

Testimony of Congressman Andy Kim (NJ03)
before the
Assembly Select Committee on Ballot Design Meeting
December 2, 2024

I want to thank the members of this Select Committee for the opportunity to testify today.

This Select Committee exists to ensure that New Jersey's ballots reflect the standard of fairness laid out in the decision and order of Judge Quraishi and upheld by the Third Circuit Court of Appeals in its unanimous decision. That is the stated goal of the Select Committee. The outcome of this Select Committee must not deviate from the direction set by the judiciary or the spirit of its decisions.

The Court's decision exists, because the people of New Jersey were frustrated and demanded change.

Those frustrations and demands exist because the ballots reflective of the so-called "county line" system were fundamentally unfair and undemocratic. To this end, I've attached the expert reports that were submitted to the Court in *Kim v. Hanlon* as evidence of this unfairness and are incorporated into the legislative record today through my testimony, including by reference.

We must do better by the people of this state - people who have too often had their voices forgotten and their trust broken.

We face incredible challenges as a state and a country, and those challenges are multiplied by a crisis of trust in our politics.

If the people can't trust their politics, they can't trust that those working for them will actually do just that.

This select committee has an opportunity to take an important step in restoring that trust.

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If this legislature is to design a primary election ballot worthy of the public's trust, it must not only enshrine the prescriptions laid out in Judge Quraishi's March 29, 2024 Order, but also not lose sight of the spirit of the decision.

Every candidate should be treated the same. No placement prioritization which leads to the "primacy effect" and other advantages we proved in Court. We need uniform, randomized computer or machine drawings, potentially with a rotational system, to determine each candidate's position within the office block.

No emphasis added: no markings, no highlighting, no bolding, no asterisks, no special symbols or extraneous text. No manipulation. No indication of incumbency.

No physical grouping on the ballot of candidates as running mates for state assembly, county commissioners, town councils, of other positions.

As I said in my testimony in Federal District Court, groupings of running mates on the ballot add pressure on candidates to associate with each other in order to gain distinction on a ballot. Our right to freedom to associate also means our freedom not to associate.

Candidates are free to campaign together, but should not be treated differently on the actual ballot.

Just fairness. Just a ballot that gives people a fair choice and gives candidates a fair chance; nothing else. It's what the people deserve and it's what they want.

For too long New Jersey politics has had a negative reputation as being a place where too much power has been concentrated with too few people. That needs to end.

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Let's always remember, the ballot is sacred. It is the essential link between the people and their democracy. It is the physical manifestation of their participation. Our ballots are paid for by the people of New Jersey and are government documents; they do not belong to political parties or special interests.

Again, it's as simple as saying every person on the ballot can and must be treated exactly the same. It is for the voters to select their elected representatives, not the other way around.

The ballot is not a forum for electioneering, voter manipulation, or voter confusion. It is a means for voter selection, and its function and fairness – and sacredness – lies in its simplicity.

At this pivotal moment in American history, New Jerseyans deserve to have confidence in their elections. You have the chance to codify in law what the Court Order has set forth, and to move our state forward from a national outlier on primary ballot design to a national leader that other states seek to follow. I urge you to set aside partisanship and politics and the pursuit of power to restore integrity and fairness to our ballot.

Thank you.

Testimony Before the NJ Assembly Select Committee on Ballot Design
Laura Bush, on behalf of Indivisible Lambertville-New Hope
December 2, 2024

My name is Laura Bush and I am here today on behalf of Indivisible Lambertville-New Hope, a grassroots organization that seeks to educate, motivate, and activate constituents in the work to restore, preserve, and extend democratic rights for all citizens.

Voting and elections are the core of representative democracy. Unfortunately, the county-line design of New Jersey ballots gives primacy to parties over voters, which is highly *undemocratic*.

A number of elements are required to ensure fair ballot design. Two of the most important are (1) office-block layouts; and (2) a randomized order of candidates, rotated by voting precinct.

Office Block Layouts

New Jersey ballots should be designed in an office block-format for all elections, both primary and general. The vast majority of states already use this approach. It's time for New Jersey to adopt this best practice.

The need for an office-block layout, instead of listing candidates by party line, is important for all elections, but it's particularly important for primary elections. The reason is simple: The purpose of a primary race is to let the voters, *not the party*, determine which candidates should represent their party in the general election.

On a ballot structured by party line, a candidate endorsed by the county party has an unfair advantage—an advantage that has been quantified at 38 percentage points.¹

Impact of the County Line Ballot on New Jersey Politics

Current New Jersey primary ballots enable party insiders to pick winners. This amounts to a few hundred committee members controlling who is nominated or elected. Because of this, candidates who are not awarded "the line" drop out, and potential candidates without party-insider connections choose not to run at all, leading to fewer choices for voters. This is the opposite of a democratic process.

The result is that elected candidates and officials are beholden to a few party insiders, not to the voters. This leads to a lack of transparency, back-room deals, patronage, and corruption.

Randomized Order of Candidates, Rotated from One Voting District to the Next

In addition to removing the party line on ballots, it is also critical that the order of candidates be randomized and rotated by voting precinct.

As human beings, we have a cognitive bias toward things that appear first on a list. To counter that cognitive bias, the order of names on ballots must be randomized, using a modern electronic system. Then the order of candidates be must rotated for each voting precinct, such that candidates appear at the top of the ballot before an equal number of voters in any given election.

Future Work on this Issue Must Be Transparent

It's essential that all future work on New Jersey ballot design be truly open and transparent. This committee should conduct more public hearings, and should announce them weeks in advance. Also, the New Jersey Legislature must hold public hearings for any bills or recommendations that are developed after these committee hearings, before any legislation is voted on. These hearings must be announced with enough notice for members of the public to participate, and the drafted recommendations must be made public with enough time for everyone to review and consider them.

Conclusion

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

Source:

1. Julia Sass Rubin (2023) The Impact of New Jersey's County Line Primary Ballots on Election Outcomes, Politics, and Policy, *Seton Hall Journal of Legislation and Public Policy*, <https://scholarship.shu.edu/shlj/vol48/iss1/3/>

From: dsdu19@aol.com
Sent: Sunday, November 17, 2024 9:57 PM
To: OLSaideABD
Subject: Ballot design

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For far, FAR too long the NJ Primary election ballots have been undemocratic, using a "party line" to intentionally steer voters to vote for candidates chosen by "party bosses" by giving them a more favorable position on the ballot.

NJ has closed Primaries so EVERY candidate on the Democrat ballot is a Democrat!

There is no reason to have certain candidates listed on a line as "party candidates"!

The extremely low NJ Primary voter turnout is due to the "party line" and voters feeling there is no reason to vote, since the "party candidates" were already chosen before the Primary!

It also deters candidates NOT chosen by "party bosses" from running, because they are put in "ballot Siberia" and their chance of winning election is greatly diminished.

Let's have true democratic Primary elections in NJ and let the VOTERS decide who WE want running in the General election, representing AND answering to the voters! NOT "party bosses"!
And NOT end up with horrid candidates like we did Jeff VanDrew!!

It's time for fair NJ Primary election ballots!
It's time to End The Line!

Helen Duda
320 Wiltshire Drive
Williamstown, NJ 08094
Buena Vista Twp.
(856) 889-0588

My name is Peggy Oreilly and I am a resident of Monroe Township in Middlesex County. I would like to testify in support of legislation to require that all political parties in all counties use the ballot block design to promote free and fair primary elections.

As a retired educator, learning disabilities teacher consultant and literacy specialist, I support the block ballot design consistent with the provisions of the Quraishi decision for a number of reasons. First from a literacy perspective, the block design is clear and easy to read, interpret and complete. It is also a format that the public is very familiar with from their own elementary through high school academic activities. Additionally, this format is used in a large majority of other states in the country without confusion. Because people relocate to NJ from other states, it is very likely that they will be familiar with this ballot style.

