

SENATE, No. 4142

STATE OF NEW JERSEY
221st LEGISLATURE

INTRODUCED FEBRUARY 13, 2025

Sponsored by:

Senator NICHOLAS P. SCUTARI

District 22 (Somerset and Union)

SYNOPSIS

Revises design of primary election ballots and certain primary election procedures; provides for ballots to be arranged by office block; removes State committee members from primary process; requires reporting on primary elections by Division of Elections.

CURRENT VERSION OF TEXT

As introduced.



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1 AN ACT concerning the design and use of primary election ballots
2 and primary election procedures, supplementing Title 19 of the
3 Revised Statutes, amending various parts of the statutory law,
4 and repealing various parts of the statutory law.

5
6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:

- 8
9 1. (New section) The Legislature finds and declares that:
10 a. The Elections Clause of the United States Constitution
11 grants the State with the right and ability to make laws concerning
12 the time, place, and manner of elections.
13 b. State and Federal courts have frequently deferred to the State
14 Legislature to enact such laws and balance the respective interests
15 of the State, candidates for offices, and the voters, “a function for
16 which the Legislature is uniquely fitted.”
17 c. As per the ruling of Judge Quraishi of the United States
18 District Court for the District of New Jersey, the bracketing
19 structure used in New Jersey’s primary election ballots was
20 primarily created by the combined effect of three statutes:
21 R.S.19:23-24; section 1 of P.L.1981, c.71 (C.19:23-26.1); and
22 R.S.19:49-2.
23 d. The combined effect of these three statutes created unique
24 ballot conditions such as incongruous separation, preferential
25 placement for certain candidates based upon the drawing of
26 candidates for different offices, and improper placement of certain
27 candidates amongst candidates for different offices on the ballot.
28 These conditions led to two legal challenges in federal district
29 court, where Plaintiffs asserted that the bracketing structure
30 impermissibly burdened their rights under the First Amendment of
31 the United States Constitution.
32 e. Prior to a decision being reached in either of these cases, the
33 leaders of the New Jersey State Legislature committed to remedying
34 the combined effect of these statutes and pledged to design a new
35 primary election ballot for use in this State.
36 f. In furtherance of this commitment, the General Assembly
37 convened the Select Committee on Ballot Design, comprised of an
38 equal number of members of both parties in the General Assembly.
39 g. The Select Committee on Ballot Design met in a series of
40 five public hearings to take testimony from experts and the public
41 alike in order to better understand the issue and balance the interests
42 of the many perspectives presented.
43 h. The design of the new primary election ballot, to be
44 established by this act, P.L. , c. (pending before the Legislature
45 as this bill), took into consideration the expertise of:

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

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- 1 (1) the county clerks and election officials, who are ultimately
2 responsible for implementation of the design;
- 3 (2) the National Conference of State Legislatures, which
4 provided the committee with expert testimony and research
5 concerning ballot design and other election matters, including the
6 relevant practices in other states;
- 7 (3) the Center for Civic Design, which provided the committee
8 with expert testimony, and whose research and guidance on
9 standardized and user-friendly ballot design principles are publicly
10 available; and
- 11 (4) members of the public, many of whom spoke in support of
12 an office block ballot design.
- 13 i. The new ballot design for primary election ballots also seeks
14 to further important government interests, such as ensuring timely
15 and orderly election processes, of which the primary election is an
16 integral part.
- 17 j. As the most critical stage in the electoral process is the
18 instant before the vote is cast, the design for the new primary
19 election ballots seeks to:
- 20 (1) ensure that voters can understand the ballot;
21 (2) maintain a manageable ballot;
22 (3) reduce voter confusion;
23 (4) provide voters with information as to the policy positions
24 and endorsements of the candidates running for office; and
25 (5) allow voters to quickly find their preferred choice of
26 candidate for a given office and cast their vote.
- 27 k. Additionally, the State has an important interest in fostering
28 an informed and educated electorate who may express their political
29 opinions through the casting of their vote.
- 30 l. The design of the new primary ballot preserves the ability of
31 political parties to make endorsements, since party labels provide a
32 shorthand designation of the views of party candidates, and the
33 identification of candidates with a particular party plays a role in
34 the process by which voters inform themselves for the exercise of
35 the franchise.
- 36 m. This design also takes into consideration the First
37 Amendment rights of political parties and their governing bodies,
38 recognizing that primary elections are, at their core, a function of
39 the party and therefore not a public affair which may be overly
40 regulated by the State. This principle has routinely been upheld by
41 the United States Supreme Court and courts in New Jersey.
- 42 n. This design seeks also to preserve the First Amendment
43 rights of candidates who wish to legitimately associate with one
44 another through the use of common slogans, without requiring that
45 any candidates associate, while also safeguarding against abuses of
46 the candidate slogans, such as the use of misleading or false slogans
47 which could be deceptive to a reasonable voter.

