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Can Progressives Change New Jersey?

How the old Democratic machine politics got re-established in one state, and how it can be overcome

BY JULIA SASS RUBIN JUNE 26, 2020



SETH WENIG/AP PHOTO

New Jersey Gov. Phil Murphy greets people before his budget address in the Assembly Chamber of the New Jersey State House in Trenton, February 25, 2020.



Frustrated with the stalemate in Washington, many progressives have set their sights on the 15 states where Democrats control both houses of the legislature and the governorship. New Jersey is one of those 15: Democrats have virtually veto-proof legislative majorities, Gov. Philip D. Murphy is a self-described progressive, and the 14-member congressional delegation has only two Republicans.

The state has adopted some progressive measures, notably raising the minimum wage to \$15 and expanding paid sick leave. But the Democratic leaders in the state legislature have blocked key policies that Murphy supports, including raising taxes on millionaires and shrinking a corporate tax credit program benefiting special interests and costing the state billions of dollars. Stephen M. Sweeney, the Senate president, regularly attacks public-sector unions and has led a campaign to cut their members' health and pension benefits.

New Jersey's Democratic establishment, however, faces challenges by progressive candidates in a July 7 primary. Across the state, progressives are running against incumbents for congressional seats as well as county-level positions that control spending and the administration of elections. These races will test the political establishment's power in the context of a pandemic and economic crisis that has hit New Jersey hard.

Recently, Senate President Sweeney has echoed Republicans in pushing for the state to reopen more quickly following a lockdown imposed by Murphy in mid-March to fight COVID-19. Sweeney has also withheld support from Murphy as the governor seeks to expand state borrowing to make up for the shortfall in revenue produced by the pandemic. Although New Jersey's constitution generally bars the state from borrowing to pay for operating costs, it provides for an exception "to meet an emergency caused by disaster or act of God." Without Sweeney's support for borrowing, Murphy will have to make sharp cuts in public services.



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The explanation for Sweeney's behavior and for New Jersey's limited progressive gains is that political machines aligned with Sweeney control the legislature. The machines purport to be Democratic, but they are primarily transactional rather than ideological. When Republican Chris Christie was governor, they collaborated with him, enabling much of his conservative agenda to become law.

The continuing impact of that collaboration with Christie is evident in the makeup of the state's powerful independent authorities and boards. Although a governor makes nominations for those positions, many of them require approval by the Senate Judiciary Committee, which in practice means that Sweeney, as Senate president, decides which nominations move forward. In the spring of 2017, after Murphy became the odds-on favorite to succeed Christie, Sweeney and Christie began to fill available openings. The 13-member State Board of Education, for example, received eight new members during the last year of Christie's term, ensuring that a majority of the board would share Christie's education agenda—including expansive use of high-stakes standardized testing—which Murphy opposes.

After Murphy became governor in January 2018, Sweeney refused to approve many of his nominees. According to the state's Office of Legislative Services, by the end of Murphy's first two years in office, 40 percent of his nominees had never been considered and 1 percent had been withdrawn, while Christie appointees continued to dominate a number of the state's committees and boards.



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New Jersey's political machines function like those that ran many U.S. cities at the turn of the 20th century—think Tammany Hall in New York City. They're run by "bosses" who use their control of jobs and other resources to maintain political power. George Norcross, the chairman of an insurance brokerage firm, controls the machine in southern Jersey, which includes a quarter of all Democratic state lawmakers. Alliances with other regional bosses extend Norcross's power. First among those bosses is Joseph DiVincenzo, the executive of Essex County in the north.

Norcross and DiVincenzo influence legislators through their control of campaign funds and endorsements. Since New Jersey has a part-time legislature, some legislators even work directly for Norcross and DiVincenzo in their day jobs, while others benefit from contracts and business arrangements that they could jeopardize by angering the bosses. A critical source of the machines' power involves the ability of the county party organizations to put any Democratic primary candidate they oppose in an unfavorable position on the ballot. The control over ballot position in New Jersey is one of the distinctive features of the state's system of entrenched power.

Newly energized progressive organizations in New Jersey are challenging the machines. But while they have shaken up the status quo and won some local races, they haven't yet been able to change the institutional arrangements underlying the machines' power. If the state is to move in a more progressive direction, the first step is to understand how those arrangements work, how they got established, and how they might be reformed.

How New Jersey Machine Politics Works



Although the power of New Jersey's political machines has its origins in judicial decisions and legislation of the 1980s and '90s, the current regime dates to September 2009.

According to former Gov. Richard Codey, that's when six white men met to decide how they would carve up control of the state.

