

APPENDIX

Julia Sass Rubin

Testimony to New Jersey Assembly Select Committee on Ballot Design

November 7, 2024

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

My name is Julia Sass Rubin, and I am a professor of public policy at the Edward J. Bloustein School of Planning & Public Policy at Rutgers University, 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 quantified 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 for all Democratic ballots in the 2024 primary.

I would like to share a few findings from my research that may be helpful as you consider how to make New Jersey's primary ballots as fair as possible.

First, it's important 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 groupings allowed, and instructions tell voters to "vote for 2" or "vote for not more than 3." Visually connecting the endorsed commissioner or assembly candidates in any way on the primary ballot could influence which ones voters select and that, by definition, would not be a fair ballot.

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 appear first an equal number of times. Most of those states rotate by voting precinct and use computers to do so. Some states have done this for decades and there is no reason New Jersey could not do the same thing, to ensure a ballot that is fair to all the candidates.

Rotating by voting precinct should not create obstacles to sending sample ballots to voters. Sample ballots already differ by voting precinct when they include county committee members, because those are elected at the voting precinct level.

Voters also could access their individual sample ballots online rather than by mail, which has the additional advantage of offering the ballots in many languages, a real benefit for

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a state as diverse as New Jersey. Physical sample ballots could still be sent to voters who request them.

Third, while educating voters about the new ballot design is 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 their machine or vote-by-mail ballots for decades with no problems. On the other hand, my research documented that county line ballots confuse voters, especially when they place empty spaces between candidates running for the same office, and this confusion leads to overvotes and undervotes.

Fourth, I encourage you to include in the legislation ways that voters could learn about the candidates. This could consist of a short candidate statement that is posted on the county website along with the sample ballots or even sent to voters as part of their mailed sample ballot, as is done in states like California and Washington.

Finally, I want to echo the recommendation that Ms. Underwood made last week to reach out to Whitney Quesenbery, 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.

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NEW JERSEY [REDACTED] POLICY PERSPECTIVE [REDACTED]

TESTIMONY OF PETER CHEN, SENIOR POLICY ANALYST, NEW JERSEY POLICY PERSPECTIVE BEFORE ASSEMBLY SELECT COMMITTEE ON BALLOT DESIGN NOVEMBER 7, 2024

New Jersey Policy Perspective (NJPP), a statewide nonpartisan nonprofit think tank focused on economic, social and racial justice, has long advocated for fair ballots in the state, including multiple reports on the harmful influence of the “county line” on primary election choices.

I broadly ask you to build a ballot that applies best practices and does not allow for any visual advantage, either in terms of order, position, highlighting, font, or other visual cues.

1. Any ballot design process must include as much of the public as possible.

When a committee focused on ballot design sets last-minute meeting times at difficult times for members of the public to attend, the committee is leaving out members of the public, particularly lower-information voters, whose understanding of the ballot is most important for the committee to hear. It is impossible to design effective ballots without clear public feedback on what confusion and concerns they have about ballot design.

NJPP urges more notice, more convenient meeting times, and more public feedback, not less.

2. New Jersey should move towards clean, office-block ballots with minimal visual cues that give an advantage to any candidate over any other.

New Jersey should follow the principles of the opinion in the *Hanlon* case, as well as best practices of national ballot design experts. The vast majority of states use an office-block design with minimal visual cues to indicate endorsement or incumbency.

Allowing any highlighting, asterisks, endorsements, placement, bracketing, incumbency markings, or other visual cues that signal that one candidate is special over any other creates a risk of unfair balloting. Randomized electronic draws can prevent placement-order advantages.

3. There is more to good ballot design than office-block balloting; this committee should ensure the state’s ballot reflects other best practices.

If New Jersey means to revamp its ballot design to provide for fairness and reduce confusion among voters, it should adhere to ballot design best practices advanced by civic engagement

NEW JERSEY [REDACTED] POLICY PERSPECTIVE [REDACTED]

experts. As an example, New Jersey counties frequently use all-caps to indicate candidate names and as emphasis throughout the instructions, even though they make word shapes harder to recognize and lead to lower comprehension. Similarly, many New Jersey ballots use centered type, even though left-justified type is more legible. Instructions are often nonstandard and do not include visual cues.