I would also advocate that candidates names appear on the ballot based on randomized draws for each candidate, ideally using a software program to avoid fixed primary order advantages . In addition, I would advocate for no slogans or no party endorsements to be included on the ballot for each candidate to create a level playing field. Such information should be part of campaigning prior to voting and not part of the ballot design.

Thank you for the opportunity to give testimony

Peggy O'Reilly
486 Hillrose Way
Monroe Township, NJ 08831

From: Satoshi Morishita <tedbuffalo9579@gmail.com>
Sent: Monday, November 18, 2024 5:54 PM
To: OLSaideABD
Subject: Testimony

Follow Up Flag: Follow up
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Hello:

I am writing this testimony to showcase my opposition to the "County Line" scheme that your committee is trying to revive. Don't deny it, the voters **ARE NOT** stupid to see through your bullshit shenanigans. And I'm sick of it!!

The rest of the country OUTSIDE of NJ has office-bloc ballots, two states have Ranked Choice Voting too, which has shown to be helpful in enhancing democracy, time and time again. Voters are educated on the system too.

The whole idea of name recognition is designed to bring awareness, especially about the policy proposals you've made. Every single person on this committee who trying to bring back the "County Line" has constituents who oppose this statewide regardless of political affiliation.

Let's not forget for when they see you on this bullshit committee, they will remember you and definitely vote you out of office.

And those "representing" your constituents, your county clerks awarded the county line to the unqualified NJ First Lady Tammy Murphy. That's blatant nepotism:

1. Assemblyman Dan Hutchison (Atlantic, Camden, Gloucester)
2. Assemblywoman Ellen Park (Bergen),
3. Assemblywoman Eliana Pintor Marin (Essex, Hudson)
4. Assemblyman Gabriel Rodriguez (Hudson)

As for Dan Hutchinson, he represents parts of Camden County where the Camden County Democratic Committee had a convention on 3/16/24. That day in his county, the committee members blocked Andy Kim and Patricia Campos-Medina from the convention.

Both of them are candidates of color, while Tammy Murphy was let in without issue. To the average person, it is considered racist, discriminatory and inexcusable.

And some of you on this committee voted to gut the Open Public Records Act too, which brings even more mistrust in NJ.

November 5th's margin of victory in this state is an indictment of the party boss system you always heralded.

From: J French <jfrench126@yahoo.com>
Sent: Thursday, November 21, 2024 1:55 PM
To: OLSaideABD
Subject: Ballot Reform

[You don't often get email from jfrench126@yahoo.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Thank you for taking public testimony on such an important issue. I appreciate that legislators are hearing firsthand exactly how much voters, especially Democrats like myself, are fed up with being manipulated & bullied by our leaders.

I, and most others who intend to vote in 2025s primaries, expect the Quraishi ruling to be codified & applied to both parties.

Sincerely
Joseph French
NEW JERSEY VOTER

From: Courtney Bearn <cbearns@gmail.com>
Sent: Wednesday, November 27, 2024 4:53 PM
To: OLSaideABD
Subject: Support for office block ballot design

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As I am unable to attend the meeting to offer oral testimony, I want to write to express my support for office block design for our New Jersey ballots. I believe that this format offers New Jersey voters the best possibility to make unbiased and fully democratic decisions and to present more of an equal playing field for all candidates for office.

Thank you for your consideration,
Courtney Bearn
New Providence

From: Beth Morgan <bethm102001@gmail.com>
Sent: Thursday, November 28, 2024 9:14 AM
To: OLSaideABD
Subject: Ballot Design

You don't often get email from bethm102001@gmail.com. Learn why this is important

Hello,

I strongly support making sure our NJ ballots are fair. These five points are essential:

Office Block Layout for All Elections

Simplicity and Clarity

Accessibility

Ballot Neutrality

Transparency and Public Input

The recent legal rulings on the office block layout must be honored by the legislature! No trying to wiggle around it.

Thank you.

Elizabeth Morgan

38 Pine Knoll Dr

Lawrenceville, NJ 08648

609-882-0563

From: nscarpa.scarpa26@gmail.com
Sent: Saturday, November 30, 2024 8:48 PM
To: OLSaideABD
Cc: Maria Nina Scarpa
Subject: Fair Ballot Written Testimony

You don't often get email from nscarpa.scarpa26@gmail.com. [Learn why this is important](#)
Dear Members of the New Jersey Assembly Select Committee on Ballot Design,

I ran for Councilwoman of Merchantville, NJ in 2018. I was assigned column nine in "Ballot Siberia". In between column two and nine, were bracketed alleged candidates running for Commissioner.

For most candidates, they would never be able to overcome this disadvantage. People needed to see the ballot to understand where my name was on the ballot. So, since Merchantville is such a small borough, I was able to visit almost every house in my town and using a sample ballot, show them where to find me. They would ask me why would they put you all the way out there and hard to find. This is the reason why the grid design is unfair and we need a fair block ballot

It is important to note that the ballot had an unintentional special indicator below my name. It was a large red box with a written warning showing where the "Cast Vote Button" was located. I showed voters that to vote for me, they should look for my name above the big red box in the bottom right hand corner. Although this was no official grouping, it gave them a landmark for finding me to cast their vote.

I did win the 2019-2021 election for Councilwoman of Merchantville, NJ by two votes. However, I believe without the "red warning box" below my name, voters would have had an extremely difficult time finding where Maria Nina Scarpa was on the ballot to vote for me. Please note that after that election, there was never a red box on the ballot again.

Therefore, to make elections fair and enable voters to fairly locate their candidate of choice, NJ must adopt a block ballot system.

Sincerely,
Maria Nina Scarpa

Maria Nina Scarpa
311 St. James Ave
Merchantville, NJ 08109 856.663.9437 (H)
609.413.1384 (C)
nscarpa.scarpa26@gmail.com

"Red Warning Box

Maria Nina Scarpa's Large Display of Voting Ballot which I located outside of the election polling locations and stood by it, all day, directing voters where I was on the ballot.

VOTE

for

NINA

in

community

This Official Primary Sample Ball

REPUBLICAN

**OFFICE TITLE
TITULO DE OFICINA**

United States Senator (Vote for One)	Senado de los Estados (Vote For One)
Member of the House of Representatives (Vote for One)	Miembro de Casa de Re (Vote For One)
Sheriff (Vote for One)	Oficina del Alge (Vote For One)
Members of the Board of Chosen Freeholders (Vote for Three)	Miembros de l Junta de Legisladores de (Vote For Three)
Mayor (Vote for One)	Alcalde (Vote For One)
Members of Council (Vote for Two)	Miembros del Consejo (Vote For Two)
Male Member of County Committee (Vote for One)	Miembro Mascul del Comité del Co (Vote For One)
Female Member of County Committee (Vote for One)	Miembro Femen del Comité del Co (Vote For One)

**OFFICE TITLE
TITULO DE OFICINA**

United States Senator (Vote for One)	Senado de los Estados (Vote For One)
Member of the House of Representatives (Vote for One)	Miembro de Casa de Re (Vote For One)

From: Louise <sweepnjadv@gmail.com>
Sent: Saturday, November 30, 2024 9:17 PM
To: OLSaideABD
Subject: WRITTEN TESTIMONY: BALLOT DESIGN—MONDAY, DEC. 2

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Dear esteemed Assembly members:

My name is Louise Walpin. I am the Director of Advocacy and Organizing for SWEEP NJ—Suburban Women Engaged, Empowered, and Pissed. We're a non-partisan, statewide organization with over 2,300 members committed to promoting social justice, effective organizing, and voter engagement up and down the ballot.

Our members believe in fair elections, not ones skewed by New Jersey's archaic county line ballot design, which gives party-endorsed candidates a 38% advantage and discourages primary challengers. Unlike NJ, the other 49 states and Washington, D.C., use a block design that organizes candidates by position, often randomizing order to ensure fairness. This approach empowers voters to research candidates and choose based on values—not ballot placement.