Besides DiVincenzo and Norcross, the six men included Sweeney, who was one of Norcross's childhood friends; Assemblyman Joseph Cryan, who headed the state Democratic Party; and two state senators, Bob Smith and Ray Lesniak. By the end of the meeting, the six men had worked out an arrangement under which they would use their influence to elect legislative leaders and ensure that the South Jersey political machine controlled by Norcross would have "a lot of sway" under Sweeney's leadership, and the North Jersey machine controlled by DiVincenzo would have a similar role in the Assembly. The six men also decided who would serve on important legislative committees and control the state Democratic Party. That arrangement has lasted for more than a decade.

The leadership of the state Senate and General Assembly is critical in New Jersey. No legislation can advance without the blessing of the Senate president and Assembly Speaker. They decide committee assignments, determine committee leadership, and have final say as to which committee a bill is referred, which bills are heard and voted on in committee, and which bills are voted on by the full Senate and Assembly after clearing committee. They also control legislative leadership PACs that raise their own contributions and help fund the election and re-election of their allies. Legislators who are in their good graces receive committee chairmanships that provide them with additional resources to hire staff and enable them to generate contributions from the groups that hope to move legislation through their committees. In contrast, legislators who upset the leadership risk losing committee positions and the ability to advance legislation.

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The machines use their control of the legislature to generate resources for themselves and their allies. For example, while Christie was governor, the state greatly expanded a corporate tax credit program that had existed since 1994. One bill, the Economic Opportunity Act of 2013, directed subsidies to Norcross and his allies by carving out special provisions for Camden, Norcross's home turf. Investigations in the past year have documented troubling details about how that legislation was drafted and the disproportionate benefits received by Norcross's inner circle.

According to *The New York Times*, before the 2013 bill was enacted, an attorney at the Parker McCay law firm, where George Norcross's brother Philip is the managing partner, was "allowed by lawmakers to edit drafts of the bill in ways that opened up sizable tax breaks to his firm's clients." An investigation by [ProPublica](#) and [WNYC](#) found that Norcross and his allies received \$1.1 billion of the \$1.6 billion in tax breaks that have been allotted to Camden, including \$86 million for Conner, Strong and Buckelew, the insurance firm Norcross has led since 1979.

The Return of Machine Politics

New Jersey's reputation for crime and corruption—one book on the subject is called *The Soprano State*—may suggest that machine politics is simply endemic. The state's county party organizations do have a long and checkered history, but their power has not been uninterrupted. Liberal Democrats were able to overcome the county machines in the 1970s and bring about major reforms in the state.

In an analysis of the state's politics published in 1984, political scientist Maureen Moakley identified "the decline of county political organizations" as "the most significant



change in New Jersey politics” over the previous decade. Until the election of Brendan Byrne as governor in 1973, she wrote, “a few county-based elites usually dominated nominations to the statehouse and the Congress and virtually controlled access to the state legislature and the county freeholder boards.” As an illustration, Moakley recounted a story about Harry Lerner, who had become the Democratic boss of Essex County in 1968. When Lerner instructed a state senator how to vote on a particular bill, the senator protested that voting that way would be contrary to the interests of his constituency. “I am your constituency,” Lerner is supposed to have told him, and the senator went along.

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A state court played a key role in breaking up the power of the machines in 1972, when it ruled that county boundaries need not be considered in drawing legislative districts. Traditionally, New Jersey had allotted each county one state senator regardless of population, but during the 1960s, the U.S. Supreme Court required states to create legislative districts equal in population, in line with the principle of one person, one vote. By removing county boundaries as a criterion for districting, the 1972 New Jersey ruling disrupted the ability of individual county bosses to control who represented their county in the legislature.

Byrne, who had been a state judge, ran for the Democratic nomination for governor in 1973 with “minimal” support from the county party chairs and was renominated four years later over their opposition. Perhaps his most notable achievement, which many expected would doom his re-election, was the introduction of a state income tax. But



Byrne prevailed, helped in part by his reputation for incorruptibility. During a trial of mobsters, an FBI wiretap had been disclosed that caught one of them lamenting that Byrne was a man “who could not be bought.”

In 1981, toward the end of Byrne’s second term, he pushed through legislation that reduced the power of county party officials to use their control over the ballot to favor their hand-picked candidates in primary elections. Called the Open Primary Law, it barred counties from listing candidates for local and county offices on the same line as the party’s statewide candidates for governor and senator, who are likely to be better known. Long before, in 1930, a state law had barred parties from endorsing candidates in advance of the primaries. The combined effect of these laws was to prevent the county machines from using the ballot to identify a straight, party-endorsed ticket in primaries.



