New Jersey’s primary ballot design enables party insiders to pick winners

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New Jersey’s Primary Ballot Design Enables Party Insiders to Pick Winners

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The infamous Florida butterfly ballot of 2000, which may have cost Al Gore the Presidency, highlights the dramatic consequences of bad ballot design for general election outcomes. The design of primary election ballots can also have substantial consequences by determining which candidates advance to the general election. This research brief demonstrates how a unique ballot design has been helping shape electoral outcomes in New Jersey for more than two decades, shifting the power to decide who wins primary elections away from the voters and towards a small group of party insiders who control the candidate endorsement process.

**New Jersey primary ballots**

A review of primary ballots in all fifty states and the District of Columbia finds that New Jersey’s ballots look very different from those in any other state. In all other states and DC, primary ballots are organized by the electoral position being sought, with candidates listed beneath each position (see Figure 1, Elko County, Nevada ballot) or immediately to the right of each position (see Figure 1, Sussex County, Delaware ballot). These ballot designs make it easy for voters to identify which candidates are running for which electoral office.

**Figure 1: Primary Ballot Designs Used by 49 States and District of Columbia**

<table>
<thead>
<tr>
<th>Elko County, NV 2018 Democratic primary</th>
<th>Sussex County, DE 2018 Democratic primary</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>FEDERAL PARTISAN OFFICES</strong></td>
<td><strong>STATEWIDE PARTISAN OFFICES</strong></td>
</tr>
<tr>
<td>UNITED STATES SENATOR 6 Year Term VOTE FOR ONE</td>
<td>GOVERNOR 4 Year Term VOTE FOR ONE</td>
</tr>
<tr>
<td>BURLEIGH, DANNY</td>
<td>BONAVENUTA, JOHN</td>
</tr>
<tr>
<td>KNIGHT, DAVID DREW</td>
<td>DEWAN, ASHLEISH</td>
</tr>
<tr>
<td>MAHENDRA, SUJET &quot;BOBBY&quot;</td>
<td>GUNNONG, CHRISTINA, CHRIS O.</td>
</tr>
<tr>
<td>RHEINHART, ALLEN</td>
<td>JONES, DAVID E.</td>
</tr>
<tr>
<td>ROSEN, JACKY</td>
<td>SISOLAK, STEVE</td>
</tr>
<tr>
<td>SBAH, JESSE</td>
<td>THOMAS, HENRY</td>
</tr>
<tr>
<td>NONE OF THESE CANDIDATES</td>
<td>NONE OF THESE CANDIDATES</td>
</tr>
<tr>
<td><strong>UNITED STATES REPRESENTATIVE IN CONGRESS, DISTRICT 2 2 Year Term VOTE FOR ONE</strong></td>
<td><strong>LIEUTENANT GOVERNOR 4 Year Term VOTE FOR ONE</strong></td>
</tr>
<tr>
<td>AML, VANCE</td>
<td>HANSEN, LAURIE L.</td>
</tr>
<tr>
<td>POSSEY, PATRICK</td>
<td>MARSHALL, KATE</td>
</tr>
<tr>
<td>HURLEY, JESSIE DOUGLAS</td>
<td>NONE OF THESE CANDIDATES</td>
</tr>
<tr>
<td>KROBE, CLINT</td>
<td>NONE OF THESE CANDIDATES</td>
</tr>
<tr>
<td>SCHOFIELD JR., JACK L.</td>
<td></td>
</tr>
<tr>
<td>SHEPHERD, RICK</td>
<td></td>
</tr>
<tr>
<td><strong>ATTORNEY GENERAL 4 Year Term VOTE FOR ONE</strong></td>
<td><strong>FOR ATTORNEY GENERAL VOTE FOR ONE</strong></td>
</tr>
<tr>
<td>FORD, AARON</td>
<td>KATHLEEN JOHNSON</td>
</tr>
<tr>
<td>MACKIE, STUART J.</td>
<td>CHRISTOPHER JOHNSON</td>
</tr>
<tr>
<td>NONE OF THESE CANDIDATES</td>
<td>TIMOTHY R. BALEYDRY, JR.</td>
</tr>
<tr>
<td><strong>FOR AUDITOR OF ACCOUNTS 4 Year Term VOTE FOR ONE</strong></td>
<td><strong>FOR AUDITOR OF ACCOUNTS VOTE FOR ONE</strong></td>
</tr>
<tr>
<td>KATAGARI, ANN</td>
<td>KATAGARI, ANN</td>
</tr>
<tr>
<td>DAVIES</td>
<td>DAVIES</td>
</tr>
<tr>
<td>KAYDOR, DENNIS</td>
<td>KAYDOR, DENNIS</td>
</tr>
<tr>
<td>DOWNS, WILLIAM</td>
<td>DOWNS, WILLIAM</td>
</tr>
</tbody>
</table>