It's perplexing to hear some legislators argue that a block design would confuse voters. Are we to believe New Jerseyans are less capable than voters in the rest of the nation? SWEEP NJ rejects this notion. Our members have proven they research candidates thoughtfully, as seen in their informed decisions regarding Board of Education elections. The ballot's purpose is simple: list candidates for each position—no slogans, no distractions. A block design with randomized order fosters voter confidence and turnout, ensuring every vote matters.

Senator-elect Andy Kim's recent success exemplifies this. Without the county line system, voters rallied behind his platform. It should be noted that had the county line been in place, he probably would not have been the Democratic candidate. He went on to out-perform Kamala Harris in the general election, proving democracy works best when voters feel engaged.

Let's choose fairness and transparency. I urge you to adopt a block design with randomized ordering to truly support democracy.

Louise Walpin
Director of Advocacy and Organizing
SWEEP NJ



From: Joseph Charles <jcharlespocono@gmail.com>
Sent: Sunday, December 01, 2024 6:05 PM
To: OLSaideABD
Subject: Ballot Design written testimony

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Thank you for the opportunity to testify.

I strongly urge the Select Committee to just simply apply common sense and do the right thing.

I support fair, neutral office block ballots, with no slogans, no "stars" next to someone's name, no other markers or anything that introduce bias into the ballots. Just the names of the candidates. That's all that's needed. No special treatment for anyone.

Why are we the only state that uses a county-line ballot? Voters deserve real elections, not just an uncontested election, or barely contested election, in which the outcome is determined by party leaders. That's not democracy.

It's really not a complicated issue – why we even need a committee for this is somewhat of a mystery to me. Members of this committee need to put aside their own political self interests, and instead to what's best for NJ voter.

Our elected officials responsibility is to be accountable to the people of NJ, not to a political party.

So keep it simple, uphold your duties that you were elected for, and just do the right thing.

Thank you

Joseph Charles

West Windsor, NJ, 08550

From: Melanie McDermott <mmcdermo@sebs.rutgers.edu>
Sent: Sunday, December 01, 2024 11:07 PM
To: OLSaideABD
Cc: David Hughes
Subject: Testimony on Ballot Design Reform

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Dear NJ Legislative Assembly Select Committee on Ballot Design

I would like to testify in support of the office block design ballot *with no party affiliation stated*. An unbiased layout is democratic best practice.

To inform voters, distributing a voter education/information pamphlet with non-partisan information on candidates and referenda and other ballot measures distributed by mail and electronically to all registered voters would be an excellent, but independent, initiative.

Sincerely,

Melanie McDermott, Ph.D.
Sustainability Institute
The College of New Jersey
& Sustainable Jersey
609-771-2836

Visiting Assistant Research Professor
Dept. of Human Ecology, SEBS
Rutgers University
New Brunswick, NJ
USA

From: Joseph Bouvier <JBouvier@mattioni.com>
Sent: Monday, December 02, 2024 9:58 AM
To: OLSaideABD
Cc: Joseph Bouvier; Dorothy Foley; annabouvier22@gmail.com; chester hicks
Subject: Written Statement for Consideration by the Select Committee on Ballot Design

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Dear Members of the New Jersey Assembly Select Committee on Ballot Design,

We, the Merchantville Democratic Committee, as elected members of the Camden County Democratic Committee, call for an office block ballot format that fully complies with the ruling by Judge Quraishi in the Line lawsuit brought by Senator-elect Andy Kim and others. Judge Quraishi granted a preliminary injunction in the case, prohibiting ballots such as the "grid" ballot used in New Jersey primaries which placed all candidates endorsed by the County party organization on the same "County Line," instead requiring that the ballots in the Democratic Primary use an "office block" format. Judge Quraishi's decision was affirmed by the Third Circuit Court of Appeals. The legal rulings mean that the grid ballot format with a "County Line" will likely be found unconstitutional when the lawsuit reaches a final conclusion. The bottom line of Judge Quraishi's opinion, and made clear during the Third Circuit hearing, is that the ballot is never something that should provide a means for placing a thumb on the scale in favor of any candidate over any other candidate. That is unfair to the non-endorsed candidates, and fairness, after all, is the ultimate consideration when analyzing whether our ballots pass constitutional muster. The ballots should also be of a format that makes the voting process easy for voters by eliminating confusion.

As a result, it is time for the Legislature to embrace a permanent change to fair ballots and use the "office block" format prescribed by Judge Quraishi. The Merchantville Democratic Committee therefore recommends that his opinion be codified into law by the Legislature. The office block type of ballot and ballot draw requirements set forth by Judge Quraishi are fair to all candidates and cannot be seen as putting a thumb on the scale in favor of any candidate. In addition, the office block ballots are easy to read and understand, eliminating confusion for voters. Voter confusion is exacerbated when candidates are pushed way over into a spot that is several columns away from their opponent (into "Ballot Siberia"), as commonly occurred in primary elections using grid ballots in New Jersey, and when grid ballots (such as those in Camden County in the last couple of elections) do not use adequate boldface borders to separate the various races. A cursory scan of an office block ballot, however, permits the voter to quickly and easily determine who is running for each office, without adding confusion by requiring voters to look across multiple lines to figure out which candidates are running against each other in a particular race.

No other state in the country sets up their primary ballots like New Jersey has done with its grid ballots. Until Judge Quraishi's ruling, New Jersey was the only state that required columns or lines with party-endorsed candidates to be part of the endorsed "slate," supposedly because the parties had a "right of association" among its endorsed candidates. As Andy Kim testified in the Line lawsuit hearing, however, he did not even know a lot of the candidates on the Line when he was a county-endorsed candidate in his first two elections, and there were some with whom he did not wish to be associated. Requiring a county-endorsed Line thus negatively impacts a candidate's right of association.

The grid system is further ripe for abuse by the County Clerk, which can give significant advantages to the county-endorsed candidates over non-endorsed candidates. In Merchantville's 2018 Democratic Primary election for Borough Council, one candidate, Maria Nina Scarpa, was placed in Column 9, one of the worst possible instances of a "Ballot Siberia" position, running against the two other "party-endorsed" Borough Council candidates who were in Column 2. To repeat, for emphasis, Ms. Scarpa was the only other candidate running for Council against two county-endorsed Borough Council candidates, and she was not placed in the next column, Column 3, but was placed seven columns away from her opponents, in Column 9. In the County Commissioner (then Freeholder) race, "phantom" candidates – people with no actual intention of running an actual campaign, as they did not actively communicate to voters about their candidacy by such means as printing up flyers, setting up a website, or even canvassing in person-- took up ballot positions in Columns 3 through 8, apparently to help the county-endorsed candidates by pushing the "real" primary opponents in other races further from the county line candidates. Of note, on that 2018 Merchantville ballot, two candidates for the House of Representatives race who decided to run against Rep. Donald Norcross (brother of South Jersey Democratic Party boss George Norcross) were placed in Column 9 along with Ms. Scarpa, even though they were unaffiliated and used different candidate "slogans." The grid ballot setup by the County Clerk thus forced an association between these three candidates, despite the fact that the Column 9 candidates did not ask for or want to be associated with each other. The 2018 Merchantville Democratic Primary ballot was a prime example of an egregious and unfair ballot.

For primary election ballots to be truly fair, we should do what most states do: use office block ballots, with candidate order rotated by voting precinct or district so that each candidate appears first, second, etc. for an approximately equal number of voters (otherwise, those candidates listed first receive a HUGE advantage!), and no slogans. A political party should not be able to dictate the format of an official government document. The ballot belongs to the voters, not the parties. It should not include anything but offices and names of candidates. The ballot is NOT a means to convey information to voters, it is a means for voters to indicate who they prefer in an election. It is up to the voters to do their homework and learn about the candidates and where they stand on the issues. If voters want to know who the party endorsed, that information is readily accessible in places other than the ballot. A party endorsement should NOT be on the ballot itself. That is electioneering.