From left, former New Jersey Gov. Chris Christie, Democratic power broker George Norcross, and New Jersey Senate President Stephen M. Sweeney, seen in March 2014

But the New Jersey legislature soon began to restore power to the party organizations. A 1993 law gave a substantial fundraising advantage to legislative leadership committees controlled by the party organizations and the four top

Democratic and Republican legislative leaders. The Senate president, the Speaker of the Assembly, and the minority leaders of the Senate and Assembly could now raise and distribute campaign funds to their party's candidates under very favorable fundraising and spending limits. This enabled party bosses and top legislative leaders to amass large war chests that they could use to help elect their allies and scare off potential rivals. Under the law today, individuals can donate only \$2,600 to an individual candidate's campaign, but they can contribute as much as \$25,000 to a legislative leadership committee and up to \$37,000 to a county party committee.

The fundraising advantage that the 1993 changes granted to legislative leaders also helped to concentrate power by upending a long-standing unwritten rule that no Senate president or Assembly majority leader would serve for more than a few years. Legislators dependent on leaders for their election funding felt compelled to support their re-election.

As former governor and Senate president Dick Codey explained, "When someone can give you \$250,000 or \$300,000 for a campaign, you owe them. When an important vote comes up, do you vote your conscience, or do you do what the leadership wants? No one wants to admit it, but it's a simple fact of life. You've got a close race and you need the dough." History supports Codey's analysis. In the 27 years since the 1993 fundraising changes were enacted, New Jersey has had only four Senate presidents versus 12 Senate presidents in the preceding 27 years.

The U.S. Supreme Court also played a role in restoring power to party organizations. In 1989, the Court struck down a California law that prevented party organizations from endorsing candidates in advance of a primary on the grounds that the law unreasonably restricted the party's First Amendment rights. A series of decisions by New Jersey courts then followed suit, overturning the state's ban on party organization primary endorsements as well as the requirements of the Open Primary Law that statewide candidates not be listed in the same column as those for

county and local office. The courts also interpreted existing laws and newly adopted statutes in ways that created new guidance for ballot design that the party machines were able to exploit. By 2000, according to a white paper by the New Jersey Election Law Enforcement Commission, the state had a “resurgent party system.” Party organizations had become “virtually indispensable to any candidate hoping to win his or her party’s nomination, and later on, the general election.”

Party Endorsement and “Ballot Siberia”

Americans often go to the polls without knowing much about the candidates competing for local and county office, particularly in primary elections. Voters are especially likely to be in that position in New Jersey. The dominant media in the northern part of the state are based in New York City and in South Jersey are based in Philadelphia. The New York and Philadelphia broadcast stations and newspapers, however, devote relatively little coverage to New Jersey politics. New Jersey’s local newspapers have also gone into a sharp decline in the past 20 years. Circulation has tumbled, and local papers are a mere shadow of what they once were. Since many voters have little information about candidates, party endorsements have become even more important signals than they were in the past.

New Jersey political parties endorse primary candidates through committees in each of the state’s 21 counties. In some counties, the locally elected committee members vote on whom to endorse. In other counties, the party bosses make those decisions behind closed doors. The party endorsements generally come with financial resources and boots on the ground to get out the vote. The most valuable aspect of the endorsement, however, is the “county line,” the ability for all endorsed party candidates to “bracket” together by being listed in the same column of the ballot with the same slogan (see column 2 in this 2018 Camden County primary ballot).



DEMOCRAT BALLOT										PAPELETA DEMOCRATA									
OFFICE TITLE TÍTULO DE OFICINA	COLUMN COLUMNA	1	COLUMN COLUMNA	2	COLUMN COLUMNA	3	COLUMN COLUMNA	4	COLUMN COLUMNA	5	COLUMN COLUMNA	6	COLUMN COLUMNA	7	COLUMN COLUMNA	8	COLUMN COLUMNA	9	WR POR
County Board Member Miembro del Consejo del Condado	NY COUNTY		MONROE																WR POR
Member of the Board of Supervisors Miembro del Consejo de Supervisores																			WR POR
Member of the Board of County Freeholders Miembro del Consejo de Libres Proprietarios del Condado																			WR POR
Member of Council Miembro del Consejo Municipal																			WR POR

The advantage comes from the placement of the better-known candidates for president, U.S. senator, or governor at the top of the county line. The county line also receives the prime location on the ballot. Without the county party’s endorsement, candidates must run “off the line,” appearing in a column by themselves or with other candidates who may be running with or against them. This confuses voters and makes off-the-line candidates appear less legitimate. Some counties exploit the current laws to place the off-the-line candidates several columns away from those that receive the party endorsement (see column 9 of the Camden ballot), so voters may not even realize that they are running.

