

S4142 (1R)

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SENATE: Yes Judiciary

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

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Committee Meeting of ASSEMBLY SELECT COMMITTEE ON BALLOT DESIGN December 12, 2024
Committee Meeting of ASSEMBLY SELECT COMMITTEE ON BALLOT DESIGN December 16, 2024

NEWSPAPER ARTICLES: Yes

Jelani Gibson - For The Star-Ledger, 'New law recasts design of ballot to end 'county line' Murphy signs measure aiming to cut clout of party bosses, but critics say it falls short.', *Star-Ledger, The* (online), 7 Mar 2025
001<<https://infoweb.newsbank.com/apps/news/document-view?p=NewsBank&doref=news/19F2B0201BDE27C0>>

CL/MMcB

§§1,2
C.19:23-23.1
and 19:23-23.2
§8
C.19:23-26.3
§12
C.19:5-4b
§13
C.19:23-23.3
§14
Repealer

P.L. 2025, CHAPTER 32, *approved March 6, 2025*
Assembly, No. 5116 (*Third Reprint*)

1 AN ACT concerning the design ³and use³ of primary election ballots
2 ³and primary election procedures³, supplementing Title 19 of the
3 Revised Statutes, amending various parts of the statutory law,
4 and repealing ³**[R.S.19:34-52 and P.L.1981, c.71]** various parts
5 of the statutory law³.
6

7 **BE IT ENACTED** by the Senate and General Assembly of the State
8 of New Jersey:
9

- 10 1. (New section) The Legislature finds and declares that:
11 a. The Elections Clause of the United States Constitution
12 grants the State with the right and ability to make laws concerning
13 the time, place, and manner of elections.
14 b. State and Federal courts have frequently deferred to the State
15 Legislature to enact such laws and balance the respective interests
16 of the State, candidates for offices, and the voters, “a function for
17 which the Legislature is uniquely fitted.”
18 c. As per the ruling of Judge Quraishi of the United States
19 District Court for the District of New Jersey, the bracketing
20 structure used in New Jersey’s primary election ballots was
21 primarily created by the combined effect of three statutes:
22 R.S.19:23-24; section 1 of P.L.1981, c.71 (C.19:23-26.1); and
23 R.S.19:49-2.
24 d. The combined effect of these three statutes created unique
25 ballot conditions such as incongruous separation, preferential
26 placement for certain candidates based upon the drawing of
27 candidates for different offices, and improper placement of certain
28 candidates amongst candidates for different offices on the ballot.
29 These conditions led to two legal challenges in federal district

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ABD committee amendments adopted December 16, 2024.

²Assembly AAP committee amendments adopted December 16, 2024.

³Senate SJU committee amendments adopted February 20, 2025.

1 court, where Plaintiffs asserted that the bracketing structure
2 impermissibly burdened their rights under the First Amendment of
3 the United States Constitution.

4 e. Prior to a decision being reached in either of these cases, the
5 leaders of the New Jersey State Legislature committed to remedying
6 the combined effect of these statutes and pledged to design a new
7 primary election ballot for use in this State.

8 f. In furtherance of this commitment, the General Assembly
9 convened the Select Committee on Ballot Design, comprised of an
10 equal number of members of both parties in the General Assembly.

11 g. The Select Committee on Ballot Design met in a series of
12 five public hearings to take testimony from experts and the public
13 alike in order to better understand the issue and balance the interests
14 of the many perspectives presented.

15 h. The design of the new primary election ballot, to be
16 established by this act, P.L. , c. (pending before the Legislature
17 as this bill), took into consideration the expertise of:

18 (1) the county clerks and election officials, who are ultimately
19 responsible for implementation of the design;

20 (2) the National Conference of State Legislatures, which
21 provided the committee with expert testimony and research
22 concerning ballot design and other election matters, including the
23 relevant practices in other states;

24 (3) the Center for Civic Design, which provided the committee
25 with expert testimony, and whose research and guidance on
26 standardized and user-friendly ballot design principles are publicly
27 available; and

28 (4) members of the public, many of whom spoke in support of
29 an office block ballot design.

30 i. The new ballot design for primary election ballots also seeks
31 to further important government interests, such as ensuring timely
32 and orderly election processes, of which the primary election is an
33 integral part.

34 j. As the most critical stage in the electoral process is the
35 instant before the vote is cast, the design for the new primary
36 election ballots seeks to:

37 (1) ensure that voters can understand the ballot;

38 (2) maintain a manageable ballot;

39 (3) reduce voter confusion;

40 (4) provide voters with information as to the policy positions
41 and endorsements of the candidates running for office; and

42 (5) allow voters to quickly find their preferred choice of
43 candidate for a given office and cast their vote.

44 k. Additionally, the State has an important interest in fostering
45 an informed and educated electorate who may express their political
46 opinions through the casting of their vote.

47 l. The design of the new primary ballot preserves the ability of
48 political parties to make endorsements, since party labels provide a

1 shorthand designation of the views of party candidates, and the
2 identification of candidates with a particular party plays a role in
3 the process by which voters inform themselves for the exercise of
4 the franchise.

5 m. This design also takes into consideration the First
6 Amendment rights of political parties and their governing bodies,
7 recognizing that primary elections are, at their core, a function of
8 the party and therefore not a public affair which may be overly
9 regulated by the State. This principle has routinely been upheld by
10 the United States Supreme Court and courts in New Jersey.

11 n. This design seeks also to preserve the First Amendment
12 rights of candidates who wish to legitimately associate with one
13 another through the use of common slogans, without requiring that
14 any candidates associate, while also safeguarding against abuses of
15 the candidate slogans ¹, such as the use of misleading or false
16 slogans which could be deceptive to a reasonable voter¹.

17

18 2. (New section) a. All primary election ballots used in this State
19 shall comply with the following design standards:

20 (1) ³**[**all text shall be in lower case letters, with capitalization
21 allowed for the first letter of a word;

22 (2) all text shall be aligned to the left;

23 (3) the font shall be in a sans-serif type face and a size of at least
24 12 points for printed ballots, and at least between 3.0mm and 4.0mm
25 for ballots that appear on a screen;

26 (4)³ the oval or space for the voter to mark a vote shall be to the
27 left ¹or to the right¹ of the name of each candidate, and each
28 candidate's name shall appear flush next to ¹and aligned with¹ the oval
29 or space ¹in a consistent manner which does not create any visual
30 distinction between candidate names¹;

31 ³**[(5)]** (2)³ all text shall be written in plain, simple language, to the
32 extent possible, and shall avoid overly technical language; ¹**[and]**¹

33 ³**[(6)]** (3)³ candidates shall be arranged by office sought in an
34 office block format, each office block shall be separated on the ballot
35 from other office blocks, and candidates for the same office shall be
36 listed within the same office block without a page break appearing
37 between their names, and as further provided under R.S.19:23-25 ¹;

38 ³**[(7)]** (4)³ all office blocks appearing on one ballot shall be
39 designed according to the same standards of design, consistent with
40 the provisions of this section; ³**[and]**

41 (8)³ (5)³ all spacing, ruling, and delineation of candidates shall be
42 consistent and uniform within each office block and across all office
43 blocks included on each ballot, so as not to create a separation or
44 visual distinction between the names of any candidates^{1 3}; and

45 (6) candidate ballot draw positions shall be labeled using a letter
46 and number, such as "1A", corresponding to the office block and line

1 each candidate is placed on, and such label shall be placed next to a
2 candidate's name³.

3 b. No primary election ballot used in this State shall be designed
4 in a manner that creates for a candidate on the ballot an incongruous
5 separation from other candidates seeking the same office, positions a
6 candidate on the ballot among candidates for a different office, or
7 brackets candidates together on the ballot so as to position a candidate
8 based upon a drawing for ballot position for a different candidate for a
9 different office.

10 No primary election ballot used in this State shall include any
11 distinguishing mark or notation, except as otherwise provided by law.

12 c. Each county clerk shall:

13 (1) allow for the placement of a slogan or endorsement of not
14 more than six words next to or below the names of candidates, in the
15 same font and color as the name, but in a smaller font size, provided
16 that the slogan or endorsement shall not be in bold or italicized fonts,
17 and provided that the slogan or endorsement complies with R.S.19:23-
18 17;

19 (2) allow candidates for the same office with multiple open seats
20 to associate in the same office block, using a common slogan or
21 endorsement, next to or below the associated candidate names, in
22 compliance with the provisions of R.S.19:23-18; and

23 (3) indicate the association of candidates ¹for the same or different
24 offices¹ using a common slogan or endorsement next to or below each
25 of the candidates' names, as provided by R.S.19:23-17.

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

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

32

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

34 19:23-17. a. Any person **【indorsed】** endorsed as a candidate for
35 nomination for any public office or party position whose name is to
36 be voted for on the primary **【ticket】** ballot of any political party,
37 may, **【by indorsement】** on the petition of nomination in which **【he**
38 **is indorsed】** the candidate is endorsed, request that there be printed
39 **【opposite his】** next to or below the candidate's name on the
40 primary **【ticket a designation】** ballot a slogan or endorsement, in
41 not more than six words, as named by **【him】** the candidate in such
42 petition, for the purpose of indicating either any official act or
43 policy to which **【he is】** the candidate is pledged or committed, or to
44 distinguish **【him】** the candidate as belonging to a particular faction
45 or wing of **【his】** the candidate's political party **【;** provided,
46 however, that no such designation **】**, or to indicate the endorsement
47 of a person or incorporated association ³**【of this State】**³.

1 b. ³(1)³ No slogan or endorsement shall include or refer to the
2 name of any person or any incorporated association ³[of this
3 State]³ existing at the time the candidate files the petition of
4 nomination unless the written consent of such person or
5 incorporated association ³[of this State]³ has been filed with the
6 petition of nomination of such candidate or [group of] candidates.
7 ¹If a person or incorporated association wishes to revoke their
8 consent as provided pursuant to this subsection, the person or
9 incorporated association shall notify the Secretary of State, county
10 clerk, or municipal clerk, as the case may be, in writing and the
11 Secretary of State or the clerk shall accept such revocation,
12 provided that notice of such is received prior to the date on which
13 the draw for ballot position is conducted pursuant to R.S.19:23-24.¹

14 ³(2) No slogan or endorsement shall include or refer to any
15 lawfully registered trademark of any person or incorporated
16 association unless the written consent of such person or
17 incorporated association has been filed with the petition of
18 nomination of such candidate or candidates. If a person or
19 incorporated association wishes to revoke their consent as provided
20 pursuant to this paragraph, the person or incorporated association
21 shall notify the Secretary of State, county clerk, or municipal clerk,
22 as the case may be, in writing and the Secretary of State or the clerk
23 shall accept such revocation, provided that notice of such is
24 received prior to the date on which the draw for ballot position is
25 conducted pursuant to R.S.19:23-24.³

26 c. ¹[No slogan or endorsement shall include or refer to the
27 name of any political party, as defined under R.S.19:1-1, unless the
28 written consent of the respective county political committee of such
29 political party has been filed with the petition of nomination of such
30 candidate or candidates.] The Secretary of State, county clerk, or
31 municipal clerk, as the case may be, may reject a slogan or
32 endorsement which is so substantially similar to that of another
33 candidate that a reasonable voter could be misled or deceived into
34 falsely believing that the candidates are running together under the
35 same slogan or endorsement when the candidates have not
36 requested to share such a slogan or endorsement. The Secretary of
37 State, county clerk, or municipal clerk, as the case may be, shall
38 notify the candidate or candidates requesting such slogan or
39 endorsement in writing of the reasons for the rejection, and the
40 candidate or candidates shall be given the opportunity to select an
41 alternative slogan or endorsement.

42 If the candidate or candidates who have been denied their first
43 choice of slogan or endorsement pursuant to this section disagree
44 with the decision of the Secretary of State, county clerk, or
45 municipal clerk, as the case may be, the candidate or candidates
46 shall have the right to appeal this decision to a judge of the Superior

1 Court assigned to the county in which the petition of nomination
2 was filed, and such appeal shall be heard on an expedited basis.¹

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

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

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

11
12 4. R.S.19:23-18 is amended to read as follows:

13 19:23-18. a. Several candidates for nomination to the same
14 office with multiple open seats to be voted on at a primary election
15 may in such petitions request that their names be [grouped
16 together] associated, and that the common [designation] slogan or
17 endorsement to be named by them shall be printed [opposite] next
18 to or below their names, as permitted by R.S.19:23-17. The county
19 clerk in the county in which a petition of nomination is filed shall
20 accept such requests made in compliance with this section³,
21 provided that such notice is received prior to the date on which the
22 draw for ballot position is conducted pursuant to R.S.19:23-24³. ¹If
23 any candidate, following acceptance of such request by the county
24 clerk, wishes to modify, supplement, or revoke the terms of their
25 association, as indicated on their petitions at the time of filing, the
26 candidate shall notify the county clerk in writing and the clerk shall
27 accept such modification, supplement, or revocation, provided that
28 such notice is received prior to the date on which the draw for ballot
29 position is conducted pursuant to R.S.19:23-24.¹ ³The clerk shall
30 not accept any request to modify, supplement, or revoke the terms
31 of an association received after the draw for ballot position is
32 conducted pursuant to R.S.19:23-24.³

33 b. If two candidates or [groups] associations of candidates
34 ¹seeking the same office¹ shall select the same [designation]
35 slogan, the secretary of state, county clerk or municipal clerks, as
36 the case may be, shall notify the candidate or [group] associated
37 candidates whose petition was last filed, and such candidate or
38 [group] associated candidates shall select a new [designation]
39 slogan.

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

45 d. If candidates have requested to be associated pursuant to
46 subsection a. of this section, the associated candidates shall be
47 drawn together for position on the ballot pursuant to R.S.19:23-24.

1 The candidates, on their petitions, shall waive their right to be
2 drawn separately for ballot position.

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

4

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

6 19:23-24. a. The position which the candidates **[**and bracketed
7 groups of names of candidates**]** for the primary for the general
8 election shall have upon the ballots used for the primary election for
9 the general election, in the case of candidates for nomination for
10 members of the United States Senate, Governor, members of the
11 House of Representatives, members of the State Senate, members of
12 the General Assembly, choice for President, delegates and
13 alternates-at-large to the national conventions of political parties,
14 district delegates and alternates to conventions of political parties,
15 candidates for party positions, ³other than State political party
16 committee,³ and county offices or party positions which are to be
17 voted for by the voters of the entire county or a portion thereof
18 greater than a single municipality, including a congressional district
19 which is wholly within a single municipality, ³**[**and all other party
20 positions to be filled that are to be voted for by the voters of a
21 municipality only, or a subdivision thereof,**]**³ shall be determined
22 by the county clerks in their respective counties **[**; and, excepting in
23 counties where R.S.19:49-2 applies, the**]** ³**[**except that, upon the
24 request of the municipal clerk, the municipal clerk shall determine
25 the position on the ballot for party offices to be voted for by the
26 voters of their respective municipality or a subdivision thereof,**]**³.

27 The position on the ballot used for the primary election for the
28 general election in the case of candidates for nomination for office
29 **[**or party position**]** ³or party position³ wherein the candidates for
30 office **[**or party position**]** ³or party position³ to be filled are to be
31 voted for by the voters of a municipality only, or a subdivision
32 thereof (excepting in the case of members of the House of
33 Representatives) ³, which nominating petitions are required to be
34 filed in the municipal clerk's office,³ shall be determined by the
35 municipal clerk in such municipalities, **[**in the following manner:**]**
36 except that, upon ³**[**the request of] written notice by the county
37 clerk to³ the municipal clerk, the county clerk shall determine the
38 position on the ballot for such offices ³or party positions³.

39 The position which the candidates shall have upon the ballots
40 used for the primary election shall be determined as specified in this
41 section.

42 b. The county clerk, or the county clerk's deputy, or the
43 municipal clerk or the municipal clerk's deputy, as the case may be,
44 shall at the clerk's office on the 61st day prior to the primary
45 election for the general election at three o'clock in the afternoon
46 draw from the box, as hereinafter described, each card separately
47 without knowledge on the clerk's part as to which card the clerk is

1 drawing. Any legal voter of the county or municipality, as the case
2 may be, shall have the privilege of witnessing such drawing. The
3 person making the drawing shall make public announcement at the
4 drawing of each name, the order in which the same is drawn, and
5 the office for which the drawing is made. When there is to be but
6 one person nominated for the office, the names of the several
7 candidates who have filed petitions for such office shall be written
8 upon cards (one name on a card) of the same size, substance and
9 thickness. The cards shall be deposited in a box with an aperture in
10 the cover of sufficient size to admit a man's hand. The box shall be
11 well shaken and turned over to thoroughly mix the cards, and the
12 cards shall then be withdrawn one at a time. The first name drawn
13 shall have first place, the second name drawn, second place, and so
14 on; the order of the withdrawal of the cards from the box
15 determining the order of arrangement in which the names shall
16 appear upon the primary election ballot. Where there is more than
17 one person to be nominated to an office where petitions have
18 designated that certain candidates shall be **【bracketed】** associated
19 pursuant to R.S.19:23-18, the position of such **【bracketed】** names
20 on the ballot **【(each bracket to be treated as a single name)】**,
21 together with individuals who have filed petitions for nomination
22 for such office, shall be determined as above described. Where
23 there is more than one person to be nominated for an office and
24 there are more candidates who have filed petitions than there are
25 persons to be nominated, the order of the printing of such names
26 upon the primary election ballots shall be determined as above
27 described.

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

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

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

43 (2) If there are an equal number of candidates and open seats for
44 an office, and all the candidates seeking the office have filed a
45 petition of nomination indicating their intention to associate on the
46 ballot pursuant to R.S.19:23-18, the candidates shall be placed upon
47 the ballot in the order requested on their petitions of nomination.

1 and the drawing procedures described in subsection b. of this
 2 section shall not be required.

3 f. The county clerk in certifying to the municipal clerk the
 4 offices to be filled and the names of candidates to be printed upon
 5 the ballots used for the primary election for the general election,
 6 shall certify them in the order as drawn in accordance with **【the**
 7 **above described procedure】** the provisions of this section, and the
 8 municipal clerk shall **【print】** cause to be printed the names upon the
 9 ballots as so certified and in addition shall print the names of such
 10 candidates as have filed petitions with **【him】** the municipal clerk in
 11 the order as determined as a result of the drawing as above
 12 described. **【Candidates for the office of the county executive in**
 13 **counties that have adopted the county executive plan of the**
 14 **"Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et**
 15 **seq.), shall precede the candidates for other county offices for**
 16 **which there are candidates on the ballot used for the primary**
 17 **election for the general election.】**
 18 (cf: P.L.2023, c.16, s.11)

19

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

21 19:23-25. The ballots shall be made up and printed consistent
 22 with the requirements of section 2 of P.L. , c. (C.) (pending
 23 before the Legislature as this bill) and in substantially the following
 24 form:

25 **【Each ballot shall have at the top a coupon at least two inches**
 26 **deep extending across the ballot above a perforated line. The**
 27 **coupon shall be numbered for each of the political parties,**
 28 **respectively, from one consecutively to the number of ballots**
 29 **delivered and received by the election officers of the respective**
 30 **polling places. Upon the coupon and above the perforated line shall**
 31 **be the words "To be torn off by the judge of election. Fold to this**
 32 **line." Below the perforated line】** At the top of each ballot shall be
 33 printed the words "Official Democratic Party Primary Ballot," or
 34 "Official Republican Party Primary Ballot," or, as the case may be,
 35 naming the proper political party, as provided in this Title; below
 36 which and extending across the ballot in one or more lines, as may
 37 be necessary, shall be printed the words
 38 ¹name of county¹ name of municipality
 39 ward election district date of
 40 election John Doe, ¹**【municipal】** county¹ clerk; the
 41 blank spaces shall be filled in with the name of the proper ¹county,¹
 42 municipality, the ward and the district number and the date of
 43 election. The name of the ¹**【municipal】** county¹ clerk shall be a
 44 facsimile of **【his】** the ¹**【municipal】** county¹ clerk's signature. This
 45 heading shall be set apart from the body of the ballot by a heavy
 46 diagram rule. Below this rule shall be printed the following
 47 directions instructing the voter how to indicate **【his】** the voter's

1 choice for each office and position, and for how many persons to
 2 vote for each office and position: To vote for any person whose
 3 name is printed upon this ballot mark a cross x , plus + **【or】** , check
 4 **【with ink or pencil in the square at the left of】** , or an otherwise
 5 appropriate mark on the oval or space next to the name of such
 6 person. To vote for any person whose name is not printed upon this
 7 ballot write or paste the name in the blank space under the proper
 8 title of office and mark a cross x , plus + **【or】** , check **【with ink or**
 9 **pencil in the square at the left of】** , or an otherwise appropriate
 10 mark on the oval or space next to the name of such person. Below
 11 these instructions shall be printed a heavy diagram rule below
 12 which shall be printed the government levels describing the offices
 13 to be voted for below which shall be separate office blocks headed
 14 by the titles of offices and positions for which candidates are to be
 15 voted for at the primary election, together with such directions to
 16 the voter as may be necessary ³【, as】 ³ "Vote for one," "Vote for
 17 two," or a greater number, as the case may be ³, shall be included
 18 with any other directions to the voters, and shall be printed in an
 19 obvious and conspicuous manner³.

