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A judge's decision is sending shockwaves through N.J., where politics is ruled by backroom deals

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14–17 minutes

It's called the "[county line](#)" — and it's been the stuff of backroom Jersey politics that allowed party bosses to play an outsized role for decades in determining the winners and losers on election day.

Now, [a federal judge may have changed all of that with a 49-page ruling Friday that sent shockwaves](#) through the state and could forever curb the power of those bosses.

It marked a dramatic victory for grassroots activists who railed for years against the unique but controversial system, in which parties across New Jersey give preferential placement on primary election ballots to endorsed candidates. Even more stunning was it came about after Gov. [Phil Murphy](#) tried to use that power to help snag a seat for his wife [Tammy Murphy](#) in the U.S. Senate, sparking a lawsuit by U.S. Rep. [Andy Kim](#), D-3rd Dist.

Kim, who was battling Murphy in the primary for the Democratic nomination to succeed indicted Sen. [Robert Menendez](#), questioned the constitutionality of being elbowed aside by party leaders before the election. A [backlash against this power play](#)

from groups that flocked to Kim's insurgent campaign drew national attention and set the stage for Murphy to [abruptly quit the race](#) last Sunday. And now it could take down the line, an only-in-New Jersey design that's [been around for decades](#).

"The Court wishes to make clear that it recognizes the magnitude of its decision," U.S. District Court Judge Zahid Quraishi wrote on Friday. "The integrity of the democratic process for a primary election is at stake."

The judge acknowledged that what Kim requested — immediately blocking the county line — "is extraordinary." And yet, he said this was one of those rare times when such a dramatic change was warranted and issued an injunction blocking the use of ballots in the June 4 primary designed by columns or rows, rather than by office or positions candidates on the ballot.

Seventeen county clerks named as defendants in the lawsuit filed an appeal late Friday.

And a new wrinkle developed Saturday.

Initially, it appeared the order would affect all primaries, from both major political parties, this year. But Morris County's Republican Party on Friday [asked Quraishi to clarify](#) whether the injunction applies to Republicans, too, because Kim and the other plaintiffs are Democrats and Republicans weren't involved in the challenge.

The judge [responded Saturday](#) that his order is indeed only for this year's Democratic primary elections, though he noted nothing prevents Republicans from dropping the system, as well.

Ashley Koning, director of the Eagleton Center for Public Interest Polling at Rutgers University, called the events leading to the ruling

“monumental,” not only for Kim, but for New Jersey politics as a whole.

“While Kim is almost guaranteed the Senate seat now that Murphy has dropped out, and barring any surprises between now and November, his campaign has dealt a significant blow to the inequities that often accompany the county line — an impactful and damaging quirk of the democratic process in the Garden State,” she said.

“While there will undoubtedly be more battles waged over the county line in the near future through appeals, this is a big step in a fight that has been years in the making.”

Neither the lawsuit nor the county line are completely over yet. The injunction [technically applies only](#) to this year’s Democratic primaries in blue-leaning New Jersey as the lawsuit proceeds. That means even if an appeal fails, the judge could issue a final decision in the case that allows the system to live on. But the order implies Kim’s suit is [likely to succeed](#) in the end, which would result in the line being tossed completely as unconstitutional.

Those seeking the end of the line said the system has impeded potential candidacies by women and minorities.

New Jersey Citizen Action Executive Director Dena Mottola Jaborska called the injunction “momentous” for “democracy, transparency and good government in the state of New Jersey” — the culmination of years of grassroots organizing and movement-building.

“Abolishing the line is critical to both free and fair elections and advancing policies in the interests of everyday New Jerseyans,” Jaborska said. “We can only fully address our state’s many racial

and socio-economic problems with political leadership that better represents our diverse communities, and when elected officials can be held accountable to their constituents.”

Debbie Walsh, director for the Center for American Women and Politics at Rutgers University, said it marks “a victory for everyone who has been kept out of the process.” And by and large, she said, [“they are most often women and people of color.”](#)

New Jersey ranks 23rd in the nation for the number of women elected to the state Legislature, Walsh said.

“What made this distinctive is the phenomenon of the party line, which has been a barrier for women running for office,” she said.