Respectfully,

The Merchantville Democratic Committee

Joseph Bouvier, Chair
Dorothy Foley
Anna Bouvier
Chester Hicks

Joseph F. Bouvier, Esquire
(he/him/his)

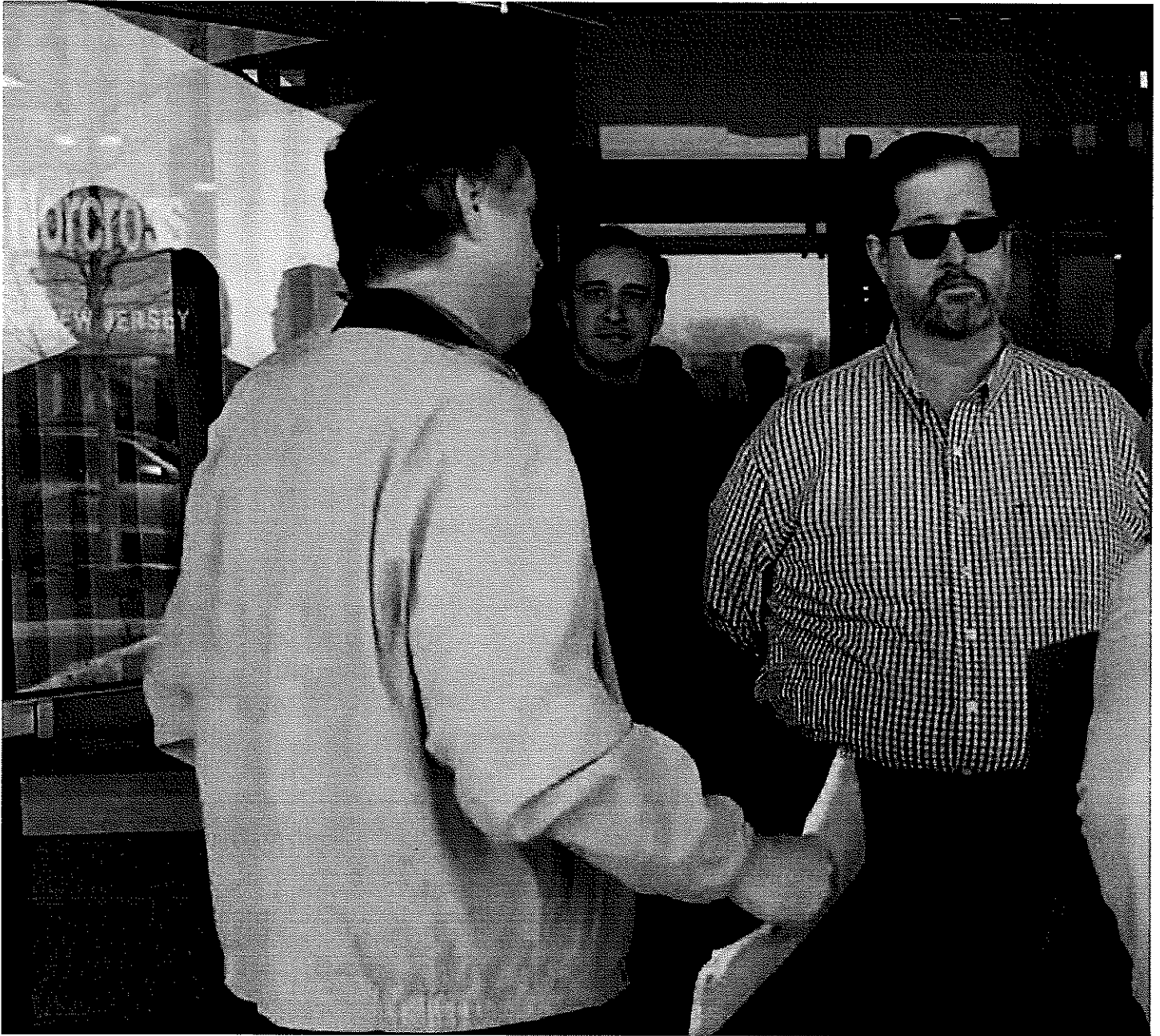
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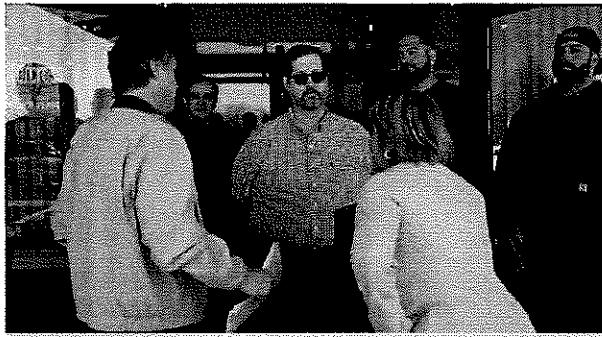
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You're not as powerful as you think you are and you could lose reelection or renomination in a finger snap.

Don't even think about trying to mess with your constituents nor be surprised when you're out of office or facing challengers. We'll simply say "You're shit outta luck."

If you dare bring back the County Line horsehit, everyone in this state will see you in the primaries and/or general election and vote you out. We know who you are and are watching you!





Campos-Medina Blisters Camden Dems
insidernj.com

2.

3.



Tammy Murphy wins the line in Gloucester
County
newjerseyglobe.com

4.

5. 3. <https://www.insidernj.com/tammy-murphy-scores-the-passaic-county-democratic-line/>

6.

7. 4. <https://www.politico.com/news/2024/03/04/tammy-murphy-wins-crucial-democratic-convention-in-nj-s-largest-county-in-blowout-00144849>

8.

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Safari

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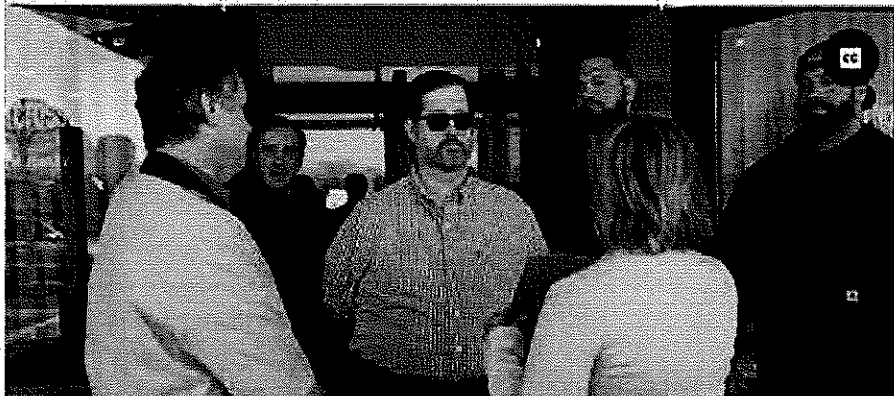


Andy Kim
@AndyKimNJ

This is not what democracy looks like. It's plain wrong to deny @Patricia4NJ from entering a Camden Dem committee meeting to determine Senate endorsements. She's been a leader on vital issues and deserves to have her voice heard. I also asked to join the meeting and was denied. Making endorsements without a fair process undermines our democracy. Democrats need to do better.

Patricia Campos Medina @Patricia... · 3/16/24

I was denied entry to Camden County Dems Convention. As a Latina woman candidate, I demand fairness. Time to abolish the county line for equal ballot access. Proud to stand for real representation. #Patricia4Senate #AbolishTheLineNJ @andykimnj @tammymurphynj @NJDSC



Post your reply



4



- 10.
11. Regrets,
12. Seamus McGinn - West Deptford, NJ



Testimony by Evelyn C Murphy, President
In Support of Fair Ballots
Assembly Select Committee on Ballot Design
December 2, 2024

Good evening, Committee Members. I am Evelyn C Murphy, President of the League of Women Voters of Monmouth County, representing 393 members in Legislative Districts 9, 10, 11, 12, 13, and 30 who are calling for a fair and clean ballot design for all elections.

We appreciate the two-week notice the committee has provided to permit us to prepare for tonight's hearing. We have been able to review the public comments shared in earlier committee meetings and responses voiced by committee members and other office holders.