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

21 (1) federal offices, below which shall be printed separate office
 22 blocks for choice for President or electors for President; members
 23 of the United States Senate; and members of the House of
 24 Representatives;

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

28 (3) countywide offices, below which shall be printed separate
 29 office blocks for county executive; member of the board of county
 30 commissioners; ³county clerk; county sheriff;³ and any other county
 31 offices in their respective office blocks;

32 (4) municipal offices, below which shall be printed separate
 33 office blocks for mayor; member of the council or municipal
 34 governing body; and any other municipal offices in their respective
 35 office blocks;

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

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

42 (7) district delegates and alternates to conventions of political
 43 parties, provided that the candidates for district delegates and
 44 alternates may be placed next to the office block for choice for
 45 President or electors for President;

46 ³**【(8) candidates for State party positions;】³ and**

47 ³**【(9)】 (8)³ candidates for county party positions.**

1 A heavy diagram rule shall be used to distinguish each office
2 block for the different offices. Underneath the proper title of office
3 and position shall be printed the names of all those persons certified
4 as candidates for the offices to the municipal clerk by the county
5 clerk as hereinbefore provided, and the names of persons
6 **[indorsed]** endorsed as such candidates in petitions on file in the
7 office of the municipal clerk as they appear signed to the certificate
8 of acceptance. The name of any person **[indorsed]** endorsed in a
9 petition as provided who shall fail to certify **[his]** the person's
10 consent and agreement to be a candidate for nomination to the
11 office specified therein shall not be printed upon the ballots to be
12 used at the primary election. In the case of a vacancy among
13 nominees the name of the person selected in the manner provided in
14 this Title to fill the same shall be printed upon the ballots in the
15 place of the person vacating such nomination.

16 The candidates shall be arranged **[in groups and the groups**
17 **bracketed]** as indicated on their petitions for nomination for the
18 same office with multiple open seats in all cases where the petitions
19 **[indorsing]** endorsing such candidates and filed in accordance with
20 R.S.19:23-18 request **[such grouping]** for such candidates to be
21 associated within the same office block. The **[designation]** slogan
22 or endorsement named by candidates in their petitions for
23 nomination, as provided by **[this Title]** R.S.19:23-17, shall be
24 printed **[to the right of]** next to or below the names of such
25 candidates **[or groups of candidates in as large type as the space**
26 **will allow]**.

27 Immediately next to **[the left and on the same line with]** the
28 name of each candidate for office and position shall be printed **[a**
29 **square approximately one-quarter of an inch in size, or by printing**
30 **vertical single line rules connecting the single line rules between**
31 **the names of the candidates and thus form a square]** an oval or
32 space in which the voter shall indicate **[his]** the voter's choice. **[A**
33 **single light-faced rule shall be used to separate the different names**
34 **in each group of candidates.]** A heavy diagram rule shall be used
35 between each **[group of candidates for different offices.** Where
36 candidates are arranged in groups and the groups bracketed, the
37 groups shall be separated from other groups and candidates by two
38 single line rules approximately one-eighth of an inch apart] office
39 block. The ballot shall be so arranged that all candidates seeking
40 the same office are listed in one contiguous office block. No
41 candidate shall be separated from other candidates seeking the same
42 office on the ballot.

43 Each primary ballot shall contain, at the end of the list of
44 candidates for each different office, blank **[squares and]** spaces or
45 lines equal to the number of persons to be elected to the office, for
46 the purpose of allowing any voter to write or paste the name of any

1 person for whom **【he】** the voter desires to vote for any office or
2 party position.

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

4

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

6 19:49-2. All official general election ballots shall be in black ink
7 in type as large as space will reasonably permit; provided, however,
8 that **【any public question which shall be placed on the ballot shall**
9 **be in red and】** above any public question to be voted upon by the
10 voters of the entire State there shall be **【, also in red,】** a description
11 of the public question, which description shall not exceed six words
12 and shall be in type as large as is practicable. Party nominations
13 shall be arranged on each voting machine, either in columns or
14 horizontal rows; the caption of the various ballots on the machines
15 shall be so placed on the machines as to indicate to the voter what
16 device is to be used or operated in order to vote for the candidates
17 or candidate of **【his or her】** the voter's choice. The providing of the
18 official ballots, the order of the precedence and arrangement of
19 parties and of candidates, and the instructions for the use of a
20 device to be used or operated in order to vote for candidates shall be
21 as now required by law **【, except that in those counties where**
22 **voting machines are used, the】** . The county clerk in every county
23 shall have the authority to determine the specifications for, and the
24 final arrangement of, the official general election ballots, to the
25 extent not inconsistent with the provisions of this Title.

26 **【For the primary election for the general election in all counties**
27 **where voting machines are or shall be used, all candidates who shall**
28 **file a joint petition with the county clerk of their respective county**
29 **and who shall choose the same designation or slogan shall be drawn**
30 **for position on the ballot as a unit and shall have their names placed**
31 **on the same line of the voting machine; and provided further, that**
32 **all candidates for municipal or party office in municipalities in**
33 **counties where voting machines are or shall be used who shall file a**
34 **petition with the clerk of their municipality bearing the same**
35 **designation or slogan as that of the candidates filing a joint petition**
36 **with the county clerk as aforesaid, may request that his or her name**
37 **be placed on the same line of the voting machine with the**
38 **candidates who have filed a joint petition with the county clerk as**
39 **aforesaid by so notifying the county clerk of said county in writing**
40 **within two days after the last day for filing nominating petitions and**
41 **thereupon the county clerk shall forthwith notify the campaign**
42 **manager of such candidates filing a joint petition as aforesaid of**
43 **said request, and if the said campaign manager shall file his consent**
44 **in writing with the said county clerk within two days after the**
45 **receipt of said notification from said county clerk, the clerk of said**
46 **county shall place the name of such candidate on the same line of**
47 **the voting machine on which appears the names of the candidates**
48 **who have filed the joint petition as aforesaid; provided, also, that**

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

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

16

17 8. (New section) a. The Division of Elections in the
18 Department of State shall collect data from county and municipal
19 clerks and county boards of elections on their experiences regarding
20 the changes to ballot design and primary election procedures in this
21 State implemented pursuant to P.L. , c. (pending before the
22 Legislature as this bill), and shall develop and submit a report as
23 provided in this section. The report shall include data concerning
24 the conduct of primary elections, best practices to improve the
25 conduct of future primary elections, and any other relevant
26 information, research, guidance, and expertise regarding the
27 implementation of the new ballot designs and primary election
28 procedures.

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

31 (1) experiences of election officials, candidates, and voters
32 regarding the ballot changes, including whether such changes
33 contributed to candidate or voter confusion, or increased the
34 difficulty for election officials to administer primary elections in
35 this State; and

36 (2) what the costs of implementation were.

37 At the discretion of the division, the report may also provide the
38 Governor and the Legislature with recommendations to improve
39 overall election experiences and voter participation.

40 c. The report shall be prepared and submitted to the Governor,
41 and Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-
42 19.1), within 180 days after the date of the second primary election
43 following the enactment of P.L. , c. (pending before the
44 Legislature as this bill).

45

46 ³9. R.S.19:1-1 is amended to read as follows:

47 19:1-1. As used in this Title:

- 1 "Election" means the procedure whereby the electors of this
2 State or any political subdivision thereof elect persons to fill public
3 office or pass on public questions.
- 4 "Fire district election" means an election to be held in and for a
5 fire district established pursuant to N.J.S.40A:14-70 et seq.
- 6 "General election" means the annual election to be held on the
7 first Tuesday after the first Monday in November and, where
8 applicable, includes annual school elections and annual fire district
9 elections held on that date.
- 10 "Primary election for the general election" means the procedure
11 whereby the members of a political party in this State or any
12 political subdivision thereof nominate candidates to be voted for at
13 general elections, or elect persons to fill party offices, other than for
14 a member of the State committee of a political party.
- 15 "Municipal election" means an election to be held in and for a
16 single municipality only, at regular intervals.
- 17 "Special election" means an election which is not provided for by
18 law to be held at stated intervals.
- 19 "Any election" includes all primary, general, municipal, school
20 and special elections, as defined herein.
- 21 "Municipality" includes any city, town, borough, village, or
22 township.
- 23 "School election" means any annual or special election to be held
24 in and for a local or regional school district established pursuant to
25 chapter 8 or chapter 13 of Title 18A of the New Jersey Statutes.
- 26 "Public office" includes any office in the government of this
27 State or any of its political subdivisions filled at elections by the
28 electors of the State or political subdivision.
- 29 "Public question" includes any question, proposition or
30 referendum required by the legislative or governing body of this
31 State or any of its political subdivisions to be submitted by
32 referendum procedure to the voters of the State or political
33 subdivision for decision at elections.
- 34 "Political party" means a party which, at the election held for all
35 of the members of the General Assembly next preceding the holding
36 of any primary election held pursuant to this Title, polled for
37 members of the General Assembly at least 10% of the total vote cast
38 in this State.
- 39 "Party office" means the office of delegate or alternate to the
40 national convention of a political party or member of the State,
41 county or municipal committees of a political party.
- 42 "Masculine" includes the feminine, and the masculine pronoun
43 wherever used in this Title shall be construed to include the
44 feminine.
- 45 "Presidential year" means the year in which electors of President
46 and Vice-President of the United States are voted for at the general
47 election.

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

4 "District board" means the district board of registry and election
5 in an election district.

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

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

9 "Commissioner" means the commissioner of registration in
10 counties.

11 "File" or "filed" means deposited in the regularly maintained
12 office of the public official wherever said regularly maintained
13 office is designated by statute, ordinance or resolution.³

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

15

16 ³10. R.S.19:3-3 is amended to read as follows:

17 19:3-3. Delegates and alternates to the national conventions of
18 the political parties shall be elected at the primary election to be
19 held on the Tuesday next after the first Monday in June in that year.

20 The members of **[State,]** county and municipal committees of
21 the political parties shall be chosen at the primary for the general
22 election as hereinafter provided.³

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

24

25 ³11. R.S.19:12-7 is amended to read as follows:

26 19:12-7. a. The county board in each county shall cause to be
27 published in a newspaper or newspapers which, singly or in
28 combination, are of general circulation throughout the county, a
29 notice containing the information specified in subsection b. hereof,
30 except for such of the contents as may be omitted pursuant to
31 subsection c. or d. hereof. Such notice shall be published once
32 during the 30 days next preceding the day fixed for the closing of
33 the registration books for the primary election, once during the
34 calendar week preceding the week in which the early voting period
35 for the primary election for the general election begins, once during
36 the 30 days next preceding the day fixed for the closing of the
37 registration books for the general election, and once during the
38 calendar week preceding the week in which the early voting period
39 for the general election begins.

40 b. Such notice shall set forth:

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

42 (a) That a primary election for making nominations for the
43 general election, for the selection of members of the county
44 committees of each political party, and in each presidential year for
45 the selection of delegates and alternates to national conventions of
46 political parties, will be held on the day and between the hours
47 provided for by or pursuant to this Title, and the days, hours, and
48 places at which early voting shall be available in the county.

1 (b) The place or places at which and hours during which a
2 person may register, the procedure for the transfer of registration,
3 and the date on which the books are closed for registration or
4 transfer of registration.

5 (c) The several **【State,】** county, municipal and party offices or
6 positions to be filled, or for which nominations are to be made, at
7 such primary election.

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

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

15 (f) In the case of the notice published during the calendar week
16 preceding the week in which the early voting period for the primary
17 election begins, that a voter who, prior to the election, shall have
18 moved within the same county without (i) filing, on or before the
19 21st day preceding the election, a notice of change of residence
20 with the commissioner of registration of the county or the municipal
21 clerk of the municipality in which the voter resides on the day of
22 the election, (ii) returning the confirmation notice sent to the voter
23 by the commissioner of registration of the county, if such a notice
24 has been sent to the voter, or (iii) otherwise notifying the
25 commissioner of registration of the voter's change of address within
26 the county shall be permitted to correct the voter's registration and
27 to vote in the primary election by provisional ballot at the polling
28 place of the district in which the voter resides on the day of the
29 election. The notice shall further provide that the voter may contact
30 the county commissioner of registration or municipal clerk or may
31 view polling place location information on the Division of Elections
32 website to determine the proper polling place location for the voter.

33 (2) For the general election:

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

39 (b) The place or places at which and hours during which a
40 person may register, the procedure for transfer of registration, and
41 the date on which the books are closed for registration or transfer of
42 registration.

43 (c) The several State, county and municipal offices, and where
44 applicable, school board offices and fire district offices to be filled,
45 notice of any school district propositions to be submitted to the
46 people and, except as provided in R.S.19:14-33 of this Title as to
47 publication of notice of any Statewide proposition directed by the
48 Legislature to be submitted to the people, the State, county,

1 municipal and fire district public questions to be voted upon at such
2 general election.

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

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

10 (f) In the case of the notice published during the calendar week
11 preceding the week in which the early voting period for the general
12 election begins, that a voter who, prior to the election, shall have
13 moved within the same county without (i) filing, on or before the
14 21st day preceding the election, a notice of change of residence
15 with the commissioner of registration of the county or the municipal
16 clerk of the municipality in which the voter resides on the day of
17 the election, (ii) returning the confirmation notice sent to the voter
18 by the commissioner of registration of the county, if such a notice
19 has been sent to the voter, or (iii) otherwise notifying the
20 commissioner of registration of the voter's change of address within
21 the county shall be permitted to correct the voter's registration and
22 to vote in the general election by provisional ballot at the polling
23 place of the district in which the voter resides on the day of the
24 election. The notice shall further provide that the voter may contact
25 the county commissioner of registration or municipal clerk or may
26 view polling place location information on the Division of Elections
27 website to determine the proper polling place location for the voter.

28 (3) For a school election:

29 (a) The day and time thereof,

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

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

33 (d) That a voter who, prior to the election, shall have moved
34 within the same county without (i) filing, on or before the 21st day
35 preceding the election, a notice of change of residence with the
36 commissioner of registration of the county or the municipal clerk of
37 the municipality in which the voter resides on the day of the
38 election, (ii) returning the confirmation notice sent to the voter by
39 the commissioner of registration of the county, if such a notice has
40 been sent to the voter, or (iii) otherwise notifying the commissioner
41 of registration of the voter's change of address within the county
42 shall be permitted to correct the voter's registration and to vote in
43 the school election by provisional ballot at the polling place of the
44 district in which the voter resides on the day of the election,

45 (e) That if the voter has any questions as to where to vote on the
46 day of the election, the voter may contact the county commissioner
47 of registration or municipal clerk or may view polling place

1 location information on the Division of Elections website to
2 determine the proper polling place location for the voter; and

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

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

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

12 (2) All offices to be filled, or nominations made therefor, or
13 public questions to be voted upon, by the voters of the entire State
14 or of the entire county shall be set forth in a newspaper or
15 newspapers which, singly or in combination, have general
16 circulation throughout the county;

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

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

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

26 f. The cost of publishing the notices required by this section
27 shall be paid by the respective counties, unless otherwise provided
28 for by law.

29 g. Notices required to be published or posted pursuant to this
30 section shall set forth a general description of the contents of the
31 voter information notice provided for in section 1 of P.L.2005,
32 c.149 (C.19:12-7.1), how the notice may be viewed or obtained
33 prior to the day of an election, and that the notice will be posted in
34 each polling place on the day of an election.³

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

36

37 ³12. (New section) a. Notwithstanding the provisions of any
38 other law, rule, or regulation to the contrary, the members of the
39 State committee of each of the political parties shall not be elected
40 at the primary election for the general election. The members shall
41 be elected by the members of the county committee of the
42 respective political parties, at a time and in a manner to be
43 determined by each respective political party, and in accordance
44 with the constitution and bylaws of such party.

45 b. A vacancy in the office of a member of the State committee
46 of any political party, howsoever caused, shall be filled for the
47 unexpired term by the members of the county committee of such

1 political party in the county in which the vacancy occurs, in
 2 accordance with the constitution and bylaws of such party.

3 c. Any person elected as a member of the State committee of a
 4 political party pursuant to subsection a. of this section, or selected
 5 to fill a vacancy in the membership of a State committee, may
 6 request, in writing and by certified mail, either access to the
 7 complete financial records of the State committee or a copy of the
 8 balance sheet of the State committee showing the assets and
 9 liabilities of the State committee as of the close of business on the
 10 date of their election or selection. The person requesting that
 11 access or copy of the balance sheet shall receive the access or copy
 12 so requested within 48 hours of the receipt of that request by the
 13 committee.³

14
 15 ³13. (New section) The provisions of this act, P.L. _____, c.
 16 (pending before the Legislature as this bill) shall be severable, and
 17 if any of its provisions shall be held to be unconstitutional, the
 18 decision of the court shall not affect the validity of the remaining
 19 provisions of this act.³

20
 21 ³[9. R.S.19:34-52 and P.L.1981, c.71 (C.19:23-26.1 through
 22 C.19:23-26.2) are repealed.] 14. The following sections are
 23 repealed:

24 R.S.19:5-4;
 25 Section 24 of P.L.1983, c.579 (C.19:5-4a);
 26 Sections 6 and 7 of P.L.1978, c.15 (C.19:5-4.1 through
 27 C.19:5-4.2);
 28 P.L.1981, c.71 (C.19:23-26.1 through C.19:23-26.2); and
 29 R.S.19:34-52.³

30
 31 ³[10.] 15.³ This act shall take effect ²[January 1 next following
 32 the date of enactment] immediately².

33
 34
 35
 36
 37 Revises design of primary election ballots and certain primary
 38 election procedures; provides for ballots to be arranged by office
 39 block; removes State committee members from primary process;
 40 requires reporting on primary elections by Division of Elections.

CHAPTER 32

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

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

C.19:23-23.1 Findings, declarations.

1. The Legislature finds and declares that:
 - a. The Elections Clause of the United States Constitution grants the State with the right and ability to make laws concerning the time, place, and manner of elections.
 - b. State and Federal courts have frequently deferred to the State Legislature to enact such laws and balance the respective interests of the State, candidates for offices, and the voters, “a function for which the Legislature is uniquely fitted.”
 - c. As per the ruling of Judge Quraishi of the United States District Court for the District of New Jersey, the bracketing structure used in New Jersey’s primary election ballots was primarily created by the combined effect of three statutes: R.S.19:23-24; section 1 of P.L.1981, c.71 (C.19:23-26.1); and R.S.19:49-2.
 - d. The combined effect of these three statutes created unique ballot conditions such as incongruous separation, preferential placement for certain candidates based upon the drawing of candidates for different offices, and improper placement of certain candidates amongst candidates for different offices on the ballot. These conditions led to two legal challenges in federal district court, where Plaintiffs asserted that the bracketing structure impermissibly burdened their rights under the First Amendment of the United States Constitution.
 - e. Prior to a decision being reached in either of these cases, the leaders of the New Jersey State Legislature committed to remedying the combined effect of these statutes and pledged to design a new primary election ballot for use in this State.
 - f. In furtherance of this commitment, the General Assembly convened the Select Committee on Ballot Design, comprised of an equal number of members of both parties in the General Assembly.
 - g. The Select Committee on Ballot Design met in a series of five public hearings to take testimony from experts and the public alike in order to better understand the issue and balance the interests of the many perspectives presented.
 - h. The design of the new primary election ballot, to be established by this act, P.L.2025, c.32 (C.19:23-23.1 et al.), took into consideration the expertise of:
 - (1) the county clerks and election officials, who are ultimately responsible for implementation of the design;
 - (2) the National Conference of State Legislatures, which provided the committee with expert testimony and research concerning ballot design and other election matters, including the relevant practices in other states;
 - (3) the Center for Civic Design, which provided the committee with expert testimony and whose research and guidance on standardized and user-friendly ballot design principles are publicly available; and
 - (4) members of the public, many of whom spoke in support of an office block ballot design.
 - i. The new ballot design for primary election ballots also seeks to further important government interests, such as ensuring timely and orderly election processes, of which the primary election is an integral part.
 - j. As the most critical stage in the electoral process is the instant before the vote is cast, the design for the new primary election ballots seeks to:

- (1) ensure that voters can understand the ballot;
- (2) maintain a manageable ballot;
- (3) reduce voter confusion;
- (4) provide voters with information as to the policy positions and endorsements of the candidates running for office; and
- (5) allow voters to quickly find their preferred choice of candidate for a given office and cast their vote.

k. Additionally, the State has an important interest in fostering an informed and educated electorate who may express their political opinions through the casting of their vote.

l. The design of the new primary ballot preserves the ability of political parties to make endorsements, since party labels provide a shorthand designation of the views of party candidates, and the identification of candidates with a particular party plays a role in the process by which voters inform themselves for the exercise of the franchise.

m. This design also takes into consideration the First Amendment rights of political parties and their governing bodies, recognizing that primary elections are, at their core, a function of the party and therefore not a public affair which may be overly regulated by the State. This principle has routinely been upheld by the United States Supreme Court and courts in New Jersey.

n. This design seeks also to preserve the First Amendment rights of candidates who wish to legitimately associate with one another through the use of common slogans, without requiring that any candidates associate, while also safeguarding against abuses of the candidate slogans, such as the use of misleading or false slogans which could be deceptive to a reasonable voter.