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- 1 2. (New section) a. All primary election ballots used in this
2 State shall comply with the following design standards:
- 3 (1) the oval or space for the voter to mark a vote shall be to the
4 left or to the right of the name of each candidate, and each
5 candidate's name shall appear flush next to and aligned with the
6 oval or space in a consistent manner which does not create any
7 visual distinction between candidate names;
- 8 (2) all text shall be written in plain, simple language, to the
9 extent possible, and shall avoid overly technical language;
- 10 (3) candidates shall be arranged by office sought in an office
11 block format, each office block shall be separated on the ballot from
12 other office blocks, and candidates for the same office shall be
13 listed within the same office block without a page break appearing
14 between their names, and as further provided under R.S.19:23-25;
- 15 (4) all office blocks appearing on one ballot shall be designed
16 according to the same standards of design, consistent with the
17 provisions of this section;
- 18 (5) all spacing, ruling, and delineation of candidates shall be
19 consistent and uniform within each office block and across all
20 office blocks included on each ballot, so as not to create a
21 separation or visual distinction between the names of any
22 candidates, except that the county clerk may modify the spacing,
23 ruling, or delineation applied to associated candidates so as to
24 indicate such association; and
- 25 (6) candidate ballot draw positions shall be labeled using a letter
26 and number, such as "1A", corresponding to the office block and
27 line each candidate is placed on, and such label shall be placed next
28 to a candidate's name.
- 29 b. No primary election ballot used in this State shall be
30 designed in a manner that creates for a candidate on the ballot an
31 incongruous separation from other candidates seeking the same
32 office, positions a candidate on the ballot among candidates for a
33 different office, or brackets candidates together on the ballot so as
34 to position a candidate based upon a drawing for ballot position for
35 a different candidate for a different office.
- 36 No primary election ballot used in this State shall include any
37 distinguishing mark or notation, except as otherwise provided by
38 law.
- 39 c. Each county clerk shall:
- 40 (1) allow for the placement of a slogan or endorsement of not
41 more than six words next to or below the names of candidates, in
42 the same font and color as the name, but in a smaller font size,
43 provided that the slogan or endorsement shall not be in bold or
44 italicized fonts, and provided that the slogan or endorsement
45 complies with R.S.19:23-17;
- 46 (2) allow candidates for the same office with multiple open seats
47 to associate in the same office block, using a common slogan or

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1 endorsement, next to or below the associated candidate names, in
2 compliance with the provisions of R.S.19:23-18; and

3 (3) indicate the association of candidates for the same or
4 different offices using a common slogan or endorsement next to or
5 below each of the candidates' names, as provided by R.S.19:23-17.

6 d. In addition to complying with the provisions of this section,
7 each county clerk may arrange and design the ballot in either
8 landscape or portrait orientation.

9 e. The Secretary of State, in consultation with all county
10 clerks, shall promulgate uniform guidelines for all county clerks to
11 follow in order to comply with the requirements of this section.

12

13 3. R.S.19:23-17 is amended to read as follows:

14 19:23-17. a. Any person **【indorsed】** endorsed as a candidate for
15 nomination for any public office or party position whose name is to
16 be voted for on the primary **【ticket】** ballot of any political party,
17 may, **【by indorsement】** on the petition of nomination in which **【he**
18 **is indorsed】** the candidate is endorsed, request that there be printed
19 **【opposite his】** next to or below the candidate's name on the
20 primary **【ticket a designation】** ballot a slogan or endorsement, in
21 not more than six words, as named by **【him】** the candidate in such
22 petition, for the purpose of indicating either any official act or
23 policy to which **【he】** the candidate is pledged or committed, or to
24 distinguish **【him】** the candidate as belonging to a particular faction
25 or wing of **【his】** the candidate's political party **【;** provided,
26 however, that no such designation **】**, or to indicate the endorsement
27 of a person or incorporated association.

28 b. (1) No slogan or endorsement shall include or refer to the
29 name of any person or any incorporated association **【of this State】**
30 existing at the time the candidate files the petition of nomination
31 unless the written consent of such person or incorporated
32 association **【of this State】** has been filed with the petition of
33 nomination of such candidate or **【group of】** candidates. If a person
34 or incorporated association wishes to revoke their consent as
35 provided pursuant to this paragraph, the person or incorporated
36 association shall notify the Secretary of State, county clerk, or
37 municipal clerk, as the case may be, in writing and the Secretary of
38 State or the clerk shall accept such revocation, provided that notice
39 of such is received prior to the date on which the draw for ballot
40 position is conducted pursuant to R.S.19:23-24.

41 (2) No slogan or endorsement shall include or refer to any
42 lawfully registered trademark of any person or incorporated
43 association unless the written consent of such person or
44 incorporated association has been filed with the petition of
45 nomination of such candidate or candidates. If a person or
46 incorporated association wishes to revoke their consent as provided
47 pursuant to this paragraph, the person or incorporated association

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1 shall notify the Secretary of State, county clerk, or municipal clerk,
2 as the case may be, in writing and the Secretary of State or the clerk
3 shall accept such revocation, provided that notice of such is
4 received prior to the date on which the draw for ballot position is
5 conducted pursuant to R.S.19:23-24.

6 c. The Secretary of State, county clerk, or municipal clerk, as
7 the case may be, may reject a slogan or endorsement which is so
8 substantially similar to that of another candidate that a reasonable
9 voter could be misled or deceived into falsely believing that the
10 candidates are running together under the same slogan or
11 endorsement when the candidates have not requested to share such a
12 slogan or endorsement. The Secretary of State, county clerk, or
13 municipal clerk, as the case may be, shall notify the candidate or
14 candidates requesting such slogan or endorsement in writing of the
15 reasons for the rejection, and the candidate or candidates shall be
16 given the opportunity to select an alternative slogan or
17 endorsement.

18 If the candidate or candidates who have been denied their first
19 choice of slogan or endorsement pursuant to this section disagree
20 with the decision of the Secretary of State, county clerk, or
21 municipal clerk, as the case may be, the candidate or candidates
22 shall have the right to appeal this decision to a judge of the Superior
23 Court assigned to the county in which the petition of nomination
24 was filed, and such appeal shall be heard on an expedited basis.

25 d. No slogan or endorsement shall include or refer to the name
26 of any candidate appearing on the ballot in the same primary
27 election for a different office.

28 e. Nothing in this section shall be construed to prohibit the use
29 of a single word referring to the membership or affiliation of a
30 person with a political party, as defined under R.S.19:1-1, such as
31 “Democrat” or “Republican”, in a candidate’s slogan.

