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Progressive Democrats fight back against NJ 'county line' tradition

Michelle Brunetti Post
Feb 10, 2021



Cassandra Gatelein, of Wildwood, an organizer of Cape May County Indivisible, pickets outside an open forum of Democratic candidates Wednesday in Cape May Court House. The group wants the state to end the 'county line,' which allows political party bosses to determine which candidates get preferential placement on primary ballots.

Charles J. Olson / for The Press

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For more than a year, progressive Democrats have waged a war against New Jersey’s “county line” ballot tradition, which they say gives too much power to party bosses and prevents a wider diversity of people from being nominated by their parties to run for office.

Under the primary ballot design used by all New Jersey counties except Salem and Sussex, the parties’ county chairs or county committees can decide who runs in the ballot’s first row under the official party slogan, known as “the party line.” Just being in that coveted position gives insiders an unfair advantage, progressives say.

Groups such as Cape May Indivisible have held protests against it and asked candidates to pledge to oppose it but haven’t gotten much traction.

So a group of candidates and the New Jersey Working Families Alliance are suing to end it, arguing it violates the First and Fourth amendments to the U.S. Constitution.

The lawsuit was first filed in U.S. District Court in July by Christine Conforti, of Ocean Grove, Monmouth County, who was a 2020 Democratic primary candidate in New Jersey’s 4th Congressional District. She was not included on the party line and lost.



Protesters seek Van Drew's removal from office in Mays Landing



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Last week, five more candidates joined the suit, including Mico Lucide, of Hamilton Township, who is running in the Democratic primary against current Atlantic County Clerk Ed McGettigan.

They are suing their county clerks, including McGettigan, who design and produce the ballots. They have the support of the League of Women Voters of New Jersey.

“Our ballots disregard all established and proven best practices for ballot design, causing voter confusion and apathy,” Jesse Burns, executive director of the League of Women Voters of New Jersey, said in a statement after the suit was expanded. “We applaud this historic lawsuit.”

McGettigan did not respond to requests for comment.

Cape May County Clerk Rita Rothberg, who is not named in the lawsuit, said ballot design is driven by a state law that requires candidates who wish to “bracket” together on a ballot be able to do so.



Congressional candidate Will Cunningham receives progressive endorsement

Eliminating bracketing would require a change in state law, she said.

“This all hinges on one state statute. Until the Legislature changes the law, it has to do with bracketing. ... It’s not just me deciding how it goes,” Rothberg said. “As clerks, we are umpires, not players. If the law changes, we change.”

The lawsuit argues the “party line” violates the U.S. Constitution by, among other things, preventing some candidates from the right to freely associate with others.

It also says New Jersey is the only state to use a party line ballot. Other states’ ballots are organized by the position candidates are seeking, with all candidates for that position listed randomly either vertically or horizontally off of that, rather than by party, according to the suit.

John Froonjian, executive director of the William J. Hughes Center for Public Policy at Stockton University, said there are some advantages to a party line primary ballot.



Progressives push back against 'county line' tradition

Some voters want to know whom the party is backing, Froonjian said.

“I go back to the fact that primary elections are different than general elections,” Froonjian said. “It’s really a party function. The purpose is for the party to decide who is going to represent them as a candidate.”

In New Jersey, a registered voter needs to be a declared party member to vote in a primary. That’s not the case in some other states, Froonjian said.

“The party has a legitimate role in trying to pick the best candidate, also the candidate who represents the party’s principles and ideology,” he said.

He also cited a 1989 U.S. Supreme Court decision that struck down a 1930 New Jersey law banning parties from endorsing candidates in local elections.

“Since then, parties have been able to endorse and present that preference on the ballot,” Froonjian said. “There is a track record where that system has been upheld.”

And in many New Jersey counties, such as Atlantic, to get the party line, candidates have to go to the county convention and make their case to the county committee members, who then vote, he said.

“It’s pretty democratic,” Froonjian said. “It’s not like it’s party bosses in a smoke-filled room picking candidates.”

In some counties, though, the county chairman decides who gets the line.

Research has shown the county line gives candidates on it a significant advantage, said Lucide, who has championed progressive causes through the Atlantic County Our Revolution group.

“The way this ballot is designed gives outside favor to that first column,” he said.

Lucide said studies have shown an average of a 35% swing in favor of candidates who have the line, versus those who are listed in a separate column.

The issue heated up in elections last year as the progressive arm of the Democratic Party, unhappy with party leaders deciding which candidates get the party line on ballots, pushed back, asking primary candidates to take a pledge to end the tradition.

“Our problem with the line is it’s undemocratic — it breeds corruption and gives county bosses control. Candidates are indebted to bosses and put their demands above the needs of constituents,” Cape May County Indivisible leader Cassandra Gatelein said at a demonstration against the party line outside a candidate forum in Cape May Court House.

The newly formed nonprofit New Jersey Fair Ballot Legal Defense Fund is helping pay for the plaintiffs’ legal costs.



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In my first job after college got paid to read the New York Times and summarize articles for an early online data base. First reporting job was with The Daily Record in Parsippany. I have also worked in nonprofits, and have been with The Press since 1990.