We add our voices to call for the following:

- An office block format for all New Jersey elections;
- Randomized ballot order by voting precinct;
- Clean design without such unneeded features as identifying incumbents, including party affiliation and slogans, or bracketing slates; and
- Ballots that are voter-friendly for all populations – especially first-time voters, voters with disabilities, and voters with limited English proficiency

The main argument we have heard opposing fair ballots is a concern that voters will not be able to differentiate the candidates without various identifying details. We strongly disagree.

At the League of Women Voters of Monmouth County, we trust voters.

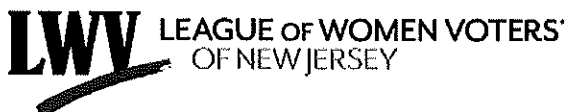
We work hard in every election cycle to provide voters with unbiased information and to give candidates nonpartisan platforms to communicate fully with their voters. We invite candidates in all competitive races to upload information to Vote411.org and to participate in league-moderated candidate forums. Party affiliation automatically appears on Vote411, and our League includes party and slate information in promotional materials for our candidate forums as well.

This fall, our league hosted 16 forums – covering three congressional districts, the Monmouth County Commissioners, 6 municipalities, and 6 boards of education. Our forums featured 68 candidates and reached some 3,000 voters. Our forums are recorded, and links are shared widely. Based on viewer data, we noted that 37 people watched forum recordings for 12 of the races ON ELECTION DAY.

Our point is that voters ARE paying attention. The statistics from our league's activity are just one small window. Candidates and parties absolutely can reach every voter during the months and weeks before an election. Inside the voting booth isn't the right place – there is a reason electioneering is prohibited.

We urge this committee to recommend a clean ballot design that promotes voter choice and independence, while reducing the undue influence of party leaders.

Thank you for your consideration.



**Assembly Select Committee on Ballot Design
December 2, 2024
Testimony in Support of a Fair Ballot Design**

Good Evening, Co-Chair Barlas, Co-Chair Wimberly, and esteemed members of the committee. My name is Zach Dougherty, and I am a community organizer testifying today for the League of Women Voters of New Jersey. Our members support a fair and equitable ballot design—one that ensures all candidates are presented on equal footing, promoting transparency, accessibility, and upholding the principles of a truly democratic electoral process.

We urge the Legislature to prioritize a ballot format that promotes voter choice and independence, reducing the undue influence of party leadership. A fair ballot should be easy to read and free from any design elements that might guide voters towards specific candidates.

To date, over 500 voters have signed a petition that we will provide to this committee calling on the Legislature to commit to 5 principles when redesigning New Jersey's ballots.

First, we ask you to commit to implementing an office block ballot. Each race on the ballot should be clearly separated into distinct blocks, with all candidates organized by office sought rather than by column or row.

Second, we ask you to commit to simplicity and clarity. Design a ballot that is clear, simple, and easy to understand without unnecessary design elements that could influence voters' choices. There should be no unnecessary bolding, highlighting, asterisks, or other design elements that could confuse or mislead voters, and the formatting and font sizes should be consistent throughout the ballot for all candidates.

Third, commit to accessibility. Ballot design must be voter friendly, including for first-time voters, voters with limited English proficiency, and voters with disabilities. Ballots must also allow for expanded language access and translations should be user-tested to ensure they can be clearly understood.

Commit to ballot neutrality. Randomize the order of candidates on the ballot, so no candidate receives an unfair advantage. The process of selecting the order for candidates should be automated using an electronic system to randomly assign the order that candidates appear on the ballot by voting precinct. Eliminate candidate groupings, bracketing, and endorsements to allow voters to make independent decisions. All candidates should be treated equally on the ballot.

And last, commit to ensuring transparency and public input. We thank the committee for providing public notice of this hearing. To ensure that more New Jerseyans can provide meaningful feedback on ballot redesign, any proposed legislation should reflect the will of the voters and be shared with the public with ample notice and opportunity to comment on the legislation.

For over 100 years, the League of Women Voters of New Jersey has encouraged active participation in our democracy. Effective voter education and engagement happens long before voters enter a voting booth. Candidates that wish to connect with voters should commit to participating in candidate forums, knock on doors, participate in voter guides, attend community gatherings, and take interview requests from the press. The ballot is not the place for candidates to campaign.

To close we also wish to stress that this process is an opportunity to build back trust between New Jersey voters and their government. Over the past few years, we've seen measures that have eroded trust. A transparent and inclusive ballot design process is a step towards restoring that trust. Please demonstrate your commitment to public service by advocating for a ballot that truly serves New Jersey voters and not those with political power. We are grateful for your dedication and time. Thank you for your consideration.

Testimony presented by:

Zach Dougherty, League of Women Voters of New Jersey, Community Organizer

My name is Josephine Giaimo. I have lived in Highland Park, NJ, since 1996. As a user experience researcher, I have a deep professional commitment to improving the lives of users of technology. I am a leader in the User Experience (UX) Professionals Association's New Jersey chapter. My past clients include AT&T, ADP, and Google. I solve problems, using UX research and design principles.

I conducted a usability study on the design of voting processes with Whitney Quesenbery, now Director of the Center of Civic Design, for The City of New York, and the Brennan Center for Justice. The Center for Civic Design offers a ballot design checklist, sample ballot standards, and related resources (attached).

I am testifying in support of enacting the Federal Court order. I support making the office block ballot design permanent for all primaries, elections, and political parties, without bracketing or slogans. I am not in favor of legislating ballot design, as there is a better way.

I get that any self-respecting state legislator would want to make sure that ballots help voters mark their ballots accurately.

Being first on the "line" gives any candidate an advantage. Implementing ballot rotation—where each candidate appears at the top of the list an equal number of times among districts—addresses that imbalance.

Until recently, New Jersey was the only state still using County Line Ballot design. In contrast, Virginia has voting standards, which they updated in 2018. New York, Ohio, and Florida have provided guidelines for ballot design standards to their counties through their state elections office. As Whitney Quesenbery says, "A good set of ballot standards act not only as a good reference to the election code, but can also be a useful tool to help with ballot layout for election administrators and vendors." Virginia's efforts provide an example.

Design rules in election code don't support good design. Election code is written in a way that makes it hard to see how all the pieces fit together. It's easy to end up with conflicting requirements, or a rule that doesn't fit into the overall ballot design well. When design is written into legislation piecemeal, there can be unintended consequences. Finally, each piece of election code is written for a context, and, over time, the code won't work as well and will be increasingly difficult to update.

A better solution to ensuring that New Jersey requires good design is to give that responsibility to ballot design standards. In this model, the law sets the requirements for what must be on a ballot, and the regulation tells the counties how those elements must be presented.

In summary, a good ballot design can ensure that New Jersey's voters are successful. Good ballot design ensures that voters can read the ballot effectively, that they can find the correct marking location, and that they know how voting works. Now, New Jersey has the opportunity to make a ballot standard a useful tool, without legislating the design.

Thank you for the opportunity to speak to the Council Members today, in support of our democracy.

Reading

Ballot design topics

- Ballot review checklist - Questions to ask while reviewing a ballot

<https://civicdesign.org/questions-to-ask-while-designing-a-ballot/>

- Ballot standards - updated standards in Virginia

<https://civicdesign.org/example/updated-ballot-standards-for-virginia/>

- Don't legislate ballot design (there's a better way to improve ballots)

<https://civicdesign.org/dont-legislate-ballot-design-theres-a-better-way-to-improve-ballots/>

- Why not just use pens to mark a ballot?

<https://civicdesign.org/why-not-just-use-pens-to-mark-a-ballot/>

Case studies

- Breaking the ballot: 34 candidates for Senate - <https://civicdesign.org/breaking-the-ballot/>

- A better ballot for New York - <https://civicdesign.org/a-better-ballot-for-new-york/>

- Participating in Participatory Budgeting - <https://civicdesign.org/participating-in-participatory-budgeting/>

- Usability testing in New Hampshire - <https://civicdesign.org/text-on-the-left-or-right/>

- Ballots stubs in Arapahoe County -

<https://civicdesign.org/example/instructions-on-vote-by-mail-ballots-build-confidence-in-arapahoe-county/>

From: Jocelyn Payne <jocelyn_payne@yahoo.com>
Sent: Monday, December 02, 2024 9:59 AM
To: OLSaideABD
Cc: Jocelyn Payne
Subject: Written testimony - fair ballot - 12/2/23

Follow Up Flag: Follow up
Flag Status: Flagged

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

Dear Committee,

My name is Jocelyn Payne. I'm a resident of Upper Township NJ in Cape May County.