C.19:23-23.2 Design standards, primary election ballots.

2. a. All primary election ballots used in this State shall comply with the following design standards:

(1) the oval or space for the voter to mark a vote shall be to the left or to the right of the name of each candidate, and each candidate's name shall appear flush next to and aligned with the oval or space in a consistent manner which does not create any visual distinction between candidate names;

(2) all text shall be written in plain, simple language, to the extent possible, and shall avoid overly technical language;

(3) candidates shall be arranged by office sought in an office block format, each office block shall be separated on the ballot from other office blocks, and candidates for the same office shall be listed within the same office block without a page break appearing between their names, and as further provided under R.S.19:23-25;

(4) all office blocks appearing on one ballot shall be designed according to the same standards of design, consistent with the provisions of this section;

(5) all spacing, ruling, and delineation of candidates shall 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 shall 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 shall be placed next to a candidate's name.

b. No primary election ballot used in this State shall be designed in a manner that creates for a candidate on the ballot an incongruous separation from other candidates seeking the same office, positions a candidate on the ballot among candidates for a different office, or brackets

candidates together on the ballot so as to position a candidate based upon a drawing for ballot position for a different candidate for a different office.

No primary election ballot used in this State shall include any distinguishing mark or notation, except as otherwise provided by law.

c. Each county clerk shall:

(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 shall not be in bold or italicized fonts and provided that the slogan or endorsement complies with R.S.19:23-17;

(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 in compliance with the provisions of R.S.19:23-18; and

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

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

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

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

Designation on primary ticket of policy or faction.

19:23-17. a. Any person endorsed as a candidate for nomination for any public office or party position whose name is to be voted for on the primary ballot of any political party may, on the petition of nomination in which the candidate is endorsed, request that there be printed next to or below the candidate's name on the primary ballot a slogan or endorsement, in not more than six words, as named by the candidate in such petition, for the purpose of indicating either any official act or policy to which the candidate is pledged or committed, to distinguish the candidate as belonging to a particular faction or wing of the candidate's political party, or to indicate the endorsement of a person or incorporated association.

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

(2) No slogan or endorsement shall include or refer to any lawfully registered trademark of any person or incorporated association unless the written consent of such person or incorporated association has been filed with the petition of nomination of such candidate or candidates. If a person or incorporated association wishes to revoke their consent as provided pursuant to this paragraph, the person or incorporated association shall notify the Secretary of State, county clerk, or municipal clerk, as the case may be, in writing and the Secretary of State or the clerk shall accept such revocation, provided that notice of such is received prior to the date on which the draw for ballot position is conducted pursuant to R.S.19:23-24.

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

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

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

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

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

Grouping of candidates.

19:23-18. a. Several candidates for nomination to the same office with multiple open seats to be voted on at a primary election may in such petitions request that their names be associated and that the common slogan or endorsement to be named by them shall be printed next to or below their names, as permitted by R.S.19:23-17. The county clerk in the county in which a petition of nomination is filed shall accept such requests made in compliance with this section, provided that such notice is received prior to the date on which the draw for ballot position is conducted pursuant to R.S.19:23-24. If any candidate, following acceptance of such request by the county clerk, wishes to modify, supplement, or revoke the terms of their association, as indicated on their petitions at the time of filing, the candidate shall notify the county clerk in writing and the clerk shall accept such modification, supplement, or revocation, provided that such notice is received prior to the date on which the draw for ballot position is conducted pursuant to R.S.19:23-24. The clerk shall not accept any request to modify, supplement, or revoke the terms of an association received after the draw for ballot position is conducted pursuant to R.S.19:23-24.

b. If two candidates or associations of candidates seeking the same office shall select the same slogan, the Secretary of State, county clerk, or municipal clerks, as the case may be, shall notify the candidate or associated candidates whose petition was last filed, and such candidate or associated candidates shall select a new slogan.

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

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

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

Primary election ballots; position.

19:23-24. a. The position which the candidates for the primary for the general election shall have upon the ballots used for the primary election for the general election, in the case of candidates for nomination for members of the United States Senate, Governor, members of the House of Representatives, members of the State Senate, members of the General Assembly, choice for President, delegates and alternates-at-large to the national conventions of political parties, district delegates and alternates to conventions of political parties, candidates for party positions, other than State political party committee, and county offices or party positions which are to be voted for by the voters of the entire county or a portion thereof greater than a single municipality, including a congressional district which is wholly within a single municipality, shall be determined by the county clerks in their respective counties.

The position on the ballot used for the primary election for the general election in the case of candidates for nomination for office or party position wherein the candidates for office or party position to be filled are to be voted for by the voters of a municipality only, or a subdivision thereof (excepting in the case of members of the House of Representatives), which nominating petitions are required to be filed in the municipal clerk's office, shall be determined by the municipal clerk in such municipalities, except that, upon written notice by the county clerk to the municipal clerk, the county clerk shall determine the position on the ballot for such offices or party positions.

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

b. The county clerk, the county clerk's deputy, the municipal clerk, or the municipal clerk's deputy, as the case may be, shall at the clerk's office on the 61st day prior to the primary election for the general election at three o'clock in the afternoon draw from the box, as hereinafter described, each card separately without knowledge on the clerk's part as to which card the clerk is drawing. Any legal voter of the county or municipality, as the case may be, shall have the privilege of witnessing such drawing. The person making the drawing shall make public announcement at the drawing of each name, the order in which the same is drawn, and the office for which the drawing is made. When there is to be but one person nominated for the office, the names of the several candidates who have filed petitions for such office shall be written upon cards (one name on a card) of the same size, substance, and thickness. The cards shall be deposited in a box with an aperture in the cover of sufficient size to admit a man's hand. The box shall be well shaken and turned over to thoroughly mix the cards, and the cards shall then be withdrawn one at a time. The first name drawn shall have first place, the second name drawn, second place, and so on; the order of the withdrawal of the cards from the box determining the order of arrangement in which the names shall appear upon the primary election ballot. Where there is more than one person to be nominated to an office where petitions have designated that certain candidates shall be associated pursuant to R.S.19:23-18, the position of such names on the ballot, together with individuals who have filed petitions for nomination for such office, shall be determined as above described. Where there is more than one person to be nominated for an office and there are more candidates who have filed petitions than there are persons to be nominated, the order of the printing of such names upon the primary election ballots shall be determined as above described.

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

d. As prohibited by section 2 of P.L.2025, c.32 (C.19:23-23.2), no candidate shall have their position on the ballot determined by the position of any candidate for a different office.

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

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

f. The county clerk in certifying to the municipal clerk the offices to be filled and the names of candidates to be printed upon the ballots used for the primary election for the general election shall certify them in the order as drawn in accordance with the provisions of this section, and the municipal clerk shall cause to be printed the names upon the ballots as so certified and in addition shall print the names of such candidates as have filed petitions with the municipal clerk in the order as determined as a result of the drawing as above described.

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

Make up and printing ballot.

19:23-25. The ballots shall be made up and printed consistent with the requirements of section 2 of P.L.2025, c.32 (C.19:23-23.2) and in substantially the following form:

At the top of each ballot shall be printed the words "Official Democratic Party Primary Ballot," or "Official Republican Party Primary Ballot," or, as the case may be, naming the proper political party, as provided in this Title; below which and extending across the ballot in one or more lines, as may be necessary, shall be printed the words name of county name of municipality ward election district date of election John Doe, county clerk; the blank spaces shall be filled in with the name of the proper county, municipality, the ward and the district number and the date of election. The name of the county clerk shall be a facsimile of the county clerk's signature. This heading shall be set apart from the body of the ballot by a heavy diagram rule. Below this rule shall be printed the following directions instructing the voter how to indicate the voter's choice for each office and position and for how many persons to vote for each office and position: To vote for any person whose name is printed upon this ballot mark a cross x, plus +, check, or an otherwise appropriate mark on the oval or space next to the name of such person. To vote for any person whose name is not printed upon this ballot write or paste the name in the blank space under the proper title of office and mark a cross x, plus +, check, or an otherwise appropriate mark on the oval or space next to the name of such person. Below these instructions shall be printed a heavy diagram rule, below which shall be printed the government levels describing the offices to be voted for below which shall be separate office blocks headed by the titles of offices and positions for which candidates are to be voted for at the primary election, together with such directions to the voter as may be necessary. "Vote for one," "Vote for two," or a greater number, as the case may be, shall be included with any other directions to the voters and shall be printed in an obvious and conspicuous manner.

The office blocks shall be arranged in the following order:

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

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

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

(4) municipal offices, below which shall be printed separate office blocks for mayor, member of the council or municipal governing body, and any other municipal offices in their respective office blocks;

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

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

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

(8) candidates for county party positions.

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

The candidates shall be arranged as indicated on their petitions for nomination for the same office with multiple open seats in all cases where the petitions endorsing such candidates and filed in accordance with R.S.19:23-18 request for such candidates to be associated within the same office block. The slogan or endorsement named by candidates in their petitions for nomination, as provided by R.S.19:23-17, shall be printed next to or below the names of such candidates.

Immediately next to the name of each candidate for office and position shall be printed an oval or space in which the voter shall indicate the voter's choice. A heavy diagram rule shall be used between each office block. The ballot shall be so arranged that all candidates seeking the same office are listed in one contiguous office block. No candidate shall be separated from other candidates seeking the same office on the ballot.

Each primary ballot shall contain, at the end of the list of candidates for each different office, blank spaces or lines equal to the number of persons to be elected to the office for the purpose of allowing any voter to write or paste the name of any person for whom the voter desires to vote for any office or party position.

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

Official ballots.

19:49-2. All official general election ballots shall be in black ink in type as large as space will reasonably permit, provided, however, that above any public question to be voted upon by the voters of the entire State there shall be a description of the public question, which description shall not exceed six words and shall be in type as large as is practicable. Party nominations shall be arranged on each voting machine, either in columns or horizontal rows;

the caption of the various ballots on the machines shall be so placed on the machines as to indicate to the voter what device is to be used or operated in order to vote for the candidates or candidate of the voter's choice. The providing of the official ballots, the order of the precedence and arrangement of parties and of candidates, and the instructions for the use of a device to be used or operated in order to vote for candidates shall be as now required by law. The county clerk in every county shall have the authority to determine the specifications for, and the final arrangement of, the official general election ballots to the extent not inconsistent with the provisions of this Title.

C.19:23-26.3 Data collection, ballot design changes; report, recommendations to Governor, Legislature.

8. a. The Division of Elections in the Department of State shall collect data from county and municipal clerks and county boards of elections on their experiences regarding the changes to ballot design and primary election procedures in this State implemented pursuant to P.L.2025, c.32 (C.19:23-23.1 et al.), and shall develop and submit a report as provided in this section. The report shall 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.

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

(1) experiences of election officials, candidates, and voters regarding the ballot changes, including whether such changes contributed to candidate or voter confusion or increased the difficulty for election officials to administer primary elections in this State; and

(2) what the costs of implementation were.

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

c. The report shall be prepared and submitted to the Governor and Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), within 180 days after the date of the second primary election following the enactment of P.L.2025, c.32 (C.19:23-23.1 et al.).

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

Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Commissioner" means the commissioner of registration in counties.

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

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

Election of delegates, alternates at primary election.

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

The members of county and municipal committees of the political parties shall be chosen at the primary for the general election as hereinafter provided.

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

Publication of notice of election.

19:12-7. a. The county board in each county shall cause to be published in a newspaper or newspapers which, singly or in combination, are of general circulation throughout the county, a notice containing the information specified in subsection b. hereof, except for such of the contents as may be omitted pursuant to subsection c. or d. hereof. Such notice shall be published once during the 30 days next preceding the day fixed for the closing of the

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

b. Such notice shall set forth:

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

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

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

(c) The several county, municipal and party offices or positions to be filled, or for which nominations are to be made, at such primary election.

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

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

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

(2) For the general election:

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

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

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

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

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

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

(3) For a school election:

(a) The day and time thereof,

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

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

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

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

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

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

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

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

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

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

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

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

g. Notices required to be published or posted pursuant to this section shall set forth a general description of the contents of the voter information notice provided for in section 1 of P.L.2005, c.149 (C.19:12-7.1), how the notice may be viewed or obtained prior to the day of an election, and that the notice will be posted in each polling place on the day of an election.

C.19:5-4b State committee members, political parties, elections.

12. a. Notwithstanding the provisions of any other law, rule, or regulation to the contrary, the members of the State committee of each of the political parties shall not be elected at the primary election for the general election. The members shall 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, and in accordance with the constitution and bylaws of such party.

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

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

C.19:23-23.3 Severability.

13. The provisions of this act, P.L.2025, c.32 (C.19:23-23.1 et al.) shall be severable, and if any of its provisions shall be held to be unconstitutional, the decision of the court shall not affect the validity of the remaining provisions of this act.

Repealer.

14. The following sections are repealed:

R.S.19:5-4;

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

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

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

R.S.19:34-52.

15. This act shall take effect immediately.

Approved March 6, 2025.

ASSEMBLY, No. 5116

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED DECEMBER 9, 2024

Sponsored by:

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Assemblyman AL BARLAS

District 40 (Bergen, Essex and Passaic)

SYNOPSIS

Makes changes to design of primary election ballots and certain related primary election procedures; provides for ballots to be arranged by office block; requires reporting on primary elections by Division of Elections.

CURRENT VERSION OF TEXT

As introduced.



A5116 WIMBERLY, BARLAS

2

1 AN ACT concerning the design of primary election ballots,
2 supplementing Title 19 of the Revised Statutes, amending
3 various parts of the statutory law, and repealing R.S.19:34-52
4 and P.L.1981, c.71.

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.

- 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.

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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) all text shall be in lower case letters, with capitalization
4 allowed for the first letter of a word;

5 (2) all text shall be aligned to the left;

6 (3) the font shall be in a sans-serif type face and a size of at least
7 12 points for printed ballots, and at least between 3.0mm and
8 4.0mm for ballots that appear on a screen;

9 (4) the oval or space for the voter to mark a vote shall be to the
10 left of the name of each candidate, and each candidate's name shall
11 appear flush next to the oval or space;

12 (5) all text shall be written in plain, simple language, to the
13 extent possible, and shall avoid overly technical language; and

14 (6) candidates shall be arranged by office sought in an office
15 block format, each office block shall be separated on the ballot from
16 other office blocks, and candidates for the same office shall be
17 listed within the same office block without a page break appearing
18 between their names, and as further provided under R.S.19:23-25.

19 b. No primary election ballot used in this State shall be
20 designed in a manner that creates for a candidate on the ballot an
21 incongruous separation from other candidates seeking the same
22 office, positions a candidate on the ballot among candidates for a
23 different office, or brackets candidates together on the ballot so as
24 to position a candidate based upon a drawing for ballot position for
25 a different candidate for a different office.

26 No primary election ballot used in this State shall include any
27 distinguishing mark or notation, except as otherwise provided by
28 law.

29 c. Each county clerk shall:

30 (1) allow for the placement of a slogan or endorsement of not
31 more than six words next to or below the names of candidates, in
32 the same font and color as the name, but in a smaller font size,
33 provided that the slogan or endorsement shall not be in bold or
34 italicized fonts, and provided that the slogan or endorsement
35 complies with R.S.19:23-17;

36 (2) allow candidates for the same office with multiple open seats
37 to associate in the same office block, using a common slogan or
38 endorsement, next to or below the associated candidate names, in
39 compliance with the provisions of R.S.19:23-18; and

40 (3) indicate the association of candidates using a common
41 slogan or endorsement next to or below each of the candidates'
42 names, as provided by R.S.19:23-17.

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

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

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

2 19:23-17. a. Any person **【indorsed】** endorsed as a candidate for
3 nomination for any public office or party position whose name is to
4 be voted for on the primary **【ticket】** ballot of any political party,
5 may, **【by indorsement】** on the petition of nomination in which **【he**
6 **is indorsed】** the candidate is endorsed, request that there be printed
7 **【opposite his】** next to or below the candidate's name on the
8 primary **【ticket a designation】** ballot a slogan or endorsement, in
9 not more than six words, as named by **【him】** the candidate in such
10 petition, for the purpose of indicating either any official act or
11 policy to which **【he is】** the candidate is pledged or committed, or to
12 distinguish **【him】** the candidate as belonging to a particular faction
13 or wing of **【his】** the candidate's political party **【;** provided,
14 however, that no such designation **】**, or to indicate the endorsement
15 of a person or incorporated association of this State.

16 b. No slogan or endorsement shall include or refer to the name
17 of any person or any incorporated association of this State existing
18 at the time the candidate files the petition of nomination unless the
19 written consent of such person or incorporated association of this
20 State has been filed with the petition of nomination of such
21 candidate or **【group of】** candidates.

22 c. No slogan or endorsement shall include or refer to the name
23 of any political party, as defined under R.S.19:1-1, unless the
24 written consent of the respective county political committee of such
25 political party has been filed with the petition of nomination of such
26 candidate or candidates.

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

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

31

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

33 19:23-18. a. Several candidates for nomination to the same office
34 with multiple open seats to be voted on at a primary election may in
35 such petitions request that their names be **【grouped together】**
36 associated, and that the common **【designation】** slogan or
37 endorsement to be named by them shall be printed **【opposite】** next
38 to or below their names, as permitted by R.S.19:23-17. The county
39 clerk in the county in which a petition of nomination is filed shall
40 accept such requests made in compliance with this section.

41 b. If two candidates or **【groups】** associations of candidates
42 shall select the same **【designation】** slogan, the secretary of state,
43 county clerk or municipal clerks, as the case may be, shall notify
44 the candidate or **【group】** associated candidates whose petition was
45 last filed, and such candidate or **【group】** associated candidates shall
46 select a new **【designation】** slogan.

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

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

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

12
13 5. R.S.19:23-24 is amended to read as follows:

14 19:23-24. a. The position which the candidates [and bracketed
15 groups of names of candidates] for the primary for the general
16 election shall have upon the ballots used for the primary election for
17 the general election, in the case of candidates for nomination for
18 members of the United States Senate, Governor, members of the
19 House of Representatives, members of the State Senate, members of
20 the General Assembly, choice for President, delegates and
21 alternates-at-large to the national conventions of political parties,
22 district delegates and alternates to conventions of political parties,
23 candidates for party positions, and county offices or party positions
24 which are to be voted for by the voters of the entire county or a
25 portion thereof greater than a single municipality, including a
26 congressional district which is wholly within a single municipality,
27 and all other party positions to be filled that are to be voted for by
28 the voters of a municipality only, or a subdivision thereof, shall be
29 determined by the county clerks in their respective counties [; and,
30 excepting in counties where R.S.19:49-2 applies, the] , except that,
31 upon the request of the municipal clerk, the municipal clerk shall
32 determine the position on the ballot for party offices to be voted for
33 by the voters of their respective municipality or a subdivision
34 thereof.

35 The position on the ballot used for the primary election for the
36 general election in the case of candidates for nomination for office
37 [or party position] wherein the candidates for office [or party
38 position] to be filled are to be voted for by the voters of a
39 municipality only, or a subdivision thereof (excepting in the case of
40 members of the House of Representatives) shall be determined by
41 the municipal clerk in such municipalities, [in the following
42 manner:] except that, upon the request of the municipal clerk, the
43 county clerk shall determine the position on the ballot for such
44 offices.

45 The position which the candidates shall have upon the ballots
46 used for the primary election shall be determined as specified in this
47 section.

