

FOREWORD

For over 50 years, Seton Hall University School of Law has been the home to a law journal focused on legislation and matters of public policy. At its inception, it was the *Legislative Bureau*, an academic seminar that partnered with New Jersey state legislators and published legislation-related scholarship. Later, it became the *Legislative Journal*, a non-partisan student-run journal that retained its focus on legislative scholarship. With this issue, the *Journal* is now embarking into a new era as the *Journal of Legislation & Public Policy* (JLPP). We hope our readers will appreciate this close nexus between legislative choices and public policy.

We are excited to kick off this new era with Volume 48, Book 1. The printed Book is home to scholarship generated from our Spring Symposium, *Ballots and Democracy: A New Scholarly Agenda*, and an additional article by Professor James Holloway. Published in the digital version of Book 1, are five student Comments written by several of our remarkable members.

The topic for our Spring Symposium was born when the *Journal's* Volume 47 Symposium Editor, Zach Cimring,¹ took Election Law. He soon became fascinated with ballot design, how the intricacies of a ballot can impact electoral outcomes and citizens' First Amendment rights, and strikingly, learned that according to some scholars and political scientists, New Jersey's ballot is one of the country's most controversial and problematic ballots. Due to the region's passionate and motivated election law scholars and the importance of ballots and electoral outcomes, we focused our Spring Symposium on ballot design. Many top lawyers, professionals, and scholars in the election law field attended our symposium to speak on ballot design and its political and legal implications. The fruits of these efforts culminated in our Symposium, *Ballots and Democracy: A New Scholarly Agenda*. Many speakers submitted articles, now published in this Book.

The scholarship within this Book further illuminates the issues involving New Jersey's "County Line." New Jersey's unique primary

¹ Zachary Cimring is a 2023 graduate of Seton Hall University School of Law. He is currently a judicial law clerk to the Hon. Douglas M. Fasciale, Associate Justice of the Supreme Court of New Jersey. He is a proud member of the *Seton Hall Legislative Journal*.

ballot design structures itself around the “County” or “Party Line.” County party organizations all but assure their candidates a victory in primary elections by bracketing them together on the “County Line.” Any candidate not on the Line is often entirely missed by voters as they are far away in what experts call “Ballot Siberia.”

This Book addresses the “County Line,” ballot design, and its effects on political representation in New Jersey and beyond. The Book opens with *The End of the Line: Abolishing New Jersey’s Antidemocratic Primary Ballot Design*,² an article by the New Jersey Institute for Social Justice. This article provides the prejudicial origins of the “County Line” and its use as an antidemocratic tool. In an article from Professor Sam Wang, Dean Julia Sass Rubin, and Hayden Goldberg, *Three Tests for Bias Arising from the Design of Primary Election Ballots in New Jersey*,³ they propose methods for evaluating the suggestive effects of ballot design. In Dean Rubin’s companion piece, *The Impact of New Jersey’s County Line Primary Ballots on Election Outcomes, Politics, and Policy*, she takes a broader view of the effects of the “County Line” on election outcomes and public policy. Closing our Election Law articles is Richard Winger’s, *Does Ballot Format Help Determine Whether Independent Candidates Get Elected to State Legislatures?*,⁵ which looks at the effect of ballot design on independent candidates through a fifty-state review going back to 1945. Separate from the pieces focusing on the “County Line,” the final article, *Conflict Between State Economic Development Policy and Federal Communications Policy Regarding NG9-1-1 and PSAPs*,⁶ by Professor Holloway, focuses on enhanced 911 systems and suggests legislative adjustments for integrating systems across state and local governments.

While the “County Line” may seem insignificant initially, its effects are far and wide. Even now, the “County Line” looks to feature in New Jersey’s next U.S. Senate primary, where sitting senator Robert Menendez looks to have lost the support of county democratic parties and, therefore, the Line. New Jersey’s First Lady, Tammy Murphy, has picked up endorsements by county parties, including Menendez’s Hudson County. While much can—and likely will—change before the Democratic Primary, the Line will play a crucial role in deciding who represents New Jersey in the Senate in 2024.

² See *infra* page 4.

³ See *infra* page 24.

⁴ See *infra* page 48.

⁵ See *infra* page 71.

⁶ See *infra* page 95.

2023]

FOREWORD

3

To close this Foreword, we thank all our Spring Symposium participants and the authors for their time, effort, and expertise. We sincerely hope that all will enjoy reading this Book.

Christine E. Hoy
Editor-in-Chief, Volume 48

Michael Alderman
Executive Editor, Volume 48

London Jones
Senior Comments Editor, Volume 48