
Committee Meeting

of

ASSEMBLY SELECT COMMITTEE ON BALLOT DESIGN

“The Committee will take oral testimony from members of the public, limited to three minutes”

LOCATION: Remote via Zoom

DATE: November 7, 2024
10:00 a.m.

MEMBERS OF COMMITTEE PRESENT:

Assemblyman Al Barlas, Co-Chair
Assemblyman Benjie E. Wimberly, Co-Chair
Assemblywoman Verlina Reynolds-Jackson, Co-Vice Chair
Assemblyman Brian E. Rumpf, Co-Vice Chair
Assemblyman Dan Hutchison
Assemblyman Michael Inganamort
Assemblywoman Michele Matsikoudis
Assemblyman Antwan L. McClellan
Assemblywoman Ellen J. Park
Assemblywoman Eliana Pintor Marin
Assemblyman Gabriel Rodriguez
Assemblyman Gerry Scharfenberger



ALSO PRESENT:

Ryan Brinkerhoff
Mary Lawlor
*Office of Legislative Services
Committee Aides*

Sarah Ballentine
Andrew McAllister
*Assembly Majority
Committee Aides*

Kevin Logan
*Assembly Republican
Committee Aide*

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The Office of Legislative Services, Public Information Office,
Hearing Unit, State House Annex, PO 068, Trenton, New Jersey***

Al Barlas
Benjie E. Wimberly
Co-Chairs

Verlina Reynolds-Jackson
Brian E. Rumpf
Co-Vice Chairs

Dan Hutchison
Michael Inganamort
Michele Matsikoudis
Antwan L. McClellan
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NEW JERSEY STATE LEGISLATURE

ASSEMBLY SELECT COMMITTEE ON BALLOT DESIGN

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COMMITTEE NOTICE

TO: MEMBERS OF THE ASSEMBLY SELECT COMMITTEE ON BALLOT DESIGN
FROM: ASSEMBLYMEN BARLAS AND WIMBERLY, CO-CHAIRMEN
SUBJECT: COMMITTEE MEETING - NOVEMBER 7, 2024

The public may address comments and questions to Ryan Brinkerhoff, Mary Lawlor, Committee Aides, or make bill status and scheduling inquiries to Sophie Love, Secretary, at (609)847-3890 or email: OLSAideABD@njleg.org. Written and electronic comments, questions and testimony submitted to the committee by the public, as well as recordings and transcripts, if any, of oral testimony, are government records and will be available to the public upon request.

The Assembly Select Committee on Ballot Design will meet remotely via Zoom on Thursday, November 7, 2024 at 10:00 AM.

The Committee will take oral testimony from members of the public, limited to three minutes.

If you would like to testify, please fill out the Assembly Select Committee on Ballot Design Registration Form located on the New Jersey Legislature home page at <https://www.njleg.state.nj.us/>. Select November 7 on the calendar and click on Assembly Select Committee on Ballot Design for the registration link. Please check the box "Do you wish to testify?" on the Registration Form and make sure your email address is correct. Registrations must be received by Wednesday, November 6, 2024 at 3:00 PM. Instructions for testifying before the Committee will be forwarded to you after the registration link is closed.

Members of the public are encouraged to submit testimony electronically in lieu of oral testimony to: OLSAideABD@njleg.org. Written testimony will be included in the Committee record and distributed to the Committee members. Members of the public may view the live proceedings via the New Jersey Legislature home page at <https://www.njleg.state.nj.us/>.

Issued 11/1/24

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ASSEMBLYMAN AL BARLAS (Co-Chair): You want to start with a roll call?

MS. LAWLOR: Assemblyman Scharfenberger.

ASSEMBLYMAN SCHARFENBERGER: Here.

MS. LAWLOR: Assemblyman Rodriguez.

ASSEMBLYMAN RODRIGUEZ: Here.

MS. LAWLOR: Assemblywoman Pintor Marin.

ASSEMBLYWOMAN PINTOR MARIN: Here.

MS. LAWLOR: Assemblywoman Park.

ASSEMBLYWOMAN PARK: Here.

MS. LAWLOR: Assemblyman McClellan.

ASSEMBLYMAN McCLELLAN: Here.

MS. LAWLOR: Assemblywoman Matsikoudis.

ASSEMBLYWOMAN MATSIKOUDIS: Here.

MS. LAWLOR: Assemblyman Inganamort.

ASSEMBLYMAN INGANAMORT: Here.

MS. LAWLOR: Assemblyman Hutchison.

ASSEMBLYMAN HUTCHISON: Present.

MS. LAWLOR: Co-Vice Chair Rumpf.

ASSEMBLYMAN BRIAN E. RUMPF (Co-Vice Chair): Here.

MS. LAWLOR: Co-Vice Chair Reynolds-Jackson.

ASSEMBLYWOMAN VERLINA REYNOLDS-JACKSON (Co-Vice Chair): Here.

MS. LAWLOR: Co-Chair Wimberly.

ASSEMBLYMAN BENJIE E. WIMBERLY: Here.

MS. LAWLOR: Co-Chair Barlas.

ASSEMBLYMAN BARLAS: Here.

MS. LAWLOR: You have a quorum.

ASSEMBLYMAN BARLAS: Great.

Assemblyman Wimberly -- Co-Chair Wimberly -- do you want me to start it?

ASSEMBLYMAN WIMBERLY: I just have a quick opening statement--

ASSEMBLYMAN BARLAS: Sure--

ASSEMBLYMAN WIMBERLY: --unless you want to go first--

ASSEMBLYMAN BARLAS: No, go ahead; the floor is yours.

ASSEMBLYMAN WIMBERLY: OK, well, good morning.

I would like to welcome everyone to today's hearing. We had a very productive hearing last week, and I am looking forward to continuing our discussion today.

I want to thank in advance everyone who joined us to offer testimony this afternoon. As I said during our last meeting, we are committed to the open and transparent process.

I want to take a moment and remind everyone about the steps the Legislature has taken in regard to reviewing ballot design. Last March, Legislative leaders committed to the bipartisan and transparent process of ballot design. That commitment was made before any court decisions were issued. Last month, the leadership of the Assembly announced the formation of this Committee, and shortly after it was formally created. We had our first hearing listening to experts on ballot design. It was a very good meeting, and we learned a lot from the experts. There are a lot of decisions we need to consider when we move forward to craft a legislation on ballot design.

Last Friday, we provided notice for this virtual hearing, and we have several more public hearings planned for around the state. So, everyone who will want to provide input will have ample opportunity to do so. The next in-person hearing will be held on Tuesday, November 12, at NJIT. The time will be announced.

Now, someone suggested that instead of a thorough review from the Legislature, the court should decide everything on a ballot design. Saying the court should decide is misguided thinking, and sets a dangerous precedent that un-elected lifetime official political appointment should design ballots. It also does not reflect the clear language of the judge's decision on ballot decisions. The decision merely stated to meet constitutional obligations.

There are several things ballots cannot do, and there's required and often-- And, an office block design they use for one election. It is now up to the Legislature to write a law to comply with the court's order. And, to be clear, we, as lawmakers, are committed to writing legislation that will comply with the court's order.

But, before we do that, we want to hear from you. We want as much information as possible to help us as we take the next steps. This Legislature has a track record in place of proven election processes in a bipartisan manner. We've expanded the right to vote; they voted more convenient; take steps to ensure transparency, accuracy, and the process of ballot counting. New Jersey residents have benefited from those changes. And, I am confident that we will benefit when we take an action on ballot design.

Thank you.

ASSEMBLYMAN BARLAS: Thank you, Co-Chair.

Yes, I just want to echo a lot of what the Co-Chair said there. There is a rule for every branch of government in our country and in our state. And, while the courts have ruled and made their opinion known, it is now on us, as a Legislature, to begin the fact-finding process of talking to experts, talking to the public, gathering as much information as possible, and coming up with a bill that not only adheres to the law, but also is practically implementable. There is a lot that goes into it. Elections-- We have elections every year, three or four times a year, depending on the towns that you live in. And, so, whatever we do here in this Committee, hopefully in a truly bipartisan manner and through the Legislature, will be done with an eye towards making it fair and across the board for every election that is conducted in our state, and not just a few.

So, we still have a long way to go. This is day two of our Committee hearings. This is the first one that we're going to have to the public. Assemblyman Wimberly is right; next week we're going to meet again. We are going to make sure that one of our hearings -- at *least* one of our hearings coming up -- is later in the day, in the evening, so that folks can actually also accommodate their work schedules, as well, for those who wish to participate.

So, we're going to start the hearing now, and we are going to ask that everybody limit their testimony to three minutes, because we do have a decent amount of folks who have signed up to testify. And, if you have submitted written testimony -- and, we have some from folks -- we're just going to ask that you not necessarily read that verbatim -- because we have it, and we can look at it -- but just paraphrase it, or talk about other stuff that you wish to talk about.

So, with that, since we do have a quorum, we're ready to go. I'm going to ask that the first speaker come up, and that be Mr. Octavio Maldonado.

MS. LAWLOR: Mr. Maldonado is not present yet.

ASSEMBLYMAN BARLAS: All right, we'll go to Number 2.

Number two is Charlie Kratovil.

CHARLIE KRATOVIL: Yes; good morning, everyone.

ASSEMBLYMAN BARLAS: Morning.

MR. KRATOVIL: My name is Charlie Kratovil; I live in New Brunswick. I am a part of many organizations, but, today, I am only speaking on my own behalf, about my own opinions.

I have, in the past, been a candidate for office here in New Brunswick, so I hope you'll appreciate my perspective and take it into consideration.

I think we certainly need office block ballots, not only for the primary, but also for the general election. If there's a good reason to use them in the primary, that same logic would apply to the general election, and I think we would all be better served by having the office block system in place for the general.

I also think we really need to adopt rank choice voting. This is a system that you've probably heard about by now, quite a bit. It is something that is gaining momentum and being adopted in different jurisdictions around the country. And, what we are finding is when people do switch to that system, they like it. It's better from the candidate perspective, because it encourages candidates, incentivizes them to build the broadest possible coalition rather than attacking their opponents. It also

gives voters more of a voice and more power. If I were voting in an election, I would be able to not only pick one candidate from the list of people running, I would be able to actually express my preferences as to who I like the most; who I would rather have as a second choice if my first choice is not in the mix anymore; and, so on and so forth.

I think this is a system that's actually been used in New Jersey. Looking historically back at our cities that had the commission form of government, it was called "preferential voting" back in the day, and for some reason it was done away with in the 1930s. But, if we look back in our history, it has been used before; it has been used successfully. And, I think a lot has changed since the 1930s, but it is possible to do on our current voting equipment, and it is being done in other jurisdictions successfully, so we need to take a hard look at that and, I would say, adopt that for all New Jersey elections.

I also think voters need more information about candidates. I know some states have voter guides and other tools that they use to share information where candidates can share more than just a three-word slogan or a six-word slogan, but actually have an official statement that gets to the voters.

So, I hope you'll consider all those things. You know, ballot design should also not be entrusted to an elected official who is part of the partisan election process. So, I hope that, you know, as we move forward, we can have more independent authorities being in charge of designing the ballots, as opposed to the county clerks.

I also think that we need to have less power for the political parties. There are many people who don't align with or affiliate with either

of the two major political parties, and they don't have adequate representation in this process, so we need to empower those folks.

Thank you for your time.

ASSEMBLYMAN BARLAS: Thank you, Mr. Kratovil.

Next person up on the list today is Elizabeth Redwine.

E L I Z A B E T H R E D W I N E, Ph.D.: Thank you so much; I really appreciate the opportunity to speak.

So, I have four young people in my house -- two of them are voters; two are soon-to-be voters. I teach college and spend all day with young people, and I am involved in the West Orange High School PTA. What I hear from young people is they have no faith in the political process locally as well as nationally. We are in a week where we've seen democracy under attack, and what we need is a fairer ballot system.

So, what do I mean by that? I want to echo everything that Charlie said; definitely a public process eliminating the county line is going to foster public confidence in elections, and a fair ballot design should protect voter choice -- not the choice of party voices.

So, young people are not dumb. They have real concerns that party bosses and outside business interests have an outsized effect on really important parts of our democracy, like ballot design. And, honestly, when they bring this up with me, I agree with them. I try to encourage them to vote anyway, but I understand why they're frustrated, and I think everyone in power on this call -- obviously, we have power as individuals -- but every Assembly person needs to think about their own connection to party bosses and their own business interests. And, you know, young people are watching;

they're pretty devastated this week. However they voted, they have real concerns about our democracy.

Our democracy *is* in crisis. And, I've had a lot of young people tell me, "I feel that organizing in the local and state level is very important," because they have real concerns that New Jersey Democrats -- and New Jersey Republicans, but I can just speak as a Democrat -- that the New Jersey Democrats have focused on their own political power, and connections to business. And, I say this with real sadness in my heart as a Democrat, when I saw the numbers come in, I thought I talked to enough young people to know that part of that's on us, because we don't have a transparent process.

So, what can we do about this? Office block design; transparency; and putting the hands of power into the public and not political bosses.

Thank you so much.

ASSEMBLYMAN BARLAS: Thank you, Elizabeth.

Next person up is Mark Pepper.

UNIDENTIFIED SPEAKER: I think Mark was having a hard time connecting again from his phone.

ASSEMBLYMAN BARLAS: OK.

All right, so we'll come back to him.

UNIDENTIFIED SPEAKER: He has sent me his testimony if you want me to read it for him.

ASSEMBLYMAN BARLAS: He has written testimony?

UNIDENTIFIED SPEAKER: He has written testimony, and he sent it to me as well.

ASSEMBLYMAN BARLAS: Can you just send that to OLS, and then they'll distribute it to all of us? And, if he can get back on, we'll make sure he gets an opportunity to speak.

MR. BRINKERHOFF: Mr. Chairman, his testimony has been submitted to OLS, and it was circulated to--

ASSEMBLYMAN BARLAS: It was in the packet today?

MR. BRINKERHOFF: Yes; yes, sir.

ASSEMBLYMAN BARLAS: Got it.

All right, thank you.

So, we're going to go to the next person on the list, and that would be Richard Winger.

MS. LAWLOR: He's not in the Zoom room yet.

ASSEMBLYMAN BARLAS: He is not in -- OK.

So, next up, we're going to go to Julia Sass Rubin.

JULIA SASS RUBIN, Ph.D.: Thank you very much.

ASSEMBLYMAN BARLAS: Morning.

DR. RUBIN: Good morning.

Thank you, Chairman Wimberly and Chairman Barlas and members of the Committee for providing this opportunity for public testimony.

I am a Professor of Public Policy at the Edward J. Bloustein School of Planning and Public Policy at Rutgers, where I also serve as the Associate Dean of Academic Programs, and Director of the Public Policy program.

My research documented that New Jersey was the only state to use a county line ballot and quantify the impact of that ballot on election

outcomes. Based on that research, I served as an expert witness for the plaintiffs in the Kim v. Hanlon case -- the ruling from which led to the elimination of the county line in the -- for the Democratic ballots in the 2024 primary.