A recent analysis by the Communications Workers of America (CWA) found that no incumbent state legislator who ran on the county line had lost a primary election in New Jersey between 2009 and 2018. Although incumbents generally win re-election, that advantage is rarely so absolute. In New York state, for example, 22 state legislature incumbents lost a primary election during that same time period.

It’s not surprising that running off the line in what progressive activists have termed “ballot Siberia” is a substantial electoral disadvantage. Decades of research has documented that ballot design and ballot placement impact voting behavior. This effect is particularly strong in low-information elections without interparty competition, which describes New Jersey’s primaries.

The experience of one New Jersey candidate illustrates the importance of the county line. Rush Holt, a Princeton physicist, was assistant director of the university’s Plasma Physics Laboratory in 1996, when he decided to run in the



Democratic primary for the local congressional seat, which had been in Republican hands for more than two decades.

Holt was far from a local politician (his previous job was directing the nuclear and scientific division of the Office of Strategic Forces in the Department of State), so he had to run off the line. In fact, in one of the five counties spanned by the congressional district, the Democratic county clerk put him on the ballot on the same line as presidential candidate Lyndon LaRouche, the leader of a cult movement. Holt recalls going to court to avoid being bracketed with LaRouche, but to no avail—and he lost the race. Two years later, however, he paid his respects to the county party committees and chairs without, he says, compromising himself. This time, running with their endorsement, he was able to flip the district. He would go on to serve seven terms, compiling one of the most progressive records in Congress during that time.

As Holt's story illustrates, the county parties do not always stand in the way of progressive Democrats. They even backed Murphy for governor in 2017—after he had made substantial contributions to them. In the Democratic gubernatorial primary, Murphy lost only one county (Salem) to one of his rivals, John Wisniewski. This was apparently the first time since 1997 that a party-backed candidate in a Democratic primary for governor or U.S. senator had lost a *single* county. But it was a special case. Salem is one of only two New Jersey counties that do not organize their Democratic-primary machine ballots around a county line (although in 2020, several other counties also don't have a county line on their vote-by-mail paper ballots).

How Change Might Come

Wresting control from New Jersey's political machines is a daunting challenge, but progressive activists in the state have formed a coalition called Take Back NJ to do just that. The coalition includes New Jersey Working Families, an affiliate of the Working Families Party, as well as several



dozen grassroots groups such as NJ 11th for Change, NJ7 Forward, and South Jersey Women for Progressive Change, which helped flip four congressional seats in 2018. The members of these groups often became involved in electoral politics for the first time, learned about the state's sclerotic political system, and decided to focus some of their energy on fixing it.

Sue Altman, state director of the New Jersey Working Families party, argues that progressives have “taken the mic back from powerful corporate interests who controlled the narrative for too long” and used both conventional and social media to “raise awareness of some of the most egregious examples of corporate greed in NJ history.” Altman points to victories such as the crafting of a compromise in the battle for Democratic Party chair that kept a Murphy ally in power and excluded George Norcross and the South Jersey machine.

The progressives' efforts and recent public attention to scandals in South Jersey do appear to have weakened Norcross, opening the door to new alliances. In January, DiVincenzo endorsed Murphy's re-election, blocking a possible primary challenge from Sweeney. In February, Saily Avelenda, who created and ran NJ 11th for Change, was appointed executive director of the New Jersey Democratic State Committee—an acknowledgment of the progressives' growing power.

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The pandemic has further shaken up the landscape. As one of the states hit hardest by COVID-19, New Jersey may be



facing a \$10 billion budget shortfall through the 2021 fiscal year. Sweeney has so far refused to support Murphy's effort to invoke emergency borrowing authority, but both the Assembly Speaker and key Sweeney allies in the Senate are backing the governor.

Although the legislature itself is not up for re-election until 2021, the July 7 primary may be a telling sign of the machines' strength. In South Jersey, Amy Kennedy, the wife of former Rhode Island Rep. Patrick Kennedy, is vying to go up against Jeff Van Drew, who switched to the Republican Party in December 2019 after refusing to support Trump's impeachment. Brigid Harrison, a political science professor with machine backing, is Kennedy's chief rival. The district includes municipalities from eight different counties, allowing each of the Democratic organizations in those counties to give their county line to a candidate. Within two days of declaring her candidacy, Harrison had endorsements from George Norcross, Steve Sweeney, and six of the district's eight county Democratic chairs. Only the chairs of Ocean and Atlantic Counties chose not to endorse anyone.