32 (cf: P.L.1944, c.231, s.1)

33

34 4. R.S.19:23-18 is amended to read as follows:

35 19:23-18. a. Several candidates for nomination to the same
36 office with multiple open seats to be voted on at a primary election
37 may in such petitions request that their names be [grouped
38 together] associated, and that the common [designation] slogan or
39 endorsement to be named by them shall be printed [opposite] next
40 to or below their names, as permitted by R.S.19:23-17. The county
41 clerk in the county in which a petition of nomination is filed shall
42 accept such requests made in compliance with this section, provided
43 that such notice is received prior to the date on which the draw for
44 ballot position is conducted pursuant to R.S.19:23-24. If any
45 candidate, following acceptance of such request by the county clerk,
46 wishes to modify, supplement, or revoke the terms of their
47 association, as indicated on their petitions at the time of filing, the
48 candidate shall notify the county clerk in writing and the clerk shall

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1 accept such modification, supplement, or revocation, provided that
2 such notice is received prior to the date on which the draw for ballot
3 position is conducted pursuant to R.S.19:23-24. The clerk shall not
4 accept any request to modify, supplement, or revoke the terms of an
5 association received after the draw for ballot position is conducted
6 pursuant to R.S.19:23-24.

7 b. If two candidates or [groups] associations of candidates
8 seeking the same office shall select the same [designation] slogan,
9 the secretary of state, county clerk or municipal clerks, as the case
10 may be, shall notify the candidate or [group] associated candidates
11 whose petition was last filed, and such candidate or [group]
12 associated candidates shall select a new [designation] slogan.

13 c. If multiple candidates or associations of candidates shall
14 receive the endorsement of the same person or incorporated
15 association, such endorsement shall be printed next to or below all
16 candidates having indicated such endorsement on their petitions of
17 nomination, as permitted by R.S.19:23-17.

18 d. If candidates have requested to be associated pursuant to
19 subsection a. of this section, the associated candidates shall be
20 drawn together for position on the ballot pursuant to R.S.19:23-24.
21 The candidates, on their petitions, shall waive their right to be
22 drawn separately for ballot position.

23 (cf: R.S.19:23-18)

24

25 5. R.S.19:23-24 is amended to read as follows:

26 19:23-24. a. The position which the candidates [and bracketed
27 groups of names of candidates] for the primary for the general
28 election shall have upon the ballots used for the primary election for
29 the general election, in the case of candidates for nomination for
30 members of the United States Senate, Governor, members of the
31 House of Representatives, members of the State Senate, members of
32 the General Assembly, choice for President, delegates and
33 alternates-at-large to the national conventions of political parties,
34 district delegates and alternates to conventions of political parties,
35 candidates for party positions, other than State political party
36 committee, and county offices or party positions which are to be
37 voted for by the voters of the entire county or a portion thereof
38 greater than a single municipality, including a congressional district
39 which is wholly within a single municipality, shall be determined
40 by the county clerks in their respective counties [; and, excepting in
41 counties where R.S.19:49-2 applies, the] .

42 The position on the ballot used for the primary election for the
43 general election in the case of candidates for nomination for office
44 or party position wherein the candidates for office or party position
45 to be filled are to be voted for by the voters of a municipality only,
46 or a subdivision thereof (excepting in the case of members of the
47 House of Representatives), which nominating petitions are required

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1 to be filed in the municipal clerk's office, shall be determined by
2 the municipal clerk in such municipalities, **[**in the following
3 manner:**]** except that, upon written notice by the county clerk to the
4 municipal clerk, the county clerk shall determine the position on the
5 ballot for such offices or party positions.

6 The position which the candidates shall have upon the ballots
7 used for the primary election shall be determined as specified in this
8 section.

9 b. The county clerk, or the county clerk's deputy, or the
10 municipal clerk or the municipal clerk's deputy, as the case may be,
11 shall at the clerk's office on the 61st day prior to the primary
12 election for the general election at three o'clock in the afternoon
13 draw from the box, as hereinafter described, each card separately
14 without knowledge on the clerk's part as to which card the clerk is
15 drawing. Any legal voter of the county or municipality, as the case
16 may be, shall have the privilege of witnessing such drawing. The
17 person making the drawing shall make public announcement at the
18 drawing of each name, the order in which the same is drawn, and
19 the office for which the drawing is made. When there is to be but
20 one person nominated for the office, the names of the several
21 candidates who have filed petitions for such office shall be written
22 upon cards (one name on a card) of the same size, substance and
23 thickness. The cards shall be deposited in a box with an aperture in
24 the cover of sufficient size to admit a man's hand. The box shall be
25 well shaken and turned over to thoroughly mix the cards, and the
26 cards shall then be withdrawn one at a time. The first name drawn
27 shall have first place, the second name drawn, second place, and so
28 on; the order of the withdrawal of the cards from the box
29 determining the order of arrangement in which the names shall
30 appear upon the primary election ballot. Where there is more than
31 one person to be nominated to an office where petitions have
32 designated that certain candidates shall be **[bracketed]** associated
33 pursuant to R.S.19:23-18, the position of such **[bracketed]** names
34 on the ballot **[**(each bracket to be treated as a single name)**]**,
35 together with individuals who have filed petitions for nomination
36 for such office, shall be determined as above described. Where
37 there is more than one person to be nominated for an office and
38 there are more candidates who have filed petitions than there are
39 persons to be nominated, the order of the printing of such names
40 upon the primary election ballots shall be determined as above
41 described.

42 c. Candidates for nomination to the same office with multiple
43 open seats to be voted on who wish to associate with one another
44 and who have filed a petition of nomination and waived their right
45 to be drawn individually in compliance with R.S.19:23-18 shall be
46 treated as one name and shall be drawn only once under subsection
47 b. of this section.

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1 d. As prohibited by section 2 of P.L. , c. (C.) (pending
2 before the Legislature as this bill), no candidate shall have their
3 position on the ballot determined by the position of any candidate
4 for a different office.

5 e. (1) If there is only one candidate for an office to be voted
6 on at the primary election, the candidate shall be placed first in the
7 office block for the respective office being sought, and the drawing
8 procedures described in subsection b. of this section shall not be
9 required.

10 (2) If there are an equal number of candidates and open seats for
11 an office, and all the candidates seeking the office have filed a
12 petition of nomination indicating their intention to associate on the
13 ballot pursuant to R.S.19:23-18, the candidates shall be placed upon
14 the ballot in the order requested on their petitions of nomination,
15 and the drawing procedures described in subsection b. of this
16 section shall not be required.

