



Member Spotlight: Julia Sass Rubin Challenges New Jersey's County Line

MAY 8, 2024

Kimberly Gonzalez

In New Jersey politics, one powerful force has long held significant influence: the county line primary ballot and those who control it. Professor Julia Sass Rubin, former New Jersey-Philadelphia SSN co-leader, has been researching the county line for years, revealing its deterministic influence on election outcomes. Through her academic and public facing research, she has been instrumental in raising awareness about this issue.

Recently, Professor Rubin served as an expert witness in a lawsuit brought by Rep. Andy Kim, who challenged the county line's use in the 2024 primaries. Following Kim's victory, the county line ballots will be replaced with office-block ballots only for the Democratic Party's 2024 primaries. The underlying case, *Conforti v. Hanlon*, is ongoing. Rubin has written opinion pieces for [The Hill](#) and [The New Jersey Star Ledger](#), advocating for the end of the county line to make New Jersey a real democracy. She will also appear in [Down the Line](#), an upcoming documentary on the topic. Below is a conversation with Professor Rubin on what the county line is, what led to her research, and her public engagement and advocacy efforts on the issue.

Q&A with Julia Sass Rubin

What is the county line?

The county line is a uniquely New Jersey primary ballot design that nineteen of our twenty one counties use and that groups candidates who are endorsed by the county-level party organizations in either a vertical or horizontal line on the ballot. This provides many benefits to those endorsed candidates. My research shows that it is so powerful that it almost guarantees a win in the primary. Most New Jersey general elections are non-competitive, so if you can control who wins the primary, you can control who's elected.

When I say county-level party organizations, that makes it sound much more pluralistic than it actually is. Under New Jersey election laws, the county party chairs have the power to decide who receives the county line. So, 38 people across the state—19 Democratic county party chairs and 19 Republican county party chairs—are deciding who's going to be elected governor, U.S. senators, U.S. representatives, serve in the state legislature, and get elected to all the county-level positions. When you consider that four or five counties have

enough Democratic primary voters to determine statewide races, that translates into four to five men—and the chairs of the largest Democratic county committees are all men—with an incredible amount of power over the state. For the most part, the voters are largely irrelevant in this process and frankly the candidates are largely irrelevant as well and easily swapped out if they don't do as they are told by the county party chairs.

Since the county party chairs control who is elected to the state legislature, they also control whom those legislators elect as Senate President and Assembly Speaker, giving them control over what legislation becomes law. Controlling who gets elected and using that power to control legislation is the epitome of political machines and that's exactly what we have in New Jersey. We are perhaps the last of the fully machine-controlled states.

How did you get involved in researching the county-line system?

In 2010, as a parent of a 2nd grader in the public school system, I helped form a grassroots parental advocacy organization to defend public education from attacks by newly elected governor Chris Christie. In the course of that work, I saw how little impact voter advocacy had at the state level. As I learned more about what moved public policy in New Jersey, I came to understand the role of political machines and the importance of the county line.

Although political insiders understood the way things worked in New Jersey, there was very little awareness among the public and almost no coverage of these issues in the press. I began researching these issues and speaking about them publicly. In 2019, I researched the structure of primary ballots in other states and discovered that New Jersey's county line primary ballot is unique. I [wrote a policy brief](#) about this that was published by [New Jersey Policy Perspective](#), a nonprofit think tank. I also wrote about what enables political machines to control our state, including the importance of the county line, for [The American Prospect](#).

The pandemic provided another research opportunity in that it resulted in almost every New Jersey voter using paper ballots in the 2020 primary. Three counties that have a county line machine ballot had office block vote-by-mail ballots. We also had several federal races with split endorsements by county that year. All of this enabled me to analyze the impact of the county line on elections, which led to a second New Jersey Policy Perspective [policy brief](#).

There also was a [2020 Rutgers Law Review article](#) written by Brett Pugach, one of the lawyers in the Kim and Conforti cases, that provided a legal history of the county line and the arguments for why it is unconstitutional.

All the research generated some press coverage. Public awareness also was raised by the efforts of grassroots groups like the Good Government Coalition of New Jersey and others, which used this data to inform presentations across the state as part of a push for a fair primary ballot.

Your research was instrumental to a recent court decision on the county line. What was that court case and how did you and your research become involved with it?

In 2020, the *Conforti v. Hanlon* lawsuit was filed by the lawyers who subsequently brought the Kim case. However, that case has moved very slowly and is still in the discovery phase.

Last fall, Senator Bob Menendez was indicted, and Representative Andy Kim announced that he was going to run for that seat. Then Governor Phil Murphy's wife Tammy Murphy also announced that she would run for that seat and almost immediately was endorsed by the county party chairs in the largest Democratic counties, which meant she was likely to receive the county line in those counties. Historically, that has meant that she would be very likely to win the primary.

