

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 4142

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 20, 2025

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 4142.

As amended by the committee, this bill makes various changes to the design of primary election ballots used in this State and the procedures for ordering the names of candidates on such ballots. The bill requires primary election ballots to be arranged in office block format and establishes minimum uniform design features to be used in designing ballots by all county clerks in this State. The bill also prohibits primary election ballots from being designed in a way that separates any one candidate from other candidates running for the same office, places a candidate with candidates for a different office, or awards ballot position to a candidate based upon the draw for ballot position conducted for a candidate for a different office. The bill also gives discretion to county clerks to arrange and design the ballot in either landscape or portrait orientation. The bill also removes members of the State political party committees from the primary elections process and provides instead for their election by their respective members of the county committees of the political parties.

Repeal of Current Law Provisions

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

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

Required Ballot Design Standards

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

Required Office Block Ballot Design

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

Required Ballot Design Practices

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

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

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

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

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

(5) all spacing, ruling, and delineation of candidates will be consistent and uniform within each office block and across all office blocks included on each ballot, so as not to create a separation or visual distinction between the names of any candidates; and

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

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

Prohibited Ballot Design Practices

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

Optional Ballot Design Practices

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

Division of Elections Report

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

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

As amended and reported by the committee, this bill is identical to the Second Reprint of Assembly Bill No. 5116, also amended and reported by the committee today.

The committee amendments to the bill:

- remove the ability of the county clerks to modify the spacing and delineation applied to associated candidates to highlight their association.