17 f. The county clerk in certifying to the municipal clerk the
18 offices to be filled and the names of candidates to be printed upon
19 the ballots used for the primary election for the general election,
20 shall certify them in the order as drawn in accordance with [the
21 above described procedure] the provisions of this section, and the
22 municipal clerk shall [print] cause to be printed the names upon the
23 ballots as so certified and in addition shall print the names of such
24 candidates as have filed petitions with [him] the municipal clerk in
25 the order as determined as a result of the drawing as above
26 described. [Candidates for the office of the county executive in
27 counties that have adopted the county executive plan of the
28 "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et
29 seq.), shall precede the candidates for other county offices for
30 which there are candidates on the ballot used for the primary
31 election for the general election.]

32 (cf: P.L.2023, c.16, s.11)

33
34 6. R.S.19:23-25 is amended to read as follows:

35 19:23-25. The ballots shall be made up and printed consistent
36 with the requirements of section 2 of P.L. , c. (C.) (pending
37 before the Legislature as this bill) and in substantially the following
38 form:

39 [Each ballot shall have at the top a coupon at least two inches
40 deep extending across the ballot above a perforated line. The
41 coupon shall be numbered for each of the political parties,
42 respectively, from one consecutively to the number of ballots
43 delivered and received by the election officers of the respective
44 polling places. Upon the coupon and above the perforated line shall
45 be the words "To be torn off by the judge of election. Fold to this
46 line." Below the perforated line] At the top of each ballot shall be
47 printed the words "Official Democratic Party Primary Ballot," or

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1 "Official Republican Party Primary Ballot," or, as the case may be,
2 naming the proper political party, as provided in this Title; below
3 which and extending across the ballot in one or more lines, as may
4 be necessary, shall be printed the words
5 name of county name of municipality ward
6 election district date of
7 election John Doe, **【municipal】** county clerk; the blank
8 spaces shall be filled in with the name of the proper county,
9 municipality, the ward and the district number and the date of
10 election. The name of the **【municipal】** county clerk shall be a
11 facsimile of **【his】** the county clerk's signature. This heading shall
12 be set apart from the body of the ballot by a heavy diagram rule.
13 Below this rule shall be printed the following directions instructing
14 the voter how to indicate **【his】** the voter's choice for each office
15 and position, and for how many persons to vote for each office and
16 position: To vote for any person whose name is printed upon this
17 ballot mark a cross x , plus + **【or】** , check **【with ink or pencil in the**
18 **square at the left of】** , or an otherwise appropriate mark on the oval
19 or space next to the name of such person. To vote for any person
20 whose name is not printed upon this ballot write or paste the name
21 in the blank space under the proper title of office and mark a cross x
22 , plus + **【or】** , check **【with ink or pencil in the square at the left of】**
23 , or an otherwise appropriate mark on the oval or space next to the
24 name of such person. Below these instructions shall be printed a
25 heavy diagram rule below which shall be printed the government
26 levels describing the offices to be voted for below which shall be
27 separate office blocks headed by the titles of offices and positions
28 for which candidates are to be voted for at the primary election,
29 together with such directions to the voter as may be necessary **【,as】**
30 , "Vote for one," "Vote for two," or a greater number, as the case
31 may be, shall be included with any other directions to the voters,
32 and shall be printed in an obvious and conspicuous manner.

33 The office blocks shall be arranged in the following order:

34 (1) federal offices, below which shall be printed separate office
35 blocks for choice for President or electors for President; members
36 of the United States Senate; and members of the House of
37 Representatives;

38 (2) State offices, below which shall be printed separate office
39 blocks for Governor; members of the State Senate; and members of
40 the General Assembly;

41 (3) countywide offices, below which shall be printed separate
42 office blocks for county executive; member of the board of county
43 commissioners; county clerk; county sheriff; and any other county
44 offices in their respective office blocks;

45 (4) municipal offices, below which shall be printed separate
46 office blocks for mayor; member of the council or municipal

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1 governing body; and any other municipal offices in their respective
2 office blocks;

3 (5) any other titles of office, below which shall be printed
4 separate office blocks for each office;

5 (6) delegates and alternates-at-large to the national conventions
6 of political parties, provided that the candidates for delegates and
7 alternates-at-large may be placed next to the office block for choice
8 for President or electors for President;

9 (7) district delegates and alternates to conventions of political
10 parties, provided that the candidates for district delegates and
11 alternates may be placed next to the office block for choice for
12 President or electors for President; and

13 (8) candidates for county party positions.

14 A heavy diagram rule shall be used to distinguish each office
15 block for the different offices. Underneath the proper title of office
16 and position shall be printed the names of all those persons certified
17 as candidates for the offices to the municipal clerk by the county
18 clerk as hereinbefore provided, and the names of persons
19 **[indorsed]** endorsed as such candidates in petitions on file in the
20 office of the municipal clerk as they appear signed to the certificate
21 of acceptance. The name of any person **[indorsed]** endorsed in a
22 petition as provided who shall fail to certify **[his]** the person's
23 consent and agreement to be a candidate for nomination to the
24 office specified therein shall not be printed upon the ballots to be
25 used at the primary election. In the case of a vacancy among
26 nominees the name of the person selected in the manner provided in
27 this Title to fill the same shall be printed upon the ballots in the
28 place of the person vacating such nomination.

29 The candidates shall be arranged **[in groups and the groups**
30 **bracketed]** as indicated on their petitions for nomination for the
31 same office with multiple open seats in all cases where the petitions
32 **[indorsing]** endorsing such candidates and filed in accordance with
33 R.S.19:23-18 request **[such grouping]** for such candidates to be
34 associated within the same office block. The **[designation]** slogan
35 or endorsement named by candidates in their petitions for
36 nomination, as provided by **[this Title]** R.S.19:23-17, shall be
37 printed **[to the right of]** next to or below the names of such
38 candidates **[or groups of candidates in as large type as the space**
39 **will allow]**.