Ballot design should also reflect the diverse array of voters in New Jersey, including voters who are blind, deaf or hard of hearing, or otherwise have a disability; voters with limited English proficiency; voters with low literacy levels; voters who may require assistance in filling out their ballots; etc. User testing should include all of these voter groups.

If the concern of the committee is to reduce confusion by voters, any attempt to redesign New Jersey's ballots must incorporate these best practices, rather than exclusively focus on the questions of slogans, bracketing, and other indicators that potentially give advantages to one candidate.

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Assembly Select Committee on Ballot Design

November 7, 2024

Submitted by AAPI New Jersey

Thank you and good morning. My name is Amber Reed and I'm the President of AAPI New Jersey, our state's largest pan-Asian grassroots organization. Through our nonpartisan civic engagement work, we seek to address our historic underrepresentation in all levels of democratic participation, from the voting booths to representation in government. Statewide, Asian Americans hold just 3% of elected offices at the county level and above, despite representing 11% of New Jersey's population, making Asian Americans the most disproportionately underrepresented major racial demographic in our state. 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, multiracial democracy, to commit to upholding a simple office block ballot design that does not unfairly advantage any candidate over another.

30% of Asian Americans identify as Limited English Proficient in NJ, with approximately 83% speaking a language other than English at home. Asian Americans are also disproportionately naturalized citizens and first-time voters. (Data from the 2020 general election show that 74% of Asian American voters were naturalized, 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 daunting for new voters who fear making a mistake that could invalidate their ballot or even incur a penalty. Additionally, Limited English Proficient and first-time voters often bring an assistor with them, such as a young child fluent in English, to help them navigate the voting process. An office-block design with simple lists of names, and clear instructions to vote for a specified number of candidates, is easier for such assistors to explain. In the June primary election, AAPI New Jersey and AALDEF exit polled Asian American voters in Bergen, Hudson, and Middlesex counties, which were 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 the ballot was somewhat or very easy to understand. We support other speakers' calls for user-centered design and user testing of any proposed design in the languages that are required or may soon be required under the federal or—I hope—state voting rights act: Spanish, Korean, Gujarati, Chinese, etc.

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

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MEHROTRA
FEMINIST. ACTIVIST. LEADER.

NJ ASSEMBLY SELECT COMMITTEE ON BALLOT DESIGN
TESTIMONY OF ANJALI MEHROTRA
November 7, 2024

Co-Chairs Wimberly and Barlas, and members of the Assembly Select Committee on Ballot Design, as a grassroots organizer who has led statewide organizations to influence policy and as someone who has been a candidate for partisan public office twice – I, Anjali Mehrotra, offer this testimony as a private citizen.

There has been a lot of conversation about the merits and disadvantages of “the line” and New Jersey’s so called “unique” ballot design. I want 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 am 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 used as an argument for equity and gender parity is infuriating. The truth is that competitive primaries without any organizational support for candidates is only going to hurt women and candidates of color. Without support, the winner in such an election is likely going to be the candidate who can raise the most funds, and traditionally that has not been women or Black and Brown candidates. We saw this play out in this year’s California Senate primary where two women, one of whom is Black were edged out by the white male candidate who outraised them. Many of the comments today have been about fairness in our election process. I would argue that any conversation about that topic is perfunctory without talking about the influence of money in elections. An unintended consequence of the office block design will be to increase this influence.

I can speak from my own experience – In 2021, I was one of the Democratic candidates for Assembly for LD21 along with Elizabeth Graner. 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 undoubtedly have been other white male candidates with the ability to raise a lot more money, and one or possibly both of us would have been knocked off the ballot. If we want a more equitable and representational government, we must be intentional about it – we cannot leave it to chance.

The second narrative is that the voters, especially in urban areas who vote “down the line” do so without thinking. I find it 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 represent them. In Union County, 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 these races and wins have been ignored by those that speak against the organizational advantage in our current ballot design. Across New Jersey, we have seen legislative and congressional candidates prevail without organizational support.

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I request this committee and the legislature 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 these fronts, we must ensure that party organization slogans for candidates who have chosen to run as slates continue to be a part of the new ballot design. Thank you for your consideration and attention.