I wanted to share just a few findings from my research that may be helpful as you consider how to make our primary ballots as fair as possible.

First -- and, very importantly -- I want to note that in every other state that has elected positions for which voters may select more than one candidate -- such as State Assembly, or County Commissioner -- those candidates' names are listed individually, with no visual groupings allowed. Visually connecting the endorsed Commissioner or Assembly candidates in any way on the primary ballot could influence which candidates voters select. And that, by definition, would not be a fair ballot. And, once again, it would make New Jersey an outlier as we are with the county line.

Second, we know from extensive research that appearing first on a ballot provides an advantage. To counter that, more than a dozen states require the order of candidate names to be rotated on the ballot, to ensure that all candidates to appear first an equal number of times. Most of those states rotate by voting precinct, and they use computers to do so. Some have done this for decades; there is absolutely no reason New Jersey could not do this to ensure a ballot that's fair to everybody. And, that should not create obstacles to sending sample ballots to voters. We already differ sample ballots by voting precinct when they include County Committee candidates, because county committees, as you know, are elected at the local voting precinct level.

Voters also could access their individual sample ballots online, if that was necessary, rather than by mail, which is also a good way of offering the ballots in many languages -- an advantage for such a diverse state.

Third, while educating voters about the new ballot design is very worthwhile, there is no reason to believe that voters find office block ballots confusing. Multiple New Jersey counties have used an office block design for decades for their machine *or* their vote-by-mail ballots with no problems. On the other hand, my research documented the county line ballots do lead to voter confusion, especially when they place empty spaces between candidates running for the same office. And, this leads to over-votes and under-votes.

Finally, I want to echo the recommendation that Ms. Underwood made last week, to reach out to Whitney Quesenbery, who is the Executive Director of the Center for Civic Design. She is a national expert on ballot design, and has also lived in New Jersey and worked with some of our county clerks. She could be very helpful to you in writing legislation that results in a clear and fair ballot.

Thank you very much.

ASSEMBLYMAN BARLAS: Thank you, professor.

Professor, I just have a couple of questions for you.

DR. RUBIN: Of course.

ASSEMBLYMAN BARLAS: Number 1 -- and, obviously, the line, as we all sort of have come to know it -- it is what it is -- right, at this point.

You mentioned that no other state has a line. Have you seen the Connecticut ballots? Where in fact it is a line?

DR. RUBIN: Well, they are an office-- They're a rows-and-columns ballot that gives acknowledgment to the endorsed candidates, but it's not really a line in the sense that we've had a county line. They don't space the candidates all over the ballot; they don't have empty blocks and columns between candidates. The design is very consistent -- in fact, their ballot is the same in every county in the state.

ASSEMBLYMAN BARLAS: So, hold on. So, you're telling me that the ballot in Connecticut is not a line to you?

DR. RUBIN: Well, it's problematic, because they're indicating which candidates--

ASSEMBLYMAN BARLAS: No, no, but you said it's *not* a line. So, I'm just asking, is it a line or is it not a line?

DR. RUBIN: It's not a county line in the New Jersey sense.

So, the problem with our ballot -- and the things that are associated with the confusion that it creates -- are multiple. In Connecticut's case, the problem is that they designate the endorsed candidate in a visible way, which is *really* problematic. But, in our case, there are a bunch of other things that our ballots have done.

For example, candidates are spread all over the ballot; there are blank spaces indicating -- that separate candidates running for the same position. So, the county line, as I'm referring to it, is much more than just the fact that the candidates are indicated as being endorsed.

ASSEMBLYMAN BARLAS: I agree with you. I think the asterisks thing that Connecticut does is a little weird.

So, as I understand it, Connecticut puts the party-endorsed candidate first.

DR. RUBIN: Yes.

ASSEMBLYMAN BARLAS: And, then everybody else populates underneath. I don't know how they -- how they're sequenced underneath. Do you?

DR. RUBIN: I can check on that for you.

ASSEMBLYMAN BARLAS: OK.

So, if you're saying that-- So, you're saying that is not a line.

DR. RUBIN: No, it-- Well, it's a bad ballot. But, it's not the county line as it's been used in New Jersey.

So, I'm just differentiating-- There's other bad ballots; we're not the only state that ballots are not optimal. We're just particularly bad. And, Connecticut is not a fair ballot, but it's not as bad as ours.

ASSEMBLYMAN BARLAS: So, would you be opposed to that layout if there was no spacing?

DR. RUBIN: I think it's still a very unfair ballot. So, it's, "Do you want a horrible ballot, or you just want a terrible ballot?" I guess is what you're asking me.

I would say let's go for a fair ballot. And, to--

ASSEMBLYMAN BARLAS: No, I'm just asking what your thought of Connecticut was.

DR. RUBIN: It's not a good ballot. It's just not as bad as ours was.

And, to answer your question, it's randomly drawn by the Secretary of State.

ASSEMBLYMAN BARLAS: It is; OK, very good.

Now, you, in the past, have talked about slogans and bracketing, right? Do you think that should apply only to June and November elections? Or, do you think that that creates an inherent advantage in nonpartisan races?

DR. RUBIN: In terms of whether you have bracketing and slogans?

I think anything that is not a clean ballot, in terms of just a list of candidates in an office block style with nothing differentiating them, is not ideal. Anything that puts a thumb on the scale is not a fair ballot. Again, there are somewhat unfair and there's extremely unfair, right--

ASSEMBLYMAN BARLAS: No, I get it. So, like, there's certain towns that, if they share the same slogan, there's literally a bracket, right? The statute allows for the design of the drawing of a bracket, whether it's vertical or horizontal, depending on if you have rows or columns.

So, you're saying that that should not exist for any election?

DR. RUBIN: Optimally, if we really want fair ballots -- whether it's municipal elections that are nonpartisan, or primaries, or general elections -- we would have a clean office block ballot, yes.

ASSEMBLYMAN BARLAS: OK; OK, great.

That's all I had. Anybody else?

ASSEMBLYMAN HUTCHISON: I have one question.

This is Dan Hutchison.

Should there be a reference to the person's political party under their name?

DR. RUBIN: Well, in the primary, you don't need it. Some states do bracket everybody in one ballot, so you have Democrats,

Republicans, Green Party -- everybody. And, in those cases, they include the party for obvious reasons. Some states include the party even when it's a one-party primary ballot, which doesn't really make sense to me.

So, in our case, because we separate our ballots by party, I don't think you would need that in the primary. In the general election, you -- I think you do need to tell people which party the person represents, because they want to know that information, right. And---

ASSEMBLYMAN HUTCHISON: So, you would agree that putting some information under the name of an individual is necessary and helpful?

DR. RUBIN: I think putting the party affiliation is helpful, because voters are looking for that. I don't think you need any other information.

Some states put the county or the city that the person is from. Which, again, creates bias. People might think, "Oh, that part of the state -- I don't like that part of the state," or, "I'm from this county." Anything that shapes -- that takes the voter away from the actual candidate and provides information to distort their perspective I think is bad.

ASSEMBLYMAN HUTCHISON: My point is, though, putting *anything* next to the name seems to violate your rule of putting thumbs on the scale.

DR. RUBIN: In a general election, I think voters expect to know which party you represent. I think it's very different than putting other information -- especially in a primary, where everyone is representing the same party, presumably.

ASSEMBLYMAN HUTCHISON: Great; thank you.

ASSEMBLYMAN BARLAS: Thank you, professor.

DR. RUBIN: Thank you.

ASSEMBLYMAN BARLAS: OK, next up, we have Thomas Varela.

B R I A N V A R E L A: Is it Thomas, or Brian?

ASSEMBLYMAN BARLAS: My list says Thomas. Or Tomas.

MS. LAWLOR: Thomas isn't going to be speaking at the meeting today.

ASSEMBLYMAN BARLAS: He's not--

MS. LAWLOR: But, Brian is registered to speak.

ASSEMBLYMAN BARLAS: OK.

Brian, why don't you go ahead and take his spot, then.

MR. VARELA: Cool; thank you.

ASSEMBLYMAN BARLAS: You already have the same last name.

MR. VARELA: Yes. (laughter)

Thank you, thank you.

So, yes, good morning, and, really, thanks for the chance to be here and opening this up for discussion.

So, ballot design, as I'm sure you've found, may sound technical, but one of the things that I believe is that it's actually at the heart of our democracy.

So, from my perspective, how we structure our ballots directly impacts how fair and open our elections are. And, at the end of the day, I think a lot of the people who are here to testify, it's because we all really want

a system that's fair, and it's empowering the voters to really be able to make a clear and unbiased choice, right.

So, the reason I'm here is because I really want you to consider a ballot design that's fair to all candidates and voters alike. So, the goal is really simple, from my perspective: It's to create a level playing field where voters can make their choices freely. So, one of the most impactful decisions I think we can make is -- or, the Committee can make -- is really guiding legislation to permanently usher in office block design. So, that's organizing the ballots by the office, not by the party.

Why? Well, as the person who *just* went before me, right, her studies have shown that the traditional party line is giving candidates on that line a 38% average boost in odds. That's a *huge* advantage; that'll leave voters to feel pressured into picking an entire line instead of just evaluating each candidate individually.

So, the office block, as you know, is really placing each candidate on equal footing. Voters can make their decisions based on each candidate's merits and how they campaign and their policies, and, ultimately, it does create that clear and fairer process. So, I believe that this is the key to honest elections, where every choice reflects the voter's true intentions.

I've got about a minute -- great.

The other thing that I would also ask and urge is for you to consider something like ranked choice voting. I know that Charlie, who was on earlier, mentioned that. And, I think that ranked choice voting is something that should be considered as part of this redesign. For those who don't know, RCV is straightforward. Instead of just choosing one candidate, you get to rank your choices. So, what that does is it empowers people to

support the candidates that they genuinely like without worrying about wasting a vote. It solves several other issues in our current system: It reduces the pressure to vote strategically or to settle for the lesser of two evils. It allows voters to choose freely based on their actual values. Plus, RCV reduces the spoiler effect. So, that's basically where similar candidates are splitting the vote, potentially letting a less popular candidate win. With RCV, voters know their vote counts, even if their top choice is an elective.

As far as implementing a new voting system, it sounds like it's a lot. Most of the systems that are -- the voting machines that are out there -- can already handle ranked choice voting. I think nationally, 86% of systems can do that. So, we're not talking about a major overhaul in infrastructure. As far as New Jersey goes, there's a ton of -- there's about six or seven municipalities that have already passed a trigger -- a trigger ordinance, or a resolution supporting RCV.

And, to wrap up, I really urge you to think about this carefully and thoroughly. It's not just about a layout; it's about protecting democracy.

I thank the Committee for its time.

ASSEMBLYMAN BARLAS: Thank you, Brian. I appreciate you taking the time out to be here today.

Next up is Antoinette Mills.

ANTOINETTE MILES: Antoinette Miles.

Co-Chair of--

ASSEMBLYMAN BARLAS: Miles; I apologize.

MS. MILES: That's all right--

ASSEMBLYMAN BARLAS: One L, not two.

MS. MILES: (laughter) OK.

I'm going to do my very best to stay within the three minutes. And, of course, I will submit my written testimony after.

ASSEMBLYMAN BARLAS: Great.

MS. MILES: My name is Antoinette Miles; I am the State Director of New Jersey Working Families Alliance. We are a statewide organization of labor unions, advocacy, and grassroots groups. And, we have been the lead plaintiff in the Conforti v. Hanlon litigation alongside six former candidate plaintiffs who ran for office in 2020.

Together, we filed the landmark lawsuit that deemed the county line likely unconstitutional, and we've been at the forefront of the "abolish the line" movement, and engaged hundreds of thousands of residents in the movement for expanded and stronger democracy in our state; and to end the voter suppression tactic that is the red county line ballot.

I want to welcome you all to this discussion, the Legislature, albeit nearly five years late and, arguably, a dollar short. Simply put, a fair ballot design should protect voter choice -- not the choice of politically connected insiders and party bosses.

I do want to highlight a point that was made by your witness from the National Conference of State Legislatures in the first hearing. It is very clear from the June primary that New Jersey *can* do office block ballots, and while clerks did have to quickly adapt and inform voters in that election, they got it done. Judge Quraishi's court order in Kim v. Hanlon established how the Legislature can implement a fair ballot. It was upheld unanimously in a presidential published opinion in the third circuit, and we encourage you to start there.

We know and proved to the court that the order in which candidates appear on the ballot *can* influence election outcomes. And, so, it's our belief that each individual candidate running for office should have an equal opportunity to draw for the first position on the ballot. And, I encourage you to also review the expert reports that were submitted in that litigation about how ballot order affects election results, and also include these in your Legislative record for this time.

I also want to acknowledge, to the point of the Connecticut ballot, we believe that there should be no advantage for incumbency or putting party-endorsed candidates first on the ballot. We encourage that, for determining the order of candidates on the ballot, we want randomized electronic draw, and there's absolutely no reason New Jersey cannot follow other states in that as well.

I do want to address the decisions made by this Committee, which I feel do short-circuit the public process for ballot design. You -- this Committee's members -- have said, "We owe it to New Jersey to get this right," and the fact that we're sitting here two days after the most consequential election of our lifetime, while many people were getting out the vote just a few days ago, or doing election protection work, *is* harmful to the public process. We reached out to national experts who wanted to be here today but could not be here today.

And, so, the final thing that I will say -- and, I realize my time is up -- is that the procedures being put in place here today and for these hearings, we must make sure that this Committee does not demonstrate to the public that it is simply doing a window dressing or checking the box when it comes to democratic reform.

Thank you Co-Chair Barlas for letting us know about the next hearing, and I appreciate that you did that at the start. However, we encourage all members of this Committee to communicate with the public in regards to the next hearings, and we will also be watching resulting legislation so that it passes the court of opinion as well as, potentially, the court of law.

Thank you.

ASSEMBLYMAN BARLAS: Thank you, Ms. Miles.

I do want to be clear: I hear what you're saying about two days after the general election; I understand that. But, there are more committee hearings scheduled. One will be in the evening. We're still going back and forth and working out the logistics. We have not precluded possibly doing -- with the remaining left -- another virtual as well.

So, we do want to hear from as many people as possible, and we will do our level best to be as accessible to everyone as possible, all right.

So, thank you for your testimony today.

ASSEMBLYWOMAN PARK: Question -- I have a question.

ASSEMBLYMAN BARLAS: Yes.

ASSEMBLYWOMAN PARK: Hi, Ms. Miles.

So, do you think that, for general elections, the candidates should be grouped together for -- with their party?

MS. MILES: So, what I'll say in terms of party column -- or, what's commonly described as "party column ballots" -- in the general election, Working Families Alliance, we did not litigate on the general election ballots; we did not challenge, legally, the general election ballot. We understand that there are many states, including New Jersey, who do group their candidates together, and that is a common order in which to do that.

ASSEMBLYWOMAN PARK: OK, so you're OK with the grouping just for the general election then?