By contrast, in nineteen of New Jersey’s twenty-one counties, primary ballots are organized around a slate of candidates endorsed by either the Democratic or the Republican party. These slates of candidates are known as the “county line,” in reference to the fact that the endorsements are determined at the county party level and the endorsed candidates are presented on the ballot as a vertical or horizontal line of names.

For example, Figure 2 shows the 2018 New Jersey Democratic primary ballot from Camden County. The nine county line candidates are in column 2. The remaining sixteen candidates are scattered across the other eight columns. There is no obvious logic as to why each of the non-endorsed candidates is in a particular column. Column 1 includes a single candidate for the US Senate. Columns 3 through 8 include eleven candidates for Camden County Freeholder. Column 9 includes two candidates for the US House of Representatives and two candidates for the Camden City Council.
This ballot design makes it much more challenging for voters to determine which candidates are running for each office, encouraging voters to select the candidates on the county line -- an easy to find and visually consistent option. The county line is also advantaged by the placement of better-known candidates, such as those running for President, US Senator, or Governor, at the top of the line and the inclusion of candidates for most or all of the offices on the ballot. It is very challenging for candidates not endorsed by the party to assemble a slate that includes someone running for every position, to compete with the county line.

The county line also advantages candidates whose names may be less familiar to voters, such as those running for the state legislature, and county-level or local positions. But the county line seems to provide a substantial electoral advantage regardless of the office being sought. A recent Communications Workers of America analysis found that no incumbent on the line had lost a primary election in New Jersey between 2009 and 2018. Although incumbents generally win reelection, that advantage is rarely so absolute. In New York State, for example, twenty-two incumbents lost primary elections over the same time period.

The line provides an advantage for non-incumbents as well. For example, in the 2017 Democratic primary for Governor, Phil Murphy was endorsed by all 21 county political parties. Murphy won the primary in 20 of those counties but lost Salem county to John Wisniewski. Wisniewski’s win of Salem County is the first time since 1997 that a candidate in a Democratic primary for Governor or U.S. Senator won any county without being part of the county line. Salem is also one of only two New Jersey counties, along with Sussex, that do not organize their primary ballots around a county line. Instead, the County Clerks in those two counties have structured their primary ballots around the electoral positions being sought, like ballots in every other state in the country.

The difference between the Salem and Sussex primary ballots and those in the rest of the state is dramatic. Figure 3 shows the gubernatorial portions of New Jersey’s 2017 Democratic primary ballots for Salem, Sussex and Middlesex Counties. The six candidates for Governor are clearly identified as such on the Salem and Sussex ballots. In contrast, the Middlesex ballot lists the names of the six gubernatorial candidates over five different columns, with one of the candidates – Wisniewski – in a separate row from the other five. It is not surprising that candidates without party endorsement have little chance of winning when their names are presented to voters in such a confusing manner.
### Salem County