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

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

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

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

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

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

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

24

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

26 19:23-25. The ballots shall be made up and printed consistent
27 with the requirements of section 2 of P.L. , c. (C.) (pending
28 before the Legislature as this bill) and in substantially the following
29 form:

30 **【Each ballot shall have at the top a coupon at least two inches**
31 **deep extending across the ballot above a perforated line. The**
32 **coupon shall be numbered for each of the political parties,**
33 **respectively, from one consecutively to the number of ballots**
34 **delivered and received by the election officers of the respective**
35 **polling places. Upon the coupon and above the perforated line shall**
36 **be the words "To be torn off by the judge of election. Fold to this**
37 **line." Below the perforated line】** At the top of each ballot shall be
38 printed the words "Official Democratic Party Primary Ballot," or
39 "Official Republican Party Primary Ballot," or, as the case may be,
40 naming the proper political party, as provided in this Title; below
41 which and extending across the ballot in one or more lines, as may
42 be necessary, shall be printed the words name of
43 municipality ward election district
44 date of election John Doe, municipal
45 clerk; the blank spaces shall be filled in with the name of the proper
46 municipality, the ward and the district number and the date of
47 election. The name of the municipal clerk shall be a facsimile of

1 **【his】** the municipal clerk's signature. This heading shall be set
2 apart from the body of the ballot by a heavy diagram rule. Below
3 this rule shall be printed the following directions instructing the
4 voter how to indicate **【his】** the voter's choice for each office and
5 position, and for how many persons to vote for each office and
6 position: To vote for any person whose name is printed upon this
7 ballot mark a cross x , plus + **【or】** , check **【with ink or pencil in the**
8 **square at the left of】** , or an otherwise appropriate mark on the oval
9 or space next to the name of such person. To vote for any person
10 whose name is not printed upon this ballot write or paste the name
11 in the blank space under the proper title of office and mark a cross x
12 , plus + **【or】** , check **【with ink or pencil in the square at the left of】**
13 , or an otherwise appropriate mark on the oval or space next to the
14 name of such person. Below these instructions shall be printed a
15 heavy diagram rule below which shall be printed the government
16 levels describing the offices to be voted for below which shall be
17 separate office blocks headed by the titles of offices and positions
18 for which candidates are to be voted for at the primary election,
19 together with such directions to the voter as may be necessary, as
20 "Vote for one," "Vote for two," or a greater number, as the case
21 may be. The office blocks shall be arranged in the following order:

22 (1) federal offices, below which shall be printed separate office
23 blocks for choice for President or electors for President; members
24 of the United States Senate; and members of the House of
25 Representatives;

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

29 (3) countywide offices, below which shall be printed separate
30 office blocks for county executive; member of the board of county
31 commissioners; and any other county offices in their respective
32 office blocks;

33 (4) municipal offices, below which shall be printed separate
34 office blocks for mayor; member of the council or municipal
35 governing body; and any other municipal offices in their respective
36 office blocks;

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

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

43 (7) district delegates and alternates to conventions of political
44 parties, provided that the candidates for district delegates and
45 alternates may be placed next to the office block for choice for
46 President or electors for President;

47 (8) candidates for State party positions; and

1 (9) candidates for county party positions.

2 A heavy diagram rule shall be used to distinguish each office
3 block for the different offices. Underneath the proper title of office
4 and position shall be printed the names of all those persons certified
5 as candidates for the offices to the municipal clerk by the county
6 clerk as hereinbefore provided, and the names of persons
7 **【indorsed】** endorsed as such candidates in petitions on file in the
8 office of the municipal clerk as they appear signed to the certificate
9 of acceptance. The name of any person **【indorsed】** endorsed in a
10 petition as provided who shall fail to certify **【his】** the person's
11 consent and agreement to be a candidate for nomination to the
12 office specified therein shall not be printed upon the ballots to be
13 used at the primary election. In the case of a vacancy among
14 nominees the name of the person selected in the manner provided in
15 this Title to fill the same shall be printed upon the ballots in the
16 place of the person vacating such nomination.

17 The candidates shall be arranged **【in groups and the groups**
18 **bracketed】** as indicated on their petitions for nomination for the
19 same office with multiple open seats in all cases where the petitions
20 **【indorsing】** endorsing such candidates and filed in accordance with
21 R.S.19:23-18 request **【such grouping】** for such candidates to be
22 associated within the same office block. The **【designation】** slogan
23 or endorsement named by candidates in their petitions for
24 nomination, as provided by **【this Title】** R.S.19:23-17, shall be
25 printed **【to the right of】** next to or below the names of such
26 candidates **【or groups of candidates in as large type as the space**
27 **will allow】** .

28 Immediately next to **【the left and on the same line with】** the
29 name of each candidate for office and position shall be printed **【a**
30 **square approximately one-quarter of an inch in size, or by printing**
31 **vertical single line rules connecting the single line rules between**
32 **the names of the candidates and thus form a square】** an oval or
33 space in which the voter shall indicate **【his】** the voter's choice. **【A**
34 **single light-faced rule shall be used to separate the different names**
35 **in each group of candidates.】** A heavy diagram rule shall be used
36 between each **【group of candidates for different offices.** Where
37 candidates are arranged in groups and the groups bracketed, the
38 groups shall be separated from other groups and candidates by two
39 single line rules approximately one-eighth of an inch apart**】** office
40 block. The ballot shall be so arranged that all candidates seeking
41 the same office are listed in one contiguous office block. No
42 candidate shall be separated from other candidates seeking the same
43 office on the ballot.

44 Each primary ballot shall contain, at the end of the list of
45 candidates for each different office, blank **【squares and】** spaces or
46 lines equal to the number of persons to be elected to the office, for

1 the purpose of allowing any voter to write or paste the name of any
2 person for whom **【he】** the voter desires to vote for any office or
3 party position.

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

5

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

7 19:49-2. All official general election ballots shall be in black ink
8 in type as large as space will reasonably permit; provided, however,
9 that **【any public question which shall be placed on the ballot shall**
10 **be in red and】** above any public question to be voted upon by the
11 voters of the entire State there shall be **【, also in red,】** a description
12 of the public question, which description shall not exceed six words
13 and shall be in type as large as is practicable. Party nominations
14 shall be arranged on each voting machine, either in columns or
15 horizontal rows; the caption of the various ballots on the machines
16 shall be so placed on the machines as to indicate to the voter what
17 device is to be used or operated in order to vote for the candidates
18 or candidate of **【his or her】** the voter's choice. The providing of the
19 official ballots, the order of the precedence and arrangement of
20 parties and of candidates, and the instructions for the use of a
21 device to be used or operated in order to vote for candidates shall be
22 as now required by law **【, except that in those counties where**
23 **voting machines are used, the】** . The county clerk in every county
24 shall have the authority to determine the specifications for, and the
25 final arrangement of, the official general election ballots, to the
26 extent not inconsistent with the provisions of this Title.

27 **【For the primary election for the general election in all counties**
28 **where voting machines are or shall be used, all candidates who shall**
29 **file a joint petition with the county clerk of their respective county**
30 **and who shall choose the same designation or slogan shall be drawn**
31 **for position on the ballot as a unit and shall have their names placed**
32 **on the same line of the voting machine; and provided further, that**
33 **all candidates for municipal or party office in municipalities in**
34 **counties where voting machines are or shall be used who shall file a**
35 **petition with the clerk of their municipality bearing the same**
36 **designation or slogan as that of the candidates filing a joint petition**
37 **with the county clerk as aforesaid, may request that his or her name**
38 **be placed on the same line of the voting machine with the**
39 **candidates who have filed a joint petition with the county clerk as**
40 **aforesaid by so notifying the county clerk of said county in writing**
41 **within two days after the last day for filing nominating petitions and**
42 **thereupon the county clerk shall forthwith notify the campaign**
43 **manager of such candidates filing a joint petition as aforesaid of**
44 **said request, and if the said campaign manager shall file his consent**
45 **in writing with the said county clerk within two days after the**
46 **receipt of said notification from said county clerk, the clerk of said**
47 **county shall place the name of such candidate on the same line of**

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

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

18

19 8. (New section) a. The Division of Elections in the
20 Department of State shall collect data from county and municipal
21 clerks and county boards of elections on their experiences regarding
22 the changes to ballot design and primary election procedures in this
23 State implemented pursuant to P.L. , c. (pending before the
24 Legislature as this bill), and shall develop and submit a report as
25 provided in this section. The report shall include data concerning
26 the conduct of primary elections, best practices to improve the
27 conduct of future primary elections, and any other relevant
28 information, research, guidance, and expertise regarding the
29 implementation of the new ballot designs and primary election
30 procedures.

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

33 (1) experiences of election officials, candidates, and voters
34 regarding the ballot changes, including whether such changes
35 contributed to candidate or voter confusion, or increased the
36 difficulty for election officials to administer primary elections in
37 this State; and

38 (2) what the costs of implementation were.

39 At the discretion of the division, the report may also provide the
40 Governor and the Legislature with recommendations to improve
41 overall election experiences and voter participation.

42 c. The report shall be prepared and submitted to the Governor,
43 and Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-
44 19.1), within 180 days after the date of the second primary election
45 following the enactment of P.L. , c. (pending before the
46 Legislature as this bill).

1 9. R.S.19:34-52 and P.L.1981, c.71 (C.19:23-26.1 through
2 C.19:23-26.2) are repealed.

3
4 10. This act shall take effect January 1 next following the date
5 of enactment.

6
7
8 STATEMENT

9
10 This bill makes various changes to the design of primary election
11 ballots used in this State and the procedures for ordering the names
12 of candidates on such ballots. The bill requires primary election
13 ballots to be arranged in office block format and establishes
14 minimum uniform design features to be used in designing ballots by
15 all county clerks in this State. The bill also prohibits primary
16 election ballots from being designed in a way that separates any one
17 candidate from other candidates running for the same office, places
18 a candidate with candidates for a different office, or awards ballot
19 position to a candidate based upon the draw for ballot position
20 conducted for a candidate for a different office. The bill also gives
21 discretion to county clerks to arrange and design the ballot in either
22 landscape or portrait orientation.

23
24 *Repeal of Current Law Provisions*

25
26 The bill repeals two provisions of law. The first provision,
27 which was deemed unconstitutional in 2004 and has been
28 inoperative since then, previously prohibited State, county, or
29 municipal political committees from endorsing candidates at the
30 primary election. The second provision to be repealed provides that
31 the Governor or United States Senator would be the first office
32 listed on the ballot under certain circumstances. This provision will
33 be replaced by the order of offices provided in this bill.

34
35 *Required Ballot Design Standards*

36
37 Under the bill, all primary election ballots will be required to
38 meet certain design standards. These requirements include the use
39 of lowercase text and text that is at least 12 points for printed
40 ballots or the equivalent for computer ballots, the use of plain
41 language, and the arrangement of candidates by office blocks.
42 Office block ballots list the names of candidates seeking the same
43 office under the title of the office. Each office block is listed
44 separately from other office blocks.

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 party offices. The bill also allows for candidates for
7 delegates to party conventions and alternates to be placed near the
8 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; and

23 (3) indicate the association of candidates using a common slogan
24 or endorsement next to or below each of the candidates' names.

25

26 *Prohibited Ballot Design Practices*

27

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

37

38 *Optional Ballot Design Practices*

39

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

42

43 *Division of Elections Report*

44

45 The bill requires the Division of Elections to submit a one-time
46 report to the Governor and the Legislature concerning the
47 experiences of county and municipal clerks and county boards of
48 elections regarding the provisions of the bill. The report will

1 include data concerning the conduct of primary elections, best
2 practices to improve the conduct of future primary elections, and
3 any other relevant information, research, guidance, and expertise
4 regarding the implementation of the new ballot designs and primary
5 election procedures.

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

[First Reprint]

ASSEMBLY, No. 5116

STATE OF NEW JERSEY
221st LEGISLATURE

INTRODUCED DECEMBER 9, 2024

Sponsored by:

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Assemblyman AL BARLAS

District 40 (Bergen, Essex and Passaic)

SYNOPSIS

Makes changes to design of primary election ballots and certain related primary election procedures; provides for ballots to be arranged by office block; requires reporting on primary elections by Division of Elections.

CURRENT VERSION OF TEXT

As reported by the Assembly Select Committee on Ballot Design on December 16, 2024, with amendments.



1 AN ACT concerning the design of primary election ballots,
2 supplementing Title 19 of the Revised Statutes, amending
3 various parts of the statutory law, and repealing R.S.19:34-52
4 and P.L.1981, c.71.

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ABD committee amendments adopted December 16, 2024.

- 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 ¹, such as the use of misleading or false
47 slogans which could be deceptive to a reasonable voter¹.

1 2. (New section) a. All primary election ballots used in this
2 State shall comply with the following design standards:

3 (1) all text shall be in lower case letters, with capitalization
4 allowed for the first letter of a word;

5 (2) all text shall be aligned to the left;

6 (3) the font shall be in a sans-serif type face and a size of at least
7 12 points for printed ballots, and at least between 3.0mm and
8 4.0mm for ballots that appear on a screen;

9 (4) the oval or space for the voter to mark a vote shall be to the
10 left 'or to the right' of the name of each candidate, and each
11 candidate's name shall appear flush next to 'and aligned with' the
12 oval or space 'in a consistent manner which does not create any
13 visual distinction between candidate names';

14 (5) all text shall be written in plain, simple language, to the
15 extent possible, and shall avoid overly technical language; **'[and]'**

16 (6) candidates shall be arranged by office sought in an office
17 block format, each office block shall be separated on the ballot from
18 other office blocks, and candidates for the same office shall be
19 listed within the same office block without a page break appearing
20 between their names, and as further provided under R.S.19:23-25 ¹;

21 (7) all office blocks appearing on one ballot shall be designed
22 according to the same standards of design, consistent with the
23 provisions of this section; and

24 (8) all spacing, ruling, and delineation of candidates shall be
25 consistent and uniform within each office block and across all
26 office blocks included on each ballot, so as not to create a
27 separation or visual distinction between the names of any
28 candidates'.

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

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 ¹for the same or
4 different offices¹ 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 is】** 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 of this State.

28 b. No slogan or endorsement shall include or refer to the name
29 of any person or any incorporated association of this State existing
30 at the time the candidate files the petition of nomination unless the
31 written consent of such person or incorporated association of this
32 State has been filed with the petition of nomination of such
33 candidate or **【group of】** candidates. ¹If a person or incorporated
34 association wishes to revoke their consent as provided pursuant to
35 this subsection, the person or incorporated association shall notify
36 the Secretary of State, county clerk, or municipal clerk, as the case
37 may be, in writing and the Secretary of State or the clerk shall
38 accept such revocation, provided that notice of such is received
39 prior to the date on which the draw for ballot position is conducted
40 pursuant to R.S.19:23-24.¹

41 c. ¹【No slogan or endorsement shall include or refer to the
42 name of any political party, as defined under R.S.19:1-1, unless the
43 written consent of the respective county political committee of such
44 political party has been filed with the petition of nomination of such
45 candidate or candidates.】 The Secretary of State, county clerk, or
46 municipal clerk, as the case may be, may reject a slogan or
47 endorsement which is so substantially similar to that of another

1 candidate that a reasonable voter could be misled or deceived into
2 falsely believing that the candidates are running together under the
3 same slogan or endorsement when the candidates have not
4 requested to share such a slogan or endorsement. The Secretary of
5 State, county clerk, or municipal clerk, as the case may be, shall
6 notify the candidate or candidates requesting such slogan or
7 endorsement in writing of the reasons for the rejection, and the
8 candidate or candidates shall be given the opportunity to select an
9 alternative slogan or endorsement.

10 If the candidate or candidates who have been denied their first
11 choice of slogan or endorsement pursuant to this section disagree
12 with the decision of the Secretary of State, county clerk, or
13 municipal clerk, as the case may be, the candidate or candidates
14 shall have the right to appeal this decision to a judge of the Superior
15 Court assigned to the county in which the petition of nomination
16 was filed, and such appeal shall be heard on an expedited basis.¹

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

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

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

25

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

27 19:23-18. a. Several candidates for nomination to the same
28 office with multiple open seats to be voted on at a primary election
29 may in such petitions request that their names be [grouped
30 together] associated, and that the common [designation] slogan or
31 endorsement to be named by them shall be printed [opposite] next
32 to or below their names, as permitted by R.S.19:23-17. The county
33 clerk in the county in which a petition of nomination is filed shall
34 accept such requests made in compliance with this section. ¹If any
35 candidate, following acceptance of such request by the county clerk,
36 wishes to modify, supplement, or revoke the terms of their
37 association, as indicated on their petitions at the time of filing, the
38 candidate shall notify the county clerk in writing and the clerk shall
39 accept such modification, supplement, or revocation, provided that
40 such notice is received prior to the date on which the draw for ballot
41 position is conducted pursuant to R.S.19:23-24.¹

42 b. If two candidates or [groups] associations of candidates
43 ¹seeking the same office¹ shall select the same [designation]
44 slogan, the secretary of state, county clerk or municipal clerks, as
45 the case may be, shall notify the candidate or [group] associated
46 candidates whose petition was last filed, and such candidate or

1 **【group】** associated candidates shall select a new **【designation】**
2 slogan.

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

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

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

14

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

16 19:23-24. a. The position which the candidates **【and bracketed**
17 groups of names of candidates**】** for the primary for the general
18 election shall have upon the ballots used for the primary election for
19 the general election, in the case of candidates for nomination for
20 members of the United States Senate, Governor, members of the
21 House of Representatives, members of the State Senate, members of
22 the General Assembly, choice for President, delegates and
23 alternates-at-large to the national conventions of political parties,
24 district delegates and alternates to conventions of political parties,
25 candidates for party positions, and county offices or party positions
26 which are to be voted for by the voters of the entire county or a
27 portion thereof greater than a single municipality, including a
28 congressional district which is wholly within a single municipality,
29 and all other party positions to be filled that are to be voted for by
30 the voters of a municipality only, or a subdivision thereof, shall be
31 determined by the county clerks in their respective counties **【**;
32 and, excepting in counties where R.S.19:49-2 applies, the**】**, except that,
33 upon the request of the municipal clerk, the municipal clerk shall
34 determine the position on the ballot for party offices to be voted for
35 by the voters of their respective municipality or a subdivision
36 thereof.

37 The position on the ballot used for the primary election for the
38 general election in the case of candidates for nomination for office
39 **【or party position】** wherein the candidates for office **【or party**
40 position**】** to be filled are to be voted for by the voters of a
41 municipality only, or a subdivision thereof (excepting in the case of
42 members of the House of Representatives) shall be determined by
43 the municipal clerk in such municipalities, **【in the following**
44 manner:**】** except that, upon the request of the municipal clerk, the
45 county clerk shall determine the position on the ballot for such
46 offices.

1 The position which the candidates shall have upon the ballots
2 used for the primary election shall be determined as specified in this
3 section.

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

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

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

47 e. (1) If there is only one candidate for an office to be voted
48 on at the primary election, the candidate shall be placed first in the

1 office block for the respective office being sought, and the drawing
2 procedures described in subsection b. of this section shall not be
3 required.

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

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

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

27

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

29 19:23-25. The ballots shall be made up and printed consistent
30 with the requirements of section 2 of P.L. , c. (C.) (pending
31 before the Legislature as this bill) and in substantially the following
32 form:

33 **【**Each ballot shall have at the top a coupon at least two inches
34 deep extending across the ballot above a perforated line. The
35 coupon shall be numbered for each of the political parties,
36 respectively, from one consecutively to the number of ballots
37 delivered and received by the election officers of the respective
38 polling places. Upon the coupon and above the perforated line shall
39 be the words "To be torn off by the judge of election. Fold to this
40 line." Below the perforated line**】** At the top of each ballot shall be
41 printed the words "Official Democratic Party Primary Ballot," or
42 "Official Republican Party Primary Ballot," or, as the case may be,
43 naming the proper political party, as provided in this Title; below
44 which and extending across the ballot in one or more lines, as may
45 be necessary, shall be printed the words
46 ¹name of county¹ name of municipality
47 ward election district date of
48 election John Doe, ¹**【**municipal**】** county¹ clerk; the

1 blank spaces shall be filled in with the name of the proper ¹county,¹
2 municipality, the ward and the district number and the date of
3 election. The name of the ¹["municipal"] county¹ clerk shall be a
4 facsimile of **["his"]** the ¹["municipal"] county¹ clerk's signature. This
5 heading shall be set apart from the body of the ballot by a heavy
6 diagram rule. Below this rule shall be printed the following
7 directions instructing the voter how to indicate **["his"]** the voter's
8 choice for each office and position, and for how many persons to
9 vote for each office and position: To vote for any person whose
10 name is printed upon this ballot mark a cross x , plus + **["or"]** , check
11 **["with ink or pencil in the square at the left of"]** , or an otherwise
12 appropriate mark on the oval or space next to the name of such
13 person. To vote for any person whose name is not printed upon this
14 ballot write or paste the name in the blank space under the proper
15 title of office and mark a cross x , plus + **["or"]** , check **["with ink or**
16 **pencil in the square at the left of"]** , or an otherwise appropriate
17 mark on the oval or space next to the name of such person. Below
18 these instructions shall be printed a heavy diagram rule below
19 which shall be printed the government levels describing the offices
20 to be voted for below which shall be separate office blocks headed
21 by the titles of offices and positions for which candidates are to be
22 voted for at the primary election, together with such directions to
23 the voter as may be necessary, as "Vote for one," "Vote for two," or
24 a greater number, as the case may be. The office blocks shall be
25 arranged in the following order:

26 (1) federal offices, below which shall be printed separate office
27 blocks for choice for President or electors for President; members
28 of the United States Senate; and members of the House of
29 Representatives;

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

33 (3) countywide offices, below which shall be printed separate
34 office blocks for county executive; member of the board of county
35 commissioners; and any other county offices in their respective
36 office blocks;

37 (4) municipal offices, below which shall be printed separate
38 office blocks for mayor; member of the council or municipal
39 governing body; and any other municipal offices in their respective
40 office blocks;

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

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

47 (7) district delegates and alternates to conventions of political
48 parties, provided that the candidates for district delegates and

1 alternates may be placed next to the office block for choice for
2 President or electors for President;

3 (8) candidates for State party positions; and

4 (9) candidates for county party positions.