MS. MILES: I think that for-- I think the distinction that I want to offer in terms of office blocks in the primary and party column in the general is that we know that when you reach the general election that we're simply discussing a matter of competition between each of the party's nominees. And, of course, there's third-party candidates that are also placed on the ballot.

But, we're talking about one individual nominee for each of the respective offices. Of course, if there's multiple offices for -- multiple races, excuse me -- for each office, then there might be more than one candidate.

And, so, I think that the matter of making sure that voters understand who of the party-endorsed candidates -- whether it be major party or minor party -- are indicated in the general election ballot. However, when it comes to office block ballots and the primary ballot that we challenged in *Conforti v. Hanlon*, we're talking about competition amongst the same party members -- albeit some may be major party endorsed and some are not.

And, so, that's where we think the disparities actually begin.

ASSEMBLYMAN BARLAS: So, you -- I'm sorry, Assemblywoman Park, do you have more? I didn't mean to cut you off.

ASSEMBLYWOMAN PARK: Yes, just so that we're all on the same page, you're talking about office blocks for the primary and not necessarily for the general, right? Because if you group them in the general, let's say as far as party grouping, then the office block wouldn't really apply, right?

MS. MILES: Yes. Again, we did not challenge the general election ballot, and--

ASSEMBLYWOMAN PARK: OK, OK--

MS. MILES: I guess my question is, do you all want office ballots in general, or the primary? Is my key question -- what are you all thinking that you want?

ASSEMBLYWOMAN PARK: Understood.

Thank you.

ASSEMBLYMAN BARLAS: Thank you.

Assemblywoman Jackson.

ASSEMBLYWOMAN REYNOLDS-JACKSON: Thank you so much.

And, thank you, Ms. Miles, for your input today -- and, to Julia also.

My concern is about voter confusion around the office block design. What features could we do to help voters understand the ballot and the office that's being sought?

MS. MILES: Can you describe what you mean by features, Assemblywoman?

ASSEMBLYWOMAN REYNOLDS-JACKSON: Well, that's my question to you.

So, for the primary, when we're talking about designing the ballot, are there any particular features that you like, for us to be able to think about as we begin to design the layout?

My concern is about confusion. Because it's going to be something different that we've never seen before for this -- for the primary. Do you have anything particular that you'd like us to look into?

MS. MILES: Sure. I think that -- as Julia Sass Rubin had pointed out in her testimony -- we know that many counties, including Salem and Sussex County, have done office blocks -- albeit it has not been statewide in every primary for both the political parties yet. I do believe that voters were not confused in the last election, and voters in other states have managed just fine in having office blocks in the majority of states. And, again, we're not confused. So, I just wanted to sort of address the notion of voter confusion in that part.

In terms of features of the ballot in my testimony, I did say that, you know, we would be concerned with -- I'm just going to refer to Connecticut's primary ballot -- we would be concerned if there were the ability to put -- list certain candidates first over the remainder of other candidates, and-- Again, I'm trying to understand what you mean about features. Are you talking about indicators on the ballot?

ASSEMBLYWOMAN REYNOLDS-JACKSON: Yes.

MS. MILES: Oh, OK, yes.

So, in *Conforti v. Hanlon*, as well as in *Kim v. Hanlon*, I think the litigation was very clear in terms of -- given that New Jersey already has slogan, which is different from a lot of other states in the primary -- that other additional indicators of association on the ballot are unnecessary. I know that Connecticut does a star for certain candidates; I think those types of indicators would be prohibited.

And, again, to the point of having as clean and as fair on the other ballot as possible, those are the types of things that I think we would have concerns about.

ASSEMBLYWOMAN REYNOLDS-JACKSON: Then, I guess -- and, this is for, you know, Assemblywoman Park. I think about her and her name association. So, how does -- so, if we're saying just the name, no slogans, no indicator -- no nothing. I guess that's -- that's the issue.

MS. MILES: Yes, so I guess my counterpoint to that is that New Jersey does have the slogan, where candidates do get the party-endorsed -- the party endorsement. They receive the associated slogan for that party, so sometimes it's a little bit different than the registered trademark of the party's name.

So, as we--

ASSEMBLYWOMAN REYNOLDS-JACKSON: I'm sorry, you're saying that's OK for the primary?

MS. MILES: I'm saying that it already exists and we did not litigate over it.

ASSEMBLYWOMAN REYNOLDS-JACKSON: OK.

Thank you; thank you so much.

Thank you. Thank you for the clarification. I appreciate you.

ASSEMBLYMAN HUTCHISON: Can I ask one follow-up question, please?

ASSEMBLYMAN BARLAS: Thank you, Assemblywoman.

Sure, Assemblyman Hutchison, and then we're going to go to Assemblyman Inganamort.

ASSEMBLYMAN HUTCHISON: Thank you very much.

Sorry, Michael. (laughter)

So, Antoinette -- Ms. Miles. I know that you didn't take a position in the litigation, but that's not my question. My question is, are you OK with the slogan in the primary?

MS. MILES: Are *you* OK with a slogan in the primary?

ASSEMBLYMAN HUTCHISON: I'm asking you.

MS. MILES: OK, OK.

Well, I think that -- In terms of making sure that voters have some indication-- And, look, a lot of states handle this differently. I think that the expert last week referred to Connecticut -- no, excuse me, not Connecticut -- California is indicating a five-word bio, different things of that nature. So, some states do have other things, not every state does no slogan.

Again, I think my position is that there is some value to having a slogan on the ballot. Is it the cleanest ballot? Maybe not necessarily, but I do believe that there is some value in having something that can note party-associated candidates, as well as for the non-party associated candidates, right? We understand that those slogans could be -- could be a means of indicating viewpoint, and there have been means to be able to limit slogans in the past, which we view as -- we view as connected to viewpoint discrimination under the first amendment.

So, that's my perspective on slogan.

ASSEMBLYMAN HUTCHISON: So, the value of these meetings -- just so that you understand where we're coming from -- is we heard from Ms. Sass Rubin who says *nothing* should be there because it would be a thumb on the scale. But, for New Jersey Working Family Alliance -- who you're a member of as the lead plaintiff in that litigation -- you're differing

from Ms. Sass Rubin in that you don't have a problem with the slogan. And, that's what we're here for today.

MS. MILES: Again, I understand the distinction that you're characterizing in terms of our approach, and other academic approaches. I want to be very concretely here that again, we have been litigating this case in a means to make sure that we uphold both voter rights and uphold both candidates' associational rights at the same time.

So, we hold both the perspective of the voter, including our many thousands of members who we have in our organizations, as well as candidates who are running for elected office. And, so, we uphold the tenets of wanting a clean ballot, but we also understand -- again, in litigation, when we wanted to make sure that New Jersey can move forward with a fair ballot, we never put to question the idea of eliminating the slogan.

ASSEMBLYMAN HUTCHISON: Great.

Thank you very much, Ms. Miles.

ASSEMBLYMAN BARLAS: Thank you, Assemblyman.

Assemblyman Inganamort.

ASSEMBLYMAN INGANAMORT: Thank you, Co-Chair.

I appreciate Assemblyman Hutchison's question there; I was going to ask something similar. And, I appreciate Assemblywoman Park kicking off this conversation as it relates to general election ballots, because this is hugely important.

I think I heard -- I don't want to put words in your mouth, Ms. Miles -- I think I heard you say that the Working Families Party is open to -- maybe even potentially supportive of -- party designation in a general election ballot.

Let me -- correct me if I'm wrong -- but, let me go a step further. Does the Working Families Party support or oppose grouping general election candidates by party in columns or rows?

MS. MILES: OK, so--

ASSEMBLYMAN BARLAS: Per office block, right -- per office block?

ASSEMBLYMAN INGANAMORT: Versus office block.

MS. MILES: OK, so, you're saying do I -- do I support the way that the current general election ballot is set up?

ASSEMBLYMAN INGANAMORT: It's different in different counties. You mentioned Sussex; it's office block in a general.

So, do you -- does the Working Families Party, for a general election ballot, prefer the office block style, or grouping candidates by party via columns and -- columns or rows?

MS. MILES: My opinion on that is that we support whatever makes it clear and eligible for the voter to be able to express their choice, as well as making sure that we uphold the associational rights of candidates.

ASSEMBLYMAN INGANAMORT: OK, I don't think it was a clear answer, to be perfectly honest with you, because I don't know what that means. I think there's a very big difference. In a general election ballot between office block, and what you might call "lowercase L line," which is by party in column or row -- I think that's a huge difference.

I'll give you one more shot if you're inclined. Otherwise, I'm not -- I'm not sure--

MS. MILES: Go for it; I'm here. You got me.

What's up?

ASSEMBLYMAN INGANAMORT: That's it, it's the same question -- are we doing office block in generals, or are we doing columns and rows by party?

MS. MILES: Look, I -- like I said before, we are -- we never litigated on the general election ballot. *All* of the evidence in our case, in the Kim V. Hanlon case, has been in the primaries.

ASSEMBLYMAN BARLAS: So, here's my question then: What's your personal opinion? *You're* a member of the public.

MS. MILES: I'm not here to give my personal opinion, sir.
(laughter)

ASSEMBLYMAN BARLAS: So, Working Families does not have an opinion on what the ballot should look like in the general?

MS. MILES: Again, we did not litigate the general election.

ASSEMBLYMAN BARLAS: No, that's not what I asked. I didn't ask what you litigated.

I'm asking, Working Families does not have an opinion on what the ballot should look like in the general?

MS. MILES: Again, I believe that we are perfectly fine with what the current general election ballot looks like.

ASSEMBLYMAN BARLAS: OK, OK.

MS. MILES: All the evidence in our case has been on primaries. And, look, look, I know you guys are trying to put a thumb -- a thumb on the scale, right, which is--

ASSEMBLYMAN BARLAS: No, just so you understand--

MS. MILES: Sure.

ASSEMBLYMAN BARLAS: --the question is -- because, if we're going to do this, let's just do it, right? As I said last week -- or a week and a half ago, and today. If we're going to make these reforms and these changes, let's make them. Let's make them applicable to every election, and let's sort of be done for a while, right? And, let it sit and let the process unfold, let the people participate.

So, my -- the reason I'm asking is not to put a thumb on the scale, or anything like that -- or put you in a box or anything like that -- it's, if it's something that we should think about, then we'd love to hear from you if we should think about it.

If you think -- if you're saying you think it's OK the way it is, OK, you think it's OK the way it is, and that's fine, too. We're just trying to get an answer.

MS. MILES: Sure, sure.

So, what I'll say is, look, I'm happy to have an elongated discussion. I understand that you all want to take a wider scope than what simply the litigations have been about; what this discussion has been about for the last decade in talking about the primary election ballot.

But, for the purposes of today, my focus is on the primary election ballot, and making sure that Judge Quraishi's order is codified.

ASSEMBLYMAN BARLAS: OK; very good.

Anybody else?

MR. BRINKERHOFF: Excuse me, Mr. Chairman--

ASSEMBLYMAN BARLAS: Yes.

MR. BRINKERHOFF: I just wanted to let you know that Mark Pepper and Octavio Maldonado -- who had been called to testify earlier -- have entered the Zoom.

ASSEMBLYMAN BARLAS: OK, so why don't we go to Octavio, then.

Thank you, Ms. Miles.

ASSEMBLYMAN SCHARFENBERGER: AI?

ASSEMBLYMAN BARLAS: Yes?

ASSEMBLYMAN SCHARFENBERGER: Can I just ask one quick question--

ASSEMBLYMAN BARLAS: Sure--

ASSEMBLYMAN SCHARFENBERGER: --I had--

ASSEMBLYMAN BARLAS: Sorry; I didn't see your hand up, Gerry.

ASSEMBLYMAN SCHARFENBERGER: Yes, Ms. Miles -- I'm sorry.

Ms. Miles, I just want to be clear. Do you think it benefits the voter to withhold such information as party affiliation, incumbency, on the ballot so they're just a grouping of names without any sort of guidance as to, you know, background, or something to that effect? Do you think it helps inform the voter by withholding information like that?

MS. MILES: Can you say what you mean -- withholding which information? I apologize.

ASSEMBLYMAN SCHARFENBERGER: Such things as--

MS. MILES: (indiscernible) Assemblyman, repeat your question from the start for me so I can understand better.

Thank you.

ASSEMBLYMAN SCHARFENBERGER: Yes, no, no, just -- just as came up before, party affiliation, incumbency, things like that. Maybe vetting by a county committee who are elected officials. Information like that, do you think the voters benefit by withholding that information on that ballot, so it's not apparent on the ballot?

MS. MILES: So, are you talking about in the general, or in the primary?

ASSEMBLYMAN SCHARFENBERGER: In either.

MS. MILES: So, for the purposes of the primary, right, I think I've been pretty clear that New Jersey currently has a slogan -- that is, information that they are receiving on the ballot at that time.

However, we know that long before voters ever even see the ballot, there are vigorous campaigning; there are party endorsement processes that take place in which political parties can choose their nominee -- whether that be in conventions, via secret ballot or non-secret ballot, etc.

And, so, I think my viewpoint on that is that throughout the experience of campaigning, including the candidates who are a part of the Conforti litigation with us, is that they are -- they have vigorously -- and, the other candidates have vigorously also, through their campaigns -- are communicating to voters what their background is, what they are representing, what their values are. So, I don't think voters are being deprived. I think my emphasis to your question is that we want an equal representation of information on the ballot.

And, I encourage you to, again, read the litigation that we were a part of, because we do know within that, that courts have overturned in some instances where additional information is presented.

ASSEMBLYMAN BARLAS: Thank you.

Anyone else? (no response)

OK; thank you, Ms. Miles.

So, we're going to go back to Octavio.

Is he back on?

MR. BRINKERHOFF: He is present in the Zoom.

Octavio, if you are here and you can unmute yourself. (no response)

ASSEMBLYMAN BARLAS: Octavio, no? (no response)

All right, then, Ryan, who else did you say was back? Did you say Mark Pepper was here?

MR. BRINKERHOFF: Yes, Mark Pepper should also be present now.

ASSEMBLYMAN BARLAS: Mark, are you there? (no response)

MR. BRINKERHOFF: Mark, if you can hit *6 -- I believe Mark called in -- that should unmute. (no response)

OCTAVIO MALDONADO (*via interpreter*): Hi.

Hello; hello, everyone. Sorry about that.

You were asking me about the general election, right?

ASSEMBLYMAN BARLAS: I'm sorry, who is this?

We were looking for Mark Pepper.

MR. MALDONADO: Oh.

My name is Octavio; I am the Legislation Liaison of New Jersey Association for the Deaf, and I've been working towards this bill.

And, so, the general meeting is really important. I want to make sure we have interpreters -- providing ASL interpreters; tactile interpreters; larger screen -- have visual access for the deaf and hard of hearing; instead of not having access. We don't have interpreters; then we're really left out for the-- There's no access for people with disabilities.

ASSEMBLYMAN BARLAS: That's a-- That's a very good point, Octavio, and we will talk to OLS to make sure that we have those capabilities available. Because, I don't know if anyone thought of that, and I apologize for that right off the bat, but we will make sure that we can have that addressed the next time we have one of these meetings.

