

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.