**Candidates for Governor of the State of New Jersey**

- JOHN S. WISNIEWSKI
  - Main Street, Not Wall Street
- JIM JOHNSON
  - The Progressive Leader For All Families
- WILLIAM BRENNA
  - Progress With Integrity
- RAYMOND J. LESNIAK
  - Democrat for Governor
- PHILIP MURPHY
  - Regular Democratic Organization
- MARK ZINNA
  - Let’s Build New Jersey Together
- WRITE-IN

**New Jersey Assembly**

- **2-Year Term - Vote for Two**
  - JOHN J. BURZICHELLI
    - Regular Democratic Organization
  - ADAM TALIAFERRO
    - Regular Democratic Organization
  - JOHN KALNAS
    - Democrat
  - WRITE-IN
  - WRITE-IN

**Male Member of the New Jersey State Committee**

- **4-Year Term - Vote for One**
  - PETER J. VOLOS
    - Regular Democratic Organization
- WRITE-IN

**New Jersey Senate**

- **4-Year Term - Vote for One**
  - STEVE SWEENEY
    - Regular Democratic Organization
- WRITE-IN

**Female Member of the New Jersey State Committee**

- **4-Year Term - Vote for One**
  - CAROL WADDINGTON
    - Regular Democratic Organization
- WRITE-IN

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### Sussex County

**General Assembly**

- **Two-Year Term - Vote for Two**
  - Kate Matheson
    - Sussex County Democratic Organization
  - Gena Trask
    - Sussex County Democratic Organization
  - Michael Thomas Fogg
    - New Look for Sussex
- WRITE-IN
- WRITE-IN

**County**

- **Freeholder**
  - Three-Year Term - Vote for One
  - Teddy Forrester
    - Sussex County Democratic Organization
- WRITE-IN
- WRITE-IN

**Male Member of State Committee**

- **Two-Year Term - Vote for One**
  - Michele Van Allen
    - Sussex County Democratic Organization
- WRITE-IN

**Municipal**

**Borough Council**

- **Three-Year Term - Vote for Two**
  - Anthony Riccardi
    - Sussex County Democratic Organization
  - Michael A. Byrnes
    - WRITE-IN
  - WRITE-IN

**Male Member of County Committee**

- **Two-Year Term - Vote for One**
  - No Petition Filed
  - WRITE-IN

**Female Member of County Committee**

- **Two-Year Term - Vote for One**
  - No Petition Filed
  - WRITE-IN

**Election Districts**

- Jennifer Hamilton
  - Sussex County Democratic Organization
- WRITE-IN

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Why do New Jersey ballots look like this?

New Jersey’s primary ballot design reflects a combination of state laws and decades of court rulings that have created a confusing patchwork of regulations.\(^viii\) The state’s county party organizations seem to have taken advantage of this confusion to control the design of primary ballots, as a powerful means of benefitting the election of their chosen candidates.

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\(^ii\) The review included 2000 to 2020 primary ballots from every state and the District of Columbia, as well as 2017 to 2019 primary ballots from all 21 New Jersey counties. See [https://drive.google.com/drive/folders/1vudVsxEcLvY2nZAfD_k88780ynh5sGCr?usp=sharing](https://drive.google.com/drive/folders/1vudVsxEcLvY2nZAfD_k88780ynh5sGCr?usp=sharing)

\(^iii\) The New Jersey primary ballots shown are those used for in-person voting during the 2017 and 2018 primary elections. A few counties that use a county line for in-person voting have designed Vote-by-Mail paper ballots in some years around the electoral positions rather than the county line. For example, in 2017, Cumberland Mercer and Middlesex Counties all used such a Vote-by-Mail ballot design. Historically, only a small percentage of New Jersey residents has voted by mail, so the impact of these ballots has been minimal.

\(^iv\) In years when there are no statewide or national contests, the candidates for State Senate or Assembly are placed at the top of the county line.

\(^v\) Francisco Diez, The likely advantages of the line. Communication Workers of America analysis, July 29, 2019.

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