40 Immediately next to **[the left and on the same line with]** the
41 name of each candidate for office and position shall be printed **[a**
42 **square approximately one-quarter of an inch in size, or by printing**
43 **vertical single line rules connecting the single line rules between**
44 **the names of the candidates and thus form a square]** an oval or
45 space in which the voter shall indicate **[his]** the voter's choice. **[A**
46 **single light-faced rule shall be used to separate the different names**

1 in each group of candidates.】 A heavy diagram rule shall be used
2 between each 【group of candidates for different offices. Where
3 candidates are arranged in groups and the groups bracketed, the
4 groups shall be separated from other groups and candidates by two
5 single line rules approximately one-eighth of an inch apart】 office
6 block. The ballot shall be so arranged that all candidates seeking
7 the same office are listed in one contiguous office block. No
8 candidate shall be separated from other candidates seeking the same
9 office on the ballot.

10 Each primary ballot shall contain, at the end of the list of
11 candidates for each different office, blank 【squares and】 spaces or
12 lines equal to the number of persons to be elected to the office, for
13 the purpose of allowing any voter to write or paste the name of any
14 person for whom 【he】 the voter desires to vote for any office or
15 party position.

16 (cf: P.L.1994, c.77, s.10)

17

18 7. R.S.19:49-2 is amended to read as follows:

19 19:49-2. All official general election ballots shall be in black ink
20 in type as large as space will reasonably permit; provided, however,
21 that 【any public question which shall be placed on the ballot shall
22 be in red and】 above any public question to be voted upon by the
23 voters of the entire State there shall be 【, also in red,】 a description
24 of the public question, which description shall not exceed six words
25 and shall be in type as large as is practicable. Party nominations
26 shall be arranged on each voting machine, either in columns or
27 horizontal rows; the caption of the various ballots on the machines
28 shall be so placed on the machines as to indicate to the voter what
29 device is to be used or operated in order to vote for the candidates
30 or candidate of 【his or her】 the voter's choice. The providing of the
31 official ballots, the order of the precedence and arrangement of
32 parties and of candidates, and the instructions for the use of a
33 device to be used or operated in order to vote for candidates shall be
34 as now required by law 【, except that in those counties where
35 voting machines are used, the】 . The county clerk in every county
36 shall have the authority to determine the specifications for, and the
37 final arrangement of, the official general election ballots, to the
38 extent not inconsistent with the provisions of this Title.

39 【For the primary election for the general election in all counties
40 where voting machines are or shall be used, all candidates who shall
41 file a joint petition with the county clerk of their respective county
42 and who shall choose the same designation or slogan shall be drawn
43 for position on the ballot as a unit and shall have their names placed
44 on the same line of the voting machine; and provided further, that
45 all candidates for municipal or party office in municipalities in
46 counties where voting machines are or shall be used who shall file a
47 petition with the clerk of their municipality bearing the same

1 designation or slogan as that of the candidates filing a joint petition
2 with the county clerk as aforesaid, may request that his or her name
3 be placed on the same line of the voting machine with the
4 candidates who have filed a joint petition with the county clerk as
5 aforesaid by so notifying the county clerk of said county in writing
6 within two days after the last day for filing nominating petitions and
7 thereupon the county clerk shall forthwith notify the campaign
8 manager of such candidates filing a joint petition as aforesaid of
9 said request, and if the said campaign manager shall file his consent
10 in writing with the said county clerk within two days after the
11 receipt of said notification from said county clerk, the clerk of said
12 county shall place the name of such candidate on the same line of
13 the voting machine on which appears the names of the candidates
14 who have filed the joint petition as aforesaid; provided, also, that
15 any candidate filing a petition with the Attorney General may
16 request that his or her name be placed on the same line of the voting
17 machine with the candidates who have filed a joint petition with the
18 county clerk as aforesaid by so notifying the county clerk of said
19 county in writing within two days after the last day for filing
20 nominating petitions, and thereupon the county clerk shall forthwith
21 notify the campaign manager of such candidates filing a joint
22 petition as aforesaid of said request, and if the said campaign
23 manager shall file his consent in writing with the said county clerk
24 within two days after the receipt of said notification from said
25 county clerk, the clerk of said county shall place the name of such
26 candidate on the same line of the voting machine on which appears
27 the names of the candidates who have filed the joint petition as
28 aforesaid.】

29 (cf: P.L.2011, c.202, s.46)

30

31 8. (New section) a. The Division of Elections in the
32 Department of State shall collect data from county and municipal
33 clerks and county boards of elections on their experiences regarding
34 the changes to ballot design and primary election procedures in this
35 State implemented pursuant to P.L. , c. (pending before the
36 Legislature as this bill), and shall develop and submit a report as
37 provided in this section. The report shall include data concerning
38 the conduct of primary elections, best practices to improve the
39 conduct of future primary elections, and any other relevant
40 information, research, guidance, and expertise regarding the
41 implementation of the new ballot designs and primary election
42 procedures.

43 b. In preparing the report required pursuant to this section, the
44 division shall, at a minimum, collect data on the following:

45 (1) experiences of election officials, candidates, and voters
46 regarding the ballot changes, including whether such changes
47 contributed to candidate or voter confusion, or increased the

1 difficulty for election officials to administer primary elections in
2 this State; and

3 (2) what the costs of implementation were.

4 At the discretion of the division, the report may also provide the
5 Governor and the Legislature with recommendations to improve
6 overall election experiences and voter participation.

7 c. The report shall be prepared and submitted to the Governor,
8 and Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-
9 19.1), within 180 days after the date of the second primary election
10 following the enactment of P.L. , c. (pending before the
11 Legislature as this bill).

12

13 9. R.S.19:1-1 is amended to read as follows:

14 19:1-1. As used in this Title:

15 "Election" means the procedure whereby the electors of this
16 State or any political subdivision thereof elect persons to fill public
17 office or pass on public questions.

18 "Fire district election" means an election to be held in and for a
19 fire district established pursuant to N.J.S.40A:14-70 et seq.