However, the floor is yours if you wish to speak about what we're talking about here today.

MR. MALDONADO: Oh, no, that's all I wanted to bring up; thank you.

I just wanted to-- This is a learning experience for me, but I just wanted to share that.

It's nice to meet you all, and thanks again for the opportunity.

ASSEMBLYMAN BARLAS: Thank you; I appreciate your time.

Thank you, and we will have that looked into.

Mark Pepper, are you back? Are you here?

MR. MALDONADO: Thank you.

MR. BRINKERHOFF: Mark, if you're in the call, you need to hit *6 to unmute yourself.

UNIDENTIFIED SPEAKER: Sorry, in texting with Mark, he said he did and somehow it's not working.

ASSEMBLYMAN BARLAS: OK, we'll come back to him.

Jared Hunter.

MS. LAWLOR: Jared is not registered to speak at the meeting.

ASSEMBLYMAN BARLAS: Jared is not registered to speak;
OK.

How about Adam McGovern.

MS. LAWLOR: It looks like Mark is unmuted now.

Mark, can you hear us? (No response)

Mark, can you hear us? (No response)

OK, Chair, I think we're ready to call our next speaker.

ASSEMBLYMAN BARLAS: OK.

How about Adam McGovern?

MS. LAWLOR: Adam is also not checked into the meeting.

ASSEMBLYMAN BARLAS: OK.

How about Tim McDonald?

MS. LAWLOR: Neither is Tim.

ASSEMBLYMAN BARLAS: OK.

We're going right through this list.

Next up is Peter Chen.

Morning, Peter.

P E T E R C H E N: Morning; how are you doing?

ASSEMBLYMAN BARLAS: Good.

MR. CHEN: Thanks so much for inviting testimony today.

I do want to echo the point that a number of speakers made about the need for additional public information about these hearings, in order to get a broader array of voices, and to ensure that there is meaningful public participation.

You know, I appreciate your words, Co-Chair, about being dedicated to ensuring that there is a full public process; making sure that future meetings have more lead time and notice. But, you know, particularly when we're talking about questions that feel abstract but have real impacts on voters. And, I think the very real concerns that members of the Committee have raised about what is a voter going to think; are they going to be confused by X? It would be helpful to have more actual voters -- and voters who are not, like, in the work the way that many of the participants today are -- to share their information, because I think that would be helpful. We're thinking about ballot design in a more meaningful way.

So, Peter Chen here from New Jersey Policy Perspective; Senior Policy Analyst. And, I think we-- We want to be clear that the starting point for the fairness of ballot design has to really be about ensuring that there's no extra weight on a scale, one way or the other, that the ballot points to, to give an advantage to one candidate over any other.

So, for example, the difference between the asterisk and simply providing like a -- other kinds of information -- is that it hints that this candidate is special; above other candidates. And, so, that's bad. We don't want to indicate that kind of information, because, you know, in a situation where you're just looking through the ballot, you might just, you know-- The benefit of the visual (indiscernible) is that it provides people with an easy

check down the line, rather than deliberately thinking about each elected office.

And, this is why almost all states use office block, not just for primary, but also for the general. States that switch from party column to office block, they don't switch back. This is something that is a general trend across the country to move towards office block.

I think there *are* concerns about office block. If we think about states where there are elected judges; where there are, like, stacks and stacks of different elected districts, all in the same election, and the ballot is 20 pages long, I understand where some of the concern arises. But, you know, we don't have the sort of, like, mega-long elected official ballot in New Jersey. Our ballots are relatively short in terms of the total number of offices that are being elected.

And, so, that leads to, you know, the need for maybe a-- There's not as much need for concern about voter fatigue in filling out all of the little boxes. And, again, most states use office block. I think it's 45 -- Professor is going to have that number, I think it's 45 or 46. And, this is not unusual. It is, in fact, the norm across the country. And, you know, I-- And, this is-- This is why it's the basis of the Quraishi opinion.

And, I agree that judges should not be in the business of writing what the ballot should look like. But, again, in this case, the clerks designed the ballots. The judge merely provided the framework and the principles through which the ballot had to be designed. And, that's where the work of this Committee is really important to really think about. Is this putting weight on the scale? Because that's the principle that's -- the concern of the Quraishi opinion.

The last point I want to make here is just about the-- There are other ballot design features that address the concern about office block versus party column versus slogans versus whatever. Most New Jersey ballots still use all caps. I think it's very clear, from almost all ballot design principles, best practices -- don't use all caps. Just use lower case letters, and normal case that people read in, because that's easier to read. Don't center things; put things on left justified, rather than center justified. These are clear principles of ballot design, that if you look at all kinds of best practices, from national organizations, their ballots don't look like ours.

And, so, when thinking about who this Committee should be talking to, it's all those folks who are at -- who are experts on ballot design, to make sure that we don't have, you know, a 2000 Florida situation where people are voting for somebody they didn't mean to vote for. Where people are -- where there is genuine voter confusion. Because, there is a lot of voter confusion that comes simply from bad ballot design, of bad ballot instructions.

I'm in, Essex; the instructions for filling out my mail-in ballot are, like, way down on the page in the bottom right corner under all this other information about, you know-- And, maybe that's a problem for people.

So, I think please keep in mind that there are additional ballot design considerations than just this question of party column versus office block. If you want to do it right, let's do it right and make sure that we really reflect the best practice we know about ballot design to make sure people fill it out -- put in the information they mean to vote for, and that low-information voters can vote and understand where their vote is going in the ballot.

Thank you.

ASSEMBLYMAN BARLAS: I appreciate it, Mr. Chen.

And, hey, you might want to write down this date and time -- I agree with you; 11:02 a.m. -- that if we're gonna do this right, let's do all of it right the first time.

So, thank you for that.

Next up, Nuzhat Chowdhury.

NUZHAT CHOWDHURY, Esq.: Hi; good morning, Chairman Wimberly, Chairman Barlas, and members of the Committee.

Thank you for allowing us to testify.

My name is Nuzhat Chowdhury, and I am Senior Counsel with the Democracy and Justice Program at the New Jersey Institute for Social Justice. The Institute works to build and strengthen an inclusive and multi-racial democracy by advocating for reforms that make voting and democracy more accessible.

So, this conversation on ballot design really comes at a crucial time when many voters feel very uncertain about the future of our democracy, right. When the Assembly initially announced its intention to hear from the public on designing a new ballot, we applauded its decision; however, announcing a public process and creating a process that actually allows voters throughout New Jersey to engage in it are two separate things. We appreciate that there will be more public hearings, but giving inadequate notice for both hearings so far, and holding the first hearing with public participation less than two days after one of the most consequential elections of our times is undemocratic and does not inspire confidence.

Despite this inadequate notice, as *amicus* counsel in the Conforti and Kim cases, the Institute is appearing today on behalf of New Jersey voters to advocate for fair ballots. New Jersey voters deserve a ballot that is clean and simple, without embellishment or work-arounds to create unconscious bias. The courts have already spoken on this issue. We now have the opportunity to show that we're a state that embraces democracy; one that listens to the people and responds.

So, as we redesign New Jersey's ballots, the questions we should be asking ourselves is, "How can we be the most voter friendly?" not, "What can we get away with?" To this point, the Institute holds five priorities for a new ballot design to center the needs of voters.

So, first, any design that must follow Judge Quraishi's order to eliminate rows and columns-- The court's order recommends office block. We agree with this, and urge office block for all ballots.

Second, any new ballot design must eliminate bracketing for all elections. Experts in both the Conforti and Kim cases have presented evidence on the negative impact that bracketing has on voter choice. New Jersey's new primary ballot design should aim to be neutral, which includes not grouping any candidates together.

Third, any new ballot design must be free of extraneous symbols or bolding of some candidate names. Voters *are* smart enough to read names and slogans on a ballot, and understand endorsements easily, so symbols and bolding are unneeded and add an unnecessary thumb on the scale.

Fourth, ballots should have consistent font and font sizes. They should also allow for expanded language access that reflects the diversity of the state.

And, finally, we must modernize the process and replace the current system of manually drawing ballots with automatic and randomized draws per voting district. This would allow for more efficient and quicker ballot draws, and help eliminate the primacy advantage that the first listed candidate benefits from on ballots. This makes the process just fairer overall.

These recommendations draw on best practices from ballot design experts and the U.S. Election Assistance Commission in order to create a ballot that is designed to make it more likely that voters are able to vote the way that they intend to.

So, on behalf of voters, The Institute strongly encourages this Committee to incorporate these priorities into any new ballot design process.

Thank you.

ASSEMBLYMAN BARLAS: Thank you, Ms. Chowdhury.

Any questions? (No response)

OK, next up, Maura Collingsru.

M A U R A C O L L I N S G R U: Collingsru; you got it right. Thank you.

ASSEMBLYMAN BARLAS: All right.

MS. COLLINGSRU: Thank you, Chairman Barlas, and Chairman Wimberly.

I was pleased to hear your opening comments, and the comments of many of those who have come before me. And, I'll try to limit any repetition in that.

But, do agree, and I will tell you, for those of us who worked to get the vote out, to be engaged in this past election, it's kind of like *The Twilight Zone* today. So, I think that did discourage some participation here,

and I hope that we can see more robust participation moving forward, and doing everything we can to do that.

I'll just start out by saying I think we can all agree that the issue of ballot design has significant consequences for democratic process. When recently challenged, Judge Quraishi struck down the use of the party line. I agree there is no need to relitigate this. We use that as a starting point; we should implement the court's decisions for all elections going forward. We do that by passing legislation that aligns with New Jersey -- that aligns New Jersey ballots with that of other states, and we do support the use of office block balloting.

All of the things that Julia Sass Rubin -- who I was pleased to see on the call today -- echoed our concerns are the inherent bias in the process that currently exists, and making sure that the design of our ballot does not prejudice anyone who is running for office, whether they are chosen by a political party or they are an independent candidate.

I would like to address two issues that we ventured into when Antoinette Miles had the back and forth just recently, and, that is, the ability of candidates to associate with a political party and the fear of confusion. First, listing all candidates in a block ballot design and allowing candidates to associate are not mutually exclusive. We *can* find a way -- and should -- to allow both. As Julia outlined earlier -- and Judge Quraishi found -- that ballot design does not impede a candidate's right to freely associate with a party, or with another candidate. Parties *can*, and still do, endorse candidates.

And, it starts with campaigning. They can associate through campaigns; through campaign literature, where I think they were saying there should not be that overt association and thumb on the scale, is on the ballot.

Political parties serve an important function. And, yes, I agree, people do want to know who people are affiliated with. I think in the primary, we need to be very clean. These things can allow for slogans, and things like that to have both a fair ballot design and give voters information that they would like.

Second, voters can and should be educated on the electoral process, candidates, and the workings of government. I know this is the job of election officials, State and County workers, and supplemented by the democracy and good government groups from across the state, many of whom you're hearing from today. I think to say that there's a concern or to use the fear of confusion to hold us back on making this change is a little disingenuous.

We have changed how we register; how, where, and when we vote; that machine that we vote on. I live in Burlington County, where every voter who walked into a polling place this election was given instruction about the new machine that we used. Confusion -- yes; education, we--

ASSEMBLYMAN BARLAS: I'm sorry, Ms. Collinsgru, I need you to bring it back.

MS. COLLINSGRU: I am almost -- I am almost there.

What I'm saying is, confusion is not a reason not to have a fair ballot. Judge Quraishi concluded in his decision that the integrity of the Democratic process for a primary election was at stake. We agree, and we urge you at this time -- when the sanctity of our democracy is questioned by voters, and engagement is questioned, and we're attacked at so many levels -- to put the voters above party and implement the block balloting design statewide.

Thank you for your time today.

ASSEMBLYMAN BARLAS: Thank you.

Anybody have any questions?

ASSEMBLYMAN RUMPF: Briefly.

ASSEMBLYMAN BARLAS: Yes; Assemblyman Rumpf, and then Assemblywoman Park.

ASSEMBLYMAN RUMPF: Thank you, Co-Chair.

A little bit confused by the testimony. As I understand, from what I heard, we would allow for a party slogan on a primary ballot, and that would be construed as fair, per the court's decision.

Did I hear you say that, or am I misinterpreting your words?

MS. COLLINSGRU: I didn't use "party slogan," I just said "slogans." As I believe it was Antoinette -- or it could have been someone else -- testified earlier, there is information in the court record about slogans that are allowed in the fair balloting process. Courts have struck down some other types of references on ballots, so I would say that is the information that should be relied upon.

ASSEMBLYMAN RUMPF: Would you then agree that it may be appropriate for an endorsed candidate to, in some fashion, show that endorsement in the slogan he or she chooses for the primary ballot?

MS. COLLINSGRU: No, I don't think endorsement should be on ballots. That is a process that precedes the candidate running for office, and they have ample opportunity to make the endorsement known, but it should not be on the ballot.

ASSEMBLYMAN RUMPF: OK, thank you.

Thank you, Chair.

ASSEMBLYMAN BARLAS: Thank you, Assemblyman.
Assemblywoman Park.

ASSEMBLYWOMAN PARK: Hi, Ms. Collinsgru.

We're here to make this ballot, obviously, clear to the voter, and, as fair as possible. So, I think this change -- like you said -- it's going to happen, but I'm in a particular -- I hate to use myself as an example, but I think it's already out there that someone is going to be challenging me, who happens to have the same exact last name as myself. And, they're being funded by somebody who has challenged the system -- whatever you want to -- who is out of county.

So, without endorsements, how could I make it clear to the voter, like, I am who I am, and this person who has the exact same last name as myself, who lives in district-- Other than he's a male and I'm a female, what can you, like, recommend or suggest that we can put on the ballot to make some sort of distinction between ourselves.

MS. COLLINSGRU: Well, I think that can be accomplished through byline, slogan, whatever you want to call it. I think the distinction, also-- And, you know, I think everyone having lived through the election we just saw, this is the work of campaigning, right? This is the work of campaigning, and getting the message out there talking to voters. That's where the distinctions are clear, that's where the distinctions happen.

People going into the voting booth, you know-- I mean, in an instance like that, where you have the same name, do you allow male or female? I don't know, that's kind of a unique situation. But, I think the concern here is that there's a perception -- whether, you know, I think there's some discussion about whether this is real or perceived. I see it as being real,

where the party selection and the party endorsement in a primary put the finger on the scale of democracy in a way it should not be. And, that's what we should protect against.

ASSEMBLYMAN PARK: OK.

Thank you.

ASSEMBLYMAN HUTCHISON: May I ask a question?

ASSEMBLYMAN BARLAS: Yes, Assemblyman Hutchison.

ASSEMBLYMAN HUTCHISON: Thank you.

I'm-- Thank you very much, Maura, I really appreciate your testimony.

I am confused as to one thing; I'm hoping you can clarify it. You made two statements regarding the ability to associate. You mentioned candidates can freely associate with another candidate. And, another statement was you should not overtly associate on the ballot.

So, I'd like you to just help me understand--

MS. COLLINSGRU: OK--

ASSEMBLYMAN HUTCHISON: --if there's a conflict or -- just educate me.