First I would like to thank the committee for holding these hearings and allowing the public to comment.

It's my hope that as a result of these hearings the committee will adopt a fair and neutral office block ballot design that is in line with Judge Quraishi's ruling.

The ballot design should be used in both our primary and general elections. The neutral ballot design should apply to all elections including non partisan elections such as board of education.

In our current system I see New Jersey voters frustrated and becoming more apathetic with each election. Voters I speak with feel that candidates they dedicate energy, time, and money to support are in the end given an unfair disadvantage on the ballot.

For my testimony, I want to focus on how we select candidates positions on the ballot.

When selecting ballot positions each candidate for each office should have a separate and equal draw to determine their placement.

Currently we are allowing a clerk to draw names manually. We are allowing candidates running for individual seats to be written on the same piece of paper. This means that candidates running together can have their names on one piece of paper, even though they are running for individual spots. If that piece of paper with the three names is selected first those three candidates can be given a preferential spot in a row and now we have created what essentially looks like a county line.

It's important that in addition to the separate and equal draw, the draw must be done electronically and not by hand. An electronic drawing avoids human error and eliminates suggestion of clerks tampering with the draw. In other states, electronic draws have been used for decades. There is no reason why we can't do it here in New Jersey as well.

We should make sure that the ballot in all appearances and functions is neutral. The ballot is not a place for electioneering. Adopting the practices in Judge Quraishi's ruling will eliminate real as well as any perceived unfairness on the ballot.

Let's move forward with adopting a fair office block style ballot as laid out in Judge Quraishi's ruling. Let us restore confidence in the system.

Thank you for your time.

Regards,

Jocelyn Payne

From: Joseph Bouvier <JBouvier@mattioni.com>
Sent: Monday, December 02, 2024 11:01 AM
To: OLSaideABD
Cc: Kate Delany; Susan Druckenbröd; David Stahl; Joseph Bouvier
Subject: RE: Written Statement from South Jersey Progressive Democrats for Consideration by the Select Committee on Ballot Design

Follow Up Flag: Follow up
Flag Status: Flagged

You don't often get email from jbouvier@mattioni.com. Learn why this is important

Dear Members of the New Jersey Assembly Select Committee on Ballot Design,

STATEMENT OF SOUTH JERSEY PROGRESSIVE DEMOCRATS

South Jersey Progressive Democrats ("SJPD") is a grassroots organization working to restore democracy to South Jersey and standing for a transparent, accountable, and just government that works for everyone. SJPD engages in electoral work, issue organizing, and citizen education, actively participating in local elections and supporting Democratic candidates who share its progressive values.

For years, SJPD has spoken out against the unfairness of the grid ballot format and "County Line" used in New Jersey primary elections. No other state in the United States has a "County Line," or anything like it, to provide an advantage to candidates preferred by party organizations. The other 49 states use an "office block" ballot design, in which all primary candidates for each particular office are grouped together in a box, regardless of endorsement status.

The "County Line" provides an oversized advantage because those at the top of the line are endorsed candidates for important positions, such as President, Senator, and Governor, and those prominent names lend familiarity and legitimacy to candidates further down the column.

Statisticians and voting experts testified before Judge Quraishi that use of a "County Line" gives an unfair statistical advantage to the candidates who are placed "on the line." This results in an absurd headstart given to the county-endorsed candidates, making most candidates unwilling to run "off the line" and keeping the incumbents winning year after year. However, the grid ballots with a "County Line" are confusing, as it is often hard to figure out who is running against whom, especially when there are split columns dividing the candidates in a race and preventing them from being immediately next to each other (i.e., challenger candidates being placed in "Ballot Siberia"). The U.S. Election Assistance Commission finds that "split columns" cause substantial voter confusion and lead to voting errors that can deprive citizens of their right to vote.

The League of Women Voters, a nonpartisan organization that has traditionally been viewed as one of the most reputable voting rights organizations, is dedicated to voter education, voter assistance, and fair elections. It has analyzed the NJ primary ballots and agrees that the "County Line" is discriminatory to candidates of color, since incumbents, who generally benefit from the advantages of the county line, have traditionally been more white and male. This results in a self-perpetuating cycle against minority candidates in primary elections. Such a process ought to be changed.

Potential candidates are aware of the power of the "County Line" and many drop out of the primary altogether if they do not receive the party's endorsement. This leads to less candidate participation and less voter choice

on the primary ballot. None of this is good for democracy. In fact, the party leverages the power of the “County Line” to ensure compliance with the will of the party boss — one perceived misstep, and the incumbent is not awarded the “County Line” in their next election. The “County Line” accordingly confers great power upon the party boss to continue his unfettered control of the party. The rational conclusion from all of this is that the “County Line” encourages government corruption. As Dr. Sarah Kendzior, scholar on authoritarianism, notes: “Corruption is not a victimless crime: it's called 'blood money' for a reason.”

For the 2024 Democratic Primary, Judge Quraishi granted a preliminary injunction in the lawsuit filed by Senator-elect Andy Kim, prohibiting ballots such as the “grid” ballot with a “County Line,” instead requiring that the ballots in the Democratic Primary use an “office block” format. Judge Quraishi’s decision was affirmed by the Third Circuit Court of Appeals. The legal rulings mean that the grid ballot format with a “County Line” will likely be found unconstitutional when the lawsuit reaches a final conclusion. The bottom line of Judge Quraishi’s opinion, and made clear during the Third Circuit hearing, is that the ballot is never something that should provide a means for placing a thumb on the scale in favor of any candidate over any other candidate. That is unfair to the non-endorsed candidates, and fairness, after all, is the ultimate consideration when analyzing whether our ballots pass constitutional muster.

Primary ballots should also be of a format that makes the voting process easy for voters by eliminating confusion. The use of a grid ballot in New Jersey primaries actually creates voter confusion, and, in some cases, extreme voter confusion to the point of disenfranchising a large percentage of voters. The office block ballot format groups candidates together with other candidates for the same race and generally shows in clear and precise language how many candidates should be selected for that office. The grid ballots used in New Jersey do not explain the format very well and often do not give clear and concise guidance as to who the candidates are in a given race and indicate in a clear and obvious manner how many choices should be made in a race. As a result, we have witnessed races with an inordinate number of overvotes, where voters voted for too many candidates in the race, when the candidates were not grouped in an office block. For instance, in the contested Camden County Democratic Primary Board of County Commissioners race in 2023, with a grid ballot, there were 3,607 overvotes in the race, out of 36,477 ballots cast. That means an astounding 9.9% of the ballots in that race were overvotes. When an overvote occurs, all of a voter’s selections in that race are invalidated, and the voter is deemed to have made no selection at all in that race. It might be somewhat more understandable when an *undervote* occurs, where a voter does not vote for as many candidates in a race as there are open positions. Many times, people choose not to select a candidate for a given race, as they may not have researched the candidates, do not feel they have enough information to choose one over another, or do not like any of the candidates. But overvotes are a different story. No reasonable person fills out their ballot with the intention of voting for too many candidates and having their vote disqualified. For nearly 10% of the ballots to be rejected due to overvotes, there must have been extreme confusion posed by the 2023 primary ballot. There is no other legitimate explanation. Compare the 2023 result to the 2024 primary, after Judge Quraishi ordered the use of office block ballots. The Camden County Board of Commissioners race was again contested in the 2024 Democratic Primary. This time, with significantly ballots cast (49,401) due to it being a Presidential-year primary, there were only 1,356 overvotes on the office block ballot, just a 2.7% overvote rate. The ballot structure in 2023 led to one overvote out of about every ten votes. In 2024, this ratio of overvotes was reduced down to less than three overvotes for every 100 votes, a far better result (though still too high). Clearly, there was far less voter confusion using the office block ballot style in 2024 compared to the grid ballot in 2023, a huge win for democracy.