Carl Golden, a senior contributing analyst with the William J. Hughes Center for Public Policy at Stockton University, observes that "Norcross's reputation as the undisputed leader of South Jersey—the tough, savvy operative whose support can make or break candidates, who can deliver on his pledges—is on the line. He has something to prove and he's gone all in, financially and organizationally, on Harrison's behalf. While a Kennedy victory may not result in the fall of the House of Norcross, it would leave a few cracks in the foundation."

In North Jersey, progressives are also waging insurgent campaigns. The challengers include newcomer Hector Oseguera, who is running against Rep. Albio Sires, and Arati Kreibich, who is taking on Rep. Josh Gottheimer, one of the most conservative House Democrats.

Even if some of the challengers win their primaries, the barriers to structural change that would permanently weaken the machines remain formidable. Unlike many other states, New Jersey lacks a statewide initiative or referendum process that would allow citizens to put a new constitutional amendment or law directly on the ballot. Changes to the state's constitution require approval either by three-fifths of the legislature or by a majority in two consecutive years before going to the voters. So legislative leaders can cut off that route.

In addition, unlike New York, New Jersey has highly restrictive laws regarding political parties. While New York has eight parties competing for primary voters, New Jersey has only the Democrats and Republicans because of laws that make it virtually impossible for new parties to hold primaries. A more accessible process could open things up. New York also allows "fusion voting," which enables smaller parties to influence general-election results by nominating one of the major-party candidates or someone else.

Another factor inhibiting change is that few of New Jersey's state legislative districts are competitive. Nearly all are either firmly Democratic or firmly Republican, so for most of the state, winning the party primary guarantees a win in the general election. And since winning the endorsement of the county party organization virtually guarantees a win in the primary, the machines have a lock on the state legislature.

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Bringing democracy back to New Jersey could involve several possible reforms: eliminating the county line,



putting election administration into the hands of nonpartisan professionals, and electing county committees that support a more open primary system.

Eliminating the county line would bring New Jersey primary ballots in line with those used in all other states, which list the name of each office and, underneath or to the side, list the names of each candidate running for that office. Legislation that requires ballots organized in this manner, with candidate names rotated to counter the advantages of first-ballot position, ought to be a top reform priority.

Like other aspects of election administration, ballot design in New Jersey is largely in the control of the state's 21 county clerks—partisan elected officials who face substantial pressure to serve the interests of their party's county bosses in order to receive an endorsement and the county line for their own re-election. It's not surprising that the county clerks in Salem and Sussex, the two counties that do not have a Democratic county line, are both Republicans.

Making the county clerk position nonpartisan would be a good step for many reasons. Election administration today involves complex questions of computer security. Americans need assurance that their elections are being fairly and impartially run. It is obviously unfair to design election ballots so that they systematically favor one group of candidates over others.

Turning the county clerkship into a nonpartisan position, however, would require a change to the state's constitution, and the legislature is unlikely to be willing to put such an amendment before the voters unless reformers mount a high-profile organizing campaign.

Another strategy, advocated by former state Democratic Party chair John Wisniewski, is to run and elect reform-minded county committee members, as reformers successfully did in a number of communities during the June 2019 Democratic primary. If reformers comprised the majority of a county committee, they could elect a reformer

as county party chair and refuse to endorse a party line, allowing for an open primary.

As progressives have organized to pursue a county committee takeover strategy, the machines have pushed back. In May 2020, the members of the Middlesex County Democratic Committee used the pandemic as justification for doubling their own terms in office, pushing the next election from 2021 to 2023 and making it impossible for progressives to mount a challenge for three years. Atlantic, Bergen, Essex, Hunterdon, Morris, and Salem Counties, which were scheduled to hold county committee elections in 2020, also extended their terms in office, arguing that the pandemic made it too challenging to collect the electronic signatures necessary to run.

The county line also could be eliminated through a legal challenge. [Election attorney Brett Pugach](#) argues that the state's failure to treat candidates for the same office equally places a significant burden on voting rights that would not survive a constitutional challenge.

Whether through such legal challenges, individual election campaigns, or other measures, New Jersey progressives are continuing to organize and push to change the state's entrenched political system. The next few months will be critical for determining how the state will recover from the pandemic. That in turn will drive Murphy's re-election prospects and set the political terrain for the battles ahead.

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JULIA SASS RUBIN

Julia Sass Rubin is an associate professor at Rutgers University's Edward J. Bloustein School of Planning and Public Policy.



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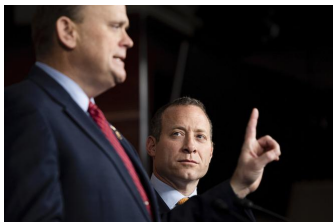
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