20 "General election" means the annual election to be held on the
21 first Tuesday after the first Monday in November and, where
22 applicable, includes annual school elections and annual fire district
23 elections held on that date.

24 "Primary election for the general election" means the procedure
25 whereby the members of a political party in this State or any
26 political subdivision thereof nominate candidates to be voted for at
27 general elections, or elect persons to fill party offices, other than for
28 a member of the State committee of a political party.

29 "Municipal election" means an election to be held in and for a
30 single municipality only, at regular intervals.

31 "Special election" means an election which is not provided for by
32 law to be held at stated intervals.

33 "Any election" includes all primary, general, municipal, school
34 and special elections, as defined herein.

35 "Municipality" includes any city, town, borough, village, or
36 township.

37 "School election" means any annual or special election to be held
38 in and for a local or regional school district established pursuant to
39 chapter 8 or chapter 13 of Title 18A of the New Jersey Statutes.

40 "Public office" includes any office in the government of this
41 State or any of its political subdivisions filled at elections by the
42 electors of the State or political subdivision.

43 "Public question" includes any question, proposition or
44 referendum required by the legislative or governing body of this
45 State or any of its political subdivisions to be submitted by
46 referendum procedure to the voters of the State or political
47 subdivision for decision at elections.

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1 "Political party" means a party which, at the election held for all
2 of the members of the General Assembly next preceding the holding
3 of any primary election held pursuant to this Title, polled for
4 members of the General Assembly at least 10% of the total vote cast
5 in this State.

6 "Party office" means the office of delegate or alternate to the
7 national convention of a political party or member of the State,
8 county or municipal committees of a political party.

9 "Masculine" includes the feminine, and the masculine pronoun
10 wherever used in this Title shall be construed to include the
11 feminine.

12 "Presidential year" means the year in which electors of President
13 and Vice-President of the United States are voted for at the general
14 election.

15 "Election district" means the territory within which or for which
16 there is a polling place or room for all voters in the territory to cast
17 their ballots at any election.

18 "District board" means the district board of registry and election
19 in an election district.

20 "County board" means the county board of elections in a county.

21 "Superintendent" means the superintendent of elections in
22 counties wherein the same shall have been appointed.

23 "Commissioner" means the commissioner of registration in
24 counties.

25 "File" or "filed" means deposited in the regularly maintained
26 office of the public official wherever said regularly maintained
27 office is designated by statute, ordinance or resolution.

28 (cf: P.L.2017, c.206, s.1)

29

30 10. R.S.19:3-3 is amended to read as follows:

31 19:3-3. Delegates and alternates to the national conventions of
32 the political parties shall be elected at the primary election to be
33 held on the Tuesday next after the first Monday in June in that year.

34 The members of **[State,]** county and municipal committees of
35 the political parties shall be chosen at the primary for the general
36 election as hereinafter provided.

37 (cf: P.L.2011, c.134, s.3)

38

39 11. R.S.19:12-7 is amended to read as follows:

40 19:12-7. a. The county board in each county shall cause to be
41 published in a newspaper or newspapers which, singly or in
42 combination, are of general circulation throughout the county, a
43 notice containing the information specified in subsection b. hereof,
44 except for such of the contents as may be omitted pursuant to
45 subsection c. or d. hereof. Such notice shall be published once
46 during the 30 days next preceding the day fixed for the closing of
47 the registration books for the primary election, once during the
48 calendar week preceding the week in which the early voting period

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16

1 for the primary election for the general election begins, once during
2 the 30 days next preceding the day fixed for the closing of the
3 registration books for the general election, and once during the
4 calendar week preceding the week in which the early voting period
5 for the general election begins.

6 b. Such notice shall set forth:

7 (1) For the primary election for the general election:

8 (a) That a primary election for making nominations for the
9 general election, for the selection of members of the county
10 committees of each political party, and in each presidential year for
11 the selection of delegates and alternates to national conventions of
12 political parties, will be held on the day and between the hours
13 provided for by or pursuant to this Title, and the days, hours, and
14 places at which early voting shall be available in the county.

15 (b) The place or places at which and hours during which a
16 person may register, the procedure for the transfer of registration,
17 and the date on which the books are closed for registration or
18 transfer of registration.

19 (c) The several **[State,]** county, municipal and party offices or
20 positions to be filled, or for which nominations are to be made, at
21 such primary election.

22 (d) The existence of registration and voting aids, including: (i)
23 the availability of registration and voting instructions at places of
24 registration as provided under R.S.19:31-6; and (ii), if available, the
25 accessibility of voter information to the deaf by means of a
26 telecommunications device.

27 (e) The availability of assistance to a person unable to vote due
28 to blindness, disability or inability to read or write.

29 (f) In the case of the notice published during the calendar week
30 preceding the week in which the early voting period for the primary
31 election begins, that a voter who, prior to the election, shall have
32 moved within the same county without (i) filing, on or before the
33 21st day preceding the election, a notice of change of residence
34 with the commissioner of registration of the county or the municipal
35 clerk of the municipality in which the voter resides on the day of
36 the election, (ii) returning the confirmation notice sent to the voter
37 by the commissioner of registration of the county, if such a notice
38 has been sent to the voter, or (iii) otherwise notifying the
39 commissioner of registration of the voter's change of address within
40 the county shall be permitted to correct the voter's registration and
41 to vote in the primary election by provisional ballot at the polling
42 place of the district in which the voter resides on the day of the
43 election. The notice shall further provide that the voter may contact
44 the county commissioner of registration or municipal clerk or may
45 view polling place location information on the Division of Elections
46 website to determine the proper polling place location for the voter.

47 (2) For the general election:

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17

1 (a) That a general election will be held on the day and between
2 the hours provided for by or pursuant to this Title, and the days,
3 hours and places at which early voting shall be available in the
4 county, and, where applicable, shall include annual school elections
5 and annual fire district elections held on that date.