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

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

31 Immediately next to **[the left and on the same line with]** the
32 name of each candidate for office and position shall be printed **[a**
33 **square approximately one-quarter of an inch in size, or by printing**
34 **vertical single line rules connecting the single line rules between**
35 **the names of the candidates and thus form a square]** an oval or
36 space in which the voter shall indicate **[his]** the voter's choice. **[A**
37 **single light-faced rule shall be used to separate the different names**
38 **in each group of candidates.]** A heavy diagram rule shall be used
39 between each **[group of candidates for different offices.** Where
40 candidates are arranged in groups and the groups bracketed, the
41 groups shall be separated from other groups and candidates by two
42 single line rules approximately one-eighth of an inch apart**]** office
43 block. The ballot shall be so arranged that all candidates seeking
44 the same office are listed in one contiguous office block. No
45 candidate shall be separated from other candidates seeking the same
46 office on the ballot.

1 Each primary ballot shall contain, at the end of the list of
2 candidates for each different office, blank [squares and] spaces or
3 lines equal to the number of persons to be elected to the office, for
4 the purpose of allowing any voter to write or paste the name of any
5 person for whom [he] the voter desires to vote for any office or
6 party position.

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

8
9 7. R.S.19:49-2 is amended to read as follows:

10 19:49-2. All official general election ballots shall be in black ink
11 in type as large as space will reasonably permit; provided, however,
12 that [any public question which shall be placed on the ballot shall
13 be in red and] above any public question to be voted upon by the
14 voters of the entire State there shall be [, also in red,] a description
15 of the public question, which description shall not exceed six words
16 and shall be in type as large as is practicable. Party nominations
17 shall be arranged on each voting machine, either in columns or
18 horizontal rows; the caption of the various ballots on the machines
19 shall be so placed on the machines as to indicate to the voter what
20 device is to be used or operated in order to vote for the candidates
21 or candidate of [his or her] the voter's choice. The providing of the
22 official ballots, the order of the precedence and arrangement of
23 parties and of candidates, and the instructions for the use of a
24 device to be used or operated in order to vote for candidates shall be
25 as now required by law [, except that in those counties where
26 voting machines are used, the] . The county clerk in every county
27 shall have the authority to determine the specifications for, and the
28 final arrangement of, the official general election ballots, to the
29 extent not inconsistent with the provisions of this Title.

30 [For the primary election for the general election in all counties
31 where voting machines are or shall be used, all candidates who shall
32 file a joint petition with the county clerk of their respective county
33 and who shall choose the same designation or slogan shall be drawn
34 for position on the ballot as a unit and shall have their names placed
35 on the same line of the voting machine; and provided further, that
36 all candidates for municipal or party office in municipalities in
37 counties where voting machines are or shall be used who shall file a
38 petition with the clerk of their municipality bearing the same
39 designation or slogan as that of the candidates filing a joint petition
40 with the county clerk as aforesaid, may request that his or her name
41 be placed on the same line of the voting machine with the
42 candidates who have filed a joint petition with the county clerk as
43 aforesaid by so notifying the county clerk of said county in writing
44 within two days after the last day for filing nominating petitions and
45 thereupon the county clerk shall forthwith notify the campaign
46 manager of such candidates filing a joint petition as aforesaid of
47 said request, and if the said campaign manager shall file his consent
48 in writing with the said county clerk within two days after the

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

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

20

21 8. (New section) a. The Division of Elections in the
22 Department of State shall collect data from county and municipal
23 clerks and county boards of elections on their experiences regarding
24 the changes to ballot design and primary election procedures in this
25 State implemented pursuant to P.L. , c. (pending before the
26 Legislature as this bill), and shall develop and submit a report as
27 provided in this section. The report shall include data concerning
28 the conduct of primary elections, best practices to improve the
29 conduct of future primary elections, and any other relevant
30 information, research, guidance, and expertise regarding the
31 implementation of the new ballot designs and primary election
32 procedures.

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

35 (1) experiences of election officials, candidates, and voters
36 regarding the ballot changes, including whether such changes
37 contributed to candidate or voter confusion, or increased the
38 difficulty for election officials to administer primary elections in
39 this State; and

40 (2) what the costs of implementation were.

41 At the discretion of the division, the report may also provide the
42 Governor and the Legislature with recommendations to improve
43 overall election experiences and voter participation.

44 c. The report shall be prepared and submitted to the Governor,
45 and Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-
46 19.1), within 180 days after the date of the second primary election
47 following the enactment of P.L. , c. (pending before the
48 Legislature as this bill).

A5116 [1R] WIMBERLY, BARLAS

14

1 9. R.S.19:34-52 and P.L.1981, c.71 (C.19:23-26.1 through
2 C.19:23-26.2) are repealed.

3

4 10. This act shall take effect January 1 next following the date
5 of enactment.

[Second Reprint]

ASSEMBLY, No. 5116

STATE OF NEW JERSEY
221st LEGISLATURE

INTRODUCED DECEMBER 9, 2024

Sponsored by:

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Assemblyman AL BARLAS

District 40 (Bergen, Essex and Passaic)

Co-Sponsored by:

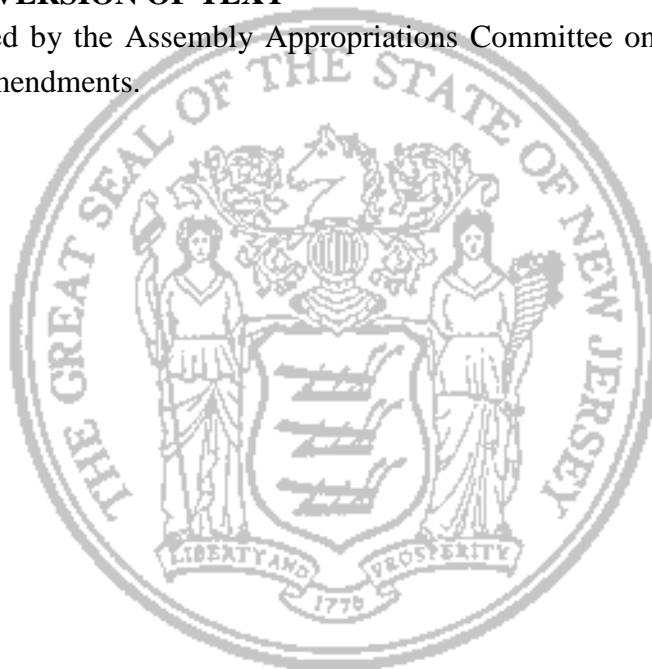
Assemblyman Inganamort, Assemblywomen Speight and Quijano

SYNOPSIS

Makes changes to design of primary election ballots and certain related primary election procedures; provides for ballots to be arranged by office block; requires reporting on primary elections by Division of Elections.

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on December 16, 2024, with amendments.



(Sponsorship Updated As Of: 12/19/2024)

1 AN ACT concerning the design of primary election ballots,
2 supplementing Title 19 of the Revised Statutes, amending
3 various parts of the statutory law, and repealing R.S.19:34-52
4 and P.L.1981, c.71.

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ABD committee amendments adopted December 16, 2024.

²Assembly AAP committee amendments adopted December 16, 2024.

- 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 ¹, such as the use of misleading or false
47 slogans which could be deceptive to a reasonable voter¹.

1 2. (New section) a. All primary election ballots used in this
2 State shall comply with the following design standards:

3 (1) all text shall be in lower case letters, with capitalization
4 allowed for the first letter of a word;

5 (2) all text shall be aligned to the left;

6 (3) the font shall be in a sans-serif type face and a size of at least
7 12 points for printed ballots, and at least between 3.0mm and
8 4.0mm for ballots that appear on a screen;

9 (4) the oval or space for the voter to mark a vote shall be to the
10 left 'or to the right' of the name of each candidate, and each
11 candidate's name shall appear flush next to 'and aligned with' the
12 oval or space 'in a consistent manner which does not create any
13 visual distinction between candidate names';

14 (5) all text shall be written in plain, simple language, to the
15 extent possible, and shall avoid overly technical language; **'[and]'**

16 (6) candidates shall be arranged by office sought in an office
17 block format, each office block shall be separated on the ballot from
18 other office blocks, and candidates for the same office shall be
19 listed within the same office block without a page break appearing
20 between their names, and as further provided under R.S.19:23-25 ¹;

21 (7) all office blocks appearing on one ballot shall be designed
22 according to the same standards of design, consistent with the
23 provisions of this section; and

24 (8) all spacing, ruling, and delineation of candidates shall be
25 consistent and uniform within each office block and across all
26 office blocks included on each ballot, so as not to create a
27 separation or visual distinction between the names of any
28 candidates'.

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

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 ¹for the same or
4 different offices¹ 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 is】** 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 of this State.

28 b. No slogan or endorsement shall include or refer to the name
29 of any person or any incorporated association of this State existing
30 at the time the candidate files the petition of nomination unless the
31 written consent of such person or incorporated association of this
32 State has been filed with the petition of nomination of such
33 candidate or **【group of】** candidates. ¹If a person or incorporated
34 association wishes to revoke their consent as provided pursuant to
35 this subsection, the person or incorporated association shall notify
36 the Secretary of State, county clerk, or municipal clerk, as the case
37 may be, in writing and the Secretary of State or the clerk shall
38 accept such revocation, provided that notice of such is received
39 prior to the date on which the draw for ballot position is conducted
40 pursuant to R.S.19:23-24.¹

41 c. ¹【No slogan or endorsement shall include or refer to the
42 name of any political party, as defined under R.S.19:1-1, unless the
43 written consent of the respective county political committee of such
44 political party has been filed with the petition of nomination of such
45 candidate or candidates.】 The Secretary of State, county clerk, or
46 municipal clerk, as the case may be, may reject a slogan or
47 endorsement which is so substantially similar to that of another

1 candidate that a reasonable voter could be misled or deceived into
2 falsely believing that the candidates are running together under the
3 same slogan or endorsement when the candidates have not
4 requested to share such a slogan or endorsement. The Secretary of
5 State, county clerk, or municipal clerk, as the case may be, shall
6 notify the candidate or candidates requesting such slogan or
7 endorsement in writing of the reasons for the rejection, and the
8 candidate or candidates shall be given the opportunity to select an
9 alternative slogan or endorsement.

10 If the candidate or candidates who have been denied their first
11 choice of slogan or endorsement pursuant to this section disagree
12 with the decision of the Secretary of State, county clerk, or
13 municipal clerk, as the case may be, the candidate or candidates
14 shall have the right to appeal this decision to a judge of the Superior
15 Court assigned to the county in which the petition of nomination
16 was filed, and such appeal shall be heard on an expedited basis.¹

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

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

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

25

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

27 19:23-18. a. Several candidates for nomination to the same
28 office with multiple open seats to be voted on at a primary election
29 may in such petitions request that their names be [grouped
30 together] associated, and that the common [designation] slogan or
31 endorsement to be named by them shall be printed [opposite] next
32 to or below their names, as permitted by R.S.19:23-17. The county
33 clerk in the county in which a petition of nomination is filed shall
34 accept such requests made in compliance with this section. ¹If any
35 candidate, following acceptance of such request by the county clerk,
36 wishes to modify, supplement, or revoke the terms of their
37 association, as indicated on their petitions at the time of filing, the
38 candidate shall notify the county clerk in writing and the clerk shall
39 accept such modification, supplement, or revocation, provided that
40 such notice is received prior to the date on which the draw for ballot
41 position is conducted pursuant to R.S.19:23-24.¹

42 b. If two candidates or [groups] associations of candidates
43 ¹seeking the same office¹ shall select the same [designation]
44 slogan, the secretary of state, county clerk or municipal clerks, as
45 the case may be, shall notify the candidate or [group] associated
46 candidates whose petition was last filed, and such candidate or

1 **【group】** associated candidates shall select a new **【designation】**
2 slogan.

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

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

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

14

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

16 19:23-24. a. The position which the candidates **【and bracketed**
17 groups of names of candidates**】** for the primary for the general
18 election shall have upon the ballots used for the primary election for
19 the general election, in the case of candidates for nomination for
20 members of the United States Senate, Governor, members of the
21 House of Representatives, members of the State Senate, members of
22 the General Assembly, choice for President, delegates and
23 alternates-at-large to the national conventions of political parties,
24 district delegates and alternates to conventions of political parties,
25 candidates for party positions, and county offices or party positions
26 which are to be voted for by the voters of the entire county or a
27 portion thereof greater than a single municipality, including a
28 congressional district which is wholly within a single municipality,
29 and all other party positions to be filled that are to be voted for by
30 the voters of a municipality only, or a subdivision thereof, shall be
31 determined by the county clerks in their respective counties **【;** and,
32 excepting in counties where R.S.19:49-2 applies, the**】**, except that,
33 upon the request of the municipal clerk, the municipal clerk shall
34 determine the position on the ballot for party offices to be voted for
35 by the voters of their respective municipality or a subdivision
36 thereof.

37 The position on the ballot used for the primary election for the
38 general election in the case of candidates for nomination for office
39 **【or party position】** wherein the candidates for office **【or party**
40 position**】** to be filled are to be voted for by the voters of a
41 municipality only, or a subdivision thereof (excepting in the case of
42 members of the House of Representatives) shall be determined by
43 the municipal clerk in such municipalities, **【in the following**
44 manner:**】** except that, upon the request of the municipal clerk, the
45 county clerk shall determine the position on the ballot for such
46 offices.

1 The position which the candidates shall have upon the ballots
2 used for the primary election shall be determined as specified in this
3 section.

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

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

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

47 e. (1) If there is only one candidate for an office to be voted
48 on at the primary election, the candidate shall be placed first in the

1 office block for the respective office being sought, and the drawing
2 procedures described in subsection b. of this section shall not be
3 required.

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

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

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

27

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

29 19:23-25. The ballots shall be made up and printed consistent
30 with the requirements of section 2 of P.L. , c. (C.) (pending
31 before the Legislature as this bill) and in substantially the following
32 form:

33 **Each ballot shall have at the top a coupon at least two inches**
34 **deep extending across the ballot above a perforated line. The**
35 **coupon shall be numbered for each of the political parties,**
36 **respectively, from one consecutively to the number of ballots**
37 **delivered and received by the election officers of the respective**
38 **polling places. Upon the coupon and above the perforated line shall**
39 **be the words "To be torn off by the judge of election. Fold to this**
40 **line." Below the perforated line** At the top of each ballot shall be
41 printed the words "Official Democratic Party Primary Ballot," or
42 "Official Republican Party Primary Ballot," or, as the case may be,
43 naming the proper political party, as provided in this Title; below
44 which and extending across the ballot in one or more lines, as may
45 be necessary, shall be printed the words
46 ¹name of county¹ name of municipality
47 ward election district date of

1 election John Doe, ¹ **["municipal"] county**¹ clerk; the
2 blank spaces shall be filled in with the name of the proper ¹ **county**,¹
3 municipality, the ward and the district number and the date of
4 election. The name of the ¹ **["municipal"] county**¹ clerk shall be a
5 facsimile of **["his"] the ¹["municipal"] county¹ clerk's** signature. This
6 heading shall be set apart from the body of the ballot by a heavy
7 diagram rule. Below this rule shall be printed the following
8 directions instructing the voter how to indicate **["his"] the voter's**
9 choice for each office and position, and for how many persons to
10 vote for each office and position: To vote for any person whose
11 name is printed upon this ballot mark a cross x , plus + **["or"]** , check
12 **["with ink or pencil in the square at the left of"]** , or an otherwise
13 appropriate mark on the oval or space next to the name of such
14 person. To vote for any person whose name is not printed upon this
15 ballot write or paste the name in the blank space under the proper
16 title of office and mark a cross x , plus + **["or"]** , check **["with ink or**
17 **pencil in the square at the left of"]** , or an otherwise appropriate
18 mark on the oval or space next to the name of such person. Below
19 these instructions shall be printed a heavy diagram rule below
20 which shall be printed the government levels describing the offices
21 to be voted for below which shall be separate office blocks headed
22 by the titles of offices and positions for which candidates are to be
23 voted for at the primary election, together with such directions to
24 the voter as may be necessary, as "Vote for one," "Vote for two," or
25 a greater number, as the case may be. The office blocks shall be
26 arranged in the following order:

27 (1) federal offices, below which shall be printed separate office
28 blocks for choice for President or electors for President; members
29 of the United States Senate; and members of the House of
30 Representatives;

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

34 (3) countywide offices, below which shall be printed separate
35 office blocks for county executive; member of the board of county
36 commissioners; and any other county offices in their respective
37 office blocks;

38 (4) municipal offices, below which shall be printed separate
39 office blocks for mayor; member of the council or municipal
40 governing body; and any other municipal offices in their respective
41 office blocks;

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

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

1 (7) district delegates and alternates to conventions of political
2 parties, provided that the candidates for district delegates and
3 alternates may be placed next to the office block for choice for
4 President or electors for President;

5 (8) candidates for State party positions; and

6 (9) candidates for county party positions.

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

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

33 Immediately next to **【the left and on the same line with】** the
34 name of each candidate for office and position shall be printed **【a**
35 **square approximately one-quarter of an inch in size, or by printing**
36 **vertical single line rules connecting the single line rules between**
37 **the names of the candidates and thus form a square】** an oval or
38 space in which the voter shall indicate **【his】** the voter's choice. **【A**
39 **single light-faced rule shall be used to separate the different names**
40 **in each group of candidates.】** A heavy diagram rule shall be used
41 between each **【group of candidates for different offices.** Where
42 candidates are arranged in groups and the groups bracketed, the
43 groups shall be separated from other groups and candidates by two
44 single line rules approximately one-eighth of an inch apart**】** office
45 block. The ballot shall be so arranged that all candidates seeking
46 the same office are listed in one contiguous office block. No

1 candidate shall be separated from other candidates seeking the same
2 office on the ballot.

3 Each primary ballot shall contain, at the end of the list of
4 candidates for each different office, blank **【squares and】** spaces or
5 lines equal to the number of persons to be elected to the office, for
6 the purpose of allowing any voter to write or paste the name of any
7 person for whom **【he】** the voter desires to vote for any office or
8 party position.

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

10

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

12 19:49-2. All official general election ballots shall be in black ink
13 in type as large as space will reasonably permit; provided, however,
14 that **【any public question which shall be placed on the ballot shall**
15 **be in red and】** above any public question to be voted upon by the
16 voters of the entire State there shall be **【, also in red,】** a description
17 of the public question, which description shall not exceed six words
18 and shall be in type as large as is practicable. Party nominations
19 shall be arranged on each voting machine, either in columns or
20 horizontal rows; the caption of the various ballots on the machines
21 shall be so placed on the machines as to indicate to the voter what
22 device is to be used or operated in order to vote for the candidates
23 or candidate of **【his or her】** the voter's choice. The providing of the
24 official ballots, the order of the precedence and arrangement of
25 parties and of candidates, and the instructions for the use of a
26 device to be used or operated in order to vote for candidates shall be
27 as now required by law **【, except that in those counties where**
28 **voting machines are used, the】** . The county clerk in every county
29 shall have the authority to determine the specifications for, and the
30 final arrangement of, the official general election ballots, to the
31 extent not inconsistent with the provisions of this Title.

32 **【For the primary election for the general election in all counties**
33 **where voting machines are or shall be used, all candidates who shall**
34 **file a joint petition with the county clerk of their respective county**
35 **and who shall choose the same designation or slogan shall be drawn**
36 **for position on the ballot as a unit and shall have their names placed**
37 **on the same line of the voting machine; and provided further, that**
38 **all candidates for municipal or party office in municipalities in**
39 **counties where voting machines are or shall be used who shall file a**
40 **petition with the clerk of their municipality bearing the same**
41 **designation or slogan as that of the candidates filing a joint petition**
42 **with the county clerk as aforesaid, may request that his or her name**
43 **be placed on the same line of the voting machine with the**
44 **candidates who have filed a joint petition with the county clerk as**
45 **aforesaid by so notifying the county clerk of said county in writing**
46 **within two days after the last day for filing nominating petitions and**
47 **thereupon the county clerk shall forthwith notify the campaign**
48 **manager of such candidates filing a joint petition as aforesaid of**

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

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

22

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

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

37 (1) experiences of election officials, candidates, and voters
38 regarding the ballot changes, including whether such changes
39 contributed to candidate or voter confusion, or increased the
40 difficulty for election officials to administer primary elections in
41 this State; and

42 (2) what the costs of implementation were.

43 At the discretion of the division, the report may also provide the
44 Governor and the Legislature with recommendations to improve
45 overall election experiences and voter participation.

46 c. The report shall be prepared and submitted to the Governor,
47 and Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-
48 19.1), within 180 days after the date of the second primary election

A5116 [2R] WIMBERLY, BARLAS

14

1 following the enactment of P.L. , c. (pending before the
2 Legislature as this bill).