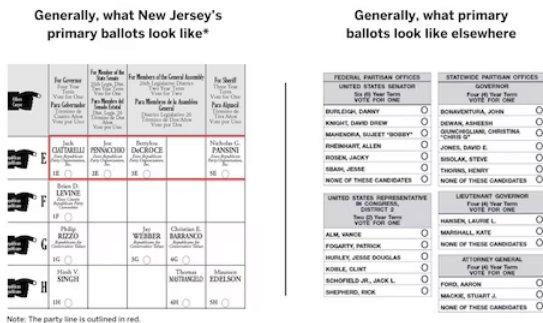
The Center runs a weekend training program every March called Ready to Run, which instructs aspiring women candidates how to craft a message and raise money. Earlier this month, about 80 women gathered at the main campus in New Brunswick, and with the Murphy-Kim primary on everyone’s minds, debate over the county line was on their minds. Those attending the session were frustrated by “the arrogance” shown by the parties in most cases picking Murphy over Kim “without the pretense of deliberation or conversation,” Walsh said.

Former state Assemblywoman Sadaf Jaffer, a Somerset County Democrat, recently gathered signatures from 45 women who are former and current elected officials calling for the line’s demise. She said she has since heard from “many more about how this system disenfranchises diverse voices.”

“I’m glad Judge Quraishi is in agreement with countless experts who have demonstrated that the county party ballot line is indeed undemocratic,” said Jaffer. “I’m looking forward to a more equity,

representation, and a more level playing field for those who want to serve their communities.”

Henal Patel, director of the Democracy & Justice Program at the New Jersey Institute for Social Justice, said the ruling paves the way for “putting the power back in the hands of the people, where it belongs.”



Primary ballots in New Jersey versus other states. File photos

Under the setup, county Democratic and Republican parties endorse candidates in all races and then bracket them together in a line on primary ballots, with opponents listed to the side. Critics say the arrangement — used in 19 of New Jersey’s 21 counties — allows the endorsed candidates to appear more prominent on ballots and makes it easier for voters simply to vote down the line.

Research shows candidates that receive the line are [greatly favored](#) to win their party’s nomination in the primary. In other states, primary candidates are grouped together simply by the offices they are seeking, known as “office block” ballots.

Foes say the setup imbues party insiders with immense leverage, helping them control the outcome of elections and demand fealty from candidates. Supporters of the system say it helps voters better see the candidates that party leaders prefer and create stronger nominees for general elections.

For John Wisniewski, a former member of the state Assembly and state Democratic Party chairman, it was ironic that Friday's decision came about as a result of Tammy Murphy's candidacy. He ran [against Phil Murphy in 2017](#) when the deep-pocketed financial executive gathered county party support to obtain the line en route to becoming governor.

"Had Gov. Murphy not had county parties' support, it would have been a different election (in 2017)," Wisniewski said. "And now his wife is a deciding factor in the elimination of the county line."

The [wild and contentious Democratic primary](#) between Kim and Murphy gave new life to [a three-year-old federal lawsuit](#) challenging the line filed by six unsuccessful primary candidates and the New Jersey Working Families Alliance. With the June primary approaching, it was suddenly back on the table amid a ticking clock as Kim sought an injunction in advance of the primary.

SEE ALSO:

In [an hours-long hearing](#) in federal court in Trenton earlier this month, Angelo Genova, a high-profile attorney representing county clerks, argued that changing the ballot design would confuse voters even more, noting that the system had been the structure in New Jersey for 100 years.

The judge scoffed.

"The argument that 'this is how we've always done it, so this is how it should be' is not going to convince this court," Quraishi said.

Bill Tambussi, who represents Camden County Democrats, said political parties have a "right to associate," and that means they have "the right to identify those candidates with which it means to

associate.”

The judge asked why county parties can't simply endorse and leave it at that.

“Why does it have to be that they also control the ballot?” Quraishi asked.

In a further blow to the supremacy of the line, state Attorney General Matthew Platkin's office sent [a letter](#) to the judge saying Platkin — a longtime Murphy ally — would not step into the case and defend the system because he considered it unconstitutional.