6 (b) The place or places at which and hours during which a
7 person may register, the procedure for transfer of registration, and
8 the date on which the books are closed for registration or transfer of
9 registration.

10 (c) The several State, county and municipal offices, and where
11 applicable, school board offices and fire district offices to be filled,
12 notice of any school district propositions to be submitted to the
13 people and, except as provided in R.S.19:14-33 of this Title as to
14 publication of notice of any Statewide proposition directed by the
15 Legislature to be submitted to the people, the State, county,
16 municipal and fire district public questions to be voted upon at such
17 general election.

18 (d) The existence of registration and voting aids, including: (i)
19 the availability of registration and voting instructions at places of
20 registration as provided under R.S.19:31-6; and (ii) the accessibility
21 of voter information to the deaf by means of a telecommunications
22 device.

23 (e) The availability of assistance to a person unable to vote due
24 to blindness, disability or inability to read or write.

25 (f) In the case of the notice published during the calendar week
26 preceding the week in which the early voting period for the general
27 election begins, that a voter who, prior to the election, shall have
28 moved within the same county without (i) filing, on or before the
29 21st day preceding the election, a notice of change of residence
30 with the commissioner of registration of the county or the municipal
31 clerk of the municipality in which the voter resides on the day of
32 the election, (ii) returning the confirmation notice sent to the voter
33 by the commissioner of registration of the county, if such a notice
34 has been sent to the voter, or (iii) otherwise notifying the
35 commissioner of registration of the voter's change of address within
36 the county shall be permitted to correct the voter's registration and
37 to vote in the general election by provisional ballot at the polling
38 place of the district in which the voter resides on the day of the
39 election. The notice shall further provide that the voter may contact
40 the county commissioner of registration or municipal clerk or may
41 view polling place location information on the Division of Elections
42 website to determine the proper polling place location for the voter.

43 (3) For a school election:

44 (a) The day and time thereof,

45 (b) The offices, if any, to be filled at the election,

46 (c) The substance of any public question to be submitted to the
47 voters thereat,

1 (d) That a voter who, prior to the election, shall have moved
2 within the same county without (i) filing, on or before the 21st day
3 preceding the election, a notice of change of residence with the
4 commissioner of registration of the county or the municipal clerk of
5 the municipality in which the voter resides on the day of the
6 election, (ii) returning the confirmation notice sent to the voter by
7 the commissioner of registration of the county, if such a notice has
8 been sent to the voter, or (iii) otherwise notifying the commissioner
9 of registration of the voter's change of address within the county
10 shall be permitted to correct the voter's registration and to vote in
11 the school election by provisional ballot at the polling place of the
12 district in which the voter resides on the day of the election,

13 (e) That if the voter has any questions as to where to vote on the
14 day of the election, the voter may contact the county commissioner
15 of registration or municipal clerk or may view polling place
16 location information on the Division of Elections website to
17 determine the proper polling place location for the voter; and

18 (f) Such other information as may be required by law.

19 c. If such publication is made in more than one newspaper, it
20 shall not be necessary to duplicate in the notice published in each
21 such newspaper all the information required under this section, so
22 long as:

23 (1) The municipal officers or party positions to be filled, or
24 nominations made, or municipal public questions to be voted upon
25 by the voters of any municipality, shall be set forth in at least one
26 newspaper having general circulation in such municipality;

27 (2) All offices to be filled, or nominations made therefor, or
28 public questions to be voted upon, by the voters of the entire State
29 or of the entire county shall be set forth in a newspaper or
30 newspapers which, singly or in combination, have general
31 circulation throughout the county;

32 (3) Information relating to nominations and elections in each
33 Legislative District comprised in whole or part in the county, shall
34 be published in at least a newspaper or newspapers which singly or
35 in combination, have general circulation in every municipality of
36 the county which is comprised in such legislative district.

37 d. Such part or parts of the original notices as published which
38 pertain to day of registration or primary election which has occurred
39 shall be eliminated from such notice in succeeding insertions.

40 e. (Deleted by amendment, P.L.1999, c.232.)

41 f. The cost of publishing the notices required by this section
42 shall be paid by the respective counties, unless otherwise provided
43 for by law.

44 g. Notices required to be published or posted pursuant to this
45 section shall set forth a general description of the contents of the
46 voter information notice provided for in section 1 of P.L.2005,
47 c.149 (C.19:12-7.1), how the notice may be viewed or obtained

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1 prior to the day of an election, and that the notice will be posted in
2 each polling place on the day of an election.

3 (cf: P.L.2021, c.40, s.8)

4

5 12. (New section) a. Notwithstanding the provisions of any
6 other law, rule, or regulation to the contrary, the members of the
7 State committee of each of the political parties shall not be elected
8 at the primary election for the general election. The members shall
9 be elected by the members of the county committee of the
10 respective political parties, at a time and in a manner to be
11 determined by each respective political party, and in accordance
12 with the constitution and bylaws of such party.

13 b. A vacancy in the office of a member of the State committee
14 of any political party, howsoever caused, shall be filled for the
15 unexpired term by the members of the county committee of such
16 political party in the county in which the vacancy occurs, in
17 accordance with the constitution and bylaws of such party.

18 c. Any person elected as a member of the State committee of a
19 political party pursuant to subsection a. of this section, or selected
20 to fill a vacancy in the membership of a State committee, may
21 request, in writing and by certified mail, either access to the
22 complete financial records of the State committee or a copy of the
23 balance sheet of the State committee showing the assets and
24 liabilities of the State committee as of the close of business on the
25 date of their election or selection. The person requesting that
26 access or copy of the balance sheet shall receive the access or copy
27 so requested within 48 hours of the receipt of that request by the
28 committee.

29

30 13. (New section) The provisions of this act, P.L. , c.
31 (pending before the Legislature as this bill) shall be severable, and
32 if any of its provisions shall be held to be unconstitutional, the
33 decision of the court shall not affect the validity of the remaining
34 provisions of this act.