In Camden County, we also see other abuse of power with regard to the ballot format for primaries. Running for a party’s County Committee, a majority of the municipalities in Camden County set up an “all or none” ballot choice with one bubble to be filled in for the entire slate of Committee candidates. This can be a very large group of people—for instance, there are over 100 candidates for the Committee slate in Camden and 72 candidates in Cherry Hill. This system has an enormous built-in advantage for the incumbents. They have a slate of candidates already set, with just a need to fill in here or there year to year when someone cannot or is

not interested in running again. A challenger, however, must find a large group of people to run for party office, with the knowledge that they are likely to lose because of the statistical advantages conferred by the "County Line." In our experience, trying to get a full slate of candidates in a larger municipality has been an exercise in futility when grid ballots with a "County Line" are permitted.

Indeed, in the larger municipalities, there are so many names on the ballot for this race that the font size has to be shrunk in order to fit all the names into the small box provided, and it can be extremely difficult for voters to read the names of the candidates because the font is so small. Talk about voter confusion! And what is a voter supposed to do if they like some candidates but not others on the slate? They cannot vote for those they favor without also voting for those they dislike. The "all or none" bubble for multiple candidates results in disenfranchisement of voters. Judge Quraishi's decision effectively eliminated this issue by requiring a ballot draw for every separate office and candidate, precluding the grouping of candidates together. We applaud this approach.

Camden County's abuse of the ballot format goes further than that, also. The municipalities in Camden County do not select representative party committee members by District, as is done in every other county in the state. Instead, the County Committee candidates in Camden County run at-large for the entire municipality, rather than in their own district. Not unexpectedly, this means that a large number of municipal districts within County County and their voters get no representation at all on the County Committee, since Committee members for a municipality frequently come from the same household, or a small neighborhood, and other districts get left out altogether from having representation on the Committee. This violates the one person, one vote concept engrained in our society and seemingly would violate the Equal Protection Clause of the United States and New Jersey Constitutions.

For primary election ballots to be truly fair, we should do what most states do: use office block ballots, with candidate order rotated by voting precinct so that each appears first, second, etc. for an equal number of voters (otherwise, those candidates listed first receive a HUGE advantage!), and no slogans. A political party should not be able to dictate the format of a government document. The ballot belongs to the voters, not the parties. It should not include anything but offices and names of candidates. The ballot is NOT a means to convey information to voters, it is a means for voters to indicate who they prefer in a race. It is up to the voters to do their homework and learn about the candidates and where they stand on the issues. If voters want to know who the party endorsed, that information is readily accessible in places other than the ballot. The party endorsement should NOT be on the ballot itself.

Respectfully,

South Jersey Progressive Democrats

Kate Delany, President
K8delany@gmail.com

From: Catherine Hunt <cchunt205@yahoo.com>
Sent: Monday, December 02, 2024 4:18 PM
To: OLSaideABD
Subject: Fair Ballot Design, hearing 12/2/2024

Follow Up Flag: Follow up
Flag Status: Flagged

Note: In favor of Fair Ballot Design, "Office Block design". Please legislate to maintain Judge Quraishi's order.

In my comments today, I'd like to focus on the county organizational line. In 19 out of 21 counties in New Jersey, the county party makes an official endorsement for every office, and then groups its preferred candidates in the same column or row and under the same slogan on primary election ballots, called "the County line". The county party chairs choose or greatly influence the choice of which candidate gets chosen, a situation which gives 42 people, usually white men, a great deal of power over New Jersey voters' ballot choices. Because the county line significantly benefits the candidates who run on it, the "county line" gives county chairs the power to maintain political machines, privileges incumbents who cooperate with machine politics and policy, threatens incumbents and new candidates who represent the policy preferences of their electorates when voters' preferences differ from machine preferences, and manipulates the voters' candidate choices. The political machines use their power over our elected representatives, who cannot get an endorsement, money for their election campaigns, chair a committee, nor receive the opportunity to sponsor a bill unless they are allowed by their political machine. This is how the "county line" enables the machines to dominate New Jersey politics and policy, manipulates and disenfranchises the voters, and manipulates and corrupts both the representatives and the process of representation within the structure of representative government.

I had personal experience with the machine's voter manipulation process when I ran for a County Committee office in Middlesex County in 2017. I was not endorsed by the Middlesex County party machine, and my name did not appear in a box with other candidates for the same office. Instead, my name appeared in "Ballot Siberia", low and far over to the right of the ballot, confusing the voters. After the election, some voters told me they didn't see my name until after they had marked their ballots. Some said they couldn't tell what I office I was running for because I wasn't grouped with other candidates running for the same office. And some voted for me and "the line", thereby double voting.

After our NJ June 2024 primary election with "Office Box" format, I asked many of the voters in my neighborhood what they thought of the new format vs "The Line" format. Nobody was confused by the Office Box format. Everyone said they would prefer the Office Box format to "The County Line". A couple of people said they were used to the old way, but the new way was easy to understand. Congratulations to the ballot designers! The Office Box format was a success.

I am in favor of the Fair "Office box" Ballot design.

My request to the committee today:

Please legislate to maintain Judge Quraishi's order:

1. Provide for office block ballot design in primary elections

2. Randomize ballot order, preferably electronic drawing
Provide a separate drawing for each candidate for each office.

3.

-Catherine Hunt
2058211209
cchunt205@yahoo.com

From: Pam Barroway <pambarroway@gmail.com>
Sent: Monday, December 02, 2024 6:00 PM
To: OLSaideABD
Subject: Written Testimony to members of the Assembly Select Committee on Ballot Design

Follow Up Flag: Follow up
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You don't often get email from pambarroway@gmail.com. Learn why this is important

Dear Members of the Assembly Select Committee on Ballot Design:

Since last spring, I have been following with interest the winding path of the County Line vs. Office Block ballot design saga, in and out of the courts. When voting in the Primary this past June, I found the randomized Office Block design very fair and easy to comprehend. This fall, when many New Jersey counties began to settle the lawsuit, it seemed like this small-d democratic Office Block ballot design was going to prevail in New Jersey, a very welcome development.

Over the last month I've been paying very close attention to the hearings of the Assembly Select Committee on Ballot Design, and I am more than a bit concerned. Rather than adopting a straightforward, randomized Office Block ballot design, it seems like the Select Committee is looking for a way to indicate which candidates are backed by a particular county party -- whether by bolding names, using asterisks, or other means ... essentially creating a County Line within an Office Block design.

I frankly find this incredibly insulting. Do members of the Select Committee think that New Jersey voters -- unlike voters in all other 49 states -- are incapable of parsing an Office Block ballot design and doing their own due diligence on candidates? Because it really seems like that's what's being implied here.

In conclusion, I encourage Select Committee members to adopt a randomized Office Block ballot design -- like every other state in the U.S. New Jersey voters deserve no less.

Thank you for your consideration.

Sincerely,

Pamela Barroway
18 Whitby Road
Cherry Hill, NJ 08003

215-896-6991 (mobile)
pambarroway@gmail.com

From: Julia Smith <juliacsmith@gmail.com>
Sent: Monday, December 02, 2024 6:10 PM
To: OLSaideABD
Subject: testifying in support of fair ballot design!

Follow Up Flag: Follow up
Flag Status: Flagged

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Hello,

I am a new resident to NJ this year and plan to live here for the long term. I'm writing to advocate for legislation that implements the terms of Judge Quraishi's order into law, and to make office block ballots permanent for future primaries for both political parties.

I took my 6 year old daughter to the ballot box this November and I look forward to pointing this out to her in the future.

Thank you!

