen)**

**Assemblywoman VICTORIA A. FLYNN**

**District 13 (Monmouth)**

**Co-Sponsored by:**

**Assemblyman Myhre, Assemblywoman Fantasia and Assemblyman Inganamort**

**SYNOPSIS**

Requires reporting of provisional ballot data in each election district for primary and general elections.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 3/17/2025)

1 AN ACT requiring the reporting of provisional ballots in each  
2 election district and amending P.L.2018, c.110.

3

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

6

7 1. Section 1 of P.L.2018, c.110 (C.19:52-3.1) is amended to  
8 read as follows:

9 1. a. On the day of each primary and general election, the  
10 district boards of election at each polling place shall create and  
11 publicly display a notice containing an unofficial count of the  
12 cumulative number of voters who have voted at each election  
13 district, indicating the number of voters who have voted at the  
14 election district using a voting machine or voting equipment and the  
15 number of voters who have voted using a provisional ballot. The  
16 first notice shall be produced two hours from the opening of the  
17 polls and updated every two hours thereafter until the time the polls  
18 close.

19 b. (1) By 11:59 p.m. on the day of each primary and general  
20 election, and by 9 p.m. of every day thereafter until all eligible  
21 ballots have been counted and the election is certified, each county  
22 clerk, in consultation with the county board of elections of that  
23 county, shall list in an easily accessible location on the county  
24 clerk's Internet site an unofficial report detailing the number and  
25 types of ballots that have been received and, to the extent  
26 practicable, the number and types of ballots that have been counted  
27 and that remain to be counted in that election. The reports required  
28 by this subsection shall include a date and time stamp designating  
29 the date and time of each report, except that nothing in this  
30 subsection shall be interpreted to require the county board of  
31 elections in each county to conduct the count of ballots on a daily  
32 basis. Each report shall detail, at the legislative district, municipal,  
33 and county levels, the following categories of information:

34 (a) for the in-person early voting period, the number of early  
35 voting machines or voting equipment deployed, the number of early  
36 voting machines or voting equipment not included in the tally, and  
37 the total number of votes cast during the early voting period;

38 (b) for the election day vote, the number of election day voting  
39 machines or voting equipment deployed, the number of election day  
40 voting machines or voting equipment not included in the tally, and  
41 the total number of votes cast in person on election day; and

42 (c) for the vote-by-mail vote, the number of vote-by-mail ballots  
43 that have been issued and received into the Statewide Voter  
44 Registration System, as well as the vote-by-mail ballots that have  
45 been tallied and that remain to be processed.

**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 (2) Each county clerk, in consultation with the county board of  
2 elections of that county, shall send to the Secretary of State the  
3 reports required to be created and posted pursuant to paragraph (1)  
4 of this subsection at the time of each posting. Upon receiving each  
5 report, the Secretary of State shall provide in an easily identifiable  
6 location on the Internet site of the Division of Elections access to  
7 the county by county totals for each category included in the  
8 reports. The county by county totals required to be created and  
9 posted under this paragraph shall include a date and time stamp  
10 designating the date and time of the posting.

11 (3) With each report and posting required pursuant to this  
12 subsection, each county clerk and the Division of Elections shall  
13 note on their respective Internet sites that the reports and postings  
14 are unofficial and subject to change as each county clerk and county  
15 board of elections, as appropriate, receive and process ballots that  
16 have been cast in the election. The unofficial tally of election  
17 results and the daily reports shall not be interpreted to serve as the  
18 legal basis for the contest of any election. The Secretary of State, in  
19 consultation with county clerks and county boards of elections,  
20 shall promulgate uniform guidelines for all county clerks to follow  
21 in creating the reports and postings required by this subsection. In  
22 addition to the uniform guidelines, the Secretary of State shall  
23 develop a template for standardized reporting for all counties to  
24 follow.

25 (4) (a) On the day **【after】** of each primary and general election,  
26 and by 9 p.m. of every day thereafter, each county clerk, in  
27 consultation with the commissioner of registration and the county  
28 board of elections of that county, shall list in an easily identifiable  
29 location on the county clerk's Internet site an unofficial report of the  
30 total number of provisional ballots cast during the early voting  
31 period and on election day in each election district and the results of  
32 such provisional ballots cast, which unofficial report shall be  
33 generated using the electronic poll book software.

34 (b) Beginning on the seventh day after each primary and general  
35 election, each county clerk, in consultation with the commissioner  
36 of registration and the county board of elections of that county,  
37 shall list in an easily identifiable location on the county clerk's  
38 Internet site an unofficial report detailing the number of eligible  
39 provisional ballots that have been received in each election district  
40 and the results of such provisional ballots cast. The reporting  
41 required by this subparagraph shall be updated by 9 p.m. on the date  
42 of such report and by 9 p.m. every day thereafter with the number  
43 of eligible provisional ballots that have been counted in each  
44 election district and the results of such provisional ballots cast until  
45 all eligible provisional ballots have been counted and the election is  
46 certified.

47 (c) Not later than 30 days after each primary and general election  
48 is certified, each county clerk, in consultation with the

1 commissioner of registration and the county board of elections of  
2 that county, shall list in an easily identifiable location on the county  
3 clerk's Internet site an unofficial report detailing the final number  
4 and the results of eligible provisional ballots that have been counted  
5 and certified in each election district.

6 (cf: P.L.2023, c.131, s.1)

7

8 2. This act shall take effect immediately.

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STATEMENT

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13 This bill requires the reporting of provisional ballot data in each  
14 election district for primary and general elections.

15 Under current law, certain reporting of provisional ballots is  
16 required after each primary and general election. On the day after  
17 each primary and general election, and by 9 p.m. of every day  
18 thereafter, each county clerk is required to publicly list an unofficial  
19 report of the total number of provisional ballots cast during the  
20 early voting period and on election day. Additionally, beginning on  
21 the seventh day after each primary and general election and by 9  
22 p.m. on each day thereafter until the election is certified, each  
23 county clerk is required to publicly list an unofficial report detailing  
24 the number of eligible provisional ballots that have been received.

25 This bill requires the reporting of provisional ballots of each  
26 primary and general election to begin on the day of the primary and  
27 general election, instead of the day after each primary and general  
28 election. This bill requires the provisional ballot reporting to be  
29 specified by election district and requires the results of the  
30 provisional ballots cast to be included in the reporting. This bill  
31 also requires each county clerk to provide a final report of the  
32 number of provisional ballots cast during each primary and general  
33 election and the results of the provisional ballots cast, specified by  
34 election district, no later than 30 days after the election is certified.