MS. COLLINSGRU: Yes, so, when I say "can freely associate," for instance, in your district, you have two other running mates that you were running with. You *can* and *do* associate yourself with those candidates and with your party in all of your literature; in all of your door knocking; in all of your town halls; all of that. I don't think there's any problem with that, and I think that's the way we should be educating voters.

I'm saying that there should not be that kind of an association on the ballot, where, because you're the "chosen Democrat" or the "chosen

Republican,” you get to be listed on the ballot in a more favorable way than someone who maybe ran as an independent, or is challenging the party endorsement.

ASSEMBLYMAN HUTCHISON: To one further point of clarification, you’re against, then, the-- For instance, in my district, there would be two candidates who we’ve associated during the campaigns.

In a block style ballot, would you say that those two candidates should not be right next to each other in any fashion, they should just be randomly, wherever they are on the ballot?

MS. COLLINSGRU: I think that individuals should be listed and grouped together by the office in which they are running for.

ASSEMBLYMAN HUTCHISON: So, if the two-- And, I apologize again; it’s very important that I understand this.

So, let’s say-- I’m going to use the name, because it’s too difficult not to.

MS. COLLINSGRU: (laughter)

ASSEMBLYMAN HUTCHISON: Cody and I were running, and we’re working every day together. When it comes time for the ballot design, can Cody and my name be in a block, as -- which would give the impression to the voter that we’re a team?

MS. COLLINSGRU: I think in elections, it should not be that way.

ASSEMBLYMAN HUTCHISON: OK, that’s fair.

I appreciate your answer, and I know that’s *your*--

MS. COLLINSGRU: Yes--

ASSEMBLYMAN HUTCHISON: --and, you didn't tell us, "Look at the opinion of the judge, and that's going to be the guideline for it."

But, I appreciate your opinion.

MS. COLLINSGRU: Thank you.

ASSEMBLYMAN BARLAS: Thank you, Assemblyman.

Anyone else? (No response)

Thank you, Ms. Collinsgru; I appreciate you taking the time to be here today.

Next up on our list is a late addition -- Steve Fulop, are you there?

ASSEMBLYMAN WIMBERLY: He's going to testify on the 12th, he informed me.

ASSEMBLYMAN BARLAS: He's testifying on the 12th; OK, all right.

Moving right along, then.

Thank you, Co-Chair.

Patricia Doherty.

MS. LAWLOR: She's not in the Zoom.

ASSEMBLYMAN BARLAS: She's not in there; OK.

And, next up, Margaret Illis.

MARGARET ILLIS: Good morning.

My name is Margaret Illis, and I am from Berkley Heights, New Jersey.

Many people I know don't bother voting in the New Jersey primary, because there's usually only one candidate for every position. Why? Because of the outsized influence of the party line and the associated ballot

design. New Jersey has an opportunity to increase voter engagement and provide a ballot design for fairness and accuracy.

I thank the Chairman and Committee members for participating in this important effort.

A friend of mine ran for office a few years ago in a crowded primary field. The candidates spent more time currying favor with the party chairs than they did with the public. Candidates risked long-term relationships with the party if they continued their candidacy in the primary. As a result, very qualified candidates pulled out of the race, and the public didn't have an opportunity to select from a full field of candidates in that primary. This situation discourages public engagement and creates distrust in the process.

I request that this Committee refrain from any recommendations or policies that continue this process in any way. As a former usability professional, I respectfully suggest this Committee look to the experts. This includes the Brennan Center for work on ballot design; Center for Civic Design; and work by the American Institute of Graphic Arts, as endorsed by the Federal Election Commission. Any legislation should provide guidelines and policies that will lead to consistent designs across counties.

I have worked with Whitney Quesenbery in my former corporate role, and she is an expert in usability and, now, voter system usability, including ballot design. The process of usability includes testing designs with users, instead of trusting opinions.

I ask the Commission to recommend financing of the State's initiatives to improve ballot design through the use of design professionals,

to ensure that New Jersey's ballots are effective, fair, and take into account cultural language and education differences.

Again, thank you for listening to the public, and I encourage you to recommend fair and clean office block ballots in both the primary and general elections. I also encourage the Committee to provide better public notice and provide a public session that is not during standard working hours.

Thank you.

ASSEMBLYMAN BARLAS: Thank you, Ms. Illis.

Any questions? (No response)

Next up we have Parul. (No response)

Parul Khemka -- there you are.

P A R U L K H E M K A: Hi.

ASSEMBLYMAN BARLAS: Hi.

MS. KHEMKA: Hi; thank you for giving me this opportunity, I truly appreciate it.

So, I think-- You know, you've heard this again and again. I am actually an active community member; I work, volunteer with a lot of grassroots organizations. This election has been a busy time -- canvassing all over the country, not just in New Jersey.

I think, you know, a couple things. One, we have a semi-open primary, so we do allow independent voters to come in; however, we're putting a thumb on the scale by any kind of indication where we indicate that there is a party-endorsed candidate. I think taking that away already opens it up to make this a more democratic process.

I think the second thing is, you know, I know you have gone back and forth with multiple people about, well, then, why should they be grouped

by party in the general election? I think by that point, there has been enough opportunity provided to learn about the candidate, and I think that in itself should be an indicator. I think we need to encourage people to actually come to our primaries and come -- and enter the race early on. And, when we do it through party endorsement during primaries, I think it sort of does tip the sale -- the scale.

One thing for sure: It doesn't matter which party you belong to. I think we're talking about, overall, a process that is more constitutional and more in line with the rights of the citizens and the candidates. So, I would think that this is -- this should be a no-brainer. I also, obviously -- everybody said this before me, you know, employing expert opinions; engaging with professionals; whatever you need to do. Ultimately, making this process for the people by the people and of the people is exactly where we need to be -- have our heads at.

So, thank you very much.

ASSEMBLYMAN BARLAS: Thank you.

Any questions? (No response)

No? All right.

Next up, Mr. Brian Everett.

B R I A N E V E R E T T: Good morning.

Thank you for allowing me the opportunity to give comment.

I wanted to speak very much in favor of developing a ballot design that mirrors the rulings that not just Judge Quraishi had offered, but the rulings that were then upheld, also in the Third Circuit Court of Appeals.

So, I am very much here to advocate for office block ballot design -- especially in our primary elections, when we consider the various peer-

reviewed research in the social sciences, as well as the different publications and law journals that specifically are focusing on New Jersey at this very moment for this very issue.

It's clear to me that there is only one way forward in terms of what our primary ballots look like, and that is to make sure it is a fair ballot; it is an office block ballot, so that no matter who your allegiance may be to in a county party organization, you do not hold any advantage on the physical ballot itself over another person.

And, especially considering the results of Tuesday's election, I find that more important than ever to make sure that we are assuring our voters all across the State of New Jersey that they have a voice at the very outset of the political process. And, I think we best accomplish that through office block ballot design.

That is really all that I have to say considering the peer-reviewed scholarship, the court cases themselves, and where I think we are as a nation today.

So, again, thank you all very much for this opportunity.

Have a great rest of your day.

ASSEMBLYMAN BARLAS: Thank you, Mr. Everett.

Does anybody have any questions?

ASSEMBLYMAN HUTCHISON: I do; thank you, Assemblyman Barlas.

Mr. Everett, the prior speaker indicated that an individual who chooses -- bear with me one second.

Actually, I'm looking to the Judge Quraishi opinion. When I read it, it suggested that if an individual doesn't want to align with a

particular candidate, he was being deprived of getting that first position, potentially.

And, I guess my question goes to the general election, and what a couple of the other speakers spoke about. If we put anything next to a name, are we not tipping the scales, or putting our thumb on the scale? So, shouldn't we be just putting names and not grouping in terms of any type of Republican or Democrat? Why are we putting anything on the ballot?

MR. EVERETT: I think that's a fantastic question, and I think that's one that our state's Attorney General tried to reckon with before the proceedings continued with the Federal District Court ruling, essentially, where Attorney General Matt Platkin stated that the bracketing process and that whole statute, he views as unconstitutional. So, he could not go to Federal District Court to defend that.

And, whether it is the primary election or the general election, every ballot that I've ever voted on, it's very clear, at the top of a column, which party somebody is a part of. And, that's the point of the primary, too. The primary is to determine who the party will send forward to the general election. There should not be a visibly -- any sort of visible machinations through symbols, or especially through ballot structure.

ASSEMBLYMAN HUTCHISON: So, Mr. Everett, if somebody doesn't want to associate with a particular party, and they just want to have their name, don't you think they're at a disadvantage in a general election if you put anything next to the name?

MR. EVERETT: I don't necessarily think that's relevant, mostly because there's an entirely separate process for independent candidates to get themselves onto the general election ballot.

ASSEMBLYMAN HUTCHISON: But on the ballot itself, on election day, if you have anything next to a name, doesn't it give an advantage?

MR. EVERETT: So, from what we've seen in New Jersey, under the current county line primary ballot design, yes, that has been given a very substantial advantage--

ASSEMBLYMAN HUTCHISON: I'm talking the general election, Mr. Everett.

MR. EVERETT: So, for a general election, in terms of party slogan, is that what you're--

ASSEMBLYMAN HUTCHISON: Anything. Anything at all.

Are you suggesting we should just have a name at the general election and nothing else?

MR. EVERETT: I'm not asserting myself one way or the other for the general election.

ASSEMBLYMAN HUTCHISON: But that's what I'm asking. Because, we're doing-- We're doing a ballot design for both the primary and the general.

And, you said earlier-- You said, you know, for the primary it's important, but not for the general election. So, I'm trying to get an understanding. Shouldn't we look at it like putting nothing next to a name on the general?

MR. EVERETT: I do believe that in the Third Circuit Court of Appeals discussion -- I listened to that on YouTube -- I do believe that those judges extensively discussed that with the Camden County Democratic Committee's lawyer, where they supported the freedom to associate. But, it

was not in any way favored by the court that the freedom of association should so substantially influence the appearance of the ballot.

ASSEMBLYMAN HUTCHISON: One last question, Mr. Barlas; I'm sorry.

ASSEMBLYMAN BARLAS: Yes, go ahead.

ASSEMBLYMAN HUTCHISON: I'm asking for your opinion, Mr. Everett.

Should we have anything other than the name in the general election on the ballot?

MR. EVERETT: The most important thing would be the name. The second most important thing would be party affiliation.

ASSEMBLYMAN HUTCHISON: And, that's where-- And, that's my question. Should we put the party affiliation at the general election ballot on that? And, if your answer is yes, isn't that putting a thumb on the scale versus somebody who is not affiliated with a party?

MR. EVERETT: I don't think so, because I do very much believe we are conflating two very different scenarios, where the primary election is much less attended to than the general election, whether it's a gubernatorial election; whether it's a presidential election; what have you.

And, when in the past in New Jersey, there has been optically advantageous placement on the ballot for some individuals versus others. That is why we are here today discussing this. When we want to consider the general election, and whether or not we're going to put anything else next to peoples' names there, I think that having party affiliation is fine, and I think that in primary elections, the Federal District Court, as well as the Third Circuit Court of Appeals was very clear that slogans is totally fine, too.

But to arrange a ballot to so heavily give an advantage to some individuals versus others -- that is what was ruled unconstitutional.

ASSEMBLYMAN BARLAS: All right.

Thank you.

Anyone else? (No response)

Mr. Everett, thank you for taking the time to be here today.

MR. EVERETT: Thank you.

ASSEMBLYMAN BARLAS: Next up is Ms. Erika Malinoski.

E R I K A M A L I N O S K I: Hello, everyone.

Thank you for giving me an opportunity to testify today.

My name is Erika Malinoski; I am Co-Chair of the Democracy Action Committee for SOMA Action, which is a progressive advocacy organization based in South Orange and Maplewood. And, I am also a District Leader in the South Orange Democratic Party, although what I am saying here is in my personal role.

I also moved here originally from Michigan, which uses the office block ballot for all its races, and have some -- happy to answer questions from a voter's perspective on that as well.

So, in a time of rising authoritarianism and turning away from democracy across the globe, it's critical that us here in New Jersey show our citizens that democracy works. We ensure that voters have a meaningful say in deciding who their representatives are, and that politicians are incentivized to be responsive to and reach out to their constituents.

So, I should not be able to look at my ballot and know ahead of time who is going to win, simply by seeing where they are positioned. I am here to strongly support an office block ballot for the primary; ideally rotating

who is placed first by voting precinct or, at a minimum, all candidates having a fair chance to be first. And, I also support keeping the ballot the same for the primary and the general election, so that voting experience is consistent for voters.

At the end of the day, what we need is a system that is fair to all candidates, and, like I said, incentivizes candidates to be responsive to their constituents. Parties *can* and *should* endorse candidates, but in the primaries, that endorsement should mean that we work our butts off to engage with and educate voters. If voters are getting to the ballot and they don't know who to vote for without slogans and party markers, that means we're not doing our job and we don't have a healthy democracy.

The fix for that is for us to get out, talk to our neighbors, and build an actual democracy where ordinary people are engaged in solving problems and have a meaningful connection to their representatives. Having that as our problem, and we're not doing that, then putting party slogans on the ballot, like, isn't the fix for that -- especially in the primaries. It's been really, really disappointing moving here from states that have the more typical office block system to simply see that when my elected officials are deciding whether they're going to run, and all those sorts of things, to watch them reach out to the party and care about the party and not care about the voters. And, that is a problem.

I'd also like to add as a side note, my municipality has requested to be allowed to use rank choice voting in municipal and school board elections as the State transitions to office block. I urge the Legislature to include language allowing municipalities who wish to use rank choice voting to do so if their voters wish to.

Thank you.

ASSEMBLYMAN BARLAS: Thank you, Ms. Malinoski.

Anyone have any questions? (No response)

No? OK--

ASSEMBLYMAN RODRIGUEZ: I actually do--

ASSEMBLYMAN BARLAS: Yes--

ASSEMBLYMAN RODRIGUEZ: --Vice-Chair (*sic*).

ASSEMBLYMAN BARLAS: Yes, Assemblyman Rodriguez.

ASSEMBLYMAN RODRIGUEZ: I think she brings up a topic that we're eventually going to have to speak about post-designing this ballot, and that's educating the public.

And, so, I guess my question to her -- and, to everyone on the panel -- is, how do we feel on the best practices to get the new -- the new ballot design education to the public?

Because, as we know culturally, the line has been in New Jersey for quite some time. I serve in Hudson County; the line has been the way things have been done here, and now that we move away from that, we are going to have to aggressively educate the community as to how to vote; to remind them that the line does not exist. A lot of people will think that it's a trick, because they've been trained for so many years to vote the line.

So, what is the best practice to educate our communities as to whatever our new ballot design will be? Because we *will* need to educate them so that they know what a new design looks like, and furthermore, more importantly, how to vote in a new ballot.