Contact Information
Anjali Mehrotra

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From: Yael Niv
To: OL Salde ABD
Subject: Testimony for ABD panel -- Yael Niv
Date: Thursday, November 7, 2024 12:05:14 PM

I would like to re-submit my testimony updated here to what I said in person:

My name is Yael Niv and I am the President of the Good Government Coalition of New Jersey. The GGCNJ 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, I have traveled up and down the state and met with thousands of voters, to talk about our primary election ballots.

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 primary ballots are.

Rigging ballots in favor of one candidate or the other does not make for strong parties. Fair primary ballots make for a stronger democracy, they engage voters who then support their candidates through the general election as well. We have seen one recent example: Senator elect Andy Kim, the voter's candidate (who would not have been our candidate this past Tuesday had we had a line in the recent primaries) won with a larger margin than Kamala Harris did in New Jersey! People were energized by his candidacy.

Yes, competitive primaries cost money, but this means that voters get to choose the candidate that 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 are simple and easy to use and to draw. They have blocks for each office, with a clear title of the office and how many to vote for, and underneath the names of the candidates only. No slogans or other differentiations. Also, importantly, the order of names should be randomized by voting precinct such that each candidate is listed first for an equal number of voters.

I want to clarify that since we are talking about primary election ballot, slogans are not needed — all candidates are in the same party, and so party affiliation does not need to be mentioned. No other state allows slogans that group candidates by endorsement.

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. It is the line that was and is confusing to voters — at GGCNJ we have heard from many voters who were not sure if they can vote in more than one column, etc.

There were many questions today about how to provide information to voters. I want to stress that the purpose of the ballot is not to provide information, the ballot has only one purpose, which is to let voters express their choices. There are many other ways to give information to the public — but not through the ballot!

With a fair ballot, voters will have to find out about the candidates — and we are all happy to do that. We do so routinely for board of education candidates, and we know our role in a democracy. New Jersey can make it easier by having a central website where each candidate would have a dedicated page — this is easy to do with modern technology. And/or voters can receive booklets by mail, as is done in California and

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Washington.

The ballot is a document that belongs to the voters, not the party. Our elected officials should be working for us, the voters. Voters in New Jersey demand the fairest and most little-d democratic ballot available — an office block ballot with rotating order.

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From: ols-committee-aide@web.nileg.org
To: OLSaideABD
Subject: NJ Ballot Design
Date: Thursday, November 7, 2024 8:37:54 AM

Good morning, My name is Mark Pepper. Thank you for the privilege and opportunity to testify today. I am a transplant from Pennsylvania to New Jersey, moving to West Windsor in 1992. In Pennsylvania like all the other states except NJ, we had contested real primaries 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. 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 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. Those donors include "Citizens" who are Union leaders, developers, lawyers and corporate capitalists, among others each with their own personal agendas and self-interests. 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 Unaffiliateds 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%, designed to reintroduce partisan politics to WW 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 Democrat Officials in Mercer County, party bosses from Mercer County and other NJ counties, union leaders and even a NJ law firm that provided the Dark Money PAC. This alliance was clearly exposed to the citizens of West Windsor who most definitely and loudly voted NO just 2 days ago in a landslide rejection of this ballot question. Similarly, the Princeton based Good Government Coalition, of which I have been a member since its founding, after working for years, has also successfully told both the Democrat and Republican NJ party boss system to take a hike and take your hands and thumbs off of our ballots. The ballot is a government document and it belongs to us, the citizens, not to either political party. Please, do the right thing now and finish the job. Create a fair office block primary ballot that we the people in NJ deserve. We demand fair and real (not fake, uncontested) primaries so that we can actually elect the leaders that the voters select, not the party bosses.

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From: [Pat Henry](#)
To: [OLSaideABD](#)
Subject: Block Ballot Design
Date: Wednesday, November 6, 2024 9:36:25 PM

To Whom It May Concern:

I just heard that public inputs for the hearing on block ballot design are being accepted for the upcoming hearing.

I have myself been impacted by the Line Style Ballot and would greatly appreciate the opportunity to have my comments read into the record.

If there's any additional information you need, I can be reached at home in Hackensack. My phone is ()

Thank you so much for your consideration.

Sincerely,

Pat Henry

Ballot design reform

My name is Pat (Patricia) Henry. I'm a retired 72 year old, born and raised in New Jersey. I'm the proud daughter of a grammar school teacher and a union ironworker, both staunch Democrats, who ingrained the spirit of democracy in me.