35

36 14. The following sections are repealed:

37 R.S.19:5-4;

38 Section 24 of P.L.1983, c.579 (C.19:5-4a);

39 Sections 6 and 7 of P.L.1978, c.15 (C.19:5-4.1 through
40 C.19:5-4.2);

41 P.L.1981, c.71 (C.19:23-26.1 through C.19:23-26.2); and

42 R.S.19:34-52.

43

44 15. This act shall take effect immediately.

STATEMENT

1
2
3 This bill makes various changes to the design of primary election
4 ballots used in this State and the procedures for ordering the names
5 of candidates on such ballots. The bill requires primary election
6 ballots to be arranged in office block format and establishes
7 minimum uniform design features to be used in designing ballots by
8 all county clerks in this State. The bill also prohibits primary
9 election ballots from being designed in a way that separates any one
10 candidate from other candidates running for the same office, places
11 a candidate with candidates for a different office, or awards ballot
12 position to a candidate based upon the draw for ballot position
13 conducted for a candidate for a different office. The bill also gives
14 discretion to county clerks to arrange and design the ballot in either
15 landscape or portrait orientation. The bill also removes members of
16 the State political party committees from the primary elections
17 process and provides instead for their election by their respective
18 members of the county committees of the political parties.
19

Repeal of Current Law Provisions

20
21
22 The bill repeals several provisions of law. R.S.19:34-52, which
23 was deemed unconstitutional in 2004 and has been inoperative since
24 then, previously prohibited State, county, or municipal political
25 committees from endorsing candidates at the primary election.
26 P.L.1981, c.71 (C.19:23-26.1 through C.19:23-26.2) provides that
27 the Governor or United States Senator would be the first office
28 listed on the ballot under certain circumstances. This provision will
29 be replaced by the order of offices provided in this bill.

30 The bill also repeals several provisions of law which provided
31 for the election of members of the State political committees of
32 political parties to be conducted at the primary election. The bill
33 replaces these provisions by providing for the members to be
34 elected by the members of the county committee of the respective
35 political parties, at a time and in a manner to be determined by each
36 respective political party.
37

Required Ballot Design Standards

38
39
40 Under the bill, all primary election ballots will be required to
41 meet certain design standards. These requirements include the use
42 of plain language and the arrangement of candidates by office
43 blocks. Office block ballots list the names of candidates seeking
44 the same office under the title of the office. Each office block is
45 listed separately from other office blocks. The name of each
46 candidate in each office block will be presented in the same manner
47 and all office blocks on one ballot will be designed in the same
48 way.

1 *Required Office Block Ballot Design*

2

3 This bill requires ballots to be arranged in an office block format.
4 The office blocks are to be arranged in order beginning with the
5 highest federal offices, such as President of the United States, and
6 ending with political party offices. The bill also allows for
7 candidates for delegates to party conventions and alternates to be
8 placed near the office block for President or electors for President.

9

10 *Required Ballot Design Practices*

11

12 The bill requires county clerks to allow certain practices
13 concerning primary election ballot design. The county clerks must:

14 (1) allow for the placement of a slogan or endorsement of not
15 more than six words next to or below the names of candidates, in
16 the same font and color as the name, but in a smaller font size,
17 provided that the slogan or endorsement shall not be in bold or
18 italicized fonts, and provided that the slogan or endorsement
19 complies with other applicable law;

20 (2) allow candidates for the same office with multiple open seats
21 to associate in the same office block, using a common slogan or
22 endorsement next to or below the associated candidate names;

23 (3) indicate the association of candidates using a common slogan
24 or endorsement next to or below each of the candidates' names,
25 whether the candidates are running for the same office or different
26 offices;

27 (4) all office blocks appearing on one ballot will be designed
28 according to the same standards of design;

29 (5) all spacing, ruling, and delineation of candidates will be
30 consistent and uniform within each office block and across all
31 office blocks included on each ballot, so as not to create a
32 separation or visual distinction between the names of any
33 candidates, except that the county clerk may modify the spacing,
34 ruling, or delineation applied to associated candidates so as to
35 indicate such association; and

36 (6) candidate ballot draw positions will be labeled using a letter
37 and number, such as "1A", corresponding to the office block and
38 line each candidate is placed on, and such label will be placed next
39 to a candidate's name.

40 Candidates who wish to be associated via the use of a common
41 slogan or endorsement will request to do so on their nominating
42 petitions, as is practice under current law. Candidates for different
43 offices may use the same slogan or endorsement, if they request to.
44 If two candidates or associations of candidates running for the same
45 office select the same slogan or endorsement, or one substantially
46 similar, the candidates who file last will be asked to pick a new
47 slogan or endorsement.

1 *Prohibited Ballot Design Practices*

2

3 The bill also prohibits certain ballot design practices.
4 Specifically, under the bill, ballots cannot be designed to separate a
5 candidate from other candidates running for the same office, place
6 candidates for one office with candidates for a different office, or
7 place candidates based upon the ballot draw conducted for a
8 different candidate for a different office. Each candidate, or
9 association of candidates running for the same office with multiple
10 open seats, will be drawn separately and placed on the ballot with
11 all other candidates running for the same office.

12

13 *Optional Ballot Design Practices*

14

15 The bill allows county clerks, at their discretion, to arrange and
16 design the ballot in either landscape or portrait orientation.

17

18 *Division of Elections Report*

19

20 The bill requires the Division of Elections to submit a one-time
21 report to the Governor and the Legislature concerning the
22 experiences of county and municipal clerks and county boards of
23 elections regarding the provisions of the bill. The report will
24 include data concerning the conduct of primary elections, best
25 practices to improve the conduct of future primary elections, and
26 any other relevant information, research, guidance, and expertise
27 regarding the implementation of the new ballot designs and primary
28 election procedures.

29 The report will study the two primary elections following the
30 enactment of the bill. Those primary elections will include
31 candidates for Statewide offices and will likely have greater voter
32 participation. This will provide the Division of Elections with more
33 comprehensive data and feedback from election officials,
34 candidates, and voters experiencing the newly designed ballots and
35 primary election procedures.