MS. MALINOSKI: Yes, if I can respond to that, I mean, we have those district leaders and systems set up for both of the parties, you know,

where my district is my neighbors. And, so, I'm out there being like, "Hey," like, "this is how it works." It would not be difficult for me and my partner to go and knock on all our neighbors' doors and be like, "Hey, here's the system."

Also, we did just transition in the primary. We had a different ballot; some counties looked more like an office block ballot, some counties looked more like the line with a little bit of space in between. I will say, coming from other states that do this routinely, it's just not a big deal, it's pretty straightforward -- you just look there, and do it, and people figure it out.

I think the one place where there's going to need to be more consideration is where you have vote for two, and then the number of people you're voting for changes in each time. So, education around that, I do know that the machines -- if I understand correctly -- do have some capacity to tell people if they are over-voting or under-voting, or to prompt them there. So, there are the backups there.

I know there are many, many advocacy groups -- especially now -- that are also -- like I said, I am part of SOMA Action; we are available to help do that education. I think when I go around doing canvassing, I see flyers from four different independent groups trying to get out the vote in an election. And, I think there's a lot of capacity to help voters, and a lot of people who are very motivated to help voters understand how to vote.

ASSEMBLYMAN RODRIGUEZ: So, it sounds like the best approach would be by way of the very campaign, right -- through your district leadership, through local -- local community grassroots organizations, and so on and so forth, right? That -- OK.

MS. MALINOSKI: Yes, it's not mutually exclusive. We should absolutely do that. That is my wheelhouse, and so that's what I, you know, default to and then talk about. But, public education campaigns doing things through their county clerk, you know, advertisements -- whatever -- throw it all at the wall, and you only need one of it to stick.

ASSEMBLYMAN RODRIGUEZ: Thank you.

MS. MALINOSKI: Thank you.

ASSEMBLYMAN BARLAS: Thank you.

Anyone else? (No response)

Thank you, Ms. Malinoski.

Is it MAL-IN-OW-SKI, or MAL-IN-OS-KI? I didn't want to get it wrong the whole time.

MS. MALINOSKI: It is MAL-IN-OS-KI; no W, no relation to the Congressman.

ASSEMBLYMAN BARLAS: OK; sounds good.

Thank you.

Ms. Amber Reed, you're next.

AMBER REED: Thank you, Chair Barlas; thank you, Chair Wimberly; thank you, Committee members.

My name is Amber Reed, and I am the President of AAPI New Jersey, our state's largest Pan Asian grassroots organization. Through our nonpartisan civic engagement work, we seek to address the historic underrepresentation of Asian Americans in really all levels of democratic participation, from our voting booths to representation in government. Statewide, we hold just 3% of elected offices at the county level and above, even though we're 11% of New Jersey's population and growing, making

Asian Americans the most disproportionately underrepresented major racial demographic in our state.

So, we are here today to ask you, a diverse group of dedicated legislators who have been trusted by voters to promote and safeguard an inclusive multi-racial democracy to commit to upholding a simple office block ballot design for primary elections that does not unfairly advantage any candidate over another. Thirty percent of Asian Americans in New Jersey identify as being limited English proficient, and about 83% speak a language other than English at home. Asian American voters are also disproportionately naturalized citizens, and first-time voters. Data from 2020 showed that 74% of Asian American voters were naturalized in the general, compared to 10% of the general voting population.

Unnecessarily complex, non-intuitive ballot designs that make it confusing to understand which candidates are competing for the same office, or how many a voter should select, are very daunting for new voters who fear making a mistake that might invalidate their ballot or even incur a penalty. Additionally, limited English proficient and first-time voters often bring an assister with them, such as a young child who is fluent in English, to help them navigate the voting process. An office block design with a simple list of names, clear instructions to vote for a specified number of candidates, is easier for such assisters to explain.

In the June primary election, AAPI New Jersey and the Asian American Legal Defense and Educational Fund exit polled Asian American voters in Bergen, Hudson, and Middlesex counties -- which were, as you know, all using an office block ballot design for the first time in their Democratic primaries. Yet, 100% of the first-time primary voters we

surveyed, and 92% of all voters with limited English proficiency, said that ballot was somewhat -- or, for the most part -- very easy to understand.

And, I would just like to echo calls by other speakers for user-centered design and user testing that includes a focus on language access. So, seeing how it reads in Korean, (indiscernible), Spanish, other languages that will eventually be required under the VRA Federal or hopefully State in New Jersey, like Chinese -- simplified Chinese.

I'd like to close by observing that many Asian Americans have come to this country to escape oppressive regimes or liberal democracies that are controlled by powerful one-party systems who predetermine the outcomes of elections through unfair means. So, when they enter a voting booth in our state, let's ensure that they see a ballot that instills confidence in America's commitment to true democracy, fairness, accessibility, and a political system that's more vested in engaging with voters than tipping the scales by the ballot design.

Thank you.

ASSEMBLYMAN BARLAS: Thank you, Ms. Reed.

Anyone have any questions? (No response)

No? OK.

Next person up--

ASSEMBLYWOMAN PINTOR MARIN: Sorry; I do, Chairman.

ASSEMBLYMAN BARLAS: Yes, I'm sorry.

Go ahead, Assemblywoman.

ASSEMBLYWOMAN PINTOR MARIN: Ms. Reed, thank you so much for some of the insight that you had.

So, I think that a lot stands for the same for Asian Americans and some of our other cultures, when you're talking about English as a second language, and being able to understand.

Can you tell me on the voters that you guys spoke with after the primary ballot, was there any education -- because we didn't have a lot of time, right, since the primary ballot was designed, and then we went right to voting -- was there enough time for your organization to teach some of the new voters about the office block, and what they mean?

MS. REED: That wasn't really-- I don't think it was an issue for them, because a lot of them were voting for the first time. And, what they actually ended up seeing in the voting booth was a ballot that sort of, like -- the ballot they would expect to see, right. It's a list of names and you pick one of the names. Whereas the county line, where it's scattered all over, tends to be more difficult to understand, like, is this person running for the same thing as this person who is way over here? And, am I allowed to vote for that person way over there if they're not in a line with lots of other people?

I think that's where-- That's more confusing and requires more education.

ASSEMBLYWOMAN PINTOR MARIN: OK.

So, also, because I think there's a difference, right? It was the first time they were actually seeing it. So, for them, it became more of a natural ballot selection, correct?

MS. REED: Yes, I think it would be interesting to -- for your Committee to do some user testing with first-time voters -- or new voters, newly naturalized voters -- and see if -- put both designs you're considering

in front of them and see which one seems harder for them to understand, especially the limited English proficient voters.

ASSEMBLYWOMAN PINTOR MARIN: And, I'm just asking because my parents are-- My dad speaks a lot more English; my mom doesn't. And, I guess because they were used to the opposite, right, the line -- that's what they kind of grew up, once they became naturalized -- that's what they've kind of been used to.

So, for them, seeing it in the office, and then trying to figure out how many people -- like, they did have help at the polls, and I was, as I was younger, I was -- like you said, I used to be -- I was brought everywhere in order to translate and fill out documentation. A lot of us first generation are the ones that do that.

So, I think for them, they were just taken aback by how many people, right -- because depending on what election, if it's a Board of Ed., you have to pick three people -- at least for us -- and then for them, they were, like, confused as to certain offices. Like, do they just pick one, do they pick two? So, I guess, like, for them, it was a little bit different than the first-time voters, with regards to their education and how they need to move forward in voting.

MS. REED: Yes, I wonder if the sample ballots that are sent by, I believe it was counties ahead of time, would help there. And, I also love-- Shout out to Professor Rubin for her suggestion that we invest in voter education as states like Washington and California do.

Because, I think you're right; you're probably right. It might be an adjustment for people.

ASSEMBLYWOMAN PINTOR MARIN: Yes, so I think it's both ways.

All right, thank you.

I'm always just curious to kind of hear the opposite. So, I really appreciate it.

ASSEMBLYMAN BARLAS: Thank you, Assemblywoman.

Anyone else? (No response)

No? (No response)

Thank you, Ms. Reed.

Next up is Ms. Anjali Mehrotra.

ANJALI MEHROTRA: Thank you.

I want to thank both Chairs Wimberly, Barlas, and the members of this Committee for the opportunity to speak today.

My name Anjali Mehrotra; I am a grassroots organizer who has led statewide organizations to influence policy, and also someone who has run as a candidate for public office twice.

Today, I am going to offer my testimony as a private citizen. I will also mail the written copy of this -- email it out.

ASSEMBLYMAN BARLAS: Thank you.

MS. MEHROTRA: There's been a lot of conversation today about the merits and the disadvantages, and, in general, of the line and what New Jersey called its unique ballot design. I just wanted to take this opportunity to dispel two myths that have somehow become part of the narrative.

The first is that the line -- or, as I'm going to refer to it, organizational support, because that is what it actually represents -- hurts

women and candidates of color. The fact that this is often used as an argument for equity and gender parity is disappointing, frankly, even a little infuriating. The truth is that competitive primaries -- primaries without any organizational support for candidates -- is probably going to hurt women and candidates of color. Without support, the winner in such elections is likely going to be the candidate who can raise the most money. And, traditionally, that has not been women or Black and brown candidates.

We saw this play out earlier this year in California's Senate primary, where two women -- one of them was Black -- were edged out by the white male candidate who significantly out-raised them.

Many of the comments today have been about fairness in our election process. I would argue that any conversation about that topic is just perfunctory, without taking into account the influence of money in elections. And, I believe that an unintended consequence of the office block design will be to increase this influence.

I can also speak from my own experience. In 2021, I was one of the Democratic candidates for Assembly in LD21, along with another woman. The only reason why we had two women as the Democratic candidates that year was because the party supported us. Had there been a competitive primary, there would have undoubtedly been other white male candidates with the ability to raise a lot more money. And, the chances were very high that one or possibly both of us would have been knocked off the ballot. If we want a more equitable and representational government, we need to be intentional about it; we cannot leave it to chance.

The second narrative is that voters, especially in urban areas who vote down the line, do so without thinking. I find it, frankly, incredibly

offensive to suggest that these voters do not have agency, or are somehow incapable of making their own decisions. All voters deserve the respect of the candidates who want to respect them. I live in Union County, and here, we have seen candidates who are well-funded, who run well-organized campaigns, win without organizational support in towns like Hillside, Roselle, Linden, and more. Somehow, however, those races and wins have been ignored by those who constantly speak against the organizational advantage in our current ballot design. And, across New Jersey over the years, we have seen legislative *and* congressional candidates prevail without organizational support.

My request to this Committee and the Legislature is to recognize that the advances that we have made in racial and gender parity in our government have largely been due to the intentional work of our party organizations. If we are to continue to make progress on those fronts, we must ensure that party organization slogans for candidates who have chosen to run as slates continue to be part of the new ballot design.

Thank you for your consideration and attention.

ASSEMBLYMAN BARLAS: Thank you.

Anyone have any questions or comments?

ASSEMBLYMAN HUTCHISON: Yes, briefly.

Anjali, Dan Hutchison here.

So, I just want to make sure I understand your testimony. Are you in favor or not in favor of office block?

MS. MEHROTRA: I don't know that I really have an opinion on that either way, but I think this idea that organizational support somehow creates an unfair advantage -- I think there's a lot of things that create unfair

advantage in elections in general, and I think Number 1, money; 2, it could be ethnicity, depending on your constituency. There are lots of different things.

To pick on this one thing as being the one thing that somehow puts the thumb on elections I think is wishful thinking. To be honest, as a woman, as an immigrant, as somebody of color who has run for partisan election, I can tell you that there are a lot of disadvantages and barriers that I faced.

ASSEMBLYMAN HUTCHISON: So, I understand your comments, I think. And, so you're in favor of the slogan. That, I think, is clear -- correct?

MS. MEHROTRA: Absolutely.

ASSEMBLYMAN HUTCHISON: Because without the slogan it becomes a money contest, and it disadvantages other individuals.

MS. MEHROTRA: Right.

ASSEMBLYMAN HUTCHISON: OK.

Thank you very much; I appreciate it.

MS. MEHROTRA: Thank you.

ASSEMBLYMAN BARLAS: Thank you, Assemblyman.

Anyone else?

ASSEMBLYMAN WIMBERLY: Coach here.

ASSEMBLYMAN BARLAS: Yes, sir.

ASSEMBLYMAN WIMBERLY: Just a quick question.

And, obviously, it would be a concern -- and, I hear her saying that, you know, gender and color plays a major factor.

I would just like to know, what do you think, in particularly, was your -- you know, was impeding your election the most?

MS. MEHROTRA: Sorry, what is the last question? Could you repeat that?

ASSEMBLYMAN WIMBERLY: What impeded you -- when you're saying gender and race -- what do you think impeded your election the most?

MS. MEHROTRA: Honestly, I think the ability to raise money. As I noted before, I'm an immigrant, so being an immigrant, I came here when I was 19. I didn't go to high school here; I wasn't born here. So, I don't have family and a network going back to when I was born that I could reach out to to raise money. I also chose to leave the workforce to raise my family, which meant that I also did not have *that* network.

So, I think not recognizing-- At the same time, do I think I was a great candidate? I mean, I worked on policy; I was running for the Assembly -- I do think I was a great candidate. I understand the process; I am well educated. But, I think we need to recognize that if I did not have organizational support, if I did not have Democratic Party helping me (indiscernible) the election, that would be a real issue--

ASSEMBLYMAN WIMBERLY: Organizational support (indiscernible) interest in who you are.

MS. MEHROTRA: Right.

ASSEMBLYMAN WIMBERLY: OK; thank you.

MS. MEHROTRA: Thank you.

ASSEMBLYMAN BARLAS: Thank you, Co-Chair.

Anyone else? (No response)

Thank you, Ms. Mehrotra.

MS. MEHROTRA: Thank you.

ASSEMBLYMAN BARLAS: Next, Ms. Yael Niv.

Y A E L N I V, Ph.D: Hi; excellent timing.

ASSEMBLYMAN BARLAS: Yes, there you go.

DR. NIV: Hi.

So, my name is Yael Niv, and I am the President of the Good Government Coalition of New Jersey. The Good Government Coalition of New Jersey is a nonpartisan grassroots group whose mission is to strengthen democracy by working with residents across our state to bring greater transparency, accountability, and participation to our State and local governments.

In my position as President of GGCNJ -- as we fondly call it -- I've traveled up and down the state and met with thousands of voters to talk about our primary election ballots. We started doing this way back in 2017. And, everywhere, I heard one thing: Voters in New Jersey want fair ballots where no one is putting a thumb on the scale -- like the ballots in almost every other state.

Voters who used to live in other states are shocked at how confusing and undemocratic our current primary ballots are. Rigging ballots in favor of one candidate or the other doesn't make for strong parties. Fair primary ballots make for a stronger democracy. They engage voters who can then support -- who then support their candidate through to the general election as well. And, we've seen one recent example: Senator-Elect Andy Kim, who was basically the voter's candidate. He would not have been our candidate this past Tuesday, had we had a line in the recent primary. He

won with a larger margin than Kamala Harris did in New Jersey. People were really energized by his candidacy. I know *I* went out to canvass for him, etc.