3 9. R.S.19:34-52 and P.L.1981, c.71 (C.19:23-26.1 through
4 C.19:23-26.2) are repealed.

5

6 10. This act shall take effect ²~~January 1 next following the date~~
7 of enactment] immediately².

[Third Reprint]

ASSEMBLY, No. 5116

STATE OF NEW JERSEY
221st LEGISLATURE

INTRODUCED DECEMBER 9, 2024

Sponsored by:

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Assemblyman AL BARLAS

District 40 (Bergen, Essex and Passaic)

Senator NICHOLAS P. SCUTARI

District 22 (Somerset and Union)

Senator ANTHONY M. BUCCO

District 25 (Morris and Passaic)

Co-Sponsored by:

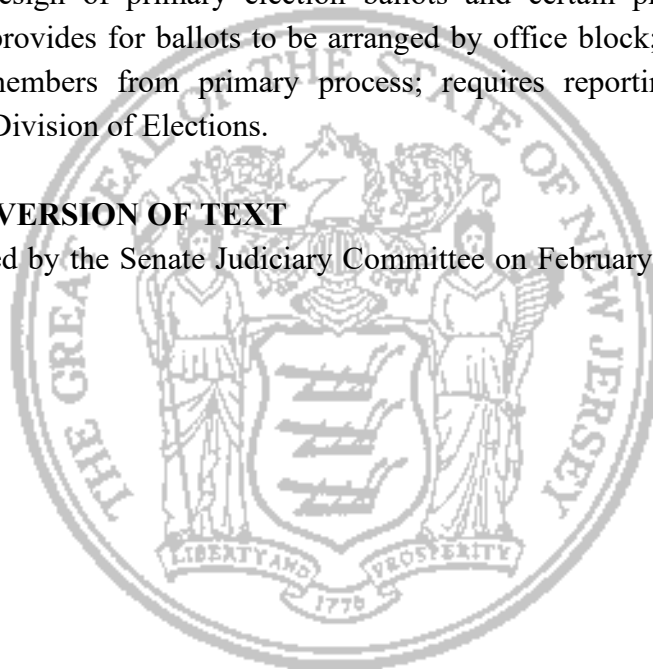
Assemblywomen Speight and Quijano

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 reported by the Senate Judiciary Committee on February 20, 2025, with amendments.



(Sponsorship Updated As Of: 2/25/2025)

1 AN ACT concerning the design ³and use³ of primary election ballots
2 ³and primary election procedures³, supplementing Title 19 of the
3 Revised Statutes, amending various parts of the statutory law,
4 and repealing ³[R.S.19:34-52 and P.L.1981, c.71] various parts
5 of the statutory law³.

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

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

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ABD committee amendments adopted December 16, 2024.

²Assembly AAP committee amendments adopted December 16, 2024.

³Senate SJU committee amendments adopted February 20, 2025.

1 h. The design of the new primary election ballot, to be
2 established by this act, P.L. , c. (pending before the Legislature
3 as this bill), took into consideration the expertise of:

4 (1) the county clerks and election officials, who are ultimately
5 responsible for implementation of the design;

6 (2) the National Conference of State Legislatures, which
7 provided the committee with expert testimony and research
8 concerning ballot design and other election matters, including the
9 relevant practices in other states;

10 (3) the Center for Civic Design, which provided the committee
11 with expert testimony, and whose research and guidance on
12 standardized and user-friendly ballot design principles are publicly
13 available; and

14 (4) members of the public, many of whom spoke in support of
15 an office block ballot design.

16 i. The new ballot design for primary election ballots also seeks
17 to further important government interests, such as ensuring timely
18 and orderly election processes, of which the primary election is an
19 integral part.

20 j. As the most critical stage in the electoral process is the
21 instant before the vote is cast, the design for the new primary
22 election ballots seeks to:

23 (1) ensure that voters can understand the ballot;

24 (2) maintain a manageable ballot;

25 (3) reduce voter confusion;

26 (4) provide voters with information as to the policy positions
27 and endorsements of the candidates running for office; and

28 (5) allow voters to quickly find their preferred choice of
29 candidate for a given office and cast their vote.

30 k. Additionally, the State has an important interest in fostering
31 an informed and educated electorate who may express their political
32 opinions through the casting of their vote.

33 l. The design of the new primary ballot preserves the ability of
34 political parties to make endorsements, since party labels provide a
35 shorthand designation of the views of party candidates, and the
36 identification of candidates with a particular party plays a role in
37 the process by which voters inform themselves for the exercise of
38 the franchise.

39 m. This design also takes into consideration the First
40 Amendment rights of political parties and their governing bodies,
41 recognizing that primary elections are, at their core, a function of
42 the party and therefore not a public affair which may be overly
43 regulated by the State. This principle has routinely been upheld by
44 the United States Supreme Court and courts in New Jersey.

45 n. This design seeks also to preserve the First Amendment
46 rights of candidates who wish to legitimately associate with one
47 another through the use of common slogans, without requiring that
48 any candidates associate, while also safeguarding against abuses of

1 the candidate slogans ¹, such as the use of misleading or false
2 slogans which could be deceptive to a reasonable voter¹.

3

4 2. (New section) a. All primary election ballots used in this State
5 shall comply with the following design standards:

6 (1) ³~~[(5)]~~ ³all text shall be in lower case letters, with capitalization
7 allowed for the first letter of a word;

8 (2) all text shall be aligned to the left;

9 (3) the font shall be in a sans-serif type face and a size of at least
10 12 points for printed ballots, and at least between 3.0mm and 4.0mm
11 for ballots that appear on a screen;

12 (4)³ the oval or space for the voter to mark a vote shall be to the
13 left ¹or to the right¹ of the name of each candidate, and each
14 candidate's name shall appear flush next to ¹and aligned with¹ the oval
15 or space ¹in a consistent manner which does not create any visual
16 distinction between candidate names¹;

17 ³~~[(5)]~~ ³(2)³ all text shall be written in plain, simple language, to the
18 extent possible, and shall avoid overly technical language; ¹~~[(and)]~~¹

19 ³~~[(6)]~~ ³(3)³ candidates shall be arranged by office sought in an
20 office block format, each office block shall be separated on the ballot
21 from other office blocks, and candidates for the same office shall be
22 listed within the same office block without a page break appearing
23 between their names, and as further provided under R.S.19:23-25 ¹;

24 ³~~[(7)]~~ ³(4)³ all office blocks appearing on one ballot shall be
25 designed according to the same standards of design, consistent with
26 the provisions of this section; ³~~[(and)]~~

27 ³~~[(8)]~~ ³(5)³ all spacing, ruling, and delineation of candidates shall be
28 consistent and uniform within each office block and across all office
29 blocks included on each ballot, so as not to create a separation or
30 visual distinction between the names of any candidates^{1 3}; and

31 (6) candidate ballot draw positions shall be labeled using a letter
32 and number, such as "1A", corresponding to the office block and line
33 each candidate is placed on, and such label shall be placed next to a
34 candidate's name³.

35 b. No primary election ballot used in this State shall be designed
36 in a manner that creates for a candidate on the ballot an incongruous
37 separation from other candidates seeking the same office, positions a
38 candidate on the ballot among candidates for a different office, or
39 brackets candidates together on the ballot so as to position a candidate
40 based upon a drawing for ballot position for a different candidate for a
41 different office.

42 No primary election ballot used in this State shall include any
43 distinguishing mark or notation, except as otherwise provided by law.

44 c. Each county clerk shall:

45 (1) allow for the placement of a slogan or endorsement of not
46 more than six words next to or below the names of candidates, in the
47 same font and color as the name, but in a smaller font size, provided

1 that the slogan or endorsement shall not be in bold or italicized fonts,
2 and provided that the slogan or endorsement complies with R.S.19:23-
3 17;

4 (2) allow candidates for the same office with multiple open seats
5 to associate in the same office block, using a common slogan or
6 endorsement, next to or below the associated candidate names, in
7 compliance with the provisions of R.S.19:23-18; and

8 (3) indicate the association of candidates ¹for the same or different
9 offices¹ using a common slogan or endorsement next to or below each
10 of the candidates' names, as provided by R.S.19:23-17.

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

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

17

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

19 19:23-17. a. Any person **[indorsed]** endorsed as a candidate for
20 nomination for any public office or party position whose name is to
21 be voted for on the primary **[ticket]** ballot of any political party,
22 may, **[by indorsement]** on the petition of nomination in which **[he**
23 **is indorsed]** the candidate is endorsed, request that there be printed
24 **[opposite his]** next to or below the candidate's name on the
25 primary **[ticket a designation]** ballot a slogan or endorsement, in
26 not more than six words, as named by **[him]** the candidate in such
27 petition, for the purpose of indicating either any official act or
28 policy to which **[he is]** the candidate is pledged or committed, or to
29 distinguish **[him]** the candidate as belonging to a particular faction
30 or wing of **[his]** the candidate's political party **;** provided,
31 however, that no such designation **]**, or to indicate the endorsement
32 of a person or incorporated association ³**[of this State]**³.

33 b. ³(1)³ No slogan or endorsement shall include or refer to the
34 name of any person or any incorporated association ³**[of this**
35 **State]**³ existing at the time the candidate files the petition of
36 nomination unless the written consent of such person or
37 incorporated association ³**[of this State]**³ has been filed with the
38 petition of nomination of such candidate or **[group of]** candidates.
39 ¹If a person or incorporated association wishes to revoke their
40 consent as provided pursuant to this subsection, the person or
41 incorporated association shall notify the Secretary of State, county
42 clerk, or municipal clerk, as the case may be, in writing and the
43 Secretary of State or the clerk shall accept such revocation,
44 provided that notice of such is received prior to the date on which
45 the draw for ballot position is conducted pursuant to R.S.19:23-24.¹

1 ³(2) No slogan or endorsement shall include or refer to any
2 lawfully registered trademark of any person or incorporated
3 association unless the written consent of such person or
4 incorporated association has been filed with the petition of
5 nomination of such candidate or candidates. If a person or
6 incorporated association wishes to revoke their consent as provided
7 pursuant to this paragraph, the person or incorporated association
8 shall notify the Secretary of State, county clerk, or municipal clerk,
9 as the case may be, in writing and the Secretary of State or the clerk
10 shall accept such revocation, provided that notice of such is
11 received prior to the date on which the draw for ballot position is
12 conducted pursuant to R.S.19:23-24.³

13 c. ¹[No slogan or endorsement shall include or refer to the
14 name of any political party, as defined under R.S.19:1-1, unless the
15 written consent of the respective county political committee of such
16 political party has been filed with the petition of nomination of such
17 candidate or candidates.] The Secretary of State, county clerk, or
18 municipal clerk, as the case may be, may reject a slogan or
19 endorsement which is so substantially similar to that of another
20 candidate that a reasonable voter could be misled or deceived into
21 falsely believing that the candidates are running together under the
22 same slogan or endorsement when the candidates have not
23 requested to share such a slogan or endorsement. The Secretary of
24 State, county clerk, or municipal clerk, as the case may be, shall
25 notify the candidate or candidates requesting such slogan or
26 endorsement in writing of the reasons for the rejection, and the
27 candidate or candidates shall be given the opportunity to select an
28 alternative slogan or endorsement.

29 If the candidate or candidates who have been denied their first
30 choice of slogan or endorsement pursuant to this section disagree
31 with the decision of the Secretary of State, county clerk, or
32 municipal clerk, as the case may be, the candidate or candidates
33 shall have the right to appeal this decision to a judge of the Superior
34 Court assigned to the county in which the petition of nomination
35 was filed, and such appeal shall be heard on an expedited basis.¹

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

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

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

44

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

46 19:23-18. a. Several candidates for nomination to the same
47 office with multiple open seats to be voted on at a primary election
48 may in such petitions request that their names be [grouped

1 together] associated, and that the common [designation] slogan or
2 endorsement to be named by them shall be printed [opposite] next
3 to or below their names, as permitted by R.S.19:23-17. The county
4 clerk in the county in which a petition of nomination is filed shall
5 accept such requests made in compliance with this section ³,
6 provided that such notice is received prior to the date on which the
7 draw for ballot position is conducted pursuant to R.S.19:23-24³. ¹If
8 any candidate, following acceptance of such request by the county
9 clerk, wishes to modify, supplement, or revoke the terms of their
10 association, as indicated on their petitions at the time of filing, the
11 candidate shall notify the county clerk in writing and the clerk shall
12 accept such modification, supplement, or revocation, provided that
13 such notice is received prior to the date on which the draw for ballot
14 position is conducted pursuant to R.S.19:23-24.¹ ³The clerk shall
15 not accept any request to modify, supplement, or revoke the terms
16 of an association received after the draw for ballot position is
17 conducted pursuant to R.S.19:23-24.³

18 b. If two candidates or [groups] associations of candidates
19 'seeking the same office' shall select the same [designation]
20 slogan, the secretary of state, county clerk or municipal clerks, as
21 the case may be, shall notify the candidate or [group] associated
22 candidates whose petition was last filed, and such candidate or
23 [group] associated candidates shall select a new [designation]
24 slogan.

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

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

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

36

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

38 19:23-24. a. The position which the candidates [and bracketed
39 groups of names of candidates] for the primary for the general
40 election shall have upon the ballots used for the primary election for
41 the general election, in the case of candidates for nomination for
42 members of the United States Senate, Governor, members of the
43 House of Representatives, members of the State Senate, members of
44 the General Assembly, choice for President, delegates and
45 alternates-at-large to the national conventions of political parties,
46 district delegates and alternates to conventions of political parties,
47 candidates for party positions, ³other than State political party

1 committee,³ and county offices or party positions which are to be
2 voted for by the voters of the entire county or a portion thereof
3 greater than a single municipality, including a congressional district
4 which is wholly within a single municipality, ³[and all other party
5 positions to be filled that are to be voted for by the voters of a
6 municipality only, or a subdivision thereof,]³ shall be determined
7 by the county clerks in their respective counties **;** and, excepting in
8 counties where R.S.19:49-2 applies, the **]** ³[, except that, upon the
9 request of the municipal clerk, the municipal clerk shall determine
10 the position on the ballot for party offices to be voted for by the
11 voters of their respective municipality or a subdivision thereof]³ .

12 The position on the ballot used for the primary election for the
13 general election in the case of candidates for nomination for office
14 [or party position] ³or party position³ wherein the candidates for
15 office [or party position] ³or party position³ to be filled are to be
16 voted for by the voters of a municipality only, or a subdivision
17 thereof (excepting in the case of members of the House of
18 Representatives) ³, which nominating petitions are required to be
19 filed in the municipal clerk's office,³ shall be determined by the
20 municipal clerk in such municipalities, **[in the following manner:]**
21 except that, upon ³[the request of] written notice by the county
22 clerk to³ the municipal clerk, the county clerk shall determine the
23 position on the ballot for such offices ³or party positions³.

24 The position which the candidates shall have upon the ballots
25 used for the primary election shall be determined as specified in this
26 section.

27 b. The county clerk, or the county clerk's deputy, or the
28 municipal clerk or the municipal clerk's deputy, as the case may be,
29 shall at the clerk's office on the 61st day prior to the primary
30 election for the general election at three o'clock in the afternoon
31 draw from the box, as hereinafter described, each card separately
32 without knowledge on the clerk's part as to which card the clerk is
33 drawing. Any legal voter of the county or municipality, as the case
34 may be, shall have the privilege of witnessing such drawing. The
35 person making the drawing shall make public announcement at the
36 drawing of each name, the order in which the same is drawn, and
37 the office for which the drawing is made. When there is to be but
38 one person nominated for the office, the names of the several
39 candidates who have filed petitions for such office shall be written
40 upon cards (one name on a card) of the same size, substance and
41 thickness. The cards shall be deposited in a box with an aperture in
42 the cover of sufficient size to admit a man's hand. The box shall be
43 well shaken and turned over to thoroughly mix the cards, and the
44 cards shall then be withdrawn one at a time. The first name drawn
45 shall have first place, the second name drawn, second place, and so
46 on; the order of the withdrawal of the cards from the box
47 determining the order of arrangement in which the names shall

1 appear upon the primary election ballot. Where there is more than
2 one person to be nominated to an office where petitions have
3 designated that certain candidates shall be **【bracketed】** associated
4 pursuant to R.S.19:23-18, the position of such **【bracketed】** names
5 on the ballot **【(each bracket to be treated as a single name)】**,
6 together with individuals who have filed petitions for nomination
7 for such office, shall be determined as above described. Where
8 there is more than one person to be nominated for an office and
9 there are more candidates who have filed petitions than there are
10 persons to be nominated, the order of the printing of such names
11 upon the primary election ballots shall be determined as above
12 described.

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

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

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

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

35 f. The county clerk in certifying to the municipal clerk the
36 offices to be filled and the names of candidates to be printed upon
37 the ballots used for the primary election for the general election,
38 shall certify them in the order as drawn in accordance with **【the**
39 above described procedure**】** the provisions of this section, and the
40 municipal clerk shall **【print】** cause to be printed the names upon the
41 ballots as so certified and in addition shall print the names of such
42 candidates as have filed petitions with **【him】** the municipal clerk in
43 the order as determined as a result of the drawing as above
44 described. **【Candidates for the office of the county executive in**
45 **counties that have adopted the county executive plan of the**
46 **"Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et**
47 **seq.), shall precede the candidates for other county offices for**

1 which there are candidates on the ballot used for the primary
2 election for the general election.】

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

4

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

6 19:23-25. The ballots shall be made up and printed consistent
7 with the requirements of section 2 of P.L. , c. (C.) (pending
8 before the Legislature as this bill) and in substantially the following
9 form:

10 【Each ballot shall have at the top a coupon at least two inches
11 deep extending across the ballot above a perforated line. The
12 coupon shall be numbered for each of the political parties,
13 respectively, from one consecutively to the number of ballots
14 delivered and received by the election officers of the respective
15 polling places. Upon the coupon and above the perforated line shall
16 be the words "To be torn off by the judge of election. Fold to this
17 line." Below the perforated line】 At the top of each ballot shall be
18 printed the words "Official Democratic Party Primary Ballot," or
19 "Official Republican Party Primary Ballot," or, as the case may be,
20 naming the proper political party, as provided in this Title; below
21 which and extending across the ballot in one or more lines, as may
22 be necessary, shall be printed the words
23 'name of county' name of municipality
24 ward election district date of
25 election John Doe, '[municipal] county' clerk; the
26 blank spaces shall be filled in with the name of the proper 'county,'
27 municipality, the ward and the district number and the date of
28 election. The name of the '[municipal] county' clerk shall be a
29 facsimile of 【his】 the '[municipal] county' clerk's signature. This
30 heading shall be set apart from the body of the ballot by a heavy
31 diagram rule. Below this rule shall be printed the following
32 directions instructing the voter how to indicate 【his】 the voter's
33 choice for each office and position, and for how many persons to
34 vote for each office and position: To vote for any person whose
35 name is printed upon this ballot mark a cross x , plus + 【or】 , check
36 【with ink or pencil in the square at the left of】 , or an otherwise
37 appropriate mark on the oval or space next to the name of such
38 person. To vote for any person whose name is not printed upon this
39 ballot write or paste the name in the blank space under the proper
40 title of office and mark a cross x , plus + 【or】 , check 【with ink or
41 pencil in the square at the left of】 , or an otherwise appropriate
42 mark on the oval or space next to the name of such person. Below
43 these instructions shall be printed a heavy diagram rule below
44 which shall be printed the government levels describing the offices
45 to be voted for below which shall be separate office blocks headed
46 by the titles of offices and positions for which candidates are to be
47 voted for at the primary election, together with such directions to

1 the voter as may be necessary ³[, as] ³ "Vote for one," "Vote for
2 two," or a greater number, as the case may be ³, shall be included
3 with any other directions to the voters, and shall be printed in an
4 obvious and conspicuous manner³.

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

6 (1) federal offices, below which shall be printed separate office
7 blocks for choice for President or electors for President; members
8 of the United States Senate; and members of the House of
9 Representatives;

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

13 (3) countywide offices, below which shall be printed separate
14 office blocks for county executive; member of the board of county
15 commissioners; ³county clerk; county sheriff;³ and any other county
16 offices in their respective office blocks;

17 (4) municipal offices, below which shall be printed separate
18 office blocks for mayor; member of the council or municipal
19 governing body; and any other municipal offices in their respective
20 office blocks;

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

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

27 (7) district delegates and alternates to conventions of political
28 parties, provided that the candidates for district delegates and
29 alternates may be placed next to the office block for choice for
30 President or electors for President;

31 ³**[(8) candidates for State party positions;]**³ and

32 ³**[(9)]** (8)³ candidates for county party positions.