Despite Tammy Murphy's exit, Kim continued with the lawsuit.

“We're starting right now with this injunction, but I'm really hopeful that this is going to create the kind of permanent change that we need in New Jersey,” the congressman [told reporters](#) after Friday's ruling.

He said he is “trying to not just give the people in New Jersey a choice for the U.S. Senate position, but to try to try to fix this broken politics that we have in the state.”

Seventeen county clerks named as defendants say in filing their appeal they are worried about the short time frame in changing the ballots.

“With ballots required to be printed in one week and voting starting in 20 days, many county clerks have significant concerns about the feasibility of compliance with the court's order,” John Carbone, speaking on behalf of defense counsel for the clerks, said before the appeal was filed late Friday.

The clerks also asked the judge to stay, or stop, the injunction's implementation as it's appealed. Kim and other plaintiffs in the

case have until noon Monday to respond to that motion.

Two counties that bestow lines [declined to join](#) the appeal: Burlington and Hudson.

Open to change ...

Even before the ruling came down, top state lawmakers signaled they were open to making changes to the ballot scheme. In [a carefully worded joint statement](#) after the recent hearing, leaders of the state Legislature from both political parties said addressing primary ballots should be a legislative matter and promised to launch a bipartisan public discussion. They said Friday the judge's decision doesn't change their stance.

Meanwhile, Gov. Murphy, who has defended the system in the past, said publicly while he thought the line has "served us well over the years," he did not rule out "tweaks."

Antoinette Miles, state director of New Jersey Working Families — one of the groups advocating for killing the line — called Friday's ruling a new day in the history of Garden State politics.

"Because of this landmark decision, county party bosses and clerks will no longer be able to unconstitutionally design ballots meant to elect favored candidates and party insiders," she said. "Candidates will now be answerable to voters at the ballot box — not corporate special interests who control the awarding of the line."

Wisniewski predicted there will be fallout. The former Middlesex County lawmaker said there likely will be more candidates for statewide and legislative office because the line won't discourage them from running. He also said parties will still have the

advantage of money and get-out-the-vote operations, though that could diminish over time.

State Senate President [Nick Scutari](#), D-Union, who is also chairman of the Union County Democratic Organization, warned that if the ruling withstands appeal, "people with with money will have more of a chance to win without getting the endorsement of the party members who have been around for a long time and ... endorsed good candidates on both sides of the aisle."

"This will undoubtedly change things — if it stands," Scutari said.

Ben Dworkin, director of the Rowan University Institute for Public Policy and Citizenship, called the decision, if it does survive, a "seminal moment" in the state's political history, noting "the line has been one of the most powerful tools used by county party organizations to reward and punish their favored or least favored candidates in a primary election."

But he warned of a "double-edged sword."

"This will open up the process, and reform-minded candidates will have a much better shot of winning. And so will extremist candidates," Dworkin predicted. "If you are popular and have some money, you will have a better shot of becoming the candidate for congress or mayor."

Meanwhile, the potential for different ballot designs in the same primary — no lines for Democrats but lines for Republicans — has added a new wrinkle to the upheaval.

Atlantic County Democratic Chair Michael Suleiman called it an "insane ruling that will be very burdensome on elections officials" and "will inevitably result in mistakes and errors."

“It is unfair that primary voters will be treated differently simply based on their party,” Suleiman [wrote on social media](#).

Scott Salmon, an election law attorney, [wrote that Friday's ruling](#) was “not necessarily that the line is unconstitutional,” since what Kim was seeking was an emergency injunction. Instead, he said the judge simply found “plaintiffs met their burden of showing a reasonable likelihood of success on the merits.”

“It ain't unconstitutional until final relief,” Salmon said, referring to Quraishi's ultimate decision in the case.

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[Brent Johnson](#) may be reached at bjohnson@njadvancemedia.com. Follow him on X at [@johnsb01](#).

[Susan K. Livio](#) may be reached at slivio@njadvancemedia.com. Follow her on X [@SusanKLivio](#).

[Ted Sherman](#) may be reached at tsherman@njadvancemedia.com. Follow him on X [@TedShermanSL](#).

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