So, yes, competitive primaries cost money, but this means that voters get to choose the candidate who will best represent them. And, after donating to the primary, they donate even more time and effort and money in the general election.

Fair ballots, as you've heard from many others, are simple and easy to draw and to use. They have blocks for each office, with a clear title of the office and how many to vote for on top. And, then underneath, the names of the candidates *only*. No slogans or other differentiations. And, also, importantly, the order of the names should be randomized by voting precinct so that each candidate is listed first for an equal number of voters.

And, I want to clarify that, since we're talking about primary election ballots, slogans are not needed. All the candidates are in the same party, and so party affiliation doesn't need to be mentioned. No other state allows slogans to group candidates by endorsement. And, there was -- there were a lot of questions here about providing information to voters, and I want to stress that the purpose of the ballot is not to provide information. The ballot has one purpose, which is to let voters express their choices. There are many other places where we can provide information to voters.

An office block ballot is so intuitive to use that we saw no confusion in the last primary, where all democratic primary ballots used office blocks by court order. It's the line that was and is still confusing to voters. At GGCNJ, we have heard from many voters who are not sure if they're allowed to vote in more than one column if they can choose, when it's vote

for two -- one candidate for one column and another candidate for another column; they were very confused about that.

It's true that with a fair ballot, voters will have to find out about the candidates, but we're all happy to do that. We're intelligent people; we do this routinely for Board of Education candidates, and we know our role in a democracy. New Jersey can make it easier by having something like a central website where each candidate would have a dedicated page. This is really easy to do with modern technology. Or -- and -- we can send voters booklets by mail, as California and Washington do.

So, I want to end by saying that the ballot is a document that belongs to the voters, not to the party. And, our elected officials should be working for us, the voters. Voters in New Jersey demand the fairest and most little 'd' democratic ballot available, which is an office block ballot with rotating order.

Thank you for letting me testify today.

ASSEMBLYMAN BARLAS: Thank you, Ms. Niv.

Anybody have any questions?

Assemblyman Rumpf.

ASSEMBLYMAN RUMPF: Thank you.

I like the idea of a candidate page for that information gathering, the members of the public.

Would you suggest that should be at every level, from school board to council? Assembly all the way up to President?

DR. NIV: Yes, why not? It is very easy to set up a website where each candidate has a log-in to update just their page. They can put content there, etc. If they don't put content, it's their problem; nobody else has to

do the work for them. But, then, voters can really easily find candidates. Today, if I look for candidates, some of them have a page on Facebook; some of them have no page. It's really hard to find information.

And, if there was one central place, it would really make it so much easier to know who you're voting for and why you're choosing one person versus another.

ASSEMBLYMAN RUMPF: Maintained by the Board of Elections, or such similar entity?

DR. NIV: Exactly, exactly.

ASSEMBLYMAN RUMPF: Thank you.

DR. NIV: Thank you.

ASSEMBLYMAN BARLAS: Thank you, Assemblyman.

Anyone else? (No response)

Thank you, Ms. Niv, for your time today.

DR. NIV: Thank you.

ASSEMBLYMAN BARLAS: Next up, Ms. Rebecca Scheer.

R E B E C C A S C H E E R: Hi; thank you for the opportunity to testify.

My name is Rebecca Scheer; I live in Maplewood in Essex County.

I am also the Vice Chair of our local Maplewood Democratic Committee, although I am speaking today only on behalf of myself, and not on behalf of our local political organization. Although, I feel the many members of our committee -- and, certainly, many voters in Maplewood -- would agree with what I'm about to say. And, also, that our local Democratic Committee did unanimously pass a resolution opposing the county line, *and* unanimously voted to allow all local candidates endorsed -- whether they're

endorsed by us or not -- to appear on the county line when we had a county line.

So, in Maplewood, we sway heavily Democratic. We have over 18,000 registered voters; of those, nearly 70% are registered as Democrats. Only 5% are registered as Republicans. Preliminary numbers from the Clerk's Office show that in Tuesday's election, 90% of Maplewood voters voted for Harris; 89% voted for Andy Kim; 90% voted for Mikie Sherrill. Most significantly, nearly 100% voted for our local township committee candidates, as they did not have a Republican challenger. Since I moved here nearly 10 years ago, I don't think anyone has run locally as a Republican. We don't have a local Republican Committee that I'm aware of.

So, in Maplewood, the winner of our election is determined in our primary. Our general elections are so very rarely competitive, and our voters deserve competitive elections. It drives up turnout; it drives up interest in the race; and it allows voters to become familiar with the candidates. It gives voters agency and a stake in who is elected. And, making elections competitive includes offering our voters a primary ballot which uses an office block format, and one in which all candidates are given equal placement on the ballot, and placement that does not favor any candidate over another in any way.

Fair ballots in our primary elections also allow our voters to trust and be involved with their local political parties, and to think of us positively. In short, ballots which favor any candidate over another hurt our party. Fair primary ballots will strengthen our party. Let voters make their choice based on the strength of the candidate and on the campaign that they run -- not where or how they show up on the ballot.

ASSEMBLYMAN BARLAS: Thank you.

Anyone have any questions? (No response)

Ms. Scheer, I actually have a question for you.

You mentioned that you guys unanimously passed a resolution in Maplewood to put everybody on a line, or nobody on a line? How did you--

MS. SCHEER: Just our local township committee. So, no other office, just what we do locally here in Maplewood.

ASSEMBLYMAN BARLAS: So, that year, how many people did you have running?

MS. SCHEER: We had two people running for one open seat.

ASSEMBLYMAN BARLAS: Two people running for one open seat. So, presumably, they were side by side?

MS. SCHEER: Yes.

ASSEMBLYMAN BARLAS: OK--

MS. SCHEER: I think it was 2021 we did that.

ASSEMBLYMAN BARLAS: OK, and it just said, "Pick one."

MS. SCHEER: Yes. And, they both had the endorsement of the Essex County Democratic Committee.

ASSEMBLYMAN BARLAS: Oh, I see what you're saying.

OK.

MS. SCHEER: We endorsed-- And, that's another thing that we voted to do: endorse more than one candidate in our local races so that the choice is given to voters, so that we can support-- And, some other people have mentioned on here that party endorsement involves more than just

placement on the ballot or slogan; it involves offering them money and other resources and support.

So, we endorse more than one candidate -- more candidates than there are open seats for, so that we can give them all support and offer that choice to the voter, that we're not making it on behalf of the voters.

ASSEMBLYMAN BARLAS: So, they were bracketed with everybody else?

MS. SCHEER: Yes.

ASSEMBLYMAN BARLAS: OK, interesting.

All right, thank you.

Anybody else?

MARK PEPPER: Hi, this is Mark Pepper; I'm still here.

ASSEMBLYMAN BARLAS: You're here, all right, well, then, Mark, we're coming back to you, since you had an asterisk.

Go ahead.

Thank you, Ms. Scheer.

MR. PEPPER: Can I just -- oh, can I speak?

ASSEMBLYMAN BARLAS: Yes, go ahead.

MR. PEPPER: Oh, OK, just one second. I have to get my -- I'm on my phone, I have to go back to my other screen. Hopefully I won't lose the call.

Just give me a second.

ASSEMBLYMAN BARLAS: OK.

MR. PEPPER: OK, I did submit my written testimony -- same thing I'm about to say.

ASSEMBLYMAN BARLAS: Yes.

MR. PEPPER: But, before I begin that, I have to say it's been a very fascinating discussion. I am so proud of all the members of the public who have presented. The questions asked are quite thought-provoking, as are many of the comments that would (indiscernible) the various testimony -- whatever you call them -- that they have all done.

So, I want to just say, I live in West Windsor. We are one of the fortunate towns to have nonpartisan municipal elections, and as of two days ago, we still do -- we almost didn't. I cross Route 1 from Princeton, they are like Maplewood -- wonderful town, very -- I engage very much so. With Princeton, Republicans don't bother to run, because the same thing as Maplewood. So, it doesn't seem very democratic, but I still love Princeton. But, I like West Windsor more.

So, let me begin.

Thank you for the privilege and opportunity to testify today. I am also a transplant from Pennsylvania to New Jersey, moving to West Windsor in 1992. Through Pennsylvania, as has been stated, we're one of the states that had real primaries because we had unconfusing ballots. I last voted in Pennsylvania in '92 -- or -- yes, I guess '92. And, I had -- nobody had any trouble understanding those office block ballots -- I didn't know that's what they were called, but there was no confusion.

I fully support fair office block ballots with candidate order rotated by voting precinct, so that each appears first, second, etc., for an equal number of voters to avoid giving one candidate an unfair advantage should they always be listed first. Also, no slogans -- just offices and names of candidates.

And, sure, this is not the only problem, or the only solution to having fair primaries. That has been made clear by previous speakers. But, it is an important step to have fair and clean ballots. This is essential so that we can eliminate unjust and unneeded electioneering and interference in our elections from the New Jersey machine politics of both major parties.

There is way too much influence on our elections by wealthy donors with their deep pockets and dark money, further exacerbated by the misguided 2010 Supreme Court Citizens United decision. These donors include “citizens,” in quotation marks, who are union leaders, developers, lawyers, and corporate capitalists -- among others, each with their own personal agendas and self interest.

This leads me back to West Windsor. A large group of West Windsor residents formed a determined coalition of engaged voters and taxpayers including Democrats, Republicans, independents, and unaffiliated, whose common bond is a shared sense of fairness, common sense, love of our township, but also revulsion towards the current state of corrupt, dysfunctional partisan politics that is destroying our state and country.

What we accomplished in a matter of a few months was to tell the Democratic political machine of Mercer County -- and New Jersey -- to go take a hike. We resoundingly rejected a ballot question 65% to 35%--

ASSEMBLYMAN BARLAS: Mark, I need -- Mark, I need you to stay on what we're talking about, please.

MR. PEPPER: Well, this is related.

Designed to reintroduce partisan politics to West Windsor municipal elections, the pro-partisan effort was backed by a small group of West Windsor Democrats and a large group of outsiders. It was fully

endorsed and largely funded by just about all the elected Democratic officials in Mercer County, party bosses from Mercer County, and other New Jersey counties. Union leaders, and even a New Jersey law firm that provided the dark money pact. This is definitely related, because it speaks to the problems with the elections in New Jersey -- which go beyond the ballot design.

ASSEMBLYMAN BARLAS: Mark, I understand what you're saying, but we're here to talk about ballot design. So, I just need you to keep it on that.

MR. PEPPER: OK, so, I have -- OK, I was an original supporter of Christine Conforti, I was one of the people who encouraged her to file her lawsuit. I've been a member of the Good Government Coalition since its inception.

They've been -- just like the group in West Windsor, they've been -- they have been working for years and have also successfully told both the Democrat and Republican New Jersey party boss system to take a hike, and take your hands and thumbs off our ballots. As Yael said, the ballot is a government document, and it belongs to *us*, the citizens, and not to either political party.

Please do the right thing now -- finish the job. Create a fair office block primary ballot that we the people in New Jersey deserve. We demand fair and real -- not fake -- uncontested primaries, that we can actually elect the leaders that the voters select; not the party bosses.

And, I will reemphasize, in Pennsylvania there's plenty of corruption, but not about the ballot design. And, this just -- it's unfathomable. When I moved here in 1992, the first thing I couldn't understand were the primaries. And, as I educated myself, now I know what's

rotten in New Jersey, and it's the ballot design -- along with a lot of other stuff.

Thank you.

ASSEMBLYMAN BARLAS: Thank you very much for your time.

Anyone have any questions? (No response)

No? Thank you, Mark.

Next up is--

MR. PEPPER: You're welcome--

ASSEMBLYMAN BARLAS: Lisa Vandever.

Lisa? (No response)

No? OK.

We'll go -- Christopher Emrich.

MS. LAWLOR: Christopher is not registered to testify.

ASSEMBLYMAN BARLAS: OK.

Next up, Andy Weiss.

A N D Y W E I S S: Hello.

ASSEMBLYMAN BARLAS: There you are.

Good morning -- or, afternoon, I guess.

MR. WEISS: Good morning.

And, thank you for this meeting.

Respectfully, the unfair Democratic county line ballots are responsible for entrenched political machines and county bosses in New Jersey. The Federal Judge ruled that the Democrat county line ballot design was unconstitutional. New Jersey Attorney General Matt Platkin also

believes that the Democrat county line ballots are unconstitutional. Senator-Elect Andy Kim is also against county line ballots.

I also believe the county line ballots are unconstitutional. I believe that the Democrat county line ballots are deceptive and create the worst Democrat party political machines and county bosses all over New Jersey. Democrats cannot win on ideas, and use deceptive and unconstitutional county line ballots to create brutal political machines and county bosses that stay in power for decades.

Democrats design unconstitutional deceptive county line ballots to gain an unfair advantage, and create brutal Democrat machines, and keep county bosses in power for decades. The unconstitutional county line ballots create Democrat political machines and party bosses that ignore the people, and treat us like the enemy.

ASSEMBLYMAN BARLAS: Mr. Weiss -- Mr. Weiss, I need you to keep it on the ballot design itself, please.

MR. WEISS: Thank you; OK.

The unconstitutional county line ballots have destroyed our quality of life in New Jersey by creating authoritarian Democratic political machines and county bosses that are cruel, and ignore us. We need honest elections, and to remove Democrat county line ballots forever in New Jersey.

County line ballots create entrenched Democrat political machines and party bosses for decades, against the wishes of people. Authoritarian Democrat county bosses and political machines need unconstitutional deceptive county line ballots to stay in power. No more entrenched Democrat political machines and county political bosses.

County line ballots are terrible for democracy, and need to be permanently removed. We need clean and easy-to-understand ballots without an unfair advantage. Democrats should spend their time on actually helping working people instead of creating deceptive county line ballots and corrupt county bosses.

Thank you.

ASSEMBLYMAN BARLAS: Thank you, Mr. Weiss.

Next person up is Ms. Geri Jannarone.

MS. LAWLOR: Geri is not registered to testify.

ASSEMBLYMAN BARLAS: OK.

All right, thank you.

Next up, Ms. Mara Novak.

M A R A N O V A K: Hello Chair Wimberly, and Chair Barlas, and the rest of the members of the Committee.

I am Mara Novak; I am a Co-Executive Director of NJ 11th for Change. We're an unaffiliated grassroots group that has worked steadfastly since 2017 to support and advocate for all people of New Jersey's 11th District and beyond statewide.

One of the things in our mission statement is a quote from Thomas Jefferson, who said, "Whenever the people are well-informed, they can be trusted with their own government." And, at NJ 11th for Change, we trust that an informed community is a strong community.

Much of our work happens during election cycles, where we work to inform the community about the election process, and we've consistently advocated for ending the party line on our primary ballots and move to office block ballots. We believe that the office block ballots are fair; they're easy to

read and understand; and are inherently more ‘small d’ democratic. And, as has been mentioned by other speakers, there have been NJ counties that have been using office block ballots for years without any trouble. So, we think it’s something we should have. I mean, we believe in a statewide, consistent ballot, but also that they should be office block.