And because of that upbringing, voting is a very high priority for me. It is my voice; my precious right. I was not politically active at all, I just voted in line with my party... never questioning them.

That is until 2016 when I got a very cruel lesson in politics. After Hillary Clinton lost the election, I started getting educated and eventually ran for office in 2020.

Of course, I ended up in "Ballot Siberia" along with my running mates. That's when I firmly realized that my own party, my beloved Democrats, were actually manipulating me to vote their slate.

And their slate was very apparent since their "preferred" candidates all showed up in the first column of the ballot, directly below the presidential candidate.

In all those years prior, having faith and trust in my party, I just voted the line, not realizing that the preferential placement in that first column would give those candidates a huge leg up on the competition (I believe it's a 38% advantage.).

I've followed the lawsuits of people trying to contest "The Line" and even went so far as to

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drive to Trenton to witness the hearing before Judge Quaraishi. Sitting in those hearings, listening to all those high powered lawyers was eye opening. So imagine how thrilled I was when he ordered a block ballot style for the November ballots. WOW! A win for the little guy!

And now, despite the fact that New Jersey is the ONLY state that used line style ballots and we FINALLY got a more fair, balanced ballot, like every other state in the Union, my own party is AGAIN trying to manipulate a simple block ballot. They will do ANYTHING to hold onto the line... their source of power.

I only wish I could have attended this hearing but I'm hoping that my written statement will be taken seriously when any changes to the block ballot are considered.

I love New Jersey. Grew up in Hudson County and currently living in Bergen County where I raised my family. But I've never liked the reference to my State as the most corrupt State in the country. And I sincerely hope that the corrupt influences in my party are NOT allowed to modify a block ballot that already works. This newly formed "committee" needs to stop trying to gerrymander what we fought so hard for.

I spent over 30 years working in a management position in the defense industry where I had many, many mandatory training classes in ethics. I also served for 4 years on the Passaic County Bar Association's District Ethics Committee. I am very attuned to doing the right thing and this Committee DOES NOT pass my smell test!

Please... let's take this opportunity to right a long standing wrong. The block ballot is fine, just the way it is. Don't allow corrupt politicians to work their game on this ballot.

Sincerely, Pat Henry

Sent from my iPhone

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From: [Eleanor Hubbard](#)
To: [OLSaideABD](#)
Subject: New Jersey voters deserve fair ballots
Date: Wednesday, November 6, 2024 5:30:44 PM

Hello,

First of all, I want to thank you for the progress that has been made in abolishing the County Line. However, further action is needed to make sure that voters in New Jersey get a fair primary ballot when they go to vote. Every effort should be taken to make sure that candidate order is evenly distributed and that no candidate receives an unfair advantage by being listed first for more voters. Really, it's not hard. It's antidemocratic and disrespectful to voters to try to push us one way or the other on the ballot itself. Second, there should be nothing on the primary ballot except for the names of the candidates and the offices for which they are running. We can decide who to vote for by ourselves. If we want to know which candidate the party prefers, we can figure that out on our own.

Thank you.

Eleanor Hubbard

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From: [Rosemary Topar](#)
To: [OLSaideABD](#)
Subject: Testimony on Ballot Design
Date: Wednesday, November 6, 2024 3:14:05 PM

You don't often get email from rosemary.topar@gmail.com. [Learn why this is important](#)

To the Assembly Select Committee on Ballot Design:

I would like to submit the following written testimony to be entered into the record at the hearing scheduled for Thursday, November 7 at 10:00 am:

For primary election ballots to be truly democratic and fair, New Jersey needs to follow the lead of most other states: use office block-style ballots, with:

1. Candidate order rotated by voting precinct so that each appears first, second, etc. for an equal number of voters (thus nullifying the top position advantage), and
2. No slogans allowed. Slogans are electioneering and shouldn't be allowed on a fair ballot.

The ballot is a government document and it belongs to the citizens, not to a political party. It should not include anything but offices and names of candidates. If candidates want to show voters who they are and what they stand for, they can run an effective campaign instead of using the ballot itself to electioneer. Voters are perfectly capable of researching candidates before entering the voting booth and do not need slogans or "the line" to tell us who to vote for.

Thank you,
Rosemary Topar
Fanwood, NJ

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