Julia Smith
18 Lake Lane
Princeton, NJ 08540

From: Amy J Mayer <amyjmayer@gmail.com>
Sent: Monday, December 02, 2024 6:30 PM
To: OLSaideABD
Subject: Written Testimony for Assembly Select Committee on Ballot Design

Follow Up Flag: Follow up
Flag Status: Flagged

Please accept the following as my testimony for tonight's hearing:

Thank you for the opportunity to submit this testimony. I have lived in New Jersey most of my life and I am a member of the Mercer County Democratic Committee in my third term.

I come to this issue from the perspective of someone who has knocked on many many doors to speak to voters, in Mercer County, but also all over my legislative district (LD 16), which includes parts of Middlesex, Somerset, Hunterdon as well as Mercer.

Too often I hear from voters that they don't trust political parties, that their electeds don't represent their interests, and that their votes don't matter.

In designing the new primary ballots, the legislature has the opportunity to improve trust in the parties, invigorate participation in elections from more candidates, and increase voter agency in the election process. It can do so by prioritizing clarity and fairness.

I urge the legislature to require the following elements of good ballot design on primary ballots:

- An office-block layout
- Randomization of ballot order by voting district
- Standardization across Counties
- No special emphasis or privilege given to any candidate on the ballot.

I also urge the legislature to consider other changes to our electoral system in concert with changing the primary ballot. These changes might include:

- Making the position of County Clerk nonpartisan
- Requiring that the Clerks provide candidate information to voters online and by mail.
- Providing public financing for more NJ elections.
- Revisiting campaign finance limits and loopholes.

Thank you.

Sincerely,

Amy Mayer

•

Testimony for December 2, 2024 Assembly Select Committee on Ballot Design

Rebecca Reid

Thank you for taking the time to read this written testimony, adapted from my spoken testimony on December 2nd. My name is Rebecca Reid, and I am a user experience designer, which means that I use visual design principles, research, and user testing to ensure that products and services people use and interact with are both useful and easy to use. I have also been a voter in Burlington County since 2005, and a poll worker there since 2020. I'd like to talk a bit about things I have observed while working the polls.

This June, the Primary Election was the first time many Burlington County voters were seeing the new voting machines from Dominion Voting Systems, and also the first time they saw an office block ballot. From outside the curtain, I was asked for help many times throughout the day. Besides the questions you might expect about how to use the touchscreen machine and navigate the process of marking and printing a ballot, I heard some questions, each from more than one voter, I found rather discouraging:

"Where's the line?"

"How am I supposed to know who I'm supposed to vote for?"

"Who do I pick?"

As user experience (UX) designers, marketing professionals, and software developers know, people tend to form habits in response to the technology they use. We're all adaptable people. For example, you likely know very few people who remember telephone numbers anymore, since it is now so easy to retrieve this information from your smartphone contact list or look it up online. In my opinion, these questions asked of me, or perhaps rhetorically, on Election Day reflect a habit formed among voters of not reading about primary candidates before reaching the voting booth, because they have been trained to look for meaning and guidance from the design of the ballot itself. They expect the ballot to tell them who to vote for, and campaign messaging encouraging voters to simply "vote column A" or similar reinforces the idea that no consideration for each candidate is necessary.

I watched the recording of the in-person hearing on ballot design at NJIT, and I heard several testimonials claim that the county line design disenfranchises voters, but I feel that the more appropriate term for what has been going on is "electioneering."

New Jersey has laws prohibiting electioneering at the polls, such as [NJSA 19:34-15 Electioneering within or about polling place; disorderly persons offense](#) which states the following:

19:34-15. If a person shall distribute or display any circular or printed matter or offer any suggestion or solicit any support for any candidate, party or public question within the polling place or room or within a distance of 100 feet of the outside entrance to such polling place or room, or within 100 feet of a ballot drop box in use during the conduct of an election, the person shall be guilty of a disorderly persons offense.

See also NJSA 19:34-19 Insignia at polls:

No person shall display, sell, give or provide any political badge, button or other insignia to be worn at or within one hundred feet of the polls or within the polling place or room, on any primary, general or special election day or on any commission government election day, except the badge furnished by the county board as herein provided.

A person violating any of the provisions of this section shall be guilty of a disorderly persons offense.

In practice this includes wearing buttons, hats, t-shirts, etc, and as a poll worker I was instructed to tell voters they cannot be in the polling location unless they remove these articles from sight.

New Jersey clearly does not want anyone showing or telling voters who to vote for, even if it's nonverbal support through the display of campaign merchandise. However, I believe that the county line has been doing just that. I also believe that similar design choices like bracketing candidates together, giving primacy to certain candidates based on anything besides random draw, use of special text styling like bold and bigger fonts, lines, and slogans, also show voters who they "should" vote for, and count as electioneering.

We can avoid electioneering by using a clean ballot block design that does not give preferential treatment to any candidate's name. A simple design that clearly shows which candidates are running for which office, and where a voter can mark their choice, is all that's needed.

If any voters have been trained by the systems we have had until the injunction, we can train them to form new habits and become more engaged citizens and voters as well. I support an office block ballot design with no slogans and no special treatment of candidates for all elections going forward.

Thank you for taking the time to read my testimony. For further reading, I recommend the Ballot Review Checklist at the Center for Civic Design website.

<https://civicdesign.org/questions-to-ask-while-designing-a-ballot/>

From: Matthew Messina <matthewmessina6@gmail.com>
Sent: Monday, December 02, 2024 6:25 PM
To: OLSaideABD
Subject: Re: ABD Meeting 12-2-2024
Attachments: Signature Requirements By State.xlsx

Follow Up Flag: Follow up
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I understand that it is too late for written testimony to be submitted for this hearing, however I am sharing a spreadsheet of data that my testimony will be utilizing.

Thank you,
Matthew Messina

State	Signature #	2020 Pop.	Pop. per Signature
Tennessee	275	6,910,840	25130.3
New Jersey	800	9,288,994	11611.2
Washington	1000	7,705,281	7705.3
Utah	1000	3,271,616	3271.6
Mississippi	1000	2,961,279	2961.3
Minnesota	2000	5,706,494	2853.2
Pennsylvania	5000	13,002,700	2600.5
Ohio	5000	11,799,448	2359.9
Idaho	1000	1,839,106	1839.1
Virginia	5000	8,631,393	1726.3
Georgia	7500	10,711,908	1428.3
Rhode Island	1000	1,097,379	1097.4
Alabama	5000	5,024,279	1004.9
Louisiana	5000	4,657,757	931.6
Iowa	3500	3,190,369	911.5
Kentucky	5000	4,505,836	901.2
Michigan	12000	10,077,331	839.8
Nebraska	2500	1,961,504	784.6
Massachusetts	10000	7,029,917	703.0
Vermont	1000	643,077	643.1
Maryland	10000	6,177,224	617.7
Missouri	10000	6,154,913	615.5
Arkansas	5000	3,011,524	602.3
New Mexico	3561	2,117,522	594.6
Kansas	5000	2,937,880	587.6
Illinois	25000	12,812,106	512.5
South Carolina	10000	5,118,425	511.8
Colorado	12000	5,773,714	481.1
Connecticut	7500	3,605,944	480.8
New Hampshire	3000	1,377,529	459.2
New York	45000	20,201,249	448.9
Maine	4000	1,362,359	340.6
Nevada	10095	3,104,614	307.5
Wisconsin	2000	583,718	291.9
Texas	113151	29,145,505	257.6
South Dakota	3502	886,667	253.2
Hawaii	5798	1,455,271	251.0
West Virginia	7947	1,793,716	225.7
Montana	5000	1,084,225	216.8
Alaska	3614	733,291	202.9
North Dakota	4000	779,094	194.8
Indiana	36943	6,785,528	183.7
California	219403	39,538,223	180.2

Oregon	23744	4,237,256	178.5
Florida	145040	21,538,187	148.5
Wyoming	3891	576,851	148.3
Delaware	7677	989,948	128.9
North Carolina	83188	10,439,388	125.5
Oklahoma	34,599	3,959,353	114.4
Arizona	131028	7,151,502	54.6
			1140.6