In addition, we believe that every individual candidate running for office should have an equal opportunity to appear in the first position on the ballot. So, there should be no ballot position advantages for incumbency, for example. We think that ballots should be designed so there is randomization, or rotation of candidates by voting precinct to account for ballot order effects. And, we think that can be done now that we have electronic ballot machines. That should be not too difficult to do.

And, then, this kind of is relevant in terms of some of the conversations we’ve had in terms of voter education. We support the idea of sending out voter guides with short statements from all candidates on a ballot as a way to help voters be more informed about their choices. Me, personally, as somebody in leadership, I field questions during the election cycle all the time about, “Who is this candidate? I have no idea, and there isn’t any information.” And, I believe another speaker mentioned that, that there should be-- I think that should be printed and sent to every voter, but that also, it should be something that’s available on a county clerk’s website or a Board of Elections website, so that people can easily access information about the candidates. And, that’s just not available consistently right now.

And, then, finally, we support moving to electronic ballot designs -- ballot drawings. I attended a few of them, and the current system is-- I mean, certainly in Essex and Morris, where I’ve seen them, it’s really quaint

and old-fashioned. And, it's an archaic artifact that needs to be updated, so we need to move into the modern era on doing ballot drawings to make sure that our elections are fair.

Thank you.

ASSEMBLYMAN BARLAS: Thank you.

Anyone have any questions? (No response)

No? All right.

Thank you very much, Mara.

Next up is Ben -- man, I've been doing well -- DIZ-YO-BECK?

B E N D Z I O B E K: Yes; JOE-BECK.

ASSEMBLYMAN BARLAS: JOE-BECK; all right.

MR. DZIOBEK: To be fair--

ASSEMBLYMAN BARLAS: I tried. You've got a 'D,' a 'Z,' and 'I,' and an 'O,' I don't know, man--

MR. DZIOBEK: It's not on you, it's on the Polish.

ASSEMBLYMAN BARLAS: (laughter)

Thank you.

Go ahead.

MR. DZIOBEK: Hello.

My name is Ben Dziobek; I am the Executive Director of Climate Revolution Action Network, an organization representing thousands of Gen Z New Jerseyans working to uplift each other and coordinate to fight against the climate crisis.

Thank you, Assembly members, for giving me the opportunity to speak today.

But, to everyone in this room -- especially to those who support the county line -- I'll be blunt: People see right through this. Young people in particular are not fooled. They know this hearing's timing was designed to dodge accountability, and I am here to make sure our voices are impossible to ignore.

The county line system in New Jersey isn't *just* a ballot design -- it's an undemocratic machine. It's a system that directly advantages those who already have power and influence; those who are hand-picked by party insiders while everyone else, especially younger, independent-minded candidates, are cast to the fringes. What does it say about our democracy when we allow a ballot design to dictate the outcome of an election before voters even show up? This isn't voter choice; it's voter manipulation. Voters are not confused by anything other than your system. We are not stupid; please stop implying that. If you cannot win an election with just your name -- you do have a first and last name -- you did not campaign hard enough, and you should not win.

Let's talk about who this impacts the most: Young leaders, new voices, and everyday New Jerseyans who want change. When younger candidates who often lack deep pockets and the connections of the establishment choose to run, they are met with a ballot design that buries them. They are pushed off the line and hidden. It is not just the candidates who suffer, it is the voters -- especially young voters who are eager for fresh perspectives and to see through the tired rhetoric of the status quo of politics. These are voters who are robbed of their choice, manipulated into thinking that they are only the county line is the only viable and worthy way.

This system does nothing but reinforce the stranglehold of political insiders that ensures the power remains in the hands of the few, and that our politics remain stale and disconnected from the needs of real people -- young people. Our issues are monumental: Climate change; crushing student debt; housing. These aren't abstract policy debates, they are urgent existential challenges that shape our daily lives.

You've had the super majority for years and have refused to act on anything that matters to us. The results of the system-- The results and rebuke of the system shown by the presidential election is on all of us. We need to-- We need representatives who will fight tooth and nail for us; who understand what it's like to be a young person trying to build a life under the weight of the challenges that we face. By keeping an outdated manipulated county line system, we are shutting out the very candidates who have the vision and courage to tackle the problems head on. This is not an inconvenience; it's a betrayal of the next generation. It's telling us that we are unwilling -- or not willing -- to do anything but fall in line, and our voices do not matter.

To those in this body who continue to defend the county line or its influences on the ballot, let's be clear: You support a system that isn't about helping voters. It's about helping yourself. It's about holding onto the power and shutting out anyone who might challenge it. You rigged the game, and then stood back and acted as if it's somehow fair. The system allows you to play kingmaker and decide which candidates have a shot. That is *not* democracy; it's gatekeeping; and it's wrong. We deserve better, and young people in this state deserve to see leaders who earn their place, not have it handed to them by a system designed to prop up the chosen few.

New Jersey's young people are awake, we are ready for change, and we are done being told to wait our turn to sit quietly on the sidelines and to accept that this is how things work. We are done with the county line, and we are done being ignored. If you truly, *truly* believe in democracy and believe in fair representation, you will eliminate the county line and not seek to recreate it. You'll give New Jersey a ballot that values every candidate equally, and a ballot that follows judicial rulings already that have ended the line. A ballot that respects the intelligence and independence of its voters, and a ballot that encourages fresh voices instead of burying them.

Thank you.

ASSEMBLYMAN BARLAS: Thank you, Ben.

Anyone have any questions for Ben? (No response)

No? All right.

Thank you.

Next up, Herb Tarbous.

HERB TARBOUS: Thank you, Co-Chair Barlas, for the opportunity to testify today.

I am Herb Tarbous; I am the Co-Founder of Voter Choice New Jersey, an organization with 3,000 supporters across the state. We advocate for rank choice voting --- specifically Senate Bill 1622 and Assembly Bill 4042, co-authored by Senator Zwicker. And, we have seven municipalities around the state who have endorsed this effort to bring rank choice voting to municipal and school board elections.

We fully endorse the use of office block ballots with random positional randomization as some of the first steps towards protecting our democracy. Picking up on something Al said earlier, the ballot itself is the

mechanism or the artifact by which voters can express their opinion to the government.

And, let's take an example where it falls short, currently. Given a situation where we have three people running for an office, someone could go into the voting booth with the opinion they like candidate A the most, but they would settle for candidate B as a second choice. The current ballot does not-- There's no way for that voter to express that opinion in the voting booth at this time. So, essentially, the idea of having what's called a "single-mark ballot" infringes on First Amendment rights of free speech in the voting booth. And, the solution to that is rank choice voting, we believe.

Rank choice voting--

ASSEMBLYMAN BARLAS: Herb, I hear what you're saying, but we're only talking about the ballot design; we're not talking about rank choice voting today.

MR. TARBOUS: That's correct, but the ballot design-- But, the ballot design needs to be an office block to facilitate rank choice voting down the line.

Rank choice voting is a ballot issue. The ballot design has to be able to let voters express their full opinion in the voting booth, and that's something that's not currently done with the current single-mark ballot. Rank choice voting is a multi-mark ballot where voters can express their full opinion in the voting booth.

Given that the voters cannot express their full opinion in the voting booth, it has been shown that this leads to an emergent property of polarization within our political system. So, I would encourage the

Committee to adopt the office block ballots as a first step towards reducing the polarization in our political system.

Thank you.

ASSEMBLYMAN BARLAS: Thank you.

Mary from OLS, I believe that was our last speaker.

The only two people I have marked off here -- Richard Winger and Jared Hunter. Did they ever come back, or no?

MS. LAWLOR: No, we had a few who didn't actually come into the meeting.

But, Lisa Vandever was able to log back in, so she's--

ASSEMBLYMAN BARLAS: She's back in?

MS. LAWLOR: Yes.

ASSEMBLYMAN BARLAS: OK.

Lisa, are you there?

L I S A V A N D E V E R: Yes, I'm here.

ASSEMBLYMAN BARLAS: Great; the floor is yours.

MS. VANDEVER: Let's see.

I am a Co-Leader of the progressive grassroots group Indivisible Rahway, and I am-- I have also run for local office before. But, today, I am speaking as a voter and a constituent. A resident of Union County, New Jersey, for the past two decades, I have also had the experience of voting in a few other places -- Chicago, New York, and in my original home state of Oregon.

It took me several seconds of voting here to fully comprehend what made the New Jersey ballot so baffling and distinct from any I have experienced before. That difference, of course, is the county line. And, I'm

taking my jumping off, but we're just going to have to switch to office block style of ballot.

It shouldn't be that difficult to come up with a suitable template for New Jersey, since every other state -- except for a few examples -- use the office block ballot template. I would point you to Oregon, which uses office block for all of its elections, including both primary and general.

If you look at a recent example -- and, I'll include links in my written testimony -- you'll see several key attributes that make it simple for the voter. Candidates are grouped according to office slot, from Federal on down to the state and then local and then ballot measures. The ballot is in black and white only, using upper lowercase fonts and flush left in all instances. The top line in each grouping indicates office slot, while the next line, in larger font, indicates how many candidates should be voted on from that grouping -- i.e. vote for one or vote for two, so on and so forth.

Candidates are identified individually and solely by name, with the exception of incumbents, who are clearly noted, and in the general election they do denote party for each candidate. Position in each grouping is determined by a random scrambling of the alphabet, applied by the State.

As for how voters will know how and for whom to vote, like others have said, we're smart. We can do the research. Like many states, Oregon has a long history of sending out a newsprint voter's guide to every voter in the state. In recent years, they've also implemented an online edition. Every candidate is invited to submit a statement for inclusion. They are limited by length and legal review only, then printed as-is. It's up to the voters to sort through the information on their own; make their own decisions

as to who will best represent their views; and it's up to the legislators to entrust us, the voters, with that.

As I said, I'll be providing links to my examples in my written testimony.

And, I thank you very much for your time.

ASSEMBLYMAN BARLAS: Thank you very much.

I believe that is everyone, unless--

ASSEMBLYMAN HUTCHISON: (indiscernible)--

ASSEMBLYMAN BARLAS: One second, Assemblyman.

Do we have any other testifiers?

MS. LAWLOR: No, that's it.

ASSEMBLYMAN BARLAS: OK.

Go ahead; sorry.

Assemblyman Hutchison.

ASSEMBLYMAN HUTCHISON: Hi, Lisa.

MS. VANDEVER: Hi.

ASSEMBLYMAN HUTCHISON: Thank you very much for coming today; I appreciate that, as well as everybody on here.

Question on-- One of the prior speakers indicated that the ballot is not necessary to provide information.

MS. VANDEVER: Correct.

ASSEMBLYMAN HUTCHISON: Then why are we putting incumbent? Why are we putting a party? Why are we putting anything other than the name?

MS. VANDEVER: Personally, providing the Oregon example for the primary, I think you can do away with incumbent? I imagine that will face some resistance from the Committee.

ASSEMBLYMAN HUTCHISON: I mean, but--

ASSEMBLYMAN BARLAS: We don't have that now, just so we're clear. Just so everybody understands it, we don't have that now.

ASSEMBLYMAN HUTCHISON: OK.

If we're really just theoretical, and we're trying to go from a blank slate to something -- which is what I believe everybody here is doing -- why would we start by identifying distinguishing features on a ballot if, in truth, the ballot is not necessary to provide information?

MS. VANDEVER: I agree.

ASSEMBLYMAN HUTCHISON: And, secondly, why would we differentiate between a primary ballot and a general ballot?

MS. VANDEVER: Well, the primary, with everyone all in-- The whole use of slogans I had never experienced before, and the fact that, like, the "Union County Democrats," that's trademarked, I think is silly. I think we're all Democrats, we're running against each other as Democrats. I don't think that the incumbent designation is necessary, so we could throw that one out.

I do feel like when we get to the general, the various parties-- I don't know how you would get onto the ballot unless you'd come through a party system.

ASSEMBLYMAN HUTCHISON: Well, Ross Perot, I don't believe was part of a party. I could be wrong on that.

MS. VANDEVER: I don't know.

ASSEMBLYMAN HUTCHISON: But, think about from Ross' position, OK. Ross wants to go for president; he gets on the ballot. Is he not at a distinct disadvantage if he chooses not to align with a particular party? Would-- I mean, if we're theoretical, aren't we just simply saying, "Put the name on there, and the voters are smart enough to find out who everybody is?"

MS. VANDEVER: Who everybody is.

I could go along with that. I don't know that your parties would be happy with that, but, you know, you look at-- We have Democrats, we have Republicans; independent has to go through their own-- Green Party, Libertarian. So--

ASSEMBLYMAN HUTCHISON: Just so you understand--

MS. VANDEVER: So, rather than going all the way across--

ASSEMBLYMAN HUTCHISON: I ask--

MS. VANDEVER: I find the experience of being in Siberia. So, I know what that's like.

ASSEMBLYMAN HUTCHISON: I ask these questions, Lisa, because I want to bring out the theoretical possibilities here so that I can properly evaluate everything.

MS. VANDEVER: Yes.

ASSEMBLYMAN HUTCHISON: OK.

MS. VANDEVER: I get where you're coming from. I think it'll be hard for people to let go of those tags, but if you think you can get there, I think it's going to be simpler.

ASSEMBLYMAN HUTCHISON: (laughter)

MS. VANDEVER: But, take a look at the ballot. It's amazing. It's, like, two pages, and it has all the information you need there. And, the voter's pamphlet-- When I moved here, I was like, "How do you get information on all the candidates?" And, then I really realized later that the committees were vetting that and just making their decisions, and it was so hard to find out who represented what.

ASSEMBLYMAN HUTCHISON: Well, it was nice meeting you.

Thank you.

MS. VANDEVER: Thank you very much for your time.

ASSEMBLYMAN BARLAS: Thank you.

Any other members of the Committee have anything?

Co-Chair Wimberly?

ASSEMBLYMAN WIMBERLY: No, no, Co-Chair.

I think another day of great information, and I love the fact that, you know, the residents are having some input. And, they will have other opportunities, I think that's the key. I think one person testified saying they don't have ample time -- well, November 12, we'll have the information out for them.

And, as you stated before, we are working around the State of New Jersey, not just staying in Trenton or virtual, and we're also working around time constraints for residents, so they have the opportunity to testify.

ASSEMBLYMAN BARLAS: Absolutely.

And, on behalf of Co-Chair Wimberly, the rest of the Committee, and myself, I just want to thank everyone who participated

today, whether you're still here or you spoke and had to get off because you had other time commitments you had to get to.

This was a very informative and useful session. I think we got a lot out of it, both from the general public and some other professionals who have been a part of electoral processes in our state. And, I think this hearing is the second one, and it will continue to help grow and shape and mold how we figure out where we will hopefully end up one day when this -- when legislation is ultimately decided to be taken.

So, I want to thank everybody for their time and their participation.

Members, anything else? (No response)

If not, for the good of the order--

ASSEMBLYMAN RUMPF: Have a good day.

ASSEMBLYMAN BARLAS: Have a good day.

(MEETING CONCLUDED)