33 A heavy diagram rule shall be used to distinguish each office
34 block for the different offices. Underneath the proper title of office
35 and position shall be printed the names of all those persons certified
36 as candidates for the offices to the municipal clerk by the county
37 clerk as hereinbefore provided, and the names of persons
38 **[indorsed]** endorsed as such candidates in petitions on file in the
39 office of the municipal clerk as they appear signed to the certificate
40 of acceptance. The name of any person **[indorsed]** endorsed in a
41 petition as provided who shall fail to certify **[his]** the person's
42 consent and agreement to be a candidate for nomination to the
43 office specified therein shall not be printed upon the ballots to be
44 used at the primary election. In the case of a vacancy among
45 nominees the name of the person selected in the manner provided in
46 this Title to fill the same shall be printed upon the ballots in the
47 place of the person vacating such nomination.

1 The candidates shall be arranged **[in groups and the groups**
2 **bracketed]** as indicated on their petitions for nomination for the
3 same office with multiple open seats in all cases where the petitions
4 **[indorsing]** endorsing such candidates and filed in accordance with
5 R.S.19:23-18 request **[such grouping]** for such candidates to be
6 associated within the same office block. The **[designation]** slogan
7 or endorsement named by candidates in their petitions for
8 nomination, as provided by **[this Title]** R.S.19:23-17, shall be
9 printed **[to the right of]** next to or below the names of such
10 candidates **[or groups of candidates in as large type as the space**
11 **will allow].**

12 Immediately next to **[the left and on the same line with]** the
13 name of each candidate for office and position shall be printed **[a**
14 **square approximately one-quarter of an inch in size, or by printing**
15 **vertical single line rules connecting the single line rules between**
16 **the names of the candidates and thus form a square]** an oval or
17 space in which the voter shall indicate **[his]** the voter's choice. **[A**
18 **single light-faced rule shall be used to separate the different names**
19 **in each group of candidates.]** A heavy diagram rule shall be used
20 between each **[group of candidates for different offices.** Where
21 candidates are arranged in groups and the groups bracketed, the
22 groups shall be separated from other groups and candidates by two
23 single line rules approximately one-eighth of an inch apart**]** office
24 block. The ballot shall be so arranged that all candidates seeking
25 the same office are listed in one contiguous office block. No
26 candidate shall be separated from other candidates seeking the same
27 office on the ballot.

28 Each primary ballot shall contain, at the end of the list of
29 candidates for each different office, blank **[squares and]** spaces or
30 lines equal to the number of persons to be elected to the office, for
31 the purpose of allowing any voter to write or paste the name of any
32 person for whom **[he]** the voter desires to vote for any office or
33 party position.

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

35
36 7. R.S.19:49-2 is amended to read as follows:

37 19:49-2. All official general election ballots shall be in black ink
38 in type as large as space will reasonably permit; provided, however,
39 that **[any public question which shall be placed on the ballot shall**
40 **be in red and]** above any public question to be voted upon by the
41 voters of the entire State there shall be **[, also in red,]** a description
42 of the public question, which description shall not exceed six words
43 and shall be in type as large as is practicable. Party nominations
44 shall be arranged on each voting machine, either in columns or
45 horizontal rows; the caption of the various ballots on the machines
46 shall be so placed on the machines as to indicate to the voter what

1 device is to be used or operated in order to vote for the candidates
2 or candidate of **【his or her】** the voter's choice. The providing of the
3 official ballots, the order of the precedence and arrangement of
4 parties and of candidates, and the instructions for the use of a
5 device to be used or operated in order to vote for candidates shall be
6 as now required by law **【**, except that in those counties where
7 voting machines are used, **the】** . The county clerk in every county
8 shall have the authority to determine the specifications for, and the
9 final arrangement of, the official general election ballots, to the
10 extent not inconsistent with the provisions of this Title.

11 **【**For the primary election for the general election in all counties
12 where voting machines are or shall be used, all candidates who shall
13 file a joint petition with the county clerk of their respective county
14 and who shall choose the same designation or slogan shall be drawn
15 for position on the ballot as a unit and shall have their names placed
16 on the same line of the voting machine; and provided further, that
17 all candidates for municipal or party office in municipalities in
18 counties where voting machines are or shall be used who shall file a
19 petition with the clerk of their municipality bearing the same
20 designation or slogan as that of the candidates filing a joint petition
21 with the county clerk as aforesaid, may request that his or her name
22 be placed on the same line of the voting machine with the
23 candidates who have filed a joint petition with the county clerk as
24 aforesaid by so notifying the county clerk of said county in writing
25 within two days after the last day for filing nominating petitions and
26 thereupon the county clerk shall forthwith notify the campaign
27 manager of such candidates filing a joint petition as aforesaid of
28 said request, and if the said campaign manager shall file his consent
29 in writing with the said county clerk within two days after the
30 receipt of said notification from said county clerk, the clerk of said
31 county shall place the name of such candidate on the same line of
32 the voting machine on which appears the names of the candidates
33 who have filed the joint petition as aforesaid; provided, also, that
34 any candidate filing a petition with the Attorney General may
35 request that his or her name be placed on the same line of the voting
36 machine with the candidates who have filed a joint petition with the
37 county clerk as aforesaid by so notifying the county clerk of said
38 county in writing within two days after the last day for filing
39 nominating petitions, and thereupon the county clerk shall forthwith
40 notify the campaign manager of such candidates filing a joint
41 petition as aforesaid of said request, and if the said campaign
42 manager shall file his consent in writing with the said county clerk
43 within two days after the receipt of said notification from said
44 county clerk, the clerk of said county shall place the name of such
45 candidate on the same line of the voting machine on which appears
46 the names of the candidates who have filed the joint petition as
47 aforesaid.**】**

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

1 8. (New section) a. The Division of Elections in the
2 Department of State shall collect data from county and municipal
3 clerks and county boards of elections on their experiences regarding
4 the changes to ballot design and primary election procedures in this
5 State implemented pursuant to P.L. , c. (pending before the
6 Legislature as this bill), and shall develop and submit a report as
7 provided in this section. The report shall include data concerning
8 the conduct of primary elections, best practices to improve the
9 conduct of future primary elections, and any other relevant
10 information, research, guidance, and expertise regarding the
11 implementation of the new ballot designs and primary election
12 procedures.

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

15 (1) experiences of election officials, candidates, and voters
16 regarding the ballot changes, including whether such changes
17 contributed to candidate or voter confusion, or increased the
18 difficulty for election officials to administer primary elections in
19 this State; and

20 (2) what the costs of implementation were.

21 At the discretion of the division, the report may also provide the
22 Governor and the Legislature with recommendations to improve
23 overall election experiences and voter participation.

24 c. The report shall be prepared and submitted to the Governor,
25 and Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-
26 19.1), within 180 days after the date of the second primary election
27 following the enactment of P.L. , c. (pending before the
28 Legislature as this bill).

29

30 ³9. R.S.19:1-1 is amended to read as follows:

31 19:1-1. As used in this Title:

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

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

37 "General election" means the annual election to be held on the
38 first Tuesday after the first Monday in November and, where
39 applicable, includes annual school elections and annual fire district
40 elections held on that date.

41 "Primary election for the general election" means the procedure
42 whereby the members of a political party in this State or any
43 political subdivision thereof nominate candidates to be voted for at
44 general elections, or elect persons to fill party offices, other than for
45 a member of the State committee of a political party.

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

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

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

5 "Municipality" includes any city, town, borough, village, or
6 township.

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

10 "Public office" includes any office in the government of this
11 State or any of its political subdivisions filled at elections by the
12 electors of the State or political subdivision.

13 "Public question" includes any question, proposition or
14 referendum required by the legislative or governing body of this
15 State or any of its political subdivisions to be submitted by
16 referendum procedure to the voters of the State or political
17 subdivision for decision at elections.

18 "Political party" means a party which, at the election held for all
19 of the members of the General Assembly next preceding the holding
20 of any primary election held pursuant to this Title, polled for
21 members of the General Assembly at least 10% of the total vote cast
22 in this State.

23 "Party office" means the office of delegate or alternate to the
24 national convention of a political party or member of the State,
25 county or municipal committees of a political party.

26 "Masculine" includes the feminine, and the masculine pronoun
27 wherever used in this Title shall be construed to include the
28 feminine.

29 "Presidential year" means the year in which electors of President
30 and Vice-President of the United States are voted for at the general
31 election.

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

35 "District board" means the district board of registry and election
36 in an election district.

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

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

40 "Commissioner" means the commissioner of registration in
41 counties.

42 "File" or "filed" means deposited in the regularly maintained
43 office of the public official wherever said regularly maintained
44 office is designated by statute, ordinance or resolution.³

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

46

47 ³10. R.S.19:3-3 is amended to read as follows:

1 19:3-3. Delegates and alternates to the national conventions of
2 the political parties shall be elected at the primary election to be
3 held on the Tuesday next after the first Monday in June in that year.

4 The members of **[State,]** county and municipal committees of
5 the political parties shall be chosen at the primary for the general
6 election as hereinafter provided.³

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

8
9 ³11. R.S.19:12-7 is amended to read as follows:

10 19:12-7. a. The county board in each county shall cause to be
11 published in a newspaper or newspapers which, singly or in
12 combination, are of general circulation throughout the county, a
13 notice containing the information specified in subsection b. hereof,
14 except for such of the contents as may be omitted pursuant to
15 subsection c. or d. hereof. Such notice shall be published once
16 during the 30 days next preceding the day fixed for the closing of
17 the registration books for the primary election, once during the
18 calendar week preceding the week in which the early voting period
19 for the primary election for the general election begins, once during
20 the 30 days next preceding the day fixed for the closing of the
21 registration books for the general election, and once during the
22 calendar week preceding the week in which the early voting period
23 for the general election begins.

24 b. Such notice shall set forth:

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

26 (a) That a primary election for making nominations for the
27 general election, for the selection of members of the county
28 committees of each political party, and in each presidential year for
29 the selection of delegates and alternates to national conventions of
30 political parties, will be held on the day and between the hours
31 provided for by or pursuant to this Title, and the days, hours, and
32 places at which early voting shall be available in the county.

33 (b) The place or places at which and hours during which a
34 person may register, the procedure for the transfer of registration,
35 and the date on which the books are closed for registration or
36 transfer of registration.

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

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

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

47 (f) In the case of the notice published during the calendar week
48 preceding the week in which the early voting period for the primary

1 election begins, that a voter who, prior to the election, shall have
2 moved within the same county without (i) filing, on or before the
3 21st day preceding the election, a notice of change of residence
4 with the commissioner of registration of the county or the municipal
5 clerk of the municipality in which the voter resides on the day of
6 the election, (ii) returning the confirmation notice sent to the voter
7 by the commissioner of registration of the county, if such a notice
8 has been sent to the voter, or (iii) otherwise notifying the
9 commissioner of registration of the voter's change of address within
10 the county shall be permitted to correct the voter's registration and
11 to vote in the primary election by provisional ballot at the polling
12 place of the district in which the voter resides on the day of the
13 election. The notice shall further provide that the voter may contact
14 the county commissioner of registration or municipal clerk or may
15 view polling place location information on the Division of Elections
16 website to determine the proper polling place location for the voter.

17 (2) For the general election:

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

23 (b) The place or places at which and hours during which a
24 person may register, the procedure for transfer of registration, and
25 the date on which the books are closed for registration or transfer of
26 registration.

27 (c) The several State, county and municipal offices, and where
28 applicable, school board offices and fire district offices to be filled,
29 notice of any school district propositions to be submitted to the
30 people and, except as provided in R.S.19:14-33 of this Title as to
31 publication of notice of any Statewide proposition directed by the
32 Legislature to be submitted to the people, the State, county,
33 municipal and fire district public questions to be voted upon at such
34 general election.

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

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

42 (f) In the case of the notice published during the calendar week
43 preceding the week in which the early voting period for the general
44 election begins, that a voter who, prior to the election, shall have
45 moved within the same county without (i) filing, on or before the
46 21st day preceding the election, a notice of change of residence
47 with the commissioner of registration of the county or the municipal
48 clerk of the municipality in which the voter resides on the day of

1 the election, (ii) returning the confirmation notice sent to the voter
2 by the commissioner of registration of the county, if such a notice
3 has been sent to the voter, or (iii) otherwise notifying the
4 commissioner of registration of the voter's change of address within
5 the county shall be permitted to correct the voter's registration and
6 to vote in the general election by provisional ballot at the polling
7 place of the district in which the voter resides on the day of the
8 election. The notice shall further provide that the voter may contact
9 the county commissioner of registration or municipal clerk or may
10 view polling place location information on the Division of Elections
11 website to determine the proper polling place location for the voter.

12 (3) For a school election:

13 (a) The day and time thereof,

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

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

17 (d) That a voter who, prior to the election, shall have moved
18 within the same county without (i) filing, on or before the 21st day
19 preceding the election, a notice of change of residence with the
20 commissioner of registration of the county or the municipal clerk of
21 the municipality in which the voter resides on the day of the
22 election, (ii) returning the confirmation notice sent to the voter by
23 the commissioner of registration of the county, if such a notice has
24 been sent to the voter, or (iii) otherwise notifying the commissioner
25 of registration of the voter's change of address within the county
26 shall be permitted to correct the voter's registration and to vote in
27 the school election by provisional ballot at the polling place of the
28 district in which the voter resides on the day of the election,

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

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

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

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

43 (2) All offices to be filled, or nominations made therefor, or
44 public questions to be voted upon, by the voters of the entire State
45 or of the entire county shall be set forth in a newspaper or
46 newspapers which, singly or in combination, have general
47 circulation throughout the county;

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

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

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

10 f. The cost of publishing the notices required by this section
11 shall be paid by the respective counties, unless otherwise provided
12 for by law.

13 g. Notices required to be published or posted pursuant to this
14 section shall set forth a general description of the contents of the
15 voter information notice provided for in section 1 of P.L.2005,
16 c.149 (C.19:12-7.1), how the notice may be viewed or obtained
17 prior to the day of an election, and that the notice will be posted in
18 each polling place on the day of an election.³

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

20
21 ³12. (New section) a. Notwithstanding the provisions of any
22 other law, rule, or regulation to the contrary, the members of the
23 State committee of each of the political parties shall not be elected
24 at the primary election for the general election. The members shall
25 be elected by the members of the county committee of the
26 respective political parties, at a time and in a manner to be
27 determined by each respective political party, and in accordance
28 with the constitution and bylaws of such party.

29 b. A vacancy in the office of a member of the State committee
30 of any political party, howsoever caused, shall be filled for the
31 unexpired term by the members of the county committee of such
32 political party in the county in which the vacancy occurs, in
33 accordance with the constitution and bylaws of such party.

34 c. Any person elected as a member of the State committee of a
35 political party pursuant to subsection a. of this section, or selected
36 to fill a vacancy in the membership of a State committee, may
37 request, in writing and by certified mail, either access to the
38 complete financial records of the State committee or a copy of the
39 balance sheet of the State committee showing the assets and
40 liabilities of the State committee as of the close of business on the
41 date of their election or selection. The person requesting that
42 access or copy of the balance sheet shall receive the access or copy
43 so requested within 48 hours of the receipt of that request by the
44 committee.³

45
46 ³13. (New section) The provisions of this act, P.L. , c.
47 (pending before the Legislature as this bill) shall be severable, and
48 if any of its provisions shall be held to be unconstitutional, the

1 decision of the court shall not affect the validity of the remaining
2 provisions of this act.³

3

4 ³[9. R.S.19:34-52 and P.L.1981, c.71 (C.19:23-26.1 through
5 C.19:23-26.2) are repealed.] 14. The following sections are
6 repealed:

7 R.S.19:5-4;

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

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

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

12 R.S.19:34-52.³

13

14 ³[10.] 15.³ This act shall take effect ²[January 1 next following
15 the date of enactment] immediately².

ASSEMBLY SELECT COMMITTEE ON BALLOT DESIGN

STATEMENT TO ASSEMBLY, No. 5116

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 16, 2024

The Assembly Select Committee on Ballot Design reports favorably and with committee amendments Assembly Bill No. 5116.

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.

Repeal of Current Law Provisions

The bill repeals two provisions of law. The first provision, 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. The second provision to be repealed 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.

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 lowercase text and text that is at least 12 points for printed ballots or the equivalent for computer ballots, 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, so that no candidate is distinguished or advantaged, 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 shall 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; and

(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.

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.

COMMITTEE AMENDMENTS:

The committee amendments require that the size of spaces and lines used to divide candidates on the ballot be uniform and consistent and that all candidate names be aligned with the oval corresponding to their name, so that no candidate is distinguished or otherwise advantaged. The amendments also require that each office block on the ballot be designed in the same manner.

The committee amendments specify that candidates may associate through the use of a common slogan or endorsement, whether they are running together for the same office with multiple open seats or for different offices. Candidates may request these common slogans and endorsements when they file their nominating petitions.

The committee amendments provide that the Secretary of State, county clerk, or municipal clerk, as the case may be, with the authority to reject a requested slogan or designation if it so substantially similar to that of another candidate that it could mislead or deceive a reasonable voter. If a candidate disagrees with this decision, they have the right to appeal to a judge of the Superior Court, on an expedited

basis. If the candidate accepts the decision, they will be given the opportunity to select a different slogan or endorsement which will be included on the ballot.

The amendments also ensure that nothing within the slogan statute may be read to prohibit a candidate from using a single word, such as “Democrat” or “Republican”, which indicates their membership of affiliation with a political party in this State, in their chosen slogan.

The committee amendments allow candidates who have chosen to associate while running together for the same office with multiple open seats to revoke, supplement, or modify the terms of their association up until the date when the draw for ballot position is conducted.

Finally, the amendments replace a statutory reference to the municipal clerk’s signature appearing on the ballot, to reflect the current practice that the county clerk’s signature appear on the ballot.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 5116

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 16, 2024

The Assembly Appropriations Committee reports favorably and with committee amendments Assembly Bill No. 5116 (1R).

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.

Repeal of Current Law Provisions

The bill repeals two provisions of law. The first provision, 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. The second provision to be repealed 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.

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 lowercase text and text that is at least 12 points for printed ballots or the equivalent for computer ballots, 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, so that no candidate is distinguished or advantaged, 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 shall 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; and

(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.

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.

COMMITTEE AMENDMENTS:

The committee amendments modify the effective date so that the provisions of the bill will take effect immediately, rather than January 1 following the date of enactment.

FISCAL IMPACT:

Fiscal information is not available at this time.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

[Second Reprint] **ASSEMBLY, No. 5116**

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 20, 2025

The Senate Judiciary Committee reports favorably and with committee amendments the Second Reprint of Assembly Bill No. 5116.

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 Senate Bill No. 4142, also amended and reported by the committee today.

The committee amendments to the bill:

- remove provisions of the bill that would require primary election ballots to be uniformly designed using sans serif 12 point font, and for all text to be aligned to the left;

- require county clerks to label the positions on the ballot with a corresponding number and letter, such as "1A";

- ensure that no slogan can be used that includes a lawfully registered trademark, without permission from the owner of the trademark;

- establish the date on which the draw for ballot position is conducted as the deadline to modify any association of candidates, and require the municipal clerks to conduct the ballot draw for local offices and party positions unless the county clerk notifies the municipal clerk that the county clerk will conduct that drawing; and

- remove State political committee members from the primary process and provide that they be selected by the members of the respective county political committees instead.

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

ASSEMBLY, No. 5116

STATE OF NEW JERSEY 221st LEGISLATURE

DATED: DECEMBER 26, 2024

SUMMARY

- Synopsis:** Makes changes to design of primary election ballots and certain related primary election procedures; provides for ballots to be arranged by office block; requires reporting on primary elections by Division of Elections.
- Type of Impact:** One-time expenditure increase for the State and counties; potential periodic State costs.
- Agencies Affected:** Department of State; the Judiciary; counties.

Office of Legislative Services Estimate

| Fiscal Impact | |
|--|---------------|
| One-Time State Expenditure Increase | Indeterminate |
| One-Time County Expenditure Increase | Indeterminate |
| Potential Periodic Costs to the Judiciary | Indeterminate |

- The Office of Legislative Services (OLS) determines that the required redesigning of the primary election ballots may result in an indeterminate one-time expenditure increase for county governments. The OLS does not have access to specific data concerning the cost of redesigning an election ballot. The OLS notes that some counties that already have primary ballots that conform to the new design may have reduced or no costs.
- The OLS concludes that the required data collection and subsequent report by the Division of Elections regarding the experiences of election officials, candidates, and voters regarding the ballot changes will result in an indeterminate one-time expenditure increase to the Department of State.
- The OLS notes that the Judiciary may incur periodic costs under the provisions of the bill which grant candidates the right to appeal certain decisions regarding nominating petitions.

BILL DESCRIPTION

This bill makes changes to the design of primary election ballots and certain related primary election procedures, provides for ballots to be arranged by office block, and requires reporting on primary elections by the Division of Elections in the Department of State.

The bill requires each county clerk in the State to redesign the primary election ballot and to arrange the candidates on the primary election ballot by office block. The redesigning of the primary election ballot established by the bill is required for both Democratic and Republican primary election ballots. The Secretary of State is required to promulgate uniform guidelines for all county clerks to follow in order to comply with the requirements outlined in the bill.