In late December, I found out that Andy Kim intended to file for expedited review for the June 2024 primary and was asked if I would serve as an expert witness. I had just published an article in the [*Seton Hall Journal of Legislation and Public Policy*](#), expanding on my 2020 county line research. I used the next six weeks to do additional research and write the expert witness report, which documented how powerful the county line is in shaping election outcomes. I subsequently testified about that research at the March 18th hearing. The judge agreed that the county line had a substantial impact on election outcomes and ordered that the June 2024 Democratic primary be conducted using office block ballots, like those used in other states. An appellate court panel subsequently affirmed that decision.

New Jersey is the only state that operates with this ballot. Why do you think calls for change didn't occur earlier or garner the same level of national exposure? What was it about this lawsuit?

There was no awareness prior to 2020 that New Jersey's primary ballot was unique. Most voters still have no idea that we are the only state that uses this ballot or how much it shapes election outcomes and the politics and policies of this state.

I think Andy Kim was uniquely well-suited to take up this issue because he has a reputation as a good government advocate. And it was the perfect moment after Menendez was indicted and had gold bars found in his house and New Jersey has that general reputation as a state with a fair amount of corruption.

I also don't think people know what political machines are. I think it's a complicated message. There is no money with which to raise awareness and New Jersey is a very fragmented and expensive media market. Kim was able to cut through all of that and to give this issue a national audience. He built on the work that had been done, both the research and the advocacy, but he was the one who took it across the finish line.

So, these court cases might get rid of the county line. Where do things go from here?

The Kim decision only requires office-block ballots for the 2024 primary and only for the Democratic Party because all the plaintiffs in the Kim case were Democrats. Discovery in *Conforti*, the underlying case, is

expected to happen this summer and that case could be heard in the fall.

We also have a governor's race in fall 2025 and two of the three declared Democratic candidates have already come out against the county line. So, if *Conforti* is not resolved in the fall, I think there will be other legal filings requesting an office-block ballot for the June 2025 primary.

I don't think the political machines that run this state will just sit and wait to see what happens. I expect the legislative leadership to try and move a bill that would protect their ability to control the ballot. It can't be a county line ballot because then it would likely get struck down, but it could be another very biased ballot. We'll have to see what they do and how the voters respond.

What advice would you offer to researchers who aspire to engage with the public and contribute to public discourse?

There's always luck involved in the right factors coming together to create a policy window. I think as a researcher, all you can do if you're passionate about an issue is do the work and get it out there so that people know it exists. What helped get exposure for my research was that it was all publicly accessible rather than being locked up in academic journal articles that few people can access. It also helped that some of the research was published as policy briefs and in [The American Prospect](#), which are easier to read than academic journal articles and fully accessible online. And [New Jersey Policy Perspective](#), the think tank that published the policy briefs, does an amazing job generating media awareness for its publications, which definitely helped.

If I was advising someone who was not tenured and wanted to do this kind of work, I would say start with peer reviewed journal articles. It can be frustrating because peer review can be a very slow process and when you're dealing with policy, you don't necessarily have two years to get through the review process. But once you have published in peer reviewed journals, you have the legitimacy to do more public facing scholarship like periodicals and policy briefs and editorials. I also would recommend publishing in open access journals as much as possible. My recent journal article was published in the [Seton Hall Journal of Legislation and Public Policy](#), which is open access. That article has been downloaded more than 1,600 times since it was published in late November. I don't think a journal article that is only accessible to those with a subscription could have had that kind of impact.

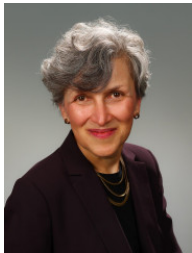
What are your future aspirations for advancing this cause? Additionally, do you have any plans to further engage with New Jersey politics through other avenues?

I'm continuing to research and write about the county line and political machines more broadly. I'm writing an article with one of my doctoral students about modern political machines and we're hoping to do an edited book on this topic that looks at examples from across the country.

More broadly, I will continue to advocate for New Jersey to become a real democracy. That means a fair ballot that provides voters with choices, candidates who reflect the diversity of our state, and elected officials who are accountable to the voters rather than to party bosses. These are all things that New Jersey does not have right now. Few of our legislative and county level elections are contested because candidates drop out when they don't receive the county line. Our legislature is substantially more male and whiter than the state, in large part because the county party chairs selecting who wins elections are overwhelmingly white and male. And our legislature is not accountable to the voters. That is why we have a Democratically controlled legislature that is trying to gut our state's open public access law and to bring public-funded school vouchers for private and religious education to New Jersey. These are not ideas that are popular with New Jersey voters, especially Democratic voters, but what the voters want doesn't really matter in our current system. And that has to change.

JULIA SASS RUBIN

Rutgers University-New Brunswick



Rubin's research examines nonprofit and public organizations and processes, and the intersection of education policy and social justice. Rubin was one of the founders of the grassroots group Save Our Schools NJ and chairs the board of the 501c3 nonprofit Save Our Schools NJ Community Organizing. Both organizations work to ensure that every child in NJ has access to a high quality public education. Rubin also was one of the founding members of and serves on the board of the Good Government Coalition of NJ, a nonpartisan grassroots group whose mission is to strengthen democracy by working with residents across our state to bring greater transparency, accountability, and participation to our state and local; governments.