The bill also requires the Division of Elections to submit a report concerning the conduct of primary elections, best practices to improve the conduct of future primary elections, and any other relevant information regarding the implementation of the new ballot designs and primary election procedures. At a minimum, the division is required to collect data on the experiences of election officials, candidates, and voters regarding the ballot changes, including whether the changes increased the level of confusion for candidates and voters or increased the difficulty for election officials to administer primary elections, and the costs of the implementation. The Division of Elections is required to prepare and submit the report within 180 days after the date of the second primary election following the enactment of the bill.

The bill also explicitly grants candidates the right to appeal certain decisions regarding nominating petitions to a judge in the Superior Court in the county in which the petition of nomination was filed and provides that such appeals are to be heard on an expedited basis.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes that the redesigning of the primary election ballots may result in a one-time expenditure increase for county governments. The OLS, however, does not have access to specific data concerning the cost of redesigning an election ballot. The OLS notes that some counties that already have primary ballots that conform to the new design may have reduced or no costs.

Additionally, the OLS concludes that the required data collection and subsequent report by the Division of Elections regarding the experiences of election officials, candidates, and voters regarding the ballot changes will result in a one-time expenditure increase to the Department of State. The OLS lacks the informational basis to determine the extent of this cost increase.

The OLS notes that the Department of State may experience a modest increase in its administrative workload, as the bill requires the Secretary of State, in consultation with all county clerks, to promulgate uniform guidelines for all county clerks to follow in order to comply with the requirements outlined in the bill.

The OLS also notes that the Judiciary may incur periodic costs under the provision of the bill that grants candidates the right to appeal certain decisions regarding nominating petitions. These appeals are to be heard by the court on an expedited basis.

Section: State Government

*Analyst: Camryn Mathews
Assistant Fiscal Analyst*

*Approved: Thomas Koenig
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

LEGISLATIVE FISCAL ESTIMATE

[Third Reprint]

ASSEMBLY, No. 5116

STATE OF NEW JERSEY 221st LEGISLATURE

DATED: FEBRUARY 27, 2025

SUMMARY

- 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.
- Type of Impact:** One-time expenditure increase for the State and counties; potential periodic State costs.
- Agencies Affected:** Department of State; the Judiciary; counties.

Office of Legislative Services Estimate

| Fiscal Impact | |
|--|---------------|
| One-Time State Expenditure Increase | Indeterminate |
| One-Time County Expenditure Increase | Indeterminate |
| Potential Periodic Costs to the Judiciary | Indeterminate |

- The Office of Legislative Services (OLS) determines that the required redesigning of the primary election ballots may result in an indeterminate one-time expenditure increase for county governments. The OLS does not have specific data concerning the cost of redesigning an election ballot.
- The OLS concludes that the required data collection and subsequent report by the Division of Elections regarding the experiences of election officials, candidates, and voters regarding the ballot changes will result in an indeterminate one-time expenditure increase to the Department of State.
- The OLS notes that the Judiciary may incur periodic costs under the provisions of the bill which grant candidates the right to appeal certain decisions regarding nominating petitions.

BILL DESCRIPTION

This bill revises the design of primary election ballots and certain primary election procedures, provides for ballots to be arranged by office block, removes State committee members from the primary process, and requires reporting on primary elections by the Division of Elections in the Department of State.

The bill requires each county clerk in the State to redesign the primary election ballot and to arrange the candidates on the primary election ballot by office block. The redesigning of the primary election ballot established by the bill is required for both Democratic and Republican primary election ballots. The Secretary of State is required to promulgate uniform guidelines for all county clerks to follow in order to comply with the requirements outlined in the bill.

The bill also removes State political committee members from the primary process and, in turn, the primary election ballot. The bill provides for State political committee members to instead be selected by the members of their respective county political committees.

The bill also requires the Division of Elections to submit a report concerning the conduct of primary elections, best practices to improve the conduct of future primary elections, and any other relevant information regarding the implementation of the new ballot designs and primary election procedures. At a minimum, the division is required to collect data on the experiences of election officials, candidates, and voters regarding the ballot changes, including whether the changes increased the level of confusion for candidates and voters or increased the difficulty for election officials to administer primary elections, and the costs of the implementation. The Division of Elections is required to prepare and submit the report within 180 days after the date of the second primary election following the enactment of the bill.

The bill also explicitly grants candidates the right to appeal certain decisions regarding nominating petitions to a judge in the Superior Court in the county in which the petition of nomination was filed and provides that such appeals are to be heard on an expedited basis.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes that the redesigning of the primary election ballots may result in a one-time expenditure increase for county governments. The OLS, however, does not have access to specific data concerning the cost of redesigning an election ballot.

Additionally, the OLS concludes that the required data collection and subsequent report by the Division of Elections regarding the experiences of election officials, candidates, and voters regarding the ballot changes will result in a one-time expenditure increase to the Department of State. The OLS lacks the informational basis to determine the extent of this cost increase.

The OLS notes that the Department of State may experience a modest increase in its administrative workload, as the bill requires the Secretary of State, in consultation with all county clerks, to promulgate uniform guidelines for all county clerks to follow in order to comply with the requirements outlined in the bill.

The OLS also notes that the Judiciary may incur periodic costs under the provision of the bill that grants candidates the right to appeal certain decisions regarding nominating petitions. These appeals are to be heard by the court on an expedited basis.

Section: State Government

*Analyst: Camryn Mathews
Assistant Fiscal Analyst*

*Approved: Thomas Koenig
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

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.



S4142 SCUTARI

2

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.

S4142 SCUTARI

3

- 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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5

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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15

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

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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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.

Repeal of Current Law Provisions

19
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.

Required Ballot Design Standards

37
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.

[First Reprint]

SENATE, No. 4142

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED FEBRUARY 13, 2025

Sponsored by:

Senator NICHOLAS P. SCUTARI

District 22 (Somerset and Union)

Senator ANTHONY M. BUCCO

District 25 (Morris and Passaic)

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 reported by the Senate Judiciary Committee on February 20, 2025, with amendments.



(Sponsorship Updated As Of: 2/25/2025)

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SJU committee amendments adopted February 20, 2025.

- 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.

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

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

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

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

10
11 3. R.S.19:23-17 is amended to read as follows:

12 19:23-17. a. Any person ~~indorsed~~ endorsed as a candidate for
13 nomination for any public office or party position whose name is to
14 be voted for on the primary ~~ticket~~ ballot of any political party,
15 may, ~~by indorsement~~ on the petition of nomination in which ~~he~~
16 ~~is indorsed~~ the candidate is endorsed, request that there be printed
17 ~~opposite his~~ next to or below the candidate's name on the
18 primary ~~ticket a designation~~ ballot a slogan or endorsement, in
19 not more than six words, as named by ~~him~~ the candidate in such
20 petition, for the purpose of indicating either any official act or
21 policy to which ~~he~~ the candidate is pledged or committed, or to
22 distinguish ~~him~~ the candidate as belonging to a particular faction
23 or wing of ~~his~~ the candidate's political party ~~;~~ provided,
24 however, that no such designation ~~],~~ or to indicate the endorsement
25 of a person or incorporated association.

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

39 (2) No slogan or endorsement shall include or refer to any
40 lawfully registered trademark of any person or incorporated
41 association unless the written consent of such person or
42 incorporated association has been filed with the petition of
43 nomination of such candidate or candidates. If a person or
44 incorporated association wishes to revoke their consent as provided
45 pursuant to this paragraph, the person or incorporated association
46 shall notify the Secretary of State, county clerk, or municipal clerk,
47 as the case may be, in writing and the Secretary of State or the clerk

1 shall accept such revocation, provided that notice of such is
2 received prior to the date on which the draw for ballot position is
3 conducted pursuant to R.S.19:23-24.

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

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

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

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

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

31

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

33 19:23-18. a. Several candidates for nomination to the same
34 office with multiple open seats to be voted on at a primary election
35 may in such petitions request that their names be [grouped
36 together] associated, and that the common [designation] slogan or
37 endorsement to be named by them shall be printed [opposite] next
38 to or below their names, as permitted by R.S.19:23-17. The county
39 clerk in the county in which a petition of nomination is filed shall
40 accept such requests made in compliance with this section, provided
41 that such notice is received prior to the date on which the draw for
42 ballot position is conducted pursuant to R.S.19:23-24. If any
43 candidate, following acceptance of such request by the county clerk,
44 wishes to modify, supplement, or revoke the terms of their
45 association, as indicated on their petitions at the time of filing, the
46 candidate shall notify the county clerk in writing and the clerk shall
47 accept such modification, supplement, or revocation, provided that
48 such notice is received prior to the date on which the draw for ballot

1 position is conducted pursuant to R.S.19:23-24. The clerk shall not
2 accept any request to modify, supplement, or revoke the terms of an
3 association received after the draw for ballot position is conducted
4 pursuant to R.S.19:23-24.

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

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

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

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

22

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

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

40 The position on the ballot used for the primary election for the
41 general election in the case of candidates for nomination for office
42 or party position wherein the candidates for office or party position
43 to be filled are to be voted for by the voters of a municipality only,
44 or a subdivision thereof (excepting in the case of members of the
45 House of Representatives), which nominating petitions are required
46 to be filed in the municipal clerk's office, shall be determined by
47 the municipal clerk in such municipalities, **【**in the following

1 manner: **】** except that, upon written notice by the county clerk to the
2 municipal clerk, the county clerk shall determine the position on the
3 ballot for such offices or party positions.

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

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

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

46 d. As prohibited by section 2 of P.L. , c. (C.) (pending
47 before the Legislature as this bill), no candidate shall have their

1 position on the ballot determined by the position of any candidate
 2 for a different office.

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

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

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

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

31

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

33 19:23-25. The ballots shall be made up and printed consistent
 34 with the requirements of section 2 of P.L. , c. (C.) (pending
 35 before the Legislature as this bill) and in substantially the following
 36 form:

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

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

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

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

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

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

43 (4) municipal offices, below which shall be printed separate
 44 office blocks for mayor; member of the council or municipal
 45 governing body; and any other municipal offices in their respective
 46 office blocks;

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

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

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

11 (8) candidates for county party positions.

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

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

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

1 candidates are arranged in groups and the groups bracketed, the
2 groups shall be separated from other groups and candidates by two
3 single line rules approximately one-eighth of an inch apart **】 office**
4 **block. The ballot shall be so arranged that all candidates seeking**
5 **the same office are listed in one contiguous office block. No**
6 **candidate shall be separated from other candidates seeking the same**
7 **office on the ballot.**

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

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

15

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

17 19:49-2. All official general election ballots shall be in black ink
18 in type as large as space will reasonably permit; provided, however,
19 that **【any public question which shall be placed on the ballot shall**
20 **be in red and】** above any public question to be voted upon by the
21 voters of the entire State there shall be **【, also in red,】** a description
22 of the public question, which description shall not exceed six words
23 and shall be in type as large as is practicable. Party nominations
24 shall be arranged on each voting machine, either in columns or
25 horizontal rows; the caption of the various ballots on the machines
26 shall be so placed on the machines as to indicate to the voter what
27 device is to be used or operated in order to vote for the candidates
28 or candidate of **【his or her】** the voter's choice. The providing of the
29 official ballots, the order of the precedence and arrangement of
30 parties and of candidates, and the instructions for the use of a
31 device to be used or operated in order to vote for candidates shall be
32 as now required by law **【, except that in those counties where**
33 **voting machines are used, the】** . The county clerk in every county
34 shall have the authority to determine the specifications for, and the
35 final arrangement of, the official general election ballots, to the
36 extent not inconsistent with the provisions of this Title.

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

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

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

28

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

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

43 (1) experiences of election officials, candidates, and voters
44 regarding the ballot changes, including whether such changes
45 contributed to candidate or voter confusion, or increased the
46 difficulty for election officials to administer primary elections in
47 this State; and

48 (2) what the costs of implementation were.

1 At the discretion of the division, the report may also provide the
2 Governor and the Legislature with recommendations to improve
3 overall election experiences and voter participation.

4 c. The report shall be prepared and submitted to the Governor,
5 and Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-
6 19.1), within 180 days after the date of the second primary election
7 following the enactment of P.L. , c. (pending before the
8 Legislature as this bill).

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

11 19:1-1. As used in this Title:

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

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

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

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

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

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

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

32 "Municipality" includes any city, town, borough, village, or
33 township.

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

37 "Public office" includes any office in the government of this
38 State or any of its political subdivisions filled at elections by the
39 electors of the State or political subdivision.

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

45 "Political party" means a party which, at the election held for all
46 of the members of the General Assembly next preceding the holding
47 of any primary election held pursuant to this Title, polled for

1 members of the General Assembly at least 10% of the total vote cast
2 in this State.

3 "Party office" means the office of delegate or alternate to the
4 national convention of a political party or member of the State,
5 county or municipal committees of a political party.

6 "Masculine" includes the feminine, and the masculine pronoun
7 wherever used in this Title shall be construed to include the
8 feminine.

9 "Presidential year" means the year in which electors of President
10 and Vice-President of the United States are voted for at the general
11 election.

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

15 "District board" means the district board of registry and election
16 in an election district.

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

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

20 "Commissioner" means the commissioner of registration in
21 counties.

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

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

26

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

28 19:3-3. Delegates and alternates to the national conventions of
29 the political parties shall be elected at the primary election to be
30 held on the Tuesday next after the first Monday in June in that year.

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

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

35

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

37 19:12-7. a. The county board in each county shall cause to be
38 published in a newspaper or newspapers which, singly or in
39 combination, are of general circulation throughout the county, a
40 notice containing the information specified in subsection b. hereof,
41 except for such of the contents as may be omitted pursuant to
42 subsection c. or d. hereof. Such notice shall be published once
43 during the 30 days next preceding the day fixed for the closing of
44 the registration books for the primary election, once during the
45 calendar week preceding the week in which the early voting period
46 for the primary election for the general election begins, once during
47 the 30 days next preceding the day fixed for the closing of the
48 registration books for the general election, and once during the

1 calendar week preceding the week in which the early voting period
2 for the general election begins.

3 b. Such notice shall set forth:

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

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

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

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

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

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

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

44 (2) For the general election:

45 (a) That a general election will be held on the day and between
46 the hours provided for by or pursuant to this Title, and the days,
47 hours and places at which early voting shall be available in the

1 county, and, where applicable, shall include annual school elections
2 and annual fire district elections held on that date.

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

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

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

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

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

40 (3) For a school election:

41 (a) The day and time thereof,

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

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

45 (d) That a voter who, prior to the election, shall have moved
46 within the same county without (i) filing, on or before the 21st day
47 preceding the election, a notice of change of residence with the
48 commissioner of registration of the county or the municipal clerk of

1 the municipality in which the voter resides on the day of the
2 election, (ii) returning the confirmation notice sent to the voter by
3 the commissioner of registration of the county, if such a notice has
4 been sent to the voter, or (iii) otherwise notifying the commissioner
5 of registration of the voter's change of address within the county
6 shall be permitted to correct the voter's registration and to vote in
7 the school election by provisional ballot at the polling place of the
8 district in which the voter resides on the day of the election,

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

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

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

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

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

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

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

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

37 f. The cost of publishing the notices required by this section
38 shall be paid by the respective counties, unless otherwise provided
39 for by law.

40 g. Notices required to be published or posted pursuant to this
41 section shall set forth a general description of the contents of the
42 voter information notice provided for in section 1 of P.L.2005,
43 c.149 (C.19:12-7.1), how the notice may be viewed or obtained
44 prior to the day of an election, and that the notice will be posted in
45 each polling place on the day of an election.

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

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

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

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

25

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

31

32 14. The following sections are repealed:

33 R.S.19:5-4;

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

35 Sections 6 and 7 of P.L.1978, c.15 (C.19:5-4.1 through

36 C.19:5-4.2);

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

38 R.S.19:34-52.

39

40 15. This act shall take effect immediately.

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.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 4142 STATE OF NEW JERSEY 221st LEGISLATURE

DATED: FEBRUARY 27, 2025

SUMMARY

- 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.
- Type of Impact:** One-time expenditure increase for the State and counties; potential periodic State costs.
- Agencies Affected:** Department of State; the Judiciary; counties.

Office of Legislative Services Estimate

| Fiscal Impact | |
|--|---------------|
| One-Time State Expenditure Increase | Indeterminate |
| One-Time County Expenditure Increase | Indeterminate |
| Potential Periodic Costs to the Judiciary | Indeterminate |

- The Office of Legislative Services (OLS) determines that the required redesigning of the primary election ballots may result in an indeterminate one-time expenditure increase for county governments. The OLS does not have specific data concerning the cost of redesigning an election ballot.
- The OLS concludes that the required data collection and subsequent report by the Division of Elections regarding the experiences of election officials, candidates, and voters regarding the ballot changes will result in an indeterminate one-time expenditure increase to the Department of State.
- The OLS notes that the Judiciary may incur periodic costs under the provisions of the bill which grant candidates the right to appeal certain decisions regarding nominating petitions.

BILL DESCRIPTION

This bill revises the design of primary election ballots and certain primary election procedures, provides for ballots to be arranged by office block, removes State committee members from the primary process, and requires reporting on primary elections by the Division of Elections in the Department of State.

The bill requires each county clerk in the State to redesign the primary election ballot and to arrange the candidates on the primary election ballot by office block. The redesigning of the primary election ballot established by the bill is required for both Democratic and Republican primary election ballots. The Secretary of State is required to promulgate uniform guidelines for all county clerks to follow in order to comply with the requirements outlined in the bill.

The bill also removes State political committee members from the primary process and, in turn, the primary election ballot. The bill provides for State political committee members to instead be selected by the members of their respective county political committees.

The bill also requires the Division of Elections to submit a report concerning the conduct of primary elections, best practices to improve the conduct of future primary elections, and any other relevant information regarding the implementation of the new ballot designs and primary election procedures. At a minimum, the division is required to collect data on the experiences of election officials, candidates, and voters regarding the ballot changes, including whether the changes increased the level of confusion for candidates and voters or increased the difficulty for election officials to administer primary elections, and the costs of the implementation. The Division of Elections is required to prepare and submit the report within 180 days after the date of the second primary election following the enactment of the bill.

The bill also explicitly grants candidates the right to appeal certain decisions regarding nominating petitions to a judge in the Superior Court in the county in which the petition of nomination was filed and provides that such appeals are to be heard on an expedited basis.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes that the redesigning of the primary election ballots may result in a one-time expenditure increase for county governments. The OLS, however, does not have access to specific data concerning the cost of redesigning an election ballot.

Additionally, the OLS concludes that the required data collection and subsequent report by the Division of Elections regarding the experiences of election officials, candidates, and voters regarding the ballot changes will result in a one-time expenditure increase to the Department of State. The OLS lacks the informational basis to determine the extent of this cost increase.

The OLS notes that the Department of State may experience a modest increase in its administrative workload, as the bill requires the Secretary of State, in consultation with all county clerks, to promulgate uniform guidelines for all county clerks to follow in order to comply with the requirements outlined in the bill.

The OLS also notes that the Judiciary may incur periodic costs under the provision of the bill that grants candidates the right to appeal certain decisions regarding nominating petitions. These appeals are to be heard by the court on an expedited basis.

Section: State Government

*Analyst: Camryn Mathews
Assistant Fiscal Analyst*

*Approved: Thomas Koenig
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

Governor Murphy Takes Action on Legislation

03/6/2025

TRENTON – Today, Governor Murphy signed the following bills into law:

S-3825/A-4992 (Burzichelli, Testa/Bailey, McClellan, Hutchison) - Provides project grant under “Securing Our Children’s Future Fund” for career and technical education expansion; appropriates \$7.65 million

A-1672/S-1285 (Lampitt, Karabinchak, Hutchison/Beach, Mukherji) - Makes disabled persons receiving disability payments pursuant to federal Railroad Retirement Act eligible to receive homestead property tax reimbursement

A-3904/S-2954 (Moen, Spearman, Miller/Cruz-Perez, Beach) - Requires geotechnical testing and certain monitoring of transportation projects

A-4091/S-2874 (Speight, Sampson, Hall/Diegnan, Polistina) - Expands services that can be provided by audiologists and hearing aid dispensers

A-4684/S-3564 (Quijano, Park/Vitale, Turner) - Removes certain limitations on recovery for victims of certain sexual offenses

A-4707/S-3516 (Moen, Murphy, Pintor Marin/Scutari) - Authorizes State Treasurer to sell as surplus certain real property and improvements in City of Camden in Camden County

A-4757/S-3456 (Danielsen/Scutari) - Permits amusement games licenses to be issued to certain nonprofit organizations

A-4948/S-3819 (Lopez/Vitale) - Allows unexpended balance of FY2024 appropriation for City of Perth Amboy – Convery Boulevard Pedestrian Bridge to be used by municipality for pedestrian safety infrastructure projects

A-5116/S-4142 (Wimberly, Barlas/Scutari, Bucco) - 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

AJR-120/SJR-110 (Conaway/McKnight) - Designates first full week of May of each year as “Tardive Dyskinesia Awareness Week” in NJ